

**Town of Bellingham
Conservation Commission
Municipal Center
Bellingham, MA 02019**

Minutes of the meeting of June 11, 2014

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,
Revised Dec. 16, 2013, EcoTec Ltr Re: ANRAD Review Revisions and Remedial Activities
Elmshade, Vernal Pool Areas, Sheet VP-1 of 1, 3/21/14 REV 6/11/2014**

Continuation time: 7:30 PM

Cliff Matthews opened the continued hearing. Neither the applicant nor his representative was present. Abutters present included Melissa Salzberg, Mercedes Nunez, Pamela Leal and George Leal. Cliff Matthews opened the hearing by stating that the applicant had filed An Abbreviated Notice of Resource Area Delineation (ANRAD) last autumn for the North St. Blackstone St. site. There are substantial resource areas on the site (about seven acres) and the Commission spent six three hour site walks to confirming them. There were some changes made in the field that were reflected in revised plans dated Dec. 2013. In January of this year, the Commission issued an Order of Resource Area Delineation (ORAD) under the Wetlands Protection Act. The local bylaw filing hearing was kept open in order for the vernal pools on the site to be verified. Mr. Matthews added that Arthur Allen of EcoTec, the applicant's representative, had determined that there were approximately ten potential vernal pools on the site. Three members of the Commission, Barry Lariviere, Cliff Matthews and Brian Norton, walked the site on Sat., April 26th with Mr. Allen to confirm those vernal pools. Mr. Matthews then stated that the Commission received notification from Arthur Allen on Friday, June 6th that his client had asked him not to proceed with any work at this time and requested another continuation. Cliff Matthews responded via email to Mr. Allen (copying the applicant) that all tasks associated with the filing had been completed and that we awaited only revised plans confirming the location of the vernal pools as verified in the field by the site walk of April 26th. The applicant had not responded to the Commission since that email. Mr. Matthews stated that in order to complete the hearing process, the Conservation Commission would review the Vernal Pool Plan that was submitted by the applicant and make revisions based on the April site walk and initial the amended plan to establish it as the Plan of Record. Mr. Matthews then presented the plan entitled, "Elmshade Vernal Pool Areas, Sheet VP-1 of 1" in order to review and revise. Mr. Matthews suggested that the confirmed vernal pool designation be named CR (Commission Reviewed) as follows:

PVP1	CR#1	classic vernal pool - confirmed
PVP2	CR#2	classic vernal pool - confirmed
PVP3	CR#3	classic vernal pool (on Conservation Commission property) - confirmed
PVP4	CR#4	vernal pool - party zone area - confirmed
PVP5	CR#5	vernal pool (kettle hole) - confirmed
PVP6	CR#6	vernal pool – confirmed
PVP7	CR#7	vernal pool extends beyond the area indicated on the plans and revised – confirmed
PVP8	CR#8	vernal pool extends beyond the area indicated on the plans and revised – confirmed
PVP9	CR#9	determined not to be a vernal pool
PVP10	CR#10	vernal pool – confirmed
PVP11	CR#11	determined not to be a vernal pool because it supports fish life and predators
	CR#12	Added to plan as a well functioning vernal pool

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The revisions and revision notes were hand written on the plan by Matthews once the areas were discussed. This plan, revised June 11, 2014, will be the Plan of Record for the ORAD. Barry Lariviere made a motion to accept the revisions, close the hearing and issue an Order of Resource Area Delineation based on the newly revised Plan of Record. Michael O'Herron seconded the vote. Five voted in favor of the motion and one opposed. Neal Standley, the dissenting vote, stated that he believed that the Commission should have denied the application because the applicant did not provide the requested information (revised plans) and closed the hearing.

Project: 105-733 & BWP-72
CNOI

Project Description:
Blackstone & North Streets
Elmshade Subdivision

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

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

**Plans: NOI & Stormwater Report and Plans entitled "Elmshade Residential Subdivision" March 21, 2014.
25 Sheets**

Continuation time: 7:50 PM

Cliff Matthews opened the continued hearing. Neither the applicant nor his representative was present. Abutters present included Melissa Salzberg, Mercedes Nunez, Pamela Leal and George Leal. Cliff Matthews opened the continued hearing by stating that the applicant had requested another continuation. Mr. Matthews said that he strongly urged the applicant to begin review of their project as there was no substantiated reason to request the continuation. Cliff Matthews stated that he spoke with Jay Talerman, Town Counsel, and that Mr. Talerman suggested that the Commission should continue the hearing to a later date but notify the applicant that the hearing would have to be re-advertised and all abutters would have to be re-notified because of the lapse of time. Barry Lariviere then made a motion to continue the hearing to August 27th at 7:30 PM, to notify the applicant that all abutters must be re-notified and that the hearing must be re-advertised. Neal Standley seconded the motion and the motion carried.

