

MINUTES

For approval at the 9-28-09 meeting

**Middleborough Board of Selectmen
Meeting Minutes****September 14, 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. Duphily, M. Brunelle, S. McKinnon and A. Rullo.

Town Manager Charles Cristello was not present as he was attending the I.C.M.A. conference.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve 9-9-09 meeting minutes with correction on page six. Four in favor. P. Rogers abstained.

Upon motion by Selectwoman Brunelle and seconded by Selectman McKinnon, Board voted to approve 9-9-09 Executive Session minutes with correction to first paragraph. Four in favor. P. Rogers abstained.

ANNOUNCEMENT

Chairman reminded the public that Special Town Meeting will be held on 10/21/09.

Chairman reminded the public that the Mobile Home Rules & Regulations hearing will be held on 10/28/09.

NEW BUSINESS

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to approve the use of Town Hall parking lot for the Pratt Farm Fall Festival to be held on 10/3/09 with a rain date of 10/10/09.

Four in favor. P. Rogers abstained.

Pratt Farm Fall Festival Co-Chairwoman Sarah. Jigerjian addressed Board and submitted a photograph of a proposed gazebo for Pratt Farm. The Committee has raised \$10,000 towards building the gazebo. Donations may be sent to Pratt Farm Fall Festival Committee, 27 Murdock Street, Middleborough.

Upon motion by Selectwoman Duphily and seconded by Selectwoman Brunelle, Board voted to approve use of Selectmen's meeting room by Woodslake Proprietors on 10/14/09 from 7 PM to 9 PM.

Four in favor. P. Rogers abstained.

HEARINGS, MEETINGS & LICENSES

Fire Chief Benjamins addressed the Board with an update of Fire Department activities and discussion regarding ambulance service. See attached. Selectwoman Brunelle asked the Chief what we would do if both of our ambulances were tied up. Chief responded that we would continue to do what we do now, which is to utilize Mutual Aid. Chief

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informed Board that a significant amount of equipment was lost at the Central station due to a recent flood of the basement from an 8-inch water main. They continue to have HVAC issues, which must be addressed to avoid potential mold issues. Selectwoman Duphily and Selectman Rullo expressed concern that these issues should be addressed with the engineer. Chief explained that he was informed by the engineer that the issues are the responsibility of the Town. Chairman and Selectwoman Brunelle noted that these issues were raised and reviewed by the Fire Station Building Committee a short time ago. Jane Lopes approached the Board and recalled some, but not all, of the specifics on the outcome. She further noted that everything was reviewed by Town Counsel as to what was covered by warranty, what we could go back to contractor for, and what we could spend of the remaining bond issue. Selectwoman Brunelle noted that Robert Silva was Chairman and he may be contacted for a copy of the report of the investigation. Chief reiterated that he is working to rectify the outstanding issues.

Selectman Rullo asked for Chief to explain "aggressive maintenance". Chief explained that any vehicle safety maintenance issues are to be brought to his attention immediately, where in turn, the vehicle will be turned over to a maintenance division. Selectman Rullo asked about annual training and certification for EMT's. Chairman requested Board's secretary forward his handout to the EMS Committee. Selectwoman Brunelle asked if we could get 111F information from AMR. Chief will request information from AMR as to how many injury claims it has received from the Town of Middleborough over the past three years. Selectwoman Brunelle mentioned Plymouth County discussion re regionalization. Chief responded that it would help because it would free up 3-4 people per shift. It is still in the beginning stages of being studied. Selectwoman Brunelle asked if there is any maintenance of trucks in house. Chief responded that the firefighters do much of the maintenance, but emergency service, such as breaks, are sent out.

Selectman McKinnon asked Chief if old pumpers are all maxums. Chief responded that they are not. Selectman McKinnon asked if Chief had forwarded to Capital Planning yet. Chief responded that he hadn't yet. Selectman McKinnon asked if they would all be paramedics. Chief explained that it would be most cost effective. Selectman McKinnon pointed to high statistics for EMS workers, not sure why, but noted that when you loose that time, and if we go with this plan, we would be looking at a significant amount of overtime expense. Chief agreed and noted that one thing he purchased, to reduce injuries, is a power stretcher. It contributes to a significant reduction in back injuries. Selectman McKinnon noted that the Chief anticipates having 8 single family members, however, thinks Chief should factor into the higher end. Chief just split down middle.

