

**HEARINGS, MEETINGS, LICENSES**  
**5-18-09**

(TOWN SEAL)

A hearing will be held by the Board of Selectmen on Monday, May 18, 2009 at 7:30 PM in the Selectmen's Meeting Room at the Town Hall, located at 10 Nickerson Avenue, Middleborough, MA for the purpose of discussing application made by Thomastowne, LLC, dba The Riverside, for a new All Alcoholic Beverages Restaurant Liquor license for property located at 58 E. Grove Street, Middleboro, MA, Assessors Map 58, Lot 5557, Middleborough, MA. Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: May 7, 2009

Please bill the Town of Middleborough, c/o Board of Selectmen's Office. Thank you.

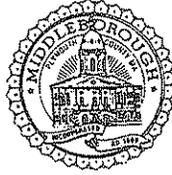
(Town Seal)

A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, May 18, 2009 at 7:35 PM, for the purpose of discussing an application filed by Edward Viera for an Earth Removal Permit for property located at 195 Plympton Street, Middleborough, Assessors Map 026, Lots 4361, 4385 and 5119, Middleborough, MA. The reason for this request is for earth removal as part of the site plan dated 4-10-09. Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: May 7, 2009

Payment to follow in mail for advertiser #300074.



## Town of Middleborough

### CONSERVATION COMMISSION

#### MEMORANDUM

TO: Board of Selectmen  
R. Geoffroy, Planning Director  
D. Boucher, DPW Superintendent

FROM: Patricia J. Cassady, Conservation Agent 

RE: Earth Removal Application – 195 Plympton Street (Map 026, Lots 4361, 4385 & 5119)

DATE: May 13, 2009

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This memorandum is in response to the earth removal permit that the above-mentioned applicant has submitted to the Board of Selectmen.

This proposal has an Order of Conditions with the Conservation Commission under DEP file # 220-1010, which expires September 7, 2009. If the earth removal is to continue past the September date Mr. Vieira would be prudent to request an extension on his Order of Conditions. This request can be made up to 30 days prior to the expiration date.

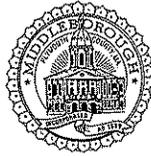
The Commission has worked with Mr. Vieira over the past year on activity that has taken place on the site. Mr. Vieira has agreed with the commission to plant a row of blueberry bushes parallel to the small canal that then goes under Plympton Street via a culvert as restoration.

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

Thank you

pjc

*Incorporated 1669*  
*339 Years of Progress*



**CRANBERRY CAPITAL  
OF THE WORLD**



## Town of Middleborough

*Massachusetts*

### Department of Public Works

48 Wareham Street  
Middleborough, MA 02346  
Tel. 508-946-2480  
Fax 508-946-2484

Donald A. Boucher  
Highway Superintendent  
Joseph M. Ciagio  
Wastewater Superintendent  
Richard E. Tinkham  
Water Superintendent

DIVISIONS  
Highway  
Sanitation  
Insect & Pest Control  
Tree Warden  
Water  
Wastewater

May 13, 2009

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

Re: Earth Removal at 195 Plympton Street

Dear Chairman:

I would like to recommend that you vote to approve Mr. Viera's request for his Earth Removal to complete his bogs at 195 Plympton Street.

Very Truly,

Donald A. Boucher,  
Highway Superintendent

Cc: Town Manager  
Conservation Commission  
File

**TOWN OF MIDDLEBOROUGH**  
**EARTH REMOVAL APPLICATION**  
**and renewal form**

**1. General Information**

Name of Applicant: Edward Viera

Address of Applicant: P.O. 101 Middleboro, MA

Town or City: 195 Plympton St Middleboro MA 02346

Owner of Property: Edward Viera

Location of Property: 195 Plympton Street

Assessor's Parcel and Map Numbers Map 26 Parcel 4361

Map 26 Parcel 4385

Map 26 Parcel 5119

**2. Permit Status**

New Application or Renewal:

Request for an Extension of Time for existing permit: \_\_\_\_\_

Existing Permit Number: \_\_\_\_\_

Parcel(s) Acreage: 17.22

Estimated Number of Cubic Yards to be Removed: 62,890

Requested Time Frame of Permit 3 yr.

Brief Project Description and Reasons for Request:

To Construct new Cranberry Bog + New Reservoir

**3. Project Plan**

Has a Project Plan being submitted with this Application?

**An Application for an Earth Removal Permit will not be accepted by the Board of Selectmen for a public hearing, unless submitted with this application.**

**4. Planning Information**

a. **Proposed Traffic Route** from site to unloading of materials.

