

ONE STATE STREET
FOURTH FLOOR
BOSTON, MASSACHUSETTS 02109
TEL. (617) 390-7570 FAX (617) 972-7983
*PLEASE CORRESPOND TO BOSTON OFFICE

305 MADISON AVENUE
SUITE 650
NEW YORK, NEW YORK 10165
TEL. (212) 601-2892

NICHOLAS J. ROSENBERG
NICK@GARDNERROSENBERG.COM

October 3, 2023

VIA HAND DELIVERY

Board of Selectman
Halifax Town Hall
499 Plymouth Street
Halifax, MA 02338

Re: Assessors Parcel 29-1-0, 250 Lingan Street, Morse Brothers, Inc.

Dear Board Members:

This firm represents Morse Brothers, Inc. We submit this correspondence in connection with Morse Brothers's application for earth removal pursuant to Chapter 144 of the Town of Halifax Bylaws.

Background

As you are aware, Morse Brothers, Inc. owns and operates cranberry bogs and engages in cranberry growing at its property at 250 Lingan Street (the "Property"), among other locations. As you are also aware, Morse Brothers has operated its cranberry bogs and engaged in cranberry farming at the Property for over 50 years. As part of those operations, and as are typical and well-established best practices in cranberry farming, Morse Brothers has regularly utilized the soil and sand resources on its Property to maintain, restore, and improve its cranberry bogs. The screening of sand from onsite resources for application to bogs is a crucial component of the renovation and maintenance of cranberry bogs, and of the cranberry growing process. It is integral to the ability to continue cultivating cranberries while reducing water and pesticide use.

Over the generations that Morse Brothers has engaged in cranberry farming and its related practices, including the removal, separation, and application of sand, the Town of Halifax has recognized both the local value of its farms and state protections of agricultural land uses. It has also honored its own adoption of the Right to Farm bylaw, Chapter 137, recognizing the various sources of state agricultural land use protections, including Article 97 of the Massachusetts Constitution and other statutes. Notwithstanding the clear protections and various exemptions from local control for land use activities integral to farming, Morse Brothers has always endeavored to be a good neighbor and to engage the Town and its officials in open dialogue, providing notice of its activities, and working cooperatively to reduce impacts such as on school bus traffic, among other things.

When Morse Brothers most recently notified the Town of its intent to excavate and transport sand for the improvement of its bogs at a nearby property, the Town advised Morse Brothers that it was prohibited from doing so without an Earth Removal Permit issued pursuant to Halifax Bylaw Chapter 144.

Request for Exemption from Permit Requirement

Morse Brothers voluntarily provided notice of its intent to excavate, separate, and transport approximately 20,000 cubic yards of sand from its Halifax Property for the purpose of maintaining and improving its cranberry bogs in the ordinary course of its bog management activities. These activities would continue for approximately several weeks. Morse Brothers was planning to complete this work so as not to interfere with and delay its Fall harvest season.

The use of sand from the Property in this manner falls squarely within the Massachusetts statutory and constitutional protections from local prohibition and unreasonable regulation of agricultural activities. The requirement that Morse Brothers prepare and submit, and await the allotted time for, a permit from the Board, simply to engage in regular, necessary, and time-sensitive farming practices, is unreasonable.

Moreover, Chapter 144 on its face does not even provide an exemption or avenue for the granting of a permit for Morse Brothers' farming activities. Specifically, Chapter 144 prohibits **all** earth removal other than that incidental to construction of a building or street. The bylaw then provides several enumerated exemptions. These include "[e]xcavation not in excess of one thousand (1,000) cubic yards incidental to customary agricultural maintenance and construction as allowed by law on land in agricultural use." Notably, the bylaw recognizes that earth removal incidental to agriculture use is protected by state law, but fails to provide any mechanism for permitting such removal greater than a mere 1,000 cubic yards. Morse Brothers' current activities, as is generally the case for cranberry bogs, require significantly more soil removal. The Town therefore has insisted that Morse Brothers apply for a permit that cannot be granted and would effectively prohibit the fundamental operations of a cranberry grower.

Because Chapter 144 by its express terms, if applied to Morse Brothers's current activities, would improperly prohibit the ordinary agricultural use of land, it either cannot be applied here, or is invalid on its face.

Therefore, Morse Brothers requests that the Town confirm **immediately** that Chapter 144 is not applicable to its removal of sand for strictly agricultural purposes, and that it may proceed without submitting an application pursuant to Chapter 144-1.

Request for Earth Removal Permit

As stated above, Chapter 144 cannot be applied to Morse Brothers's agricultural activities. Nonetheless, to the extent the Board continues to insist that a permit is required, Morse Brothers hereby requests an earth removal permit pursuant to the application prepared by Grady Consulting, LLC submitted herewith.

By making this request, Morse Brothers does not concede that Chapter 144 is applicable or that it may be subjected to the permit requirements. Morse Brothers expressly reserves its rights to seek appropriate relief including, but not limited to, an action to have the bylaw declared invalid.

Sincerely,


Nicholas J. Rosenberg

cc: John Richard Hucksam, Jr., Esq. (by email)

October 4, 2023

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:

Subject to the positions set forth in Morse Brothers Inc.'s ("Applicant") accompanying letter from counsel, Gardner & Rosenberg P.C., 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 September 20, 2023.
2. Detail of compliance with the Bylaw (Schedule A hereto)
3. Detail of applicable permit conditions (Schedule B hereto)
4. Construction sequence (Schedule C hereto)

The applicant is proposing to remove 20,000 CY of soil for farming operations.

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

J:\2019\19-302>Selectmen\Earth Removal 2023-09-20\Earth Removal Request.docx

SCHEDULE A

The following details conformance with the Bylaw application procedures:

144-2-C.1

Original and 9 copies of the Earth removal plan prepared by Grady Consulting, LLC, dated September 20, 2023, submitted herewith.

