

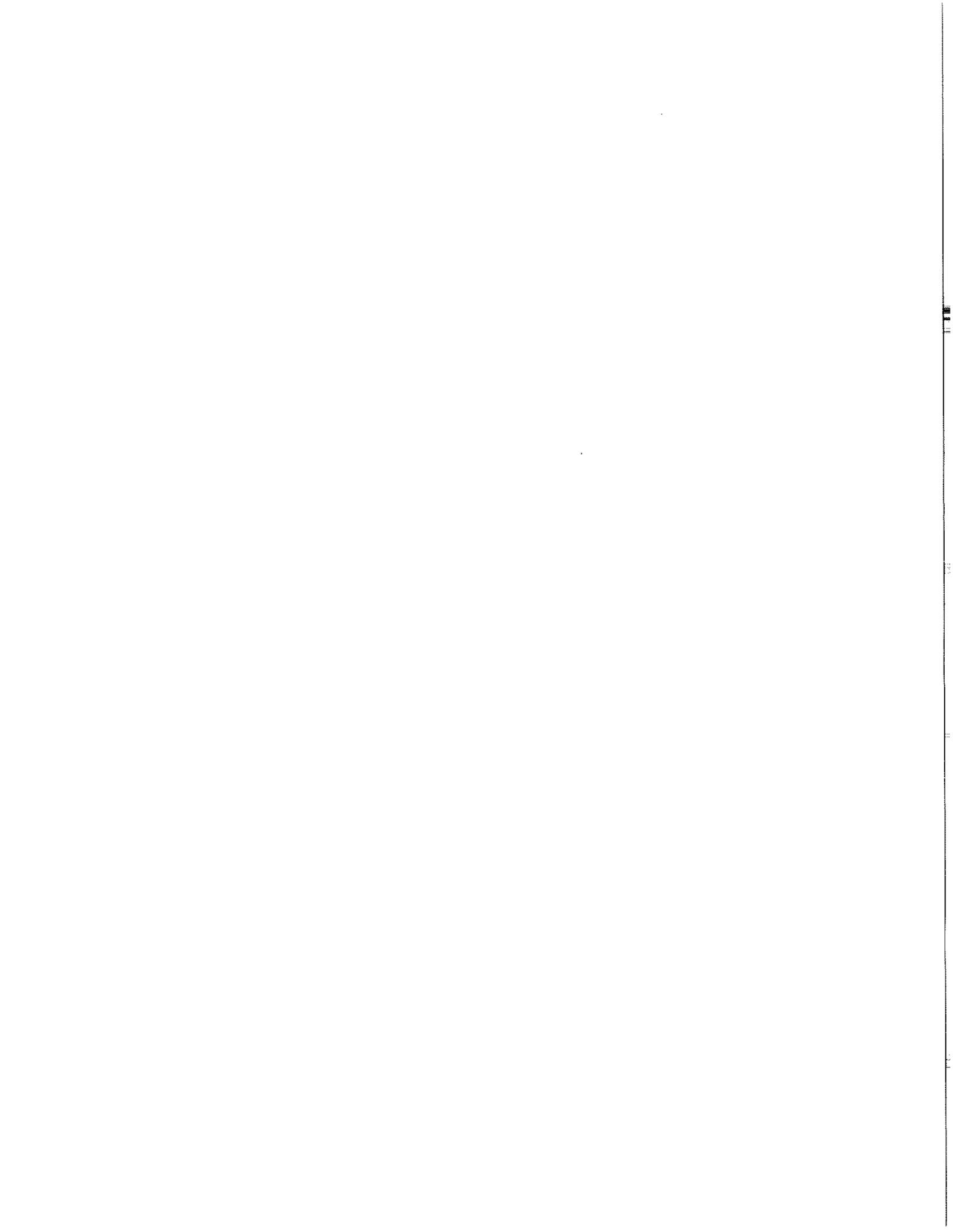
(Town Seal)

The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, May 5, 2008 at 7:15 PM, for the purpose of discussing an application filed by Outback Engineering, Inc., 165 East Grove Street, Middleborough, MA for a Special Permit under the Water Resource Protection District By-law, to allow activities within 25 feet of a wetland, including installation of a gas line within 25' of a Bordering Vegetated Wetland (BVW) and within 25' of a perennial stream between 237 Wareham Street and 278 Wareham Street (Map 66). All work associated with this gas line installation will take place within the existing roadway layout. The work will be completed between Assessors Map 66, Lot 4479 and Map 66, Lot 5313 and between Assessor's Map 66, Lot 1732 and Map 66, Lot 1843. There will be a siltation barrier installed from the other side of the road from the work. Anyone wishing to be heard on this matter should appear at the time and place designated.

Marsha L. Brunelle
Adam M. Bond
Wayne C. Perkins
Patrick E. Rogers
Steven P. Spataro
BOARD OF SELECTMEN

Publish: 4/10/08 and 4/17/08

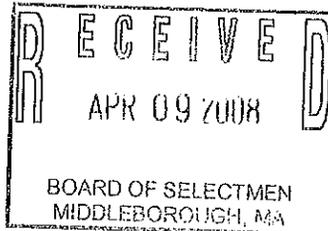
Bill: Board of Selectmen for one ad only,
10 Nickerson Ave.
Middleborough, MA 02346
(Outback has paid you already for 4/3 & 4/10.)





Town of Middleborough
20 Centre Street, Second Floor
Middleborough, Massachusetts 02346

Robert J. Whalen
Building Commissioner
Tel. 508-946-2426
Fax 508-946-2305



April 7, 2008

Middleborough Board of Selectmen
Middleborough Town Offices
10 Nickerson Ave
Middleborough, MA 02346

RE: Special Permit under the Water Resource Protection District By-law between 237 and 278 Wareham Street, Assessor's Map: 66 Lot: 237.

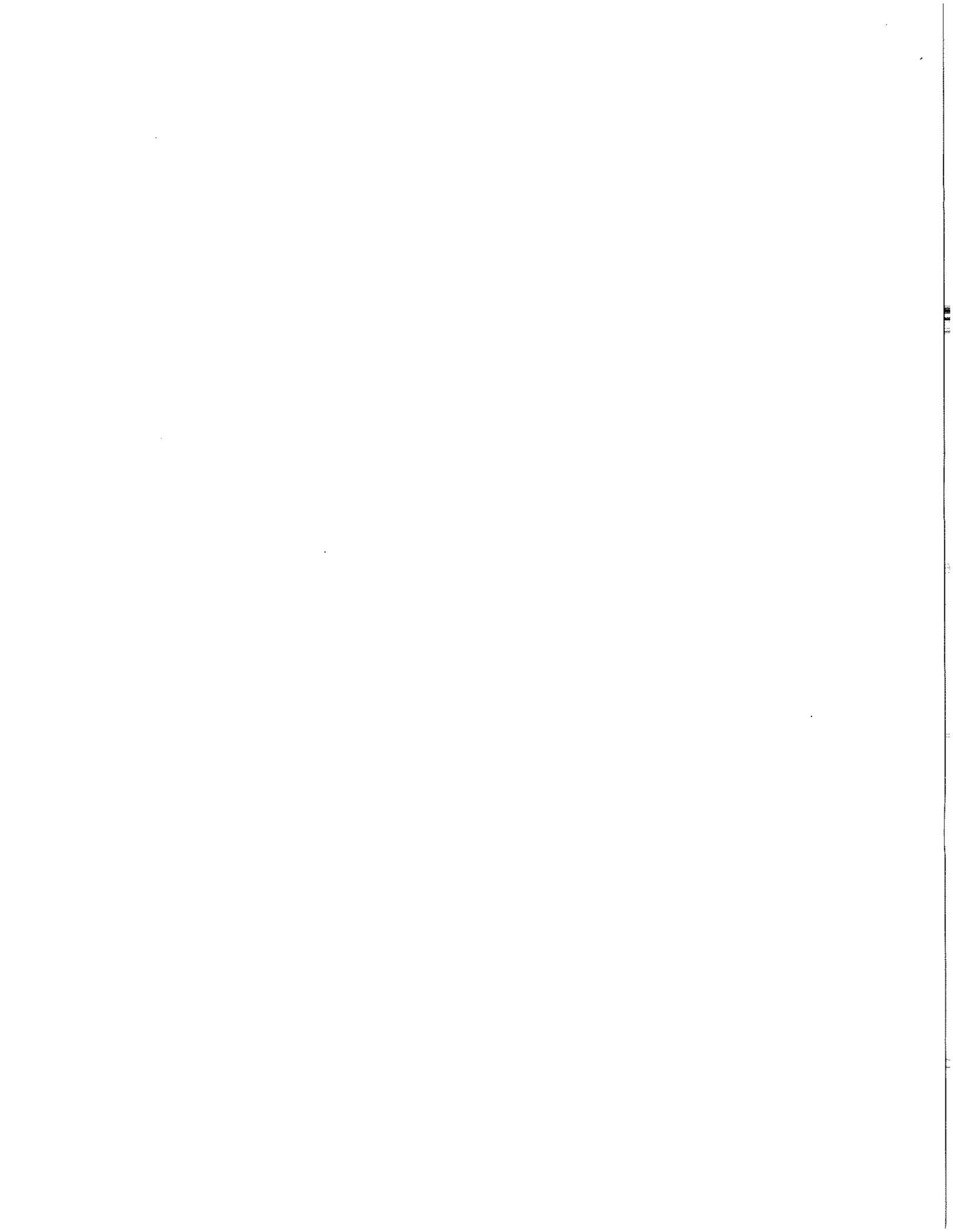
Honorable Board,

I have reviewed the application submitted by Outback Engineering, Inc. for a Special Permit under the Water Protection District By-law to install a gas line on Wareham Street. I would support this request.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d





TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO
Health Officer
Hours: 9am-5pm