Route 58 or Route 44  
\_\_\_\_\_  
\_\_\_\_\_

b. Has a plan and Notice of Applicability (NOA) or Intent (NOI) been submitted to the Town of Middleborough's Conservation Commission? yes

c. Has Order of Conditions by Conservation Commission been issued: If so what is project number and date of conditions : \_\_\_\_\_

d. Provide a copy of the Order of Conditions so they may be attached to the permit.

e. Is there a Department of Environmental Protection – Water Management Act Registration or Permit for this property? no

Permit No. \_\_\_\_\_ Registration No. \_\_\_\_\_

f. Has a Farm Plan been completed? no Please provide a copy.

g. Expected Date of Project Completion: \_\_\_\_\_

**5. Engineering General Information**

Engineering Firm Name: Webby Engineering Inc.

Engineer's Contact/Name: Joseph Webby Jr.

Street: 180 County Road

Town/City Plympton MA 02367

Phone Number: 781 585-1164

**7. Financial Obligations**

Do you owe any property taxes, water, sewer or any other financial obligation to the Town of Middleborough that is not current?

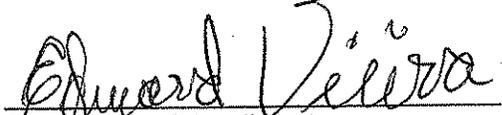
\_\_\_\_\_ yes       no

**8. Authorization of Applicant**

a. Have you authorized the engineer to speak on your behalf regarding project questions that may come up prior to the public hearing?

yes      \_\_\_\_\_ no

b. I have reviewed this Application Package and attached information and deem it to be correct.

  
\_\_\_\_\_  
Signature of Applicant

EDWARD VEIRA  
\_\_\_\_\_  
Printed Name of Applicant

Date 4/15/09

Phone Number: 508-946-4282

## APPENDIX B

### PLAN CHECKLIST

PLEASE COMPLETE CHECKLISTS FOR PLANS AND PROJECT PLAN AND INITIAL:

PLANS	Check	Initials
<b>A. Cover page that shows:</b>		
1. Name of project:	<input checked="" type="checkbox"/>	<u>Jaw</u>
2. General directional and town locus:	<input checked="" type="checkbox"/>	<u>Jaw</u>
3. Water Resource Protection District limits	<input checked="" type="checkbox"/>	<u>Jaw</u>
4. Engineering Firm Name and address	<input checked="" type="checkbox"/>	<u>Jaw</u>
5. Flood Map limits (if applicable)	<input checked="" type="checkbox"/>	<u>Jaw</u>
6. Zoning District limits	<input checked="" type="checkbox"/>	<u>Jaw</u>
<b>B. Civil Drawing Sheet 1 - that show at a minimum:</b>		
1. Existing streets	<input checked="" type="checkbox"/>	<u>Jaw</u>
2. Property lines and names of adjacent properties/abutters	<input checked="" type="checkbox"/>	<u>Jaw</u>
3. Existing tree lines	<input checked="" type="checkbox"/>	<u>Jaw</u>
4. Existing and proposed topographical contours (5' foot minimum)	<input checked="" type="checkbox"/>	<u>Jaw</u>
5. Town roadways	<input checked="" type="checkbox"/>	<u>Jaw</u>
6. Proposed treed buffer zones between edges of excavation and abutters	<u>NA</u>	<u>Jaw</u>
7. Proposed buffer zones between property excavation and town street(s)	<input checked="" type="checkbox"/>	<u>Jaw</u>
8. Distances of proposed reservoir or excavations from property lines of abutters.	<input checked="" type="checkbox"/>	<u>Jaw</u>
9. Location and type of proposed excavation and work	<input checked="" type="checkbox"/>	<u>Jaw</u>
10. Locations of stockpiling of materials	<input checked="" type="checkbox"/>	<u>Jaw</u>
11. Proposed reservoir volume, slopes and bottom elevations	<input checked="" type="checkbox"/>	<u>Jaw</u>
12. Site of proposed dewatering pond, discharge and overflow structure	<u>NA</u>	<u>Jaw</u>
13. Any proposed buildings, structures or utilities	<u>NA</u>	<u>Jaw</u>
14. Roadway systems and gates, and proposed paving areas	<u>NA</u>	<u>Jaw</u>
15. Proposed areas of agricultural uses	<input checked="" type="checkbox"/>	<u>Jaw</u>
16. Indications of phased operations	<u>NA</u>	<u>Jaw</u>
17. Areas to be seeded	<input checked="" type="checkbox"/>	<u>Jaw</u>
18. Existing and proposed slopes with limits of final grading	<input checked="" type="checkbox"/>	<u>Jaw</u>
19. Locations of ditches	<input checked="" type="checkbox"/>	<u>Jaw</u>
20. Wetlands and water resource areas	<input checked="" type="checkbox"/>	<u>Jaw</u>
21. Elevations of water (high, low) as applicable	<input checked="" type="checkbox"/>	<u>Jaw</u>
22. Drainage patterns with directional arrows showing flow	<u>NA</u>	<u>Jaw</u>
23. Fencing	<u>NA</u>	<u>Jaw</u>
24. Professional Engineers Civil stamp	<input checked="" type="checkbox"/>	<u>Jaw</u>

