

CRANBERRY CAPITAL
OF THE WORLD




Phone: 508-946-2405
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Town of Middleborough

Massachusetts

BOARD OF SELECTMEN
Marsha L. Brunelle

APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

Patrick E. Rogers
Wayne C. Perkins
Steven P. Spataro

DATE _____
NAME OF APPLICANT _____
ADDRESS OF APPLICANT _____
ASSESSORS MAP & LOT _____
NAME OF BUSINESS _____
OWNER OF PROPERTY TO BE LICENSED _____
ADDRESS OF PROPERTY TO BE LICENSED _____
ASSESSORS MAP & LOT _____

TYPE OF LICENSE REQUESTED (Check One)

2 nd Hand Furniture _____	2 nd Hand Clothing _____
Class I License _____	Class II License _____
Class III License _____	Liquor License _____
Common Victualler _____	Other _____

Anticipated Start Date for Business _____
Hours requested: _____

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

Signature _____

DATE OF HEARING _____

APPROVED/DENIED

Do not write below line: To be Completed by Treasurer/Collector:

Please inform this department, as well as the Board of Selectmen, as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? _____

**TOWN OF MIDDLEBOROUGH
EARTH REMOVAL PERMIT
APPLICATION PACKAGE**

* * * *

BOARD OF SELECTMEN

* * * *

EFFECTIVE MAY 1, 2003

Revised February 2, 2009

TABLE OF CONTENTS

Existing Process

- General
- Earth Removal Bylaw and Amendment
- Rules and Regulations
- Permitting Process
- Conservation Commission
- Farm Plan
- Town Taxes and Municipal Financial Obligations

Application Process

- General
- Checklist
- Project Plan

Appendix

- A. Project Plan
- B. Plan Check List
- C. Earth Removal By Law
- D. Inspection Checklist
- E. Typical Order of Conditions
- F. Application Form

EXISTING PROCESS

General

Proponents of earth removal permits are required to submit an application form through the Board of Selectmen's office that outlines the applicant's: name, address, Owner of property; location of property by referencing the Assessor's map and page number; number of acres of the property; and number of cubic yards of material to be removed.

The reasons for the permit request are to be outlined, along with proposed traffic route. Conservation Commission Order of Conditions are mentioned, along with identification of the engineer whom prepares the plan; the expected date of project start and completion and if this is a new application or renewal.

The earth removal application also requires listing of the abutter's property's name, address and assessor's map and page number. Included in Appendix A is a paper providing suggestions on how to be effective in dealing with Town Boards for your use.

Earth Removal Bylaw and Amendment

The Town's Earth Removal Bylaw (ERB) outlines definitions and the scope of the permitting process. The bylaw is provided in Appendix B. In order for a permit to be issued by the Board of Selectmen (BOS), an application must be filed and a public hearing conducted. Based on information provided, the Board of Selectmen may grant or deny an application. The ERB was passed by Special Town Meeting in May, 1970 and amended in 1992. The ERB amendment states that no 'other' work can be performed at the site, once the Earth Removal Permit Application has been submitted to the Board of Selectmen.

Exemptions are provided from the ERB based on the volume to be removed, or when a subdivision plan is reviewed and approved by the Town's Planning Board.

There is no time frame provided for when an ERB permit must be issued by the Board of Selectmen in regards to the process of application, final approval or denial.

Rules and Regulations

Rules, regulations and forms utilized by the Board of Selectmen or their Agent are provided in Appendix D that outlines site inspection review requirements and quarterly fees.

Permitting Process

The present permitting process takes into account various reviews and approvals that have been added by the BOS over the years. A review by the Conservation Commission for site conditions that could impact water resource areas is required.

Conservation Commission

The Conservation Commission is required by statutory law to review any proposed work within one hundred feet (100 feet) of any water resource area. The Town's Conservation Commission's agent should be contacted and appropriate documentation provided. An ERB permit will not be issued unless the required permit application is submitted and approved.

Farm Plan

A farm plan outlines the property agricultural needs and can be prepared professionally by a private, local, state or federal entities. It is recommended that the applicant contact the Cape Cod Cranberry Growers Association for guidance on preparing a farm plan for submittal with the Middleborough Earth Removal request or upon completion of the permitting and earth removal process to be submitted with the Certificate of Completion or to be made part of the applicant's final package.