PH: 508-946-2408
FX: 508-946-2321

MEMO

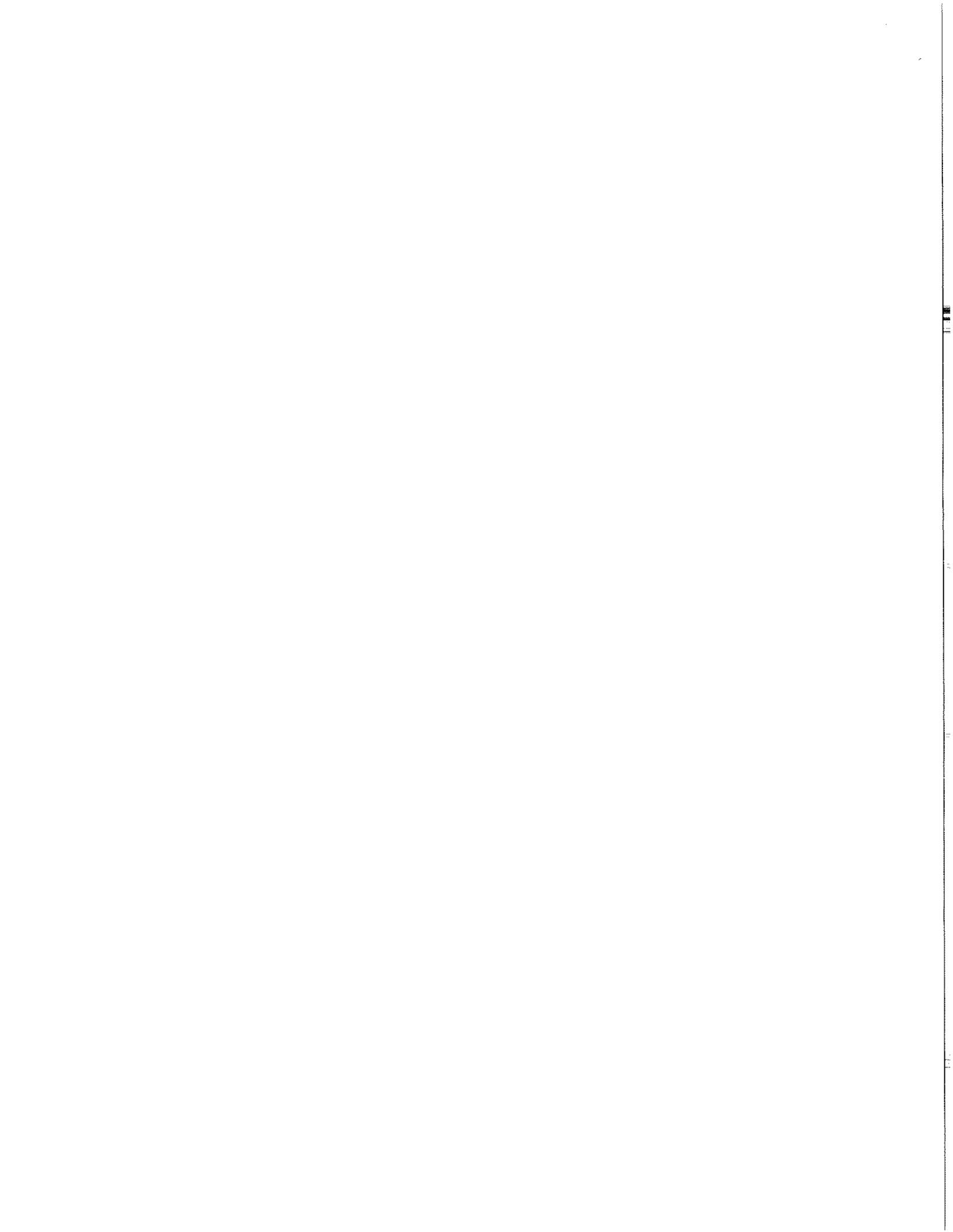
TO: Board of Selectmen

FROM: Jeanne Spalding, Health Officer

DATE: March 31, 2008

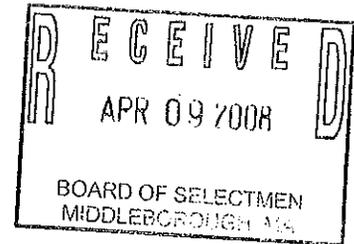
RE: WRPD-Gas Line between 237-278 Wareham St.

The Health Dept. has reviewed the information provided for the above application and has no comment.





Town of Middleborough
CONSERVATION COMMISSION

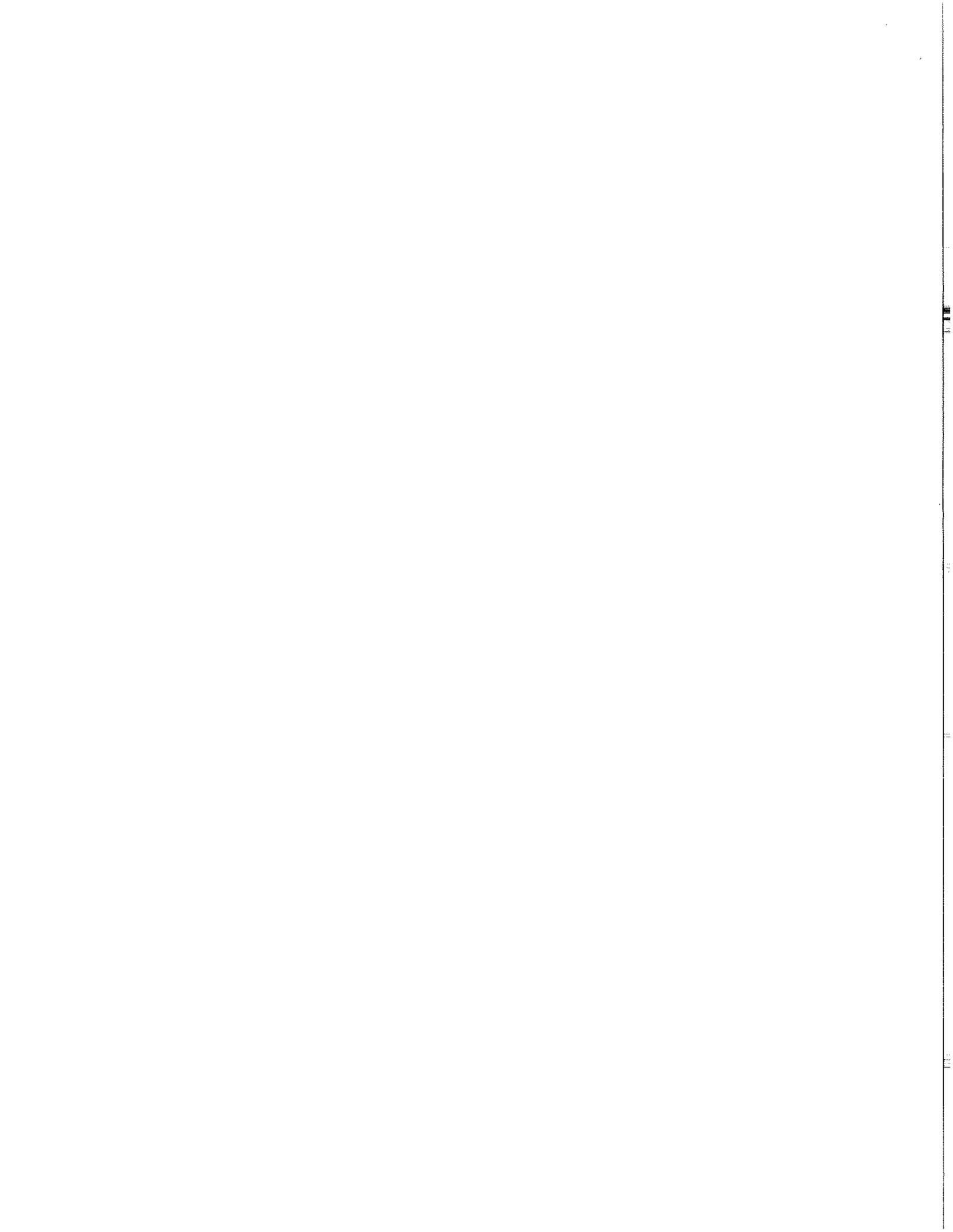


TO: Marsha Brunelle, Chairperson Board of Selectmen
FROM: Patricia Delaney, Chairperson Conservation Commission
DATE: April 3, 2008 *Patricia A. Delaney*
SUBJECT: W.R.P.D. Application – Gas and Electric, Wareham Street

Honorable Board – In response to your letter dated March 28, 2008 attached please find SE# 220-1046 Order of Conditions issued to Middleborough Gas and Electric for work between #237 and Fall Brook area of Wareham Street. The Conservation Commission would like Gas & Electric reminded to call the office once the silt fence is in place for inspection.

Thank you.

pjb
Enc.





Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

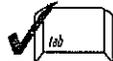
DEP File Number:

220-1046



A. General Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From: Middleborough
 1. Conservation Commission

2. This issuance is for (check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

Middleboro Gas and Electric
 a. First Name _____ b. Last Name _____ c. Company _____
2 Vine Street
 d. Mailing Address _____
Middleborough MA 02346
 e. City/Town _____ f. State _____ g. Zip Code _____

4. Property Owner (if different from applicant):

Town of Middleborough
 a. First Name _____ b. Last Name _____ c. Company _____
10 Nickerson Avenue
 d. Mailing Address _____
Middleborough MA 02346
 e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

#237 and Fall Brook area of Wareham St. Middleborough
 a. Street Address _____ b. City/Town _____
Map 66 within roadway layout
 c. Assessors Map/Plat Number _____ d. Parcel/Lot Number _____
 Latitude and Longitude, if known (note: electronic filers will click for GIS locator):
 e. Latitude _____ f. Longitude _____

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Plymouth
 a. County _____ b. Certificate (if registered land) _____
 c. Book _____ d. Page _____

7. Dates: 11/7/2007 12/6/2007 12/6/2007
 a. Date Notice of Intent Filed _____ b. Date Public Hearing Closed _____ c. Date of Issuance _____

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Notice of Intent Plan for New "Gas Main Near 237 Wareham Street"
 a. Plan Title _____
Outback Engineering Anthony A. Esposito, Civil Registered
 b. Prepared By _____ Professional Engineer
10/30/2007 1"=20'
 d. Final Revision Date _____ e. Scale _____

f. Additional Plan or Document Title _____ g. Date _____



WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		



B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront area	30,600 (Fall Brook)	30,600		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	4,075 (within ex. roadway)	4,075 (within ex. roadway)	2,037.5 (within ex. roadway)	2,037.5 (within ex. roadway)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. cu.yd dredged	b. cu.yd dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



WPA Form 5 – Order of Conditions

220-1046

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]

"File Number 220-1046"



WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. General Conditions Under Massachusetts Wetlands Protection Act

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

See attached

If you need more space for additional conditions, select box to attach a text document



WPA Form 5 – Order of Conditions

220-1046

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The _____ hereby finds (check one that applies):
Conservation Commission
3. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw

b. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

4. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

a. Municipal Ordinance or Bylaw

b. Citation

The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

If you need more space for additional conditions, select box to attach a text document

STANDARD CONDITIONS

APPLIES
YES NO

- X** Recording of Order is the responsibility of applicant or owner. To be returned prior to commencement of work.
- X** All mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc. are to be installed prior to initiation of any work under the Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work, which is subject to the Order of Conditions, is to be undertaken until approval is received from the Conservation Commission and/or Agent.
- X** Commission to be notified of the date of start of work prior to its commencement.
- X** In addition to the mitigation shown on the plan, staked hay bales or siltation fence is to place where necessary to prevent erosion and siltation into the wetland resource area(s).
- X** Wherever necessary to maintain compliance with M.G.L. CH. 131, s.40, appropriate mitigation, to prevent erosion and siltation to surface waters and Bordering Vegetated Wetlands, is to be installed and maintained until all exposed areas are stabilized.
- X** Any tears, rips, breaks or collapse of siltation barrier shall be repaired immediately (no more than 24 hours).
 - X** Any replication area is to be prepared prior to the destruction of the resource area being replicated.
- X** All detention and/or retention areas are to be completed and vegetated before installation of any impervious material or structure discharging surface water runoff.
- X** Retention/detention basins, included in this plan, are to be maintained on a regular basis. Schedule stated in the Notice of Intent.
- X** All facilities and equipment used within or as part of this project will be continually maintained and operated so as to comply with this Order and the Wetlands Protection Act.
- X** Members and agents of the Conservation Commission shall have the right to enter and inspect the property to determine and evaluate compliance with this order.
- X** Wetland flagging to remain in place until the project has been completed.

APPLIES

YES NO

- X** Notice of Intent, Order of Conditions and plan shall be retained on the site during construction and made available to all contractors.
- X** Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, owner's representatives and the Conservation Commission to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
- X** No sodium based de-icing agents to be used.
- X** The drainage system is to be sealed until all work has been completed and vegetation has been established.
- X** Certificate of Compliance to be requested immediately after completion.
- X** All conditions are on going and do not expire at the end of three years upon the issuance of a Certificate of Compliance.
- X** Request for Certificate of Compliance shall be accompanied by an as-built plan. As-built plan to be overlay map.
- X** No partial Certificate of Compliance will be issued unless the balance of the project, at whatever stage it is in at the time of said request.
- X** As-built plan to show location of structures, grading, wetland line, resource areas and an deviation from original plan of record.
- X** This project to be in compliance with the Order of Conditions, the Wetlands Protection Act and Regulations promulgated thereunder (M.G.L. CH. 131, s.40; 310 CMR).
- X** Engineer or other equally qualified person shall be available on-site and responsible for insuring compliance with the Order of Conditions.
- X** Written reports to be submitted to the Conservation Agent detailing progress of activities as detailed by the Order of Conditions. To be received the 1st and 15th of the limited project month.
- X** If wetland alteration is allowed under limited project status, no wetland alteration is to occur until all local, state and federal permits have been received for the project as submitted to the Conservation Commission.
- X** This Order of Conditions is issued for the above referenced plans only. Any alteration to said plans may cause this Order of Conditions to be null and void unless an amendment is submitted and approved by this Board.
- X** Prior to commencement of work, applicant is to submit letter certified by a professional engineer stating that any plans submitted for other local, state and federal permits are identical to the plans submitted for this Order of Conditions.