Selectwoman Brunelle thanked the Chief for his material noting that it was well presented and asked what the normal lag time is on collection rates for Medicare. Chief noted that when you go the paper route it's 30 days or longer. If you have a motor vehicle accident, many places use the first come first serve policy. When he went with billing companies it was 15-25 days turnaround. When he went to online company it was

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10 days, which is much more efficient. Selectwoman Brunelle noted that she was surprised to see that the average cost of an ambulance run is only an average of \$650 as she knows from personal experience for it to be much higher. Chief responded that most transports in Middleborough are based on 86% advanced life support.

Selectman McKinnon asked the Chief if we would have to continue with the other company, for a time, if we started our own ambulance service. Chief responded that we would for a start up time and then would need to make a deadline period to transition out. Selectwoman Brunelle asked when the AMR contract expires. Chief was not sure without seeing the contract. Brian Giovanoni addressed Board, as a member of the EMS Committee, and asked the Chief how many times over the past month or so has there not been an available ambulance. Chief answered that this has happened 20 times, which includes tardiness "discrepancy violations", and which have been forwarded to the EMS Committee. Whenever he has three or more, he notifies the EMS Committee. B. Giovanoni asked what we would do about the "last hired", "first fired" policy as we can't layoff. If we start an ambulance service and hire eight new employees, who are all paramedics, we would have to do something with our ambulance service. Chief explained that it would be no different than how it is now. We would lay off our in-house paramedic-firefighters and would need to rely on Mutual Aid more than usual.

Selectwoman Dughilly indicated that she listens to her husband's radio (he's a firefighter) and is shocked at how often AMR is not showing up. She asked the Chief if we have any recourse and if AMR is fined. Chief explained that they can be fined, depending on the circumstances. Chief explained that Mutual Aid is called if the ambulance company is more than 10 minutes late. B. Giovanoni informed the Board that our contract ambulance service provider has started a computer piece in their ambulances and their turnaround time at the hospital has tripled, but they are working on it. B. Giovanoni asked the Chief how much we collect out of co-dispatches. Chief answered zero. We get the service of firefighters, but because we are the non-dispatching service, we cannot bill.

Chairman thanked Chief Benjamino for his report. Chairman noted that this information will eventually need to be brought to the townspeople in the future (perhaps spring Town Meeting) to let them decide.

Chairman opened public hearing on application filed by Outback Engineering on behalf of Elliot Schneider, Wareham Realty Trust by reading aloud the public hearing notice. (attached). Chairman noted comments by department heads (attached). Outback Engineering representative Jason Youngquist addressed Board and presented plans for project. Attorney William Bordman, representing the residents of Ashley Place condominiums, addressed the Board. Elliot Schneider addressed Board and offered to meet with abutters and discuss satisfactory screening and lighting and any other issues of concerns. Chairman suggested that Board continue hearing to allow opportunity for Mr.

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Schneider to meet with any concerned abutters. Board voted to continue hearing to 10/5/09 with the time to be determined by the Board's secretary who will notify Mr. Schneider.

OTHER

Selectwoman Duphily:

- A dedication ceremony, with light refreshments, will be held at Town Hall on 10/28 at 6 PM for M. Victor Silvia.
- Town Hall cleanup through Middleboro Friends will be on 9/19/09 beginning at 9 a.m. The group welcomes volunteers.
- Please note the really beautiful plantings in the horse troft located in front of Town Hall.
- Island near Apazidis – She has been digging with high school students, but hasn't completed. She thanked the students very much.

Selectman Rullo:

- Thanked Representative Steve Canessa for pulling together a meeting held last Friday as part of the ongoing effort to help develop commercial interest in Town.
- Thanked Planning Director R. Geoffroy for putting together a presentation for the Under Secretary.

Selectman McKinnon:

- Read aloud library notice re Partnering with Middleborough on the Move and the MA Department of Employment and Training will hold a lunchtime brown bag series of meetings on Wednesday afternoons at 12 Noon in the meeting room targeting issues important to the unemployed or underemployed in the area. One-on-one counseling and general support will be provided as time permits. Subject matter will include resume cover letter, resume critique, interviewing, using your age to your advantage, and staying positive while unemployed, just to name a few.

CORRESPONDENCE

Selectwoman Brunelle announced the Soule Homestead Harvest Fair to be held on Saturday, September 15, 2009 from 10 a.m. to 5 p.m. and Sunday, September 20, 2009 from 11 a.m. to 5 p.m.

Upon motion by Selectman Rullo and seconded by Selectman McKinnon, Board voted to adjourn meeting at 8:40 PM.

Four in favor. P. Rogers abstained.

Jackie Shanley, Confidential Secretary

BOARD OF SELECTMEN

COPY

Middleborough Board of Selectmen
10 Nickerson Ave
Middleborough, MA 02346

September 10, 2009

Dear Board,

I have recently achieved the six-month point of my career as the Chief of the Middleborough Fire Department, the Town Manager and I think it is a good time to provide you with my assessment, recommendations and discuss the Matrix report on the department.