Town Taxes and Municipal Financial Obligations

The Town, through the Board of Selectmen and Town Tax Collector request an update of tax debt, by a proponent, with the application process. Information regarding the status of any existing property tax or other legal obligations to the Town monies that may be owed on the property is required to be submitted.

APPLICATION PROCESS

General

The process for submittal of an application for an ERB permit is as follows:

1. Applicant receives an application package from the BOS and is advised that the complete process, if it includes Conservation Commission hearings, may take up to eight (8) weeks.

The application package is available through email, by the BOS's Secretary. Please contact the BOS office for email address.

2. Applicant is advised to prepare a civil engineering plan that meets with the ERB permitting and project plan requirements to the Conservation Commission, along with Notice of Intent or other required forms.

Conservation Commission hearings require notification of abutters.

ConCom may require at least twenty one (21) days from receipt of a notice to schedule a hearing (recheck this out with Rosemary). And fourteen (14) days after the hearing the Order of Conditions may be issued.

3. If there are not any Conservation Commission requirements, proceed to No. 5.
4. Upon completion of required Conservation Commission public hearings and issuance of any Order of Conditions or finding - proceed to No. 5
5. Submit six (6) completed or revised plans, Project Plan and Order of Conditions to the Board of Selectmen's office and request a public hearing, along with a check for three hundred dollars (\$ 300.00), made out to the Board of Selectmen – Town of Middleborough.
6. Abutters are required to be notified by registered mail by the proponent.
7. The Board of Selectmen will submit a form for sign off and review by the Town Tax Collector/Treasurer for a check on whether property taxes, water, sewer or other financial obligations are current.

The BOS will review the application for completeness and advise that a public hearing can be advertised. The applicant is responsible for costs associated with advertisements.

8. A public hearing will be scheduled conducted by the Board of Selectmen at a regularly or specially scheduled meeting.
9. The Board of Selectmen will complete the public hearing and provide an Order of Conditions, if acted upon favorably no later than three (3) weeks after hearing.

Checklist

The town's representative will conduct quarterly inspections of the project and utilizes a checklist. This project checklist is included in the Appendix of this Application Package.

Project Plan

As part of the Application Package submittal, a project plan is required. The town's representative will review this proposed project schedule and work outline for compliance. The applicant can review with the town's representative and adjust if necessary - as site conditions warrant - with the expressed approval of the town's representative. Approval of any change to the project plan will be noted on the quarterly checklist.

APPENDIX A

PROJECT PLAN

APPENDIX A

PROJECT PLAN

The purpose of the project plan is to provide a written description of the property, Past activities, state permit requirements and how the project will move through construction. The project proponent is encouraged to 'paint a picture' of how the project will proceed over the requested permit time period. The following items must be included in the project plan.

1. Purpose of project
2. Description of site and prior work
3. Reasons for earth removal permit
4. Describe past earth removal activities and compliance issues that may have occurred.
5. How project will be constructed with phases and time lines provided
6. Time duration requested for permit
7. **Describe:**
 - a. The phases, associated time lines and anticipated (**volumes, yardage and daily truckloads**) to be removed each year.
 - b. Describe the buffer zones that are to be maintained from the site excavation or pond limits to the property lines, keeping in mind that a treed buffer zone is desired by the Board of 100 feet from individual property lines, and 200 feet from town roadways.
 - c. Any specific site conditions that require special attention.
 - d. Proposed dewatering system for the area should include the abutters who have overburden wells in the area (2000 feet in circumference).

Note that there may be a requirement of determining hydrological affects if abutters complain of insufficient waters in their wells.
 - e. If ponds -reservoirs - tailwater recovery systems are to be constructed, please utilize the Soil Conservation Service - Pond Specifications for Excavated Ponds, contained in the Appendix as guidelines.
 - f. Estimated volume of material to be excavated and removed from site.
 - g. Estimated volume and site location of materials to be kept on site
 - h. Maximum sloping
 - i. Show volume of pond required for bog size.

