

HEARINGS, MEETINGS, LICENSES
3-29-10

(Town Seal)

The Middleborough Board of Selectmen will hold a public hearing on Monday, March 29, 2010 at 7:30 PM in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, for the purpose of discussing an application filed by Gerard F. Leavens, for a Class II Automobile (Internet Sales only) Dealer's License for the premises located at 211 Rocky Meadow Street, Middleboro, MA (Assessors Map 063, L1861). Anyone desiring to be heard on this matter should appear at the time and place designated.

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

Publish: March 18, 2010

Payment will be forwarded to S. Coast Media, 25 Elm St., New Bedford, MA 02740. Advertiser #300074

Board of Selectmen,

I am requesting a class II automobile dealers license for the purpose of buying and selling used automobiles.

The sales of said automobiles will take place solely over the internet via websites such as E-bay, Craigslist e.t.c.

There will be no used car lot on the property, no autos stored on the property, no autos displayed for sale on the

property. There will be no employees, I would be the sole proprietor. All business transactions would take place

over the internet, and not at my residential address.

Signed,

Gerard F. Leavens

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement sets forth the agreement of Ryan Vlaco, of P.O. Box 107, Middleboro, Massachusetts 02346 (hereinafter referred to as "Vlaco") pertaining to that certain Earth Removal Permit #07-3 and associated Conditions for Earth Removal, dated April 4, 2007, and recorded at the Plymouth County Registry of Deeds in Book 34394, Page 258, (hereinafter referred to as the "Earth Removal Permit"), affecting a portion of land the owned by Vlaco located on Pine Street, Middleboro, Massachusetts and being a portion of Map 97, Lot 3478 as shown on the Assessors Maps of the Town of Middleboro.

WHEREAS, on or about April 4, 2007, the above-referenced Earth Removal Permit was issued to Ryan Vlaco by the Town of Middleborough Board of Selectmen;

WHEREAS, Paragraph 1 of the Earth Removal Permit provides, "This permit is valid for two (2) years and may be renewed for up to one (1) year thereafter at the discretion of the Board of Selectmen after meeting with the Applicant";

WHEREAS, as of this date, such Earth Removal Permit has not been renewed or extended and the earth removal activity contemplated by such permit has not been completed by Vlaco;

WHEREAS, Vlaco desires to complete the work called for under the Earth Removal Permit as revised by the terms of this Memorandum of Agreement and shown on a plan entitled, "Revised Plan of Earth Removal, Prepared for Ryan Vlaco, Drawn By: Foresight Engineering, Inc., dated 3/22/2010, Scale 1"=60'" (hereinafter referenced as the "Plan").

NOW, THEREFOR, in consideration of the foregoing promises and the covenants herein contained, Vlaco hereby agrees as follows:

1. The earthen berm created by Vlaco along the boundary line with the land of Dennis and Donna McLeod, being shown as Assessors Map 96, Lot 3269 and the land of Glen and Joanne Hayes, being shown as Assessors Map 97, Lot 2512, will be removed and the grade brought down to elevation approximately even with the McLeod's and Hayes' back yard (elevation 86), as more particularly shown on the afore-referenced Plan.
2. The grade at +/- 86 would then be held as shown on the attached Plan, feathering as it traversed toward the Hayes property—forming a triangular piece of level ground.
3. In the area delineated "No Further Disturbance Zone" on the attached Plan, no additional trees will be cut or excavation undertaken by Vlaco, both during the duration of the subject earth removal or at any time thereafter. A recordable restrictive covenant running with the land will be recorded in order to ensure that no such trees will be cut or

excavation undertaken by Vlaco in the aforesaid area delineated as "No Further Disturbance Zone".

4. Vlaco will complete the grading, loaming, and seeding of all slopes shown on the attached Plan in order to stabilize the same, improve aesthetics of the subject premises, and reduce dust and windblown debris. Such slopes are to be inspected and approved by the Town of Middleboro DPW Director in order to ensure proper stabilization in order to ensure compliance with the provisions hereunder.
5. The existing loam piles on the Vlaco site are to be removed from the site over the course on or before September 15, 2010. Such loam piles and any excess material from the construction of the proposed cranberry bog at the subject premises will be the only remaining material removed from the site. No further site excavation, except to the extent necessary to construct the proposed cranberry bog as shown on the attached Plan will occur.
6. Removal of loam, slope and site stabilization, and grading and bog construction (though not vine planting) will be fully completed by September 15, 2010.
7. Vlaco will maintain a bond, or acceptable alternative surety in the amount of \$50,000.00 in order to indemnify the Town for damage to private or Town property and for use by the Town for site closure in the event of abandonment of the project.
8. The terms and conditions of the Earth Removal Permit #07-3 and associated Conditions for Earth Removal, dated April 4, 2007, and recorded at the Plymouth County Registry of Deeds in Book 34394, Page 258, are hereby incorporated by reference hereto, except to the extent they are amended by this Memorandum of Agreement.

Executed this ____ day of March 2010

Ryan Vlaco

Witness-

Conditions for Earth Removal

RYAN VLACO
Pine Street
Middleborough, Massachusetts
Assessors Map 097 and Lot 3478
98,500cubic yards

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

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents Day	Veteran's Day
Patriots Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
July 4 th	Christmas Day
4. All excavated areas not part of the bogs will be topsoiled and planted per the specification on the plan or at the direction of the Board. All top and subsoil shall be stripped from the operation area and stockpiled for use in restoring the area after the removal operation has ceased. A minimum of four inches of topsoil must be put back in place.
5. Excessive erosion is to be controlled as determined by the Board of Selectmen or its agent.
6. An initial review to confirm compliance with permit conditions and restrictions must be performed by the Board's Agent before the commencement of any earth removal activities. The fee for this review is \$ 400.00, due and payable at the time the permit holder notifies the Board's Agent that all requirements of the permit which must be done prior to commencement of work have been accomplished, and the permit holder is ready for the Agent to perform the initial review.

