

**Town of Bellingham
Conservation Commission
North Community Building
Bellingham, MA 02019
Minutes of the meeting of June 23, 2010**

Project: 105-672
CNOI

Project Description:
South Maple Street – sfd & septic

Applicant:
Roger Calerese
34 Russell Hill Road
Franklin, MA

Representative:
Michael Simmons
55 West Central Street
Franklin, MA

Hearing time: 7:25 PM

Don Nielsen of Guerriere and Halnon and Mr. Giodano, the property owner, were present when the continued hearing was opened. Mr. Nielsen stated that the revised plans show that the house is shorter in width but includes a small “L” shaped addition as requested by the applicant. The house is now only ten feet from the proposed fence and the No Disturb Zone. Mr. Giodano understands that the fence is very close to the house and that he would not petition the Conservation Commission now or in the future to move it into the 25 foot No Disturb Zone. Commissioners reviewed the newly revised plan. Since there were no other comments, by unanimous vote, the hearing was closed and the board voted to issued the Order of Conditions.

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

Brian Potvin (TetraTech), David Albrecht, Anne McMenemy (ERM) and Robert Daly were present when Cliff Matthews opened the continued hearing. Mr. Potvin presented packets of information to Commission members that outlined alternatives proposed for the bridge crossing over wetland “M” and the certified vernal pool. He proceeded to review the proposed crossing alternatives and the corresponding alterations associated with each of the alternatives. Mr. Potvin stated that Sheet 11C represent’s the applicant’s preferred alignment. This alternative includes a 150 foot bridge span over the bordering vegetated wetlands and associated certified vernal pool. It also includes 613 sf of vernal pool vegetation alteration, 3,117 sf of BVW alteration, 45 sf of permanent BVW structural impacts and 47 linear feet of intermittent stream bank alteration. These impacts apply only to during and post construction. Long term impacts i.e. shading were not discussed. The proposed bridge would be 5 – 7 feet in height from the bottom of the wetland and is proposed to be located eight to ten feet off Mr. Daley’s property line. Mr. Daley questioned how the applicant would address snow plowing processes over the bridge. Mr. Potvin stated that a railing is proposed that would prevent snow from being plowed onto Mr. Daley’s property. He also stated that the future owner (town of state) of the proposed access road has yet to be determined. Mr. Potvin said that the total height of the bridge and railing measured from the bottom of the stream to the top of the railing would be approx. 20 feet. Ann McMenemy stated that load bearing swamp mats would be in place for a few days and would be used for the removal of the twenty trees in the BVW. Chairman Cliff Matthews remarked that the location and proposed mitigation could potentially impact habitat values. Mr. Matthews stated that the suggested Mitigation Area is proposing the use of 100% of the uplands with substantial impacts to the sensitive wetland/vernal pool area and

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suggested that the applicant make efforts alternative locations for mitigation. Ann McMenemy then stated that the applicant will be providing details on the proposed Mitigation Area, submitting a Wildlife Habitat Evaluation and an updated stormwater management system all of which would be submitted to the Commission no later than July 28st. The applicant agreed to provide copies of all the information to Mr. Daley. By unanimous vote, the hearing was continued to August 25th at 7:30 PM.

Request for Extension to Order of Resource Area Delineation/DEP # 105-559/W. S. Development

Ann McMenemy (ERM) stated that she is requesting a three year continuation to the ORAD issued July 31, 2006. A one year Extension was granted last year which will expire on July 31st. She stated that she looked at the site boundaries and believes them to be accurate and that nothing has changed in the hydrology or watershed. One boundary on the Walmart site ORAD had been removed from the #105-559 ORAD Extension last year since that boundary was confirmed through an ANRAD filing by Walmart, DEP # 105-658 in 2009. George Holmes stated that the wetland flagging needs to be refreshed with permanent flags. Ann McMenemy agreed and said that even the flags from March 2010 have faded. She said she would investigate the methodology for more permanent wetland flagging. The Commission will discuss the Extension as soon as information is received regarding the re-flagging process and the expected time frame for that reflagging. The Commission would then probably discuss the Extension at our meeting of July 14th and as the request was received in a timely fashion, an Extension would be considered.

Project: 105-675
CNOI

Project Description:
101 Mechanic Street, "Post Office Place" 4 res/3 com lot subdivision
Roads and stormwater management

Applicant:
Ron Nation/Post Office Place
Post Office Place LLC/ PO Box 251
Hopkinton, MA

Representative:
Peter Lavoie/Guerriere & Halnon Inc.
333 West Street
Milford, MA

Hearing time: 9:00 PM

Peter Lavoie & Ron Nation were present when the hearing was opened. Mr. Lavoie stated that the applicant has submitted the revised plans as requested by the Commission. Discussion then followed on the stormwater management annuity bylaw. Cliff Matthews stated that the Commission had spoken with Chief Financial Officer Marilyn Mathieu, who suggested that the annuity be based on the average of the last ten years of the Treasury Bill rate. Mr. Nation agreed that \$15,000 was an equitable request for funding of the program for the site. There were no further questions or comments and so, by unanimous vote, the hearing was closed.