WPA Form 5 – Order of Conditions

220-1046

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

E. Issuance

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

12/6/2007
1. Date of Issuance

Please indicate the number of members who will sign this form:

Six
2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Patricia G. Delaney

[Signature]

[Signature]

[Signature]

Steven Ventresca

Notary Acknowledgement

Commonwealth of Massachusetts County of

Plymouth

On this 6th Day of

December 2007
Month Year

Before me, the undersigned Notary Public, personally appeared

Patricia Delaney
Name of Document Signer

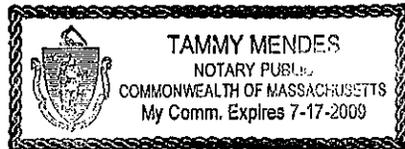
proved to me through satisfactory evidence of identification, which was/were

Personally known

Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Middleborough Conservation Commission
City/Town



Tammy Mendes
Signature of Notary Public

Tammy Mendes
Printed Name of Notary Public

7-17-09
My Commission Expires (Date)

Place notary seal and/or any stamp above

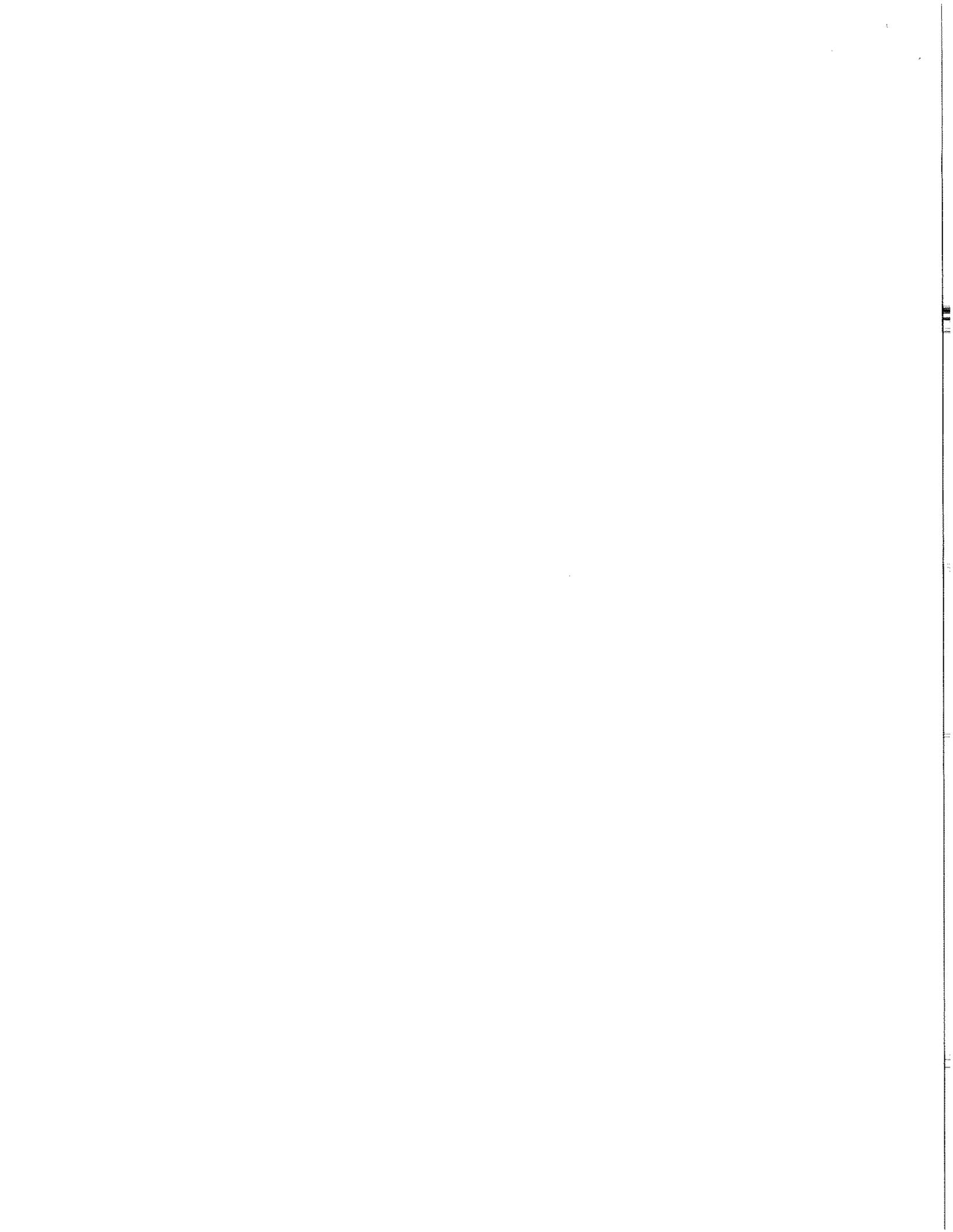
This Order is issued to the applicant as follows:

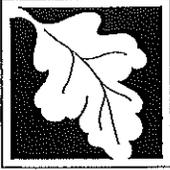
by hand delivery on

by certified mail, return receipt requested, on

Date

Date



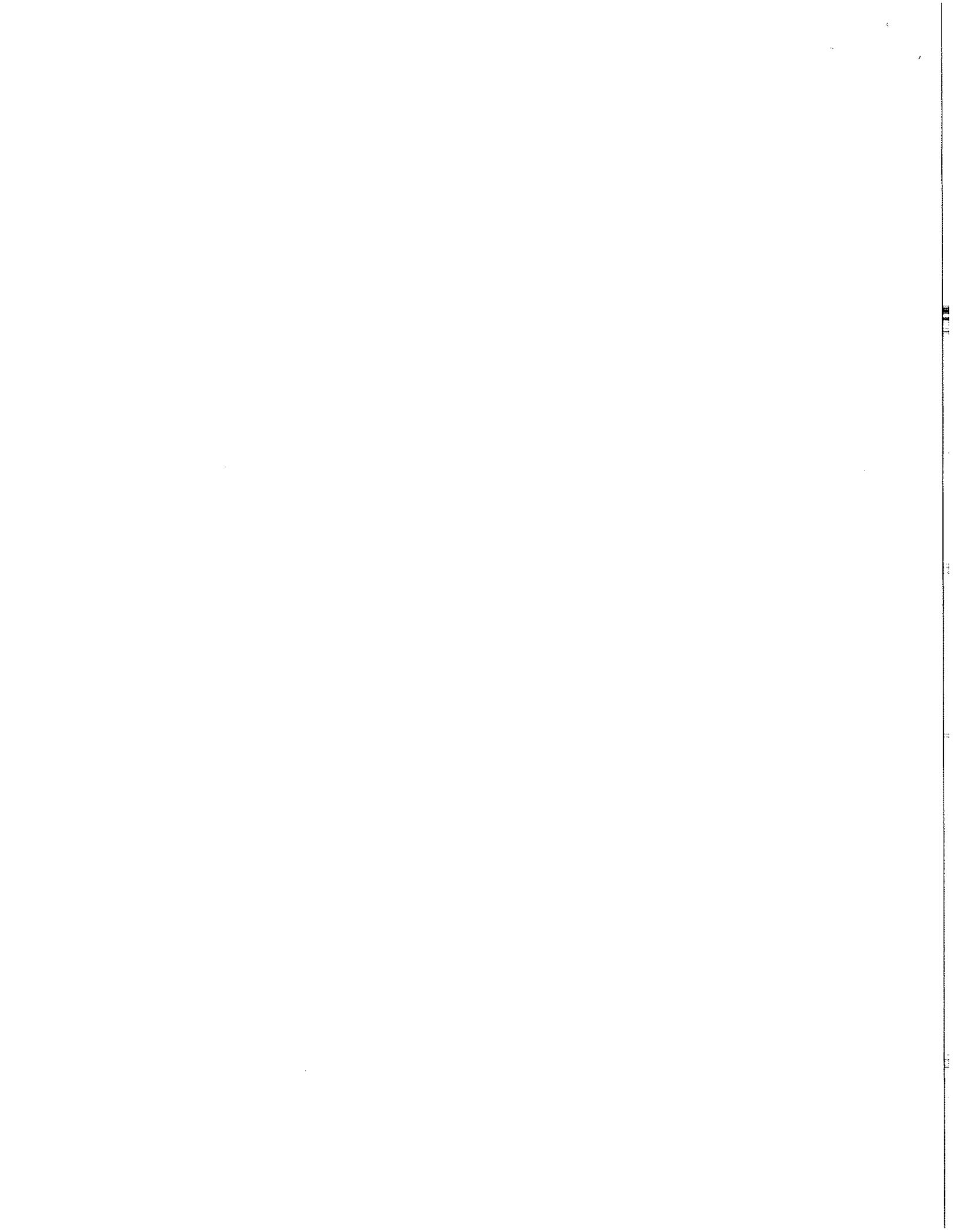


F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Section G, Recording Information is available on the following page.





WPA Form 5 – Order of Conditions

220-1046

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of this form shall be submitted to the Conservation Commission listed below.

Middleborough
Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Middleborough
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

#237 and Fall Brook area of Wareham St.
Project Location

220-1046
DEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth
County

Book

Page

for:

Town of Middleborough
Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

12/5/2007
Date

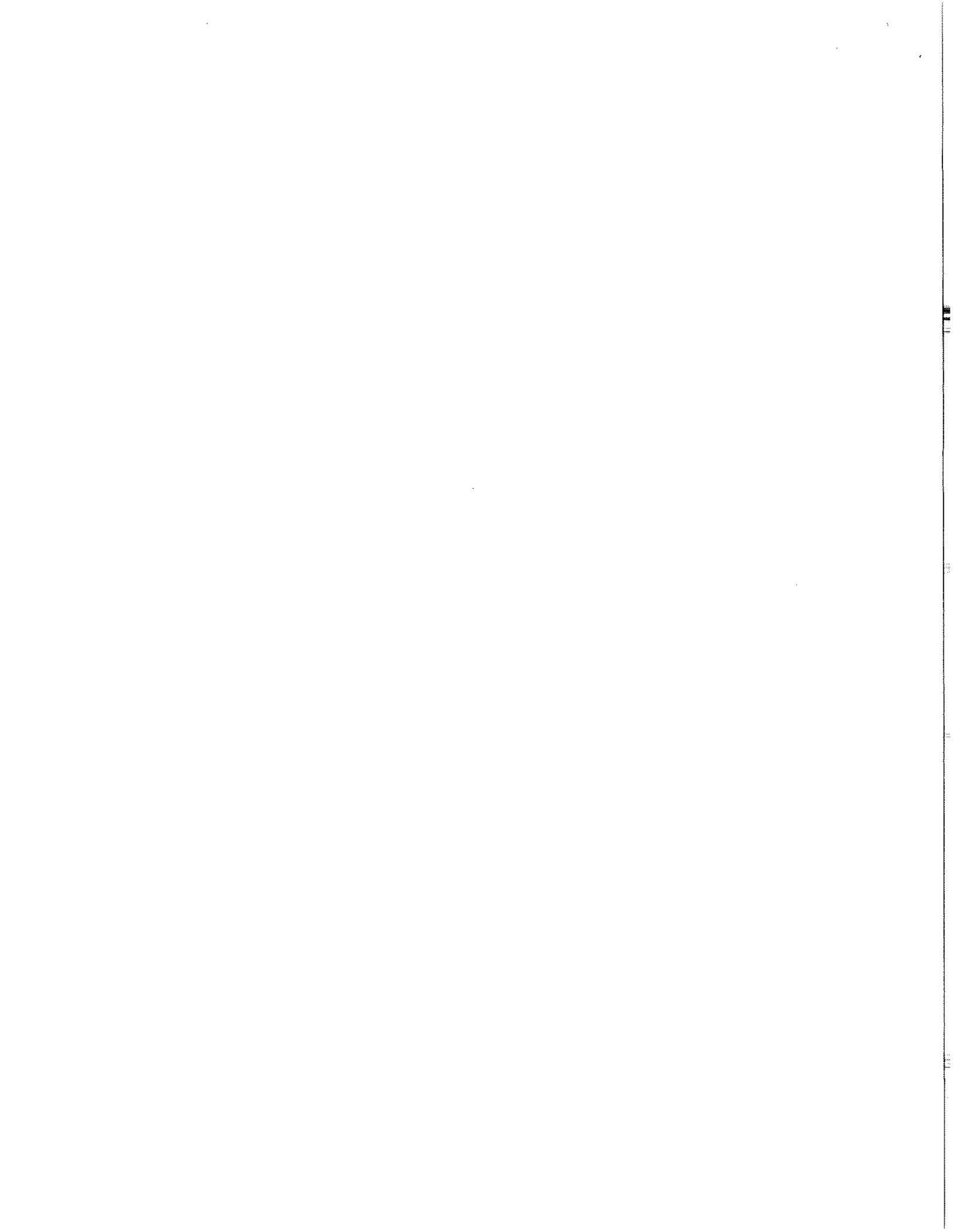
If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant





165 East Grove Street
Middleborough, MA 02346

Tel # 508-946-9231 Fax # 508-947-8873
Civil Engineers + Land Surveyors + Wetland Scientists

March 4, 2008

Board of Selectmen
Middleborough Town Hall
10 Nickerson Avenue
Middleborough, MA 02346

RE: Special Permit Application
Wareham Street Gas Line Installation

Dear Board Members:

On behalf of Middleborough Gas and Electric Company, enclosed please find twelve (12) copies of a Special Permit Application and accompanying plans. Also enclosed please find a check made payable to the Town of Middleborough in the amount of \$50.00 to cover the filing fee and a check made payable to the Middleboro Gazette in the amount of \$143.00 to cover the advertising fee.

The proposed project involves the installation of a gas line on portions of Wareham Street. This installation will be carried out by Middleboro Gas and Electric. To prevent any sediment from migrating towards the BVW a silt fence and/or double staked hay bale line is proposed as shown on the plan.

If you have any questions or wish for me to accompany you on a site visit, please call me at 508 946 9231.

Sincerely,

A handwritten signature in cursive script that reads "Leeann Bradley".

Leeann Bradley
Wetland Scientist

Cc: Middleboro Gas & Electric

Our File No. OE-1939

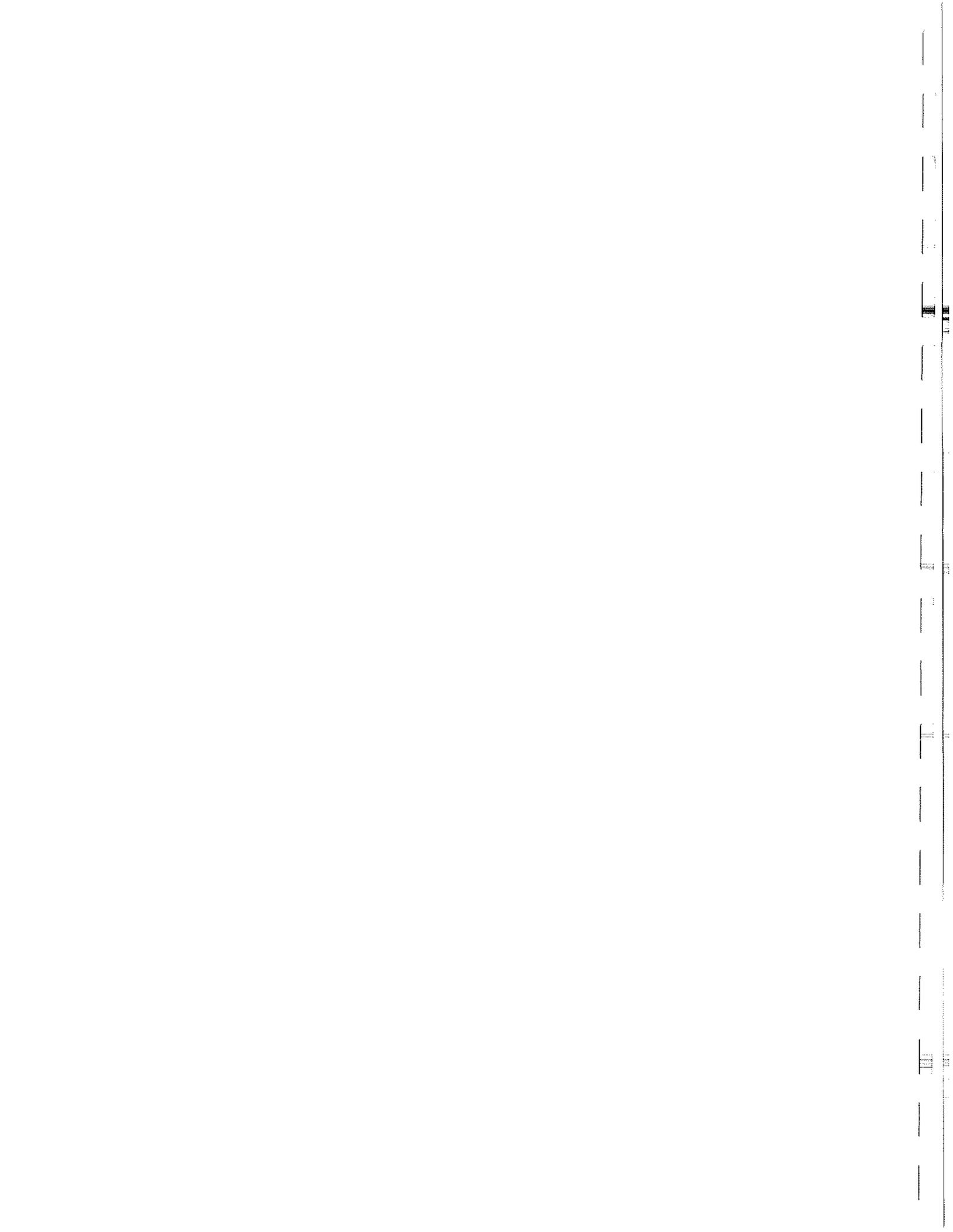
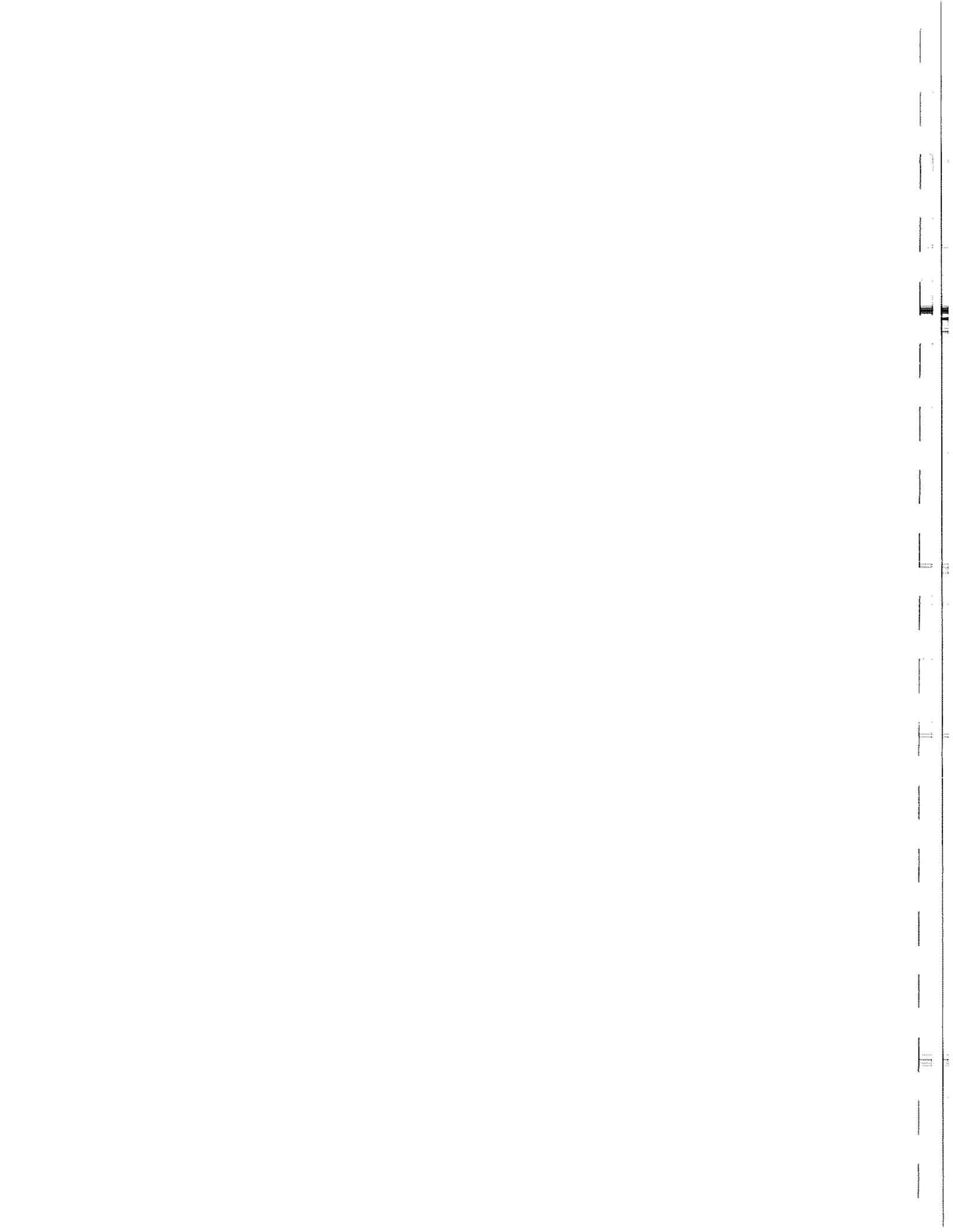


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2. Advertising Fee to Middleborough Gazette - \$143.00
3. Petition for Public Hearing
4. Water Resource Protection District Petition Submittal Checkoff Sheet
5. Certified Abutter's List
6. Order of Conditions issued by Middleborough Conservation Commission,
December 6, 2007
7. Notice of Intent Plan for New Gas Main Near 237 Wareham Street,
Middleborough, MA and Notice of Intent Plan for New Gas Main at Fall Brook in
Middleborough, MA



BOARD OF SELECTMEN
MIDDLEBOROUGH, MASSACHUSETTS

PETITION
FOR PUBLIC HEARING

This Petition, when completed and signed, must be filed with the Town Clerk,
Town Hall, Middleborough, Massachusetts.

Middleborough, MA, March 4, 2008

To the Board of Selectmen
Middleborough, Massachusetts

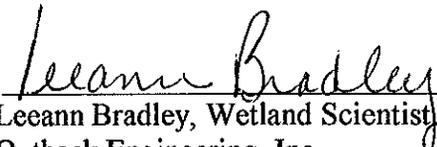
I/We hereby petition your Board for a public hearing for a Special Permit which is
subject to Board of Selectmen approval under the Water Resource Protection Districts
By-law.

