

Board of Selectmen - AGENDA

Town Hall

Monday - July 27, 2009

1. Pledge - Minutes - R/ES 7/13 Announcements:

2. New Business - 7:05 pm

- a. Disabled American Veterans - Forget-Me-Not Fundraising Approval
- b. Promotional Civil Service List - Sergeant
- c. Septic System Betterment Agreement - 4 Eva Lane
- d. Approve Town Manager appointments to Historical Commission

3. Hearings - Meetings - Licenses

- 7:10 pm Green School Update - Lincoln Andrews
 - 7:15 pm Vernon Street - Septic System Hearing (continue until August)
 - 7:25 pm WRPD Extension Request - Sippican Commerce Park
 - 7:30 pm WRPD Hearing - Wilfred Forcier - Off Thomas Street
 - 7:45 pm WRPD Hearing - James Webb - Off Purchase Street
 - 8:00 pm Resort Planning Monies - Town Planner/ OECD
-

4. Old Business

5. Town Manager's Report

6. Other - BOS and Public Comment

7. Correspondence

8. Executive Session - Collective Bargaining

Adjourn

MINUTES

For approval at the 7-27-09 meeting

**Middleborough Board of Selectmen
Meeting Minutes**

July 13, 2009

Chairman opened meeting at 7:00 PM by inviting those in attendance to join in the Pledge of Allegiance.

In attendance were Selectmen P. Rogers, M. Brunelle, S. McKinnon, and A. Rullo.

ANNOUNCEMENTS

The Resort Committee is meeting on 7-15-09 at 7:30 PM, Town Hall, 10 Nickerson Ave.. Chairman noted that the Town had been given some money by the Wampanoag Tribe for planning purposes and that there is presently a balance of those funds, of which the Town would like to receive feedback from the public as to how it, along with some new planning money, should be spent. Board hopes to hear from the regional committee representing the surrounding towns as well.

Selectwoman Brunelle reminded the public of the Middleborough Music Nights weekly Town Hall lawn concerts and noted that all proceeds go to the Animal Shelter, the Park Department and Middleborough Friends.

Selectman McKinnon announced that the Red White & Blues festival will be held on August 29th from 11 a.m. to 8 p.m. at Battis Field, with all proceeds to benefit Veterans' Outreach Centers.

Selectman McKinnon announced that on Friday night he had joined the Middleborough Police Department and drove throughout the Town with them to see the police in action. Selectman McKinnon noted that the Town of Middleborough has fine police officers. Chairman noted that he can attest to the fine caliber of fire department and ambulance personnel that the Town has based on a recent personal experience.

NEW BUSINESS

Stephen P. Morin, Nemasket River Productions (NRP) Production Manager addressed the Board regarding his application to rent the Town Hall Auditorium on August 10th and 11th, and asked if the rental fee could be waived.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to approve request including the waiver of rental fees.

Three in favor. P. Rogers abstained.

Selectwoman Brunelle asked that the advertisement signs be moved from time to time so as to not cause long-term damage to the Town Hall lawn. Mr. Morin agreed to the request.

Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted to approve meeting minutes of 6-29-09.

Two in favor. P. Rogers and M. Brunelle abstained.

**Middleborough Board of Selectmen
Meeting Minutes**

July 13, 2009

Kenneth Roberts addressed the Board to propose his plans of opening the "Near Dock" restaurant at 134 N. Main Street. Upon motion by Selectwoman Brunelle and seconded

by Selectman Rullo, Board voted to approve a Common Victualler license for the Near Dock restaurant with hours of operation as Sunday through Thursday from 11 a.m. to 9 p.m. and Friday and Saturday from 11 a.m. to 11 pm.
Three in favor. P. Rogers abstained.

Elmer Wing addressed the Board to propose his plans of opening a 2nd Hand Furniture/Clothing business at 20 Wareham Street. Selectman Rullo asked the applicant to explain an outstanding bill he is alleged to owe the Middleborough Fire Department. Applicant gave his explanation and Chairman noted that, according to Town Counsel, the matter could not be considered in deciding upon the 2nd Hand Furniture/Clothing license request. Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve license for Hidden Treasures with hours of operation from 10 a.m. until 8 pm Monday through Saturday.
Three in favor. P. Rogers abstained.
Selectwoman Brunelle asked applicant to attempt to straighten out issue of outstanding bill owed to Town of Middleborough. Mr. Wing agreed.

Middleborough Veterans' Memorial Park Trust (MVMPT) Chairman Don Triner addressed Board seeking a one-day liquor license.
Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted to approve a One-day Wines & Malt Beverages liquor license for Muckey's Liquors on October 8, 2009 from 7-9 PM for the MVMPT sixth annual Taste of Middleborough at the Middleborough National Guard Armory on Elm Street.
Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to continue Vernon Street Title V hearing to July 27, 2009 at 7:15 PM.
Three in favor. P. Rogers abstained.

TOWN MANAGER'S REPORT

Relative to traffic signal & intersection improvements project state Route 105 & I-49, Exit 4 ramps, Clark Street East - Town Manager updated the Board on his meeting today with the Commissioner in Senator Pacheco's office to discuss adding the signal at Clark Street East. Town Manager reported that the department is still considering the Town's request to have that signal and have requested updated data, which we will provide.

Town Manager provided follow up re DEP communication - Wareham Street Trust spill of oil on 91 South Main Street. Fire Chief reports it was oil dropped into a dumpster which then leaked onto the ground. It was a simple incident that has been resolved.

**Middleborough Board of Selectmen
Meeting Minutes**

July 13, 2009

Selectwoman Brunelle asked that the Town Manager, if presented the opportunity, ask the state to consider a traffic signal light for Route 28 near the former Chicken House.

Chairman spoke about two water treatment facilities – the Town may qualify for state program offering loans with low interest to replace one treatment facility and to use towards installing a new system at another. The Agreement Between the Town of Middleborough and the Wampanoag Tribe commits the Tribe to paying for one water treatment facility. Town Manager recommended having new Water Superintendent attend future Board meeting to provide comments. Jane Lopes asked if the Town has a cost estimate of these projects. Chairman confirmed it is available in the Tighe and Bond reports and indicated that he would locate and provide the information to Ms. Lopes.

Trash Pick up – Non Payment of Fees

Town Manager indicated that outstanding fees are incorporated into tax bills, however, he is unaware of the manner in which the Town assures that trash is not picked up for those individuals who owe fees. He will research and report back to the Board at its next meeting. Selectwoman Brunelle reported that the trash pick up stops and properties have liens put on them within a year. Town Manager will confirm process at next meeting.

HEARINGS, MEETINGS & LICENSES

At 7:45 PM Chairman opened public hearing on application made by The Convenience Store, Inc. for the Transfer of a Wines & Malt Beverages Liquor license from Bourne Petroleum, LTD, to The Convenience Store, property located at 414 West Grove Street. Chairman asked to hear comments from public. Hearing none, Chairman declared hearing closed. Upon motion by Selectman McKinnon and seconded by Selectwoman Brunelle, Board voted to approve. Three in favor. P. Rogers abstained.

OLD BUSINESS

Department of Public Works Director Job Description

Town Manager provided Board with the Department of Public Works Director job description, which incorporated all changes requested of the Board at its previous meeting. At the request of Selectman McKinnon, Town Manager gave overview of how this position came to be, explaining that it had been a goal of the Board of Selectmen. Mike Solimini addressed Board and questioned section of job description that indicates the DPW would maintain “all Town vehicles”. Town Manager noted that it would be modified.

Resort Planning Monies

Chairman asked Board if it would be willing to meet on July 27 with Town Planner and OECD Director to hear update of what they have been doing and outline some of their proposals of what they would like to do.

**Middleborough Board of Selectmen
Meeting Minutes**

July 13, 2009

Lakeville IMA

Selectman Rogers and Selectwoman Brunelle, agreed to work together and meet with Lakeville. Chairman will get meeting date to Selectwoman Brunelle.

Selectmen Goals and Objectives

Selectman Rullo read aloud his list of items that he would like the Board to address. Town Manager to provide status report/review of the Board's Goals & Objectives at its 8/24/09 meeting. Town Manager indicated that a Quarterly Report or Monthly Report from the Town Accountant can be arranged. He will discuss further with Selectman Rullo and Town Accountant S. Dooney. Board discussed its Goals and Objectives. Brian Giovanoni addressed the Board and referenced the 12-15-08 meeting at which the Board agreed upon its top five goals.

OTHER

Allin Frawley addressed Board to ask for update regarding Town Website. Town Manager reported that it is being worked on now and won't take long before it is completed.

Applying for loan for water treatment facility - Allin Frawley asked if the Town is going to put a proposal together asking the state for a loan, why not send the proposal to the Tribe as well? Chairman responded that the Commonwealth presents a list at the end of the year called an Intended Use Plan (IUP), which lets communities know if they will be offered a loan and the Tribe has an obligation to come up with money also. Selectwoman Brunelle explained that this was all part of the water and wastewater and this information was given to the engineers working for the Tribe on this project. They are fully aware that within our agreement they are responsible for a good portion of the expense.

Mr. Frawley asked if the Town will have to renegotiate anticipated costs for materials needed for the proposed resort casino with construction costs on the rise. Town Manager confirmed that the Agreement with the Tribe does not specify a dollar amount, but rather a commitment to pay for the material period.

Mike Solimini referenced newspaper article he read today re State Revolving Fund program monies. Chairman explained that these monies are provided as a grant from the Federal Government along with matching funds by the state. Communities are given these loans but must have an enterprise system in place to pay the guaranteed payment back to the state. The state takes the money and pays back their bond obligation. Any surplus money is re-loaned out.

**Middleborough Board of Selectmen
Meeting Minutes**

July 13, 2009

CORRESPONDENCE

#'s 4, 5, 16 - Rent Control letters (Edgeway Mobile Home)- Selectman Rullo noted that after reading these letters, he now understands the need for mobile home rent control.

4, 5 & 16 – Secretary to keep filed with Rent Control File and individual mobile home parks.

#11 Casualty loss form - formal notification only

#14 Taxation of Poles and Wires on public ways – Town Manager to review

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted by Roll Call to go into Executive Session at 9:20 PM to discuss strategy relative to Pending Litigation. Roll Call: P. Rogers, Yes; M. Brunelle, Yes; S. McKinnon, Yes; A. Rullo, Yes. Chairman announced Board would not return into Open Session.

Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

NEW BUSINESS

7-27-09



Disabled American Veterans
Cpl. William F. Reardon
Chapter 57
P.O. Box 57
Taunton, Massachusetts
02780



Officers 2008 - 2009

Commander
Morton E. Morin

Sr. Vice Commander
Leroy Crossman

Jr. Vice Commander
Bruce Crossman

Adjutant:
Paul M. Waldron

Treasurer:
Martin "Pete" Fox

Chaplain:
Paul L. Demers

Officer Of The Day
James Zahar

Sergeant at Arms
Stephen Horton

Service Officers
John Fielding
Mort Morin

Legislative Officer
Frank Ardita

Allied Veterans Council
Representatives
Armando Medeiros
Ed Hall
Francis Creney
Norman Record

Color Guard
Commander
John Fielding

Fifty Seven Show
Co-Hosts
John Fielding
Norm Willoughby
Field Reporter
Steve Horton

17 February 2009

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

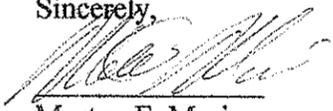
To Whom it May Concern:

Chapter 57 would appreciate being granted permission to conduct a Forget Me Not fundraising drive September 12 and September 13, 2009.

Our Forget Me Not monies are all expended on service to disabled veterans and/or their dependents. None of the monies that we collect are used for administrative purposes other than those used to raise the funds; such as the money spent purchasing the Forget Me Not flowers. None of the monies are used for administrative purposes by our state department or national headquarters; i.e., Chapter 57 is solely responsible for its collection and its distribution.

Our plans are to conduct the fund raising on private property after obtaining the owners' permission. Either Treasurer Martin Fox (508 822-4165) or myself (508 828-1808) may be contacted for further information.

Sincerely,


Morton E. Morin,
Commander

Commonwealth of Massachusetts
County of Plymouth

On This _____ day of _____ 20____ before me the
undersigned Notary Public, personally appeared _____, proved
to me through satisfactory evidence of identification which was _____
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).

Signature of Notary
Jacqueline M. Shanley

(Seal)
My commission expires:

MIDDLEBOROUGH POLICE DEPARTMENT

99 NORTH MAIN STREET
MIDDLEBOROUGH, MA 02346

(508) 947-1212

Fax (508) 947-1009



Gary J. Russell
Chief of Police

July 8, 2009

Board of Selectmen
Town Hall
Middleborough, MA 02346

RE: Promotion to Sergeant from Civil Service List

Honorable Board

Please see the attached Civil Service Certification List that ranks the candidates for the position of Police Sergeant for the Middleborough Police Department.

