

Town of Bellingham
Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of March 27, 2013

Informational Presentation

James Ulsh/Proposed Eagle Scout Project at Silver Lake

Time: 7:30 PM

Denis Fraine introduced Boy Scout James Ulsh by stating that James had approached Denis last August about his proposed Eagle Scout project to construct a pergola at Silver Lake. Mr. Fraine stated that subsequent to that, he had told James that after speaking with the Conservation Commission, they were “cool” to the pergola project. James began by distributing copies of his Power Point presentation to the Commission members. He stated that he would like to build a pergola at Silver Lake and stated that his family was very involved with the creation of Kasper Park. He continued by stating the reasons why he picked this particular structure and how he believed the project would benefit the park. Lori Fafard asked about maintenance of the structure and also expressed her concern that the Boy Scouts have not maintained some of the previous Eagle Scout projects especially at Silver Lake. Mike Conner stated that that Parks Department would become responsible for its maintenance. Cliff Matthews then stated that the intent of open space is to enjoy the open spaces. In this case, he did not believe that building another structure at Silver Lake or any open space is in accordance with utilizing the open space as intended. It was the consensus of the Commission members that this project was not something that they would like to approve. The Conservation Commission suggested that James work on site inspections of Conservation Commission properties instead as an example of an alternative. Due to lack of time, the Commission penciled in James at the next regularly scheduled Conservation Commission meeting of April 10th at 7:30 PM. Cliff will email James and Denis Fraine on updates of any discussions that the board had and also to confirm if James would be returning in April for discussion on alternative projects.

Informational

Lenore White, PWS, of Wetland Strategies, Inc.

Time: 7:45 PM

Ms. White stated that the Conservation Commission had invited her to attend a meeting to discuss suggested revisions/upgrades to the local bylaw Regulations. She stated that she submitted a preliminary contract to the Conservation Commission that included a scope of tasks for review of the Bylaw Regulations. She then gave a brief statement about her experience including projects she has undertaken with various municipalities and asked the Commission for some guidance as to what in particular Bellingham is looking for in improving its Regulations. Cliff gave a brief history of the creation of the bylaw and regulations. After discussion, Ms. White and the members of the Commission agreed to have Ms. White revise the scope of her current contract to include suggestions on changes to performance standards (including stormwater management) making them more stringent than Chapter 131 of the state Regulations, assess forms currently found on the town’s website, include time frames to be more date specific especially for performance standards, suggest changes to reduce the over-utilization of the waiver provisions, and modify procedures so that applicants have enough guidance to file under the local bylaw. Ms. White agreed to revise the scope of her contract and return for another meeting on April 24th at 8:30 PM to update the Commission.

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Project: 105-712 & BWP-40
CNOI

Project Description:
Chapter 40B project "Taft Estates"
Two cul de sacs, 20 single family dwellings,
Stormwater management, open space

Applicant:
Tim Jones
PO Box 934
Wrentham, MA

Representative:
Wm. Halsing, Land Planning Inc.
167 Hartford Avenue
Bellingham, MA

Plans: 40b Comprehensive Permit Project Definitive Subdivision, Taft Estates, Sheets 1 – 8, dated Aug. 4, 2012 Revised March 20, 2013 ;Sedimentation and Erosion Control Plan (One Sheet) dated Aug. 4, 2012, Revised March 20, 2013; Taft Estates Stormwater Report Revised March 20, 2013

Hearing time: 8:15 PM

Tim Jones was present when Cliff Matthews opened the continued hearing. Tim stated that the current plan revisions include fencing at the rear of Lots 5, 6, 15 and 17. He stated that he would change the location of the swale fencing on the plans by revising it so that it is located along the drainage easement and extending it to the infiltration basin. Tim stated that a valve is now located in the infiltration basin in response to Tom Houston's (peer reviewer) concern for infiltration during frozen conditions. The valve can be opened to rapidly draw down the basin, if necessary. He said that roof leaders have been added to the plan as requested at the last Conservation Commission hearing. Cliff Matthews then stated that Jay Talerman had requested that the Conservation Commission and the ZBA dovetail Special Conditions in their permits especially as they relate to stormwater. He added that the Conservation Commission would provide a copy of the draft Special Conditions to Jay for review. The next Zoning Board hearing is scheduled for April 4th. Tim Jones will provide all updated plan revisions and any changes to the stormwater management report to the Commission after the Zoning board hearing. The Commission, by unanimous vote, continued the hearing to April 10th at 8:00 PM and will prepare the Order of Conditions in anticipating closing the hearing and signing the Order that evening.