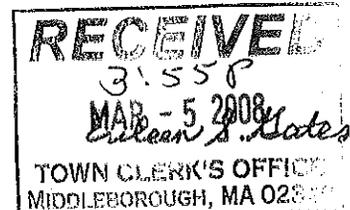
- A. (Give location of property in question.)

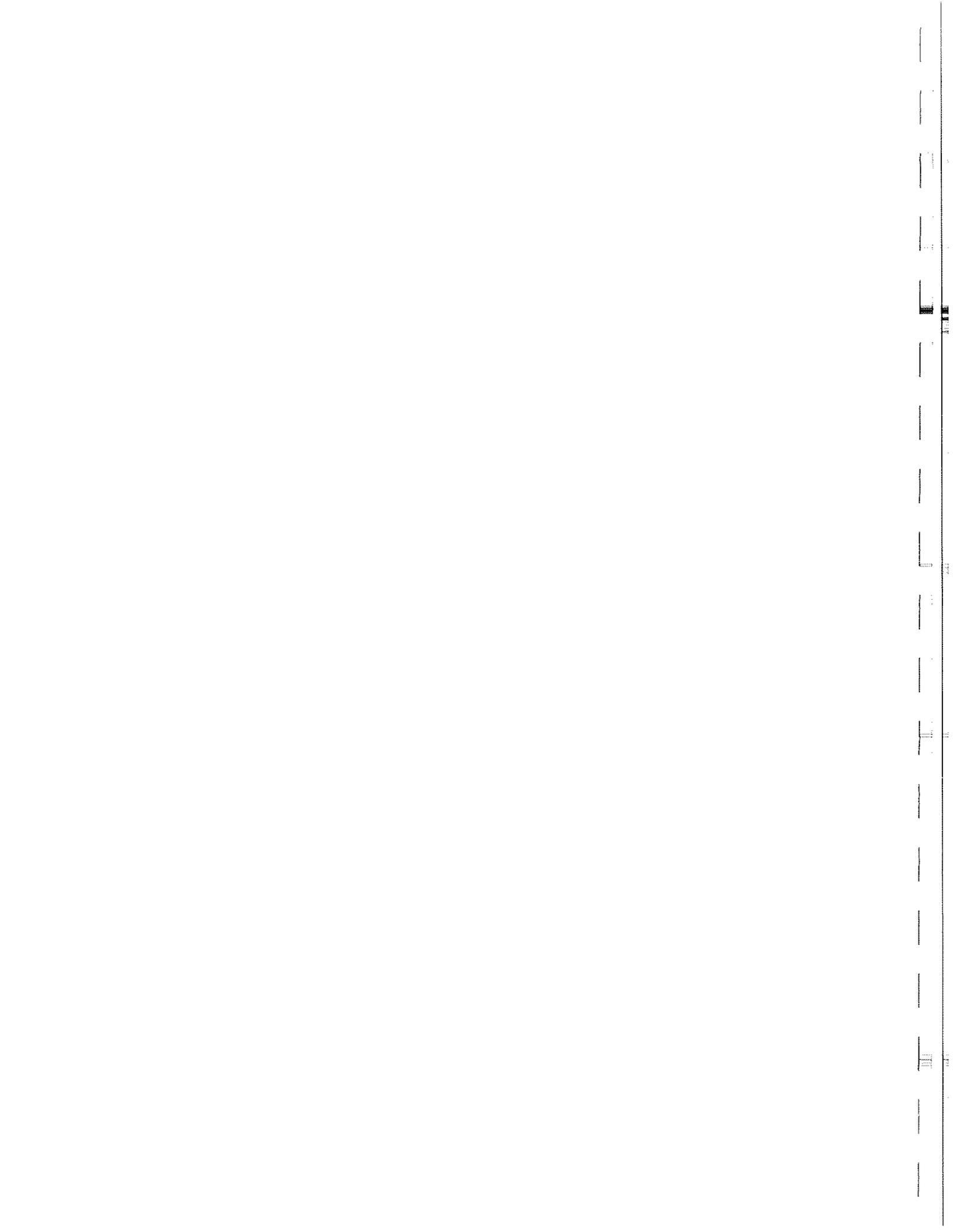
The Middleborough Gas and Electric Company is proposing to install a gas line
within 25' of a Bordering Vegetated Wetland (BVW) and within 25' of a
perennial stream between 237 Wareham Street and 278 Wareham Street (Map
66). All work associated with this gas line installation will take place within the
existing roadway layout. This site is currently in Zoning District Residential A
and WRPD District Z4.

As shown on the attached plan.

- B. State full names and addresses of last known abutting property owners, and
owners of land within 300' feet of the land which is the subject of this
petition. Also state the owners of the land immediately across the street from
the subject property. Please attach a certified list of these property owners to
this petition.
- C. Respectfully submitted,


Leeann Bradley, Wetland Scientist
Outback Engineering, Inc.
165 East Grove Street
Middleborough, MA 02346
508-946-9231





**TOWN OF MIDDLEBOROUGH
WATER RESOURCE PROTECTION DISTRICT
PETITION SUBMITTAL CHECKOFF SHEET**

Applicant must initial each item or the application/petition will not be accepted.

No.	Description	Initial	N/A
1.	The plan has a cover page showing the location of the water supply Zone 2 and 3, with the proposed project site identified.	_____	_____
2.	The plan has street location(s), number, buildings and driveway and shows the acreage of the lot in square feet.	<u>lab</u>	_____
3.	The plan shows existing waterways adjacent, on or near the property.	<u>lab</u>	_____
4.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.	<u>lab</u>	_____
	Note: If the site has no approval required other than a home lot then a Land Surveyor stamp will be accepted.	<u>lab</u>	_____
5.	The plan contains topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<u>lab</u>	_____
6.	The plan provides details for work done or proposed for any component outlined in No. 5 (above).	<u>lab</u>	_____
7.	The submittal contains the abutters list.	<u>lab</u>	_____
8.	The submittal contains calculations for any proposed on site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	_____	<u>lab</u>
9.	The submittal contains a statement that the project has been designed to minimize large scale lot disturbances and has implemented methods to encourage infiltration of site runoff and preservation of groundcover.	_____	<u>lab</u>
10.	The submittal contains a statement that there will be no removal of soil closer than four (4) feet to the groundwater table, as determined through Title 5 Soil Evaluation methods.	_____	<u>lab</u>



No.	Description	Initial N/A
11.	The submittal contains a statement that if there is to be storage of hazardous wastes, sludges, deicing chemicals, fertilizers or oil, that appropriate methods have been provided to contain any spillage.	____ <u>lab</u>
12.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	____ <u>lab</u>





Middleborough Assessors Office
10 Nickerson Avenue
Middleborough, MA 02346

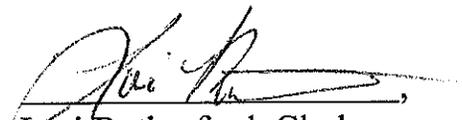
CERTIFICATION PAGE*

Date: 2/15/2008

Board of Selectmen

Board name for certification

This is to certify that the names and mailing addresses which were provided to us by Outback Engineering on the attached list are correct according to our current assessing records. This is the only certification done for this list. This does not certify 300 feet in any direction on any particular map and lot, as this was not indicated on the list.


Lori Rutherford, Clerk
Middleborough Board of Assessors

(This list consists of 2 pages with 26 lots)

*Please note there is no additional charge for this page and it is intended to certify the information on the preceding or attached document (s)





ABUTTER'S LIST LOCUS MAP: 606 LOT: _____ UNIT: _____ PAGE 1 OF 2

Property Address: #237 and area of Fall Brook, Wareham St. (Board or Office) for: Board of Selectmen

Subdivision/ Reason For Project: Middleboro Gas & Electric to install gas line within 25' of B/W on Wareham St.

Owner's Name(s) & Address: Town of Middleboro, 10 Nickerson Ave, Middleboro, MA 02346

Applicant Name & Address: Middleboro Gas & Electric, 2 Vine St, Middleboro, MA 02346

(If different from owner)

CONTACT NAME AND PHONE # Leann Bradley, Outback Engineering, Inc., 105 E. Grove St. Middleboro 508-946-0231

606 - 5313 -
 MAP # LOT # UNIT # Lockcraft, Robert A. Trustee
 ALL OWNER NAMES 44 Black Brook Path
 MAILING ADDRESS
Rau, Susan
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

606 - 5286 -
 MAP # LOT # UNIT # Butters, Michael + Nancy
 ALL OWNER NAMES 285 Wareham St.
 MAILING ADDRESS
Butters, Michael + Nancy
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

606 - 5287 -
 MAP # LOT # UNIT # Femina, Stephen + Catherine
 ALL OWNER NAMES 286 Wareham St.
 MAILING ADDRESS
Femina, Stephen + Catherine
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

606 - 5193 -
 MAP # LOT # UNIT # Tripp, Jerome P. Trustee
 ALL OWNER NAMES 278 Wareham St.
 MAILING ADDRESS
Tripp, Jerome P. Trustee
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

606 - 5151 -
 MAP # LOT # UNIT # Tripp, Jerome + Nancy Trs
 ALL OWNER NAMES 278 Wareham St.
 MAILING ADDRESS
Tripp, Jerome + Nancy Trs
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

606 - 4395 -
 MAP # LOT # UNIT # Chinnis, Mary A.
 ALL OWNER NAMES 276 Wareham St 117 Staples Shore Rd
 MAILING ADDRESS
Chinnis, Mary A.
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP 02347

606 - 4448 -
 MAP # LOT # UNIT # Fitzgerald, Patricia A ETAL
 ALL OWNER NAMES 273 Wareham St.
 MAILING ADDRESS
Fitzgerald, Patricia A ETAL
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

606 - 4479 -
 MAP # LOT # UNIT # Diff, John M
 ALL OWNER NAMES 277 Wareham St.
 MAILING ADDRESS
Diff, John M
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