This will fill the vacant Sergeant position that is currently unfilled. This will help reduce having scheduled overtime for supervisor coverage of shifts. Also a supervisor does count towards the minimum manning of all shifts.

It would be by recommendation to promote Joseph Perkins to the position of Sergeant.

My recommendation is based on the fact that Perkins is the highest-ranking candidate on the list. Perkins has been a full time officer here since January 2000. He was assigned to the detective division in 2002. Perkins has a high degree of ambition and knowledge of the job. Perkins grew up in Middleborough and currently resides here with his family. He holds a Bachelors degree in law enforcement. Perkins served as a Sergeant with the Lakeville Police Department before coming to Middleborough. I did speak with Lakeville Police Chief Sorel who stated Joseph did an excellent job as a Sergeant there. Based on his experience and dedication to the profession I think he is the best candidate.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Bruce Gates".

Bruce Gates,
Chief of Police

TITLE CODE: 0083B
 CERTIFICATION NUMBER: 290406
 MIDDLEBOROUGH POLICE DEPT

PATRICK ROGERS CHAIRMAN
 MIDDLEBOROUGH POLICE DEPT
 TOWN HALL
 MIDDLEBOROUGH 02346

LOCATION: MIDDLEBOROUGH
 1 PERMANENT FULL-TIME POLICE SERGEANT
 SELECTION MUST BE OF 1 OF THE FIRST 3 HIGHEST WHO WILL ACCEPT

Name and address of Applicant Notified to Report for Interview	Eligibility Expires	Rank	Applicant Status				
			FAILED TO RESPOND	DECLINED APPOINTMENT	OTHER REPORT (STATE BELOW)	WILLING TO ACCEPT	SELECTED FOR APPOINTMENT
PROM <input checked="" type="checkbox"/> I WILL accept the appointment <input type="checkbox"/> I WILL NOT accept the appointment PERKINS, JOSEPH M 47 FERNWAY MIDDLEBORO 02346 Applicant's Signature: <i>Joseph M. Perkins</i>		89.00					
PROM <input checked="" type="checkbox"/> I WILL accept the appointment <input type="checkbox"/> I WILL NOT accept the appointment BEALSJR, DAVID A 8 LEILO DR MIDDLEBORO 02346 Applicant's Signature: <i>David Beals Jr</i>		84.00					
PROM <input checked="" type="checkbox"/> I WILL accept the appointment <input type="checkbox"/> I WILL NOT accept the appointment BAZAREWSKY, TODD K 95 QUAIL RUN PLYMOUTH 02360 Applicant's Signature: <i>Todd K. Bazarewsky</i>		83.00					
<input type="checkbox"/> I WILL accept the appointment <input type="checkbox"/> I WILL NOT accept the appointment Applicant's Signature:							
<input type="checkbox"/> I WILL accept the appointment <input type="checkbox"/> I WILL NOT accept the appointment Applicant's Signature:							
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COPY

COMMONWEALTH OF MASSACHUSETTS
TOWN OF MIDDLEBOROUGH
BOARD OF SELECTMEN (BOARD OF HEALTH)

NOTICE OF BETTERMENT AGREEMENT July 7, 2009.
NOTICE OF BETTERMENT

TO THE REGISTER OF DEEDS OF PLYMOUTH COUNTY

NOTICE is hereby given that the Board of Selectmen of the Town of Middleborough acting as a Board of Health pursuant to General Laws, Chapter 111, Section 127B 1/2 entered into a Betterment Agreement

Dated February 26, 2009 with Kevin & Janice Chicoine
(insert date) (insert name(s) of property owner(s))

with respect to real estate located at 4 Eva Lane
(insert address of property)

in Middleboro, Massachusetts and described in a deed recorded in the Plymouth County

Registry of Deeds in Book 22811, Page 330-331
(insert book and page)

or filed as Document Number _____ with the Plymouth
(insert document number of deed)

District of the Land Court. The purpose of the Betterment Agreement is to authorize and enable the aforesaid property owner(s) to cause the said property to be serviced properly

by a septic system funded by financial assistance from the Town of Middleborough in the sum of up to and not exceeding

Nineteen Thousand One Hundred & Seventy Eight Dollars (\$ 19,178.00).
(insert amount in writing) (insert amount in numbers)

The aforesaid property owner(s) shall be responsible to pay the Town of Middleborough for all funds advanced to the owner(s) pursuant to the Betterment Agreement together with interest.

The Betterment Agreement and this Notice shall be subject to the provisions of Chapter 80 of the General Laws relative to the apportionment, division, reassessment and collection of Assessment, abatement and collections of assessments and to interest. The lien for betterment under Chapter 80, the Betterment Agreement and this Notice of Betterment Agreement shall take effect by operation of law on the day immediately following the due date of such assessment or apportioned part of such assessment.

This Notice of Betterment Agreement shall be a betterment under Chapter 80.

Patrick E. Rogers, Chairman

Muriel C. Duphily

Marsha L. Brunelle

Stephen J. McKinnon

Alfred P. Rullo, Jr.

Board of Selectmen
Town of Middleborough

Incorporated 1669
336 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough

Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

July 14, 2009

Jane Lopes
61 Everett Street
Middleboro, MA 02346

Dear Ms. Lopes:

I am happy to reappoint you to the Historical Commission subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C for a term to expire in 2012.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting Monday, July 27, 2009.

Thank you for your willingness to serve the Town of Middleborough.

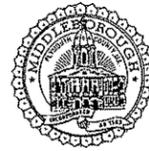
Very truly yours,


Charles J. Cristello
Town Manager

CJC/ajf

cc: Board of Selectmen
Eileen S. Gates, Town Clerk
Historical Commission

Incorporated 1669
336 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

July 14, 2009

Leslie Corsini-Hebert
267 Wareham Street
Middleboro, MA 02346

Dear Ms. Corsini-Hebert:

At the request of the Historical Commission Chairman, I am happy to reappoint you to the Historical Commission subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C for a term to expire in 2012.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting Monday, July 27, 2009.

Thank you for your willingness to serve the Town of Middleborough.

Very truly yours,

Charles J. Cristello
Town Manager

CJC/ajf

cc: Board of Selectmen
Eileen S. Gates, Town Clerk
Historical Commission

Incorporated 1669
336 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

Town Manager

508-947-0928
FAX 508-946-2320

July 14, 2009

Kristopher Belken
257 North Main Street
Middleboro, MA 02346

Dear Mr. Belken:

At the request of the Historical Commission Chairman, I am happy to reappoint you to the Historical Commission subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C for a term to expire in 2012.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting Monday, July 27, 2009.

Thank you for your willingness to serve the Town of Middleborough.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles J. Cristello".

Charles J. Cristello
Town Manager

CJC/ajf

cc: Board of Selectmen
Eileen S. Gates, Town Clerk
Historical Commission

HEARINGS, MEETINGS, LICENSES

7-27-09

Jacqueline Shanley

From: Jeanne Spalding
Sent: Tuesday, July 21, 2009 10:05 AM
To: Jacqueline Shanley
Subject: RE: Vernon St Title V hearing

The applicant's atty has requested a move to 8/10 in that he has a conflict on the 27th. Thanks,
Jeanne

From: Jacqueline Shanley
Sent: Thursday, July 16, 2009 10:57 AM
To: Jeanne Spalding
Subject: Vernon St Title V hearing

Jeanne,

Selectmen voted to continue hearing to 7/27 at 7:15 pm. Please let applicant know.

Thanks.

Jackie



3 Belcher Street | Plainville, MA 02762
T 508.643.2920 | F 508.643.0080

June 30, 2009

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

Re: WRPD Special Permit Extension Request - Sippican Commerce Park

Dear Board Members,

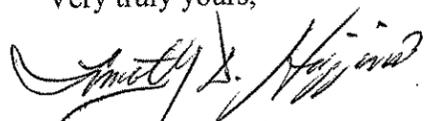
As you may recall, the Board granted a Special Permit ("the Permit") in August of 2007 to the Edgewood Development Company, LLC ("Edgewood") pursuant to the Water Resource Protection Districts By-Law of the Zoning By-Laws of the Town of Middleborough for improvements at Sippican Commerce Park. This commercial subdivision is located within the WRPD Z4 overlay district along the Bay Colony Railroad line in South Middleborough. A copy of the Permit is attached for your review. Unfortunately, we have not been able to start work on this project and respectfully request a two (2) year extension of the Permit.

Edgewood asks that the Board determine there is "*good cause*" to extend the time frame for the Special Permit to August 21, 2011 as authorized by MGL, Chapter 40A, Section 9. There are three reasons for this request: (1) The application process with the planning board began in April 2007 and lasted 14 months – not ending till July of 2008. (2) At that point there was little commercial interest so no activity was initiated by Edgewood till May of 2008. (3) From May 2008 through January 2009 Edgewood attempted to negotiate a mutually acceptable Agreement with the Planning Board to begin the project but was not able to do so. As you are aware, we are now (unfortunately) in court with that Board.

We are fully committed to constructing this commercial subdivision as it is an excellent project for Edgewood and the town. All other permits are in place as we have received our MEPA approval, Conservation Commission Order Of Conditions and our MassHighway Curb Cut Permit. We remain available to meet to negotiate an Agreement with the planning board which will address our mutual needs while making the project economically feasible to construct.

I thank you for your understanding and cooperation in extending the time frame for this important project. If you have any questions or require additional information, please contact me at your convenience. I look forward to meeting with you to discuss this extension and working with the Town to bring much needed non-residential growth to Middleborough.

Very truly yours,


Timothy D. Higgins,
Vice-President of Development

WRPD Special Permit Extension Request
Sippican Commerce Park
June 30, 2009

2

Enclosures: WRPD Special Permit (August 21, 2007)
Order of Conditions (June 17, 2007)



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

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

The Board set the 6th day of August, 2007, and 7:05 P.M. as the time, and the Selectmen's Meeting Room, at the Town Hall, 10 Nickerson Avenue, Middleborough, Massachusetts, as the place of the public hearing upon said petition.

The following notice was published in the Middleboro Gazette in the issues of July 26th and August 2nd, and a copy of said notice was sent by mail to each of the interested parties and the owners of all property affected thereby, as they appear upon the most recent tax list.

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, August 6, 2007 at 7:05 PM, for the purpose of discussing an application filed by Edgewood Development Company, LLC, 3 Belcher Street, Plainville, MA, for a Special Permit under the Water Resource Protection District By-law, to allow activities within 25 feet of a wetland, including minimal pavement widening on Wareham Street, and the filling of 1,418 square feet of an abutting cranberry bog, associated with the development of the Sippican Commerce Park commercial subdivision. The property is located off Wareham Street and is shown as Assessors' Map 109 Lots 4675, 4084, and 2963, and Assessors' Map 110 Lots 4183 and 4928, zoned General Use "A", W.R.P.D. "Z4". 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
July 26, Aug. 2, 2007

A hearing of said petition was held at the time and place specified. There were four (4) members of the Board present, they being: Selectman Rogers, Selectman Spataro, Selectman Perkins, and Selectman Bond.

Because Chairwoman Brunelle was absent, Vice Chairman Bond chaired the meeting.

Vice-Chairman Bond read the following: "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, August 6, 2007 at 7:05 PM, for the purpose of discussing an application filed by Edgewood Development Company, LLC, 3 Belcher Street, Plainville, MA, for a Special Permit under the Water Resource Protection District By-law, to allow activities within 25 feet of a wetland, including minimal pavement widening on Wareham Street, and the filling of 1,418 square feet of an abutting cranberry bog, associated with the development of the Sippican Commerce Park commercial subdivision. The property is located off Wareham Street and is shown as Assessors' Map 109 Lots 4675, 4084, and 2963, and Assessors' Map 110 Lots 4183 and 4928, zoned General Use "A", W.R.P.D. "Z4". Anyone wishing to be heard on this matter should appear at the time and place designated."

Vice-Chairman Bond explained that, because only four (4) selectmen were present, a unanimous vote of the Board would be needed to approve the Permit. Another option would be to open the hearing and continue until the fifth member is present.

Tim Higgins, Vice President of Edgewood Development Company, said he would like to proceed with the hearing.

Vice-Chairman Bond opened the hearing.

Mr. Higgins returned the green cards.

Mr. Higgins told the Board that the request is in regards to the development of the Sippican Commerce Park commercial subdivision on Route 28 in South Middleboro on the Rochester line.

Mr. Higgins said the property is zoned industrial. It abuts the Bay Colony Railroad line.

