

**Town of Bellingham  
Conservation Commission  
Municipal Center  
Bellingham, MA 02019  
Minutes of the meeting of October 22, 2014**

**Project:**  
Informational Meeting

**Project Description:**  
Enforcement – 52 Box Pond Road

**Applicant:**  
Richard & Michele Keniston  
52 Box Pond Road  
Bellingham, MA

**Representative:**  
D & D Mulch  
236 Maple Street  
Bellingham, MA

**Time: 7:15 PM**

Richard and Michele Keniston were present when Barry Lariviere opened the informational meeting on the violation taking place on their property at 52 Box Pond Road. Cliff Matthews and Anne Matthews recused themselves from the meeting. Mr. Lariviere stated that the Kenistons were asked to come to the meeting because they had constructed large boulder walls in their yard with the closest approximately 4 feet from the water's edge at Box Pond. In addition, fill was placed behind the walls to level the areas in an effort to create terracing. The work was being undertaken without a permit from the Conservation Commission. Mr. Lariviere told the Kenistons that this is in violation of both the Wetlands Protection Act and the Bellingham Wetlands Protection Bylaw. Mr. Keniston stated that he wanted to level off the yard so that his two year old had a level place to play. He also stated that Paul Doherty of D & D Mulch said that he had already checked with the town. Mr. Lariviere replied that no one spoke with the Conservation Commission on this project. Mr. Lariviere then suggested that members of the Commission visit the site this Saturday, Oct. 25<sup>th</sup> to assess the situation. Mr. Lariviere then stated that the Conservation Commission asked our consultant to visit the site today and to provide some photos and recommendations for restoration of the site. After reading the recommendations from Natural Resource Services aloud, Mr. Lariviere provided a copy of that letter to the Kenistons. Mr. Keniston stated that straw wattles were placed along the edge of the boulder wall that morning after they had received a Cease and Desist Order from the Conservation Commission. Mr. Lariviere then read aloud the information on the Enforcement Order Findings. Neal Standley made a motion to continue the Cease and Desist Order and to issue the Enforcement Order to the Kenistons. Brian Norton seconded the motion and the motion carried unanimously. The signed Enforcement will be mailed to the Kenistons with a copy forwarded to DEP Worcester. Mr. Lariviere told the Kenistons that they must continue to cease and desist the activities until they received further direction from the Conservation Commission after review of the site on Saturday, Oct. 25<sup>th</sup>.

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**Project: 105-743 & BWP-88**  
ANRAD

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**Project Description:**  
435 Hartford Avenue – resource area verification

**Applicant:**  
Ed Gately  
6 Pine Street  
Bellingham, MA

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

**Plans: ORAD & "Wetland Delineation Plan of Land in Bellingham July 30, 2014 Revised Oct. 21, 2014**

**Time: 7:30 PM**

Cliff Matthews read the legal ad and opened the Abbreviated Notice of Resource Area Delineation hearing for the confirmation of delineated resource areas on the 435 Hartford Avenue site. Ed Gately and Paul DeSimone were present. Mr. Matthews stated that several members of the commission had met with Paul

DeSimone and Ivan Szilassy on the site the previous Saturday, Oct. 20<sup>th</sup>, to confirm the delineated bordering vegetated wetlands and buffer zones. Paul DeSimone presented the revised plans showing the

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additional wetlands flagging along the southerly side of the lot. Cliff Matthews stated that the site is a difficult site to evaluate wetlands because of high groundwater and in some cases, obligate wetlands overstory. He added that the members of the Commission spent some time walking the entire four acre lot in order to investigate all possibilities of the presence of resource areas. Numerous soil samples were taken during the site walk to substantiate the presence or non-presence of resource areas. Mr. Gately added that he would probably build two single family homes on the lot and hopes to be able to stay out of the buffer zones when the lots are developed. Barry Lariviere then made a motion to close the hearing and issue an Order of Resource Areas Delineation based on the revised plans. The motion was seconded by Lori Fafard and carried unanimously.

