

**Town of Bellingham
Conservation Commission
North Community Building
Bellingham, MA 02019
Minutes of the meeting of March 24, 2010
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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

Chairman Cliff Matthews opened the continued hearing. Bob Frazer, the applicant, was present. Bob Frazer presented copies of the letter of S.R. Weiner's response to the Commission's Demand to Show Cause letter of March 4, 2010. Mr. Frazer stated that the project has undergone extensive review including traffic, fiscal and stormwater management with the Planning Board and it is his belief that most of these issues have been adequately addressed. He stated that the filings were withdrawn without prejudice from the Planning Board because one person resigned and possibly two other members would be changed. He stated that Mass Highway (MDOT) has been working on a solution for the interchange and the project has been approved by the Review Committee. He said that the state has taken over the MDOT project. Mr. Frazer stated stimulus money went to shovel- ready MDOT projects throughout the state adding that there is no schedule from MDOT regarding the Highway project. He also said that TetraTech Rizzo is the engineering team. Several members of the Commission including Cliff Matthews then stated that the Mass. Highway project has nothing to do with the Commission's review of the Notice of Intent that the applicant has filed with the Conservation Commission. Cliff Matthews stated further that the applicant insisted throughout The Shoppes hearing process that these were two separate projects. Mr. Frazer stated that without The Shoppes project there is no highway project. Mr. Frazer said that the last significant issue is the vernal pool crossing. He said that there were numerous change-order requests from the engineering team to S.R. Weiner and that the 42nd change order was submitted to the applicant on Dec. 21 and approved by the applicant on Dec. 22nd. He stated that the survey work had not been done by the Feb. 24th continued hearing with the Commission and that a request had been made to continue to June. Cliff Matthews stated that the Commission had walked the crossing site last August with Ann McMenemy to define the limits of the vernal pool and that nothing has been submitted to date. He said that it is now March, seven months later. Mr. Frazer stated that the applicant has had many peer review letters to respond to from Tom Sexton and claimed that the applicant had worked on the project continuously. He said that they have paid taxes on the site since 1995. He also stated that he cannot say if the survey has been done because of snow cover conditions preventing that work. Barry Lariviere responded that he works for an engineering firm and that his company has completed surveys throughout the winter. He added that the Commission conducted numerous site inspections and wetland delineation verification during this period. Cliff Matthews stated that the Commission will read and review the letters that were presented to the Commission this evening by Mr. Frazer. Motion was made and seconded to continue the hearing to April 14th at 7:30 PM.

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Project: 105-663

Cont'd CNOI

Project Description:

Lot 8, Silver Lake Road, sfd, septic, driveway

Applicant:

Bellingham Residential #2 Realty
120 Quarry Dr.
Milford, MA 01757

Representative:

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

AND ...

Project: 105-665

NOI

Project Description:

Lot 9, Silver Lake Road, sfd, septic, driveway

Applicant:

Bellingham Residential #2 Realty
120 Quarry Dr.
Milford, MA 01757

Representative:

Peter Lavoie, Guerriere & Halnon, Inc.
333 West Street
Milford, MA 01757

Continuation time 7:45 PM

Peter Lavoie and Don Seaburg as well as a number of abutters (see list) were present when Cliff Matthews opened the continued hearings for Lot 8 and Lot 9. Mr. Lavoie stated that he had submitted three copies of plans for the roadway easement, the berm design repair, culvert replacement and revised Lot 9. The easement plans granting easement to the town for maintenance which were previously reviewed by Don DiMartino of the DPW, were then reviewed at the meeting.

Peter Lavoie then presented the proposed berm repair plan. He said that the top and bottom of the 140 foot length of berm that is to be repaired were staked and reviewed in the field. The stakes will be left in place for construction. At the time of construction, George Holmes will work with the applicant to determine access to the berm with least disturbance to the site. Erosion controls will also be inspected at that time. He said that the sides of the berm in the proposed repair area will be raised by two feet and then a clay barrier will be installed.

The Commission noted that the Construction Sequence noted on the plan should be revised to eliminate #4 under *Notes* that states that heavy plastic or rubber liner may be used in lieu of the clay core. He said that the berm design plan is very similar to design of a detention basin. All woody debris and vegetation in the swale must be removed by hand. The berm must be stabilized upon completion and maintained in the future. Cliff Matthews stated that the work must be done when the water level has receded.

