

HEARINGS, MEETINGS, LICENSES
4-21-10

ANNUAL MEETING WARRANT

Middleborough, Massachusetts

To Bruce Gates, Police Chief or any of the
Police Officers of the Town of Middleborough

 **DRAFT**

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn all the inhabitants of said Town, qualified to vote in Town affairs, to meet in the **Auditorium of the Middleborough High School, on Monday, May 17, 2010, at 7:30 P.M.**, to act on the following articles:

ARTICLE 1. To hear the report of any committee or officer of the Town, to appoint any committee, or act anything thereon.

ARTICLE 2. To see if the Town will vote to raise and appropriate a sum of money by taxation or from available funds in the treasury to defray expenses of the Town for the fiscal year beginning on July 1, 2010, relating to all or any of its officers, boards or departments and for purposes authorized by law, to vote to fix the salary and compensation of all elected officers, or act anything thereon.

ARTICLE 3. To see if the Town will vote to transfer from the income from the sales of gas and electricity for the purpose of fixing the tax rate a sum of money to the Assessors for the purpose of fixing the tax rate for Fiscal Year 2011, or act anything thereon.

ARTICLE 4. To see if the Town will vote to transfer \$ 66,972.60 from the receipts reserved for the Water Pollution Abatement Trust Loan Repayment Account in order to meet the Town's obligation for payment of the Water Pollution Trust Loan, or act anything thereon.

ARTICLE 5. To see if the Town will vote pursuant to Section 53E ½ of Chapter 44 of the General Laws, as amended, to authorize and/or reauthorize establishment of one or more revolving funds for the purpose of funding certain activities and operations of certain departments and programs of the Town during Fiscal Year 2011, or act anything thereon.

Municipal Fire Alarm System	Not to exceed \$15,000.00
Hazardous Materials Incident Training & Materials	Not to exceed \$50,000.00
Recycling Program	Not to exceed \$100,000.00
Herring Fishery Program	Not to exceed \$100,000.00
Composting Bin Program	Not to exceed \$2,500.00
Recreation and Sports Program	Not to exceed \$100,000.00
Zoning Map, Bylaws and	Not to exceed \$2,500.00
Subdivision Rules & Regulations	

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source to fund one or more collective bargaining agreements, or act anything thereon.

ARTICLE 7. To see if the Town will vote to raise and appropriate and /or transfer a sum of money from taxation, free cash, another specific available fund, the Stabilization Fund, an existing appropriation or account or other available source for the purpose of reimbursing Town employees and retired Town employees and other persons enrolled in the Town's health insurance plans for increases in health insurance HMO and PPO deductibles and co-payments paid by said employees and other persons during Fiscal Years 2011 and in excess of the amounts of such deductibles and co-payments applicable during Fiscal Year 2010, and to pay any related costs, or act anything thereon.

ARTICLE 8. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation to amend the Town Charter adopted pursuant to Chapter 592 of the Acts of 1920, as amended, by striking out in its entirety Section 9 pertaining to the Town Treasurer and Collector of Taxes and inserting in place thereof the following:

SECTION NINE: The Selectmen shall appoint a suitable qualified person to the office of Town Treasurer and Collector of Taxes. The existing elective office of Town Treasurer and Collector of Taxes shall be continued until the person appointed to the office of Town Treasurer and Collector of Taxes shall have qualified, at which time the elective office of Town Treasurer and Collector of Taxes shall terminate. The Selectmen shall appoint the person who is serving in the elective office of Town Treasurer and Collector of Taxes as the initial appointee as Town Treasurer and Collector of Taxes who shall receive not less than the compensation and benefits to which the elected Town Treasurer and Collector of Taxes was entitled unless modified by an employment contract which may be established. The Town Treasurer and Collector of Taxes shall have and exercise all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon town treasurers and town collectors of taxes. The Selectmen by majority vote after notice and hearing may remove the Town Treasurer and Collector of Taxes from office for cause. The Selectmen shall forthwith appoint a suitable qualified person to fill any vacancy in the office of Town Treasurer and Collector of Taxes resulting from death, resignation, retirement, removal or other cause. The Selectmen shall determine the compensation of the Town Treasurer and Collector of Taxes and may establish an employment contract with the Town Treasurer and Collector of Taxes for a period of time to provide for salary, fringe benefits and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of duties of office, liability insurance, vacation and leave, or act anything thereon.

ARTICLE 9. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation to amend the Town Charter adopted pursuant to Chapter 592 of the Acts of 1920, as amended, by amending subsections (A) and (B) to Section 17 of the Town Charter as follows

- (A) The Board of Selectmen shall annually appoint and determine the compensation of an Attorney at Law or law firm to act as Town Counsel.
- (B) The Board of Selectmen shall have the authority to prosecute, defend, and compromise all litigation to which the town is a party, and to appoint and determine the compensation of special counsel to assist the Town Counsel whenever in their judgment it may be necessary, or act anything thereon.

ARTICLE 10. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation to amend the Town Charter adopted pursuant to Chapter 592 of the Acts of 1920, as amended, by adding the following subsections to Section 19 of the Town Charter to add specified powers and duties of the Town Manager:

(K) To prepare and submit an annual operating budget to the Selectmen. The proposed budget shall include, but not be limited to a listing of the funds requested by all boards, committees, officers, and departments of the town; shall be balanced and show both proposed expenditures and anticipated revenues. The Selectmen, after reviewing the proposed budget and

making changes it deems appropriate, shall submit its recommended budget to the Finance Committee on or before the twentieth day of January of each year for review and recommendation to town meeting.

(L) To prepare annually a five year financial forecast of town revenue, expenditures and general finance condition of the town. The forecast shall be submitted to the Selectmen who shall make it available to the public.

(M) To be responsible on behalf of the Selectmen for the negotiation, administration and enforcement of collective bargaining agreements and other employment agreements, exclusive of agreements made by the School Committee and the Municipal Light Board. The Town Manager in carrying out duties hereunder may engage labor counsel as he deems necessary and as approved by the Selectmen.

Notwithstanding the foregoing, the Selectmen shall retain the sole authority to approve and execute all collective bargaining agreements negotiated by the Town Manager on the Board's behalf, or act anything thereon.

ARTICLE 11. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact special legislation to provide that any agreement made by the Town with any other governmental unit under the provisions of Section 4A of Chapter 40 of the General Laws respecting the sale by the Town of water or wastewater treatment services shall be subject to authorization by the Town Meeting, or act anything thereon.

ARTICLE 12. To see if the Town will vote to accept the provisions of General Laws, Chapter 44, Section 53F ½ and establish an Enterprise Fund for the Rubbish/Trash Collection, Removal and Disposal Division of the Department of Public Works in accordance with said Section 53F ½ for Fiscal Year 2011 and subsequent years, or act anything thereon.

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement for disposal by the Town of refuse, garbage and other solid waste on such terms and conditions as the Board may determine, or act anything thereon.

ARTICLE 14. To see if the Town will vote to transfer to the Board of Selectmen the care, custody, management and control of two parcels of land shown as Lots 1 and 2 on a plan of land dated February 10, 2002, drawn by Outback Engineering and recorded in the Plymouth County Registry of Deeds as Plan No. 250 of 2002 and also shown on the Assessors' Map described below, for the purpose of sale of the parcels, and to authorize the Board of Selectmen to sell and convey the parcels on such terms and conditions as the Board of Selectmen may determine, or act anything thereon.