- j. Criteria for excavation of ponds and water storage areas
- k. Dust Control measures
- l. Erosion Control measures
- m. Final topsoil and plantings
- n. Is there proposed rock crushing?
- o. Is there proposed screening equipment?
- p. Is there additional equipment requested for the site?

8. Record Plans

Once the project is completed or permit times have been exhausted, the approved applicant is required to submit Completed record plans to receive the Town's Certificate of Completion and release any bond that has been secured for the project.

APPENDIX B
PLAN CHECK LIST

APPENDIX B

PLAN CHECKLIST

PLEASE COMPLETE CHECKLISTS FOR PLANS AND PROJECT PLAN AND INITIAL:

PLANS	Check	Initials
A. Cover page that shows:		
1. Name of project:	_____	_____
2. General directional and town locus:	_____	_____
3. Water Resource Protection District limits	_____	_____
4. Engineering Firm Name and address	_____	_____
5. Flood Map limits (if applicable)	_____	_____
6. Zoning District limits	_____	_____
B. Civil Drawing Sheet 1 - that show at a minimum:		
1. Existing streets	_____	_____
2. Property lines and names of adjacent properties/abutters	_____	_____
3. Existing tree lines	_____	_____
4. Existing and proposed topographical contours (5' foot minimum)	_____	_____
5. Town roadways	_____	_____
6. Proposed treed buffer zones between edges of excavation and abutters	_____	_____
7. Proposed buffer zones between property excavation and town street(s)	_____	_____
8. Distances of proposed reservoir or excavations from property lines of abutters.	_____	_____
9. Location and type of proposed excavation and work	_____	_____
10. Locations of stockpiling of materials	_____	_____
11. Proposed reservoir volume, slopes and bottom elevations	_____	_____
12. Site of proposed dewatering pond, discharge and overflow structure	_____	_____
13. Any proposed buildings, structures or utilities	_____	_____
14. Roadway systems and gates, and proposed paving areas	_____	_____
15. Proposed areas of agricultural uses	_____	_____
16. Indications of phased operations	_____	_____
17. Areas to be seeded	_____	_____
18. Existing and proposed slopes with limits of final grading	_____	_____
19. Locations of ditches	_____	_____
20. Wetlands and water resource areas	_____	_____
21. Elevations of water (high, low) as applicable	_____	_____
22. Drainage patterns with directional arrows showing flow	_____	_____
23. Fencing	_____	_____
24. Professional Engineers Civil stamp	_____	_____

25. Date of preparation _____
Other information as appropriate to good engineering design _____

C. Civil Drawing Sheet Number 2 (as applicable)

- 1. Pond specifications with erosion controls _____
- 2. Erosion controls _____
- 3. Side Flow Profile _____

APPENDIX C

EARTH REMOVAL BYLAW (S)

APPENDIX D

INSPECTION CHECKLIST

APPENDIX E

TYPICAL ORDER OF CONDITIONS

APPENDIX E

TYPICAL ORDER OF CONDITIONS

Board of Selectmen Conditions

1. Construction of the _____ shall be as outlined in the Project Plan required under **Section C - Permit Conditions** of this permit, and approved by the Town's Agent.
2. Existing tree lines, natural land topography and vegetative buffer zones shall be maintained, a minimum of one hundred feet (100 ft.) from all property lines. In the absence of treelines on the property(ies), then the natural vegetated buffer shall be maintained for the same distances and trees planted.
3. A dewatering system, if required will be outlined in the Project Plan. Monitoring wells may be required to determine groundwater levels that could impact adjacent residential overburden and bedrock wells. Note condition 31, under **Section C - Permit Conditions**.

If neighboring overburden wells are determined to be potentially affected by the dewatering operation, work will cease, monitoring wells shall be installed, and an evaluation made from a qualified hydrologist on the dewatering operation, prior to commencement of work. The Town's Agent shall determine if work shall continue, after consultation with the Board of Selectmen.
4. The applicant has prepared OR WILL PREPARE a Farm Plan that meets standards set forth from the United States government' s - Natural Resource Conservation District (NCRS) and the Massachusetts Department of Food and Agriculture.
5. Blasting on site is discouraged. Special permission shall be provided by the Board of Selectmen, prior to permitting application to the town Fire Department.