Mr. Higgins said there is an existing paved and gravel road which is accessed from the pavement of the relocated Route 28. There are currently two crossings of a stream. The proposal is to construct a new road in compliance with the subdivision regulations, DEP Stormwater Management Policy requirements and the Massachusetts Highway Department requirements between the streams. A new left turn lane will be added to Route 28 for northbound vehicles turning into the subdivision. Several feet of new pavement will be added. The old pavement will be removed and the area loamed and seeded further improving the quality of stormwater entering the stream. Some of this activity will occur within 25 of the stream, necessitating the Permit.

Mr. Higgins said that a stormwater treatment facility will be located under the roadways.

Mr. Higgins further explained that the project will require 1,418 of a bog to be filled. Replication of 2, 580 square feet is proposed on the same bog. This will also help the bog's owner, Danny Warren, as it will "square off" the bog and partially eliminate an existing "dog leg". He said there are no other viable alternatives to this activity.

Mr. Higgins also told the Board that two (2) existing dwellings on the bogs will be removed.

Mr. Higgins proceeded to go through correspondence showing that the proposal meets and/or fulfills each criterion providing under the Special Permit criteria.

Mr. Higgins said he looked forward to getting to work on the project. He said that the Environmental Impact Report will soon be filed with MEPA. This is all that remains.

Selectman Rogers said he was pleased with the information that was provided. He noted there are no wells in the area of the project.

Selectman Perkins said he was familiar with the site. He asked about the elimination of 2 septic systems.

Mr. Higgins said they would both be eliminated.

Vice-Chairman Bond noted correspondence from the Health Officer and Building Commissioner who had no comments regarding the request. The Tax Collector's Office indicates there are no outstanding taxes due.

Mike Burroughs, 636 Wareham Street, said he was concerned with the traffic coming out of the road and turning left. He asked if this was the "composting" project. He explained that trucks coming from SEMASS leave with "waste" on the tires which gets left on the street, making it slippery.

Mr. Higgins said he does not represent the composting company. He did say that project, if it goes forward, would require a notice of project change to be filed with MEPA. This would give the public the opportunity to comment. Trafficking routes is one of the areas.

John Burroughs, 621 Wareham Street, said he had taken the time to "count vehicles" from 7:00 AM to 7:00 PM. There is an average of a truck every 12 minutes. He said he could not support more trucks.

Vice-Chairman Bond asked how far from the road Mr. Burroughs lives.

Mr. Burroughs said about 80' from the road. He noted about 75% of the trucks that go by are trash trucks.

Selectman Spataro asked who would be responsible to maintain the discharge water system.

Mr. Higgins said a Trust of the building owners would be created. There will be no maintenance responsibilities for the Town or Mass Highway.

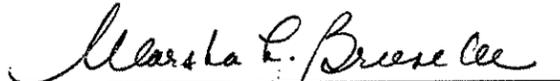
Hearing no further comments, Vice-Chairman Bond closed the hearing.

Upon motion by Selectman Perkins and seconded by Selectman Rogers, the Board
VOTED: To approve the request of Edgewood Development Company, LLC, 3 Belcher Street, Plainville, MA, for a Special Permit under the Water Resource Protection District By-law, to allow activities within 25 feet of a wetland, including minimal pavement widening on Wareham Street, and the filling of 1,418 square feet of an abutting cranberry bog, associated with the development of the Sippican Commerce Park commercial subdivision, for property located off Wareham Street, shown as Assessors Map 109 Lots 4675, 4084, and 2963, and Assessors Map 110 Lots 4183 and 4928, zoned General Use "A", W.R.P.D. "Z4".

The Board further found that the project is

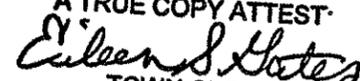
- a. Is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
- b. Is appropriate to the natural topography, soil, and other characteristics of the site to be developed.
- c. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer or recharge areas, and
- d. Will not adversely affect any existing or potential water supply.

Unanimous Vote.


Marsha L. Brunelle, Chairwoman
BOARD OF SELECTMEN

August 20, 2007
Date

RECEIVED
AUG 21 2007
TOWN CLERK'S OFFICE
MIDDLEBOROUGH, MA 02346

A TRUE COPY ATTEST

TOWN CLERK



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.



Middleborough

1. Conservation Commission

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

3. To: Applicant:

Edgewood Development Co. LLC
 a. First Name _____ b. Last Name _____ c. Company _____
3 Belcher Street
 d. Mailing Address _____
Plainville MA 02762
 e. City/Town _____ f. State _____ g. Zip Code _____

4. Property Owner (if different from applicant):

see attached list
 a. First Name _____ b. Last Name _____ c. Company _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

Off Wareham Street Middleborough
 a. Street Address _____ b. City/Town _____
110 & 109 4288,4299,4183,4958 & 4675,4084,2963
 c. Assessors Map/Plat Number _____ d. Parcel/Lot Number _____
Latitude and Longitude, if known (note: electronic filers will click for GIS locator): 41d48'18"N 70d47'53"W
 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) _____
23095,26454 & 31721 144, 143 & 190 Respectively
 c. Book _____ d. Page _____

7. Dates: 5/26/2006 5/17/2007 5/17/2007
 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):

"Sippican Commerce Park"
 a. Plan Title _____
G.A.F. Engineering, Inc. William F. Madden, Civil Registered Professional Engineer
 b. Prepared By _____ 4/28/07; Glenn D. Amaral, Professional Land Surveyor 4/28/07
See attachment list 1"=200'
 c. Final Revision Date _____ d. Scale _____
 f. Additional Plan or Document Title _____ g. Date _____



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 checked="" type="checkbox"/> Bordering Vegetated Wetland	2,980	1,418	6,240	2,850
	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	<u>21,603</u> a. total sq. feet	<u>21,603</u> b. total sq. feet		
Sq ft within 100 ft	<u>7,148</u> c. square feet	<u>7,148</u> d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	<u>14,455</u> g. square feet	<u>14,455</u> h. square feet	i. square feet	j. square feet

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		



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 220-1002"



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:

1. The applicant is to provide a splash pad on the outflow of discharge FES1 and FES2.
2. Comply with requirements in Amory Engineers; P.C. final peer review.
3. See attached.

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



D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Conservation Commission hereby finds (check one that applies):
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



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.

5/17/2007

1. Date of Issuance

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

Five

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

2. Number of Signers

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:

Notary Acknowledgement

Commonwealth of Massachusetts County of Plymouth

On this 17th Day of May 2007 Year

Before me, the undersigned Notary Public, personally appeared Deborah Kirsch

Name of Document Signer

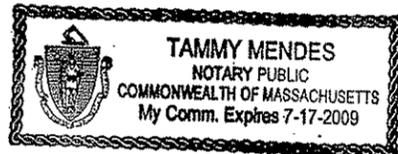
proved to me through satisfactory evidence of identification, which was/were

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
7/17/2009
 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.



DEP File Number:

220-1002

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:

Off Wareham Street
 Project Location

220-1002
 DEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth
 County

Book

Page

for:

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:

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

**SIPPICAN COMMERCE PARK
INDUSTRIAL SUBDIVISION**

PLAN INDEX

<u>Sheet No.</u>	<u>Description</u>	<u>Date</u>
1	Title Sheet	04/27/07
2	Abbreviations, Legend & Notes	04/27/07
3	Key Sheet – Lotting Sheet 1 of 7	04/27/07
4	Lotting Sheet 2 of 7	04/27/07
5	Lotting Sheet 3 of 7	04/27/07
6	Lotting Sheet 4 of 7	04/27/07
7	Lotting Sheet 5 of 7	04/27/07
8	Lotting Sheet 6 of 7	04/27/07
9	Lotting Sheet 7 of 7	04/27/07
10	Topographic Overview – Key Sheet	04/27/07
11	Detention Basin	05/27/07
12	Railroad Spur Swale	04/27/07
13	Retention Basin / Fire Pond	04/27/07
14	Profile Sheet Sta: 0+00-10+50	04/27/07
15	Profile Sheet Sta: 10+50-21+100	04/27/07
16	Profile Sheet Sta: 21+00-26+82 & Grading	04/27/07
17	Construction Detail Sheet No. 1	04/27/07
18	Construction Detail Sheet No. 2	04/27/07
19	Construction Detail Sheet No. 3	04/27/07
20	Construction Detail Sheet No. 4	04/27/07
21	Construction Detail Sheet No. 5	04/27/07
22	Construction Detail Sheet No. 6	04/27/07
23	Drainage Cross-Sections	04/27/07
24	Test Pits	04/27/07
25	Landscape Plan Around Parcel C	04/27/07
26	Street Lighting Layout & Photometrics	04/27/07
FP-1	Fire Pond & Fire Pump House Detail	02/26/07
FP-2	Fire Pond House Plan Notes & Details	02/26/07
FP-3	Fire Pump House Section	02/26/07

DEP File No 220-1002
Provided by DEP
Applicant Edgewood Development

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 5 days in advance 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

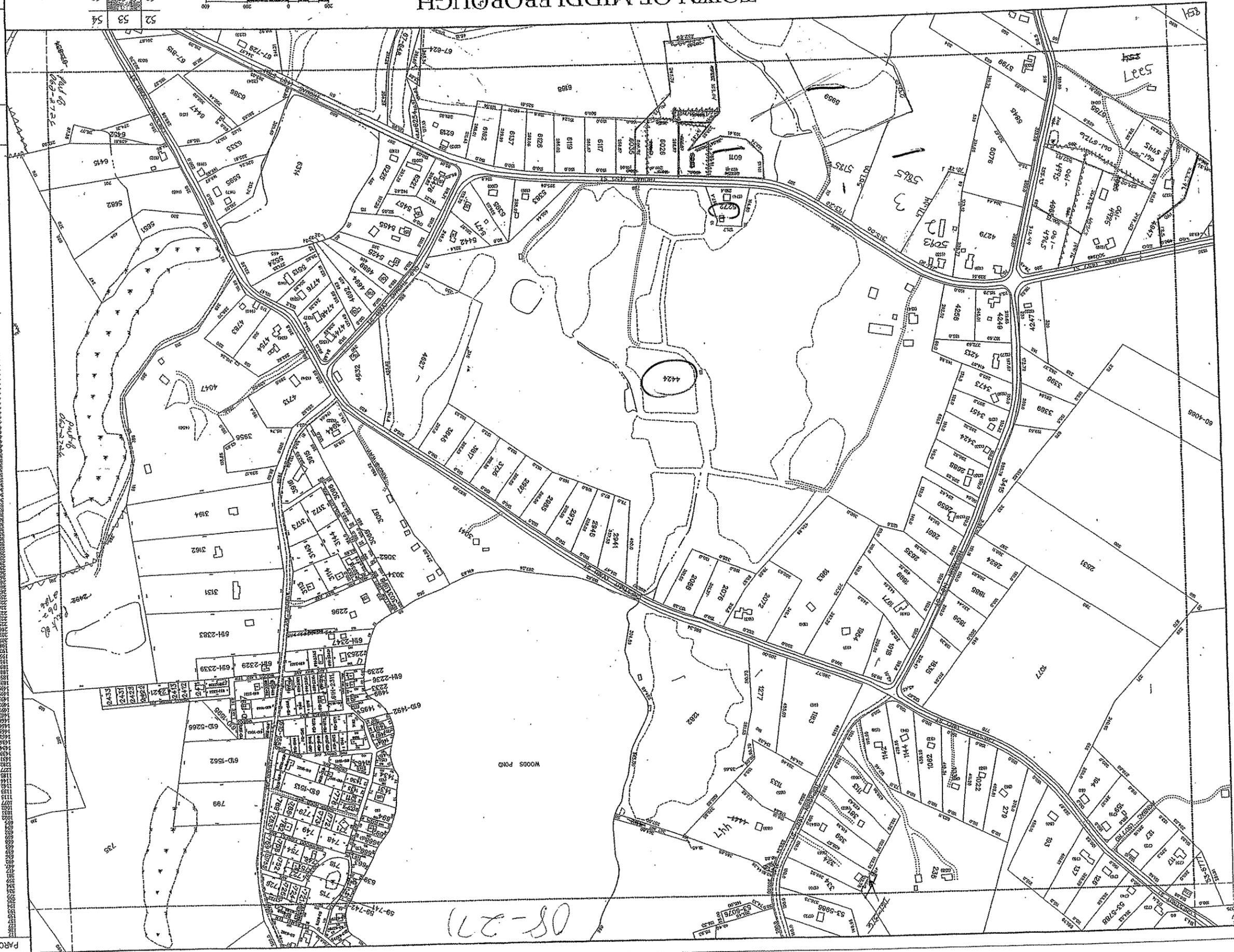
- Notice of Intent, Order of Conditions and plan shall be retained on the site during construction and made available to all contractors.
- Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, owner's representatives and the Conservation Commission 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.
- No sodium based de-icing agents to be used.
- The drainage system is to be sealed until all work has been completed and vegetation has been established.
- Certificate of Compliance to be requested immediately after completion.
- All conditions are on going and do not expire at the end of three years upon the issuance of a Certificate of Compliance.
- Request for Certificate of Compliance shall be accompanied by an as-built plan. As-built plan to be overlay map.
- 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.
- As-built plan to show location of structures, grading, wetland line, resource areas and an deviation from original plan of record.
- 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).
- Engineer or other equally qualified person shall be available on-site and responsible for insuring compliance with the Order of Conditions.
- 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 month when construction activities are taking place.
- 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.
- 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.
- 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.