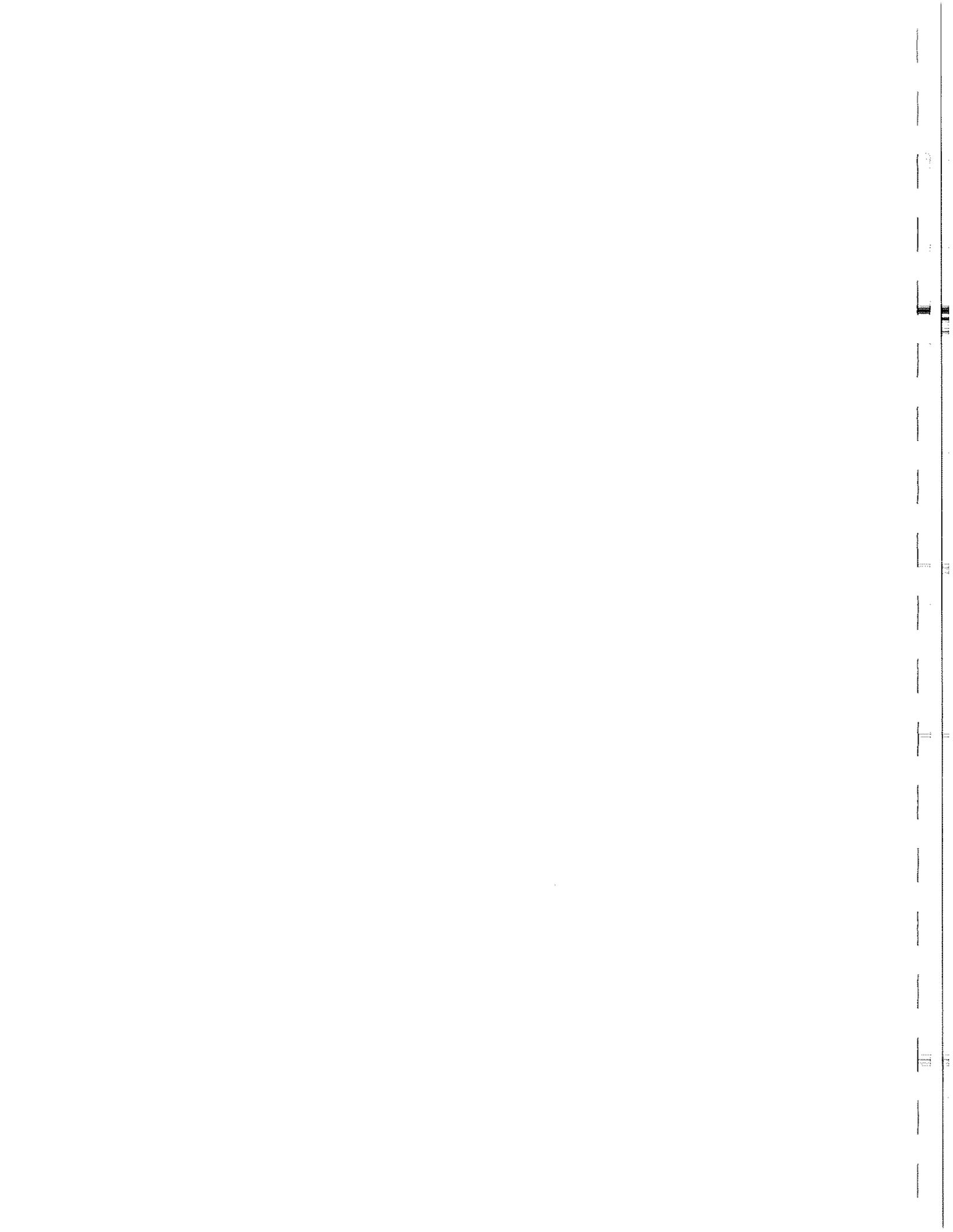
606 - 1881 -
 MAP # LOT # UNIT # O'Connell, Joseph + Linda
 ALL OWNER NAMES 243 Wareham St.
 MAILING ADDRESS
O'Connell, Joseph + Linda
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

606 - 1943 -
 MAP # LOT # UNIT # Turner, Eric
 ALL OWNER NAMES 239 Wareham St.
 MAILING ADDRESS
McPhee, Heather
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

606 - 1732 -
 MAP # LOT # UNIT # Foley, William + Dorna
 ALL OWNER NAMES 237 Wareham St.
 MAILING ADDRESS
Foley, William + Dorna
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

606 - 1759 -
 MAP # LOT # UNIT # Newman, Arthur + Elizabeth
 ALL OWNER NAMES 236 Wareham St.
 MAILING ADDRESS
Newman, Arthur + Elizabeth
 Middleborough MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

606 - 3448 -
 MAP # LOT # UNIT # Kessler, Richard E. ETAL Trs.
 ALL OWNER NAMES 162 East Grove St.
 MAILING ADDRESS
c/o Freedman's
 Middleboro MA 02346
 C/O OWNERS NAMES (S) CITY STATE ZIP

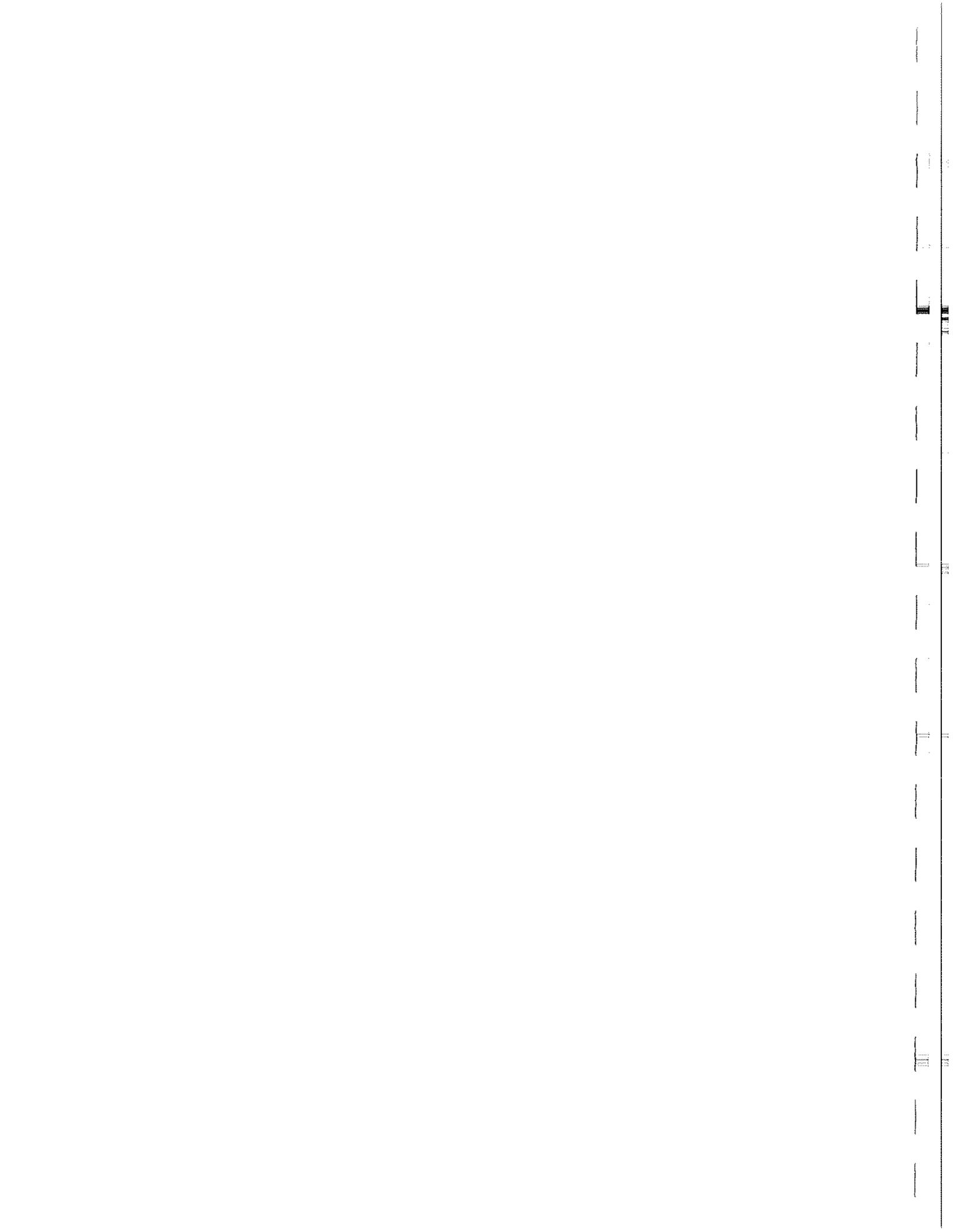




Property Address: #237 + Fall Brook area of Wareham St. (Board or Office) for: Board of Selectmen
 Subdivision/ Reason For Project: Special Permit - Middleboro Ct 2 to install 10 Nickerson Ave. Middleboro
 Owner's Name(s) & Address: Town of Middleboro, 10 Nickerson Ave, Middleboro
 Applicant Name & Address: Middleboro Ct 2, 2 Vine St, Middleboro **FEB 07 2008**

(If different from owner)
 CONTACT NAME AND PHONE # LEANN Bradley, Outback Engineering, 508-946-9231
 MIDDLEBORO BOARD OF ASSESSORS

<u>66 - 3342 -</u>	<u>Kessler, Richard E. ETAL Trs.</u>	<u>162 East Grove St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES <u>C/O Freedman's</u>	MAILING ADDRESS <u>Middleborough MA 02346</u>
	C/O OWNERS NAMES (S)	CITY STATE ZIP
<u>66 - 997 -</u>	<u>Nelson, Thomas + Cecelia</u>	<u>233 Wareham St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP
<u>66 - 986 -</u>	<u>Donerty, James + Barbara</u>	<u>231 Wareham St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP
<u>66 - 1753 -</u>	<u>Davidson, Eric + Mary-Elizabeth</u>	<u>234 Wareham St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP
<u>66 - 2631 -</u>	<u>Bernier, Antonio + Debra</u>	<u>247 Wareham St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP
<u>66 - 2628 -</u>	<u>Benoit, Steven, et al</u>	<u>248 Wareham St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP
<u>66 - 1098 -</u>	<u>Busby, Donald + Mary</u>	<u>137 Sackem St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP
<u>66 - 1838 -</u>	<u>Ricco, Richard + Gina</u>	<u>139 Sackem St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP
<u>66 - 1865 -</u>	<u>Brackett, James + Barbara</u>	<u>141 Sackem St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP
<u>66 - 1896 -</u>	<u>Leonard, Robert + Linda</u>	<u>143 Sackem St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP
<u>66 - 4425 -</u>	<u>Town of Middleborough</u>	<u>10 Nickerson Ave</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP
<u>66 - 4368 -</u>	<u>Bosques, Robert Jr + Lyvve</u>	<u>274 Wareham St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP
<u>66 - 6025 -</u>	<u>Moulton, Michael</u>	<u>288 Wareham St.</u>
MAP # LOT # UNIT #	ALL OWNER NAMES	MAILING ADDRESS
	C/O OWNERS NAMES (S)	<u>Middleborough MA 02346</u>
		CITY STATE ZIP





Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

220-1046

A. General Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From: Middleborough
 1. Conservation Commission

2. This issuance is for (check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

a. First Name	b. Last Name	c. Company
<u>2 Vine Street</u>		<u>Middleboro Gas and Electric</u>
d. Mailing Address		
<u>Middleborough</u>		
e. City/Town	f. State	g. Zip Code
	<u>MA</u>	<u>02346</u>

4. Property Owner (if different from applicant):

a. First Name	b. Last Name	c. Company
<u>10 Nickerson Avenue</u>		<u>Town of Middleborough</u>
d. Mailing Address		
<u>Middleborough</u>		
e. City/Town	f. State	g. Zip Code
	<u>MA</u>	<u>02346</u>

5. Project Location:

a. Street Address	b. City/Town
<u>#237 and Fall Brook area of Wareham St.</u>	<u>Middleborough</u>
c. Assessors Map/Plat Number	d. Parcel/Lot Number
<u>Map 66</u>	<u>within roadway layout</u>
Latitude and Longitude, if known (note: electronic filers will click for GIS locator):	
e. Latitude	f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

a. County	b. Certificate (if registered land)	
<u>Plymouth</u>		
c. Book	d. Page	
7. Dates:		
a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance
<u>11/7/2007</u>	<u>12/6/2007</u>	<u>12/6/2007</u>