As you may be aware it has been an extremely busy six months for me: trying to get to know everyone and the operations of the town as well as dealing with the budget reductions, major fires, increased responses, apparatus and station repairs, including a major flood in Central Station, all while attempting to establish standard operating guidelines and response directives to utilize our personnel in the safest and most efficient manner that our budget allows.

My assessment of the department thus far is that we have a great team of dedicated firefighters and officers who work extremely hard to provide the best service possible to the citizens and visitors of Middleborough. I do believe the department is relatively understaffed to provide prompt, safe and adequate response to fire, EMS, rescue or hazardous material incidents within our seventy square miles of area to cover. I am fully aware of the current fiscal situation the town is in and that a recommendation of more personnel will not be a popular one. However, I do agree with the Matrix report and the January 28, 2002 report to the Board of Selectmen, that the best way to provide staffing in our stations is to provide an ambulance service with dual trained firefighter/paramedics. Enclosed are my cost projection and a proposed plan of operation for staffing the stations and providing an ALS ambulance service.

As for the current condition of the stations: Central Station as nice as it is, it has many ongoing issues. Recently we sustained significant damage to equipment, supplies, furnishings, documents and the structure due to a flood from an 8" water main break. I am currently working with Able Restoration and the Insurance Company to get our equipment and department back in working order. We also continue to have HVAC issues that make it difficult to maintain an equal and comfortable temperature, making it very inefficient to operate and continues to cause water damage to the ceilings and walls. I continue to work with Colletti HVAC to rectify the issues, however it is very expensive, due to the amount of work that needs to be done. Also, all of the keypad locks on all the interior doors are inoperable, leaving the secure areas of the department vulnerable, at this time we cannot afford to repair them and is a lower priority than the flood and the HVAC. North Station, due to the lack of personnel remains un-staffed and is beginning to show the effects of lack of use (mice, maintenance etc.). However it is in very good condition. I have issued an order for the on duty Shift Commander to check the substations daily and rectify and/or report any issues of the same. South Station is in desperate need of a roof, it leaks quite significantly when it rains, causing damage to the fire, burglar and electrical panels, as well as the structure, ceilings, floors and furnishings. I have contracted Randall Electric to repair the electric service entering the building and requested quotes for the roof replacement from several contractors, provided the money is voted at town meeting. Also the apparatus floor is in poor shape with large cracks, poor drainage and can only accommodate our older Engines – in the event we purchase newer equipment or need to rotate equipment to South Station we need to keep in mind that it may not fit.

I am also concerned with the age and condition of some of our apparatus, we currently have in-service; a 1986 Engine (Pumper) twenty-three (23) years old, 1989 Engine (Pumper) twenty (20) years old, 1984 Forestry truck twenty-five (25) years old, 1967 Forestry truck forty-two (42) years old, 1989 Tanker twenty (20) years old and a 1972 Dive Rescue truck thirty-seven (37) years old. All of the vehicles have passed a vehicle inspection and all pumps and aerial devices have been certified this year, however, the age and condition of these vehicles remain to be a maintenance and cost efficiency issue, not to mention a safety concern. I have established a very aggressive maintenance program to keep the trucks we do have in the safest and best condition we can, however my maintenance budget is being depleted very rapidly. I also have applied for an AFG grant for a new Engine, as you know there is no guarantee of being awarded. I do recommend that Capital Planning keep in mind that these vehicles should begin to be replaced one at a time rather than be hit with one enormous bill for apparatus.

I look forward to meeting with you on September 14, 2009.

Respectfully,

Lance Benjamino
Fire Chief

ALS Ambulances / Staffing Sub Stations
 Cost Projection
 Personnel

Step 1 Firefighter/Paramedic (including Night Shift Diff. 6%, EMT 1%, Specialty pay 1%):

Base pay = \$46,920.00
 HMO Individ. = \$ 5,344.56
 Medicare 1.45% \$ 680.34
 9% Retirement \$ 4,222.80
 Workers Comp. \$ 450.29

Total = \$57,617.99
 X 8

Cost of Personnel = \$460,943.92 (8 FF/EMTP, Individual Insurance)

Step 1 Firefighter/Paramedic (including Night Shift Diff. 6%, EMT 1%, Specialty pay 1%):

Base pay = \$46,920.00
 HMO Family. = \$14,003.64
 Medicare 1.45% \$ 680.34
 9% Retirement \$ 4,222.80
 Workers Comp. \$ 450.29