144-2-C.2.a

1. A fee shall not be paid by applicant. Applicant asserts that such fee would infringe applicant's right to engage in agriculture and would otherwise constitute an unlawful tax and/or fee.
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., 3203 Cranberry Highway, Bldg. A, East Wareham, MA 02538.
4. The legal name of the applicant is Morse Brothers Inc., 3203 Cranberry Highway, Bldg. A, East Wareham, MA 02538.
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 verified by a registered land surveyor or professional engineer. The applicant proposes to remove 20,000+/- CY of material. Topsoil is to be removed, stockpiled on site.
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.

SCHEDULE B

The following details the applicability and/or agreement to permit conditions listed in Chapter 144-2-D:

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 screening of sand from removed material for cranberry bog restoration.

(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 will not bring earth materials onto the property, Stumps and debris may be disposed on site.

(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. The removal area is less than 5 acres.

(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.

(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]

N/A. The property is a permitted agricultural use.

(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 700 ft from any property boundary.

(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.

N/A. Site is part of applicant's ongoing agricultural operations and maintenance. Restoration/reclamation is inconsistent with its regular, ongoing, and future use of the site.

(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]

Site is part of applicant's ongoing agricultural operations and leveling and grading is inconsistent with its regular, ongoing, and future use of the site. Applicant will not excavate to lower elevation than required by the plan accompanying this application or for which a permit is granted.

(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.

Stumps and debris may be disposed on site.

(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 will provide monthly reports of volume of earth removed based on truck capacity and number of loads. Certified engineering reports are unnecessary and overly burdensome.

(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.

Applicant intends to take reasonable measures to reduce noise and any impacts on neighboring properties, but does not commit to limit the timing of its operations or to the vague requirement that trucks be “suitably covered.” Applicant will abide by all applicable commercial vehicle and transportation-related federal, state and local laws and regulations.

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

Applicant intends to take reasonable measures to reduce noise and any impacts on neighboring properties, but does not commit to unspecified mitigation measures.

(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]

Applicant is responsible for spillage onto public ways to the extent otherwise required by existing applicable laws, and does not assume blanket responsibility or liability beyond such legal requirements to the extent any exist.

(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]

Applicant is responsible for damage to public ways to the extent otherwise required by existing applicable laws, and does not assume blanket responsibility or liability beyond such legal requirements to the extent any exist.

(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]

A fee shall not be paid by applicant. Applicant asserts that such fee would infringe applicant's right to engage in agriculture and would otherwise constitute an unlawful tax and/or fee.

(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.

As set forth in response to Subsection D(7) above, site is part of applicant's ongoing agricultural operations and maintenance. Restoration/reclamation is inconsistent with its regular, ongoing, and future use of the site, and performance bond or the like for "repair and restoration" is unnecessary.

(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 agrees with these terms.

(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]

The applicant agrees with these terms.

(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]

SCHEDULE C

Construction Sequence

Stake out perimeter of excavation
Cut trees in operations area
Stakeout and set erosion control
Set 2" PVC pipe
Remove for screening 20,000 SY earth material
Remove erosion controls.