	<u>Map #</u>	<u>Parcel #</u>	<u>Location</u>	<u>Land Area</u>
1.	48	3832	West Grove Street	5.62 acres
2.	48	3042	West Grove Street	28.30 acres

ARTICLE 15. To see if the Town will vote to transfer the care, custody, management and control of the Rock Village School property at 63 Miller Street shown as Lot 923 on Assessors Map 87 to the Board of Selectmen for the purpose of sale of the property, and to authorize the Board of Selectmen to sell the property on such terms and conditions as the Board determines, or act anything thereon.

ARTICLE 16. To see if the Town will vote to transfer to the Board of Selectmen the care, custody, management and control of a parcel of land on Lake Shore Drive at Navaho Lake Shores shown as Lot 5856 on Assessors Map 35, also shown as Lot 36 on a plan of Whispering Pines dated April 1952, for the purpose of sale or conveyance of the parcel, and to authorize the Board of Selectmen to sell and/or convey the parcel to Frances Stanizzi or other person(s) on such terms and conditions as the Board of Selectmen determines including conveyance for nominal consideration, or act anything thereon.

ARTICLE 17. To see if the Town will vote to authorize the Board of Selectmen to acquire easements in two parcels of land by gift, purchase or eminent domain in connection with the project to rehabilitate the Summer Street Bridge over the Taunton River, such parcels being shown on a plan entitled "Preliminary Right of Way Plans for Summer Street Bridge – Bridgewater/Middleborough" dated October 9, 2009 revised December 22, 2009 prepared by Jacobs Engineering Group as follows:

Parcel #	Property Owner	Area
E-1	Brooks	270 square feet
E-2	Pocius	498 square feet

, or act anything thereon.

ARTICLE 18. to see if the Town will vote to authorize the Board of Selectmen to acquire easements in parcels of land by gift, purchase or eminent domain in connection with the project to mitigate pollution to the Nemasket River, or act anything thereon.

ARTICLE 19. To see if the Town will transfer the management and control of a parcel of land on Wareham Street (Route 28) shown as Lot 4356 on Assessors Map 110 to the Middleborough Gas & Electric Department Light Board for purposes of the Gas & Electric Department Light Board for purposes of the Gas & Electric including without limitation leasing all or a part of the parcel to a third party, and to authorize the Light Board to lease all or part of the property Algonquin Gas Transmission, LLC or other party on such terms and conditions which may be approved by the Light Board, or act anything thereon.

ARTICLE 20. To see if the Town will vote to include acquisition of a Supervisory Control and Data Acquisition (SCADA) system in the water system improvements project voted under Article 12 of the warrant for the September 23, 2003 Special Town Meeting, or act anything thereon.

ARTICLE 21. To see if the Town will vote to appropriate the sum of \$6,000,000 for the purpose of improving the water system; and further to authorize the Town through the Treasurer, with the approval of the Commissioners, to borrow said \$6,000,000.00, or any portion thereof, and issue bonds or notes therefore under Section 8(4) of Chapter 44 of the General Laws or any other enabling authority, or Chapter 29C of the General Laws; and further to authorize the Treasurer with the approval of the Board of Water Commissioners, to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, or any other fund established in connection with the Safe Water Drinking Act, and in connection therewith to enter into a loan agreement and/or security agreement with the Trust, or any other such pertinent fund administrator, and otherwise to contract with the Trust and/or the Department of Environmental Protection with respect to such loan and with respect to any federal or state aid available for the project, or for the financing thereof, or for reimbursement of costs incurred in connection therewith' and further to authorize the Board of Water Commissioners to enter into a project regulatory agreement with the Department of

Environmental Protection, to extend all funds available for the project, and to take any other action ordered to the purposes of carrying out the project, or act anything thereon.

ARTICLE 22. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation to allow the Board to impose reasonable fees for the employment of outside consultants under the provisions of General Laws Chapter 44, Section 53G in connection with its review of earth removal permit applications under the Town's Earth Removal By-law, or act anything thereon.

ARTICLE 23. To see if the Town will vote to amend its Earth Removal By-law by deleting the first four sentences of the first paragraph of Section 5 and replacing them with the following:

Section 5

An earth removal permit may be issued for a period of up to three (3) years. If a project is not completed during the initial permit period, a permit may be extended up to one (1) year beyond the initial permit period, provided, however, that no permit may be extended unless an application therefore is filed no later than three (3) months before expiration of the initial permit period. If an earth removal project is not completed during the initial permit period and any permit extension period, a new permit to complete the project shall be required, provided, however, that a new permit to complete a project may not be issued until three (3) years have elapsed after expiration of the initial permit period and any permit extension period. Any project which is the subject of an earth removal permit or extension permit and which permit is in effect on January 1, 2010 shall not be subject to a three (3) year delay after expiration before issuance of a new permit to complete the project as set forth in the previous sentence. An applicant for a new permit to complete a project shall comply with all requirements of the by-law and regulations in effect when the application for a new permit is filed, or act anything thereon.

ARTICLE 24. To see if the Town will vote to raise and appropriate and/or transfer from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available source, or by borrowing, a sum of money up to \$400,000 to supplement the FY10 School Department's Operating Budget for additional out-of-district program tuitions, or act anything thereon.

ARTICLE 25. To see if the Town will vote to raise and appropriate and/or transfer from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available source, or by borrowing, a sum of money in the amount of \$36,357 to replace the elevator cylinder and make related repairs at Middleborough High School, or act anything thereon.

ARTICLE 26. To see if the Town will vote to raise and appropriate and/or transfer from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available source, or by borrowing, a sum of money up to \$275,000 to remodel, reconstruct and make necessary related repairs to the Middleborough High School plaza deck/front entranceway and walk-way, or act anything thereon.

ARTICLE 27. To see if the Town will vote to raise and appropriate and/or transfer from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available source, or by borrowing, a sum of money up to \$32,400 to replace the air conditioning compressors and make related repairs at the John T. Nichols, Jr. Middle School, or act anything thereon.

ARTICLE 28. To see if the Town will vote to raise and appropriate and/or transfer from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available source, or by borrowing, a sum of money up to \$20,000 to replace the roof and make other structural repairs to the exterior of the Green School, or act anything thereon.

