

**Town of Bellingham
Conservation Commission
North Community Building
Bellingham, MA 02019
Minutes of the meeting of September 23, 2009**

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: 7:30 PM

Cliff Matthews opened the continued hearing. Attending the hearing were: Ann McMenemy, Dave Albrecht and Tom Sexton. Ann McMenemy wished to take a couple of moments to address the complications involved in the recording of an ORAD as it related to their Extension Request. She referred to 310CMR 10.05(6)(g). Cliff stated that in that section is a further legal reference elsewhere in 310CRM. He was uncertain of its location and offered to open the Commission's copy of the Regulations to further investigate. Ann deferred stating that she did not want to take up any more time in the hearing process, but stated that in the future, it might be advisable to get a ruling from DEP.

The Commission then moved to the review of Tom Sexton's letter (Sept. 8, 2009) and TetraTech's verbal responses. In section one of the letter, Tetra-Tech, W/S and their attorneys disagree with how much power the Conservation Commission has with respect to the Planning Board's Water Resource District Permit. Cliff stated that the Commission must input the Planning Board permit as the by-law states that the Planning Board issues in conjunction with the Conservation Commission. He will clarify with Town Counsel. Tom Sexton's letter and the Commission believe that Zoning By Law Article 4900 paragraph 4980 (iii) requires vegetative pre-treatment. The applicant feels that the use of a comma allows other means to be implemented. Cliff will speak with Town Counsel relative to this issue as well.

In Section 2, Tom Sexton questioned the metals modeling information for maximum contaminant levels with lower detectable amounts. Also discussed was the pathogens section. Comments were that an ultra-violet system would be employed for disinfection. Although this method is somewhat successful for bacteria, rate of travel for viruses is greater. The applicant will need to work toward agreements for contamination thresholds.

In Section 3, Tom Sexton has requested back up documentation for the assumed hydraulic conductivity of ten feet a day as assumed in 2003 as opposed to 128 feet a day in 2009. In order to adequately assess nitrogen concentrations for Well 12's Zone II area, a build out analysis should be performed for the entire site (including Phase 1).

In Section 5, comments related to proximity of detention basin bottoms from estimated seasonal high groundwater, the Commission expressed concern over one inch diameter low level outlets and their ability to continue functioning due to the ease of blocking either with silt, leaves or other material. TetraTech responded that the structures would perform as designed provided they were subject to periodic maintenance. Cliff allowed that maintenance to date at some of the other W/S site in Bellingham was sufficiently poor so that we question long term effectiveness of this device.

In Section 6, the Commission reiterated the importance of assembling a list of chemicals, pesticides, herbicides etc. (Zoning By Law 4990.D.1) based on Charles River Center usage. After questioning by Barry Lariviere, it was determined that individual retail units would have individual floor drains but that those drains would be connected to sanitary sewer lines. Barry questioned the advisability of that system stating the potential for spills which would ultimately affect the biological organisms at the facility sewage treatment plant is very real. He and Cliff suggested that each individual unit with floor drains should be self contained to eliminate potential contamination due to spills or routine chemical usage.

In Section 8, The Commission requested that the vegetative stormwater pretreatment areas be tested periodically by removing a plug of soil to determine if replacement is indicated. Tetra-Tech will evaluate this request.

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In Section 9, a portion of the lot between the JPI development and the proposed commercial development by W/S Dev. is under Conservation Restriction. Cliff had no recollection of the Commission or the Selectmen accepting a CR as part of the JPI project or independent of that project. He speculated that it could be a Zoning Board Permit requirement and a simple deed restriction. This information is important because if that area was factored into JPI's total lot area to meet the 30% alteration requirement, it cannot be counted again as part of the W/S commercial development to offset their 30% lot coverage requirement. Some discussion followed and Dave Albrecht commented that the Planning Board set a precedent at Charles River Center to grant waivers as that project exceeded the 30% lot coverage lot requirement. Barry Lariviere countered that that project is on the opposite side of Rte 495 and at a greater distance from the town well than the current proposal. Cliff Matthews stated that the Planning Board must consider each permit on a case by case basis and previous waivers are no guarantee that they will be granted for this project. A determination should be made as to whether the CR lot area was factored into the JPI project. In section 9B, to guard against segmenting the project, Tom Sexton suggested that an attempt be made to quantify to the best ability future disturbances associated with the development of Phase Two as well as the access road interchange. He reiterated the importance of minimizing removal of vegetation from the total project site. Section 10, Tom suggested linking the town's Water Resource District Special Permit to DEP's Groundwater Discharge permit. The Commission will seek to make that a requirement. In Section 11, the applicant is aware that a major earth removal Special Permit must be granted by the Zoning Board as a component of the Water Resource District Special permit. In Section 12, the Commission and George Holmes continue to express concerns regarding snow removal. Cliff stated his concern that in major storm events, contractors hired for snow removal would attempt to put snow at any convenient location including crossing sidewalks to access the open areas on the Phase two portion of the property. Barry suggested fencing any potential access to the Phase Two area to prevent unwanted snow storage. Some discussion occurred about coordinating schedules for the next continuation date. The Commission has an Annual Town Meeting on October 14th, so there will only be one meeting in October on October 28th. Ann McMenemy is unavailable for that meeting. Dave Albrecht requested to attend the meeting to get the Commission's input on the access roadway bridges for the crossing of Wetland M and the certified vernal pool. By unanimous vote, the hearing was continued to the evening of October 28th at 7:30 PM.