**EARTH REMOVAL PERMIT APPLICATION
CHECKLIST FOR APPLICANT**

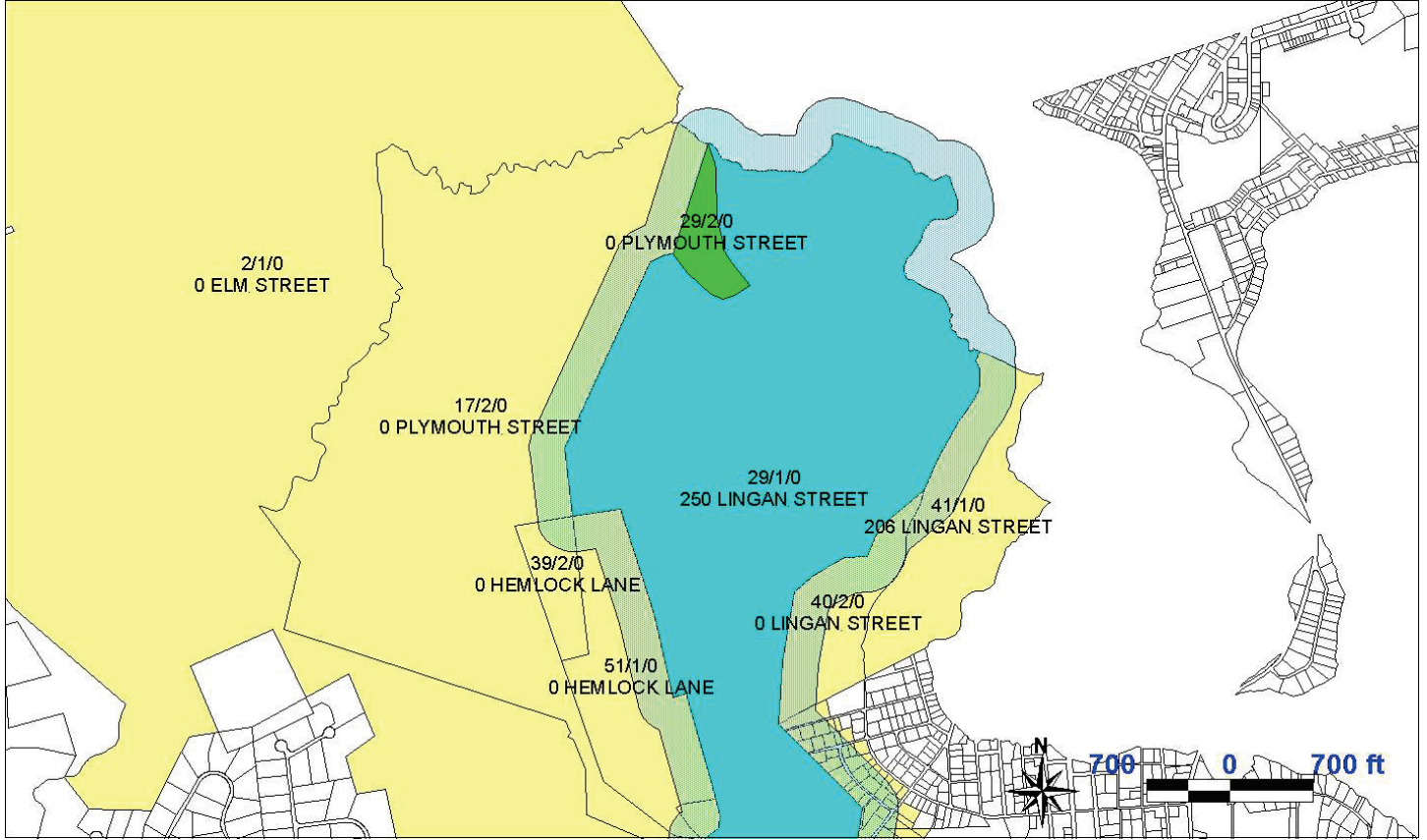
PROJECT INFORMATION	
NAME/ADDRESS OF APPLICANT	Morse Brothers Inc 3203 Cranberry Highway, Building A East Wareham, MA 02538
LOCATION	250 Lingan Street
REASON	Cranberry Farm Management
SIZE	20,000 cubic yards
APPLICATION - DOCUMENTS REQUIRED	
Pre Two-Foot Contour Map	Yes
Post Two-Foot Contour Map	Yes
Truck Route Map including any driveways to and from the property	Yes
Size of Trucks	28 Yards
Estimated Number of Truckloads	350
NOTICE AND RESPONSE	
Public Hearing Scheduled (SELECTMEN'S OFFICE WILL LET APPLICANT KNOW OF DATE)	
Public Hearing Notice NOTICE OF HEARING MUST BE PUBLISHED IN THE NEWSPAPER WITHIN 45 DAYS OF RECEIPT - PUBLISHED ONCE - NOT LESS THAN 14 DAYS BEFORE HEARING DATE	
Proof of Abutter Notification by Applicant 300 FEET ALL AROUND	
OTHER	
Earth Removal Permit Fee (25-CENTS PER CUBIC YARD OR MORE)	
Attestation (attached)	Yes
Workers Compensation Affidavit (attached)	Yes
Current Earth Removal By-Law (attached)	Yes
BOARD ACTION / OTHER REQUIREMENTS	
Bond Required	
Waivers Requested under 144-2-C-2-a (Procedures - Application Information)	
Waivers Requested under 144-2-D (conditions)	

ONCE COMPLETED - RETURN TO THE SELECTMEN'S OFFICE



TOWN OF HALIFAX, MA
 BOARD OF ASSESSORS
 499 PLYMOUTH ST

Abutters List Within 300 feet of Abutters to Parcel 29/2/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2936	2-1-0-E	COMMONWEALTH OF MASSACHUSETTS FISHERIES WILDLIFE ENVIRONMENT	0 ELM STREET	251 CAUSEWAY STREET	BOSTON	MA	02114-2148
10498	17-2-0-E	MASSACHUSETTS AUDUBON SOCIETY INC	0 PLYMOUTH STREET	208 SOUTH GREAT ROAD	LINCOLN	MA	01773-4816
2932	29-1-0-R	MORSE BROTHERS INC	250 LINGAN STREET	3203 CRANBERRY HIGHWAY BUILDING A	EAST WAREHAM	MA	02538
1222	29-2-0-R	MORSE BROTHERS, INC	0 PLYMOUTH STREET	3203 CRANBERRY HIGHWAY BUILDING A	EAST WAREHAM	MA	02538
10390	39-2-0-R	NESSRALLA NAJA C/O SAMERA NESSRALLA EXECUT	0 HEMLOCK LANE	1236 OCEAN STREET	MARSHFIELD	MA	02050-3619
1828	40-2-0-R	MORSE BROTHERS INC	0 LINGAN STREET	3203 CRANBERRY HIGHWAY BUILDING A	EAST WAREHAM	MA	02538
2709	41-1-0-E	TOWN OF HALIFAX WELL SITE	206 LINGAN STREET	499 PLYMOUTH STREET	HALIFAX	MA	02338-1338
1882	51-1-0-R	NESSRALLA KOZHAYA & NESSRALLA MANSUR	0 HEMLOCK LANE	69 SUMMMIT STREET	HALIFAX	MA	02338
1538	51-4-0-R	LEAVITT ERNEST S & KAREN S TRS LEAVITT FAMILY LIVING TRUST	33 ELEVENTH AVENUE	33 ELEVENTH AVENUE	HALIFAX	MA	02338
10831	51-10D-0-R	ODETTE BARBARA M TRUSTEE BARBARA M ODETTE TRUST	105 HEMLOCK LANE	105 HEMLOCK LANE	HALIFAX	MA	02338
2404	51-134-0-R	RIPLEY JAMES D	45 THIRTEENTH AVENUE	45 THIRTEENTH AVENUE	HALIFAX	MA	02338
2869	51-142-0-E	TOWN OF HALIFAX TOWN HALL	0 THIRTEENTH AVENUE	499 PLYMOUTH ST	HALIFAX	MA	02338-1338
2118	51-144-0-R	RENNA KATHLEEN RENNA NICHOLAS P	40 THIRTEENTH AVENUE	40 THIRTEENTH AVE	HALIFAX	MA	02338-1308
2473	51-146-0-R	DEVER MICHAEL E HAWES ELIZABETH R	36 THIRTEENTH AVENUE	36 THIRTEENTH AVENUE	HALIFAX	MA	02338
956	51-149-0-R	GALLAGHER ELAINE T	34 THIRTEENTH AVENUE	34 THIRTEENTH AVENUE	HALIFAX	MA	02338