Total = \$66,277.07
 X 8

Cost of Personnel = \$530,216.56 (8 FF/EMTP, Family Insurance)

Total Personnel Cost = **\$991,160.48** (16 Firefighter/EMTP Paramedics Salary + Fringe Benefits)
 (MFD) EMS Coordinator = \$10,000.00 (Estimated)
 Liability/Malpractice Ins. = \$3,600 (\$225 ea. X 16)
 Firefighting PPE (Gear) = \$40,000 (Full set of PPE: pants, boots, coat, helmet, light + radio \$2,500 ea.)
 Initial station uniform = \$17,200 (Uniform allowance \$1075 ea.)
 Overtime (Callback) = \$51,100 (Estimated 25% of the 1459 transports will require callback when 2nd amb used
 – Avg overtime rate \$46.70/hr, 3hr minimum)

Total Cost of Personnel = **\$1,113,060.48**

**ALS Ambulances / Staffing Sub Stations
Cost Projection
Equipment**

Ambulances (Class I, Type III Box Style) = \$340,000 (\$170,000 ea., Approximately 5 year life span)
 12 Lead Defibrillator / Monitor/Pacer = \$50,000 (\$25,000 ea., Approximately 5 year life span)
 Medical / medication supplies = \$10,000 (\$5,000 ea. Amb – medications will be exchanged 1 for 1)
 ALS State License / Inspections = \$1,000 (\$600 Lic., \$200 Inspection each Amb.)

Total Equipment Cost = **\$401,000** (Amb cost could be financed over 5 yrs.)

**ALS Ambulances / Staffing Sub Stations
Revenue Projection**

Ambulance Rates (February 27, 2006)

Service	Rate
Basic Life Support	\$450.00
Basic Life Support – Mileage	\$16.00
Advanced Life Support	\$525.00
Advanced Life Support – Mileage	\$16.00
Advanced Life Support 2	\$750.00
Airways	\$130.00
Mast Trousers	\$75.00
IV Drug Administration	\$125.00
Cardiac Monitoring	\$175.00
Defibrillation	\$130.00
Oxygen Administration	\$70.00
Vehicle Accident	\$140.00
Extra Attendant	\$150.00

Average bill based on above rates = \$657.80 Matrix estimated 56% ALS (actual is 86%)

Transports 2008 = 1,459 x \$657.80 = **\$959,730.20**

Transports 1,459 (does not include mutual aid)
 Avg. Bill \$657.80
 Subtotal \$959,730.20
 Billing Charge \$10,000
 Net Recoverable \$949,730.20

Collection Rates
 50% = \$474,865.10
 60% = \$569,838.12
 70% = \$664,811.14
 + \$250,000.00 (AMR)
 = **\$914,811.14**

STATION Staffing Level	Central	South	North
7 Firefighters	5	2	Closed
6 Firefighters	4	2	Closed
5 Firefighters	5	Closed	Closed
4 Firefighters	4	Closed	Closed

PERSONNEL

Assignments of personnel:

	Central	South	North
7 Firefighters	5 = 1 Dispatch 1 Shift Commander (Car) 1 Lieutenant on an Engine 1 Firefighter on an Engine 1 Firefighter on the 2 nd Engine/Tower/Tanker/Rescue/Boat	2 = Engine/Forestry/Boat	Closed = 0
6 Firefighters	4 = 1 Dispatch 1 Shift Commander (Car) 1 Lieutenant on an Engine 1 Firefighter on the Engine/Tower/Tanker/Rescue/Boat	2 = Engine/Forestry/Boat	Closed = 0
5 Firefighters	5 = 1 Dispatch 1 Shift Commander 1 Lieutenant on an Engine 1 Firefighter on an Engine 1 Firefighter on the 2 nd Engine/Tower/Tanker/Rescue/Boat	Closed = 0	Closed = 0
4 Firefighters	4 = 1 Dispatch 1 Shift Commander (Car) 1 Lieutenant on an Engine 1 Firefighter on an Engine	Closed = 0	Closed = 0

ALS Ambulances / Staffing Sub Stations

Proposed Operations:

Shift

1 Captain
 1 Lieutenant
 9 Firefighters, 4 of which will be EMT Paramedics

Central Station

1 Captain
 1 Lieutenant
 5 Firefighters, 2 of which will be FF/Paramedics (Ambulance)

North Station

2 Firefighter/Paramedics (Ambulance)

South Station

2 Firefighter/EMT – Class V amb (Engine)

- Callback for station coverage only when the 2nd ambulance transports

Ambulance Runs	2006	2007	2008	
ALS	1234	1222	1256	86% ALS
BLS	91	207	203	
	1325	1429	1459	

