

**Town of Bellingham
Conservation Commission
North Community Building
Bellingham, MA 02019
Minutes of meeting of December 10, 2008**

Project: 105-635
CNOI

Project Description:
Maple & High Streets
Synthetic fields, Indoor Sports Facility

Applicant:
Edward Sanclemente
LIG Dev. Co. LLC
400 Blue Hill Dr.
Ste. 302, Westwood, MA

Representative:
Daniel Feeney
Beals and Thomas
144 Turnpike Road
Southboro, MA

Continuation time: 7:30 PM

Daniel Feeney and Ed Sanclemente were present when the continued hearing was opened. Mr. Sanclemente gave the Commission a copy of the subdivision map of land located on High & Maples St. (the former EMC site) which the Commission will use to further identify the 11.7 acre land donation to the Town of Bellingham through its Conservation Commission in the Order of Conditions. Mr. Matthews briefly reviewed the LIG hearing process with the Commission stating that the hiring of peer reviewer Tom Sexton was very beneficial in designing the site with best management practices. Mr. Sanclemente thanked the Commission for working with him to permit this project. Dan Feeney reported that the closest point of impact to any resource area is approx. 40 feet from the BVW located near Basin #3. Mr. Sanclemente gave the Commission permission to conduct a stewardship/inspection walk on the 11.7 site of the proposed land donation. He also stated that the land was in very good condition, but if any problems were found (i.e. solid waste, hazardous waste, etc) he would take care of it during the project construction phases. Both Mr. Feeney and Mr. Sanclemente stated that it was not their intention (as was stated in the NPC) to construct any trails on the site. They stated it was their preference to just let people walk on existing paths rather than create official trails. They were cognizant of the fact that a filing would be necessary if any changes were made to the site design that were jurisdictional to the Commission. The hearing was closed by unanimous vote. The Order of Conditions will be sent to Dan Feeney of Beals and Thomas for recording.

Project: 105-615
CNOI

Project Description:
Hartford Avenue / Shoppes at Bellingham Phase I
14 building, parking areas, stormwater & wastewater mgt., & new
access road off North Main Street

Applicant:
Robert Frazier
W/S Development
1330 Boylston St.
Chestnut Hill, MA 02467

Representative:
ERM / Ann McMenemy
399 Boylston St.
Boston, MA 02116

Continuation time: 8:00 PM

Attending the hearing: Marc Lavoie, Bob Frazier, Ann McMenemy, David Albrecht, Jim Bernardino as well as Tom Sexton of Mainstream Engineering Inc. (peer reviewer). After the continued hearing was opened, Jim Bernardini summarized the changes that have been made to the proposal since the last continued hearing of August 10th when the applicants were present. These changes include: reduction in square footage by 60,000 sf, reduction in parking deck structure length of 847' to 307', relocation of leaching facility, elimination of remote parking area (112 parking spaces) on the westerly side of the bypass road, adding nine Stormceptors to replace formerly proposed Vortecnics as well as inclusion of some LID measures, modifications to the stormwater management design, conclusion that the uniform direction of groundwater flow (utilizing the 2007 groundwater and contour mapping at requested by Mr. Holmes at previous meetings) does not include a divide but rather a uniform flow in the direction

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of the town well, proposal to utilize a bottomless culvert at the crossing in order to maintain the width, slope and characteristics of the existing stream (see TetraTech response report Oct. 17, 2008).

Ann McMenemy then discussed some of the wetland issues beginning with Mitigation Area 1 located near the proposed wetland crossing. She stated that the mitigation proposal includes the elimination of 6100 sf of abutting upland and its re-grading as well as a planting regime. The area has a proposed open water component and plantings including Buttonbush etc to enhance the habitat for propagation of vernal pool species. Mitigation is proposed at a rate of 2.1:1. Mitigation Area 1 abuts the potential vernal pool at the crossing. She stated that the applicant has not yet heard from Natural Heritage on the certification of that vernal pool and that the applicant wishes to review the information at hand and close the hearing as soon as the review is completed.