TOWN OF MIDDLEBOROUGH PLYMOUTH COUNTY, MASSACHUSETTS

SCALE: 1 INCH = 200 FEET
GRID BASED FROM STATE PLANE COORDINATE SYSTEM.

52	53	54
60	61	62
66	67	68

TAX MAP 61



AREA	PARCEL	ACRES	VALUATION
100	100	1.00	100.00
101	101	1.00	100.00
102	102	1.00	100.00
103	103	1.00	100.00
104	104	1.00	100.00
105	105	1.00	100.00
106	106	1.00	100.00
107	107	1.00	100.00
108	108	1.00	100.00
109	109	1.00	100.00
110	110	1.00	100.00
111	111	1.00	100.00
112	112	1.00	100.00
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129	129	1.00	100.00
130	130	1.00	100.00
131	131	1.00	100.00
132	132	1.00	100.00
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165	165	1.00	100.00
166	166	1.00	100.00
167	167	1.00	100.00
168	168	1.00	100.00
169	169	1.00	100.00
170	170	1.00	100.00
171	171	1.00	100.00
172	172	1.00	100.00
173	173	1.00	100.00
174	174	1.00	100.00
175	175	1.00	100.00
176	176	1.00	100.00
177	177	1.00	100.00
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183	183	1.00	100.00
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191	191	1.00	100.00
192	192	1.00	100.00
193	193	1.00	100.00
194	194	1.00	100.00
195	195	1.00	100.00
196	196	1.00	100.00
197	197	1.00	100.00
198	198	1.00	100.00
199	199	1.00	100.00
200	200	1.00	100.00

APPLIED GEOGRAPHICS, INC.
Environmental and Geographic Information Systems
700 UNIVERSITY ST., SAUBOON, MASSACHUSETTS 01866

DATE: 10-15-99

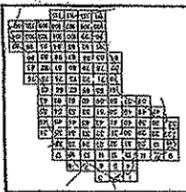
APPROVED BY: BRIAN COLLEGE
ARRIVAL PHOTOGRAPHY DATED APRIL 26, 1987
CONTROL AND ANNOTATION BY ADR ASSOCIATES INC PENNSAUKEN NJ
STEREO COMPIATION PREPARED BY GEO CORPORATION NEWYORKLAND, NJ

LEGEND

SYMBOL	DESCRIPTION
[Symbol]	BUILDING
[Symbol]	RAILROAD
[Symbol]	STRAIGHT RIVER
[Symbol]	LAKE/POND
[Symbol]	WETLANDS
[Symbol]	CRANBERRY BOG

NO. APPROVED BY DATE

4599	JAMES W. SEWELL, CO.	03/20/01
	JAMES W. SEWELL, CO.	03/20/01



THESE PLANS ARE FOR TAX ASSESSMENT PURPOSES ONLY. THE FIGURES GIVEN ARE NOT TO BE USED FOR WRITING DEEDS OR OTHER INSTRUMENTS. RESULTS OF SURVEYS AND ARE NOT TO BE USED FOR WRITING DEEDS OR OTHER INSTRUMENTS.

(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, July 27, 2009 at 7:50 PM, for the purpose of discussing an application filed by James F. Webb for a Special Permit under the Water Resource Protection District By-law, to allow the construction of a common driveway within twenty-five (25) feet of a fresh water wetland and for the creation of a wetland replication area. This project is located off of Purchase Street, Map 29, Lot 3612, WRPD Z4. 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: July 2, 2009 and July 9, 2009

*Payment is forthcoming - Advertiser #300074

CRANBERRY CAPITAL OF THE WORLD



Town of Middleborough Massachusetts

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

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

APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE 7/9/09 NAME OF APPLICANT James F. Webb ADDRESS OF APPLICANT 655 Ross Thurst Road, Southville, TN 37166 ASSESSORS MAP & LOT NAME OF BUSINESS OWNER OF PROPERTY TO BE LICENSED Scrapes Affiliated ADDRESS OF PROPERTY TO BE LICENSED 27th Furichade Street ASSESSORS MAP & LOT 27th 029 lot 3612

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand Furniture Class I License Class III License Common Victualler 2nd Hand Clothing Class II License Liquor License Other Special Permit

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 [Signature] as Representative, Outback Engineering Inc

DATE OF HEARING 7/27/09 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

[Signature: Guy M. MacDonald]

Jacqueline Shanley

From: Jeanne Spalding
Sent: Wednesday, July 01, 2009 1:19 PM
To: Jacqueline Shanley
Subject: WRPD

James Webb-Purchade St.-----No comment
Wilfred Forcier-Thomas St. -----No comment



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 23, 2009

RE: W.R.P.D. Application for land off Purchase Street (Map 29, Lot 3612, WRPD Z4)

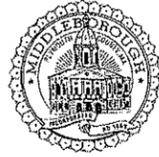
This particular proposal is for the construction of a common driveway within twenty-five (25) feet of a fresh water wetland and for the creation of a wetland replication area.

The Conservation Commission approved the proposal as a limited project under an Order of Conditions issued March 20, 2008 and is valid till March 20, 2011. The DEP file number for the project is 220-1050.

The common driveway is crossing/altering 6,480 s.f. of bordering vegetated wetland. A replication of 9,725 s.f. is proposed to compensate for altering the wetland. The state is also requiring the applicant file a 401 Water Quality Certification (314 CMR 9.00) because they are proposing to fill more than 5,000 s.f. of wetland.

If you have any questions, don't hesitate to contact me at 508-946-2406.

pjc



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

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

July 17, 2009

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

RE: W.R.P.D. Application located off Purchase Street, Assessor's Map 029 Lot 3612

Honorable Board,

I have reviewed the plan submitted by James F. Webb of Outback Engineering, Inc for the location of off Purchase Street. This application is for a Special Permit under the Water Resource Protection District By-Law, to allow the construction of a common driveway within the twenty-five (25) feet of a fresh water wetland area.
I have no comment.

Respectfully submitted,

Robert J. Whalen
Building Commissioner

RJW/d



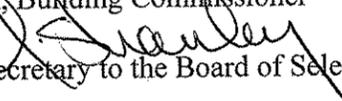
Town of Middleborough
Massachusetts

MEMORANDUM

BOARD OF SELECTMEN

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

TO: Planning Board
Conservation Commission
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Jackie Shanley 
Confidential Secretary to the Board of Selectmen

DATE: June 24, 2009

SUBJECT: W.R.P.D. Application

Attached is a W.R.P.D. application filed by James F. Webb for a Special Permit under the Water Resource Protection District By-law, to allow the construction of a common driveway within twenty-five (25) feet of a fresh water wetland and for the creation of a wetland replication area. This property is located off of Purchase Street, Map 29, Lot 3612, WRPD Z4 of the Water Resources Protection District.

The Selectmen will conduct a hearing on this application on Monday, July 27, 2009 at 7:50 PM.

Further information and a copy of the plan are attached.

All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Wednesday, July 22, 2009 by 12 Noon.**

Even if you have no comments to make regarding the plan, please send a note stating that you have reviewed the plans.

Please contact the Selectmen's Office if you have any further questions.

encl

cc: Board of Selectmen
Town Manager



165 East Grove Street
Middleborough, MA 02346

Tel # 508-946-9231

Fax # 508-947-8873

Civil Engineers + Land Surveyors + Wetland Scientists + Soils Laboratory

June 9 2009

Board of Selectman
Town of Middleboro
10 Nickerson Avenue
Middleboro, MA 02346

RE: Special Permit for Wetland Crossing and Replication located off Purchase Street (Map 029, Lot 3612)

Dear Board Members,

On behalf of the applicant James F. Webb we are requesting a Special Permit per Section XII.H.3.d of the Water Resource Protection Districts By-Law to allow the construction of a common driveway within twenty-five (25) feet of a fresh water wetland and for the creation of a wetland replication area. This project is located off of Purchase Street, Map 29, Lot 3612, WRPD Z4.

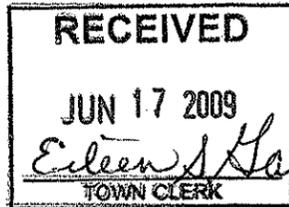
This proposed project has been issued an Order of Condition by the Middleboro Conservation Commission allowing the proposed work. This project is in compliance with the M.G.L. Ch 131§40 Wetland Protection Act. The proposed work should not have any adverse environmental impact on drinking water or the environment. The proposed driveway disturbance is 6,480 square feet and the proposed replication area is 9,725 square feet.

I look forward to meeting with the Board to discuss this project. Please notify me of the hearing date and time so I may attend to answer any questions the Board may have. If you have any questions or comments please feel free to contact me at the phone number listed above.

Sincerely
Outback Engineering, Inc.
Seth Dufort

A handwritten signature in black ink, appearing to read "Seth Dufort", is written over the typed name. Below the signature is the typed title "Wetland Scientist".

Wetland Scientist



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 6/15/09, 19

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 common driveway subject to limited project as defined by 310 CMR 10.53(3) and the creation of wetland replacement area. The property is located off of Pulchade street, assessors map 29 Lot 3612 WRPD Z4. The driveway has a total area of 6,480 S.F. and the replantation area is 9,725 SF 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,

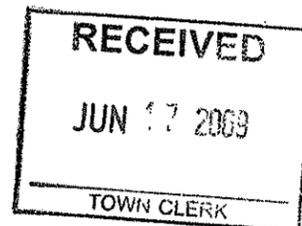
Signature: Seth Dubat as Representative Outback Engineering INC.

Printed Name: Seth Dubat

Address: 165 East Grove St

Middleboro MA 02346

Telephone Number: 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.	—	SD
2.	The plan has street location(s), number, buildings and driveway and shows the acreage of the lot in square feet.	SD	—
3.	The plan shows existing waterways adjacent, on or near the property.	SD	—
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.	SD	—
5.	The plan contains topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	SD	—
6.	The plan provides details for work done or proposed for any component outlined in No. 5 (above).	SD	—
7.	The submittal contains the abutters list.	SD	—
8.	The submittal contains calculations for any proposed on site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	—	SD
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.	SD	—
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.	SD	SD

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>SP</u>
12.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	—	<u>SP</u>

MEMORANDUM

SELECTMEN:

Please be advised that the Conservation Agent has not had the opportunity to review WRPD application for Wilfred Forcier, Lot 1 Thomas Street, Map 61, L5093.

I am hoping to have her response for Monday evening.

Jackie



(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, July 27, 2009 at 7:30 PM, for the purpose of discussing an application filed by Wilfred Forcier for a Special Permit under the Water Resource Protection District By-law, to allow the construction of a driveway within twenty-five (25) feet of a fresh water wetland and for the creation of a freshwater wetland. This project is located at Lot 1 Thomas Street (Map 61, Lot 5093), WRPD Z3. 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: July 2, 2009 and July 9, 2009

*Payment is forthcoming - Advertiser #300074

CRANBERRY CAPITAL OF THE WORLD



Town of Middleborough Massachusetts

Phone: 508-946-2406 Fax: 508-946-0068

APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

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

DATE 7/9/09
NAME OF APPLICANT Wm Fred Fodor's Final
ADDRESS OF APPLICANT 153 Thomas Street
ASSESSORS MAP & LOT Map 061 Lot 5185 (Lot 1)
NAME OF BUSINESS
OWNER OF PROPERTY TO BE LICENSED Same as Applicant
ADDRESS OF PROPERTY TO BE LICENSED off Thomas St
ASSESSORS MAP & LOT Map 061 Lot 5185 (Lot 1)

061-5093 For FY09.

For FY 2010 ->

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 Special Permit

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 [Signature] as Representative, Atbeck Engineering Inc.