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

a. Plan Title	
<u>Notice of Intent Plan for New "Gas Main Near 237 Wareham Street"</u>	
b. Prepared By	
<u>Outback Engineering</u>	<u>Anthony A. Esposito, Civil Registered Professional Engineer</u>
d. Final Revision Date	e. Scale
<u>10/30/2007</u>	<u>1"=20'</u>

f. Additional Plan or Document Title	g. Date





WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		





WPA Form 5 – Order of Conditions

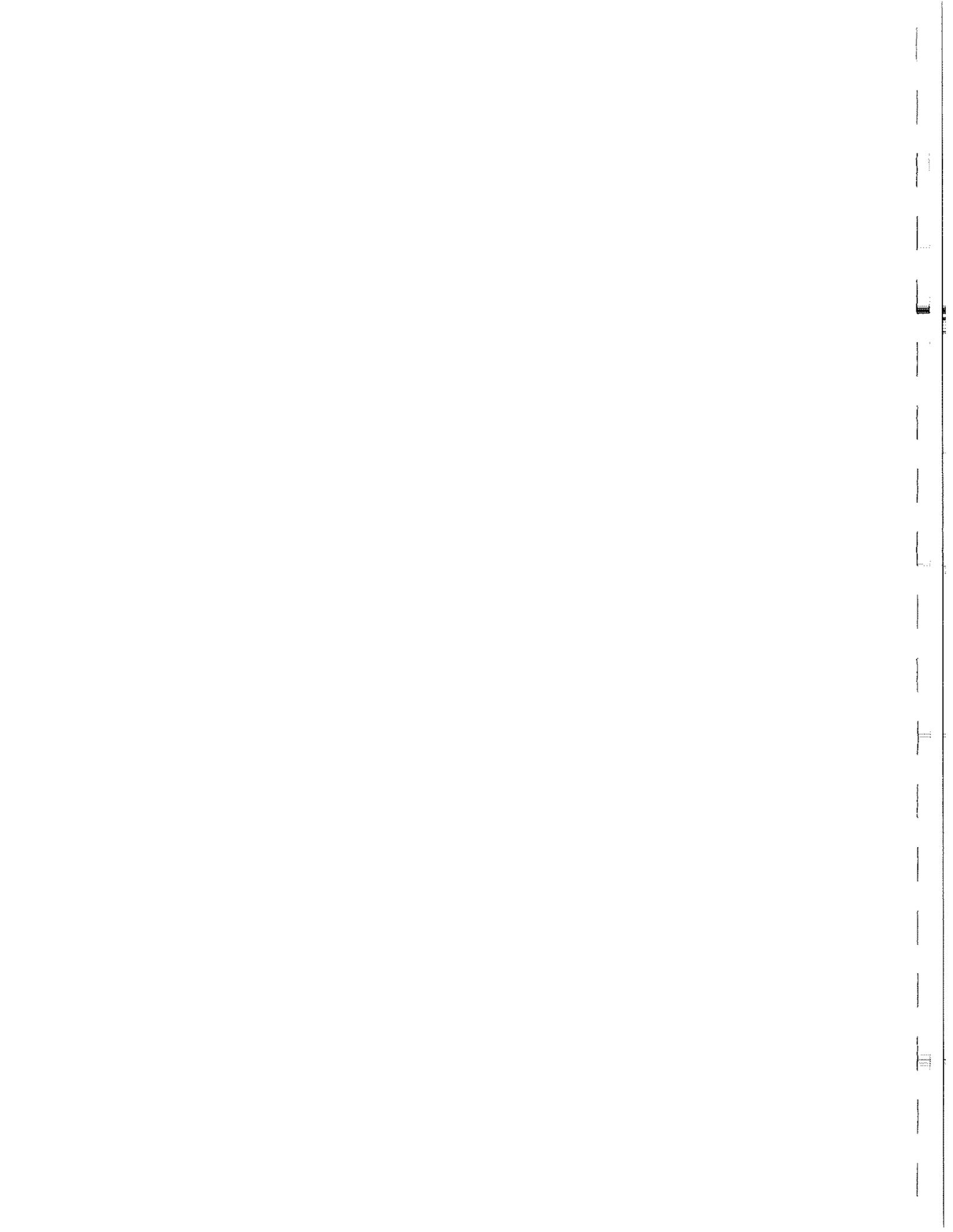
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront area	30,600 (Fall Brook)	30,600		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	4,075 (within ex. roadway)	4,075 (within ex. roadway)	2,037.5 (within ex.)	2,037.5 (within ex. roadway)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. cu.yd dredged	b. cu.yd dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		





WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]

"File Number 220-1046"





WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. General Conditions Under Massachusetts Wetlands Protection Act

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

See attached

If you need more space for additional conditions, select box to attach a text document





WPA Form 5 – Order of Conditions

220-1046

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The _____ hereby finds (check one that applies):
Conservation Commission
3. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw

b. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

4. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

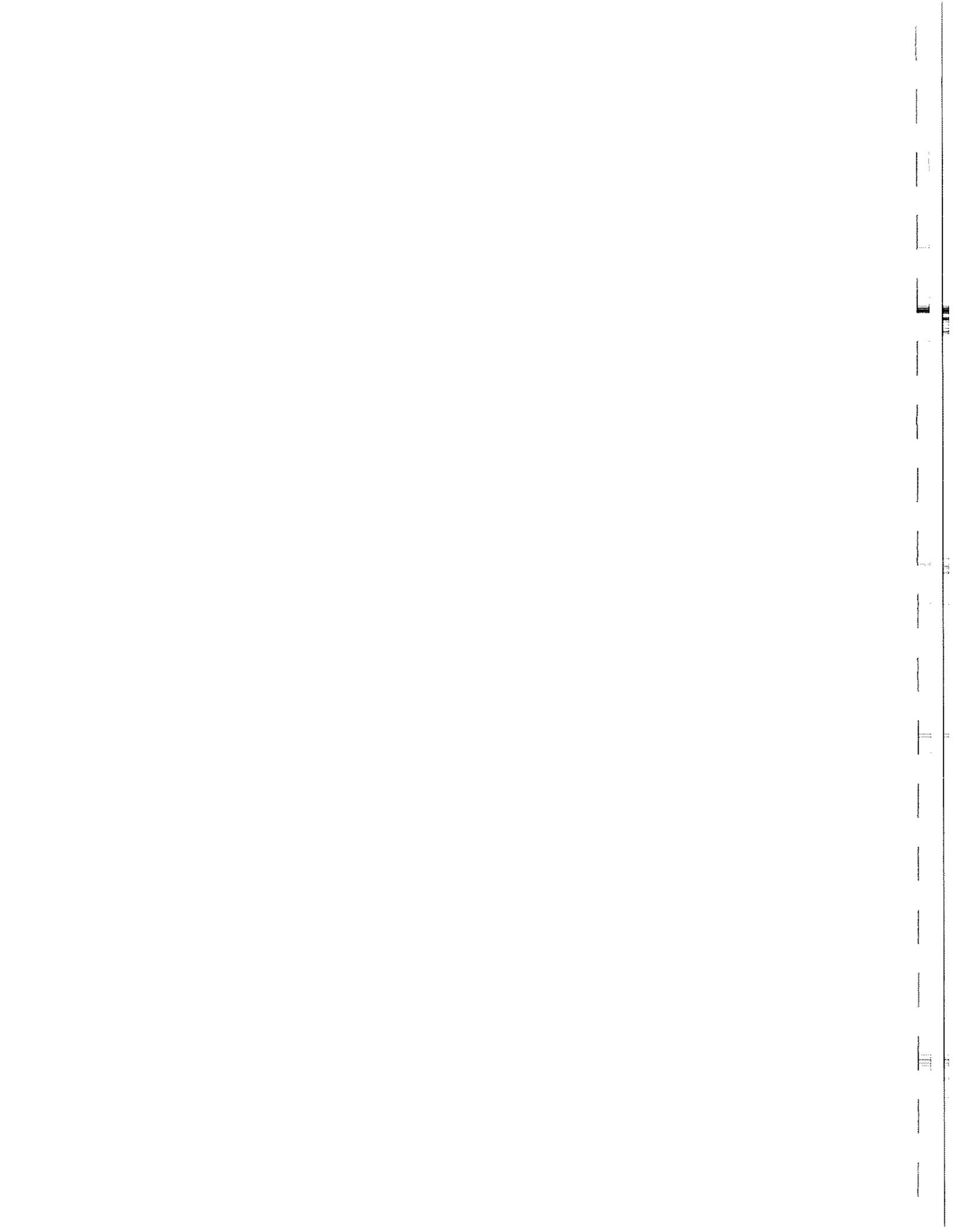
a. Municipal Ordinance or Bylaw

b. Citation

The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

If you need more space for additional conditions, select box to attach a text document