Cliff Matthews then stated that the Commission is in a receipt of a letter from our counsel stating that the applicant must file an Appendix B Habitat Evaluation since vernal pool life was identified at the site. Ms. McMenemy stated that the applicant would supply the requested information after legal review is undertaken. She stated further that the applicant would modify the design of the crossing if the pool is certified. She stated that Wetland "T" is a federal wetland and that the applicant has shifted the access road in order to assure that there is no direct discharge into the Wetland T vernal pool. In addition, a wetland enhancement area has been created there. She also stated that further protection of this vernal pool is not regulated under law.

The Mitigation Area 3 consists of 15,305 sf and also includes open water zones. Cliff Matthews expressed his concern with this area, being 35 feet from the abutting wetland at its furthest point and its existing average elevation of 237 feet and the proposal to remove earth to elevation 232, may create a threat to the existing and abutting wetland by the potential to cause a breach in the soil substrate, potentially allowing water to drain into the replication area then through the far wall thus drying it up. He maintained that this mitigation proposal would require the removal of an average of 35 feet in length and an excavation of two to three feet of abutting upland to the swamp and that he was concerned with the integrity of the resource area on site. Jim Bernardini said that he would review the profile and the groundwater flow to confirm that the hydrological connection is surface flow only. If necessary, he said he would present alternatives i.e. create physical barrier. Ann McMenemy said that the applicant had looked at a number of potential locations for mitigation areas, especially in an attempt to meet the 2:1 replication standard. Location and hydrology are a major concern for planning mitigation areas. Review of this mitigation area will include review of the hydrological connection between Wetland J and reducing the elevation to get more positive hydrological flow without compromising the groundwater supplying Wetland J.

Ann McMenemy stated that the proposed Conservation Restriction at the White Cedar Swamp would include a 25 foot area adjacent to its perimeter. The maintenance of this area would be included and funded through provisions in the Operation and Maintenance Plan.

The applicant then wished to clarify and discuss some items in Mainstream's comment letter dated Dec 8, 2008. (See files.)

Pg 3 Use of Filterra systems as LID measures. Jim Bernardini said that he would rely on the manufacturer's recommendations for use of these components. Also included in the recommendations is a list of suggested trees.

Pg 8 #22 crossing details Jim Bernardini said that a 15" bottomless culvert is proposed at the crossing in an attempt to maintain the existing grade in this sensitive area. Tom Sexton questioned if the 4810 sf of wetland impact included all permanent and temporary impacts including tree clearing. Mr. Bernardini responded that the calculations have been confirmed. Mr. Bernardini said that the box culvert would be installed at the onset of the road construction as referenced in the phasing plan. He said that there would be disturbance to the channel. Mr. Sexton noted that revisions to the Phasing Plan for erosion control need to be addressed and that the applicant truly has to maintain the narrow width of that proposed crossing during all construction phases.

Pg 12 item J Mr. Bernardini stated that the Pollution Prevention Plan gives the contractor the ability to modify BMP's as is warranted as the work on the site progresses. These modifications are based on construction schedules, weather conditions and construction experience. He stated further that when temporary sedimentation basins are full during construction, they must be maintained and restored in order to work properly. Mr. Matthews remarked that the Conservation Commission would be apprised of progress through the contractor's submittal of weekly monitoring reports. Any modifications that would be proposed would be considered by the Administrator or the Commission. Time had elapsed. Marc Lavoie asked if TetraTech Rizzo could email Tom Sexton (copying the Commission through George Holmes) to clarify any remaining issues that were minor in nature (more like clarifications) in Tom's comment letter and the Commission agreed to that request. By unanimous vote, the hearing was continued to January 14, 2008 at 8:00 PM.

