

**Town of Bellingham
Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of June 12, 2013**

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 May 28, 2013; Taft Estates Stormwater Report Revised March 20, 2013

Continuation time: 7:20 PM

Chairman Cliff Matthews opened the continued hearing for the Chapter 40B project, Taft Estates. Tim Jones stated that the revised plans dated May 28th reflect the changes in fencing to install a four foot high vinyl chain link fence located around the swale and behind the rear lots. The Commission reviewed the draft Special Conditions for the Order of Conditions with Mr. Jones including erosion control inspections, the conveyance of the open space including the installation of bounds depicting the open space, as well as the establishment of an agreed upon \$6,000 stormwater maintenance annuity by Mr. Jones. Michael O'Herron suggested that the fencing at the rear of the property depicting the No Disturb Zone be posted with badges. Commissioners agreed to add this as a Special Condition to the permit. Barry Lariviere made a motion to close the hearing and issue an Order of conditions. Neal Standley seconded the motion and it carried unanimously.

Project: 105-615
CNOI

Project Description:
Hartford Avenue / Shoppes at Bellingham Phase I
14 buildings, 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

Plans: Proposed Site & Roadway, notice of Intent Permit Plans, Revised 4/27/2011
Drainage Report, The Shoppes at Bellingham, Appendix A & Appendix B, rev 4/27/2011

Continuation time: 7:30 PM

George Holmes stated that he received a request for a continuation of the hearing from Austin Turner that day. Due to a busy agenda, Barry Lariviere made a motion to continue to July 10th at 7:30PM. Neal Standley seconded the motion and the motion carried unanimously.

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Project: BWP-47
RDA

Project Description:
I 495 – New Stormwater BMP's

Applicant:
Susan McArthur, MassDOT
10 Park Plaza, Ste 4160
Boston, MA

Representative:
Kristen Kent, Vanesse Hangen Brustlin, Inc.
101 Walnut Street
Watertown, MA

Plans: RDA & Drainage Repairs & Improvement (Mine Brook) as part of I495 Resurfacing, 4/29/2013
Meeting Time: 8:30 PM

Cliff Matthews opened the Request for Determination of Applicability meeting. Attending the meeting were Alex Murray of DOT, Boston, Bill Clougherty of District 3 Worcester, and Kristen Kent of Vanesse Hangen Brustlin. Neal Standley stated that his sister is employed by Vanasse Hanglen Brustlin but is not involved with this project. Chairman Matthews stated that it would be unnecessary for Neal to recuse himself and that he could participate in the meeting. Alex Murry began by stating that this project is designed to address the issues raised in the Impaired Waters Program in which Mine Brook is listed. In order to address water runoff quality, swales would be constructed with check dams to increase infiltration in two areas along I 495 in Bellingham. He said that work would also include installation of drainage retrofits as well as inspection of existing drainage components including removal of any discovered sediments. He expected that the grading would take place in late winter and the paving next spring. Cliff Matthews stated that MassDOT resisted filing under the local bylaw and has filed only under the WPA. He stated that this type of work would be permitted under the bylaw and that the WPA forms ask for the status of the local determination. Mr. Matthews continued by stating that the Commission, if all agree, would issue a Negative Determination with Conditions under the state WPA and local regulations. Bill Murry responded by stating that, although he is not a lawyer, the state is always concerned that the 351 potential communities located in Mass. have different forms, fees and regulations under separate local bylaws. He stated that he would not appeal the Negative Determination under both agencies. Bill Clougherty also stated that District 3 in Worcester would not appeal a Negative Determination under both the WPA and local bylaw as his RDA meeting was scheduled directly following this meeting. Special Conditions would include maintaining the existing drainage structures along the highway while work is ongoing. Mr. Murray stated that annual maintenance along I495 includes inspection of drainage structures, sediment removal and mowing. Barry Lariviere made a motion to close the meeting and issue a Negative Determination under the WPA and the local Bylaw with mentioned Special Condition. Neal Standley seconded the motion and the motion carried unanimously.