Project: 105-711 & BWP-41
CNOI

Project Description:
6 & 8 Mill Street – expanded parking

Applicant:
Peter & Janette Sergio
152 Lovering St.
Medway, MA

Representative:
Paul DeSimone, Colonial Engineering
11 Awl Street
Medway, MA

Plans: NOI & Conservation Plan of Land in Bellingham dated Jan. 7, 2013 revised March 1, 2013
Letter from Colonial Engineering dated 2/25/2013, re: Mill Street site reclamation, 6 pages

Continuation time: 8:30 PM

Peter and Janette Sergio and Paul DeSimone were present when Cliff Matthews opened the continued hearing. Paul DeSimone stated that he submitted revised plans as requested by the Commission at the last continuation. The revised plans include No Disturb Zone signage on each of the six 4 x 4 pressure treated posts located behind the boulder barrier and the notation that the barrier would be comprised of 2 x 2 boulders or concrete blocks. Mike suggested that the Special Conditions require that additional trash such as tires, metal and other debris be removed by hand and be disposed of properly. The applicant will remove debris including brush and solid waste from the disturbed area of the buffer zone and restore the area in accordance with the Restoration Narrative referred to in the Order of Conditions. There were no further questions or comments. Barry Lariviere made a motion to close the hearing and issue an Order of Conditions. Motion was seconded by Michael O'Herron and voted unanimously. The applicant would like to pick up the permit at Inspectional Services.

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Project:

Informational

Project Description:

445 Hartford Avenue – Scoops Ice Cream- septic repair

Applicant:

Representative:

Scott Smyers – Oxbow Associates
Acton, MA

Informational time: 8:45 PM

The two owners of Scoops and Scott Smyers were present for an informational discussion on the proposed repair of a failing septic system at 445 Hartford Avenue as requested by the applicant. Scott Smyers presented a revised proposed septic repair plan and asked for the Commission's direction and comments. He stated that he had submitted an Amendment Request in January but had withdrawn that request. The applicant had a problem with the Board of Health approved plan from January because the Board had issued a local upgrade waiver of 25 feet to the resource area when the correct footage was twelve feet to the bordering vegetated wetland. Mr. Smyers stated that the area proposed for the septic repair is located partially behind the chain link fence on the southerly side of the property. The proposal includes a retaining wall with 40mil plastic barrier with a proposed distance to the resource area of eight feet.

Smyers suggested that the disturbed buffer zone area could be improved with a restoration plan if the system were approved. Cliff Matthews suggested that a conventional septic system be installed in lieu of the Presby system 25 feet from the wetlands and be located under the parking area. The property owners were concerned with the grading, loss of parking spaces and demolition of additional pavement that would be required with this alternative. The test pit information from 2010 on the plans was reviewed. The Commission then suggested that the system be located further from the wetlands. The applicant stated that there is a 1 to 2-1/2 foot wall proposed for the system at the entrance side of the parking lot that would interfere with proper grading and vehicular movement on the site. When the applicants stated that time was of the essence, commission members noted that this proposed project has been permitted since May 2006 DEP #105-582 and extended under the Permit Extension Act and that no work has yet commenced. The applicant then agreed that a viable alternative would be to move a portion of the Presby System as far from the resource area as existing grades and pavement would allow. The applicant will contact Paul Saulniers, the engineer (not present due to recent hospitalization) to revise the location of the proposed system. It was the consensus of the Commission that the applicant did not have to apply under the local bylaw because the request is for an Amendment to an Order of Conditions extended under the Permit Extension Act. The Amendment route is appropriate because the system will be located further from the resource area and there will be less buffer zone alteration. The Commission will await the completed filing before scheduling a hearing date and time.

The minutes of the meetings of Feb. 13th, Feb. 27th and March 13th were all accepted with some minor revisions.

Cliff Matthews reported that Fafard's The Shores at Silver Lake has been remanded back to the Planning Board. The Planning Board hearing will be opened in April.

Brian Norton stated that there is a lot of parking activity taking place behind #4 Mill Street. This property is currently owned by Ultimate Chimney Sweep. George Holmes will follow up on that report.

Cliff Matthews, Michael O'Herron and Neal Standley have all been re-appointed to three year positions on the Conservation Commission. Cliff reminded them that they must be sworn in by the Town Clerk's Office ASAP.

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The Commission signed:

Order of Conditions 105-711 & BWP-41/ 6 and 8 Mill Street/Sergio/parking

Cert. of Compliance 105-450/Bellingham Estates/Toll Brothers*

*As discussed at the last meeting, the Certificate of Compliance for Bellingham Estates/Toll Brothers, Inc. was signed. Commission members also, by unanimous vote, signed the open space deed for the land donation at Bellingham Estates. A Special Condition in the Certificate of Compliance refers to the requirement that when Toll Bros. approach the Planning Board in October to request the release of their bond, they shall contact the Board of Selectmen (notifying the Conservation Commission) to request their signatures on the open space deed signed by the Commission this evening. Toll Bros. is also required to record the signed deed and associated open space plan with the Registry of Deeds. This strategy was discussed as an acceptable strategy between Cliff Matthews and Town Counsel Jay Talerman in the past week.

After a brief discussion on the proposed Eagle Scout project presented earlier in the evening by James Ulsh, members of the Commission unanimously agreed that this was not a project that was consistent with conservation purposes. The Commission will email James on its determination and suggest an alternative project.

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