

**Town of Bellingham
Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of October 23, 2013**

Project: 105-582/Amended/445 Hartford Avenue /Scoops, Michael Fabiano/septic repair

Mr. Fabiano approached Cliff and Anne Matthews prior to the commencement of the first public hearing to discuss the situation at his project site. He stated that he contacted the power company to request that they move a telephone pole so that he could proceed with the septic system repair. He said that they have not yet scheduled the work and he was concerned because his Amended Order of Conditions was expiring on October 25th. Mr. Matthews told Mr. Fabiano to continue requests of the power company and to contact the Conservation Commission with an update by November 1, 2013. He added that the original Order of Conditions was issued in Oct. of 2006, was effective for three years, and was extended for four additional years by the Permit Extension Act. Mr. Matthews stated that the work should be done ASAP.

**Project: 105-721 & BWP-54
CANRAD**

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 / Enforcement Order issued October 15, 2013 /Memo dated 10/23/2013
Hearing time: 7:30 PM**

Arthur Allen was present for the opening of the continued hearing. Mr. Allen stated that he would like to address the corrective measures to be taken in response to the Enforcement Order that was recently issued to his client on the project site. He presented plans entitled, "Wetland Corrective Action Plan" that showed the areas where fill is to be removed, locations of newly proposed lay down areas and orange construction fencing locations that would be utilized to protect the resource areas and buffer zones. In addition, he also presented a letter to the Commission describing those corrective measures. Mr. Allen stated that Marinella Construction is anxiously awaiting approval of the submittals in order address the Commission's Enforcement Order. Once the work is complete, Mr. Allen will notify the Commission.

Mr. Allen then distributed copies of a MEMO dated Oct. 23, 2013 reviewing the ANRAD Review Progress. He presented a color coded plan of the site that depicted the resource areas that have been confirmed on the three site visits that have been scheduled thus far. Mr. Allen then reviewed the changes made to the resource area boundaries on the ANRAD plans that resulted from the past three site visits. Corrections were made to wetland flag series AA, CB, CD, and DA as noted on the Memo. A site walk was tentatively scheduled for Sat., Dec 1st at 8:00 AM. Cliff Matthews asked Mr. Allen to notify his client that vernal pools must to be confirmed under the local bylaw and that the ORAD may be completed as late as May 2014. Mr. Allen stated that his client had anticipated that the ANRAD process would be completed this year. Motion to continue to Jan 8, 2014 at 7:30 by Anne Matthews was seconded by Barry Lariviere and voted unanimously.

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Project: 105-722 & BWP-57
CNOI

Project Description:
Hartford Avenue, Monique Dr., Theresa Rd. Lisa Ann Dr.
Nason Street & Taunton Street

Applicant:
Bellingham DPW
26 Blackstone St.
Bellingham, MA

Representative:
Charles Caron, Caron Environmental Consulting
247 Bragg Hill Road
Westminster, MA

Plans: NOI & "Bellingham Dept. of Public Works; North Route Raw Water Main", Sheets G1, C1 through C18, dated August 13, 2013, Revised Sept. 25, 2013 & Rev NOI

Continuation Time: 8:00 PM

Cliff Matthews opened the continued hearing. Attendees of the meetings included Charles Caron (Caron Env), Darrin Larry (Wright-Pierce), Donald DiMartino, Denis Fraine, Ann McMenemy & Austin Turner for W/S Dev. Mr. Caron stated that he had submitted revised plans showing changes made to the location of the raw water main along the cart path from Well #12 to Hartford Avenue. The changes reflected avoidance and reduction of resource area and buffer zone impacts. Mr. Caron also submitted additional abutter notification for the Hill property for the changes made in the raw water line main location. He then added that the property owners (W.S. Dev. and Linda Varney) have a couple of concerns with the raw water line route and have proposed further revisions to its location. Mr. Caron stated that a meeting was held that afternoon to discuss an alternate proposed water line location, the granting of an easement and the statements of the property owners regarding their requests that there be no determination of resource areas jurisdictional under the local bylaw made on the site under this filing. Attending that meeting were Charles Caron, Darrin Larry, Linda Varney, Robert Frazier of WS Dev., Denis Fraine, Don DiMartino, Ann McMenemy, Austin Turner (TetroTech), etc. Mr. Caron stated the property owners have determined that there is a 60 – 80 foot stretch of water line that would interfere with the utility crossings and AT & T easements on The Shoppes design. He stated that newly revised alternate routing requested of the property owners would be relocated in an area that would now impact a portion of wetlands at Station 243+75 to 245.+00 directly as well as the 25 foot No Disturb Zone as determined under the local bylaw. The pipe trenching at this location would be six feet deep and 40 feet long and the area would be filled upon completion of the installation. Ann McMenemy added that this area is an area already reviewed by the Commission for replication of Army Corps. federally jurisdictional land disturbance under the on- going Notice of Intent filing for The Shoppes project that is filed under the Wetlands Protection Act. Mr. Caron then stated that the second area of concern to the owners is located at a wetland crossing area and vernal pool area at Station 232+25 to 234+50. Mr. Caron stated that the applicant is asking the Conservation Commission to leave the issue of vernal pool status and BVW crossing unclassified until W.S. Dev. has filed an ANRAD under the local bylaw. Ann McMenemy stated that she would like to document the status of the area in the spring. Cliff Matthews stated that the Commission has already identified two species (Wood Frogs and American Toad) in this area and is classifying it as a vernal pool. He added that it is up to the applicant to provide a preponderance of evidence that the pool is not a vernal pool in order to declassify it. McMenemy was concerned that once the determination is made, it is valid for three years and asked the Commission not to classify these two resource areas until she has submitted an ANRAD under the local bylaw for The Shoppes. Cliff reiterated that he has seen and has photographically documented the existence of vernal pool species at that area. He then asked Ms. McMenemy if they would actually appeal the Order of Conditions for the Town for this project. Ms. McMenemy stated that it was possible. Denis Fraine then stated that the town only wants to get the permit from the Commission to construct the raw water main as mandated by DEP. Mr. Fraine stated that the town also understands that the Conservation Commission needs to address the jurisdictional issues but that W. S. Dev. may appeal the Order. McMenemy offered to draft wording for the Order of conditions for this project for the