25. Date of preparation  
Other information as appropriate to good engineering design

✓

Jaw

**C. Civil Drawing Sheet Number 2 (as applicable)**

1. Pond specifications with erosion controls
2. Erosion controls
3. Side Flow Profile

NA

NA

NA

Jaw  
Jaw  
Jaw

CRANBERRY CAPITAL  
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

**Town of Middleborough**  
**Massachusetts**

May 11, 2009

BOARD OF SELECTMEN

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

Tom Stevens  
299 Miller Street  
Middleboro, MA 02346

**Sent Certified Mail – 7002 2410 0006 3764 2127**

RE: Animal Complaint

Dear Mr. Stevens:

A request has been made for the Board of Selectmen to hold a Hearing regarding an Animal Complaint filed by:

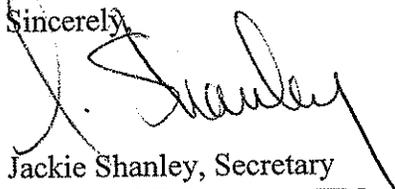
William Parks  
290 Miller Street  
Middleborough, MA 02346

You have been named as the owner of the dog which is the subject of the complaint.

It is requested that you appear at the meeting of the Board of Selectmen on **Monday, May 18, 2009 at 7:45 PM** to resolve this matter. The hearing will be held in the Selectmen's Meeting Room in the Town Hall, 10 Nickerson Avenue.

Please contact this office if you have any further questions.

Sincerely,

  
Jackie Shanley, Secretary  
BOARD OF SELECTMEN

cc: Board of Selectmen  
Jaysen Tracey  
William Parks (sent certified mail 7002 2410 0006 3764 2073)

Middleborough Animal Control  
20 Center Street  
Middleborough MA

April 23, 2009

Att: Selectmen's Office  
Re: Vicious Dog Complaint

I am sending this letter, Hearing Request Form, Animal Control Incident Reports and recommendation concerning a Vicious Dog complaint for William Parks – 290 Miller Street of a dog owned by Thomas Stevens- 299 Miller Street. The petition for a hearing is being requested by Mr. Parks. Any other information or paperwork will be provided upon request.

Jayson Tracy  
Middleborough Animal Control  
508 946 2455



Animal Complaint Form



MIDDLEBOROUGH POLICE DEPARTMENT  
99 NORTH MAIN STREET  
MIDDLEBOROUGH, MA 02346-2493

WILLIAM WYATT

(508) 946-2455

FAX (508) 947-1009

ANIMAL CONTROL OFFICER • STATE ANIMAL INSPECTOR

COMPLAINT OF VICIOUS OR BARKING DOGS  
(Massachusetts General Laws Chapter 140, Section 157)

To: Animal Control Officer  
Board of Selectmen

Date 04/21/09

I hereby make complaint hereon, that an animal(s) Dog  
owned or harbored by: Tom Stevens 299 Miller St.  
residing in my vicinity on or near 290 Miller St Middleboro  
is a nuisance by reason of: Vicious Disposition

1.) Vicious Disposition: on 04/20/09 AT APPROX 12:45pm I  
WAS WALKING PAST 299 MILLER ST AND WAS  
BITTEN ON RIGHT CALF BY A MEDIUM SIZE DOG W/  
BRN CURLY HAIR.

2.) Excessive Barking: \_\_\_\_\_  
(State Facts) \_\_\_\_\_  
\_\_\_\_\_

3.) Other Disturbance: \_\_\_\_\_  
(State Facts) \_\_\_\_\_  
\_\_\_\_\_

4.) Source of Annoyance to a Sick Person Residing in the Vicinity: \_\_\_\_\_  
(State Facts) \_\_\_\_\_  
\_\_\_\_\_

This complaint is made under the penalties of perjury.

William P Parks II  
Complainant's Signature  
290 Miller St Middleboro  
Complainant's Address  
508-946-0507  
Complainant's Phone Number

04/22/09  
Date

Middleborough Animal Control  
20 Center Street  
Middleborough MA

April 23, 2009

Att: Selectmen's Office  
Re: Recommendation for Vicious Dog Complaint of the dog owned by Thomas Stevens -299 Miller Street.

I am submitting this summary and recommendation, per request of the Board, regarding the Vicious Dog complaint for the animal at 299 Miller Street.

