

**Town of Bellingham  
Conservation Commission  
Municipal Center  
Bellingham, MA 02019  
Minutes of the meeting of May 14, 2014**

**Project: 105-729 & BWP-66**  
NOI

**Project Description:**  
325 Wrentham Road – stormwater mgt

**Applicant:**  
Don DiMartino  
Bellingham DPW  
26 Blackstone Street  
Bellingham, MA

**Representative:**  
Don Nielsen  
Guerriere & Halnon, Inc.  
55 West Central St.  
Franklin, MA

**Plans: NOI & Plans “Drainage Improvements on Wrentham Road”, Sheets 1,2,3,4 dated Jan. 9, 2014, Sheet 5 rev 4/7/2014 & Revised Drainage Improvements Report, 1/16/14, revised 4/8/2014 & Stormwater Management program 3/12/2014**

**Continuation Time: 7:30 PM**

Don DiMartino and Don Nielsen were present when Cliff Matthews opened the continued hearing. Don Nielsen submitted additional copies of the revised plans for the Commission’s records and then reviewed the final revisions. He stated that the proposed driveway aprons for Ms. Lacroix’s and Mr. Fontaine’s properties are now located on the plans. He added that the perimeter fence for the proposed plunge pool includes the detail to raise it six inches off the ground elevation to allow for critter migration. Mr. Nielsen included the Wrentham Road water main project sheet in the set of plans. He also indicated that the plans reflect an eleven foot offset to Mr. Fontaine’s driveway for the proposed catch basin. A detailed Operation and Maintenance Plan has been added to the plan. Mr. Nielsen submitted Waivers under the local bylaw for incursion into the 25 foot No Disturb Zone and depth to groundwater inside the proposed plunge pool. Brian Norton questioned the thirty foot wide curb opening at The Coachmen’s Lodge. Mr. DiMartino stated that the area is for the driveway located at that business. Mr. Matthews explained that the next Commission meeting is scheduled for June 4<sup>th</sup> that would make issuance of the Order of Conditions over the 21 day period allowed under the Regulations. In order to avoid that issue, Barry Lariviere then made a motion to continue the hearing to June 4<sup>th</sup> at 7:25 PM at which time the Commission would sign the prepared Order of Conditions. The motion was seconded by Michael O’Herron and carried unanimously.

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**Project: 105-731 & BWP-68**  
CNOI

**Project Description:**  
306 Maple Street – berm for detention basin

**Applicant:**  
Joshua Harris  
57 Louisa Drive  
Whitinsville, MA

**Representative:**  
Bill Halsing/Land Planning Inc.  
167 Hartford avenue  
Bellingham, MA

**Plans: NOI & Plans “Existing Conditions and Site Development Plans for Proposed Contractors Yard & Garage located at 306 Maple St., Sheets 1-3, dated Dec. 20, 2013**

After Cliff Matthews opened the continuation, he stated that Bill Halsing, the applicant’s representative, notified the Commission that the applicant wishes to withdraw his Notice of Intent. Mr. Halsing has notified Dept. of Environmental Protection as well. Mr. Harris has also withdrawn his application with the Planning Board. The Conservation Commission accepted the withdrawal and closed the hearing with a motion from Barry Lariviere and seconded by Neal Standley. No further action is required.

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**Project:**

Informational Meeting

**Project Description:**

41 Carrier Street – Complaint re: litter from Stop and Shop

**Applicant:**

James Sullivan  
41 Carrier Street  
Bellingham, MA 02019

**Informational Time: 8:10 PM**

Cliff Matthews stated that Mr. Sullivan had requested attendance at the Conservation Commission meeting to discuss the litter issue on his property and nearby wetlands originating at Stop and Shop, an abutting property. Mr. Sullivan stated that he has attended several Board of Health meetings and has had discussions with Denis Fraine regarding the litter problem. He also stated that he recently spoke with Representative Kuros who informed him that the Conservation Commission, under Mass General Law 270 sec 16, has the ability to levy fines for trash and litter. Mr. Sullivan presented two CD's with pictures and images he has taken of the litter problem and he also submitted minutes of the Board of Health meetings that he attended. Mr. Matthews stated that these will become part of the Conservation Commission record. Barry Lariviere stated that Mass Gen. Law 270 sec 16 relates to crimes against public health and the Board of Health has jurisdiction over these issues. Mr. Sullivan then stated that litter and trash from Stop and Shop makes its way over to his property and into the wetlands on the Stop & Shop site. Mr. Matthews stated that in the beginning of May, the Conservation Commission received a phone message from Mr. Sullivan regarding the complaint and requesting that the Conservation Commission visit the site. Mr. Matthews said that he visited the site that same day and followed up with a second visit a few days later. Mr. Matthews stated that he did not see the alleged accumulation of trash in the nearby wetlands or at 41 Carrier St. Mr. Sullivan then stated that R.K. Assoc. threw two tires from the wetland onto the street. He also stated that R.K. Assoc. will not provide trash receptacles for use at the Stop and Shop location. Mr. Sullivan then stated that fencing was installed at Stop and Shop but it did not include a barrier for 41 Carrier St. Mr. Sullivan then stated that, at his request, the town placed a jersey barrier on Carrier St. to prevent use of the street as a short cut to Blackstone. Mr. Matthews told Mr. Sullivan that the wetland that Mr. Sullivan is discussing is actually a permitted stormwater basin that was constructed to address serious flooding issues at the shopping lot site when Stop and Shop was permitted several years ago. Mr. Sullivan stated that Carrier St. does not flood currently but did not have knowledge of how it flooded historically. Mr. Sullivan requested that the Conservation Commission fine Stop and Shop. Members of the Conservation Commission refused to take such action because the issue is non-jurisdictional to the Wetlands Protection Act. Mr. Matthews stated that the Conservation Commission makes every effort to work with offenders to rectify any alleged violation and would seek fines only as a last resort. In addition, the owner of property cleans up the site several times daily and no accumulation of trash or malicious intent to degrade the resource areas is evident.