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Conservation Commission to include in its permit. Cliff Matthews stated that the Commission is perfectly capable of rendering its own decision. Charles Caron stated that the town may have to abandon this portion of the project at this time if the threat of appeal continues. Cliff noted that this was the first that the Conservation Commission has heard of this dispute and that we will have to digest the information at hand to make a competent decision. Barry Lariviere made a motion to continue to Dec. 11th at 7:30 PM. The motion was seconded by Michael O'Herron and voted unanimously in favor.

Project: 105-723 & BWP-58
CNOI

Project Description:

Wrentham Road & south raw water mains
Cross St., SNET Trail, Center Street, Pulaski Blvd &
Deer Run Road

Applicant:

Bellingham DPW
26 Blackstone St.
Bellingham, MA

Representative:

Charles Caron, Caron Environmental Consulting
247 Bragg Hill Road
Westminster, MA

Plans: NOI & "Bellingham Dept. of Public Works; Wrentham Road Water Treatment Plant", Sheets C1 – C15 dated August 13, 2013, "Bellingham Dept. of Public Works; South Route Raw Water Main, Sheets G1 and C1-C13 dated August 27, 2013, Rev. Sept. 25, 2013 & Rev NOI

Continuation Time: 8:30 PM

Cliff Matthews opened the hearing. Attendees of the meetings included Charles Caron (Caron Env.), Darrin Larry (Wright-Pierce), Denis Fraine and Donald DiMartino. Beginning with the revisions to the proposed building at the Parks Dept., Mr. Caron stated that the building has been moved outside the 50' Buffer Zone and he has changed the grading at that area as well. He stated that the water main behind the building has been relocated and now has less Buffer Zone impacts. Mr. Caron submitted a revised Operation and Maintenance Plan that reflects more detailed changes to the annual maintenance program for the stormwater management system components. He then presented the raw water main plans for Pine Grove Avenue directional drilling and plans for the water line from the Cross Street well site, travelling the existing cart path and crossing the culvert via directional drill. The water main continues along the existing SNET trail. The water main from the south well will follow the access road to Wrentham Road and cross the Bungay Brook culvert via directional drill. Revised Sheet Drawing C-10 (Compensatory Storage detail) was also submitted. Barry Lariviere made a motion to close the hearing and issue an Order of Conditions. Michael O'Herron seconded the motion and the motion carried unanimously.

Project: 105-725 & BWP-59
NOI

Project Description:

48 Lizotte Drive - garage

Applicant:

Thomas Lyden
48 Lizotte Drive
Bellingham, MA 02019

Representative:

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

Plans: NOI & Site Plan located at 48 Lizotte Drive, July 30, 2013

Hearing Time: 9:00 PM

Thomas Lyden and Bill Halsing were present when Cliff Matthews opened the hearing. Mr. Halsing stated that the filing is for the proposed construction of a garage located within the 100 foot inner Riverfront Area of Arnolds Brook. The entire yard to the bank is currently lawn although Multiflora Rose exists from the edge of the lawn to the bank of the stream. An existing shed would be removed for the proposed garage construction as well as three maple trees. Mr. Halsing stated that siltation barrier consisting of entrenched silt fence is proposed on site. Mr. Halsing stated that some grading along the side of the garage is proposed to prevent water from running into the garage. Mr. Lyden understood that all excavation and

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construction debris must be stored on the upland side of the erosion control as far as possible from the resource areas and that he must contact George Holmes for inspection of the installed silt fence. Barry Lariviere made a motion to close the hearing and issue an Order of Conditions. Lori Fafard seconded the motion and the motion carried unanimously.