The Animal Control Department was contacted by William Parks on 4/21/09 regarding a dog that had chased and bit him as he was jogging by 299 Miller Street. Mr. Parks described being followed by a black and white dog the fits the description of an animal owned by Mr. Thomas and then being bit on the back of the calf by another smaller, curly haired, tan dog that he did not see until after the bite. The biting dog also fits the description of an animal owned by Mr. Stevens. The Animal Control Officer verified through the Clerks Office that the dog who bit Mr. Parks was currently licensed and up to date on it's required vaccinations.

On 4/22/09 the Animal Control Officer visited Mr. Thomas and spoke to him about the ongoing problems with his dogs being loose and how the small dog had bit Mr. Parks. Mr. Thomas was informed his dog was now quarantined and the Animal Inspector will be visiting to follow-up and process the animal officially.

The Animal Control Office has had many complaints about Mr. Thomas and the care and restraint of many of his animals over a number of years. Mr. Thomas has been repeatedly reminded of the leash law and the department has seen little evidence that he restrains his dogs in accordance to the by law. The Animal Control inquired as to the outcome Mr. Parks would like to see for the dog and he is requesting the dog be euthanized, however, in light that this is the first incident where this dog has bit a person and the chronic issue of Mr. Thomas' lack of restraint, the department is requesting that the dog be removed from the town to another accommodating locale and if one can't be found, then the dog be euthanized.

Jayson Tracy  
Middleborough Animal Control  
508 946 2455

## Animal Control Incident Reports

Incident Log					
Last Name	First Name	Nmbr	Address	Home Phone	Breed
Stevens	Tom	299	Miller Street	(508) 947-1166	Multi

Incident/s
<p>11/26/07 ACO loose dog. ACO received a call from Mrs. Duphilly claiming she had trapped one of Mr. Steven's dogs. PT ACO collected the dog and brought it to the shelter. ACO had the dog transported to Boston ARL and required a rabies shot be administered before release.</p> <p>11/26/07 Mr. Stevens called inquiring about his dog and was informed where the dog had been taken. Mr. Stevens collected the dog from Boston himself.</p> <p>11/29/07 ACO was dispatched to 300 area of Miller Street for a loose donkey in the yards. PT ACO and AI arrived and witnessed a donkey belonging to Mr. Stevens in the yard of 297 Miller Street - Mike- who claims the animal has been in or around his yard for the past few days. Both Officers were told that Mr. Steven's is not home to collect the animal. PT ACO and AI were given permission by resident and secured the donkey on his property. The resident claims he has spoken to Mr. Stevens about taking custody of the donkey. While addressing the loose donkey, the PT ACO collected one of Mr. Steven's dog who was continually running off the property.</p> <p>11/30/07 Mr. Stevens was informed that the PT ACO had his dog and he would be required to license the dog before it could be collected.</p> <p>11/30/07 Mr. Stevens collected the dog and showed the PT ACO a 2007/2008 Middleboro dog license #2070.</p> <p>12/12/07 ACO received a call from AI concerning Mr. Steven's animals. ACO and AI visited the address and the ACO spoke to Mr. Stevens about the long term care of the animals. Mr. Stevens inquired about the option of having the Animal Rescue League adopt them out for him. ACO agreed to ask the League in Mr. Stevens behalf. As the ACO and AI were leaving the address, the AI informed Mr. Stevens that the llamas need flowing water not ice that was in the water buckets.</p> <p>12/13/07 ACO had PT ACO call and leave a message with Mr. Stevens about the ARL taking the llamas.</p> <p>12/17/07 ACO and ARL LE visited the Stevens address and he agreed to allow the ARL LE to take the llamas. The ARL will make arrangements to take the animals between 12/19-12/21.</p> <p>8/12/08 Loose dog. ACO dispatched to 4 Fernway to collect a dog loose in their yard. ACO arrived and collected a white and tan terrier mix.</p> <p>8/15/08 ACO was contacted by Mr. Stevens and will make arrangements to collect the dog. ACO verified the dog was not licensed.</p> <p>8/16/09 Mr. Steven's collected the dog -lic #826</p> <p>3/16/09 ACO was dispatched to 299 Miller Street in regards to loose dogs not allowing a resident to pass on the street. ACO arrived and witnessed a boxer/pit, a bloodhound and a terrier in the street. ACO drove his truck to the house and the dogs followed. ACO contacted Mr. Steven's by</p>

**Incident/s**

phone who gave the ACO permission to let the dogs into the house. ACO got the Pitt and terrier inside but the Blood hound ran into the woods.

4/20/09 ACO received a call regarding a dog bite in the area of 299 Miller Street. ACO received a call from William Parks-290 Miller Street who claims he was jogging by Mr. Steven's house and he was approached by a black and white boxer mix and a small/med curly haired terrier type dog. The smaller dog bit him on the calf and broke the skin. ACO informed Mr. Parks of his options regarding the hearing the process. ACO will pass info to the AI for Q.