

HEARINGS, MEETINGS, LICENSES
6-15-09

**TISPAQUIN REALTY CORP.
1453 PLYMOUTH STREET
BRIDGEWATER, MA 02324
508 697-5448
FAX 508 697-8182**

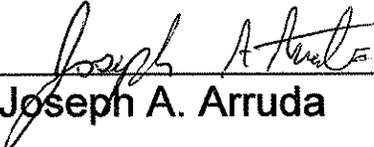
June 10, 2009

Town of Middleboro
Board of Selectmen
10 Nickerson Ave.
Middleboro, MA 02346

Board of Selectmen:

I, Joseph A. Arruda, owner of Tispaquin Realty Corp. requesting a one (1) year extension on the existing earth removal located at the rear of 143 Tispaquin Street, to complete phase 3 on a plan drawn by G.A.F. Engineering dated on 1/27/06, permit # 06-4.

Thank you for your consideration.



Joseph A. Arruda

*File
9/10/08
[Signature]*

Tispaquin Realty Corp.
Earth Removal Permit #06-4

Conditions for Earth Removal

BRS.

TISPAQUIN REALTY CORP.

Off Atwood Avenue

Middleborough, Massachusetts

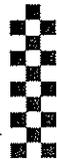
Assessors Map 044 Lot 6355, Assessors Map 61D Lot 735,

Assessors Map 61H Lot 2492, Assessors Map 062 Lot 3373

444,000 cubic yards

1. This permit is valid for three (3) years and may be renewed for up to one (1) year thereafter at the discretion of the Board of Selectmen.
2. Hours of operation are limited from 7:30 A.M. to 4:30 P.M. Operation is only allowed on Monday through Friday. Motors of earth removal equipment, including trucks hauling material to and from the site, are not to be started or run until 7:30 A.M. Trucks are not to line up before the start time or sit idling. There will be no jake braking.
3. No operation is allowed on Saturday, Sunday or Town Hall observed holidays:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents Day	Veteran's Day
Patriots Day	Thanksgiving Day
Memorial Day	Christmas Day
July 4 th	
4. All excavated areas not part of the bogs will be topsoiled and planted per the specification on the plan or at the direction of the Board. All top and subsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased. A minimum of four inches of topsoil must be put back in place.
5. Excessive erosion is to be controlled as determined by the Board of Selectmen or its agent.
6. An initial review to confirm compliance with permit conditions and restrictions must be performed by the Board's Agent before the commencement of any earth removal activities. The fee for this review is \$600.00, due and payable at the time the permit holder notifies the Board's Agent that all requirements of the permit which must be done prior to commencement of work have been accomplished, and the permit holder is ready for the Agent to perform the initial review.



7. Quarterly reviews must be performed by the Board's Agent every three months following commencement of earth removal work. These reviews will include a field review and plan review to determine on-going compliance with the permit. The fee for each such review is \$ 600.00, due and payable to the Town three months after the commencement of earth removal on the lot and every three months thereafter for the duration of the permittal project.
8. The plans, entitled, "Tispaquin Realty – Cranberry Bog Project – Off Atwood Avenue, Middleboro, MA, dated January 27, 2006 is incorporated herein by reference and is part of this permit, and must be adhered to strictly. Failure to do so constitutes a violation of this condition of the Permit.
9. A bond, or acceptable alternative surety, in the amount of \$50,000 will be required to indemnify the Town for damage to private or Town property and for use by the Town for site closure in the event of abandonment of the project.
10. Standard highway signs warning of heavy trucks entering the highway shall be erected as directed by the Board of Selectmen or their Agent and be in place prior to commencement of removal operations.
11. The Selectmen, Conservation Commission, Town Manager or their Agents shall be free to inspect the premises at any time during normal working hours with or without prior notice to the permit holder.
12. The permit holder is advised that no work may commence until he has filed a Notice of Intent under Chapter 131, Section 40, and received an Order of Conditions from the conservation Commission. A violation of the Order of Conditions issued by the Conservation Commission shall be a violation of this permit.
13. The permit holder shall adhere to all State laws pertaining to covering loads and weight loads.
14. Any spillage on public ways or private property shall be cleaned up by the permit holder or its agent.
15. All access to and from the permitted property will be as follows:

Leave site out of current road – left onto Rocky Meadow Street – Right on Tispaquin Street to Plymouth Street

Enter site empty from Plymouth Street – Right on Rocky Meadow Street – Right on Tispaquin Street – Left onto site.