Project: 718 & BWP-51
Meeting

Project Description:
Beech St., Stone St., Hartford Avenue
Preconstruction Meeting

Applicant:
Don DiMartino DPW Director
26 Blackstone St.
Bellingham, MA 02019

Representative:
EJ Sousa of PA Landers and Mark Mangello of LEC Env.
351 Winter St.
Hanover, MA 02339

Plans: Order of Conditions/"Hartford Ave & Beech St." Sheet 1-20 Rev. July 10, 2013
Informational Time: 9:15 PM

Don DiMartino, E.J. Sousa of P.A. Landers and Mark Mangello of LEC Environmental were present when Cliff Matthews opened the preconstruction meeting. Cliff asked the applicant for the recording information and Don DiMartino said that he would provide that information to the Commission. Also, Don stated that he has hired Guerriere & Halnon to create as built plans for the Maple St., Pearl Street and Pulaski Blvd projects that P.A. Landers worked on just recently. Cliff Matthews referred to the Special Condition page of the Order of Conditions to proceed with the informational meeting. Mr. Sousa stated that he did not yet have a dewatering plan to present this evening as required in the Special Conditions but that he would submit it shortly. Mr. Matthews stated that Mark Mangello, the wetland specialist hired by PA Landers to oversee the environmental aspects of the project and approved by the Commission, would be representing the Commission on site. Cliff reminded Mr. Sousa that he should heed Mark's advice on the environmental aspects of the project while the project is on-going. Mark will be providing weekly monitoring reports and copying the Commission on the contractor's proposed work tasks. Mr. Matthews reminded Mr. Sousa that the Order of Conditions and the Plans of Record should be on site for referencing at all times. He also stated that the bridge restoration must be undertaken during a period of low flow and must be performed in accordance with the details on the Plan of Record. Mr. DiMartino stated that the current priority is to complete the installation of the water lines and if time allows, perhaps work on the bridge restoration would commence soon. E.J. Souza said that he could try to accomplish this task in this period of low flow this year to avoid having to apply for an Army Corps. Permit. He stated that this work would probably take one week's time to complete but hopes to get it done soon. The Erosion Control Plan was then reviewed and Mr. Sousa stated that he would use an area at Pearl St. for a lay down area. If he decides to utilize additional lay down areas at the site, he would work with Mark to locate areas outside the buffer zone. Mark Mangello stated that he hopes that the erosion control will be installed by Friday (Oct. 25th) or Mon. (Oct. 28th) and he will contact George Holmes or Cliff to inspect the installation. Mr. Sousa stated that all excavated materials will be live loaded. Cliff reminded Mr. Sousa and Mr. Mangello that any trash or debris in and near resource areas must be removed. The dewatering plan will be a coordinated effort between Mark and EJ, and the Conservation Commission will be copied on all documents including the revised construction schedule. The replication will take place in the spring. There were no further questions or comments. Cliff thanked Mr. Sousa, Mr. DiMartino and Mr. Mangello for attending the productive meeting.

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Project: 105-724 & BWP-60
NOI

Project Description:
71 Winter Street/ addition and compensatory storage

Applicant:
Robert Hill
258 Main St. Ste 401
Milford, MA 01757

Representative:
Wm. Halsing, Land Planning Inc.
167 Hartford Avenue
Bellingham, MA 02019