DATE OF HEARING 7/27/09 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

[Signature]



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

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

July 17, 2009

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

RE: W.R.P.D. Application located at Lot#1 Thomas Street, Assessor's Map 061 Lot 5093

Honorable Board,

I have reviewed the plan submitted by Wilfred Forcier designed by Outback Engineering, Inc for the location of Lot #1 Thomas Street. This application is for a Special Permit under the Water Resource Protection District By-Law to allow the construction of a driveway within the twenty-five (25) feet of a fresh water wetland area. I have no comment.

Respectfully submitted,

Robert J. Whalen
Building Commissioner
Zoning Enforcement Officer

RJW/d

Jacqueline Shanley

From: Jeanne Spalding
Sent: Wednesday, July 01, 2009 1:19 PM
To: Jacqueline Shanley
Subject: WRPD

James Webb-Purchade St.-----No comment
Wilfred Forcier-Thomas St. -----No comment



Town of Middleborough

Massachusetts

MEMORANDUM

TO: Planning Board
Conservation Commission
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner

FROM: Jackie Shanley
Confidential Secretary to the Board of Selectmen

DATE: June 24, 2009

SUBJECT: W.R.P.D. Application

BOARD OF SELECTMEN

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

Attached is a W.R.P.D. application filed by Wilfred Forcier for a Special Permit under the Water Resource Protection District By-law, to allow the construction of a driveway within twenty-five (25) feet of a fresh water wetland. This property is located at Lot 1 Thomas Street (Map 61, Lot 5093), WRPD Z3 of the Water Resources Protection District.

The Selectmen will conduct a hearing on this application on Monday, July 27, 2009 at 7:30 PM.

Further information and a copy of the plan are attached.

All remarks or concerns regarding the request must be returned to the Selectmen's Office no later than **Wednesday, July 22, 2009 by 12 Noon.**

Even if you have no comments to make regarding the plan, please send a note stating that you have reviewed the plans.

Please contact the Selectmen's Office if you have any further questions.

encl

cc: Board of Selectmen
Town Manager



165 East Grove Street
Middleborough, MA 02346
Tel # 508-946-9231 Fax # 508-947-8873

Civil Engineers + Land Surveyors + Wetland Scientists + Soils Laboratory

June 9, 2009

Board of Selectman
Town of Middleboro
10 Nickerson Avenue
Middleboro, MA 02346

RE: Special Permit for Lot 1 Thomas Street Map 61, Lot 5093 (recently updated Map 061 Lot 5185)

Dear Board Members,

On behalf of the applicant Wilfred Forcier we are requesting a Special Permit per Section XII.G.3.i of the Water Resource Protection Districts By-Law to allow the construction of a driveway within twenty-five (25) feet of a fresh water wetland. The project is located at Lot 1 Thomas Street (Map 61, Lot 5093), WRPD Z3.

This proposed project has been issued an Order of Condition by the Middleboro Conservation Commission allowing the proposed work. This project is in compliance with the M.G.L. Ch 131§40 Wetland Protection Act. The proposed work should not have any adverse environmental impact on drinking water or the environment.

I look forward to meeting with the Board to discuss this project. Please notify me of the hearing date and time so I may attend to answer any questions the Board may have. If you have any questions or comments please feel free to contact me at the phone number listed above.

Sincerely
Outback Engineering, Inc.
Seth Dufort

Wetland Scientist

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 6/15/09, ~~19~~

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 driveway within 25 feet of a freshwater wetland. The property is located in WRPD Z3, Map 61 Lot 5093, Thomas Street. The Middleboro Conservation Commission has issued an order of condition allowing the proposed work.

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 attach a certified list of these property owners to this petition.

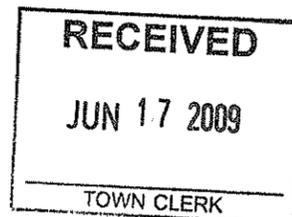
C. Respectfully submitted,

Signature: Seth Dufort as Representative Outback Engineering INC.

Printed Name: Seth Dufort

Address: 165 East Grove St.
Middleboro, MA 02346

Telephone Number: 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.	<u>SP</u>	___
2.	The plan has street location(s), number, buildings and driveway and shows the acreage of the lot in square feet.	<u>SP</u>	___
3.	The plan shows existing waterways adjacent, on or near the property.	<u>SP</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>SP</u>	___
5.	The plan contains topography, wetland delineations, local storm water discharge points, on site drainage systems and septic systems.	<u>SP</u>	___
6.	The plan provides details for work done or proposed for any component outlined in No. 5 (above).	<u>SP</u>	___
7.	The submittal contains the abutters list.	<u>SP</u>	___
8.	The submittal contains calculations for any proposed on site stormwater retainage, storage tanks and spill containment, on site drainage and recharge.	___	<u>SP</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>SP</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>SP</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>SP</u>
12.	The submittal contains a statement that outside stored material will have no impact to the groundwater.	—	<u>SP</u>

Incorporated 1669
336 Years of Progress



CRANBERRY CAPITAL
OF THE WORLD



Town of Middleborough
Massachusetts

508-947-0928
FAX 508-946-2320

Town Manager

MEMORANDUM

To: Board of Selectmen

From: Charles J. Cristello, Town Manager 

cc: Ruth McCawley Geoffroy, Town Planner
Anna Nalevanko, Director, Office of Economic & Community Development
Jeanne Spalding, Health Officer

Date: July 24, 2009

Subject: **Use of Resort Pre-Planning Funds**

I have modified the votes I drafted for you several weeks ago in light of the most recent meeting of the Resort Advisory Committee.

Authorize the use of \$142,881 in resort pre-planning funds for three staff positions.

Authorize the staff to seek proposals for a Strategic Plan for the John Glass (Everett Square) Area.

Authorize the staff to seek proposals for a Medical Feasibility Study

Authorize the staff to work on a contract with McMahon Associates for Transportation Design and Assistance.

Authorize the use of \$6,000 in resort pre-planning funds for a color plotter for GIS mapping.

Authorize the use of \$23,400 in resort pre-planning funds for an 18 hour a week part-time (non-benefited) employee, and \$1,000 in administrative costs, to assist the Health Department in researching, developing and providing education on a housing program relative to the state housing codes,

The Resort Advisory Committee recently met with Health Officer Jeanne Spalding to discuss the proposed Rental Housing Certification program. They will be recommending that only part of her proposal be funded at this time, which is reflected in the vote I have drafted above.

Please feel free to call me if you have any questions.



Town of Middleborough
Massachusetts

PLANNING DIRECTOR
Ruth McCawley Geoffroy

Planning Board

Telephone (508) 946-2425
Fax (508) 946-1991

MEMORANDUM

To: Board of Selectmen
From: Ruth McCawley Geoffroy, Planning Director *RMG*
Date: June 9, 2009
Re: Casino Pre- Planning Funds

SALARIES:

The end of the fiscal year is approaching and it is time to encumber the Casino Pre-planning monies for the salaries of Town employees working to mitigate the project for the next fiscal year. Those positions and FY '2010 amounts include:

POSITION	DEPARTMENT	HOURS	SALARY	BENEFITS	TOTAL
Staff Planner	Planning Department	40	\$54,937	\$ 797	\$ 55,734
Junior Clerk	Planning Department	20	\$18,993	\$10,160	\$ 29,153
Director	OECD	35	\$53,872	\$ 4,122	<u>\$ 57,994</u>
					\$142,881

It should be noted that if grant money becomes available to support the OECD Department that position will be reduced respectively, even though Anna will continue to work on planning, economic development and housing matters to prepare the Town for the arrival of the casino.

Estimated Cost: \$142,881

JOHN GLASS (EVERETT) SQUARE AREA - STRATEGIC PLAN:

Middleborough must prepare for the arrival of a resort/casino by preparing Downtown to remain economically competitive while a casino develops in close proximity, providing adequate housing opportunities and alleviating slum and blight. Therefore it is proposed that the Town solicit qualifications from consulting firms to develop a **Strategic Plan** for the Downtown Middleborough John Glass (Everett) Square /Centre Street Revitalization Area, extending from Oak Street and the former St. Luke's Hospital to Cambridge Street including a redevelopment plan for the former Washburn Mill site.

This strategic plan would be a companion piece to the PWED Grant that the Town has applied for to redesign and reconstruct the Everett Square roadway system, the Oak/Centre Street intersection and the Pearl Street parking lot.

Estimated Cost: ≤ \$25,000

MEDICAL FACILITY FEASIBILITY STUDY:

There is a perceived need for additional local medical care, especially with projected growth over the next 5 to 10 years with the proposed development of a resort casino. The Town desires to assess the future use of the St. Luke's property as a medical facility which will boost economic development in the downtown and to also study other potentially more suitable locations within the Town.

Estimated Cost: ≤ \$15,000

TRANSPORTATION DESIGN AND REVIEW ASSISTANCE:

McMahon Associates, the Town's current traffic engineers, has provided a Scope of Services for representing the Town with respect to the casino's traffic impacts. The work includes preparation of roadway and traffic signal design alternatives; review of all transportation related elements of the proposed resort casino and the related studies and design documents (Draft Environmental Impact Study - DEIS) submitted in relation to the project; and, providing suggestions to the Town to accommodate anticipated traffic volumes and desired vehicular and transit access. Because the DEIS has not yet been submitted and released for public comment, the scope is general with the exact tasks subject to change, however a general outline of tasks has been provided.

It is anticipated that McMahon's services will commence well before the DEIS is available in order to be up to speed on all available and relevant traffic volume and design data for the roads within Middleborough anticipated to be impacted, this includes but is not limited to Route 44. McMahon will also begin evaluation of design alternatives for some of the more critical roads and intersections such as Everett Street/Route 44, Everett Square, the Green and Route 105 (Thompson, East Main and South Main Streets) to actively work with Town representatives on the pro's and con's of various design scenarios. Once the DEIS is submitted there is limited time for the Town and the public to comment on it and we need to be prepared. Also, as a partner with the Tribe in this project, the Town has unique access to influence design decisions being made for the road infrastructure.

Estimated Cost: \$100,000 - \$125,000

RENTAL HOUSING CERTIFICATION PROGRAM:

When the Town Manager, Director of OECD and Planning Director interviewed local officials during our trip to Connecticut the one significant impact on their towns that they all cited from the two casinos located there was the impact of employee rental housing. Although there was not a giant surge in residential construction, there was a change in existing housing occupants as well as a significant surge in conversion of properties to multifamily rental units. The condition and safety of the rental units became a problem as well as the overcrowding and "hotbedding" in the units. Planner Marcia Vlaun in Montville

emphasized how important it was to have the housing stock ready before the casino broke ground and to have the most up to date zoning and housing codes in effect. She said that a Housing Certification and Inspection Program was imperative.

To prepare Middleborough's multifamily housing stock the Health Officer has prepared a proposal to develop a Housing Program which would include development of regulations as well as inspecting and certifying existing and new units. Implementation of this program now would result in all of Middleborough's approximately 2000 rental units being inspected and certified within 2-3 years.

Estimated Cost: \$64,000

COLOR PLOTTER FOR GIS MAPPING:

The Planning Department has been actively using the Town's and our own GIS systems to prepare maps and analyze demographic and other geocoded data to support the planning, grants and economic development efforts of the Town in relation to the resort casino. Currently, the only large scale plotter available for printing color presentation size maps is located in the Town Hall. This setup has proven to be problematic in producing these maps in a timely fashion as well as in some cases producing them at all. A major presentation by the Town to the Secretary of Energy and Economic Development was accomplished with a map thrown together at the last minute that was ½ printed and ½ hand drawn because of printing glitches. There needs to be a color plotter in the Financial Office Building for use by Departments located there. Problems using the plotter in the Town Hall include but are not limited to:

- confirming that someone is in IT or arranging to get key afterhours.
- going to IT to confirm map is printing once commands are sent.
- confirm correct version of map is printing
- returning to Bank Building to cancel or correct commands if no printing
- waiting 15-30 minutes at IT for map to print or running back and forth between buildings checking on progress.
- If critical presentation being done, this building to building shuttle could be occurring at any hour of the day or night and is extremely time consuming.

This purchase would be fully coordinated with IT for compatibility and maintenance.

Estimated Cost: \$6,000 + installation

FUTURE CASINO PRE-PLANNING PROJECTS:

DEIS Review and Comment:

- Wetland Scientist
- Habitat Specialist
- Atlantic Design Engineers – drainage review
- LEED Specialist

Recodification of the Town's Zoning By-law

- retype, renumber and include all zoning amendments
- Municode, Inc.

