

**Town of Bellingham  
Conservation Commission  
North Community Building  
Bellingham, MA 02019  
Minutes of the meeting of October 28, 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**

Dave Albrecht was the only one present for the applicant. Cliff Matthews opened the continued hearing and the stated that there were several items that the Commission wanted to make clear to the applicant at this time. First, he stated that the Commission is correct to gather information and to advise the Planning Board with our findings regarding issues relating to the Water Resource District By Laws. Secondly, regarding the comma in the Zoning by Law, Article 4900, Paragraph 4980(iii), the town is the issuing authority and acting as the regulatory authority, interprets its bylaw to mean all stormwater must have pre treatment before entering all systems. The Commission is waiting for written response from Town Counsel. Additionally, he stated that the town has just amended our Water Resource District By Law and it now conforms to DEP standards of maximum impervious material of 15% in well protection zones as opposed to the previous 30%. Town Counsel has advised the Commission that the applicant must now adhere to the 15% because they do not currently have a permit. Dave Albrecht responded that he was sure that the 15% should not apply because it would be changing designs in midstream. The Commission will seek a written opinion on this item as well.

Cliff then said that the Zoning Board of Appeals (ZBA) required a Conservation Restriction or deed restriction for the JPI project. Dave Albrecht said that the state permit was waived as part of the 40B Permit and that the deed restriction has a renewable 20 year extension. Dave also said that Goulston Storrs is researching why the deed was restricted. The Commission asked for a copy of the information and said that we would also research the matter. Cliff stated that W/S must determine that the proposed crossing must have no adverse impacts to the vernal pool. All impacts must also be quantified. He noted that simply removing shrubs and trees is an impact. Cliff also reminded the applicant that the location of the replication areas (mitigation) adjacent to the vernal pool also impact habitat. Cliff said that the design team should totally concentrate on the crossing rather than continue with further engineering design of the project. Dave Albrecht said that Ann McMenemy will return from her trip next week and will begin to continue her work on this project. Dave Albrecht then agreed to continue the hearing to December 9<sup>th</sup> at 7:30 at which time, we will discuss the previous items and the proposed crossing. Dave Albrecht stated that Bob Frazier has approved the peer review check and will submit it to the Commission within ten days so that we can pay the project's consultant.

---

**Project: 105-658**  
Cont'd ANRAD

---

**Project Description:**  
250 Hartford Avenue, Bordering Vegetated Wetland

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

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

**Hearing time: 8:00 PM**

Cliff Matthews opened the continued hearing. Paul McManas from EcoTech was present. Cliff Matthews stated that the Commission inspected the wetland flags in the three areas on the site and had no changes. The transect areas

**Conservation Commission**  
**Minutes of the meeting of October 28, 2009**  
**Page #2**

were also accepted. There were no further comments. Motion was made, seconded and approved unanimously to close the hearing and sign the Order of Resource Area Delineation (ORAD) reflecting the accuracy of the Plans of Record.

---

**Project: 105-659**  
NOI

**Project Description:**  
21 Mann Street – septic repair

**Applicant:**  
Salvatore & Melinda Esposito  
21 Mann Street  
Bellingham, MA

**Representative:**  
Trowbridge Assoc.  
200 Chaucy Street  
Mansfield, MA

**Hearing time: 8:20 PM**

Sal Esposito, Doug Welsh and Michael Trowbridge were present when the hearing was opened. Mr. Trowbridge stated that the Notice of Intent (NOI) is for the repair of a failing septic system. The system is located 62 feet from the bordering vegetated wetlands and required a local upgrade for groundwater separation. The system has been approved by the Board of Health. George Holmes said that a stockade fence envelopes the yard protecting the resource area and that the yard is very flat. Mr. Trowbridge said that a slight swale was added at the rear of the leachfield to prevent water from flowing off the property. George Holmes presented some pictures of the lot and recommended issuing the permit. There being no further comments, the hearing was closed by unanimous vote and the Commission issued the prepared Order of Conditions.