General Conditions

1. The Permittee shall submit to the Board of Selectmen's Agent and the Conservation Commission Agent a written **Project Plan** that will outline the planned activities and goals for each quarter of the Phase 1 construction work for each year of the permit. A Construction Sequence plan has been submitted for review by the Board of Selectmen's Agent for review and concurrence. The following sections are applicable under this permit:
 - a. General Conditions
 - b. Standard Conditions and Site Requirements
 - c. Special Conditions
 - d. Inspection Fees and Bonding

a, General Conditions

1. All Phase 1 work consisting of regrading shall be completed and any required plantings shall be 'growing' prior to any application for a future earth removal permit. No cutting, clearing or grubbing of areas not included under this phase of the work shall be done for any future work.

If any aforesaid described work is done in unpermitted areas, prior to submittal of an earth removal permit then future earth removal requests may be forfeited. The Town of Middleborough's Earth Removal Bylaw, as amended should be reviewed by the project proponent.

2. This permit is valid for **three (3) years** OR for a lesser time approved by the Board of Selectmen at the time of application and hearing - and may be renewed for up to one (1) year thereafter at the discretion of the Board of Selectmen.

3. Hours of operation are limited from 7:30 A.M. to 4:30 P.M. Operation is allowed 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 before 7:30 A.M and after 4:30 pm.

4. No operation is allowed on Saturday, Sunday or Town Hall observed holidays, which are as follows:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents Day	Veteran's Day
Patriots Day	Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

5. 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 of Selectmen or through their Agent. 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. minimum of four inches of topsoil must be put back in place.

6. The permit holder is not permitted to spot excavate to remove better material here and there on the site.

7. Excessive erosion is to be controlled as determined by the Board of Selectmen's Agent or the Town's Conservation Commission's Agent.

8. 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.

Any utilized screening plant shall be no larger than 150 to 200 yards per hour.

The permit holder shall provide a written description, time frame and proposed volume of material to be screened for approval by the Town's Agent.

9. The permit holder is allowed use of an onsite screening facility for processing and sorting out of materials for removal from the site.

b. Standard Conditions and Site Requirements

1. Standard highway signs warning of heavy trucks entering the street shall be erected as directed by the Board of Selectmen or their Agent and be in place prior to commencement of removal operations.

2. The Board of 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.

3. The permit holder shall adhere to all State laws pertaining to covering loads and weight loads.

4. Any spillage on public ways or private property shall be cleaned up immediately by the permit holder or its agent.

5. 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.

6. The Town Manager is authorized to act as the Board of Selectmen's Agent in the administration and enforcement of this permit.

7. All loaded vehicles must be covered to prevent dust and contents from spilling or blowing from the property.

8. 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 of Selectmen's Agent to assist in dust control.

9. 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 of Selectmen may, in its discretion, hold a public hearing to consider the transfer of this permit to the prospective buyer of the property.

10. 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.

11. 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 plans.

12. No excavation shall be closer than 200 feet to an existing public way unless specifically permitted by the Board of Selectmen at a publicly scheduled hearing. Natural vegetation shall be left and maintained on the undisturbed land for screening and noise reduction purposes.

13. Bog pumps will be powered electrically, or in the alternative, mufflers will be installed on pumps to reduce noise.

14. Gates will be installed on the haul road to prevent unauthorized access to the property.

15. 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".

16. 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 # 03 - ____".

17. 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.

18. 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.

19. Monitoring well(s) for water levels, if required, are to be measured every seven (7) days, and the results kept in a daily log.

20. The Plan shall be modified to include the general location (no survey required) of the monitoring well.

21. No standing trees are to be cut, trimmed or removed from the site, except for those areas shown on the approved plan. Violation shall result in a fine being imposed, in accordance with Earth Removal Bylaw §6, and/or revocation of the Permit.

If any tree needs to be trimmed, cut or removed, prior approval shall be provided by the Board of Selectmen's Agent.