Project: 105-615
ANRAD

Project Description:
250 Hartford Avenue, BVW

Applicant:
WalMart Stores Inc.
2001 SE 10th Street
Bentonville, AR

Representative:
GreenbergFarrow
Paul McManus
225 Cedar Hill St. Ste 200. Marlboro, MA

Hearing time: 8:30 PM

Cliff Matthews opened the hearing. Paul McManas from EcoTech, Steve Powers from Greenberg Farrow and a rep. from WalMart were present. Paul McManas gave an overview of the wetland areas boundaries to be confirmed on the WalMart site stating that there were 4500 linear feet of wetlands to the north and east of the building. He stated that the detention structure was flagged as a potential resource area but he was unsure whether DEP would allow the Commission to claim jurisdiction. Cliff spoke to the fact that he was on the Commission for the original filing. For its time, (the mid to late 80's), IEP designed a state of the art stormwater treatment structure. To the best of his knowledge, Mr. Matthews remembered that structure to be a created wetland and he believed that it would be jurisdictional under the WPA. The issue of Wetland A was then raised by Cliff as the Commission is in receipt of a request by W/S Development to extend the ORAD issued under DEP File #105-559. Wetland A on the WalMart site was listed on that ORAD as an off-site resource area. At this time, a representative from WalMart Corp. northeast area questioned why WalMart as the property owner, was not noticed of the previous ANRAD request and how the Commission could take action without the property owner being duly notified. Cliff understood WalMart's frustration but stated that in the paperwork for the ANRAD the applicant certifies that abutters (hence, property owners) have been notified. The Commission acted on the assumption that this notice had occurred. The Commission agreed to exclude Wetland A from the Extended ORAD pending on 105-559 and to include it as part of

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this evaluation and order. Paul spoke briefly to the character and nature of the existing resource areas and believed it would be a relatively simple review in the field. By unanimous vote, a site walk was scheduled for Sat., Oct. 3rd at 8:00 P.M. behind the WalMart building. The hearing was then continued to the evening of October 28th at 8:00 P.M.

The Commission accepted the minutes of the meetings of September 9, 2009.

George Holmes gave updates on the following projects:

28 David Road

He has spoken with the homeowner. The debris and limbs have been removed to the bottom of the hill on the property. The homeowner expects to get a burning permit in January to dispose of it. George did not believe that the homeowner made any attempt to willfully alter wetlands. The Commission will inspect the site after the WalMart visit.

95 Mechanic Street

George has met with David Brown on the site and alerted him to some of the violations that are occurring. Mr. Brown provided his cell phone # and the Commission will call him to meet with him on the property on Sat., after the WalMart site visit.

1410 Pulaski Boulevard

George provided photos of the work in progress under the Enforcement Order and stated that once the homeowner got past the delays caused by sickness in his family, that he has made significant progress in successfully completing the required work.

The Commission voted to allow Barry Lariviere to write a letter of recommendation for the Trails Grant on behalf of the Commission.

The Commission discussed the proposed changes to the Water Resource District By Law that will be included in the Special Town Meeting of October 14th. The Commission is very concerned with the proposed removal of the Special Permit requirement.

Attending the meeting were: Cliff Matthews, Barry Lariviere, Neal Standley, Lori Fafard, Brian Norton, Michael O'Herron and George Holmes.