---

**Project: 105-660**  
NOI

**Project Description:**  
25 Stone Street – septic repair

**Applicant:**  
Robert Dexter  
25 Stone Street  
Bellingham, MA

**Representative**  
Colonial Engineering Inc.  
11 Awl Street  
Medway, MA

**Hearing time: 8:45 PM**

Robert and Madeline Dexter and Paul DeSimone were present when the hearing was opened. Paul DeSimone stated that this property is located in both Medway and Bellingham and is another house on Stone St. requiring a replacement septic system. Paul said that his firm put forth effort in determining the best location (most suitable soils) for the new system. However, it is located within the riparian zone to Hopping Brook and also on the Algonquin Gas easement. The old tank will be removed and the old field will be abandoned. The Board of Health has approved the design. The applicant will be attending a hearing with the Medway Conservation Commission. There were no further questions. By unanimous vote, the hearing was closed and the Commission issued the prepared Order of Conditions.

---

**Project:**  
Request for Determination of Applicability (RDA)

**Project Description:**  
32 Ray Avenue – addition & garage

**Applicant:**  
Todd Sells  
32 Ray Avenue  
Bellingham, MA

**Representative**

**Meeting time: 9:10 PM**

Mr. & Mrs. Sells were present. Cliff Matthews stated that the applicant proposes to remove two small decks and construct an addition and garage onto the existing dwelling that is located within the outer 100 foot buffer zone. Cliff said that George, Anne & he had inspected the wetland boundary where there was some evidence of

**Conservation Commission**  
**Minutes of the meeting of October 28, 2009**  
**Page #3**

leaf staining and hydrology although the soils were sandy. The applicant said that he does not plan on cutting or clearing the existing natural vegetation. The Commission was satisfied because that vegetation provides good habitat value. The Commission agreed that the applicant should install some haybales as erosion control measures behind the house and up-gradient of the wetland. The Board voted to issue a Negative Determination with the Special Condition that the erosion control barrier must be installed and closed the meeting. Mrs. Sells will pick up the Determination of Applicability at the Inspectional Services Department tomorrow at noon.

---

**Time: 9:25 PM Informational/ 1474 Pulaski Boulevard/ D & N Estates/ Laurent Duhamel**

Scott Rabideau of Natural Resource Services and Mark Narducci attended the preconstruction meeting. Mr. Rabideau said that he has just been retained by the applicant and noticed that the existing Order of Conditions (105-584) will expire in January 2010. This will necessitate the applicant's request for an Extension. Mr. Rabideau did not know if a NEPDES permit has been issued for this project. He will request a copy of the replication plan from Land Planning as a new engineer (Brian Thalman) was retained for the project. The Commission reviewed the Water Quality Certification (401) issued by DEP. Mr. Rabideau may need a copy of that as well. He will have to contact DEP to request a change in the period of time that the applicant can work in the resource areas as the 401 Permit specifies August 1 – October 1. Scott Rabideau will be the erosion control/wetlands person on staff and will have the responsibility of submitting monitoring reports to the Commission. The applicant has already posted the \$7,000 replication bond with the Treasurer's office. Mr. Narducci and Mr. Rabideau will be the lead persons in the project.

---

Cliff Matthews stated that the Board of Selectmen have signed the proposed open space deed at Bellingham Estates based on Town Counsel's review as to form and Don DiMartino's review of the easements and plans. Motion was made seconded and voted unanimously to sign the deed and return it to Denis Fraine so that it can be forwarded to the applicant for signatures and recording.

The minutes of the meeting of September 23<sup>rd</sup> were accepted.

Cliff Matthews reported that during the hearing process for the original ANRAD for DEP #105-559 for W/S Development's The Shoppes site on Hartford Avenue, the applicant requested an Amendment to that original ORAD that included two additional offsite areas: one area was within the Interstate easement on Hartford Avenue and the second area was identified as Map 19 Parcel 1. W/S Development has since submitted an Extension Request to that original ORAD. In September of this year, an Abbreviated Notice of Resource Area Delineation (ANRAD) was filed for the 250 Hartford Ave. site owned by Walmart identified as Map 19 Parcel 1 (DEP #105-658). Cliff reported that during the ANRAD hearing for Walmart, the applicant, Walmart, complained that they were never notified of the original W/S request to confirm resource areas on their site Map 19 Parcel 1. The Commission voted unanimously to extend the W/S ORAD (105-559) for one year and to exclude the parcel identified as Map 19 Parcel 1 owned by Walmart in 105-658.