SECTION XIX

MILL CONVERSION OVERLAY DISTRICT (MCOB)

- A. The purpose of this Section is to create an overlay district:
1. to allow for conversion of Middleborough's historic mills while preserving the character of nearby residential and commercial neighborhoods;
 2. to encourage the preservation, reuse and renovation of historic mill properties; and
 3. to promote diversified housing opportunities and uses such as commercial, retail or office use, or a combination of such uses.
- B. **Overlay District.** The Mill Conversion Overlay District (MCOB) is hereby established and shall be construed as an overlay district. Within the MCOB all regulations of the underlying district(s) shall continue to be in full force and effect, except where these regulations supersede such underlying requirements or provide an alternative to such requirements.
- C. **Location.** The MCOB shall consist exclusively of the following properties:
1. The Abbot Mill on Pleasant Street – Forge Village, consisting of Map 53 Parcels 11, 15 and 110.
Parcel 11: Corner of Pleasant and Bradford Streets – 41,874 square feet.
Parcel 15: Pleasant Street – Subdivided to Parcel A – 420,692 square feet on Plan entitled “Proposed Subdivision and Mill Conversion Overlay (“MCOB”),” scale 1”=150’, dated April 19, 2000.
Parcel 110: Pleasant Street – 10,125 square feet.
 2. The Abbot Worsted Mill on North Main Street – Graniteville, consisting of Map 30 Parcels 68, 69, 70, 71, 72 and 73.
Parcel 68: 1.2 acres with frontage on River Street.
Parcel 69: .218 acre (9,496 square feet) off Broadway Street.
- D. **Special Permit Required.** Within the MCOB, a MCP may be constructed upon the issuance of a special permit by the Zoning Board of Appeals, and upon site plan approval pursuant to Section 9.4, subject to the requirements set forth herein. No other use or structures shall be permitted in conjunction with an MCP, except as specifically provided herein.
- E. **Special Permit Granting Authority.** The Zoning Board of Appeals shall serve as the special permit granting authority pursuant to this section. An application for a special permit shall be governed by the following rules.
- F. **Application.** An application for a special permit shall be submitted to the Zoning Board of Appeals on forms furnished by the Zoning Board of Appeals in accordance with its regulations. Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of G.L. c. 41, ss. 810 and 81T as the same may be from time to time amended and the Regulations of the Zoning Board of Appeals and a filing fee determined in accordance with said Regulations. In addition the applicants shall submit:
1. *Plans.* The following plans:
 - a. a site plan and all supporting documents as set forth in Section 9.4;
 - b. a plan at a scale of 1" = 40' showing the topography of the site at a minimum of two foot intervals, as well as vegetation and special features, including wetlands, perennial streams and ponds, waterways, waterfalls, canals and dams, trees of more than 8" caliper, rock outcroppings, slopes in excess of 15%, existing and proposed trails and paths, open vistas, structures of historical importance and biological or wildlife habitats, and proposed conservation and recreation easement areas;

- c. a plan illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, and typical elevations, as well as the general height, bulk and appearance of structures. Perspective drawings may be subsequently required by the Zoning Board of Appeals;
 - d. a floor plan to scale for each floor of each building indicating, if applicable:
 - i. number of units;
 - ii. number of bedrooms;
 - iii. proposed use of the floor space; and
 - iv. location of affordable dwelling units;
 - e. a plan describing the care, custody and control of all dams and water rights; and
 - f. a plan for any waste water treatment facility.
2. *Narrative Reports.* The following narrative reports or data:
- a. a proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion;
 - b. a development impact statement prepared by qualified professionals detailing the impact of the development, at all phases including construction and operation, on:
 - i. the Town's capacity to furnish services including, but not limited to, roads, police, fire, emergency services, schools, and water; and
 - ii. vehicular and pedestrian traffic, water and air quality, noise and light pollution and other environmental concerns;
 - c. information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium or other ownership organization, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel;
 - d. copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium or other ownership organization and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel;
 - e. a concise narrative prepared by a preservation consultant including any and all historical information to be submitted to the Middleborough Historical Commission and Zoning Board of Appeals. The narrative will include:
 - i. architectural history of all structures on the site, including period, style, method of building construction, and association with any particular architect or builder.
 - ii. any important association with one or more historic persons or events.
 - iii. any cultural, political, economic or social history of the site or any structures to the Town, Commonwealth of Massachusetts or the United States of America.
 - f. evidence that the proposed MCP is consistent with applicable standards of the of the National Park Service or the Middleborough Historic Commission; and
 - g. any and all other information that the Zoning Board of Appeals may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.
3. *Fees.* The following fees:
- a. *Technical Review Fee.* The applicant shall pay a technical review fee pursuant to G.L. c. 44, s. 53G and the rules of the Zoning Board of Appeals.
 - b. *Administrative Fee.* The applicant shall pay an administrative fee pursuant to the rules of the Zoning Board of Appeals.
4. *Waiver.* The Zoning Board of Appeals may waive the submittal of technical information or documents otherwise required hereunder where the applicant demonstrates that, due to the simplicity of the proposal, such information is not

necessary for or applicable to the Zoning Board of Appeals' decision pursuant to this section.

- G. Review by Other Boards.** Whenever an application for a special permit for a MCP is filed with the Zoning Board of Appeals, the applicant shall also file, within five (5) working days of the filing of the completed application, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Highway Superintendent, Police Chief, Fire Chief, and the Town Engineer for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. Reports from other boards and officials shall be submitted to the Zoning Board of Appeals by the date of the public hearing, but in any case within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Zoning Board of Appeals is held prior to the expiration of the 35 day period, the Zoning Board of Appeals shall continue the public hearing to permit the formal submission of reports and recommendations within that 35 day period. The

Decision/Findings of the Zoning Board of Appeals shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

H. Standards. In order to be eligible for consideration for a special permit pursuant to this Section, the proposed development shall meet all of the following standards:

1. *Buffer.* A buffer area of one hundred (100) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site; provided, however, that existing structures and existing access roadways are exempt from the requirements set forth herein. However existing structures and parking areas shall not be made more non-conforming except for ADA compliance. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Zoning Board of Appeals may waive the buffer requirement:
 - a. where the Zoning Board of Appeals determines that a smaller buffer will suffice to accomplish the objectives set forth herein; or
 - b. where the construction of a wastewater treatment plant necessitates such relief.
2. *Removal and Replacement of Vegetation.* Within the site, no clear cutting shall be permitted, except as authorized by special permit and incidental to construction of buildings, roads, trails and parking areas. The Zoning Board of Appeals may require suitable landscaping or replacement of vegetation.
3. *Roadways.* The principal roadway(s) within the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.
4. *Number of Parking Spaces.* The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirements of Section 5.1 or other applicable provision herein. The Zoning Board of Appeals may increase the required parking by up to 10% to serve the needs of residents, employees, visitors and service vehicles. The Zoning Board of Appeals may reduce the otherwise required number of parking spaces where the applicant demonstrates that an adequate number of spaces will be provided.
5. *Commercial Vehicles.* Commercial vehicles owned or operated by owners or tenants of the MCP, or their agents, servants, licensees, suppliers and invitees shall be parked inside a garage, or suitably screened or designated area, except for delivery or service vehicles in the active service of receiving and delivering goods or services.
6. *Parking Areas.* All parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the site, including public ways, by a landscaped border at least ten (10) feet in width. Parking lots shall be

located to the rear or side of all buildings and shall not be located in front setbacks or in buffer areas; provided, however, that the Zoning Board of Appeals may waive these provisions for existing parking lots and/or existing buildings. Parking lot layouts shall be planned to permit landscaping, buffers, or screening to prevent direct views of parked vehicles from adjacent streets. The use of traditional picket fencing, hedges, walls, or landscape berms to define parking areas is encouraged. In parking areas of eleven or more parking stalls, at least one tree of three-inch or greater caliper shall be planted for every six parking places. Adequate tree wells and irrigation shall be provided for all parking lot landscaping. Pedestrian access is to be taken into consideration in parking lot design. The use of separate walkways is encouraged. Textured paving or grade separated (elevated) walkways are desired on all pedestrian access ways.