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1901	51-150-0-R	FONSECA WHITNEY & CONNORS JOSEPH	32 THIRTEENTH AVENUE	32 THIRTEENTH AVENUE	HALIFAX	MA	02338
416	51-157-0-R	DROUIN GASTON R DROUIN LINDA S	21 TWELFTH AVENUE	21 TWELFTH AVENUE	HALIFAX	MA	02338-1309
1735	51-159-0-R	SAMPSON MATTHEW A & SARA J	25 TWELFTH AVENUE	25 TWELFTH AVENUE	HALIFAX	MA	02338
910	51-160-0-R	VITT THOMAS VITT KELLY	29 TWELFTH AVENUE	29 TWELFTH AVENUE	HALIFAX	MA	02338-1309
1086	51-162-0-R	JENNIFER M GERMAN LLC	31 TWELFTH AVENUE	95 FOLSOM AVENUE	SOMERSET	MA	02726
1805	51-164-0-R	RIVERS STEPHEN L	33 TWELFTH AVENUE	33 TWELFTH AVENUE	HALIFAX	MA	02338
988	51-166-0-R	WHEELER WILLIAM B & WHEELER DOROTHY M	32 TWELFTH AVENUE	PO Box 281	HALIFAX	MA	02338-0281
545	51-168-0-R	CUSHING WILLIAMSON & ELEANOR	24 CROSS STREET	24 CROSS STREET	HALIFAX	MA	02338
1039	51-168A-0-R	SILENZI GUY R SILENZI PHYLLIS E	28 CROSS STREET	28 CROSS STREET	HALIFAX	MA	02338-1307
1889	51-171-0-R	BOROFKA MARIE A	22 CROSS STREET	22 CROSS STREET	HALIFAX	MA	02338
296	51-174-0-R	HALL DANIEL J HALL LISA M	16 CROSS STREET	16 CROSS STREET	HALIFAX	MA	02338-1307
2243	51-175-0-R	BARTKO ERIK ZOLTOWSKI JILL M	14 CROSS STREET	14 CROSS STREET	HALIFAX	MA	02338
1780	51-177-0-R	ODONNELL CHARLES H ODONNELL MARYELLEN	10 CROSS STREET	10 CROSS STREET	HALIFAX	MA	02338-1307
468	51-178-0-R	OELSCHLAGEL DEAN S OELSCHLAGEL CHERYL A	8 CROSS STREET	8 CROSS STREET	HALIFAX	MA	02338-1307
349	51-182-0-R	SHAW NATALIE A	29 ELEVENTH AVENUE	29 ELEVENTH AVENUE	HALIFAX	MA	02338
2638	51-184-0-R	YELLE AMY	3 CROSS STREET	3 CROSS STREET	HALIFAX	MA	02338
558	51-185-0-R	CAFARELLI WILLIAM & KATHY L-TR CAFARELLI REALTY TRUST	25 ELEVENTH AVENUE	25 ELEVENTH AVENUE	HALIFAX	MA	02338
904	51-186-0-R	DOUCETTE PAUL E JR	9 CROSS STREET	9 CROSS STREET	HALIFAX	MA	02338-1307
1058	51-188-0-R	JAM REAL ESTATE MANAGEMENT LLC	11 CROSS STREET	218 VFW DRIVE	ROCKLAND	MA	02370
1704	51-191-0-R	HALLISEY ROBERT M & MERIDITH E	19 CROSS STREET	19 CROSS STREET	HALIFAX	MA	02338
1159	51-193-0-R	TUMMINO JOSEPH & DEMPSEY KYLE	23 CROSS STREET	23 CROSS STREET	HALIFAX	MA	02338
205	51-196-0-R	GOODWIN DAVID B & GOODWIN ELIZABETH C	27 CROSS STREET	27 CROSS STREET	HALIFAX	MA	02338-1307
1005	51-197-0-R	MCSHERRY TABOR O	22 TWELFTH AVENUE	56 PRINCE WAY	PEMBROKE	MA	02359
478	51-198-0-R	GILCOINE RICHARD J & GILCOINE MARIANNE	120 LINGAN STREET	10 FIRST AVENUE	HALIFAX	MA	02338-1320
1032	51-201A-0-R	DeYOUNG JOSEPH & DeYOUNG NANCY	118 LINGAN STREET	118 LINGAN STREET	HALIFAX	MA	02338
971	51-203-0-R	DAVOLI TERESA R	116 LINGAN STREET	116 LINGAN STREET	HALIFAX	MA	02338
2560	51-204-0-R	WARWICK CHARLES A WARWICK VALERIE J	112 LINGAN STREET	112 LINGAN STREET	HALIFAX	MA	02338
2239	51-207-0-R	SCOTT THOMAS P & KLEIN JOAN A	106 LINGAN STREET	106 LINGAN STREET	HALIFAX	MA	02338-1352
557	51-209-0-R	CAFARELLI WILLIAM & KATHY L-TR CAFARELLI REALTY TRUST	0 ELEVENTH AVENUE	25 ELEVENTH AVENUE	HALIFAX	MA	02338
1595	51-210-0-R	DOMINGUES MANOEL C DOMINGUES EVELY F	30 ELEVENTH AVENUE	30 ELEVENTH AVENUE	HALIFAX	MA	02338-1310
623	51-212-0-R	CHAPMAN WAYNE A TRUSTEE WAYNE A CHAPMAN REVOCABLE TR	28 ELEVENTH AVENUE	28 ELEVENTH AVENUE	HALIFAX	MA	02338
2106	51-213-0-R	CAFARELLI WILLIAM-TRUSTEE CAFARELLI REALTY TRUST	24 ELEVENTH AVENUE	24 ELEVENTH AVENUE	HALIFAX	MA	02338
1883	51-224-0-R	NESSRALLA KOZHAYA & NESSRALLA MANSUR	139 HEMLOCK LANE	139 HEMLOCK LANE	HALIFAX	MA	02338
862	51-225-0-R	OLIVERI LAUREN M OLIVERI BRIAN E	40 ELEVENTH AVENUE	40 ELEVENTH AVENUE	HALIFAX	MA	02338
1095	51-226-0-R	GAYNOR KRISTIN M TRUSTEE SEVENTEEN PEMMICAN WAY IRR TR	17 PEMMICAN WAY	17 PEMMICAN WAY	HALIFAX	MA	02338
915	51-229-0-R	ERNESTI WILLIAM & ERNESTI MONICA MAGALHAES	20 PEMMICAN WAY	20 PEMMICAN WAY	HALIFAX	MA	02338
409	51-230-0-R	BOTTO ROBERT A MONKS KATHRYN	66 INDIAN PATH ROAD	66 INDIAN PATH ROAD	HALIFAX	MA	02338-1302
1502	51-231-0-R	DOMINGUES MANUEL C	0 ELEVENTH AVENUE	30 ELEVENTH AVENUE	HALIFAX	MA	02338
1029	62-3-0-R	ENOS JOSEPH M & KARYN E	0 PLYMOUTH STREET	463 PLYMOUTH STREET	HALIFAX	MA	02338
10833	62-3D-0-R	O'CONNOR SEAN W O'CONNOR KRISTINA M	85-& 85A HEMLOCK LANE	85 HEMLOCK LANE	HALIFAX	MA	02338
10834	62-4D-0-R	WARMINGTON JOHN R WARMINGTON MICHELLE	75 HEMLOCK LANE	75 HEMLOCK LANE	HALIFAX	MA	02338-1337

