

GRADY CONSULTING, L.L.C.

Civil Engineers ♦ Land Surveyors ♦ Landscape Architects

March 4, 2022

Board of Selectmen
499 Plymouth Street
Halifax, MA 02338

RE: Assessors Parcel 29-1-0, 250 Lingan Street — Earth Removal Permit
Applicant: Morse Brothers Inc



Dear Board Members:

On behalf of the applicant, we hereby submit this application for Earth Removal per The Town of Halifax Town By-Law Chapter 144-1 through 144-2 at the above referenced address. Enclosed Please find the following:

1. Original and 9 copies of the Earth removal plan prepared by Grady Consulting, LLC, dated March 4, 2022

The applicant is proposing a modernization and expansion of its cranberry farming business. The applicant is proposing to remove/reconfigure several bogs and replant with a new variety that is more productive. The reconfiguration proposes 180 ft wide bogs that can be maintained and picked with machinery that can reach 90 ft. The reconfiguration allows for significant improvement to the farm.

The following details conformance with the Bylaw:

144-2-C.2.a

1. A fee, as determined by the Board to cover advertising costs and expenses, will be paid upon demand of the Selectmen for payment as required.
2. A precise location is indicated on the Site Plans prepared by Grady Consulting, LLC
3. The legal name of the property owner is
Morse Brothers Inc., 50 Oliver Street, Suite 102 N. Easton MA, 02356-1470
4. The legal name of the applicant is
Morse Brothers Inc., 50 Oliver Street, Suite 102 N. Easton MA, 02356-1470
5. A certified abutters list of all abutters within 300 ft is attached.
6. A plan of the land involved, prepared by a registered land surveyor or professional engineer, showing all man-made features, property lines, vegetative cover and the topography by two-foot contours 100 feet beyond the limits of the property where the excavation is to take place has been prepared by Grady Consulting, LLC.
7. A plan of the land showing two-foot contours of the site after completion of the proposed excavation, prepared by a registered land surveyor or professional engineer has been prepared by Grady Consulting, LLC

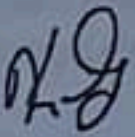
8. An estimate of the quantity of material to be removed and topsoil to be replaced and the method to be used, verified by a registered land surveyor or professional engineer. The applicant proposes to remove 1,114,000+/- CY of material. Topsoil is to be removed, screened on site and placed upon disturbed areas upon completion of mining operation. The topsoil is also going to be used as the confining layer of the bog (see detail Sh 11 on the Site Plan).
 9. Reserved
 10. Attached is proof of tax payment from the tax collector's office.
- 144-2-C.2.b The Site plan includes a Map of the trucking Route. There is only 1 legal access entrance for this property. The owners have approached other abutters for alternative access but permission to use the private property is not attainable.

"Road Map detailing the routes to be used to transport the earth removed is shown on the Site Plan.. The earth material is to be transported from the property via Lingan Street to Monponsett Street (Route 58). Route 58 provides travel to the North and South. Plymouth Street (Route 106) is located approximately 1000 ft south the Lingan Street Monponsett Street intersection. Plymouth Street (Route 106) provides travel to the East and West.

If you have any questions please do not hesitate to call.

Sincerely,

GRADY CONSULTING, L.L.C.



Kevin Grady, P.E.
Principal Engineer

Cc: Morse Brothers Inc.
3203 Cranberry Highway, Building A
East Wareham, MA 02538

Conditions. The permit issued by the Board shall state all the conditions imposed, including but not limited to the following:

(1) No processing of earth and no operation involving earth materials other than the permitted removal shall take place on the subject premises during the period of time of the permit unless specifically permitted by law.

The only processing proposed on the property is processing that is associated with the Farm reconstruction. Processing of materials that are to be removed from the property will be completed at offsite facilities.

(2) No earth or other materials foreign to the subject premises, including but not limited to boulders, asphalt, cement, road construction debris, demolition debris and tree stumps, shall be brought onto and deposited on the subject premises during the time period of the permit, except topsoil and living plant material for reclamation use. All stumps and debris shall be removed and disposed of in an approved location.

The applicant agrees with these terms. Stumps are to be ground within the operations area and removed from the property. Logs from tree clearing will be removed and processed off property. The applicant will not bring earth materials onto the property other than topsoil and planting materials for restoration.

(3) Earth removal shall be performed in phases on land areas of not more than five (5) acres each, hereinafter referred to as "phase areas." Work of any sort connected with earth removal shall not be performed on more than one (1) phase area at a time. Work in a subsequent area shall not commence until all work, including restoration of the previous phase area, has been completed to the satisfaction of the Board or its representative.