Project: BWP-49
RDA

Project Description:
Mendon St. – Route 140 – milling and repaving

Applicant:
Donald DiMartino, DPW Director
26 Blackstone St.
Bellingham, MA

Representative:
Tom Donnelly, MassDOT
District 3, 403 Belmont St.
Worcester, MA

Plans: RDA & Plans" Rte 140 (Mendon St.) 5/14/2013, Item 767.12 MassDOT Detail Specifications & Drawing, Locus Map

Meeting time: 9:00 PM

Don DiMartino and Bill Clougherty of MassDOT were present when Cliff Matthews opened the meeting. Mr. Clougherty agreed to have the meeting held under the WPA and the local bylaw. Mr. Clougherty stated that MassDOT is proposing to mill and repave Mendon Street. This section of Route 140 is located between the Town Common and Mendon town line and is approximately 1-1/4 miles in length. He stated

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that compost tubes would be installed near resource areas as erosion control. The work also includes adjusting the existing catch basins along that stretch of road. Cliff Matthews noted that the catch basin located near 139 Mendon Street has sunk several inches and Mr. Clougherty said that this would be repaired. Cliff Matthews also mentioned a severe runoff problem at 97 Mendon Street where significant erosion has taken place. He stated that all the water from approximately 300 yards upgradient on Mendon Street flows onto this property. He suggested a berm or changing the crown of pavement during operations to try and address this problem. Don DiMartino said that he would look at the site on Friday morning. Mr. Clougherty said he would like to commence work as soon as possible. There were no more comments. Barry Lariviere made a motion to close the meeting and issue a Negative Determination. It was seconded by Neal Standley and voted unanimously. A Special Condition will be to notify George Homes when the work is to commence so that erosion controls may be inspected.

Project: 105-717 & BWP-46
NOI

Project Description:
Lot 10, Silver Lake Rd, sfd & outlet structure for Lakeview Estates

Applicant:
Bellingham Residential #2 Realty LLC
120 Quarry Drive
Milford, MA

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

Plans: NOI and Resource Area Plan, 5/8/2013

Hearing time: 9:30 PM

Peter Lavoie and abutter, Elaine Dworkin, were present when Cliff Matthews opened the hearing. Peter Lavoie stated that the proposal is to construct a single family dwelling and one car garage nine feet off the property line and 5 feet from the resource area delineated by Judith Schmidt. The house would be serviced by town water and sewer. Peter stated that there are four 8" maple trees and two 12" Shag Bark Hickory trees that would have to be removed. Barry Lariviere questioned Mr. Lavoie on the lack of protection of the 25 foot No Disturb Zone as referenced under the local bylaw. Cliff Matthews stated that the plan also shows the construction of a drainage outfall from the Chapter 40B project entitled "Lakeview Estates". He stated that this drainage structure was designed as an outlet structure for Lakeview Estates and was located on this lot which was permitted under a previous Order of Conditions. That outfall utilized the entire width of the lot but preserved the vegetation located within 25 feet of Silver Lake. Mr. Matthews noted that the design of the drainage structure is now modified in this current plan and has much greater potential impact to the resource areas. In addition, he stated that the applicant would have to revise both the 40B permit and the Order of Conditions for Lakeview Estates in order to proceed with this proposal. Mr. Lavoie responded by stating that the applicant had already filed a Change of Project with DEP. He said he spoke with Joe Bellino of DEP. Peter also stated that he had preferred that a representative of the applicant attend this hearing with him. Cliff Matthews stated that the Conservation Commission knows of no change to the Plans of Record in the Superseding Order of Conditions for the Lakeview Estates project. Cliff then read the Narrative submitted with the current Notice of Intent that stated "this parcel is part of Lakeview Estates, which is the location of the approved discharge of Basin "C". Cliff stated that the Commission would contact Mr. Bellino to confirm the revision dates of the Plans of Record for Lakeview Estates and to confirm the approved design and location of the outlet structure for Basin "C" of that 40B project. Commission members had serious concerns that the proposal did not meet the criteria for permitting under the local bylaw as well. A site walk was then scheduled for Sat., June 22nd at 8:30 AM. Peter Lavoie will stake out the house and drainage. Ms. Dworkin, an abutter, was very concerned with the small size of the lot for this current project. She also expressed concern with a potential buyer further infringing on the resource area to access Silver Lake. Barry Lariviere made a motion to walk the site on June 22nd at 8:30AM and to continue the hearing to Wed., June 26th at 8:30 PM. The motion was seconded by Brian Norton and voted unanimously.