7. *Paving.* Paving should be textured or of different materials at pedestrian crossings and walkways. The use of stone, brick or cultured stone pavers for entrance walkway borders is encouraged. The use of textured materials for walkway borders is encouraged.
8. *Paths.* The Zoning Board of Appeals may require paths which shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the site and to pathways or sidewalks to adjacent sites.
9. *Loading.* Loading areas may be required by the Zoning Board of Appeals where deemed necessary for the efficient operation of the MCP. Loading areas must be at least 20 X 9 feet, and have a minimum overhead clearance of 10 feet. Screening and landscaping shall be provided to block all views of loading areas (except those specifically designated for emergency vehicles) from the public right-of-way and adjacent properties.
10. *Stormwater Management.* The stormwater management system shall be designed in accordance with the Regulations of the Zoning Board of Appeals.
11. *Utilities.* All electric, gas, telecommunications, and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances. The facility shall be served by the municipal water system.
12. *Emergency Systems.* The MCP shall have an integrated emergency call, and/or telephone and/or other communications system for its residents and/or other tenants. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Middleborough Fire Department for the emergency evacuation of the residents with emphasis on ensuring the safety of residents with physical impairments.
13. *Lighting.* Illuminated signs, parking lot lighting, building floodlighting, or other exterior lighting shall be so designed and arranged that the collective result does not create so much light overspill onto adjacent premises that it casts observable shadows, and so that it does not create glare from unshielded light sources.

I. Number of Dwelling Units. The maximum number of dwelling units shall be established by the Zoning Board of Appeals after reviewing the following criteria:

1. Existing structures;
2. Proposed method and efficacy of wastewater disposal;
3. Availability of public water;
4. Trip generation, traffic safety and internal site traffic;
5. Character of the proposed MCP and its relation to the surrounding neighborhood(s);
6. Character of the existing buildings and the potential for reuse thereof;
7. Number of affordable units, beyond the minimum required, proposed by the applicant;
8. Development Impact Statement;
9. Applicability of the Water Resource Protection Overlay District, Section 8.1, herein; and
10. Reports of the technical consultants of the Zoning Board of Appeals and all other reviewing boards.

- J. Number of Bedrooms.** The Zoning Board of Appeals may ensure the diversification of dwelling units within a MCP by establishing the number of dwelling units with one, two, or three bedrooms; but not more than 10% shall be three bedrooms.
- K. Expansion of Existing Buildings.** Existing buildings within a MCOB may be expanded, provided that such expansion:
1. is consistent with the existing buildings historic character and scale; and
 2. does not cause substantial detriment after considering the factors set forth in Section 8.5.14.
- L. New Buildings.** Within the MCP, new buildings may be constructed in accordance with the following requirements:
1. The number, type, scale, architectural style, and uses within such new buildings shall be subject to Zoning Board of Appeals approval.
 2. New buildings shall be permitted only to the extent reasonably necessary to provide for essential services such as, but not limited to, wastewater treatment facilities.
- M. Affordable Dwelling Units.** [Amended 05-06-06 ATM Art. 27] As a condition of the grant of any special permit for a MCP, a minimum of twenty-five (25%) of the total number of dwelling units shall be restricted in perpetuity in the following manner:
1. 5% of the units shall be affordable to persons or families qualifying as low income; and
 2. 10% of the units shall be affordable to persons or families qualifying as moderate income; and
 3. 10% of the units shall be affordable to persons or families qualifying as median income.
 4. The perpetuity restriction shall be approved as to form by legal counsel to the Zoning Board of Appeals, and a right of first refusal upon the transfer of such restricted units shall be granted to the Middleborough Housing Authority for a period not less than 120 days after notice thereof.
 5. Affordable units shall be integrated into the overall development of the MCP so as to prevent the physical segregation of such units.
 6. The Applicant shall be encouraged to seek designation of the units referenced in paragraphs 8.5.13.1 and 8.5.13.2 as affordable units which qualify as part of the subsidized housing inventory as approved and complied by the Department of Housing and Community Development (DHCD). The Zoning Board of Appeals may require that the Applicant affirmatively take steps to utilize the Middleborough Housing Authority, a public agency, a non-profit agency, limited dividend organization, or other appropriate entity, and through a Local Initiative Program Petition or other similar mechanism or program, cause application to be made to the DHCD, so as to timely furnish all forms and information necessary to promote the designation of those units referenced in said paragraphs as affordable units qualifying as part of the subsidized housing inventory. The Zoning Board of Appeals may require submission of application, forms and appropriate information to the DHCD as a condition of approval.
- N. Action by the Zoning Board of Appeals.** The Zoning Board of Appeals after considering reports from consultants and other Boards and/or Commissions, may grant a special permit for a MCP where it makes the following findings:
1. The proposed MCP constitutes an appropriate renovation as defined above; and
 2. The proposed MCP does not cause substantial detriment to the neighborhood after considering the following potential consequences:
 - i. noise, during the construction and operational phases;
 - ii. pedestrian and vehicular traffic;
 - iii. environmental harm;
 - iv. visual impact caused by the character and scale of the proposed structure(s); and

v. for the consequences as may be set forth in the Development Impact Statement for the MCP.

, or act anything thereon.

ARTICLE 30. To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitting by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided under said Act; to levy a 1% surcharge of the annual real estate tax against real property, to accept a \$100,000 exemption from the surcharge, as well as the exemption of property owned and occupied by a person who would qualify for low income housing or low or moderate income senior housing in the town, as permitted under Section 3(e) of said Act; or to take any other action relative thereto.

By Petition

ARTICLE 31. To see if the town meeting will vote to enact the following addition to the Town Charter:

To see if the town meeting will vote to enact the following addition to the Town Charter:

TERM LIMITS

Beginning with the 2011 Annual Town Election, no elected Town Official shall serve more than 2 consecutive terms of office at any one time. Additionally, any Town Official who has served 2 consecutive terms, shall not be able to run for the same Board or position until his or her successor has served at least one full term.

By Petition

ARTICLE 32 . To place on the town meeting warrant and article to accept Gibbs Road as a street in Middleboro.

By Petition

Given, under our hands at Middleborough, this ___ day of ___, 2010.

BOARD OF SELECTMEN

Pursuant to the instructions contained in the above warrant, I have notified and warned all inhabitants of said Town of Middleborough, qualified to vote as expressed in said warrant, to meet at the time and place for the purpose specified by causing an attested copy of the same to be published in the Middleboro Gazette on the ___ day of May, 2010, that date being more than seven days before the time specified for said meeting.

BRUCE GATES
Police Chief



MEMORANDUM

TO: Middleborough Board of Selectmen
Charles Cristello, Town Manager

FROM: John Granahan, General Manager, Middleborough Gas & Electric Dept.

DATE: February 4, 2010

RE: ARTICLE FOR TOWN MEETING

This memorandum details background information on a request to shift oversight of a lease agreement between Algonquin Gas Transmission (AGT or pipeline) and the Board of Selectmen of the Town of Middleborough ("Town") to Middleborough's Gas & Electric Department Light Board.