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
2884	62-5-0-E	TOWN OF HALIFAX TOWN HALL	0 HEMLOCK LANE	499 PLYMOUTH ST	HALIFAX	MA	02338-1338
10835	62-5D-0-R	MONKS STEPHEN F & MONKS NANCY BRENNAN	73-& 73A HEMLOCK LANE	73-& 73A HEMLOCK LANE	HALIFAX	MA	02338
10836	62-6D-0-R	ORTENZI GERARD J JR & ORTENZI WENDY L	65 HEMLOCK LANE	65 HEMLOCK LANE	HALIFAX	MA	02338-1337
1990	62-7-0-R	SCHNEIDER JOSEPH E	39 HEMLOCK LANE	39 HEMLOCK LANE	HALIFAX	MA	02338
10837	62-7D-0-R	EVANGELISTA BRIAN M EVANGELISTA SHEILA M	59 HEMLOCK LANE	59 HEMLOCK LANE	HALIFAX	MA	02338-1337
10914	62-8A-0-R	KNUDSEN DENNIS J KNUDSEN MELISSA	33 HEMLOCK LANE	33 HEMLOCK LANE	HALIFAX	MA	02338-1337
10838	62-8D-0-R	RAYNARD CHRISTOPHER J	55 HEMLOCK LANE	55 HEMLOCK LANE	HALIFAX	MA	02338-1337
10839	62-9D-0-R	KINGSLEY DAVID E & KRYSTAL M	49 HEMLOCK LANE	49 HEMLOCK LANE	HALIFAX	MA	02338
1260	62-11-0-R	HEFFEL ANN M-TR & HEFFEL DAVID B-TR	70 HEMLOCK LANE	70 HEMLOCK LANE	HALIFAX	MA	02338
10832	62-11D-0-R	TRAYNOR CHRISTOPHER R TRAYNOR KAREN L	95 HEMLOCK LANE	95 HEMLOCK LANE	HALIFAX	MA	02338-1337
1016	62-12-0-R	TASSINARI MICHAEL VINCENT & TASSINARI MALLORY J	74 HEMLOCK LANE	74 HEMLOCK LANE	HALIFAX	MA	02338
978	62-13-0-R	LEVAGGI II VICTOR A & COLLINS JULIANNE E	78 HEMLOCK LANE	78 HEMLOCK LANE	HALIFAX	MA	02338
2885	62-14-0-E	TOWN OF HALIFAX TOWN HALL-TOWN BARN	60 HEMLOCK LANE	499 PLYMOUTH STREET	HALIFAX	MA	02338-1338
2170	62-26-0-R	ROLLINS DONALD R COLETTA KAREN M	62 INDIAN PATH ROAD	62 INDIAN PATH ROAD	HALIFAX	MA	02338-1302
2348	62-27-0-R	CHAPMAN DONNA M TRUSTEE DONNA M CHAPMAN REV TRUST	58 INDIAN PATH ROAD	58 INDIAN PATH ROAD	HALIFAX	MA	02338
2622	62-28-0-R	GIFFORD KAREN I & LEONARD -TRS 54 INDIAN PATH RD IRREV TRUST	54 INDIAN PATH ROAD	54 INDIAN PATH ROAD	HALIFAX	MA	02338
1817	62-29-0-R	SOLARI DAVID SOLARI JACQUELYN	52 INDIAN PATH ROAD	52 INDIAN PATH ROAD	HALIFAX	MA	02338-1302
1696	62-30-0-R	CATALDO MICHAEL D	48 INDIAN PATH ROAD	48 INDIAN PATH ROAD	HALIFAX	MA	02338
2455	62-31-0-R	TICE GORDON M JR TICE LINDA L	44 INDIAN PATH ROAD	44 INDIAN PATH ROAD	HALIFAX	MA	02338-1302
2886	62-35-0-E	TOWN OF HALIFAX CONSERVATION COMMISSION	0 INDIAN PATH ROAD	499 PLYMOUTH STREET	HALIFAX	MA	02338-1338