The Site Plan details the proposed Phase locations. Due to the size of the property and the configuration of the farm limiting the phases to 5-acre increments is not feasible. Many of the individual bogs and water sources are larger than the 5-acre threshold. The phases have been chosen to provide efficient processing and environmental protections (see Construction Sequence below). The phases are concentrated in specific areas that will not expose unvegetated earth longer than necessary.

(4) The permit grantee shall, to the satisfaction of the Board, stake or mark clearly all phase areas and buffer zones with Schedule No. 40 two-inch PVC pipe at one-hundred-foot intervals. These boundary markers shall be maintained at all times during the time period of the original and any renewed permits.

The applicant agrees with these terms. The location of PVC markers is shown on the plan. The markers have been placed at the limits of cut. The remaining areas will be delineated by erosion controls and coincide with existing limits of clearing.

(5) Before excavation commences and at the expense of the permit grantee, monitoring wells shall be drilled at locations and in numbers determined by consulting engineers of the Halifax Water Department who will conduct initial tests to determine ground and well elevations. All excavation shall be at least seven (7) feet above the groundwater elevation as determined by the Halifax Water Department, except for permitted agricultural uses and excavation of areas for drainage as permitted by town boards. [Amended 7-19-1994 STM, Art. 7]

The project is a permitted agricultural project. The applicant is proposing to reconstruct 18 bogs and construct 2 water sources.

(6) No excavation below the natural grade of any boundary line shall be permitted closer than fifty (50) feet to such boundary unless written consent is given to the permit grantee by the issuing authority and the owner of the property abutting such boundary.

The applicant agrees with these terms. This project will be conditioned as such. The Site Plan details conformance with this condition. The limit of cut has been designed to be a minimum of 55 ft from any property boundary. There is a 5 ft factor of safety built into the project limits.

(7) No topsoil shall be removed from subject premises, unless it is determined by the Board to be excess, until reclamation of all disturbed areas is completed. Reclamation requires replacing of topsoil to a depth of not less than four (4) inches, seeding, planting, fertilizing, watering and attending in keeping with the best professional standards.

The applicant agrees with these terms. This project will be conditioned as such. Topsoil is to be stored in the operations area. The topsoil is to be used in the construction of the bogs as well as slope stabilization of the disturbed areas outside of the proposed bogs.

(8) The finished level and grading shall leave no slope exceeding a grade of three (3) feet horizontal and one (1) foot vertical. In all cases levelling and grading shall be performed so that the natural contours of the land shall be preserved to the extent possible. Excavating to a lower elevation than required by the plan for which the permit was granted is strictly prohibited and punishable by a fine of one hundred dollars (\$100) per cubic foot, revocation of permit and/or other penalties as determined by the Board. [Amended 7-19-1994 STM, Art. 7]

The applicant agrees with these terms. This project will be conditioned as such.

(9) The subject premises shall be kept free of any debris, including tree stumps. No debris generated on site shall be buried or otherwise disposed of on site without the prior written consent of the Board and the Board of Health.

The applicant agrees with these terms. The applicant proposes to grind the stumps in the operation area and remove the grindings from the site. All logs from tree clearing will be removed from the property. Brush will also be ground in the operations area and removed from

the property.

(10) Records showing the amount of earth removed shall be provided monthly by the permit grantee, and quarterly reports certified by a registered professional engineer shall also be submitted to the Board. The method of measurement of materials removed shall be determined by the Board's engineer. The Board may require more frequent reports if it deems that circumstances warrant them. Reports to the Board by said engineer shall be at the permit grantee's expense.

The applicant agrees with these terms. This project will be conditioned as such.

(11) No earth removal or related operations shall take place except between 7:00 a.m. and 5:00 p.m. Monday through Saturday and in no case on a legal holiday. Included among related operations are the starting of engines, loading and unloading of trucks and preparations for commencing of work which are audible over a distance. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.

The applicant agrees with these terms. This project will be conditioned as such.

(12) The preservation of trees, bushes and other vegetation and the erecting of fencing may be required to muffle objectionable noise and vibration.

The applicant agrees with these terms. The closest residential dwelling is located over 450 ft from the closest proposed excavation area. The operations area is located approximately 2,700 ft from the closest residential dwelling. The majority of the remaining exaction is located at a significant distance from any residential abutter.