In the 1960's, Middleborough's Board of Selectmen, who were also the Electric Light Commissioners instructed the Manager of the Gas & Electric Dept. ("MGED") to begin the process of buying wholesale natural gas directly from AGT, the interstate pipeline expanding into Southeastern Massachusetts, thereby eliminating the Town's dependence on more expensive fuel supplied by Brockton-Taunton Gas.

In order to receive deliveries from AGT, the Town built a metering and regulator station near the pipeline route. In addition, the Town needed to provide an area on the site for installation of AGT's required equipment so Middleborough could take custody of the delivered supply. In 1966, the Town purchased a parcel of land from Myrtle Rice, along Route 28, now 677 Wareham Street. At the March 20, 1967, Town Meeting, voters unanimously approved a motion to lease a portion of this parcel to AGT for a term commencing September 1, 1966 and continuing until November 1, 1985 or on termination of the agreement for firm deliveries between the pipeline and MGED. A nominal payment of \$1 per annum was set out in the lease since the location is used exclusively to provide service to MGED.

Revisions to Federal Energy Regulatory Commission gas quality standards have prompted AGT to install gas chromatographs at most delivery points (providing at least one reading for each local system). Deviations from the required quality level will prompt the AGT's gas control operations group to correct the situation to the benefit of all customers. Chromatograph monitoring is critical in the Northeast since LNG properties vary widely, depending on the international source, and new LNG terminals in this region have resulted in a dramatic shift away from traditional supply sources.

In the fall of 2009, MGED met with representatives from AGT to discuss the installation of a chromatograph at the Wareham Street site. At that time, it was brought to our attention that the original lease from 1966 had expired, and that the arrangements would need to be updated. Bernie Gosson, MGED Gas Division Manager, has spoken to Dan Murray, Town Counsel, about the project and Dan has advised us that a new lease should be prepared since the existing lease expired in November 1985. The new lease would require approval at Town Meeting and would be set at twenty years at the nominal rate of \$1 per annum, which are the same terms as the original lease.

AGT provides approximately ninety-five percent of the gas delivered to Middleborough through the Wareham Street metering station. The installation of a chromatograph is essential for system integrity. Dan has suggested that, in order to expedite arrangements, the management and control of the Wareham Street parcel be formally transferred to the MGED for the purpose of negotiating the new lease. MGED has maintained and secured the site since the commencement of service in 1966.

We have reviewed this information with the Gas & Electric Commissioners and they are in agreement with Dan's suggestion.

MGED requests that the following article, prepared by Dan Murray, be included in the warrant for the next town meeting:

ARTICLE _____:

To see if the Town will transfer the management and control of a parcel of land on Wareham Street (Route 28) shown as Lot 4356 on Assessors Map 110 to the Middleborough Gas & Electric Department Light Board for purposes of the Gas & Electric Department including without limitation leasing all or a part of the parcel to a third party, and to authorize the Light Board to lease all or part of the property to Algonquin Gas Transmission, LLC or other party on such terms and conditions which may be approved by the Light Board or act anything thereon.

ARTICLES 24-28

**Middleborough Public Schools
Memorandum**

To: Middleborough Board of Selectmen
From: Middleborough School Committee
Date: February 26, 2010
Subject: Possible Annual Financial Town Meeting Articles

RECEIVED
FEB 26 2010
BOARD OF SELECTMEN
MIDDLEBOROUGH, MA

In keeping with the specified deadline, please be advised that at our February 25, 2010 meeting the School Committee voted to submit for consideration as possible warrant articles the following five (5) requests:

“To see if the Town will vote to raise and appropriate and/or transfer from taxation, free cash, another specific available fund, the Stabilization Fund, and existing appropriation or account or other available source, or by borrowing, a sum of money to ...

- supplement the FY10 School Department’s Operating Budget for additional out-of-district program tuitions ... [up to \$400,000]
- replace the elevator cylinder and make related repairs at Middleborough High School ... [\$36,357] *Does not say "upto"*
- remodel, reconstruct and make necessary related repairs to the Middleborough High School plaza deck/front entranceway and walk-way... [up to \$275,000]
- replace the air conditioning compressors and make related repairs at the John T. Nichols, Jr. Middle School . . . [up to \$32,400]
- replace the roof and make other structural repairs to the exterior of the Green School . . . [up to \$20,000]

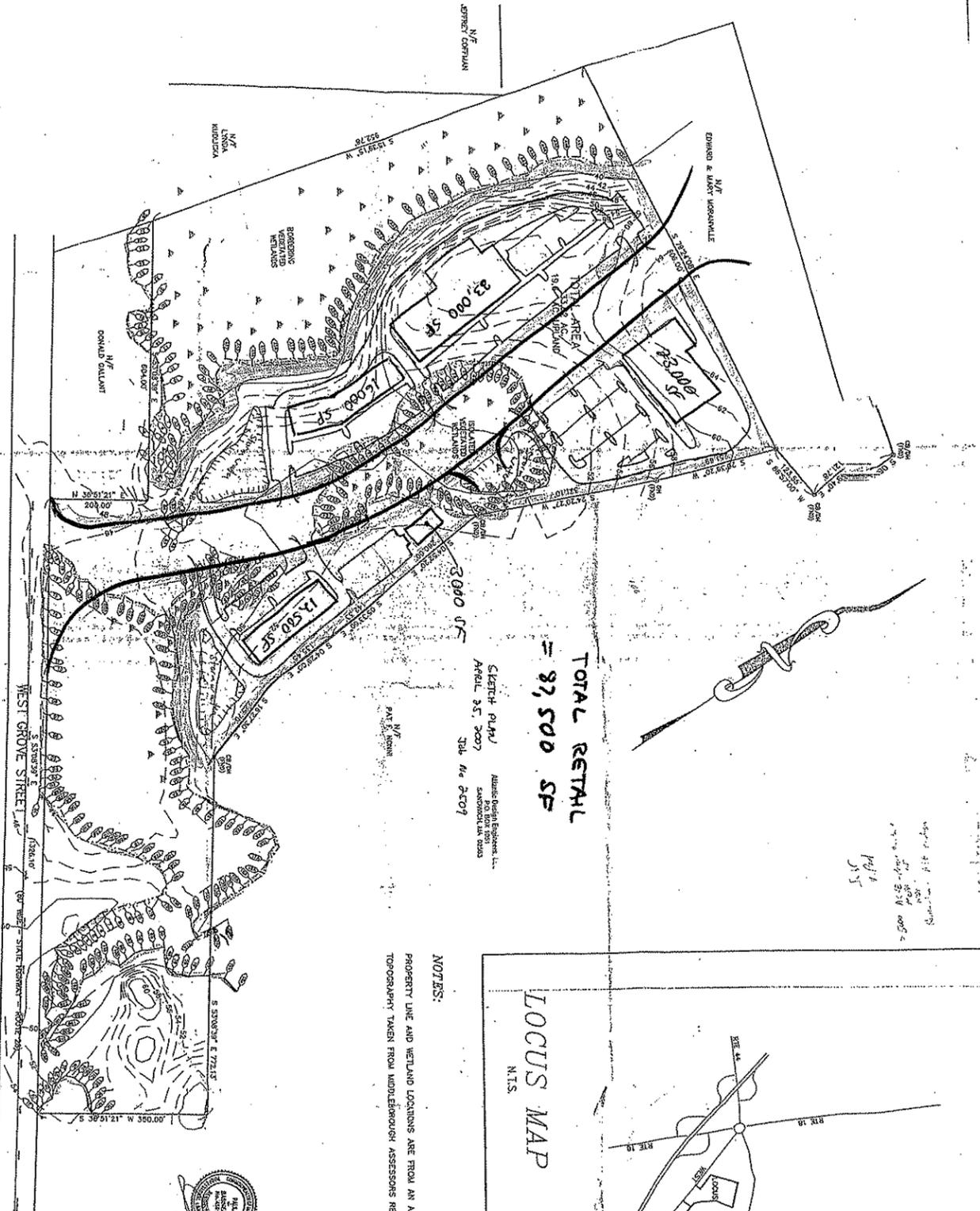
. . . or act thereon.”