FEIS Traffic Review

PAST EXPENDITURES OF CASINO PRE-PLANNING MONEY:

Date	Activity	Credit	Debit	Balance
9/2007	Payment Received	\$250,000		
8/5/08	Payment Received	\$250,000		\$500,000
	Total Received			
2/14/08	Salaries 2/14/08-6/30/08		\$ 17,592	
2/22/08	Advertise for Staff Planner		\$ 1,866	
5/8/08	APA Conference		\$ 1,688	
6/11/08	Matrix EMS Study		\$ 24,900	
7/1/08	Salaries 7/1/08-6/30/09		\$111,168	
8/20/08	GIS Computer Planning Dept		\$ 3,544	
2/2/09	Pinnacle Hotel Feasibility Study		\$ 16,000	
2/2/09	Fort Hill Advisors Growth District Assist		\$ 7,500	
2/2/09	Appraisal Land across from S&S		\$ 5,000	
	Total Available as of 6/9/09			\$310,742

PROPOSED EXPENDITURES OF CASINO PRE-PLANNING MONEY:

Date	Activity	Credit	Debit	Balance
	Total Available as of 6/9/09			\$310,742
7/1/09	Salaries 7/1/09-6/30/10		\$142,884	\$167,858
7/1/09	Everett Square - Strategic Plan		\$ 25,000	\$142,858
7/1/09	Medical Facility Feasibility Study		\$ 15,000	\$127,858
7/1/09	Transportation Consultant ½ contract		\$ 50,000	\$ 77,858
7/1/09	Housing Program		\$ 64,000	\$ 13,858
7/1/09	Color Plotter for GIS Mapping		\$ 6,000	\$ 7,858

FUTURE EXPENDITURES OF CASINO PRE-PLANNING MONEY:

Date	Activity	Credit	Debit	Balance
	Total Available as of 7/1/09			\$ 7,858
8/1/09	Payment to be Received	\$250,000		\$257,858
10/1/09	DEIS -Wetland Scientist		\$ 12,000	\$245,858
10/1/09	DEIS - Habitat Specialist		\$ 12,000	\$233,858
10/1/09	DEIS ADE – drainage review		\$ 12,000	\$221,858
10/1/09	DEIS - LEED Specialist		\$ 17,000	\$204,858
10/1/09	Transportation Consultant ½ contract		\$ 50,000	\$154,858
1/1/10	Recodification of Zoning By-law		\$ 30,000	\$124,858
3/1/10	FEIS Traffic Review		\$ 50,000	\$ 74,858



Town of Middleborough

Strategic Plan for Downtown Middleborough John Glass (Everett) Square/ Centre Street Revitalization Area

June 22, 2009

I. Introduction

The Town of Middleborough has entered into an Intergovernmental Agreement with the Mashpee Wampanoag Tribe for the development of a Resort Casino in Middleborough. As a result Middleborough is preparing for this event by alleviating slum and blight, providing adequate housing opportunities and preparing the Downtown to remain economically competitive while a casino develops in close proximity. This effort includes but is not limited to rehabilitation of existing multifamily housing, as well as rehabilitation or redevelopment of underutilized and abandoned properties.

The Town of Middleborough, Massachusetts, under the direction of the Board of Selectmen is soliciting qualifications from consulting firms to conduct a **Strategic Plan** for the Downtown Middleborough John Glass (Everett) Square/Centre Street Revitalization Area. This revitalization area extends from Oak Street and the former St. Luke's Hospital to Cambridge Street and the Washburn Mill site.

The purpose of the plan is to assist the Town with better understanding the unique character of this section of the Town's historic downtown and to develop a strategy for Everett Square's revitalization which will be a catalyst for the enhancement of the economic viability of the entire downtown area. The study should assess the development potential of specific properties and buildings in the project area as well as preparing concepts for improving certain related public infrastructure. The plan should identify opportunities for the rehabilitation of existing multifamily housing in the Everett Square area as well as include multifamily housing within the development strategy. Design and planning work should set a standard of quality for future downtown development projects.

II. Scope of Work

Specific components of the Scope of Work are as follows:

- Evaluation of the existing business climate.
- Prepare an architectural/historic assessment to identify the unique character of the existing buildings and develop design guidelines to maintain or enhance the historic theme.

- Develop a vision for the reuse of the area with types of potential businesses, housing opportunities, streetscape and architectural components
- Inventory of Town-owned, significant, underutilized and available property in the project area deemed important to the area's revitalization. The compilation should include information that may be useful to the Town when marketing or soliciting interest in the properties.
- Development of a list of reuse options for noted properties, identifying types of commercial uses appropriate for the site(s) and for enhancing overall economic vitality of the area. Include 2nd and 3rd floor residential units.
- List of multifamily housing which requires rehabilitation.
- Preparation of data that supports findings. This may include descriptions and photographs of projects similar to the subject property.
- Preparation of concept site plans for revitalizing certain parcels and buildings.
- Preparation of drawings showing concepts for public improvements that would promote revitalization of the Everett Square/Centre Street area. (in addition to what Town is proposing for a PWED grant).
- Develop a conceptual reuse plan for the Washburn Mill property, maximizing the property's potential individually and as an anchor to the downtown district.
 - ✓ Recommend the highest quality of building design, whether commercial, residential or mixed use in a manner that is sensitive to and compatible with established architectural traditions in the downtown.
 - ✓ The redevelopment of the Washburn Mill property should be revenue positive and result in an improvement to the quality of life in Middleborough. The Washburn Property site development should enhance the Centre St/ Station St triangle and strengthen its relationship to downtown.
 - ✓ Two scenarios should be presented:
 - ◆ Salvage and preserve the freight house as part of the redevelopment
 - ◆ Raze the freight house for full site development

III. Eligible Bidders

To be considered eligible for consideration for award, bidders must have professional expertise in consulting services in the medical field, preferably some experience with conducting feasibility studies for municipalities.

IV. Acceptance or Rejection of Proposals

The Town reserves the right to reject any proposal that, in its judgment, fails to address the objectives in this RFP or which is incomplete or obscure, or which contains irregularities, or in which errors occur. Any fees or other expenses associated with the proposal process are solely the responsibility of parties submitting the proposals and will under no circumstances be reimbursed by the Town.

The Town reserves the right to reject any and/or all proposals when such rejection is in the interest of the Town; to reject the proposal of Bidder who has not met the prerequisites of the bid, who has previously failed to perform properly or complete on time contracts of a similar nature; and to reject proposal of Bidder who is, in the opinion of the Town, not in a position to perform the contract.

The Town of Middleborough is an Affirmative Action/Equal Opportunity Employer and does not discriminate on the grounds of race, color, creed or religion, sex, national origin, age or handicap.

V. Form of Proposals

Narrative

Narrative proposals must consist of the following information in the order indicated below:

- Cover letter stating interest in project with signature of duly authorized principal and contact information.
- Technical qualifications.
- Experience with similar projects.
- Experience of key staff personnel assigned to the project.
- Description of the overall approach that will be taken to accomplish the project and timeline.
- 3 references (from similar consulting projects).

Cost Proposal

- Fee for service (includes all consultant expenses).

VI. Proposal Submission/Delivery

Respondents should submit:

- ♦ 3 sets of sealed narrative (non-cost) proposal with attachments, one set clearly marked original.
- ♦ 3 sets of sealed cost proposal, one set clearly marked original.

For express mail and hand delivery drop off:

Town of Middleborough, Office of Economic & Community Development, 20 Centre Street,
3rd Floor, Middleborough, MA 02346.

For mail delivery:

Anna Nalevanko, Town of Middleborough, Office of Economic & Community Development,
P.O. Box 490, Middleborough, MA 02346.

Questions or requests for clarification regarding this RFP should be submitted in writing to Anna Nalevanko at analevanko1@verizon.net or via mail at:

Anna M. Nalevanko, Director, Office of Economic and Community Development
Town of Middleborough, 3rd Floor
20 Centre Street

Middleborough, MA 02346

The deadline for delivery of proposals is ?

VIII. Evaluation Process

Proposals will be evaluated on two factors that are described below.

Capacity = 50 Points. Points will be awarded on the basis of prior experience in performing similar work produced within the previous five years; technical expertise; record of past job performance.

Project Approach = 50 Points. Points will be awarded on the approach to work and ability to meet project deadline.

Award will be made (unless all bids are rejected) to the most advantageous proposal from a responsible and responsive offeror taking into consideration the evaluation criteria set forth in this section (bidder receiving the highest number of points) and price.

The Town intends to complete its review of proposals by ?. It is anticipated that the work will be accomplished within a three to four week timeframe from date of award.



Town of Middleborough

Request for Proposals: Medical Facility Feasibility Study

June 22, 2009

I. Introduction

The Town of Middleborough, Massachusetts, under the direction of the Board of Selectmen is soliciting proposals from qualified consulting firms to conduct a *medical facility feasibility study*.

The purpose of this study is to evaluate the opportunity for attracting a medical facility to Middleborough through a market analysis. This analysis will:

- Examine data such as Middleborough demographics, outpatient and in-patient service patterns of residents (what are preferred hospitals? where are clusters of physicians? etc.).
- Determine unmet needs and gaps in service.
- Identify area hospitals/medical groups that are exploring satellite locations and can benefit from the Middleborough location.

In addition the Town is seeking to identify:

- Several suitable locations for a medical facility including the potential reuse of a vacant hospital building in the downtown (old St. Luke's property).
- Type of medical facility/services that would be most advantageous.
- Strategies for determining interest by area hospitals/health groups in a Middleborough site and packaging the potential location and Middleborough assets to market the properties.
- Benefits to the Town – tax revenue, building re-use, etc.

It is expected that these sites also will be evaluated on such attributes as location, physical constraints, parking, surrounding uses, and other relevant factors.

II. Background

Middleborough's geographic location of 30 miles north of Providence and 40 miles south of Boston places it in the middle of two cities and in the heart of southeastern Massachusetts. With a total of 72 square miles, Middleborough is the second largest town in area in Massachusetts. The Town has five exits off of I-495 and easy access to other major routes and commercial rail and a commuter rail stop.

The Town of Middleborough supports economic development strategies as prioritized through our Community Development Plan and Board of Selectmen. One potential area for economic growth and to meet resident service needs is in medical services. There are several independent doctors in Town and a medical building with condo units is located on Grove Street (route 28) but there is a perception that local medical care is inadequate.

In the past year, several medical groups have shown interest in locating in Middleborough. For example, one developer sought a downtown location with specific interest in the vacant St. Luke's property since this was an active, known site to residents for medical care. The building owner did not accept their offer. Another medical group explored acquiring property in Route 18.

There is a perceived need for additional local medical care, especially with projected growth over the next 5 to 10 years with the proposed development of a resort casino. The Town desires to stimulate interest in the St. Luke's property as a boost to economic development in the downtown but does not want to restrict this study to one site as there may be more suitable locations for a medical facility.

III. Scope of Work

Components of the Scope of Work are as follows:

- Meet with Town staff to refine scope and specific work tasks. Staff will provide background information and direction.
- Conduct site/market area analysis.
- Gather demographic/other data, conduct surveys if needed to determine out-patient patterns and medical preferences of residents, and interview relevant persons to obtain a picture of the unmet needs and priority areas of concern.
- Summarize medical groups/hospitals that would have potential interest in a Middleborough satellite location.
- Determine priority medical care/services needed in the community.
- Determine potential suitable locations for a facility.
- Provide strategies for determining interest by area hospitals/health groups in a Middleborough site and packaging the potential location and Middleborough assets to market the properties.
- Present draft findings to Middleborough Town staff and/or Board of Selectmen
- Submit final report (to include priority development sites, types of medical care/services that can be supported, potential benefits to the Town, etc.)

IV. Eligible Bidders

To be considered eligible for consideration for award, bidders must have professional expertise in consulting services in the medical field, preferably some experience with conducting feasibility studies for municipalities.

V. Acceptance or Rejection of Proposals

The Town reserves the right to reject any proposal that, in its judgment, fails to address the objectives in this RFP or which is incomplete or obscure, or which contains irregularities, or in which errors occur. Any fees or other expenses associated with the proposal process are solely the responsibility of parties submitting the proposals and will under no circumstances be reimbursed by the Town.

The Town reserves the right to reject any and/or all proposals when such rejection is in the interest of the Town; to reject the proposal of Bidder who has not met the prerequisites of the bid, who has previously failed to perform properly or complete on time contracts of a similar nature; and to reject proposal of Bidder who is, in the opinion of the Town, not in a position to perform the contract.

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The deadline for delivery of proposals is ?

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Award will be made (unless all bids are rejected) to the most advantageous proposal from a responsible and responsive offeror taking into consideration the evaluation criteria set forth in this section (bidder receiving the highest number of points) and price.

The Town intends to complete its review of proposals by ?. It is anticipated that the work will be accomplished within a three to four week timeframe from date of award.