Fire Department Responses (Building fires, Alarms, vehicle fires, outside fires, hazmat, accidents, rescue, service calls)

	2006	2007	2008	
	1468	920	1126	**Nearly 50% of all calls***
Total =	2,793	2,349	2,585	

Calls per District (Has a direct correlation between amount of homes to Calls)

District 1 (North Station) = 17.3 % > part of the town that has 11.1% of homes

District 2 = 11.6% > has 22.2% of homes

District 3 (South) = 14.9% > has 11.1% of homes

District 4 (Central) = 56.2% > has 55.5% of homes

ENGINE COMPANY: (better known as a "triple combination pumper" –carries water, hose and pump)
The basic unit of a fire department that is responsible for the following tasks:

- Drive and Operate Engine and Pump
- Search and Rescue
- Establish a Water Supply
- Advance hose lines
- Extinguishment
- Advance back up hose lines
- Protect Exposures
- Use of Master (Heavy Appliances)
- Tactical use of protective systems (Standpipes, Sprinklers)
- Property Conservation
- Overhaul (making sure the entire fire is out)

LADDER COMPANY: Sometimes referred to as "truck", "hook and ladder", "aerial ladder", "elevating platforms", "snorkel", or "tower ladder companies" that is responsible for the following tasks:

- Drive and Operate Aerial device
- Search and Rescue
- Laddering (aerial and ground ladders)
- Forcible Entry
- Ventilation
- Utilities control
- Salvage
- Overhaul
- Use of Master (Heavy Appliances)
- Tactical use of protective systems (Standpipes, Sprinklers)
- Property Conservation

There have been several studies and trials done to determine the amount of personnel needed to complete the work of one Engine Company. The National Fire Protection Agency (NFPA) states Engine Companies shall be staffed with a minimum of 4 firefighters (NFPA 1710 5.2.3.1.1). A study from Deputy Chief William Clark (ret.) FDNY indicated that 5 firefighters on an Engine Company were 100% effective in firefighting and rescue operations. At 4 firefighters an engine company is 84.7% effective and the effectiveness dramatically drops to 0% with 2 firefighters.

Due to the current staffing levels of the Middleborough Fire Department we operate on a regular basis with 2 firefighters on a single Engine Company from one station to cover 70 square miles.

The same holds true for a Ladder Company as for the Engine Company, it is 100% effective with 5 firefighters.

Due to the current staffing levels of the Middleborough Fire Department we operate on a regular basis with 0 or 1 firefighter (with a full shift of 7) on the Ladder Company from one station to cover 70 square miles.

The NFPA also states that the fire department's fire suppression resources shall be deployed to provide for the arrival of an engine company within a 4-minute response time and a full alarm assignment (15 Firefighters) within an 8-minute response time to 90% of the incidents (NFPA 1710 5.2.4).

Again due to the current staffing levels and as the Matrix study and department data supports, our response times are 10 minutes, 90 % of the time.

The best and most effective way to address the staffing deficiencies, safety, response times and enhance revenue is to provide ALS ambulance service.

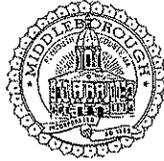
(Town Seal)

The Board of Selectmen will hold a public hearing in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, September 14, 2009 at 7:30 PM, for the purpose of discussing an application filed by Outback Engineering on behalf of Elliot Schneider, Lot 3 Wareham Street Realty Trust, for a Special Permit under the Water Resource Protection District By-law, to allow the construction of a used car dealership and its associated parking area in the WRPD 23 district at 352 Wareham Street, Assessors Map 72, Lots 5421 and 4657. Anyone wishing to be heard on this matter should appear at the time and place designated.

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

Publish: August 27, 2009 and September 3, 2009

*Payment is forthcoming - Advertiser #300074



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

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

September 8, 2009

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

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

Dear Board,

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

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

Respectfully submitted,

Robert J. Whalen
Building Commissioner

*See attached

RJW/d

SECTION XII

WATER RESOURCE PROTECTION DISTRICTS BY-LAW

(also known as WRPD BY-LAW)

A. PURPOSE OF DISTRICTS

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

B. SCOPE OF AUTHORITY

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

C. DEFINITIONS

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

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

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

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

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

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

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

H. WRPD Z4 USE REGULATIONS

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

5/14/01 Town Meeting



Town of Middleborough

CONSERVATION COMMISSION

MEMORANDUM

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

FROM: Patricia J. Cassidy, Conservation Agent

DATE: July 31, 2009

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

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

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

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

pjc