Please note that the estimated amounts – to be confirmed prior to finalization of the warrant – are shown in brackets.

Thank you for your consideration. If you have any questions or require any additional information, please contact the Superintendent’s Office.

Cc: Dr. Robert M. Sullivan, Superintendent of Schools
Charles Cristello, Town Manager

ARTICLE 14

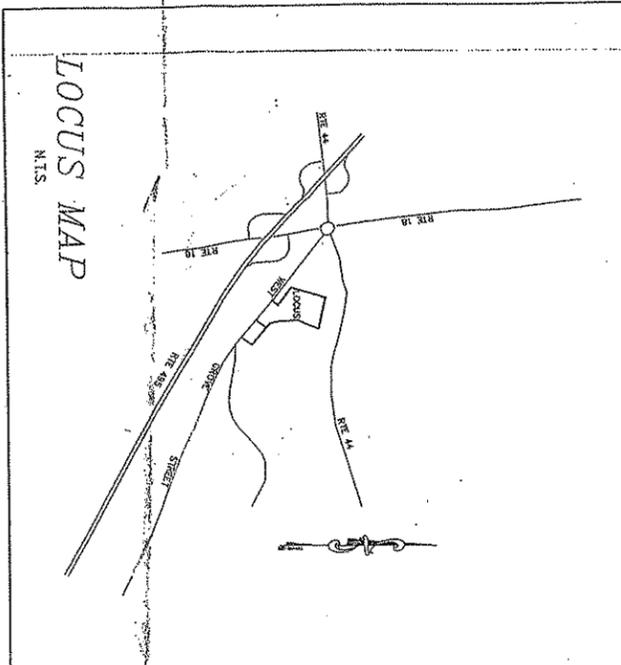


**TOTAL RETAIL
= 87,500 SF**

SKETCH PLAN
APRIL 25, 2007
SUB. No. 207

Middleboro Planning Board
Middleboro, MA 01948

Page 1
of 2
Submitted: 4/25/07



NOTES:
PROPERTY LINE AND WETLAND LOCATIONS ARE FROM AN ACTUAL FIELD SURVEY BY THIS OFFICE.
TOPOGRAPHY TAKEN FROM MIDDLEBOROUGH ASSESSORS RECORDS.

OWNER:

TOWN OF MIDDLEBOROUGH
MIDDLEBOROUGH, MA 01948
DEED BOOK 1068 PAGE 188
ASSESSORS MAP MAP 48
LOTS 302, 302.2 & 318

**PLAN OF LAY,
OR
WEST GROVE ST
IN
MIDDLEBORO
MASSACHUSETTS**



Volma Concept 'B'



0-20-07

CONSTRUCTION DETAIL

Element	Cd.	Ch.	Description
71			Churches
94			Commercial
01			Low Cost
1			Stories
1			Occupancy
11			Exterior Wall 1
11			Exterior Wall 2
03			Roof Structure
03			Roof Cover
03			Interior Wall 1
03			Interior Wall 2
09			Interior Floor 1
09			Interior Floor 2
03			Heating Fuel
04			Heating Type
01			AC Type
906C			Bldg Use
00			Total Rooms
00			Total Bedrms
2			Total Baths
02			Heat/AC
02			Frame Type
02			Baths/Plumbing
06			Ceiling/Wall
02			Rooms/Prtns
9			Wall Height
			% Conn Wall

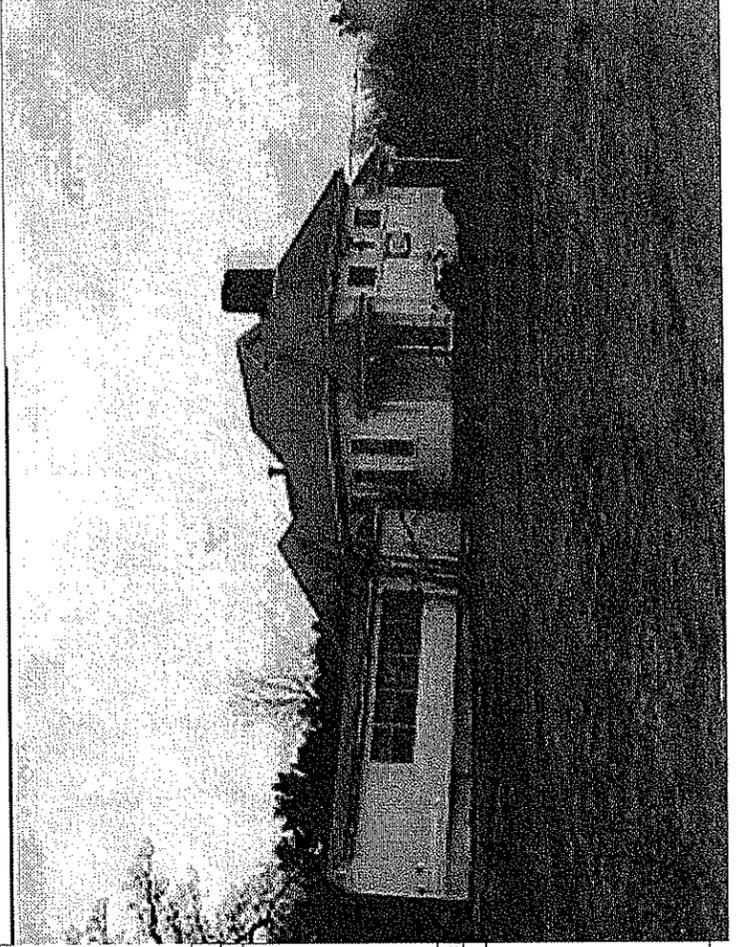
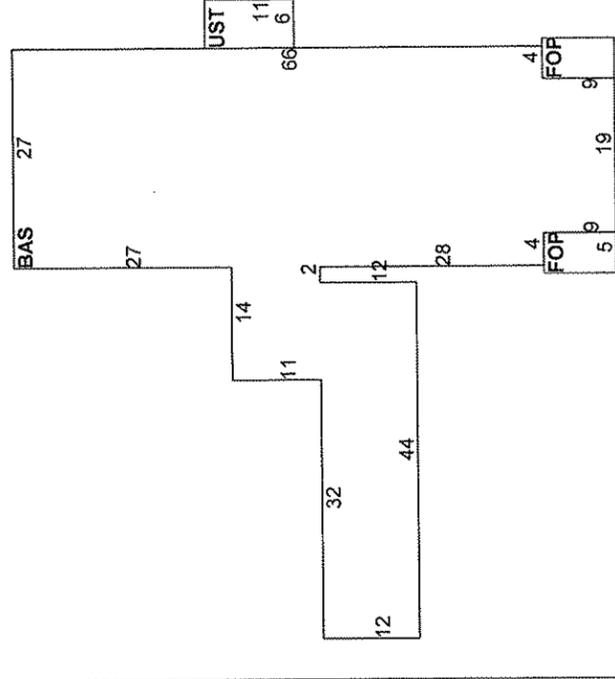
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)