The Culvert Replacement Plan for Lots 8 and 9 were then reviewed. Cliff Matthews stated that the downstream BVW on the opposite side of Silver Lake Road is large and should handle the redirected water. Don DiMartino had requested that the applicant extend the rip rap up to the road on the outlet side of the culvert. These changes will be added on the plans. Don Seaburg said that it should take about two days for the culvert work to be completed once begun. Cliff Matthews stated that because the Commission is concerned with flooding and that we would request that the culvert work be completed sooner rather than later. With this in mind, he stated that the work must also be done during a period of low flow and asked the applicant to post a cash passbook account with the Treasurer's Office. The money and all interest would be released to the applicant upon completion of the project. The bond amount must be investigated. By unanimous vote, the hearings were continued to April 14th at 8:00 PM. The Orders of Conditions will be prepared for signing that evening. Peter Lavoie will submit revised plans to us soon.

Informational Session/Lake Hiawatha Assoc., Blackstone Conservation Commission/Notice of Intent Joint filing for Aquatic Management and Lake Drawdown Programs

Maggie Plasse, Jim Plasse, Jim Pitler of the Blackstone Conservation Commission and Denis Auger of the Lake Hiawatha Assoc. were in attendance. After introductions, Cliff Matthews stated that the Bellingham and Blackstone Conservation Commissions will hold a joint hearing for the proposed Aquatic Management and Lake Drawdown

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Program proposed in the anticipated Lake Hiawatha Assoc. Notice of Intent (NOI) filing. Cliff said that Aquatic Control Technology will submit two Notices of Intent (NOI) with two towns (Blackstone & Bellingham) and that each Notice of Intent addresses two issues, an aquatic management program and a lake drawdown program. The NOI's will be filed concurrently soon, the fee split and the Blackstone Conservation Commission will attend the hearing that will take place in Bellingham. The Bellingham Conservation Commission will notify the Blackstone Conservation Commission of the date of the hearing and will create the Order of Conditions. Mr. Matthews stated that as soon as the Bellingham Conservation Commission receives the NOI, he will call DEP to clarify the unusual procedure. Members of the Blackstone Conservation Commission were concerned with the proposed use of chemicals to treat the nuisance aquatic vegetation. Aquatic Control Technology Inc. will include all product detail including safety and EPA and MA licensing statements in the NOI's.

Informational/Connor's Crossing/Mechanic Street

Peter Lavoie of Guerriere & Halnon and Ron Nation and his son were present. Mr. Lavoie stated that Mr. Lavoie wishes to remove the underground infiltrators and create open basin at the Connors Crossing site on Mechanic Street. Ron Nation said that he met with Don DiMartino to ask about town acceptance of the road upon completion, and that Don responded that the town would not be inclined to recommend the acceptance of the road with the underground infiltrator because the DPW does not want the maintenance issues. Cliff Matthews said that an Amendment to a Notice of Intent may be filed only if there is equal or less impact to resource areas. He stated further that because there is more buffer zone impact including substantial change in design (forebay, TSS removal, infiltration), the applicant should file a new Notice of Intent for this change. The applicant must also file with the Planning Board. Mr. Lavoie said that all soil testing has been completed and that the project is feasible.

The Commission accepted the minutes of January 27th, February 17th and March 3rd, 2010.

Commissioners were asked to attend the Finance Committee meeting of March 29th to support the proposed wetlands by law currently on the Warrant for the Annual Town meeting in May.

The Commission discussed the proposed Town meeting Articles as requested by the Finance Committee. Anne Matthews will report back to the Finance Committee on our comments.

The Board reviewed Planning Boards submittals: Dean Bank on Pulaski Blvd. and Northwoods Subdivision off North Street.

The town has finally received a letter from FEMA for extension of time for Bellingham to accept the new DFIRMS and FIS Report. The acceptance date is pushed back to Jan 2011.

The Commission reviewed a recently submitted NOI Forest Cutting Plan for a back lot located off Lake St. Cliff Matthews will contact the applicant to question the access issue and to request a site walk.

Commissioners were reminded to complete the on line Ethics course by April 2nd and submit certifications to the Town Clerk.

The Board signed:

Cert of Compliance	Reissue/105-243/3 Second Ave/sfd/Summerlin
Partial Cert of Comp.	Reissue/105-376/Units 104,104,106,304,305,306 Hartford Village
Extension	105-578/Blackstone St reconstruction/DPW for three years
	105-484/240 Maple St./ Belcastro/one year

Attending the meeting were: Cliff Matthews, Barry Lariviere, Neal Standley arriving at 8:00 PM, Lori Fafard, Brian Norton, Michael O'Herron, Anne Matthews, George Holmes and Associate Member Amanda Meisner.