7. Quarterly reviews must be performed by the Board's Agent every three months following commencement of earth removal work. These reviews will include a field review and plan review to determine on-going compliance with the permit. The fee for each such review is \$ 400.00, due and payable to the Town three months after the commencement of earth removal on the lot and every three months thereafter for the duration of the permittal project.
8. The plans, entitled, "Plan to Accompany Earth Removal Application - Pine Street - Middleborough, MA - Prepared for Ryan Vlaco", dated February 14, 2007 is incorporated herein by reference and is part of this permit, and must be adhered to strictly. Failure to do so constitutes a violation of this condition of the Permit. A copy of the Plan and Order of Conditions must be kept on the lot at all times when the lot is being worked, pursuant to this permit.
9. A bond, or acceptable alternative surety, in the amount of \$ 50,000 will be required to indemnify the Town for damage to private or Town property and for use by the Town for site closure in the event of abandonment of the project.
10. Standard highway signs warning of heavy trucks entering the highway shall be erected as directed by the Board of Selectmen or their Agent and be in place prior to commencement of removal operations.
11. The Selectmen, Conservation Commission, Town Manager or their Agents shall be free to inspect the premises at any time during normal working hours with or without prior notice to the permit holder.
12. The permit holder is advised that no work may commence until he has filed a Notice of Intent under Chapter 131, Section 40, and received an Order of Conditions from the Conservation Commission. A violation of the Order of Conditions issued by the Conservation Commission shall be a violation of this permit.
13. The permit holder shall adhere to all State laws pertaining to covering loads and weight loads.
14. Any spillage on public ways or private property shall be cleaned up by the permit holder or its agent.
15. All access to and from the permitted property will be Right or Left on Pine Street to Rte. 28 or Rte. 58
16. The Board of Selectmen may, following a public hearing, revoke the permit, modify or revise the conditions of the permit and/or impose a fine if they find

that the permittee, or any agent of the permittee, violates any condition of this permit.

17. No refining or screening of material is allowed on the permitted property except the screening of sand and loam to be used for on-site cranberry bogs, gravel for on-site roadways and loam for final on-site grading and seeding.
18. The Town Manager is authorized to act as the Selectmen's Agent in the administration and enforcement of this permit.
19. The haul road and loading area must be watered regularly to keep dust from blowing from the property. Gravel may be required to be added to the haul road by the Board's Agent to assist in dust control.
20. This permit is not transferable, except by vote of the Board of Selectmen. Notice of a pending sale or transfer must be provided to the board. The Board may, in its discretion, hold a public hearing to consider the transfer of this permit to the prospective buyer of the property.
21. During operations, where the excavation working face will have a depth of more than 15 feet with a slope in excess of 1:1, a fence at least three (3) feet high shall be erected to limit access to that excavation.
22. No area shall be excavated so as to cause accumulation of freestanding water, except in conjunction with a storage pond for cranberry bogs as shown on the record plans. Permanent drainage shall be provided as needed in accordance with good conservation practices. Drainage shall not lead directly into or from streams or ponds, except as shown in the plan.
23. No excavation shall be closer than 200 feet to an existing public way unless specifically permitted by the Selectmen. Natural vegetation shall be left and maintained on the undisturbed land for screening and noise reduction purposes.
24. Bog pumps will be powered electrically, or in the alternative, mufflers will be installed on pumps to reduce noise.
25. Two by Three foot signs will be erected every 500' along the property line. The signs will display the permit number, the name and phone number of the permit holder's agent and the name and phone number of the Board of Selectmen's Agent, together with the words "NO TRESPASSING-EARTH REMOVAL IN PROGRESS".
26. All trucks hauling from the site must display a sign on the rear of the truck in an area that will be unobstructed and clearly in view displaying the words "TOWN OF MIDDLEBOROUGH PERMIT # 07-3".

27. A copy of this Earth Removal Order of Conditions shall be filed with the Registry of Deeds by the Permit holder as a notice to all that these conditions restrict work on the lot under the permit.
28. A Certificate of Compliance will be issued by the Board of Selectmen when the project is completed. The Certificate of Compliance will operate to release the lot from the conditions of the permit and terminate the permit. The Certificate of Compliance must also be filed with the Registry of Deeds by the permit holder.

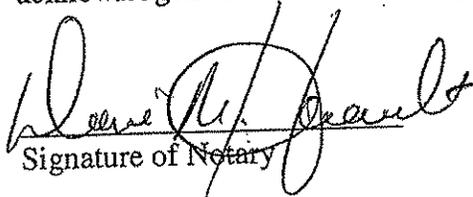


Wayne C. Perkins, Chairman
BOARD OF SELECTMEN

4-4-07
Date.

Commonwealth of Massachusetts
County of Plymouth

On this 4th day of April, 2007, before me the undersigned Notary Public, personally appeared Wayne C. Perkins, proved to me through satisfactory evidence of identification which was ~~were~~ personal knowledge 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

(Seal)
My commission expires