Code	Description	Sub	Sub Description	L/B	Units	Unit Price	Yr.	Code	Dp	Rt	Cnd	%Cnd	Apr	Value
PAV1	PAVING-ASPH			L	20,000	2.00	1994	0				50		20,000

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	2,635	2,635	2,635	94.47	
FOP	Porch, Open	0	90	23	24.14	
UST	Utility, Storage, Unfinished	0	66	26	37.22	
	Total	2,635	3,291	2,684		

Total Gross Fin/Unfin Area: 2,635 2,791 2,684



ARTICLE 15

TOPO.	UTILITIES	STRT./ROAD	LOCATION	Code	Appraised Value	Assessed Value
TOWN OF MIDDLEBOROUGH				9600	114,100	114,100
10 NICKERSON AVE				9600	133,300	133,300
MIDDLEBORO, MA 02346				9600	20,000	20,000
Additional Owners:						
Other ID: R58 Subdiv 1 Subdiv 2 Recessed Ltg Custom FPL Old Plans GIS ID:				SUPPLEMENTAL DATA Old Plans Bett Payoff Cath Ceiling Structural Easements		
ASSOC PID# 50				Total: 267,400		267,400

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	SALE PRICE	V.C.
TOWN OF MIDDLEBOROUGH	745/ 68	05/29/1897	0	

EXEMPTIONS	Amount	Code	Description

OTHER ASSESSMENTS	Number	Amount	Comm. Int.

ASSESSING NEIGHBORHOOD	STREET INDEX NAME	TRACING	BATCH
ROCK SCHOOL			
GABLE ROOF OVER 12X44			
CHRIST EVANGELICAL CHURCH			

PERMIT ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments
10435	12/26/1989	WOOD		2,000	12/31/1989	100	12/31/1989	

Bldg #	Use Description	Zone	D	Frontage	Depth	Units	Unit Price	I. Factor	S.A.	Disc	C. Factor	ST. Idx	Adj.	Notes-Adj	Special Pricing	Adj. Unit Price	Land Value
1	9600 CHURCHES	RR				43,560	SF	3.06	1.00	S	1.00000	1.00	0.00			3.06	133,300
Total Card Land Units:													1.00 AC	Parcel Total Land Area:	1 AC	Total Land Value:	133,300

PREVIOUS ASSESSMENTS (HISTORY)	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
	2010	9600	114,100	2009	9060	297,600
	2010	9600	133,300	2008	9060	163,400
	2010	9600	20,000	2008	9060	20,000
Total:			267,400	Total:		481,000

This signature acknowledges a visit by a Data Collector or Assessor

APPRaised VALUE SUMMARY	Value (Card)
Appraised Bldg. Value (Card)	114,100
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	20,000
Appraised Land Value (Bldg)	133,300
Special Land Value	0
Total Appraised Parcel Value	267,400

Valuation Method:
 Adjustment:
 Net Total Appraised Parcel Value: 267,400

VISIT/CHANGE HISTORY	Date	Type	ID	Cd.	Purpose/Result
	5/15/2002		GL	01	Measure & Drhng
	6/16/1993		SR	00	Measure & Int Insp
	11/10/1986		SS	00	Measure & Int Insp

LAND LINE VALUATION SECTION	Acres	Disc	I. Factor	S.A.	Disc	C. Factor	ST. Idx	Adj.
	1.00	S	1.00	S	1.00000	1.00		0.00

VISION

Article 17

BRIDGEWATER/MIDDLEBOROUGH
SUMMER STREET

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MASS	N/A	6	7

PROJECT FILE NO. 604415
PROPERTY PLANS
SHEET 2 OF 2
PRELIMINARY RIGHT OF WAY PLAN

DRAINAGE DETAILS

NONE

WATER SUPPLY ALTERATIONS

NONE

PROP. HIGHWAY GUARD TYPE SS

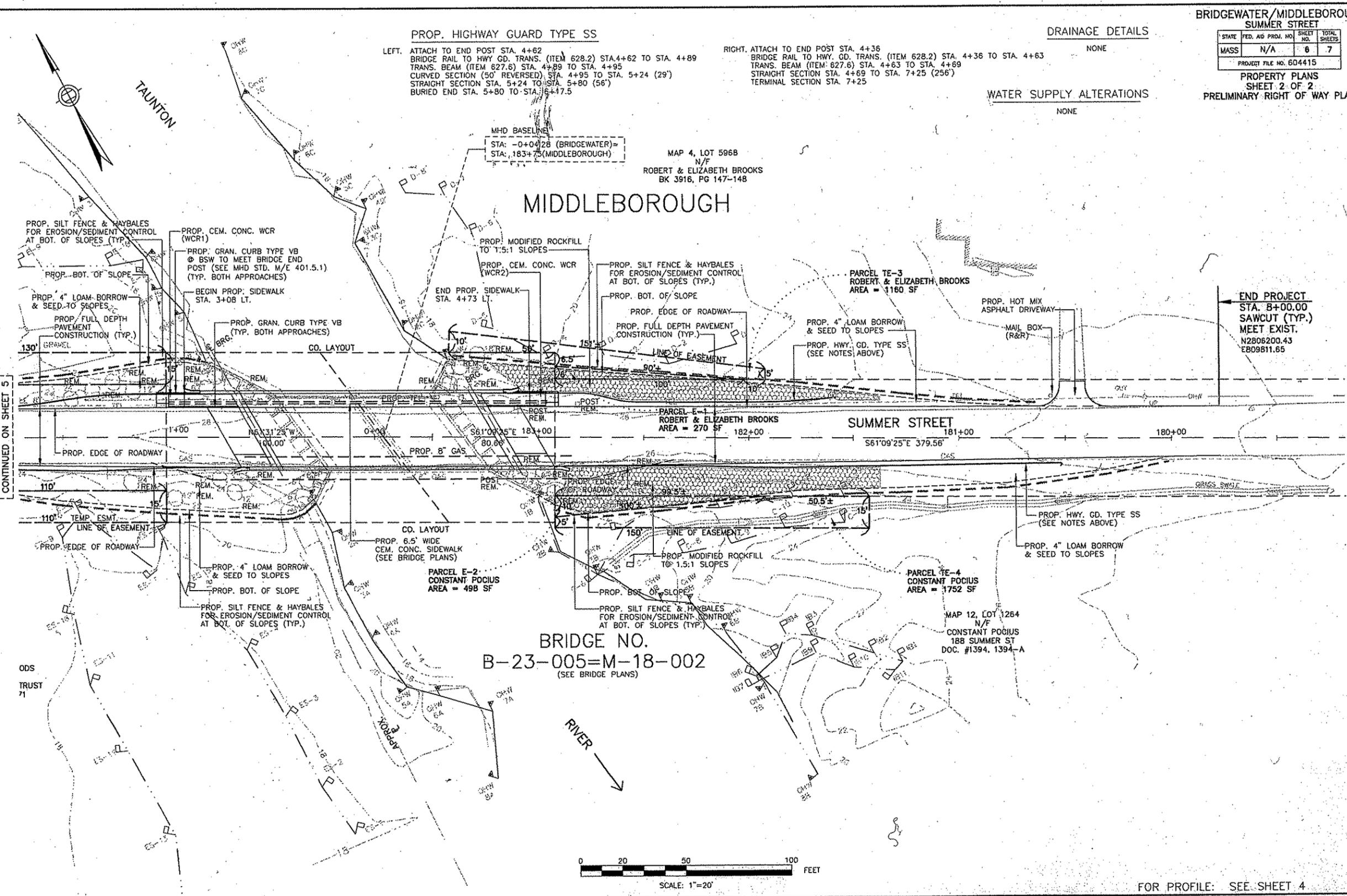
LEFT. ATTACH TO END POST STA. 4+62
BRIDGE RAIL TO HWY GD. TRANS. (ITEM 628.2) STA. 4+62 TO STA. 4+89
TRANS. BEAM (ITEM 627.6) STA. 4+89 TO STA. 4+95
CURVED SECTION (50' REVERSED) STA. 4+95 TO STA. 5+24 (29')
STRAIGHT SECTION STA. 5+24 TO STA. 5+80 (56')
BURIED END STA. 5+80 TO STA. 6+17.5