Plans: NOI & "Site Plan located at 71 Winter St." 8/28/20-13, Rev. 9/30/2013

Hearing Time: 9:45 PM

Robert Hill and Bill Halsing were present for the opening of the public hearing. Mr. Halsing stated that the project is located at 71 Winter St. and consists of a proposed 20 x 30 foot addition onto an existing dwelling. Mr. Halsing stated that there are no wetlands on the site; however, the entire site is located within the Special Flood Hazard Area. Because the entire site is within the flood zone, Mr. Halsing stated that there is no area for compensatory storage with incremental elevations as required under the performance standards. Bill stated that the applicant was proposing to dig an 1,100 square foot by three feet deep excavated area in the yard in an attempt to provide the storage needed for the impacts to flood zone created by the foundation of the proposed addition. Cliff Matthews stated that compensatory storage areas must be created utilizing the incremental elevations lost to alterations of the flood zone due to displacement. He stated that he spoke with DEP and DEP concurred that the compensatory storage must meet the performance standards under the WPA and in this case, the local bylaw as well. Cliff Matthews stated that Mr. Halsing had inquired of Don DiMartino if the compensatory storage could be increased by 1,100 sq. ft. at the Wrentham Road raw water main site to accommodate the lost storage from this project. Mr. DiMartino told Mr. Halsing that this would not be a good precedent and denied him his request. Mr. Matthews then suggested that the Commission review the details in the DPW's compensatory storage at Wrentham Road that was approved earlier that evening. The total calculation for elevations 185 -186 at that site is 256 cubic yards which is an additional 20 cubic yards more than the 236 cy that is being impacted. The applicant at 71 Winter St. needs only 4.5 cy of comp storage at elevations 185 -186. The Commission was in agreement that this project could go forward since the performance standards for comp storage would be met including providing comp storage in an area contiguous with the flood plain being impacted. Bill Halsing will provide an updated plan reflecting the changes. Barry Lariviere then made a motion to close the hearing and issue an order of Conditions permitting the project by disclosing the findings of this hearing. Lori Fafard seconded the motion and the motion carried unanimously.

Project: 105-631
Amendment Request

Project Description:
Blackstone St. – Duplex to Single Family Dwelling

Applicant:
Danny Lewis, Caterbury Ventures LLC
142 Mastro Dr., Franklin, MA

Representative:
G-W Site Solutions
248 Elm St., Blackstone, MA

Plans: Amendment Request letter & "Site Plan for House, Blackstone St., Sheets 1 -4, 2/8/2008, Rev. 9/24/2013

Hearing time: 10:10 PM

Cliff Matthews opened the Amendment hearing. Present were Bruce Wilson (rep), Claire Wells, Davrin Haug, Jared Liberti, Thomas Donnelly, Gertrude Fowler, and Nancy Bland. Bruce Wilson stated that the original Order of Conditions dated 5/28/2008 permitted the construction of a wetland crossing with associated replication for a driveway with retaining wall, a duplex and two septic systems. The balance of the site is to be under deed restriction. Mr. Wilson stated that the crossing is complete and the vegetation is planted in the replication area, but the buyers would like to change the plans from a duplex to a single family home. The area of impact is smaller with the single family dwelling than the duplex dwelling. He

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also requested a change to the construction sequence from the original permit to allow him to install the gas and utility lines to the foundation of the dwelling before finishing the driveway access. The utility companies will only allow the connections to be made to a proposed dwelling and not randomly to an open area without a foundation. The deed restriction is also included on the revised plans for the balance of the property in order to prevent any further development on the site. Split rail fencing marks the boundary of the No Disturb Zones on the project site. Nancy Bland and Gertrude Fowler continued to be concerned with flooding in their yard but the Commission believed that the flooding was caused by a small dam downstream off of Saddleback Hill Road. They were urged to call the DPW or walk to the area and remove the board in the dam at that location. Other residents were also concerned that no further development would take place on the site and were advised that that was the reason for the deed restriction. The buyers were advised of their duties and responsibilities in the Order of Conditions. Barry Lariviere made a motion to close the Amendment and issue an Amended Order of Conditions. The motion was seconded by Anne Matthews and the motion carried unanimously.

The minutes of the meeting of Sept. 11, 2013 were accepted.

Cliff Matthews stated that he had visited the Lakeview Estates site earlier in the week and discovered that erosion control was placed in a resource area that is currently under appeal and therefore has no permit to proceed. In addition, he saw that fill was placed in a resource area associated with a filing on Cross Street. Cliff called Dan Drake who was supervising the drainage project on Cross Street, and told him to remove the fill it and install erosion control to protect further degradation of the resource area. In addition, Cliff also discussed his findings on the Lakeview Estates site with Scott Jordon of EcoTec, the erosion control supervisor for Lakeview Estates project. He also told Scott to have the large stockpiles on site controlled in a more secure manner to prevent potential erosion. Cliff reminded Scott that he is representing the Conservation Commission on the Lakeview Estates project and that we would like to see all of his detailed field notes included in his weekly reports.

The two Planning Board submittals, "Hillside Estates" off Hixon St. and "Woodland Hill" off Farm Street were reviewed.

The Commission will look into the status of the transfer of the open space at Pine Acres located on Wrentham Road.

The Commission signed:

Certificate of Compliance	105-709 & BWP-38/85 Hartford Ave/John's Salvage/Varieur
	105-720 & BWP-53/90 Pleasant St./Dulac/septic repair
	105-716 & BWP-44/289 Lake St/Wheeler/sfd
Order of Conditions	105-725 & BWP-59/48 Lizotte St./garage/Lyden
Amended Order of Conditions	105-631/Blackstone St. /duplex t sfd/Lewis
Enforcement Order	105-721 & BWP54/North & Blackstone St/Elmshade ANRAD/ Marinella

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