Town of Halifax Assessor's Office
499 Plymouth Street
Halifax, MA 02338

Telephone: (781) 293-1721
Kelly.Dwyer@halifax-ma.org

Board of Assessors
John Shiavone
Thomas Millias
Holly J. Merry, MAA

TOWN OF HALIFAX
RECEIVED

REQUEST FOR CERTIFIED ABUTTERS LIST

MAP 29 LOT 2 BOOK 292 PAGE 57

PARCEL ADDRESS REQUESTED 0 Plymouth Street

RECORD OWNER Morse Brothers Inc.

CONTACT PERSON Kevin Grady TELEPHONE# 781-585-2300

MAILING ADDRESS 71 EVERGREEN STREET, SUITE 1, KINGSTON MA 02364

SIGNATURE *Christy Patten* DATE *September 21, 2023*

COST: \$25.00

- Board of Selectmen
- Planning Board
- 100'- Conservation Commission
- 300'-Zoning Board of Appeals
- 100'- Historic District Commission
- Other (300' Board of Selectman/Earth Removal)

CERTIFIED LIST OF ABUTTERS

This is to certify that at the time of the last assessment for taxation made by the Town of Halifax, the names and addresses of the parties assessed as adjoining owners to the parcel land shown as above written.

Christy Patten *9/26/23*
Christy Patten, Administrative Assistant - Date

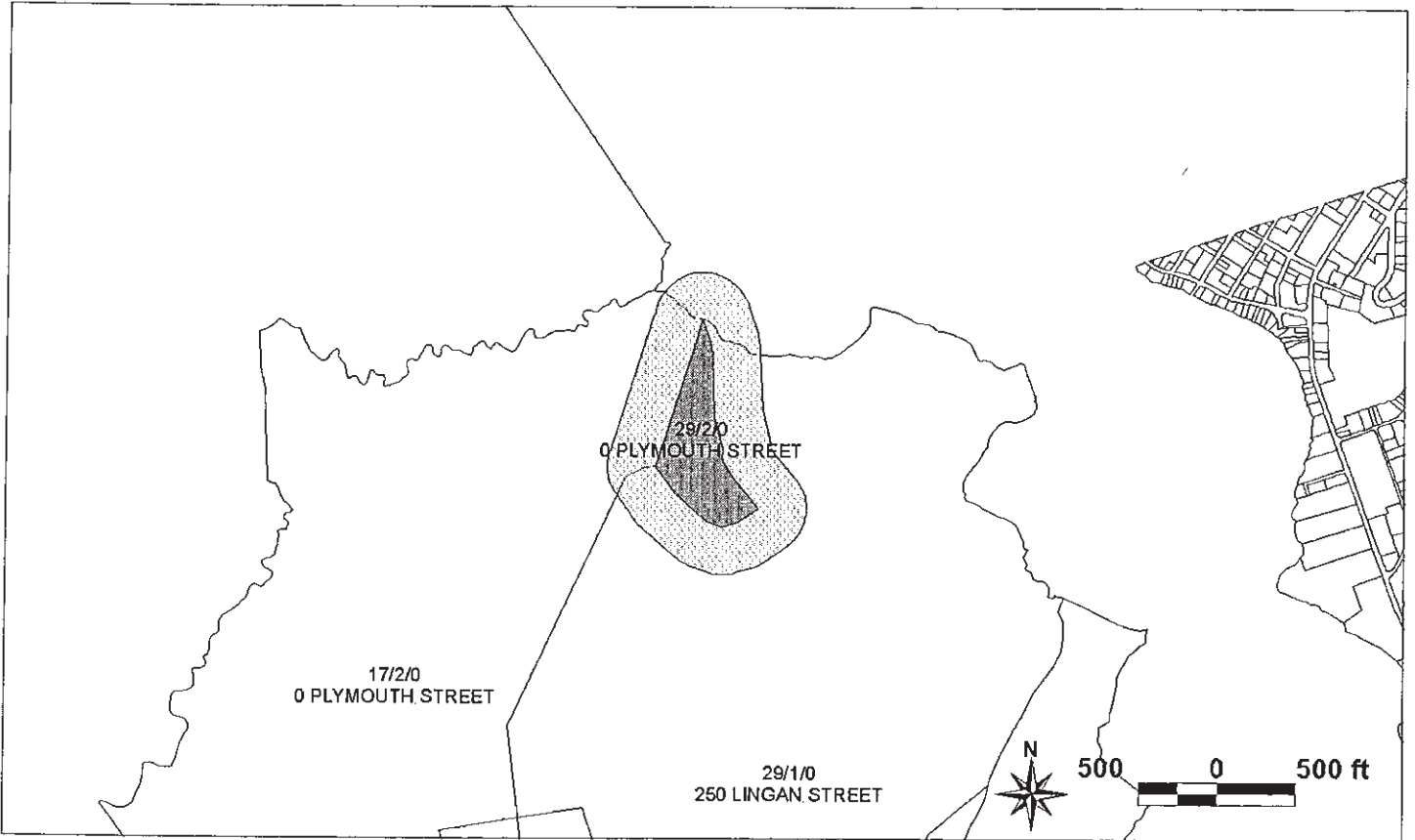
NOTE: This abutter's list will be valid for three (3) months from the date of signature.

Please be aware that per Massachusetts General Law (G. L. c 66, § 10) this office has up to 10 calendar days to fulfill this request. You will be contacted by phone or email when the list is completed.