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Project: 105-643

NOI

Project Description:

Lot 18, 31 Whitehall Way - sfd

Applicant:

Toll Bros. Inc., Jason Witham
134 Flanders Road, Ste 275
Westborough, MA

Representative:

GCG Assoc., Jeremy Downs
84 Main St.
Wilmington, MA

Hearing time: 8:45 PM

Jeremy Downs and Jason Witham were present when the hearing was opened. Mr. Downs stated that the previous Order of Conditions for this lot had expired in July and that the new filing is the same plan as what was approved through the previous Order of Conditions. He stated that the grading for Lot 17 and Lot 18 were done concurrently as was required of the Commission through the previous Order of Conditions. The site is now completely graded and stabilized and a split rail fence is presently located at the top of the slope at the rear of both lots. Mr. Matthews stated that the Conditions of expired Order of Conditions will be included in the Special Conditions for this Order. There were no further questions and by unanimous vote, the hearing was closed.

Project: 105-642

NOI

Project Description:

46 Susan Lane (Lot 28) – In Law Apartment

Applicant:

Vincent Gadoury
191 Farm Street
Blackstone, MA

Representative:

Colonial Engineering, Paul DeSimone
11 Awl Street
Medway, MA

Hearing time: 9:05 PM

Cliff Matthews opened the hearing. Paul Desimone, Mr. Davia and Vin Gadoury were all present. Paul Desimone presented the plan showing the proposed addition and grading. He stated that the existing deck would be removed and that the existing chain link fence would have to be moved for grading so that the 20 x 30 foot addition could be constructed. He said that silt fence is also proposed. Mr. Matthews stated that an On-Going Condition in the Certificate of Compliance issued 11/29/06 is that the area behind the existing chain link fence is a No Disturb Zone. Mr. Davia was told that the Commission cannot grant a hardship under the WPA. After reviewing the definition of a No Disturb Zone as defined in the original Order and Certificate of Compliance, Mr. Matthews suggested that the corner of the proposed addition be angled in such a way as to prevent incursion into the No Disturb Zone. Mr. DeSimone said that he could design the corner of the addition with a 45 degree angle and grade to fit by utilizing a small knee wall. The addition would be constructed on a cement slab. Mr. DeSimone stated that he would revise the plans and submit to the Commission by Thursday. There were no further questions and by unanimous vote, the hearing was closed.

The minutes of the meetings of October 22, and Nov. 12th 2008 were accepted.

The Commission signed:

Certificate of Compliance 105-576/ 4 Farm St./Stearns

Order of Conditions 105-635 / High & Maple Streets/LIG Athletic Complex

Cliff Matthews that a stewardship walk was conducted for our Plymouth Road property at which time it was discovered that brush and debris are being placed on the access to that site. A letter was sent to the residents at 82 Plymouth Road to request clean up. A follow up site walk will be conducted in the near future.

The draft Open Space Plan has been sent out to Commission members for review. The first public forum will be scheduled sometime early in 2009.

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The Conservation Commission conducted a site walk at the Silver Lake dam and made recommendations to Don DiMartino to schedule a work order to cut all small trees and brush along the dam's banks in order to adhere to the Silver Lake Operation and Maintenance Plan. This maintenance will be included in the Commission's yearly request for maintenance of stormwater management components.

The Commission approved the 2009 budget.

The Commission and Town Counsel are currently reviewing the deed for the acceptance of open space at Bellingham Estates.

Members of the Conservation Commission met with Jen Callahan at the Daniels Farm in Blackstone as she released her successful attempt to acquire \$2.5 million Environmental Bond for the towns in her district. The Bellingham money, if issued would be for the development of the SNET trail that crosses Bellingham from Franklin to Blackstone.

The Commission voted unanimously to allow Administrator George Holmes to approve payment of Stormwater Compliance LLC invoices after he reviews the submitted reports. This company has been retained by W.S. Development and as a component of the Operation and Maintenance Plan for the Notice of Intent filing for the repair of the failed stormwater management system at the Charles River Center.

Attending the meeting were, Cliff Matthews, Barry Lariviere, Jim Hentz, Lori Fafard, Neal Standley, Anne Matthews and Administrator George Holmes.