McMAHON ASSOCIATES
300 Myles Standish Boulevard | Taunton, MA 02780
p 508-823-2245 | f 508-823-2246
www.mcmtrans.com

May 22, 2009

Ms. Ruth Geoffroy, Planning Director
Town of Middleborough
Town Hall Annex
20 Centre Street
Middleborough, MA 02346

RE: Transportation Design and Review Assistance for the Proposed Resort Casino
Middleborough, MA

PRINCIPALS
Joseph W. McMahon, P.E.
Rodney P. Plourde, Ph.D., P.E.
Joseph J. DeSantis, P.E., PTOE
John S. DePalma
William T. Steffens
Casey A. Moore, P.E.

ASSOCIATES
Gary R. McNaughton, P.E., PTOE
John J. Mitchell, P.E.
Christopher J. Williams, P.E.
John F. Yacapsin, P.E.
Thomas A. Hall
Mark A. Roth, P.E.

Dear Ms. Geoffroy:

McMahon Associates is pleased to submit this scope of work for transportation engineering design, planning and review services related to the proposed resort casino and associated infrastructure improvements in Middleborough, Massachusetts. In addition to the scope of work included below, we have provided representative qualifications information for our firm and key selected project staff. We offer the technical expertise and depth of staff experience to provide the Town of Middleborough with the full range of transportation engineering and planning services necessary to complete this scope of work. In addition to our traffic engineering design and planning experience, our projects have included transit planning studies and project management, including intermodal centers, shuttle services, public transit, and commuter rail; parking studies and design, including parking supply and management in downtowns, analyses of shared parking for major developments, assessment of commuter rail parking requirements; and planning and design for parking facilities; and pedestrian and bicycle facilities planning and design.

We are committing the necessary project staff to provide the Town of Middleborough with the necessary experience and staffing levels to meet the needs of this project. I will lead our effort and provide the Town with nearly 18 years of transportation engineering design and planning experience. I have a broad range of experience that has included highway and signal design, transportation planning, traffic engineering studies, transit and parking planning and design, and peer reviews. This project will be my top priority and as a Vice President of McMahon Associates, I will have the ability to draw on the full resources of our 140 person firm to meet the needs of the Town. I have included resumes of key local project staff that will be available to assist on this project.

Based on our knowledge of the project area and discussion with Town Staff, we have prepared the following scope of services. As the resort casino project has yet to file its Environmental Impact Statement (EIS) and numerous elements of the off-site improvements are not yet

defined, the exact scope of services that will be required is subject to change as the project progresses.

Scope of Services

McMahon will provide transportation consulting services to the Town of Middleborough on an as-needed basis. The anticipated scope of services includes preparation of roadway and traffic signal design alternatives, review of all transportation related elements of the proposed resort casino and the related studies and design documents submitted in relation to that project, and providing suggestions to accommodate anticipated traffic volumes and desired vehicular and transit access. While the exact scope of these services is subject to change through the project development phase of the resort casino and proposed infrastructure design, we have outlined the following general tasks:

1. Obtain and review available traffic volume data and studies of roadways and intersections within the Town of Middleborough.
2. Identify key areas of concern in and around the proposed resort casino, including roadways and intersections providing connections between the resort casino site, downtown Middleborough, and the regional roadway network.
3. Conduct preliminary analysis of key intersections based on existing and projected traffic volumes.
4. Develop conceptual design alternatives for key roadways and intersections that will be impacted by the resort casino and coordinate with the Town of Middleborough to present the alternatives to town officials and residents, as appropriate.
5. Advance design plans, as requested, to fully identify construction impacts of alternatives and provide final design plans of alternatives, as appropriate.
6. Conduct a review of the traffic impact study portion of the Draft EIS and all subsequent filings.
7. Review and analyze proposed conceptual traffic mitigation plans and recommend alternative design concepts, as appropriate.
8. Participate in the Town review process, including meetings with Town staff and presentations at public forums.
9. Serve as the Town's liaison to the Massachusetts Highway Department (MHD).
10. Review existing and proposed transit and shuttle services, including the interaction of potential transit improvements associated with the resort casino and the existing commuter rail service.
11. Review site plans relative to access, site circulation, and parking.
12. Conduct detailed design reviews of improvements proposed for Town roadways and conceptual review of improvements proposed on MassHighway roadways.
13. Provide additional transportation-related technical assistance to the Town, as needed, throughout the permitting, design, and construction of Phase I of the resort casino.

14. Provide on-going peer review services, to include some or all of Tasks 1 through 8 above, to monitor the effectiveness of Phase I traffic/transportation mitigation and the future development of Phase II.

Each of these tasks is described in greater detail below.

Task 1 –Traffic Analysis and Roadway Design Services

McMahon will obtain and review available traffic volume and accident information and previous studies for key roadways likely to be impacted by traffic generated by the resort casino development. We will work with Town staff to identify key routes and intersections that will require improvements to accommodate projected traffic volume increases or experience operational or safety deficiencies under existing conditions. Specific areas of concern are likely to include Everett Street, East Main Street (Route 105), and the Green (East Main Street at Plympton Street, Plymouth Street, and Wood Street). We will perform traffic analysis and develop design plans for improvement alternatives at key locations, as warranted for either existing or projected volumes.

Specific consideration during this task and during the review of the resort casino infrastructure improvements will be given to the Route 44 access design. Assessment of and design considerations for potential access from a grade separated Route 44 at Everett Street or other local roadways will be completed under this task.

Task 2 – Review of EIS Traffic Impact Study

McMahon will review all technical aspects of the traffic impact study portion of the Draft EIS and subsequent filings. Trip generation rates, project trip distribution, traffic assignments, capacity analysis, internalization rate calculations, and all traffic analysis assumptions and methodology will be checked for accuracy and reasonableness. The following specific tasks will be completed based on the material and information provided in the EIS:

- Obtain a copy of the Draft EIS prepared by the project team, which includes the transportation component and related appendices. We will also attempt to obtain electronic copies of the analysis files to facilitate our review.
- Compile all background information that is relevant to the transportation infrastructure affected by the proposed resort casino. The background material may include prior studies of Route 44 or other study area intersections; specific development traffic impact studies; commuter rail planning studies, and historic traffic count data.
- Review the traffic count data for appropriateness to assess the overall transportation network. We anticipate the proponent will provide traffic volume counts as well as origin-destination data for key study area roadways and intersections.

- Review and supplement the assessment of the existing roadway conditions and their suitability to accommodate projected traffic volumes.
- Review the methodology used and growth rates applied to estimate future no-build traffic conditions, including estimates of future traffic for other known study area developments.
- Review the projected trip generation estimates for the resort casino. We will consider the estimated peak hour levels as well as the trip generation for other times of the day to assess the overall project impacts and determine the appropriateness of the peak time periods assessed in the study.
- Review the projected traffic distribution, and roadway assignments for the proposed resort casino including shared and pass-by trip rates and mode split. We will also assess projected traffic pattern changes resulting from proposed roadway improvements that alter existing access, such as the grade separation of intersections along Route 44.
- Assess the appropriateness of the study area given the anticipated traffic generation and distribution patterns for the resort casino. The assessment of the study area will also consider the effects of proposed roadway improvements that may alter traffic patterns within Middleboro. Based on our current knowledge of the project and the proposed roadway improvements, we have identified an anticipated study area, which is illustrated on the enclosed figure.
- Review the capacity analyses methodology and results for existing, future no-build and build conditions, including projected traffic operations and queuing.
- Assess public transportation access to/from the resort casino site, including existing and proposed transit and shuttle services. This assessment will consider the potential New Bedford/Fall River commuter rail line extension and the interaction of the resort casino and associated roadway improvements with existing and potential future commuter rail station locations.
- Assess proposed bicycle and pedestrian access to the project site and the impacts of the proposed transportation infrastructure on existing pedestrian and bicycle routes.
- Assess potential impacts to school bus routes and access resulting from the proposed resort casino and the transportation infrastructure improvements.
- Review material related to potential future expansion plans for the resort casino site and related impacts.
- Consider traffic impacts during construction of the resort casino and associated infrastructure. Impacts to all study area roadways, including the Route 44 corridor in particular, and the potential for diversions to local roadways will be considered.

Task 3 – Review and Analyze Proposed Conceptual Mitigation

We will review the proposed conceptual traffic mitigation and assess the effect of the mitigation on the surrounding street system and the overall effectiveness of the mitigation plan. The proposed geometry and design of the improvements are to be reviewed as well as the traffic analyses, which form the justification for establishing the effectiveness of the improvements.

We will offer input on the scale of the improvements relative to the proposed site and its consequential impacts. The mitigation process will likely involve a series of mitigation scenarios, and we will participate throughout the mitigation process, including meetings with the proponent's team, Town staff, MassHighway, and public presentations.

Specific mitigation improvements that we anticipate will require assessment and possible modification during this process include aspects of the Route 44 improvement project. Specifically, the consideration of an interchange at Everett Street and possible modifications to the connections to I-495 will be assessed as part of this scope of work.

Many of the proposed mitigation measures will be completed on roadways under the jurisdiction of MassHighway or possibly on roadways beyond the Town of Middleborough. As such, the review of those improvements will be limited to a more general review of the design details. The focus of the review of these improvements will be the projected traffic operations and their impacts on overall site access and the Town of Middleborough's roadway infrastructure, including existing circulation patterns and potential diversions that may result from changes in access to the regional roadways.

Additional review efforts will include the assessment of the need for further mitigation on Town of Middleborough roadways that may be impacted by traffic generated by the resort casino. We will also develop alternative mitigation concepts as appropriate to address the project impacts and to provide acceptable access and operations for the surrounding roadway network.

Task 4 – Participate in Town Review Process

We will participate in the Town review process for the proposed resort casino or proposed roadway improvements developed under Task 1. Participation at town and board meetings will be provided. We will make presentations at public meetings to present the findings of our review or to facilitate discussions related to transportation infrastructure alternatives. We will meet with the project proponents, their consultants, other municipalities, and MHD to discuss the traffic related aspects of the proposed development, as requested by the Town of Middleborough.

Task 5 – Serve as Town's Liaison to Massachusetts Highway Department

We will serve as the Town's liaison to the Massachusetts Highway Department (MHD). The site mitigation will involve improvements to state roadways and the improvements will require state approval. We will attend meetings with MHD and represent the Town's interests.

Task 6 – Review Transit and Shuttle Services

We will review existing and proposed transit and shuttle services. It is expected that the proponent will implement a shuttle service within the project site and potentially to area businesses and transportation centers, including the commuter rail stations. There may also be public transit service provided by GATRA or alterations to the commuter rail system that extends through Town. We will participate in the assessment of the proposed transit system and the interaction with potential alterations to the commuter rail system. These tasks will also include an assessment of existing and proposed parking supply intended to serve any shuttle services or proposed commuter rail facilities.

Task 7 – Review Site Plan Relative to Access and Parking

We will review and comment on the proposed resort casino site plans relative to the access to the site and the parking areas, including but not limited to the following:

- Geometric design of site entrances and exits.
- Appropriateness of overall parking capacity.
- Design of parking facilities.
- Proposed management of parking areas.
- On-site traffic circulation design, including vehicular (automobile, truck deliveries, and bus transit/shuttle), pedestrian, and bicycle accommodations.

Task 8 – Conduct Design Reviews

We will conduct detailed design reviews of improvements proposed for Town roadways. The roadway geometry, appropriateness, and effectiveness of the proposed improvements are to be evaluated, as well as the compatibility with the surrounding street network and abutting land uses.

We will conduct conceptual reviews of improvements proposed on MassHighway roadways. It is anticipated that MassHighway will conduct the detailed design review of improvements on their roadways. The effect of these improvements on the local roadway system is to be evaluated by McMahan. In addition, the overall appropriateness and effectiveness of improvements to State roadways will be evaluated at a conceptual level.

Task 9 – Permitting and Construction Phase Transportation-related Technical Assistance

We will provide additional transportation-related technical assistance to the Town of Middleborough, as needed, throughout the permitting, design, and construction of the resort casino. These services may include, but are not limited to, traffic analysis, conceptual design, design review, coordination, public meeting participation, and construction field reviews.

Task 10 – On-going Peer Review Services

We will provide on-going peer review services following opening of the of the resort casino, including some or all of Tasks 1 thru 9 above, to monitor the effectiveness of the traffic/transportation mitigation. It is anticipated that the proponent will implement a traffic monitoring program following the opening of the resort casino. The monitoring program will be expected to include vehicle volume counts as well as transit usage. We will assess the results of that traffic monitoring program and review any additional mitigation measures or modification of prior mitigation to address deficiencies that are identified through the monitoring program. Also, should the proposed development be presented in multiple phases, we will provide services as described in Tasks 1 thru 9 above relative to any subsequent phase.

