

**Town of Bellingham
Conservation Commission
Municipal Center
Bellingham, MA 02019**

Minutes of the meeting of September 12, 2012

Project: 105-708 & BWP-37
NOI

Project Description:
1040 South Main Street
Domestic Livestock Pens

Applicant:
Omar Wenger
1040 South Main St.
Bellingham, MA

Representative:
Michael Yerka, Civil Site Eng. LLC
PO Box 248, 306 Main Street
Douglas, MA

Plans: NOI & Plans entitled "Proposed Domestic Livestock Pens" Sheets 1 & 2, August 2012

Hearing time: 7:30 PM

Attending the hearing were Omar Wenger, Margaret Bacon and Michael Yerka (Civil Site Eng.). After Cliff Matthews opened the hearing, Mr. Yerka stated that the site is approx. 98 acres and includes a pond, fields, store, parking area, flower garden, intermittent stream with 18 inch culvert and pens for livestock. He stated that the proposal is to install a five foot wide walkway and gazebo along S. Main Street that would include a bridge over the intermittent channel. The resource areas have been delineated by Margaret Bacon. The eight proposed livestock pens would each include a small animal shelter (12' x 12' max.) and would house no larger a number than six turkeys, chickens, geese, and ducks. Mr. Yerka stated that the plans submitted are consistent with the USDA concept plans for the site. He also stated that a proposed fence is located approx. 12-1/2 feet on each side of the stream. Continuing, he stated that the small animal sheds are located outside the resource areas. The rear fences for the pens are located within the wet meadow where high groundwater exists. Barry Lariviere stated that the fences should be located outside the resource areas in order to prevent nutrient loading and contamination to groundwater due to animal waste. Cliff Matthews stated that all but three of the sheds are located within the 25 foot No Disturb Zone. Cliff then read the comments from DEP on the DEP number assignment sheet which included the following comments: *"The plan submitted shows pens located within Wet Meadow Pasture. Is this Bordering Vegetated Wetland? The Notice should fully describe any and all alteration to all wetland resource area associated with this proposed work. How will the animal waste be managed? How is wetland vegetation proposed to be protected? What measures are proposed to prevent soil erosion? As with all projects proposed including Limited Projects, applicants are required to evaluate the availability of reasonable alternatives to the proposed alternative to the proposed activity, the extent to which adverse impacts are minimized, and the extent to which mitigation measures are provided to contribute to the protection of the interests identified in the Wetlands Protection Act."* Cliff stated that these are and have been the same concerns that the Conservation Commission has expressed to Mr. Wenger in the recent past. He stated further that he has already spoken with town council about agricultural use restrictions in the Wetlands Protection Act which include animal husbandry and traditional agricultural activities but not petting zoos. By way of example, Mr. Matthews pointed out the "duck pond" at Mr. Wenger's previous location on Pulaski Blvd. There was a very small pond with so many animals utilizing it that the water was green with algae all of the time; a clear sign of nutrient loading due to an overload of fecal matter. Mr. Matthews then stated that the Commission should visit the site to review the accuracy of the resource areas. Mr. Yerka stated that the wetlands flags are all installed. Mr. Yerka then stated that the proposal is similar to the USDA concept plan in Mr. Wenger's possession. Cliff Mathews responded by stating that the USDA Plan is only a conceptual plan and the plan itself reiterates that the applicant must seek a permit(s) from the local Conservation Commission. He repeated the Commission's concern that allowing animals to wander in resource areas means direct Coliform bacteria introduction and nutrient loading in protected resource areas. Mr. Yerka stated that he would provide detail on the proposed post and beam bridge crossing the stream, shed construction and size and also provide responses to DEP and the Commission on DEP's comments (mitigation measures, waste management methodologies, etc). A site walk was scheduled for Sat., Sept 22nd at 8:30 AM. By unanimous vote the hearing was continued to Wed. Sept. 26th at 9:30 PM.

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Project: 105-677

Amendment

Project Description:

Crystal Springs Condos III –

Change Stormceptor to Hydroworks HG4

Applicant:

WW Contracting for Lobisser Building Corp.