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**Project: BWP-90**  
RDA

**Project Description:**  
off High street fields – bridge (Eagle Scout project)

**Applicant:**  
Denis Fraine, Town of Bellingham  
10 Mechanic Street  
Bellingham, MA

**Representative:**  
Sean Boddy  
430 Hartford Avenue  
Bellingham, MA

**Plans: RDA & Plan of Intermittent Stream, Bellingham Conservation Land off High St., July 8, 2014**  
**Time: 8:00 PM**

Cliff Matthews opened the RDA meeting and then stated that Sean Boddy had requested that the meeting be continued to November 12 at 7:30 PM due a conflict with his school schedule. Board members had no issues with the request. Barry Lariviere made a motion to continue the meeting to Wed., November 12, 2014 at 7:30 PM. The motion was seconded by Lori Fafard and voted unanimously.

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**Project: BWP-89**  
RDA

**Project Description:**  
SNETT – Trail Improvements

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

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

**Plans: RDA & Bellingham Dept. of Public Works, Contract No. 3, Well #1 and #2 SNETT Water Main Improvements, Cover Sheet and Drawings C-1 through C-9, October 2014**

Don Di Martino and Charles Caron were present when Cliff Matthews opened the hearing. Cliff Matthews stated that six members of the Conservation Commission walked the site last Saturday, Oct. 18<sup>th</sup>. Charles Caron stated that the DPW is constructing a new raw water main (per DEP mandate) and has negotiated with DCR to utilize the SNET trail for the water main location which is permitted under a separate Order of Conditions. He stated that the town has offered to grade (to remove moguls), clear and surface that portion of the SNET trail running from Lake St. to Center St. where the water line is being installed. In the agreement, DCR is requiring that the proposed multi-use trail be cleared and stabilized with stone dust so that the path will be ADA compliant. Mr. Caron stated that resource areas on the path include the outer riparian zone to the Peter's River and the buffer zone to bordering vegetated wetlands. He added that clearing will take place ten feet on each side of the center line of the path and stone dust would be used as a stabilizer. Mr. Matthews stated that one of the Commission's concerns with the multi-use trail is the proper disposal of animal waste and that should be one of the Special Conditions. After discussion, other Special Conditions discussed included: that all cleared brush is to be removed from the site and properly disposed of, any excess fill is also to be removed from the site, and that Charles Caron, the environmental

monitor for the Raw Water Main be on site to supervise the trail work and produce timely monitoring reports.

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There were no further comments or questions by the board members. Barry Lariviere made a motion to close the meeting and issue a Negative Determination of Applicability with the suggested conditions. Neal Standley seconded the motion and the motion carried unanimously. Mr. DiMartino stated that the Determination would be included in the bid process.

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**Informational/ North Raw Water Main Order of Conditions modification request/DPW/Caron Environmental**

Don DiMartino and Chuck Caron were present to discuss Mr. Caron's Oct. 22, 2014 letter for a time frame modification request per the Special Conditions in the Order of Conditions for the North Raw Water Main (105-722 & BWP-57). Don DiMartino stated that due to unresolved legal issues with Land Court regarding the Hill property, the easement has not yet been granted to allow work to proceed. Due to these complications and the DEP mandate deadline to complete the raw water main by spring of 2015, Mr. DiMartino has had to remove this portion of work from the bid document. Although there is no change in the actual water main construction, the lack of easement has created a delay in the project's completion. Charles Caron presented a letter to the Commission requesting a modification to the Special Conditions to allow for an extension of time that work may take place in and near vernal pools at the site located off Hartford Avenue. He indicated that the area is flat and that work at and near the vernal pools will take approx. two days to complete. The completion for the entire length of this portion of the project would take approx. four weeks. At this time, Mr. DiMartino does not have any idea of how long the easement issue will take in Land Court. On behalf of the DPW, Mr. Caron requested an extension of time to perform the work in this section of the project. Mr. Caron explained that work is scheduled to take place near the "X" series flags and the "N" series flags located at and near the cart path. Cliff Matthews explained that the vernal pools are jurisdictional under the local bylaw. Neal Standley stated that the concern of the Commission is that if the pipe line installation is not complete by the time specified, the breeding cycle may be compromised. He added that the area must be restored before the breeding cycle begins. Cliff Matthews suggested that the Conservation Commission limit the time that the work should be complete to no later than March 1, 2015 in order to allow the work to take place but also to preserve the breeding habitat of the vernal pools. Barry Lariviere stated that Charles Caron is the environmental monitor for the raw water main and that he will be on site assessing the construction. Members of the board agreed. Barry Lariviere made a motion to respond to Mr. Caron's letter request to allow work to proceed in the winter months providing no work would take place after March 1, 2015. Lori Fafard seconded the motion and the motion carried unanimously. Mr. Matthews stated that the Commission would write a response letter to Mr. Caron copying Don DiMartino confirming the extension of time and confirming the vote.

