

HEARINGS, MEETINGS, LICENSES
7-13-09

(TOWN SEAL)

A hearing will be held by the Board of Selectmen on Monday, July 13, 2009 at 7:45 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 The Convenience Store, Inc. for the Transfer of a Wine & Malt Beverages Package Goods Store Liquor license from Bourne Petroleum, LTD, property located at 414 West Grove Street, Middleboro, MA, Assessors Map 48, Lot 3899, 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

Stephen J. McKinnon

Alfred P. Rullo

BOARD OF SELECTMEN

Publish: July 2, 2009

*Payment forthcoming in mail advertiser # 300074

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 4/10/09 NAME OF APPLICANT Joseph Saueh ADDRESS OF APPLICANT 75 Forest St, Rockland, Mt ASSESSORS MAP & LOT NAME OF BUSINESS The Convenience Store Inc. OWNER OF PROPERTY TO BE LICENSED ADDRESS OF PROPERTY TO BE LICENSED 414 West Grove St. ASSESSORS MAP & LOT 048 / 3899

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand Furniture Class I License Class III License Common Victualer 2nd Hand Clothing Class II License Liquor License Other TRANSFER of license

Anticipated Start Date for Business Hours requested: Mon -> Sat 8:30 AM -> 12:11 PM

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

Signature [Signature] DATE OF HEARING 7-13-09

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? no

Judith M. MacDonald Treasurer: 947-5447

P

MEMORANDUM

TO: Board of Selectmen
Town Manager

FROM: J. Shanley, Confidential Secretary
Board of Selectmen

DATE: 7/9/09

RE: Vernon Street - Title V Hearing



Health Officer Jeanne Spalding reports that the review engineer for the Town of Middleborough has not completed the task and she is asking that the Board vote to continue the hearing for another week.



**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: April 23, 2009

**RE: Vernon St. Map 37, Lot 4669
Waiver request to local by law for wells**

Some of the Board members may remember this application coming before them before from Gallagher Eng. representing the owner, Mr. Sands. This previous request was denied by the Board acting as the Board of Health.

Brian Grady from GAF engineering is presenting the application again on behalf of the owner with a re-design and additional site monitoring information.

Health Dept. concerns remain relative to the potential to exacerbate flooding conditions on this lot as well as the direct abutters, the potential of septic contaminants leaching to flood waters and lateral flow of these contaminants to groundwater gradients of the on site well and nearby wells due to the reverse intrusion during flood conditions.

This application is similar in considerations as the previous case involving a lot on Tispaquin St. which was sent for comment to a review engineer at the cost of the applicant. It is my recommendation that a consistent process is requested of this applicant prior to a decision by the Board.



ENGINEERING
INC.

ENGINEERS
SURVEYORS

March 24, 2009

Town of Middleborough
Health Department
20 Centre Street
Middleborough, MA 02346
Attn: Jeanne Spalding

Re: Variance Request
Vernon Street, Map 37, Lot 4669
G.A.F. Job No. 07-7009

Dear Jeanne:

Attached please find a Sewage Disposal Design Plan and application for the above referenced property. On behalf of the owner, Michael Sands, we respectfully request that the Board of Health grant the following variances.

Variances to Local Regulation "Location of Well Sites"

This section requires that if the percolation rate is less than 5 minutes per inch, wells shall be setback 200 feet from subsurface disposal areas. The following setbacks have been provided:

1. The proposed well to the locus system is 106 feet. This is a 94 foot variance.
2. The proposed well to the system on adjacent lot 4636 (6 Vernon Street) is 176 feet. This is a 24 foot variance.
3. The existing well on lot 4636 (6 Vernon Street) is 156 feet to the proposed system. This is a 44 foot Variance.

It is our opinion that as designed, there will be no impact to the existing well at 6 Vernon Street or to the proposed locus well, from the construction of the proposed dwelling and sewage disposal system. We offer the following in support of this variance:

Topography

Figure 1 shows the USGS locus. This Figure shows that surface topography in the area slopes in a south-southwesterly direction, toward Poquoy Brook. The attached plan entitled "Sewage Disposal System Design, Prepared for Michael Sands", by this office and dated February 5, 2009, also shows that topography slopes in a southerly direction. Ground water generally mirrors surface topography. From the Figure and the attached plan it can be seen that the proposed sewage disposal area is located southerly of the proposed and existing well. This shows that ground water is flowing away from the up-gradient wells.

Soils

The USDA-Natural Resources Conservation Service soil survey map for the area (Figure 6) indicates that soils for the locus and adjacent properties consist of Scio very fine sandy loam and Eldridge sandy loam. Scio soils are classified as being moderately well drained with a slow to moderately slow permeability and a seasonal perched water table. Eldridge sandy loams are classified as being moderately well drained with a rapid to moderately rapid permeability and a seasonal perched water table. Specific on-site soil evaluations

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were performed by Frank Gallagher P.E. on October 21, 2003. These soils are on the attached plan and were described as fine to medium sands with water table indications at 2.5 feet. A percolation test was performed and a rate of 2 minutes per inch was obtained.