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**Project: 105-735 & BWP-73**  
NOI

**Project Description:**  
Restoration Plan due to violation

**Applicant:**  
999 Loam & Material LLC/Funari  
231 Maple Street  
Bellingham, MA

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

**Plans: NOI & Resource Area Plan dated April 9, 2014**

**Hearing Time: 8:10 PM**

Chris Funari and Peter Lavoie were present when Cliff Matthews opened the hearing. Peter Lavoie stated that the filing is to address restoration from a serious violation resulting from fill being placed in the resource areas on the abutting property owned by the Conservation Commission. Mr. Lavoie estimated that approximately 9,200 cubic feet of material in a 22,000 square foot area is the amount calculated of material to be removed. He stated that wetland scientist Judith Schmidt delineated the existing wetland boundary in the field with use of the information from the previously flagged Rte 495 project. Peter stated that once the fill is removed, Judith Schmidt will better determine the bordering vegetated wetland boundary by soil type. Peter added that the 25 Ft and 50 Ft. No Disturb Zones are marked on the plan. The restoration project includes the process of the removal of the fill, bringing the area back to its original grade, and loaming and hydro seeding the disturbed area. Peter stated that the plan includes a 2:1 slope at the property boundary (to the original grade elevation of 230). Peter stated that he included a fence on the plan but Mr. Funari would prefer that some other type of barrier be constructed i.e. large stone barrier. Ms. Schmidt's restoration proposal recommended upland non-invasive species for the planting regime. Neal, Anne, Cliff and Brian were available for the site walk scheduled for Saturday, May 17 at 8:30 AM. Cliff Matthews stated that the Commission will better determine restoration strategies once we have seen the site. Barry Lariviere made a motion to continue the hearing to June 4<sup>th</sup> at 8:15 PM. Motion was seconded by Neal Standley and carried unanimously. Peter Lavoie will send a copy of the pdf plan for the Commission's file.

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**Project: 105-726 & BWP-61**  
NOI

**Project Description:**  
Silver Lake sewer line project

**Applicant:**  
Don Seaburg  
Bellingham Residential Realty  
120 Quarry Drive, Milford, MA

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

**Plans: NOI & Plans "Silver Lake Rd Sewer project" Cover Sheet, Overall Sewer project Plan Sheets 1-4, 8/14/12 Revised 4/11/14, Silver lake Rd. Sewer Project Douglas Dr. to Cross St. Sheets 1-7, 8/2/11 Revised 2/24/2014, Crystal lake Culvert, One Sheet, 6/11/12 Revised 4/23/14, Resource Area Plan Dupre Road, One Sheet, April 9, 2012, Revised 4/11/2014, Operation & Maintenance Plan Jan. 22, 2014, Revised 2/24/2014**  
**Continuation time: 8:40 PM**

Lori Fafard recused herself from the hearing process Cliff Matthews opened the continued hearing. Peter Lavoie was present. Mr. Matthews stated that the Conservation Commission recently received the requested information from Mr. Lavoie. He then explained that the next Commission meeting is scheduled for June 4<sup>th</sup> which would make issuance of the Order of Conditions over the 21 day period allowed under the Regulations. In order to avoid that dilemma, Barry Lariviere made a motion to continue the hearing to June 4<sup>th</sup> at 7:20 PM and sign the permit that evening. Michael O'Herron seconded the motion and the motion carried unanimously.