POB 156, 2 Wood Street

Upton, MA

Representative:

Plans: Amendment Request

Hearing Time: 8:00 PM

Conservation Commissioner Brian Norton, who resides at Crystal Springs condos, recused himself from the hearing process. The duplicate advertising check will be returned to Lobisser Building Corp. tomorrow. Kaari Hayward from WW contracting was present when Cliff Matthews opened the Amendment hearing for the proposed change in the stormwater management component from a Stormceptor to a Hydroworks HG4. Mr. Hayward stated the components are similar but the Hydroworks has a larger (30") opening for easier maintenance. In addition, Barry Lariviere stated that the Hydroworks achieves better TSS removal. Cliff Matthews then asked Mr. Hayward to provide revised plans – Sheet 5 of 10 and Sheet 9 of 10 (detail) showing the change to a Hydroworks HG4 unit. Mr. Hayward agreed to provide the revised plans. The Commission will prepare the Amended Order of Conditions and associated Special Conditions for signing at the next meeting. By unanimous vote, the hearing was continued to Sept. 26th at 9:25PM.

The Commission voted unanimously to cancel the meeting of October 10th due to a conflict in scheduling with the Special Town Meeting of that evening. A letter will be written to the Town Clerk reflecting the cancellation.

The Commission reviewed the rezoning request for 157 Mendon St. as per the Planning Board agenda of tomorrow evening. It was the consensus of the Commission that due to a wetland system located on a significant portion at the rear of the lot, it was not in the best interest of protection of resource areas to recommend the article. The Commission may have to speak in opposition to the Article if discussed at the Special Town Meeting.

An All Board's Meeting is scheduled for Monday, Sept. 24th at 7:00 PM. Commission members will let Anne Matthews know if they can attend.

Anne Matthews attended the Finance Committee meeting of Mon, Sept. 10th to discuss the Article placed in the Special Town Meeting Warrant relative to the proposed funding for Sonar treatment at Silver Lake scheduled for application next spring. The Commission has requested an additional \$8000 to supplement our regular annual funding for Silver Lake in that Article. The Finance Committee recommended the Article at that meeting.

Cliff Matthews presented information and concept plans drawn by the DPW and Denis Fraine on the proposed locations for new water line pipes as required by a DEP Consent Order. The town has had a high degree of Iron and Manganese content in the town water and DEP has required replacement of those water lines. One of the routes proposed by DPW was through Conservation Commission properties. After discussion, Barry Lariviere suggested an alternative route beginning at the Cross St. well site, running down the SNET trail to Joseph Rosenfeld Way, Lizotte Drive, cutting over Pulaski Boulevard to Deer Run Road and Pine Grove Avenue. Neal Standley suggested that if DCR would allow the installation, perhaps the RFP could include paving of that portion of the SNET trail. The Commission realizes that this is conceptual but also agreed that it would have the least amount of resource area impacts so far. Barry will generate a concept map, send to Cliff and Cliff will contact Denis Fraine and Don DiMartino.

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The Commission reviewed the information on the proposed conventional and cluster layout plans for a newly proposed subdivision located off Blackstone St. by Marinella Construction. According to the letter, EcoTech has completed the resource area delineation and the applicant is preparing to file an ANRAD with the Conservation Commission. The applicant is performing a thorough review of the 2001 Town Meeting vote that abandoned a portion of Blackstone Street that the developer wants to use in the subdivision. Cliff Matthews stated that the plans do not show any of the vernal pools on the site and that the wetland line, although delineated by a reputable firm, remains unsubstantiated. The ANRAD must be filed under the local bylaw. Cliff will talk to Jay Talerman regarding the suggested yield count for proposed units that, to date, have been based on the abandoned portion of Blackstone Street.

Cliff reported that the Board of Selectmen has granted a transfer of license for John's Junkyard located at 85 Hartford Avenue. George Holmes will visit the site to talk with the property owner regarding the requirement that any work taking place within the 100 foot buffer zone requires a permit from the Conservation Commission.

Cliff Matthews stated that he, Anne and Neal had briefly discussed a draft letter generated by Neal regarding work in and near a regulated resource area without a permit that was recently performed by the DPW. Commission members agreed not to send a letter but rather to require that an environmental monitor be on site as a condition to any future permits issued to the DPW.

The Commission signed a Certificate of Compliance for DEP File #105-435/John's Way (Lake St.)/
2 sfd/swale/septics/ driveway

The minutes of July 11, 2012 were accepted.

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