Private Wells

Well completion reports have also been provided for nearby properties as available from Health Department records. This data is summarized below:

<u>House #</u>	<u>Well Depth</u>	<u>Depth to Bedrock</u>	<u>Water Bearing Zone</u>
#44 Vernon	230'	31'	360-380'
#64 Vernon	420'	20'	
#66 Vernon	225'	30'	
#79 Vernon	220'	29'	80-82' & 142-145'

Mr. David Thompson, the abutter at 6 Vernon Street, has indicated to me that his well is approximately 150 feet deep. From this data we can determine that the proposed well to be sited at this location will most likely be a drilled bedrock well. Bedrock wells obtain water from crack and fissures within the bedrock, not from the shallow overburden tills and sands.

Monitoring Wells

Four ground water monitoring wells were installed on this property in January 2008 by Dragin Drilling, Inc. The purpose of these wells is to establish depth to water table and ground water flow direction. After installation of the wells, they were survey located and the elevation of the top of the casing was obtained. Once the elevation of the top of the well is known, measurements from the top of the casing to the water within the well can be taken. This will provide the depth to the water table for each well. These can then be compared to determine ground water contours which provide the direction of flow.

Monitoring began on January 28, 2008 and continued approximately once per month from January 28, 2008 through January 6, 2009. These twelve plans, entitled "Ground Water Contour Plan", are attached. These plans show the location and elevation of the existing monitor wells, existing surface contours, and the ground water contours. Just like with surface contours, flow direction is perpendicular to the ground water contours. These plans consistently demonstrate that ground water flow is toward the south-southwest, away from the upgradient well and the proposed locus well. This confirms the generalization made from the USGS contours that show the topography sloping to the south-southwest, toward Poquoy Brook and the Taunton River.

Summary

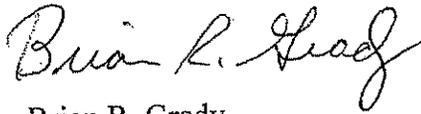
- 1) Topography from the USGS locus map shows that surface topography slopes toward the south-southwest. This is toward Poquoy Brook and the Taunton River.
- 2) The soils map shows that the area contains soils with slow to moderately slow permeabilities and high water tables.
- 3) Well completion reports demonstrate that private wells in the area are bedrock wells between 230 feet and 420 feet in depth. These wells obtain water from the bedrock aquifer and not from the shallow ground water sources.

- 4) The monitoring wells clearly demonstrate that ground water flows in a southerly direction, toward Poquoy Brook and the Taunton River.

From the above referenced information, it is clear that the localized ground water flows in a southerly direction. This is away from the adjacent well and the proposed locus well. There will be no impacts to these wells from the installation of the proposed sewage disposal system.

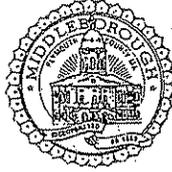
If you have any questions regarding the above please contact me.

Sincerely,
G.A.F. Engineering, Inc.

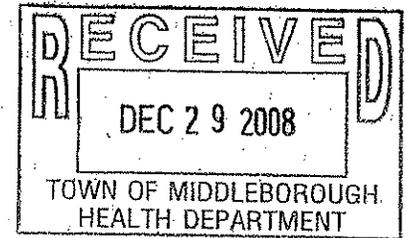


Brian R. Grady

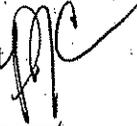
Cc: Michael Sands
David Gay, Esq.



Town of Middleborough
CONSERVATION COMMISSION



MEMORANDUM

TO: Jeannie Spalding, Health Officer
FROM: Patricia J. Cassady, Conservation Agent 
DATE: December 23, 2008
RE: Vernon Street (Map 37, Lot 4669) Comments

The Conservation Department has a couple of files on the above-mentioned site. The first file is under DEP file #220-880. This file was for a Notice of Intent to building a single family dwelling with associated septic system within the 100-foot buffer zone to a wetland resource area and within the bordering land subject to flooding (BLSF) also known as the 100-year floodplain. The result was the issuance of an Order of Conditions by the Middleborough Conservation Commission on June 22, 2004 approving the project. This Order of Conditions was then appealed to the DEP by an abutter, Mr. David Thompson in which the DEP then issued a Superseding Order of Conditions issued on October 27, 2004. The applicant Mr. Sands was then issued an Extension Permit for the Orders of Conditions that extends his approval to October 27, 2010.

The main topic of discussion concerning the permit under 220-880 was the floodplain. The fill within the BLSF will displace the flood storage capacity by 7,800 cubic feet and they are proposing 8,000 cubic feet of compensatory flood storage as mitigation. This mitigation was approved by the DEP. Under the Wetland Protection Act regulation 310 CMR 10.57 (4) (a) 1: mitigation can also take place within the BLSF as long as no flood storage capacity is lost.

More recently there was a second Notice of Intent filing under 220-1040 for the installation of five monitoring wells in the buffer zone to monitor the depth to the water table. This proposal was approved with the issuance of an Order of Conditions on August 16, 2007.

If there are any changes to these approved plans then Mr. Sands will need to come back before the Commission to see if the changes warrant the filing of a new Notice of Intent.

If you have any other questions, don't hesitate to contact me.

pjc