Standards and Deliverables

Design plans, reports, correspondence, and presentation materials will be prepared documenting the results and findings of the tasks identified above. Specifically, all design plans and any findings related to the review of the EIS will be documented in draft format and submitted to Town staff for review prior to finalization. Review material will be provided sufficiently in advance of any review deadline to allow the Town adequate time for review and inclusion of this information in their EIS comments.

All material will be prepared and presented for ease of readability by the average citizen. Materials will be provided in paper and digital format. Reports will include executive summaries. We will work with Town staff to determine the appropriate format for all reports and correspondence.

Fee

We propose to provide the above services on a time and materials basis. For budgeting purposes, we have provided the following estimate for the initial tasks that are anticipated to be completed through the review of the Draft EIS. With the Draft EIS filing pending, we expect the transportation design, planning, and related review and planning services will begin with a high level of activity as it will be critical to identify the proposed transportation infrastructure improvements early in this process to allow for the design and implementation of the improvements prior to the resort casino opening. We estimate the time and material fees through the review of the Draft EIS will be approximately \$100,000 to \$125,000.

As stated above, the exact scope of services and level of effort from McMahon is uncertain at this time and subject to change. Therefore, the estimated fees could also be subject to change. We will provide the Town with monthly summaries of the work completed and related

Ms. Ruth Geoffroy
May 22, 2009
Page 8

expenditures. As expenditures approach the above estimates, we will work with Town staff to determine an appropriate extension of the budgeting timeframe.

Schedule

We are prepared to initiate work on this project immediately upon authorization to proceed. Early action items, such as collecting and reviewing prior conceptual designs and traffic studies and gathering of historic traffic count data may begin immediately. The review of the transportation element of the EIS will begin upon receipt of the Draft EIS and will be completed in sufficient time to allow the Town to review our findings and submit comments within the allotted review period. Additional services will be provided on an as needed basis and we will work with Town staff to establish the appropriate schedule for completion of such services.

Conditions

The conditions of our agreement call for the execution of this contract in the space provided below with the understanding that invoices will be provided monthly and are payable within 30 days. The fee quoted above is valid for a period of 90 days from the date of this contract. Any changes in the specific work program described above may result in an adjustment in the conditions and fees.

If you should have any further questions or require additional information, please feel free to contact me. We appreciate the opportunity to submit this proposal and look forward to working with you on this truly exciting project.

Very truly yours,

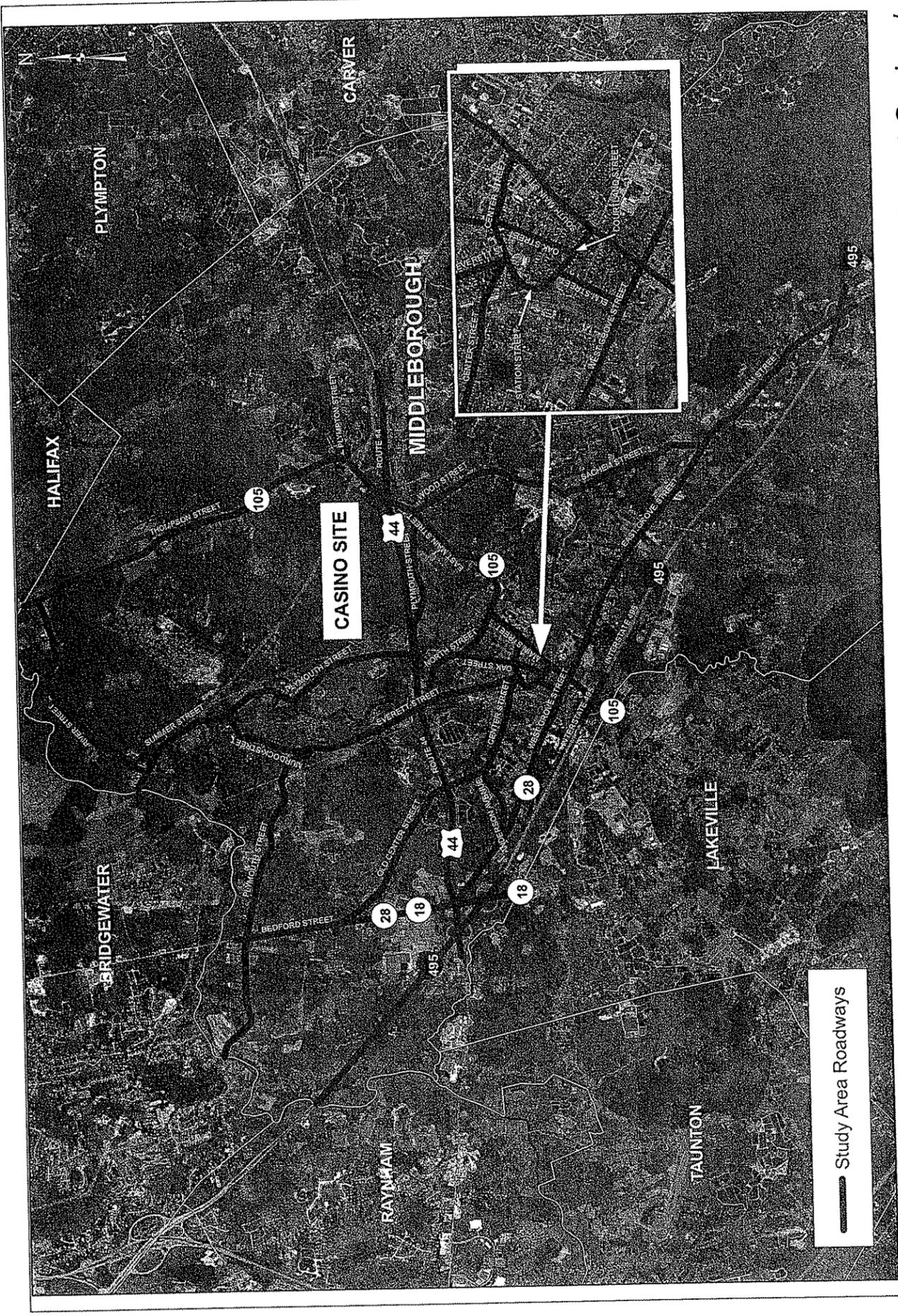


Gary R. McNaughton, P.E., PTOE
Vice President & General Manager – Taunton

Accepted for Town of Middleborough

By: _____ Title: _____
(Signature of Authorized Representative)

_____ Date: _____
(Printed Name of Authorized Representative)



Proposed Resort Casino /
Route 44 Transportation Review
Middleborough, Massachusetts



— Study Area Roadways



**TOWN OF MIDDLEBOROUGH
HEALTH DEPARTMENT**

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

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

MEMO

TO: Ruth Geoffrey, Town Planner

FROM: Jeanne Spalding, Health Officer

DATE: June 2, 2009

RE: Casino proposal impacts

It has been two years since various departments have been asked to identify potential impacts from the planned casino project. The proposed casino will present several issues that may require the services of the Health Department with rental housing being the most significant impact identified to date.

The emphasis of services performed by the Health Department is expected to vary between the construction period as compared to the operational period however, the immediate concerns are rental housing availability, conditions, potential "hotbedding" and property management. Existing rental housing inventory in Middleborough is aging and in many cases, not in compliance with the state housing codes. It is imperative to get the existing available housing identified and up to code prior to the increase in availability of new rentals for the planned workforce associated with construction of the new facility through to full operation.

Meetings with Officials in towns in Connecticut that host or are in close proximity to the existing casinos have confirmed that a housing certification program is a necessary first step in dealing with the housing problems unique to large casino resort areas. A Housing Program must be in place and fully

operational so that safe and adequate housing can be identified for construction workers and for the anticipated long term resort employees.

For immediate consideration, the currently unfilled Health Inspector position is proposed to be restored to develop a housing program. The housing program responsibilities will include:

- Research and develop a housing certification regulation.
- Conduct public outreach and education sessions regarding housing issues, regulations and housing program
- Identify and assess existing rental housing
- Certify existing rental units in compliance with state codes
- Inspect and certify new units as they become available
- Maintain rental unit database
- Research and develop and implement a neglected, abandoned, derelict housing bylaw

It is anticipated that this program will be self funding within a two year period of program implementation. Rough estimates of over 2000 rental units exist. Cost estimates for the inspector to implement the program are \$52,000. salary and \$12,000. benefits.

The Health Dept. will provide necessary equipment and inspection vehicle to perform the duties of this position. The Health Department is requesting funding released from the casino pre-planning funds to cover the costs of this position to implement the housing program as housing was the primary impact identified by this department two years ago.



Public Sector Sales

June 10, 2009

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Sincerely,

IPG Public Sector Group

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- o Ship-to address,
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- o Part number, description, and price,
- o Contract # and name
- o Reseller of choice
- o Contact name , phone number, and email address,
- o Special delivery requirements
- o Requested delivery date
- o Signature of authorized purchaser
- o Please note that Hewlett Packard must be listed as the vendor.
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PRICE QUOTATION

Quote Number: 3780739

June 10, 2009

Provided by: IPG Public Sector Gr

Page 1 of 3

Debbie Franz

Contract: STATE AND LOCAL PRICELIST (S&LWEB)

Product availability and product discontinuation is subject to change without notice. The prices in this quotation are valid for 30 days from quote date above. Please include the quote number and contract from this quote on the corresponding purchase order. HP CONFIDENTIAL AND PROPRIETARY INFORMATION. DO NOT SHARE.

Item	Part No.	Description	Qty.	Unit Price	Extended
Group:					
1.	CK839A#B1K	<p>HP Designjet T1120 44-inch printerCK839A#B1K</p> <p>Product - HP Designjet T1120 44-in printer</p> <p>In the box: - Printer; printheads (3 x 2 colors each); introductory ink cartridges; 44-in stand; quick reference guide; setup poster; Serif PosterDesigner Pro poster; start-up software; power cord</p> <p>Energy Star® Compliant - Yes</p> <p>Cable included? - No</p> <p>Model size - 44 inches</p> <p>Print Speed - 72 D prints per hour (General); 56 D prints per hour (US D Plain Paper); 30 ft²/hr (Glossy Paper); 445 ft²/hr (Coated Paper)</p> <p>Resolution - Up to 2400 x 1200 optimized dpi from 1200 x 1200 input dpi with maximum detail selected</p> <p>Line accuracy - plus/minus 0.1 percent</p> <p>Media sizes - Letter to E-size sheets, 11 to 44-in rolls</p> <p>Media handling - Sheetfeed, roll feed, automatic cutter</p> <p>Print languages, std. - HP-GL2/RTL, CALS/G4, HP PCL3GUI</p> <p>Standard paper handling accessories - Input: Roll loading; single-sheet rear tray</p> <p>Output: Basket output tray</p> <p>Memory (std/max) - 384MB/384MB</p> <p>Connectivity standard - 1 Gigabit Ethernet (1000Base-T) port; 1 Hi-Speed USB 2.0 certified port; 1 EIO Jetdirect accessory slot</p> <p>Network-ready - Yes, standard</p> <p>Compatible Operating Systems - Windows Vista (R) (32 and 64-bit); Windows Server 2008 (32 and 64-bit); Windows XP Home and Professional (32 and 64-bit); Windows Server 2003 (32/64 bit); Mac OS X v 10.4; Mac OS X v 10.5; Novell NetWare 5.x, 6.x; Citrix XenApp; Citrix XenServer</p> <p>Display - 240 x 160 LCD grayscale 2 bits per pixel</p> <p>Processor - 800 MHz</p> <p>Warranty - One-year limited hardware warranty</p>	1	\$5,464.00	\$5,464.00
SUB TOTAL :					\$5,464.00

Note: For detailed warranty information, please link to "URL" for more information www.hp.com/go/specificwarrantyinfo.

Sales taxes added where applicable. Freight is FOB Destination.



PRICE QUOTATION

Quote Number: 3780739

June 10, 2009

Provided by: IPG Public Sector Gr

Page 2 of 3

Debbie Franz

Contract: STATE AND LOCAL PRICELIST (S&LWEB)

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Item	Part No.	Description	Qty.	Unit Price	Extended
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TOTAL PRICE : **\$5,464.00**

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PRICE QUOTATION

Quote Number: 3780739

Page 3 of 3

June 10, 2009

Provided by: IPG Public Sector Gr

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Item	Part No.	Description	Qty.	Unit Price	Extended
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Comments: Andre Straughan
Public Sector Sales Agent
800-950-4784 Ext 43030
astraughan@psipghp.com

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Ordering Addresses:

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Hewlett-Packard Corporation
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Omaha, NE 68154

Federal
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9737 Washingtonian Dr, Suite 200
Gaithersburg, MD, 20878

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