TOWN OF HALIFAX, MA
 BOARD OF ASSESSORS
 499 PLYMOUTH ST

Abutters List Within 300 feet of Parcel 29/2/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
10498	17-2-0-E	MASSACHUSETTS AUDUBON SOCIETY INC	0 PLYMOUTH STREET	208 SOUTH GREAT ROAD	LINCOLN	MA	01773-4816
2932	29-1-0-R	MORSE BROTHERS INC	250 LINGAN STREET	3203 CRANBERRY HIGHWAY BUILDING A	EAST WAREHAM	MA	02538
1222	29-2-0-R	MORSE BROTHERS, INC	0 PLYMOUTH STREET	3203 CRANBERRY HIGHWAY BUILDING A	EAST WAREHAM	MA	02538

17-2-0-E

MASSACHUSETTS AUDUBON SOCIETY
INC
208 SOUTH GREAT ROAD
LINCOLN, MA 01773-4816

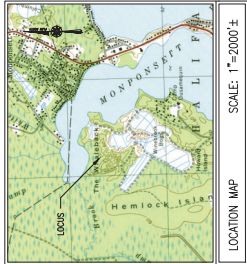
29-1-0-R

MORSE BROTHERS INC
3203 CRANBERRY HIGHWAY
BUILDING A
EAST WAREHAM, MA 02538

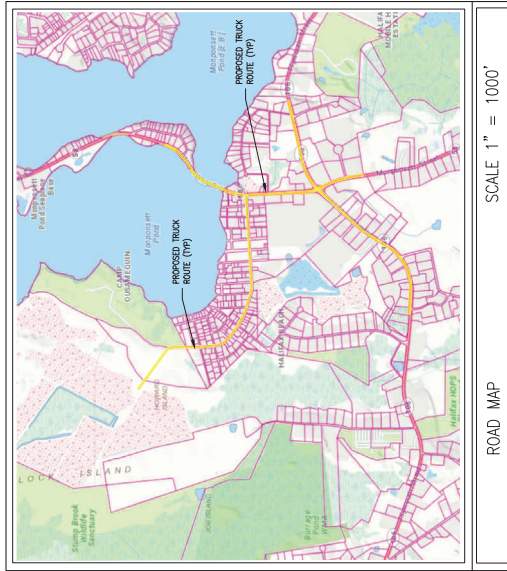
29-2-0-R

MORSE BROTHERS, INC
3203 CRANBERRY HIGHWAY
BUILDING A
EAST WAREHAM, MA 02538

NO EXAMINATION BELOW THE NATURAL GRADE OF ANY BOUNDARY LINE OR THE LOCATION OF ANY BOUNDARY UNLESS WRITTEN CONSENT IS GIVEN TO THE PERMIT GRANTEE BY THE ISSUING AUTHORITY AND THE OWNER OF THE PROPERTY ABUTTING SUCH BOUNDARY.



TOTAL AREA
= 13453460.7± SF
308.8± ACRES



RECORD OWNER:
ASSESSOR LOT 29-1&2-0
100 OLMER STREET, SUITE 102
N. EASTON, MA 02356-1470
BOOK 292 PAGE 57

SHEET INDEX
SP 1 ZONING CONDITIONS
SP 3 EARTH REMOVAL 100 SCALE
SP 4 EARTH REMOVAL 40 SCALE



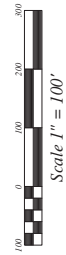
SITE PLAN

ASSESSORS PARCEL 29-1&2-0
#250 LINGAN STREET
HALIFAX, MASSACHUSETTS
DESIGNED FOR:
AKRIS BROTHERS, INC.
250 SANDBORO ROAD
200 WINDSOR, MA 02093
SEPTEMBER 30, 2023
SCALE: 1"=300'
JOB No. 19-302

GRADY CONSULTING, L.L.C.
Civil Engineers, Land Surveyors & Landscape Architects
71 Evergreen Street, Suite 1, Kingston, MA 02364
Phone (401) 365-2300 Fax (401) 365-2378



EXISTING	PROPOSED
PROPERTY LINE	PROPERTY LINE
CONTOUR	CONTOUR
EDGE OF PAVEMENT	EDGE OF PAVEMENT
FENCE	FENCE
FENCE	FENCE
WATER LINE	WATER LINE
ELECTRIC LINE	ELECTRIC LINE
ELECTRIC LINE	ELECTRIC LINE
GAS LINE	GAS LINE
SEWER LINE	SEWER LINE
DRAIN LINE	DRAIN LINE
WETLAND LINE	WETLAND LINE
TEST HOLE	TEST HOLE
EDGE OF BOG	EDGE OF BOG
EDGE OF BIRCH	EDGE OF BIRCH
100 FT WETLAND BUFFER	100 FT WETLAND BUFFER



EXISTING CONDITIONS

ASSESSORS PARCEL 29-1-0
 #250 LINGAN STREET
 HALIFAX, MASSACHUSETTS

DESIGNED FOR:
 ALPHEE ENGINEERS, INC.
 250 SANDHURST ROAD
 02547 WESTPORT, MA 02561

MASS. E. 003
 SCALE: 1"=100'
 JOB No. 19-302

GRADY CONSULTING, L.L.C.
 Civil Engineers, Land Surveyors & Landscape Architects
 71 Evergreen Street, Suite 1, Kingston, MA 02364
 Phone (401) 365-2300 Fax (401) 365-2308



Elevations Table			
Number	Minimum Elevation	Maximum Elevation	Color
1	-23.277	-20.000	Red
2	-20.000	-16.000	Orange
3	-16.000	-12.000	Yellow
4	-12.000	-8.000	Light Green
5	-8.000	-4.000	Green
6	-4.000	0.000	Dark Green