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**Project: 105-734 & BWP-74**  
NOI

**Project Description:**  
281 Lake Street – grading and tree removal

**Applicant:**  
Joe Matkowski  
161 South Main St.  
Bellingham, MA

**Representative:**  
Bill Halsing, Land Planning, Inc. & Tim Jones  
167 Hartford Avenue  
Bellingham, MA

**Plans: NOI & Plans “Site Plan located at 281 Lake Street” dated 2/11/14, rev. 4/11/14**

**Hearing time: 8:25 PM**

Mr. & Mrs. Matkowski and Bill Halsing were present when the hearing was opened. Mr. Halsing stated that the applicants are constructing a house that is located outside the 100 foot buffer zone however; the site requires grading and tree removal for the project to proceed. The wetland is located at the bottom of the slope and the grading for the back of the house will be located at the limit of the 50 foot No Disturb Zone. The dwelling will be serviced by town sewer. Cliff Matthews stated that the Commission would like to preserve as many trees if possible. A site walk was scheduled for Sat., May 17 at 9:30 PM. Motion was made by Barry Lariviere to continue the hearing to June 4<sup>th</sup> at 8:45 PM. Motion was seconded by Neal Standley and carried unanimously.

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**Project:**  
Informational Meeting

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**Project Description:**  
High Street and Maple Street – water loop

**Applicant:**  
Dan Feeney, Beals and Thomas, Southborough, MA

**Informational Time: 9:00PM**

Mr. Feeney of Beals and Thomas presented plans of a proposed 280,000 square foot warehouse building that would be located at the High St. Maple St. site south of High Street and west of maple Street. He stated that the resource areas on the site were recently reflagged and that there were prior ORAD's issued for the lot. Mr. Feeney stated that the development of the proposed warehouse will take place outside the 100 foot buffer zone with the intention of staying non-jurisdictional to the WPA and the local bylaw. He added, however, that the DPW Director requested that the applicant loop the water line on High Street and by doing that, the applicant would be under the jurisdiction of the local bylaw regulations for being in the buffer zone to an Isolated Wetland located on the north side of High Street. Mr. Feeney stated that he will be filing an Abbreviated Notice of Resource Area Delineation for the lot that would be developed. Members of the Commission agreed that a Request for Determination of Applicability would be an appropriate filing for the water loop. Mr. Feeney stated that he has met with Town Planner, Stacey Wetstein on an informational basis. Mr. Feeney also indicated that the applicant may be interested in donating a portion of the lot abutting in the Natural Valley Storage Area at the Charles River to the town for open space or passive recreation.

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**Project:**

Informational Meeting

**Project Description:**

High Street Fields – Eagle Scout project

**Applicant:**

Sean Boddy, 430 Hartford Avenue, Bellingham

**Informational Time: 9:15PM**

Sean Boddy, an Eagle Scout candidate, requested attendance at the meeting to further discuss his Eagle Scout project. Cliff Matthews stated that Sean had met with the Commission last autumn to gain permission to proceed with building a bridge over a wet area behind the High St. fields as his Eagle Scout project. Sean stated that he submitted his application to the Boy Scout Council and it was approved. He stated that he would now like to present a more detailed project to the members of the board. His proposed bridge design would include a flat boardwalk with six- eight 6 foot posts secured in a gravel base. The bridge would be approximately 20 feet long and three to four feet wide. Sean stated that he would like to eliminate the originally proposed railing and the board members agreed to have a bridge constructed without railings. Cliff Matthews asked Brian Norton to be liaison for the project. The Board reminded Sean that he must file with the Conservation Commission to proceed because he would be working in or near resource areas. At Sean's request, a site walk was scheduled for Saturday, May 17<sup>th</sup> at 9:15 – 9:30 AM. Cliff Matthews stated that the Commission would get a better understanding of the project at the site.

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Scheduled site walks for Saturday, May 16<sup>th</sup> include 231 Maple St. - violation /High Street –Eagle Scout project/ 281 Lake St.- sfd/ 65 Whitehall Way – pool / 61 Linwood Dr. – addition.

The minutes of the meeting of April 23, 2014 were accepted.

Conservation Commissioners were reminded that we will hold three meetings in June on June 4<sup>th</sup>, June 11<sup>th</sup> and June 25<sup>th</sup>. Also, the meeting of June 4<sup>th</sup> is scheduled to begin at 7:20 PM. The additional meeting is to accommodate the loss of the May 28<sup>th</sup> regularly scheduled meeting due to a conflict with the Annual Town Meeting that evening.

Cliff Matthews updated members on the recent appeal status reports determining “no change” for Lot 10 Silver Lake Road and the Silver Lake Sewer Line as submitted by Jeff Roelofs' office on behalf of Bellingham Residential Realty.

Commission members were in agreement that we would not accept the open space at North Woods 11 due to infringement on the property, ATV abuse, and on-going erosion conditions. The Conservation Commission will recommend acceptance of Bellingham Estates at the Annual Town Meeting.

Cliff will talk with Denis Fraine on proposed wording changes for the by law fee account in order to direct all funds to the land acquisition Trust Fund for future use by the town.

Cliff Matthews reported that the Conservation Commission is in receipt of the Draft Environmental Impact Report for Elmshade filed by EcoTech on behalf of Marinella Construction.

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