

**HEARINGS, MEETINGS, LICENSES**  
**10-5-09**

(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, October 5, 2009 at 7:30 PM, for the purpose of discussing an application filed by Outback Engineering, Inc., on behalf of Middleboro Gas & Electric for a Special Permit under the Water Resource Protection District By-law, to allow activities, including installation of a gas line, within 25' of a Bordering Vegetated Wetland (BVW) Benson Street (Map 100 & 101). All work associated with this gas line installation will take place within the existing roadway layout. Anyone wishing to be heard on this matter should appear at the time and place designated.

Patrick E. Rogers  
Muriel C. Duphily  
Marsha L. Brunelle  
Stephen J. McKinnon  
Alfred P. Rullo  
BOARD OF SELECTMEN

Publish: 9/17/09 and 9/24/09

Payment is forthcoming in mail re advertiser # 300074.

(Town Seal)

A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, October 5, 2009 at 7:45 PM, for the purpose of discussing an application filed by William F. Madden on behalf of G. Lopes Construction, Inc. and Red Dog Cranberry, LLC for an Earth Removal Permit for property located at Plympton Street, Middleborough, Assessors Map 034, Lot 4315. The reason for this request is for ongoing construction and expansion of an existing agricultural activity (cranberry cultivation). Anyone desiring to be heard on this matter should appear at the time and place designated.

Patrick E. Rogers, Chairman  
Muriel C. Duphily  
Marsha L. Brunelle  
Stephen J. McKinnon  
Alfred P. Rullo  
BOARD OF SELECTMEN

Publish: September 24, 2009

Payment is forthcoming - Advertiser # 300074

(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, September 14, 2009 at 7:30 PM, for the purpose of discussing an application filed by Outback Engineering on behalf of Elliot Schneider, Lot 3 Wareham Street Realty Trust, for a Special Permit under the Water Resource Protection District By-law, to allow the construction of a used car dealership and its associated parking area in the WRPD 23 district at 352 Wareham Street, Assessors Map 72, Lots 5421 and 4657. Anyone wishing to be heard on this matter should appear at the time and place designated.

Patrick E. Rogers  
Muriel C. Duphily  
Marsha L. Brunelle  
Stephen J. McKinnon  
Alfred P. Rullo, Jr.  
BOARD OF SELECTMEN

Publish: August 27, 2009 and September 3, 2009

\*Payment is forthcoming - Advertiser #300074



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

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

September 8, 2009

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

Subject: Application for W.R.P.D. Special Permit for 352 Wareham Street, Assessors' Map: 072  
Lot: 4657 and 5421, Zoned GU/W.R.P.D. Z3.

Dear Board,

I have reviewed the application filed by Outback Engineering for a special permit under the W.R.P.D. District By-Law to allow the construction of a used car dealership and its associated parking area. The proposed car dealership will be located at 352 Wareham Street in the W.R.P.D. Z3 District. I would support this request because it meets the requirements of Water Resource Protection District By-Law, Section XII, G.3.j. \*

Due to a misunderstanding in the past regarding this site, I would like to have it noted in the Special Permit that no site work begin until the building permit for the new office and storage building have been issued.

Respectfully submitted,

Robert J. Whalen  
Building Commissioner

\*See attached

RJW/d

SECTION XII

WATER RESOURCE PROTECTION DISTRICTS BY-LAW

(also known as WRPD BY-LAW)

**A. PURPOSE OF DISTRICTS**

The purpose of the Water Resource Protection Districts is to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Middleborough; to preserve and protect existing and potential sources of drinking water supplies; to prevent temporary and permanent contamination of the environment; and to protect, preserve, conserve and maintain the water and natural resources of the Town and to prevent their pollution.

**B. SCOPE OF AUTHORITY**

The Water Resource Protection Districts shall be considered as overlying other zoning districts. Any use prohibited under existing zoning by-laws applicable to the portions of the district so overlaid shall continue to be prohibited under this WRPD By-law.

**C. DEFINITIONS**

For the purposes of this section, the following terms are defined below:

**Aquifer:** Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

**Groundwater:** All the water found beneath the surface to the ground. In this By-law the term refers to the slowly moving subsurface water present in aquifers and recharge areas.

**Impervious Surface:** Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

**Natural Vegetation Area:** Area of lot kept in it's unaltered, natural, existing vegetated condition including trees, woods, brush, etc.; land having a well-established cover of native plants (grasses, ground covers, trees, mulch, etc.) Land altered or paved as a result of a previous use, may be restored to a natural vegetation area. The purpose of said area is to provide and encourage natural drainage patterns, groundwater recharge and natural separation to groundwater tables through uneven topography, leaf litter, dense vegetation and slow rates of runoff.