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, June 21, 2007, Revised April 23, 2014,
102 Sheets, The Shoppes at Bellingham Buffer Area Restoration Plan, Sheets 1 & 2 dated
3/25/2008, Drainage Report, The Shoppes at Bellingham, May 3, 2007, revised April 23, 2014**

Continuation time: 8:50 PM

Attending the hearing were Bob Frazier, Austin Turner, Ann McMenemy and Tom Sexton. Also present were abutters Alvina and Gary Gustafson and David Pendergast. The applicant presented a check in payment of the re-advertisement. Chairman Matthews opened the re-advertised hearing and stated that the resubmittal included revised Plans of Record, 99 sheets and a voluminous Stormwater Management

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Report that have been generated due to the length of the public hearing which was opened in June 2007. He stated that his hearing is for the Wetlands Protection Act portion of the project only. Cliff stated that the newly submitted plans and documents were reviewed and some omissions have been found. He then asked the applicant to make a presentation of the project.

Austin Turner stated that the project consists of 490,000 square feet of mixed use consisting of 15 buildings of retail and restaurant space. He stated that the proposed access is located off Route 126 at JPI which would serve as the 126 bypass road and to the I495 ramp system which would be redesigned in the future. The resource areas on the site were confirmed in an Order of Resource Area Delineation issued in 2006. He stated that the access road would include a 150 foot bridge span crossing Wetland M and that the applicant has minimized impacts to that resource area to the maximum extent practicable. Ann McMenemy added that the original wetland crossing was changed to a bridge crossing. Mr. Turner stated that the applicant has managed impacts for buildings and parking and has worked with Tom Sexton to create a stormwater management program treating water to avoid negative impacts. He stated that the applicant is in excess of meeting the requirements of the Stormwater Management Standards for the Wetlands Protection Act as stated in a letter written by UNH. Proposed are five detention basins and two infiltration basins and he added that the applicant is comfortable with the proposed infiltration. The project utilities include water, electricity, gas and subsurface sewage disposal system that is gravity fed to pretreatment and then pumped back upgradient for infiltration to enhance proper environmental sensitivity. He stated that the applicant is working with MassDOT for ramp improvements and the two projects are "married". Mr. Turner stated that the project has improved over the last seven years because the Stormwater Standards have been utilized in the project design.

Mr. Gustafson, an abutter who lives at 149 North Main Street across from JPI stated that he was concerned with the new access road and the amount of traffic that would be generated from the project. Mr. Frazier responded that he has been in contact with the Daley's (Circle CG Campground) to discuss land acquisition. Mr. Frazier said that the state prefers to reroute traffic by use of a round-about at that location. Mr. Frazier stated that the state could take the property or that W/S Development could buy the land from the Daleys. He stated that he met with Denis Fraine, Don DiMartino and Bruce Campbell and agreed that a redesigned interchange at I495 would improve access. He added that this is also indicated in the 1993 Master Plan Interchange traffic improvement on Harford Ave. He stated that there is no schedule with MassDOT at this time.

Cliff Matthews then added that this is Phase 1 of the project. A future phase appears to be the old Hill property on High Street. Mr. Frazier stated the EMC abandoned corporate park, an area zoned commercial, could be another phase of the project in the future. Michael O'Herron stated that Well 12 is downgradient of the site and that the Conservation Commission must insist that every effort is taken to protect the water quality of the best pumping well in town.

Tom Sexton then presented a summary dated 6/11/2014 of the main points in the last response to peer review from the applicant. He stated that the summary includes items that were not included in the revised plan set dated April 23, 2014 from the previously submitted plans of 2011. He stated that these items were articulated over time but not included in the package. Mr. Sexton stated that maintenance is paramount in protection of water quality, not just in the immediate vicinity of the shopping area but also on the access road. Mr. Turner stated that hydrological calculations were reviewed as well as the design of the basins, and infiltration basins calculations. Cliff added that some of the design changes were not included in the revised plans and documents. Mr. Turner responded that the applicant is filing under the WPA and some of these items have to do with the local bylaw. Tom Sexton spoke about the impacts of nutrient loading on resource areas that are specific to the local bylaw but are also jurisdictional under the WPA. Ann McMenemy stated that there were just a couple of items that the Commission requested at the last hearing including information on the Conservation Restriction and the alternatives analysis for the access behind Home Depot which they were going to produce later that evening. Tom added that another issue was detail on infiltration components not included in the revisions. Ann McMenemy stated that the Plans of Record are not the Construction Plans. Cliff Matthews added that it is the Commission's experience that