DEP File No
Provided by DEP
Applicant

220-1046

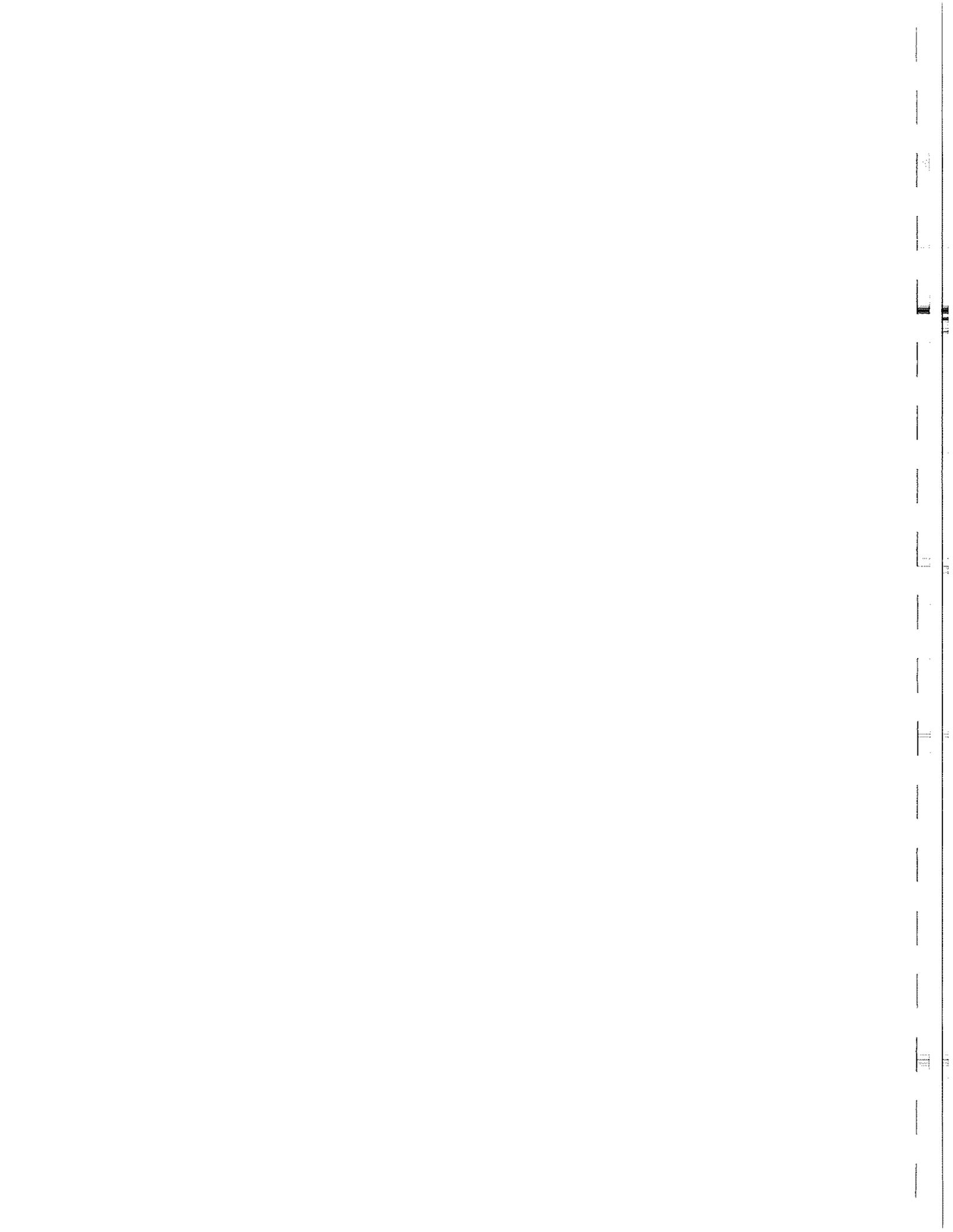
Middleborough Gas and Electric

TOWN OF MIDDLEBOROUGH
CONSERVATION COMMISSION

STANDARD CONDITIONS

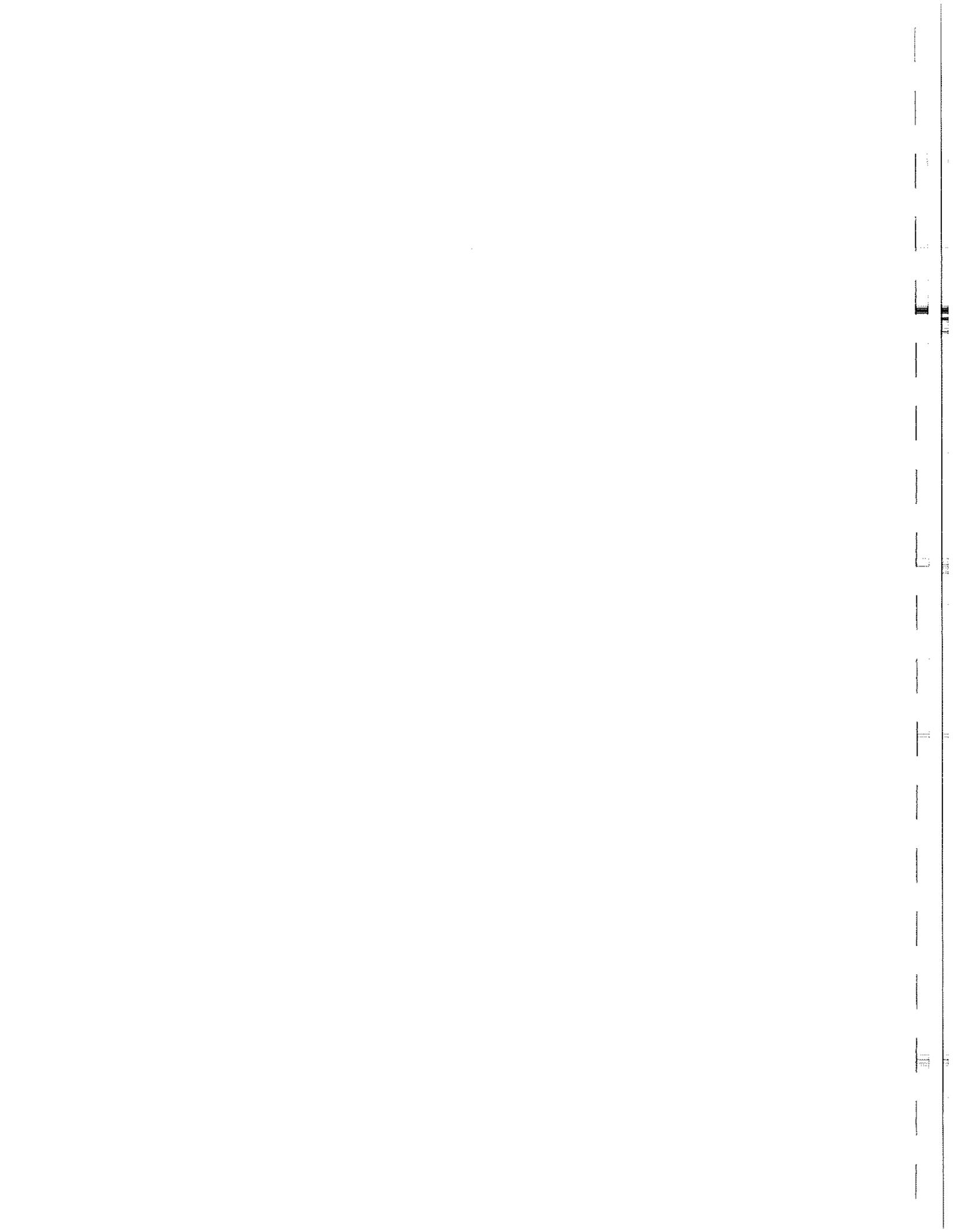
APPLIES
YES NO

- X Recording of Order is the responsibility of applicant or owner. To be returned prior to commencement of work.
- X All mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc. are to be installed prior to initiation of any work under the Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work, which is subject to the Order of Conditions, is to be undertaken until approval is received from the Conservation Commission and/or Agent.
- X Commission to be notified of the date of start of work prior to its commencement.
- X In addition to the mitigation shown on the plan, staked hay bales or siltation fence is to place where necessary to prevent erosion and siltation into the wetland resource area(s).
- X Wherever necessary to maintain compliance with M.G.L. CH. 131, s.40, appropriate mitigation, to prevent erosion and siltation to surface waters and Bordering Vegetated Wetlands, is to be installed and maintained until all exposed areas are stabilized.
- X Any tears, rips, breaks or collapse of siltation barrier shall be repaired immediately (no more than 24 hours).
- X Any replication area is to be prepared prior to the destruction of the resource area being replicated.
- X All detention and/or retention areas are to be completed and vegetated before installation of any impervious material or structure discharging surface water runoff.
- X Retention/detention basins, included in this plan, are to be maintained on a regular basis. Schedule stated in the Notice of Intent.
- X All facilities and equipment used within or as part of this project will be continually maintained and operated so as to comply with this Order and the Wetlands Protection Act.
- X Members and agents of the Conservation Commission shall have the right to enter and inspect the property to determine and evaluate compliance with this order.
- X Wetland flagging to remain in place until the project has been completed.



APPLIES
YES NO

- X Notice of Intent, Order of Conditions and plan shall be retained on the site during construction and made available to all contractors.
- X Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, owner's representatives and the Conservation Commission to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
- X No sodium based de-icing agents to be used.
- X The drainage system is to be sealed until all work has been completed and vegetation has been established.
- X Certificate of Compliance to be requested immediately after completion.
- X All conditions are on going and do not expire at the end of three years upon the issuance of a Certificate of Compliance.
- X Request for Certificate of Compliance shall be accompanied by an as-built plan. As-built plan to be overlay map.
- X No partial Certificate of Compliance will be issued unless the balance of the project, at whatever stage it is in at the time of said request.
- X As-built plan to show location of structures, grading, wetland line, resource areas and an deviation from original plan of record.
- X This project to be in compliance with the Order of Conditions, the Wetlands Protection Act and Regulations promulgated thereunder (M.G.L. CH. 131, s.40; 310 CMR).
- X Engineer or other equally qualified person shall be available on-site and responsible for insuring compliance with the Order of Conditions.
- X Written reports to be submitted to the Conservation Agent detailing progress of activities as detailed by the Order of Conditions. To be received the 1st and 15th of the limited project month.
- X If wetland alteration is allowed under limited project status, no wetland alteration is to occur until all local, state and federal permits have been received for the project as submitted to the Conservation Commission.
- X This Order of Conditions is issued for the above referenced plans only. Any alteration to said plans may cause this Order of Conditions to be null and void unless an amendment is submitted and approved by this Board.
- X Prior to commencement of work, applicant is to submit letter certified by a professional engineer stating that any plans submitted for other local, state and federal permits are identical to the plans submitted for this Order of Conditions.





WPA Form 5 – Order of Conditions

220-1046

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

E. Issuance

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

12/6/2007
1. Date of Issuance

Please indicate the number of members who will sign this form:

Six
2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Patricia A. Delaney
[Signature]
[Signature]
Steven Vontresca

[Signature]
Edward [Name]

Notary Acknowledgement

Commonwealth of Massachusetts County of Plymouth

On this 6th Day of December 2007 Year

Before me, the undersigned Notary Public, personally appeared Patricia Delaney Name of Document Signer

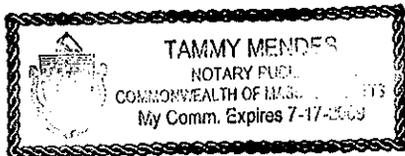
proved to me through satisfactory evidence of identification, which was/were

Personally known

Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Middleborough City/Town Conservation Commission



Tammy Mendes Signature of Notary Public
Tammy Mendes Printed Name of Notary Public
7-17-09 My Commission Expires (Date)

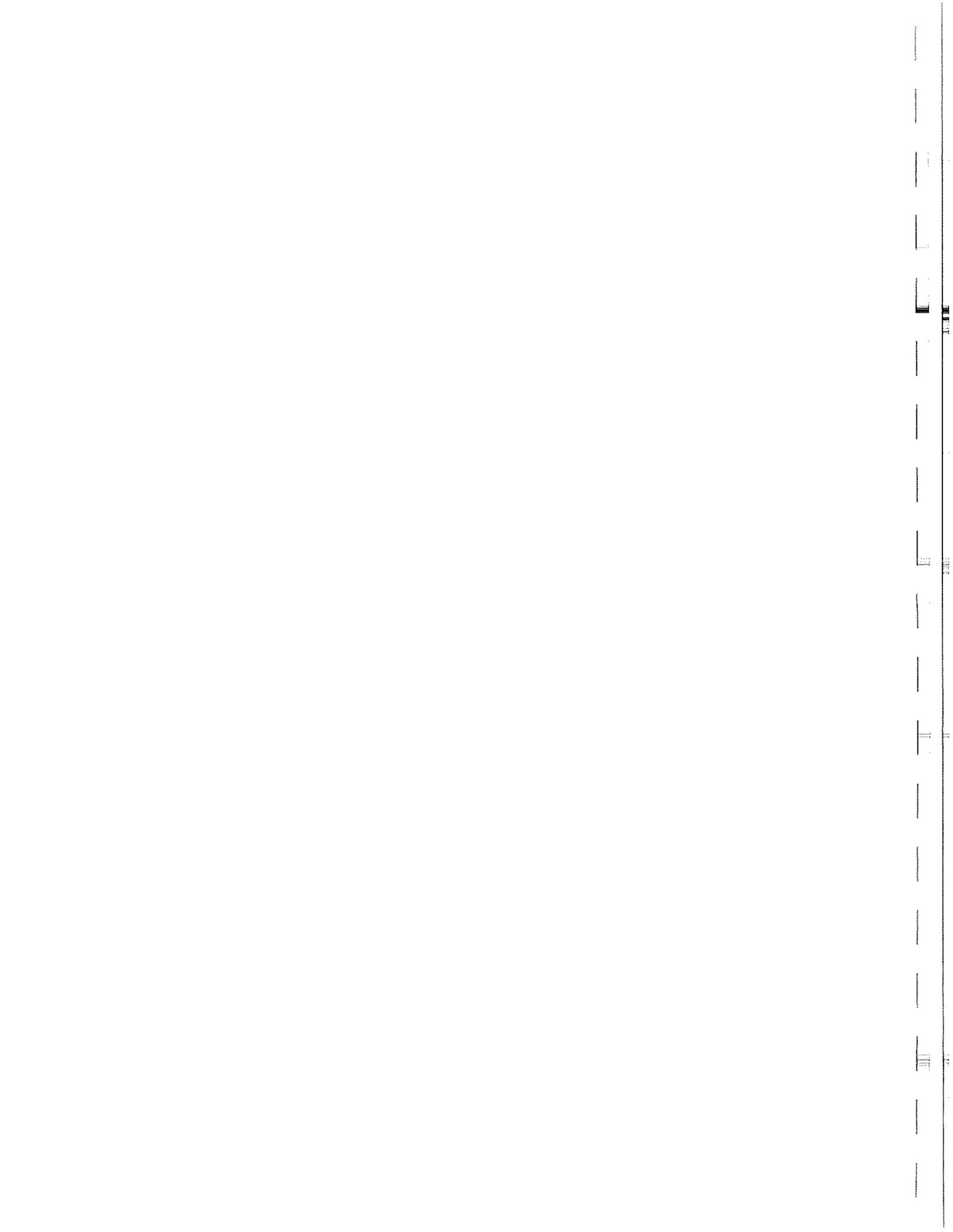
Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

- by hand delivery on by certified mail, return receipt requested, on

Date

Date





WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Section G, Recording Information is available on the following page.





WPA Form 5 – Order of Conditions

220-1046

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of this form shall be submitted to the Conservation Commission listed below.

Middleborough

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Middleborough

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

#237 and Fall Brook area of Wareham St.

Project Location

220-1046

DEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth

County

Book

Page

for:

Town of Middleborough

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

12/5/2007

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