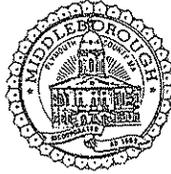
33CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act, as of the effective date of this By-law except that necessary for:

- i. limited projects as defined by 310 CMR 10.53 (3);
- ii. creation of wetland replacement or flood storage mitigation;
- iii. installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation or hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc.;
- iv. maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams may be permitted upon issuance of a Special Permit by the SPGA which shall consider the report and recommendations of the Board of Health, Planning Board and Conservation Commission. Such Special Permit may be conditional upon safeguards and requirements to protect water resources, health, safety and welfare, and shall be in compliance with the provisions of Section I. below. The SPGA shall determine to its satisfaction that any land disturbing activity or activities shall be in compliance with this provision and to that end may reasonably require any of the following:
  - v. determination of Applicability by the Conservation Commission;
  - vi. a plan certified by a Registered Land Surveyor which shows the location of all wetlands as set forth above and the area which is within twenty-five (25) feet of the wetland.
- j. Any use that will render more than 40 % of any lot impervious. Special Permits may be issued for alterations resulting in less than 40% impervious area provided that pre-development runoff rates from a lot shall not exceed post-development runoff rates for storms up to and including the 100-year storm. Except for single or two (2) family residential uses, all parking areas shall be impervious and be equipped with oil, grease, and sediment traps to facilitate removal of contamination and these devices shall precede any infiltration structure or drainage outfalls. Stormwater from parking areas, if recharged, shall be via infiltration basins or similar systems covered with natural vegetation and dry wells/leaching structures shall be used only where other methods are infeasible. The owner shall permanently maintain any and all recharge areas in full working order. Not less than 50% of any lot area shall be maintained as a Natural Vegetation Area. This provision does not apply to lots within the Downtown Business District.

#### H. WRPD Z4 USE REGULATIONS

1. WRPD Z4 – Permitted Uses: Except as specified in H.2 and H.3 below, those principal and accessory uses authorized in the underlying district are permitted in WRPD Z4.

5/14/01 Town Meeting



## Town of Middleborough

### CONSERVATION COMMISSION

#### MEMORANDUM

TO: Board of Selectmen  
Planning Board  
Jeanne Spalding, Health Officer  
Robert Whalen, Building Commissioner

FROM: Patricia J. Cassady, Conservation Agent 

DATE: July 31, 2009

RE: W.R.P.D. Application – 352 Wareham Street (Map 72, Lots 5421 & 4657)

This memo is in response to a memo received by the Board of Selectmen's Confidential Secretary for a W.R.P.D. application to construct a used car dealership and parking area in a zone 3 under W.R.P.D. at 352 Wareham Street.

There are no wetland resource areas on or near the site and therefore the Conservation Department has no issue with the proposal.

If you have any questions don't hesitate to contact the Conservation Department at 508-946-2406.

pjc



Town of Middleborough  
Massachusetts

BOARD OF SELECTMEN

APPLICATION FOR LICENSE  
(PLEASE TYPE OR PRINT CLEARLY)

DATE 8-5-09  
NAME OF APPLICANT Elliot Schneider  
ADDRESS OF APPLICANT 10 Owl Dr. Sharon MA  
ASSESSORS MAP & LOT \_\_\_\_\_  
NAME OF BUSINESS Wareham St. Realty Trust  
OWNER OF PROPERTY TO BE LICENSED Elliot Schneider  
ADDRESS OF PROPERTY TO BE LICENSED Lot 3  
ASSESSORS MAP & LOT M72, Lots 5421 + 4657

TYPE OF LICENSE REQUESTED: (Check One)

2<sup>nd</sup> Hand Furniture \_\_\_\_\_ 2<sup>nd</sup> Hand Clothing \_\_\_\_\_ \*WTEPD  
Class I License \_\_\_\_\_ Class II License \_\_\_\_\_  
Class III License \_\_\_\_\_ Liquor License \_\_\_\_\_  
Common Victualer \_\_\_\_\_ Other \_\_\_\_\_

Anticipated Start Date for Business \_\_\_\_\_

Hours requested: \_\_\_\_\_

Has the Applicant previously held a similar license in the Town of Middleborough or elsewhere? If yes, explain:

\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

DATE OF HEARING 8/24/09 9-14-09 APPROVED/DENIED

Do not write below line: To be Completed by Treasurer/Collector:

Please inform this department, as well as the Board of Selectmen, as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? NW

*V. Madrucciano*

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 July 14, 192009

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.)

To allow the construction of a used car dealership and its associated parking area in the WRPD 23 district at 352 Wareham St., Assessors Map 72 Lots 5421 and 4657, as shown on the attached plan.

B. State full names and addresses of last known abutting property owners, and the 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 attached a certified list of these property owners to this petition.

C. Respectfully submitted,

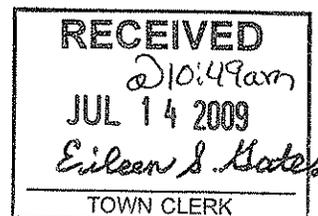
Signature: *Elliott Schmitt*

Printed Name: ELLIOTT SCHMITT

Address: 10 OWEN DR

SUTTON, MA 02067

Telephone Number: 508-899-1212



**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.	<u>JY</u>	___
2.	The plan has street location(s), number, buildings and driveway and shows the acreage of the lot in square feet.	<u>JY</u>	___
3.	The plan shows existing waterways adjacent, on or near the property.	<u>JY</u>	___
4.	The plan is stamped by BOTH a registered Land Surveyor and a Civil Professional Engineer.		
	Note: If the site has no approval required other than a home lot then a Land Surveyor stamp will be accepted.	<u>JY</u>	___
5.	The plan contains topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<u>JY</u>	___
6.	The plan provides details for work done or proposed for any component outlined in No. 5 (above).	<u>JY</u>	___
7.	The submittal contains the abutters list.	<u>JY</u>	___
8.	The submittal contains calculations for any proposed on site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	<u>JY</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>JY</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>JY</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>JY</u>	—
12.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	—	<u>JY</u>