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the Plan of Record is the guiding document for the contractors on site and is for the convenience of the contractors rather than listing details in the Order of Conditions, all revisions including details to the plan should be included in the plan. Ann McMenemy stated that, although not included in the plans, it is the intent of the applicant to restrict some of the land with a Conservation Restriction. Mr. Turner began with item 1 of Tom Sexton's list and said that they are not changing the treatment on the project and that the Commission said that the proposed pretreatment meets the WPA. He added that #1, mounding, is jurisdictional under the local bylaw. Regarding #3 freeboards, Tom Sexton stated that there were multiple spillway analyses and water routes through lined basins with no infiltration. He added that the spillway freeboard, during back to back 100 year storm events, will crest with stormwater. Mr. Turner responded that in all scenarios, the stormwater will not go over the spillway. Mr. Sexton stated that wastewater mounding cannot and should not be ignored to protect water resources. Mr. Turner responded that the WPA does not require mounding. Regarding issue #4, Mr. Turner stated that he did bring in some detailed revisions to the plan showing the detail on the manhole emergency isolation structure that he would present later that evening. Issue #5 of the letter states that there are two systems to maintain, one for the road and one for the shopping center. Mr. Turner stated that the owner has indicated that he would maintain each segment in perpetuity. Mr. Sexton stated that the O & M Plans should be revised again to confirm this. For buffer zone restoration, Ann McMenemy stated that all successional plants are on the cart road and there is little area to vegetate. Mr. Turner added that under the WPA, Area T is not jurisdictional under the Wetlands Protection Act. Mr. Turner described the small outlet plugging issue raised in #7. He said that three components are included: a one foot sump, trash rack and outlet orifice. Tom Sexton responded that there is no hydrological performance information for these small outlet plugs and nothing is called out on the plans related to them. Mr. Turner stated that #8 was not WPA related and #9 concerned the M Crossing.

At that point, Mr. Matthews asked Mr. Turner to discuss the alternative analysis for use of the cart path behind Home Depot. Mr. Turner stated that there are two reasons not to use this access: the first is that the wetland impact would be 4300 square feet for a 44 foot wide road; the second reason is that it is a private owner. Ann McMenemy stated that the Home Depot is its own entity now. Cliff stated that he measured the width of the cart path at 72 feet but stated that he would check that out again. Mr. Turner responded that the state is moving forward with their project and the applicant allocated property for the ramp. Cliff stated that very early on in this process, Ann McMenemy repeatedly stated that there was no project segmentation under the WPA. He added that the Commission can only review the project that is in front of the board and not any future proposals. Mr. Matthews stated that Mr. Turner did not use the existing cart path behind Home Depot on the analysis, the same path that was used to access the property many times in accessing the property for site walks including driving vehicles onto the site. Cliff stated that this road (cart path) was used by large gravel trucks to transport gravel off the property over the years and has negligible wetland impacts. Mr. Turner stated that the two projects (Shoppes and I495) are dovetailed. Mr. Matthews stated again that the Conservation Commission can only look at The Shoppes proposal as it is filed under the WPA. Mr. Matthews stated that he would check the ANRAD plan for wetland impacts via the cart road behind Home Depot and also check the roadway width. The final issue presented was the proposed Conservation Restriction. Ann McMenemy presented a Conservation Restriction Plan showing 38.5 acres of land consisting of the Atlantic Cedar Swamp. She added that the Army Corps land is also restricted and that was determined to be an archeological site consisting of 2.59 acres. This CR and the previous CR behind Home Depot would provide an ecological connectivity for wildlife. She added that the language of the CR would be developed in the deed when the land was ready to be conveyed. The Commission agreed not to add a small portion of land near wetland T in the CR because it would have too many restrictions placed on it for the access road construction and because it would not be developed anyway. Cliff Matthews stated that he and Tom Sexton would speak very soon to determine the additional information that should be included in the plans and document revisions. He added that the commission will investigate the access issue as presented this evening at a site walk in the future. Two

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members cannot attend the next meeting, so Barry Lariviere made a motion to continue the hearing to July 9th at 7:30 PM. Motion was seconded by Neal Standley and voted unanimously.

The minutes of the meeting of May 14 2014 were accepted.

Treatment for nuisance aquatic vegetation at Silver Lake and Jenks Reservoir will take place on Monday, June 16th.

The owners of 16 Beaver Pond Road have submitted a permit request for an addition onto their home with ZBA. After review it was determined that the property owners have infringed onto open space owned by the Conservation Commission. A letter has been written to the home owners requesting their attendance at the next Conservation Commission meeting to discuss the corrective measures they will take to return the land to its natural state. Michael O'Herron will contact Mrs. Swanson to let her know that the letter is being sent.

The Conservation Commission is in receipt of a copy of the Army Corp. Permit for the replacement of the South Main Street bridge.

Commissioners discussed availability at regularly scheduled meetings this summer due to vacation schedules.

Barry Lariviere will provide more information on the potential violation onto Conservation Commission land taking place at the Fire Shed Shop on 1060 Pulaski Boulevard.

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