Project: 105-667
CNOI

Project Description:
Mellen Street - Settling Basin/Catch Basins
for Milford, MA subdivision

Applicant:
Dominic Afonso
F & D Realty Corp.
189 Main St.
Milford, MA

Representative:
Peter Lavoie
Guerriere & Halnon, Inc.
333 West Street
Milford, MA

Continuation time: 9:00

Peter Lavoie was present when the continuation of the Mellen St. hearing was opened. Mr. Lavoie stated that the Planning Board denied the project and that he would like to request a continuation of one month to August 11th so that his client could decide what course of action they are going to take. By unanimous vote, the hearing was continued to August 11th at 7:30 PM.

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Informational Meeting/Lakeview Estates/Chapter 40 B project/DEP FOC 105-607/Bellingham Residential Realty.

Present were Don Seaburg, Peter Lavoie (G&H), and abutters Muriel Cyr, Beth Haines and John Haines. Cliff Matthews opened the meeting by reviewing the history of the project as it applies to the Conservation Commission. He stated that the Commission issued the original Order of Conditions denying the project. DEP upheld the denial and the applicant appealed that decision. That appeal was subsequently withdrawn by the applicant. The applicant then re-filed a Notice of Intent upon which a new Order of Conditions was issued permitting the project. The applicant appealed that Order. DEP affirmed that Order. The applicant subsequently appealed DEP's Order. General Counsel for DEP finally issued a Superseding Final Order of Conditions (FOC). The applicant has now requested an Amendment to DEP's FOC.

DEP has requested input from the Bellingham Conservation Commission regarding the applicant's request for an Amendment to the FOC. Mr. Matthews then stated that the Commission received copies of the Amendment Request that was sent to DEP.

Peter Lavoie then began his presentation of current project. He stated that the new layout has the same undisturbed area of 27 acres but would consist of 100 single family homes vs. the previously approved 60 duplexes. The associated roadway layout and stormwater management system remain very similar to the previously approved plans. Some of the items that the Commission would recommend that DEP consider in its review include:

As stated in the FOC:

All dwellings need roof recharge/infiltrator

Approx. ten lots will require the filing of Notices of Intent

The Commission reminded the applicant about monitoring reports for erosion control, preconstruction meeting

The Commission believes that the applicant should provide Rain Garden maintenance information to each of the owners of the associated rain-garden lots

Changes now proposed in the Amendment submitted to DEP include:

The applicant suggested that 34 acres of open space be donated to the town. The Commission would prefer outright deed donation with wording "to Town of Bellingham by and through its Conservation Commission for conservation purposes" rather than a Conservation Restriction.

The change in sewer line location is closer to the lake than was originally permitted in the FOC

The Commission was most concerned that the applicant is not planning on the establishment of a Homeowners Association to maintain stormwater structures as was originally permitted in the FOC.

The Commission recommends that advertising be placed in local papers: The Call, Milford News and The Bellingham Bulletin so that residents could have the opportunity to comment

The Commission will write a letter to the ZBA outlining the procedures for an applicant filing a Amendment to a FOC with DEP before the continued July 1st meeting with the ZBA

Cliff Matthews stated that DEP has requested the Commission's input to the Amendment request and that we will submit comments.

The minutes of the meeting of June 9, 2010 were accepted

The Commission signed:

Orders of Conditions 105-672/ S. Maple Street/Calerese/sfd

Cert. of Compliance 105-633/13 Brookfield Ln/Cochrane/sfd

105-673/1 Hartford Ave/Brown/septic repair (hold until as built is received)

Partial Cert. of Comp. 105-665/Lot 9A Silver lake Road/sfd/culvert/berm/Bell Res #2 Realty

105-416/Highridge Estates/Jones/town accepted subdivision

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The Board voted unanimously to accept a donation of approx. 12 acres of land located off Pulaski Blvd. that abuts the open space at Highridge Estates and signed the signature page of acceptance of the deed. Cliff Matthews will schedule a time with the Board of Selectmen in order to receive their approval so that the deed may be recorded.

Attending the meeting were: Cliff Matthews, Barry Lariviere, Neal Standley, Brian Norton, Anne Matthews, George Holmes and Associate Member Amanda Meisner.