(12.1) The permit holder shall be responsible for all spillage onto the public ways of the Town. If, for reasons of safety, it becomes necessary for the Town to clean up and remove such spillage, the cost shall be charged to the permit holder. [Added 11-30-2000 STM, Art. 19]

The applicant agrees with these terms.

(12.2) The permit holder shall be responsible for all damage to public ways from traffic, occurring in connection with the permit, entering or exiting the site. [Added 11-13-2000 STM, Art. 19]

The applicant agrees with these terms.

(13) This permit is subject to a fee of twenty-five cents (\$0.25) per cubic yard or more, as determined by the Board, payable to the Town of Halifax. Any inspections by an engineer of the Town's choice to ensure that the work being done follows the approved plans and this section shall be paid by the applicant. [Amended 5-10-2004 ATM, Art. 41; 5-10-2010 ATM, Art. 35]

The applicant agrees with these terms.

(14) The earth removal permit is not transferable without approval of the Board. Transfer of equity ownership or legal interest in the subject property shall be considered a transfer; however, the pledging of such to secure a mortgage or other loan shall not be considered a transfer, but if the lender should acquire ownership or interest by foreclosure, it shall be deemed a transfer.

The applicant agrees with these terms.

(15) The permit grantee shall notify the Board, in writing, within forty-eight (48) hours of any material change in his circumstances and/or plans as represented in his application, including change of ownership, general/operational contractors or purpose for removing earth.

The applicant agrees with these terms.

(16) Reserved.3

(17) The applicant agrees by acceptance of the permit to allow the Board or its representative free access to the site to conduct inspections to determine compliance with the conditions of the permit at any time without prior notice.

The applicant agrees with these terms.

(18) No permit will be issued until a performance bond, letter of credit or assignment of account has been posted with the Town in an amount deemed by the Board to be sufficient to repair and restore the land for future use as set forth in Subsection D(7) above, either by the permit grantee, after which the bond will be released or, if not, by the Town, using the proceeds from the forfeited bond for that purpose.

The applicant agrees with these terms.

(19) Any permit issued by the Board shall automatically expire upon the termination date stated therein. A special permit for any earth removal shall not be issued for more than one (1) year's duration and may be renewed thereafter with a public hearing legally advertised fourteen (14) days prior to the hearing.

The applicant requests a waiver of this requirement. The project is anticipated to take approximately 4-5 years to complete. The applicant requests annual attendance at a meeting with Selectmen to provide an update of the project. If the Selectmen at that time believe the public would benefit from an advertised public hearing, then the applicant would notify the abutters and attend a public hearing to discuss the pertinent issues.

(19.1) Applications for renewal of permits must be made 45 days or more before expiration of

the current permit. Applications shall include a current topographical plan detailing current status and restoration progress. The renewal, if granted, shall date from the day the current permit expires. Renewal shall not be granted if work and restoration under the current permit is unsatisfactory to the Board or its agent. [Amended 5-10-2004 ATM, Art. 41]

We request the permit expire 5 years after the issuance. If the project lasts longer than 5 years the applicant would request an extension as required.

(20) The Board shall have the authority to waive any and all conditions when, in the discretion of the Board, said waiver shall be in the public interest and not inconsistent with the general intent of this chapter. [Amended 7-19-1994 STM, Art. 7]

Construction Sequence

Phase #1

- Prepare Operations/Borrow/resource area (location North of Water Source #1 at current operations area expanding Northwest)
- Cut trees in operations area
- Stakeout and set erosion control
- Remove and process stumps.
- Prepare Water Source Area #1 North of existing reservoir
- Prepare Bog #11 thru #1 Planting when seasonally appropriate (typically Spring for Bog Planting)
- Prepare Water Source #2 manifold including access ways/bog berms
- Planting any disturbed areas outside of bogs and access ways at 5-acre intervals (when seasonally appropriate (typically May to Mid-October)
- Stockpile loam in Operations Area to be used on Site as Bog confining layer and perimeter seeded ares.

Phase #2

- Prepare Bog #18 thru #15 Planting when seasonally
- Planting any disturbed areas outside of bogs and access ways at 5-acre intervals (when seasonally appropriate) seed with full sun / lawn mix.

Phase #3

- Prepare Bog #14 thru #12 Planting when seasonally appropriate
- Planting any disturbed areas outside of bogs and access ways at 5-acre intervals (when seasonally appropriate) seed with full sun / lawn mix

Phase #4

- Seed any exposed areas outside of operations area. Inspect for site and slope stabilization.
- Remove erosion controls.