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Project: 105-714 & BWP-48
NOI

Project Description:
Lake Street – duplex, septic systems & driveways

Applicant:
Bellingham Wholesale & Ind. Lumber
1210 Pulaski Boulevard
Bellingham, MA

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

Plans: Proposed Sewage Disposal System Lake St, Sheets 1 & 2, March 1, 2013

Hearing time: 10:00 PM

Paul DeSimone was present when Cliff Matthews opened the hearing. Mr. DeSimone stated that the 6.3 acres site is located across the street from Bellingham Lumber. He said that the lot was subdivided before 1996 making it grandfathered to subdivision under zoning and the Rivers Protection Act under the Wetlands protection Act. The proposal is for the construction of a duplex with two septic systems and the installation of water and gas lines. A retaining wall is proposed to tie the house into the grade elevations on the site. The resource areas on the lot were delineated by Ivan Szilassy and include 13,295 sf of impacts to the buffer zone and 13,846 sf of Riverfront Area. The proposal will alter less than 10% of the Riverfront Area on the lot. The 25 foot No Disturb Zone would be protected by eight 4' x 4' posts and with plantings of White Pine or White Oaks, 10 shrubs of Highbush Blueberry or Winterberry and New England Road Matrix spread between the limit of work and the 25' buffer zone. A site walk was scheduled for Sat., June 22nd at 9:15 AM. Paul DeSimone will stake out the house and No Disturb Zone locations for the site walk. Anne Matthews made a motion to continue the hearing to Wed., June 26th at 9:30 PM. The motion was seconded by Barry Lariviere and voted unanimously.

The minutes of May 8, 2013 were accepted.

The Commission signed:

Order of Conditions:	105-712 & BWP-40/579 Pulaski Blvd/Taft Estates, 40B Project/Tim Jones
Det. Of Applicability	BWP-49/MassDOT/milling and repaving of Mendon Street
	BWP-47/MassDOT/ 1495 new stormwater BMP's

NSTAR has submitted their Yearly Operational Plan (YOP) to the Conservation Commission

After some discussion on the 6 lot project located off Hixon St. and entitled, "Hillside Estates" presented to the Planning Board, there was a consensus of the Conservation Commission that we did not want an easement to the abutting open space property currently owned by the Commission. The Conservation Commission will notify the Planning Board of this preference.

The Conservation Commission is in receipt of a copy of a letter dated June 3, 2013 written by Atty Doherty representing Marinella Construction and with reference to the restoration of Northwoods Open Space. The letter states that Mr. Marinella finds that the request of the Planning Board and Conservation Commission to remove 4-1/2 – 5 feet of fill placed on the open space during construction is not reasonable. The letter states that the work would be disruptive and would require blasting, hammering and heavy equipment. The Commission was sure that the attorney had not availed himself of a site visit, as blasting and hammering would not be required to remove fill to the pre-existing grade. Mark Anderson of Heritage Design Group is scheduled to meet with the Planning Board tomorrow evening. Michael O'Herron will attempt to attend and report back to the Commission.

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Andrew Bissanti, current owner of Lots 1 & 2 at Paine Street approached George Holmes to discuss the possibility of asking if the town would permit him to build a duplex on Lot 1 Paine Street with the donation of Lot 2 to the Conservation Commission. After discussion, Commissioners agreed that Lot 2 would be better suited for the Dept. of Public Works for a drainage easement as it already contains a large detention basin that utilizes most of the lot.

The Charles River Watershed Assoc. will be conducting benthic macroinvertebrate sampling program in the Charles this summer. One location in Bellingham is at the North Main St. bridge. The CRWA has agreed to notify George Holmes when they have scheduled the sampling in Bellingham. They also agreed to share the information once compiled. The macroinvertebrate sampling is to determine the status of the water quality in the Charles River.

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