EXISTING CONDITIONS
 ASSESSORS PARCEL 29-1-0
 #250 LINGAN STREET
 HALIFAX, MASSACHUSETTS

PREPARED FOR:
 AKRIS ENGINEERS, INC.
 250 SANDHURST AVENUE
 02503 HALIFAX, MA 02503

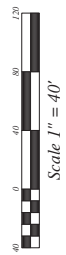
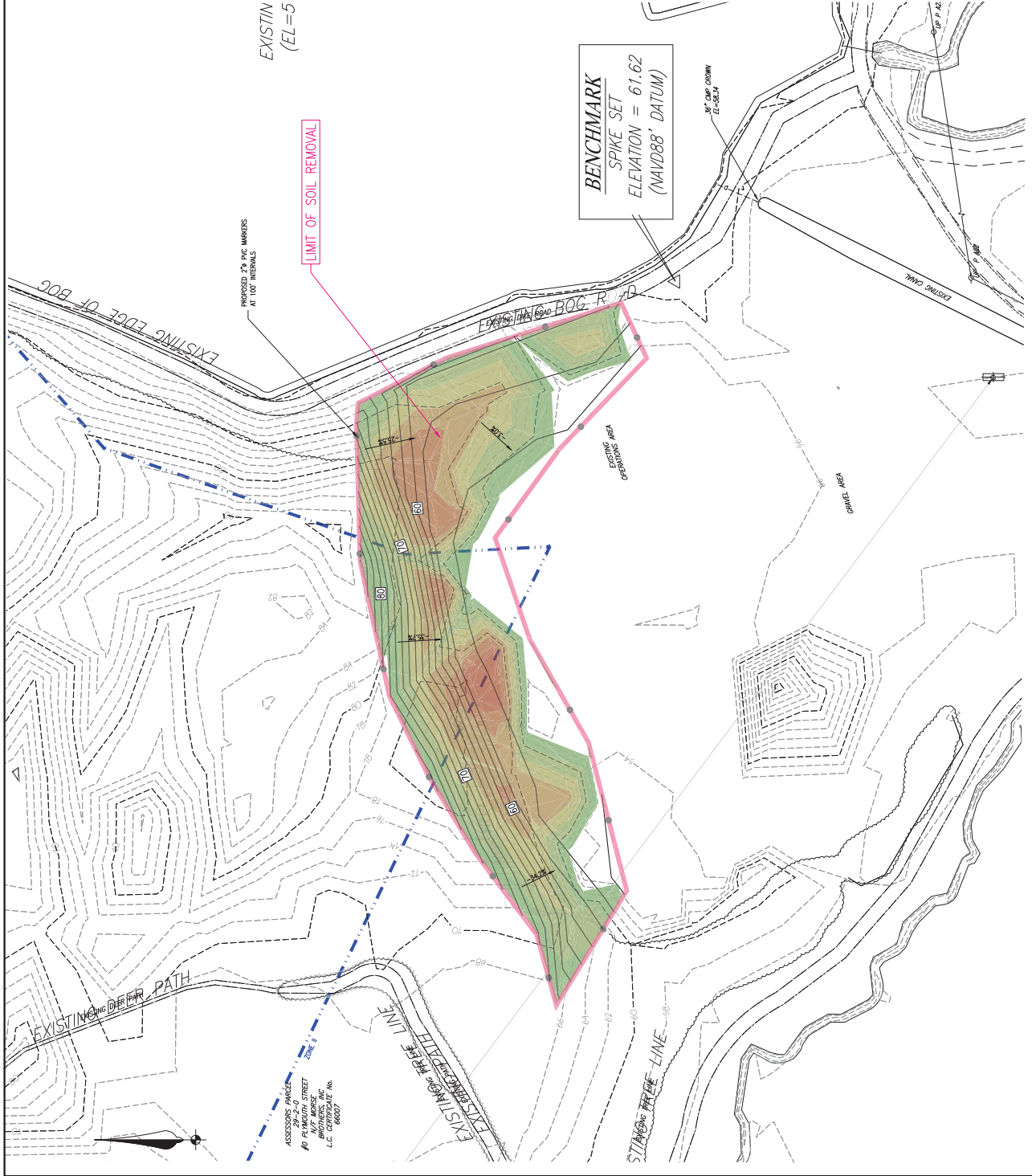
DATE: MARCH 4, 2023
 SCALE: 1" = 100'
 JOB NO.: 19-302

GRADY CONSULTING, L.L.C.
 Civil Engineers, Land Surveyors & Landscape Architects
 71 Evergreen Street, Suite 1, Kingston, MA 02364
 Phone (401) 365-2300 Fax (401) 365-2308

Cut/Fill Summary

DATE: 08/20/2013
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 PROJECT: 29-1-0
 SHEET: 40 OF 40

Number	Minimum Elevation	Maximum Elevation	Color
1	-23.277	-20.000	Red
2	-20.000	-16.000	Orange
3	-16.000	-12.000	Yellow
4	-12.000	-8.000	Light Green
5	-8.000	-4.000	Green
6	-4.000	0.000	Dark Green



EXISTING CONDITIONS
 ASSESSORS PARCEL 29-1-0
 #250 LINGAN STREET
 HALIFAX, MASSACHUSETTS

DESIGNED FOR:
 WATKINS BROTHERS, INC.
 200 SANDHURST ROAD
 02043 ANDOVER, MA 02043

DATE: 08/20/2013
 SCALE: 1" = 40'
 JOB NO.: 19-302

GRADY CONSULTING, L.L.C.
 Civil Engineers, Land Surveyors & Landscape Architects
 71 Evergreen Street, Suite 1, Kingston, MA 02364
 Phone (401) 365-2300 Fax (401) 365-2308