

**Town of Bellingham
Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of August 14, 2013**

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

Cliff Matthews opened the continued hearing and stated that the applicant requested a continuation to the next meeting. Barry Lariviere made a motion to continue the hearing to September 25th at 7:30 PM in order to allow the applicant ample time to prepare for the hearing, forward the information to our consultant and allow adequate time for consultant and Commission review. The motion was seconded by Neal Standley and voted unanimously in favor.

Project: 105-721 & BWP-54
ANRAD

Project Description:
Blackstone & North Streets
Resource Area Delineation Confirmation

Applicant:
Anthony Marinella
Marinella Development Corp.
PO Box 411
Franklin, MA 02038

Representative:
Arthur Allen
EcoTec, Inc.
102 Grove Street
Worcester, MA 01605

**Plans: Marinella Development Corp. ANRAD Plan, Index page and Sheets 1 – 11, Aug. 30, 2012,
Sheet 3 & 4 revised 7/25/2013.**

Hearing time: 8:30 PM

Abutters attending the hearing included Joseph Nevelle, Andrew Greenway, Shira Rakower and Mercedes Nunez. Representing the applicant were Arthur Allen of EcoTec and Eric Bazzett of Heritage Design Group. Cliff Matthews opened the hearing and stated that the ANRAD filing is strictly for confirmation of all resource areas on the site and is not to review the proposed development. Arthur Allen then stated that the site is 210 acres in size and includes seven miles of wetland delineation of Bordering Vegetated Wetlands (BVW) and Isolated Vegetated Wetlands (IVW). He stated that the Isolated Wetlands are jurisdictional under the local bylaw although may not meet the criteria for jurisdiction under the Wetlands Protection Act. A stream mapped as perennial by the USGS Maps is also located on the site running north to south and Mr. Allen stated that he has included evidence that the stream is intermittent in the filing submittal. Mr. Allen stated that he submitted revised Sheets 3 and 4 because the previous sheets did not match the locus. He stated that the development plan proposes 142 acres of open space and the applicant is working with Natural Heritage to develop a conservation plan that would protect the Box Turtle habitat located on the site. The applicant has filed an Environmental Impact Report with the MEPA Unit. At the request of the Commission, Mr. Allen then proceeded to present each sheet of the ORAD plan describing the various resource areas that have been identified that need confirmation by the Commission. Mr. Allen

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acknowledged that there are potential vernal pools on the site, including three identified by the state, that are all jurisdictional under the local bylaw. One definite vernal pool located on Sheet 7 is currently being destroyed by ATV use. Sheet #9 includes a wooded swamp, kettle pond/bog that may be habitat for the three toed salamander. Cliff Matthews stated that the Commission will request an on the ground survey to identify all vernal pools and that in accordance with our bylaw regulations this must occur during the amphibian's next breeding season. Art Allen said that he would share the information he has gathered thus far on vernal pool survey with the Commission although he stated that he has not asked for verification of vernal pools in the ANRAD filing. Mr. Allen stated that it took four staff members four weeks to delineate the site. Cliff mentioned to Mr. Allen that the Commission would like to confirm the entire delineation if feasible, and explored a number of options we could take. One option is to walk the entire site (this would take several months of Saturday site visits). We could also confirm as much as feasible and have the applicant hire a consultant of our choice to confirm the balance of the delineation. Members of the Commission made a commitment to be available for site walks as needed. Cliff Matthews asked Mr. Allen to confirm with the property owner that abutters may walk the site with the Commission. Mr. Allen will also discuss the possibility of hiring a consultant to confirm some of the delineation and to confirm the schedule of the applicant with the applicant. Mr. Allen agreed to bring in his vernal pool information for the next meeting and to continue the hearing in two weeks time. Barry Lariviere made a motion to continue the hearing to August 28, 2013 at 8:00 PM. The motion was seconded by Neal Standley and voted unanimously in favor.

Cliff Matthews reported that Bellingham #2 Realty has requested a Superseding Order of Conditions from DEP regarding the recent denial of the project. The site walk has been scheduled for Thursday, August 29th at 10:00 AM. Commissioners were invited to attend.

The Commission is in receipt of a letter from MassDOT stating that three test borings will take place on the S. Main Street Bridge on Rte 126 in order to prepare for the construction of a bikeway tunnel.

George Holmes will contact George Therian's office of WS Weiner to discuss violations discovered at the recent Conservation Restriction site walk behind The Home Depot. George will also discuss the CR at Charles River Center and snow removal operations at the shopping centers.

Town Planner, Stacey Wetstein, sent an email to the Commission stating that Marinella Dev. and Heritage Design Group are proceeding with the repair of the open space at Northwoods II. Marinella has an article on the Special Town Meeting the October requesting town acceptance of the roads and subdivision. Several issues remain outstanding with the open space on that site.

Cliff Matthews stated that Marinella Dev. Corp. is currently before the Planning Board with a conventional development plan that would determine the number of units allowed in their proposed cluster plan. One half of the proposed units are located in Estimated Habitat of the Box Turtle and should not be included in that plan. Fisheries & Wildlife Natural Heritage Program copied the Commission on a letter sent to Marinella stating that there is currently a "taking" of the habitat with their proposal. Also of importance in the conventional plan are the proposed wetland crossings (that are discretionary to the Conservation Commission) and the fact that the resource areas on the site have not been confirmed by the Conservation Commission. The Commission will contact Stacey and the Planning Board with our comments.

When Cliff Matthews brought up the subject of the two lots on Moody Street, Neal Standley stated that he remembered from a recent Commission meeting, the discussion that Mr. Bissanti, the current owner, was offering Lot 2 to the town (either Conservation Commission or the DPW) and wanted to build a duplex on Lot 1. Neal stated that the Conservation Commission did not want the land but believed that the DPW

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would be interested. In correspondence date 8/13/2013, Don DiMartino said that the DPW did not need the land but could accept it through town meeting vote. Mr. Bissanti was copied on the correspondence and replied that he would do whatever the town preferred. This information seems to be in conflict with the recent information presented by Mr. Bissanti at the Zoning Board meeting when he stated that he wanted to combine Lot 1 and 2 and build a duplex. Referring back to the correspondence of Aug 13th with Don DiMartino, Mr. Bissanti and the Conservation Commission, Commission members agreed that Mr. Bissanti should proceed with donating Lot 2 to the DPW and building the appropriately zoned dwelling on Lot 1. We will contact the Zoning Board to convey this consensus.

Lori Fafard reported that Fafard has been performing soil boring tests along Silver Lake Road and Dupre Road this week in conflict with the schedule that Peter Lavoie of Guerriere & Halnon had submitted for the work. The schedule indicated that the borings were to take place Aug, 20, 21st and 22nd. George Holmes will contact Peter and Tom Sexton to express our concern with not adhering to the originally planned schedule.

Barry Lariviere stated that he would provide mapping and information on Commission owned properties in town. Cliff said that the maps and information are already complete and the properties need to be inspected. Cliff asked members of the Commission to commit to inspect properties. Pictures and short inspection reports and follow ups should all be included in the site walk project. Barry will send the information to Commissioners so that scheduling can commence. Thanks, Barry.

The minutes of the meetings of July 10th, 2013 and July 24, 2013 were accepted.

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