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Paul DeSimone of Colonial Eng. updated the Commission on the anticipated filing for 29 Dupre Road. Cliff Matthews stated that Mr. DeSimone was hired by Mr. Daprato just recently after waiting since last April for another engineering firm to file on his behalf. Mr. DeSimone stated that he had met on site with Mr. Daprato recently to look at the structure currently collapsing in the water at Silver Lake. He said that the gazebo has solid concrete footings but that the main carrier beam is collapsing. He stated that Mr. Daprato wants to replace the roof and use plastic timber for the main beam so that it can be repaired. Cliff Matthews stated that the original filing was to have incorporated the removal of the gazebo and the removal of the burned dwelling on the site. Lori Fafard stated that the gazebo structure is entirely in the water and is collapsing. Mr. DeSimone suggested that Mr. Daprato use booms to prevent potential debris from migrating into Silver Lake. Mr. DeSimone stated that the field work for 29 Dupre Road is now complete and that he would speak with Mr. Daprato about incorporating the razing of the burned dwelling into the filing. There was some discussion by board members as to who owns the water rights at the lake and whether the gazebo, sitting on the water at Silver Lake, is on town property. Cliff Matthews

stated that he had hoped that all of this work would have been completed by now or at least before the winter.

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Cliff Matthews presented the proposed modifications to Post Office Place for the entrance to the subdivision as submitted by the applicant to the Planning Board.

After discussion, it was the consensus of the board members to adhere to a No Hunting policy on Town of Bellingham Conservation Commission properties. The information will be posted on the web page. Anne Matthews will speak to Denis Fraine to find out what policy the Board of Selectmen has on the hunting issue on town owned lands.

Cliff Matthews reported that several members of the board had visited the Lakeview Estates site at Silver Lake last Saturday, Oct. 18<sup>th</sup> to inspect the mitigating measures taken by Fafard Co. to rectify the damage created by the recent storm. He stated that Scott Jordon of EcoTec, the environmental monitor for the site, was called onto the site the day of the storm to suggest corrective measures to Fafard to address erosion and storm damage on and off the site. Mr. Jordon submitted an assessment report to the Commission that included recommendations and photos. Ed Avizinis of Natural Resource Services, the Commission's consultant, was also on the site to input corrective measures and has indicated that the site is currently in good repair. Scott Jordan continues to copy the Conservation Commission on weekly NPDES Reports.

The board voted to cancel the meeting of Nov. 26<sup>th</sup> due to a conflict with the Thanksgiving holiday.

Cliff Matthews updated the board members on recent action taken regarding violations on Commission property at 15 Sidney Lane (shed), 16 Beaver Pond Road (garden), 231 Maple St. (filling) and 50 Deer Run Rd (garden, walls, shed).

Cliff Matthews reported that the current Open Space and Recreation Plan would expire in Dec. of 2016. He added that members of the board should consider any additions to land acquisitions that could be incorporated into the plan when we begin the renewal process next year.

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