The Commission is in receipt of both a Wetland Replication Report (Caron Environmental Services) and a letter requesting replication bond return (Poulin construction) for Marty's Auto located on North Main Street. The Order of Conditions for Marty's required a three year monitoring period for the replication area. The wetland report states that the vegetative establishment at the replication area is between 80 and 100% for the second year. Commission members will make arrangements to visit the site and make recommendations to the board for issuing a complete Certificate of Compliance as well as the return of the bond money.

Cliff Matthews read a letter written by Denis Fraine regarding the YMCA of Franklin's interest in working with the town of Bellingham to utilize Silver Lake over the summer months. In return, the YMCA would provide lifeguards at the park on weekends. Commission members approved the idea by vote and Cliff will contact Mr. Fraine to let him proceed with the negotiations for use of the park this summer.

**Conservation Commission**  
**Minutes of the meeting of October 28, 2009**  
**Page #4**

Ethics Packets from Ann Odabashian were distributed to all Commission members.

George Holmes gave an update on Wayne's Small Engine on Paine Street violation of their Order of Conditions (105-407) for not removing a small building that was included in the original Notice of Intent filing. The square footage calculated for the removal of the building provided compensation for special flood hazard zone impacts that resulted from the construction of the addition that was proposed in the NOI. George Holmes requested that Wayne send the

Commission a letter stating when that building will be razed. The Commission voted to issue enforcement action in the event that the building is not removed in the near future and prepared an Enforcement Order.

The Commission will take into consideration the letter recently submitted by Cumberland Farms requesting an Extension to their Order of Conditions for South Main Street (105-590) that will expire in December. The site has been cleared but no other work has commenced. The applicant requested the Extension stating that due to unfavorable economic conditions, they have been unable to sell the property. Commission members requested that the applicant be contacted and scheduled for our next meeting to discuss scheduling of the remaining work and wetland replication included in the Order of Conditions.

Scoops Realty of 445 Hartford Avenue sent a letter dated October 21<sup>st</sup> to the Commission requesting an Extension to their Order of Conditions (#105-582 issued Oct. 25, 2006) for 180 days due to the fact that they were awaiting a change in the septic system design that was awaiting Board of Health approval. To date, the applicant has not yet begun any work under the Order. The system is proposed within ten to fifteen feet from a resource area. Don DiMartino has informed the town that the DPW does not have the money to relocate a 12 inch drainage pipe that currently lies under the existing septic tank. The current plan of record indicates that the applicant is proposing to construct a portion of their system outside their property boundaries along Hartford Avenue. In addition, the owner recently submitted to the Board of Health a revised plan incorporating new system technology. The location of the system remains the same as previously proposed. Mike Graf has informed the Commission that the Board of Health will defer approving this revision until such time that the DPW and Commission take some action to approve it. Taken into consideration all of these items, the Commission voted not to grant an Extension to the applicant but to direct the owner to file a new Notice of Intent incorporating the new system technology and a change in the proposed system location further away from the resource area.

The Commission signed:	Extension	105-559/ORAD/Ws Dev/Hartford Avenue
	Certificate of Compliance	105-87/Brook St. & Saddleback Hill Rd/ replication
		105-152/ Brooke St. & Saddleback Hill Road/access road
	Order of Res. Area Del.	105-658/250 Hartford avenue/ Walmart/BVW
	Order of Conditions	105-659/ 21 Mann St./septic repair/Esposito
		105-660/ 25 Stone St./septic repair/ Dexter
	Det. Of Applicability	32 Ray Avenue/Sells addition and garage
	Enf. Order	95 Mechanic St/Rizoli Circle Realty Trust
		30 Paine St. /Waynes

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

---