16. The Board of Selectmen may, following a public hearing, revoke the permit, modify or revise the conditions of the permit and/or impose a fine if they find that the permittee, or any agent of the permittee, violates any condition of this permit.
17. No refining or screening of material is allowed on the permitted property except the screening of sand and loam to be used for on-site cranberry bogs, gravel for on-site roadways and loam for final on-site grading and seeding.
18. The Town Manager is authorized to act as the Selectmen's Agent in the administration and enforcement of this permit.
19. All loaded vehicles must be covered to prevent dust and contents from spilling or blowing from the property.
20. The haul road and loading area must be watered regularly to keep dust from blowing from the property. Gravel may be required to be added to the haul road by the Board's Agent to assist in dust control.
21. This permit is not transferable, except by vote of the Board of Selectmen. Notice of a pending sale or transfer must be provided to the board. The Board may, in its discretion, hold a public hearing to consider the transfer of this permit to the prospective buyer of the property.
22. During operations, where the excavation working face will have a depth of more than 15 feet with a slope in excess of 1:1, a fence at least three (3) feet high shall be erected to limit access to that excavation.
23. No area shall be excavated so as to cause accumulation of freestanding water, except in conjunction with a storage pond for cranberry bogs as shown on the record plans. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into or from streams or ponds, except as shown in the plan.
24. No excavation shall be closer than 200 feet to an existing public way unless specifically permitted by the Selectmen. Natural vegetation shall be left and maintained on the undisturbed land for screening and noise reduction purposes.
25. Bog pumps will be powered electrically, or in the alternative, mufflers will be installed on pumps to reduce noise.
26. Gates will be installed on the haul road to prevent unauthorized access to the property.

27. Two by Three foot signs will be erected every 500' along the property line. The signs will display the permit number, the name and phone number of the permit holder's agent and the name and phone number of the Board of Selectmen's Agent, together with the words "NO TRESPASSING-EARTH REMOVAL IN PROGRESS".
28. All non-company trucks hauling from the site must display a sign on the rear of the truck in an area that will be unobstructed and clearly in view displaying the words "TOWN OF MIDDLEBOROUGH PERMIT # 06-4".
29. A copy of this Earth Removal Order of Conditions shall be filed with the Registry of Deeds by the Permit holder as a notice to all that these conditions restrict work on the lot under the permit.
30. A Certificate of Compliance will be issued by the Board of Selectmen when the project is completed. The Certificate of Compliance will operate to release the lot from the conditions of the permit and terminate the permit. The Certificate of Compliance must also be filed with the Registry of Deeds by the permit holder.
31. The permit holder as a condition of the permit shall impose and record at the Plymouth County Registry of Deeds a declaration of restrictive covenants to restrict the use of the property which includes the area to be excavated pursuant to the permit to agricultural uses and activities necessary to develop and/or maintain the property for agricultural uses. The form of the declaration of restrictive covenants shall be subject to approval by the Board before it is recorded. The form of the declaration shall be substantially consistent with a sample declaration provided by the Board. No excavation and removal of earth removal materials shall take place pursuant to the permit until the permit holder records or registers the declaration of restrictive covenants with the registry of deeds or Land Court registry district and provides the Board with a certified copy of the recorded declaration.

Wayne C. Perkins, Chairman
BOARD OF SELECTMEN

Date

Commonwealth of Massachusetts
County of Plymouth

On this _____ day of _____, 2006, before me the undersigned Notary Public,
personally appeared _____, proved to me through
satisfactory evidence of identification which was/were _____, 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(s).

(Seal)
My commission expires _____

Signature of Notary

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405
Fax: 508-946-0058

Town of Middleborough Massachusetts

BOARD OF SELECTMEN
Marsha L. Brunelle

APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

Patrick E. Rogers
Wayne C. Perkins
Steven P. Spataro

DATE 6/10/09
NAME OF APPLICANT Tispaquin Realty Corp
ADDRESS OF APPLICANT 1453 plymouth st Bridgewater
ASSESSORS MAP & LOT map 44, 610, Lot 855, 735,
NAME OF BUSINESS Tispaquin Realty Corp
OWNER OF PROPERTY TO BE LICENSED same
ADDRESS OF PROPERTY TO BE LICENSED same
ASSESSORS MAP & LOT same

TYPE OF LICENSE REQUESTED (Check One)

2nd Hand Furniture _____ 2nd Hand Clothing _____
Class I License _____ Class II License _____
Class III License _____ Liquor License _____
Common Victualler _____ Other Earth Removal 06-4 permit #

Anticipated Start Date for Business _____
Hours requested: same

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

yes, last 3 years at location

Signature Joseph A. [Signature]

DATE OF HEARING 6/15/09

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? _____

CRANBERRY CAPITAL
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough
Massachusetts

May 27, 2009

Tom Stevens
299 Miller Street
Middleboro, MA 02346

BOARD OF SELECTMEN

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

Sent Certified Mail – 7002 2410 0006 3764 2172

RE: Animal Complaint

Dear Mr. Stevens:

The Board of Selectmen will hold a hearing on Monday, June 15, 2009 at 7:45 pm 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, June 15, 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 2189)

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
Type of Animal
owned or harbored by: Tom Stevens 299 Miller St.
Name & Address. Phone Number
residing in my vicinity on or near 290 Miller St Middleboro
Street or Locality
is a nuisance by reason of: Vicious Disposition
Pick from List Below

1.) Vicious Disposition: ON 04/20/09 AT APPROX 12:45pm I
(State Facts) 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 W 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.