22. No rock crushing is authorized. Any proposed rock crushing may be authorized by the Board of Selectmen following a public hearing on a request for an Earth Removal Permit modification.

23. Excessive noise levels, as determined by the Board of Selectmen's Agent, shall result in onsite equipment modification within one (1) week of notification.

24. De-watering operation plans shall be provided in the Project Plan. De-watering may be limited during the Summer months. Siltation barriers will be provided as required by the Board of Selectmen's Agent.

c. Special Conditions

- 1. _____
- 2. _____
- 3. _____
- 4. _____

d. Inspection Fees and Bonding

Inspection Fees

1. An initial review to confirm compliance with permit conditions and restrictions must be performed by the Board of Selectmen's Agent before the commencement of any earth removal activities.

The fee for this review is **\$ 600.00, due** and payable at the time the permit holder notifies the Board of Selectmen'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.

2. Quarterly reviews must be performed by the Board of Selectmen'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.

a. The fee for each such review is **\$ 600.00, 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 permitted project.

b. This report, along with **the Project Plan** will be made available to the public at the Town Manager's Office, upon request.

c. The Board's Agent will include with the quarterly review a written assessment and update of actual activities and goals that were provided under **the Project Plan**.

d. The Boards' Agent will determine **if the Project Plan** is meeting the proposed activities and goals. If **the Project Plan** activities and goals are not met for three (3) consecutive quarters, the project permit shall be suspended and a hearing with the Board of Selectmen shall be held to determine if the permit shall be reissued.

Bond Requirements

1. A bond, or acceptable alternative surety, in the amount of **\$50,000.00** 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.

APPENDIX F
APPLICATION FORM

APPLICATION FORM

The project proponent must submit the following information as part of the package for the Board of Selectmen. Incomplete packages will not be accepted by the Board's administrative staff.

It is suggested that the application package be completed by a registered civil engineer.

1. Set of Plans with completed checklist
2. Application Information and Project Plan .
3. Additional submittals as identified in the application information .
4. Conservation Commission Order of Conditions
5. **Application Fee of three hundred dollars (\$ 300.00)**

TOWN OF MIDDLEBOROUGH
EARTH REMOVAL APPLICATION
and renewal form

1. General Information

Name of Applicant: _____

Address of Applicant: _____

Town or City: _____

Owner of Property: _____

Location of Property: _____ Street

Assessor's Parcel and Map Numbers Map _____ Parcel _____

Map _____ Parcel _____

Map _____ Parcel _____

2. Permit Status

New Application or Renewal: _____

Request for an Extension of Time for existing permit. _____

Existing Permit Number: _____

Parcel(s) Acreage: _____

Estimated Number of Cubic Yards to be Removed: _____

Requested Time Frame of Permit _____

Brief Project Description and Reasons for Request:

3. Project Plan

Has a Project Plan being submitted with this Application?

An Application for an Earth Removal Permit will not be accepted by the Board of Selectmen for a public hearing, unless submitted with this application.

4. Planning Information

a. Proposed Traffic Route from site to unloading of materials.

b. Has a plan and Notice of Applicability (NOA) or Intent (NOI) been submitted to the Town of Middleborough's Conservation Commission? _____

c. Has Order of Conditions by Conservation Commission been issued: If so what is project number and date of conditions : _____

d. Provide a copy of the Order of Conditions so they may be attached to the permit.

e. Is there a Department of Environmental Protection – Water Management Act Registration or Permit for this property? _____

Permit No. _____ Registration No. _____

f. Has a Farm Plan been completed? _____ Please provide a copy.

g. Expected Date of Project Completion: _____

5. Engineering General Information

Engineering Firm Name: _____

Engineer's Contact/Name : _____

Street: _____

Town/City _____

Phone Number: _____

7. Financial Obligations

Do you owe any property taxes, water, sewer or any other financial obligation to the Town of Middleborough that is not current?

_____yes _____no

8. Authorization of Applicant

a. Have you authorized the engineer to speak on your behalf regarding project questions that may come up prior to the public hearing?

_____ yes _____ no

b. I have reviewed this Application Package and attached information and deem it to be correct.

Signature of Applicant

Printed Name of Applicant

Date _____

Phone Number: _____