RIGHT. ATTACH TO END POST STA. 4+36
BRIDGE RAIL TO HWY. GD. TRANS. (ITEM 628.2) STA. 4+36 TO STA. 4+63
TRANS. BEAM (ITEM 627.6) STA. 4+63 TO STA. 4+69
STRAIGHT SECTION STA. 4+69 TO STA. 7+25 (256')
TERMINAL SECTION STA. 7+25

MAP 4, LOT 596B
N/F
ROBERT & ELIZABETH BROOKS
BK 3916, PG 147-148

MIDDLEBOROUGH

BRIDGE NO.
B-23-005=M-18-002
(SEE BRIDGE PLANS)

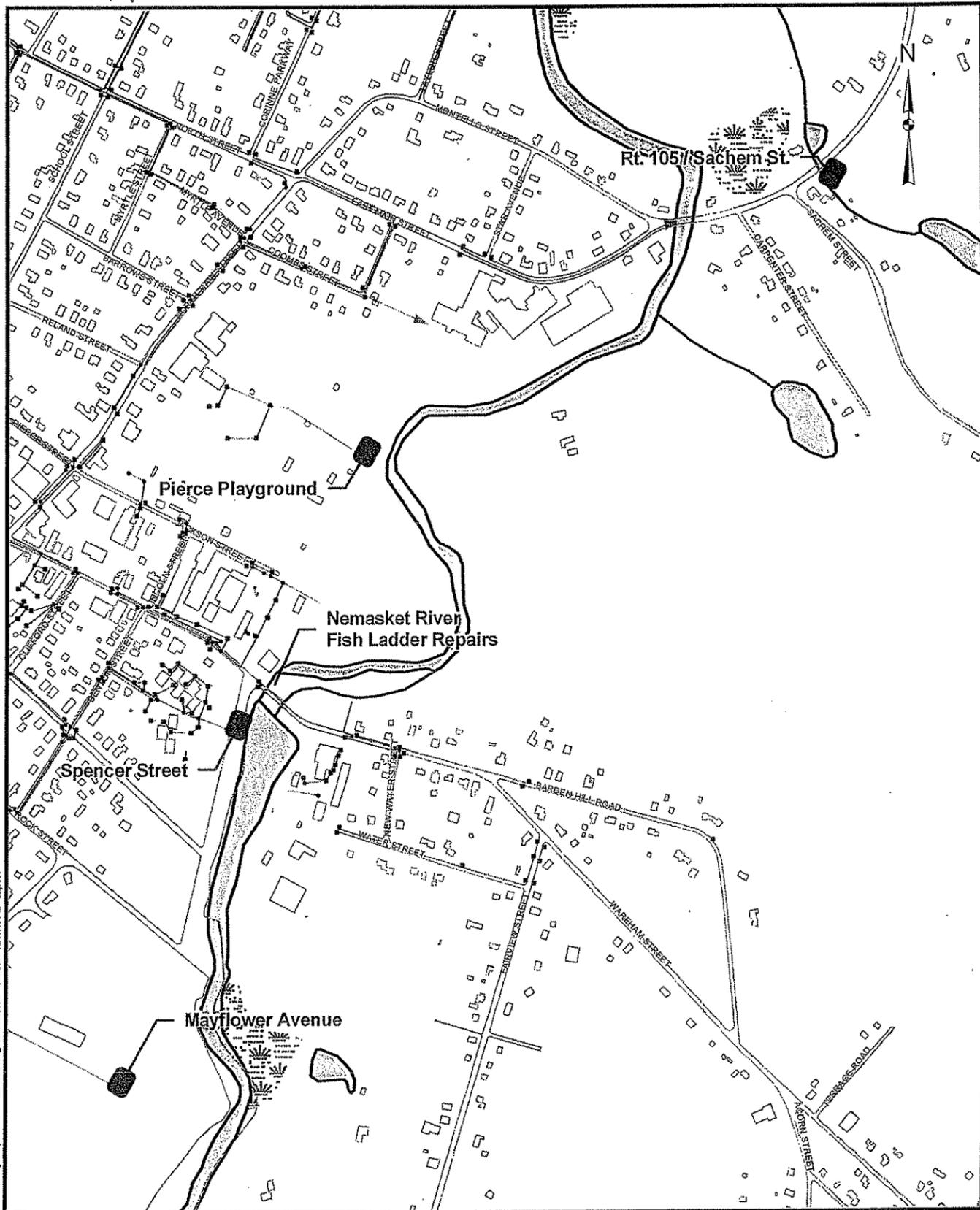


CONTINUED ON SHEET 5

IN CHARGE OF: C. STEFANO
DESIGNED BY: J. KEGAN
CHECKED BY: P. ASTON
DRAWN BY: P. NELSON/J. KEGAN

FOR PROFILE: SEE SHEET 4

ARTICLE 18

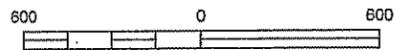


\\nas101\proj\2008\18\Map\18\Map18.mxd 3/20/08 12:38:46 PM dlyves

- Legend**
- Catch Basin
 - Drain Manhole
 - Estimated Drain Line Location
 - BMP's needed

FIGURE 1
TOWN OF MIDDLEBOROUGH, MA

PROJECT LOCATIONS



DRAFT

ARTICLE 11:

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact special legislation to provide that any agreement for a term of more than two (2) years made by the Town with any other governmental unit under the provisions of Section 4A of Chapter 40 of the General Laws respecting the sale by the Town of water or wastewater treatment services shall be subject to authorization by the Town Meeting, or act anything thereon.

ARTICLE NEW:

To see if the Town will vote to support acquisition by the Town of the former St. Luke's Hospital property at Center Street and Oak Street for a police station or other municipal use, or act anything thereon.