

**Town of Bellingham**  
**Conservation Commission**  
**Municipal Center**  
**Bellingham, MA 02019**  
**Minutes of the meeting of November 12, 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 discussion to rectify the violation on their property at 52 Box Pond Road. Cliff Matthews and Anne Matthews recused themselves from the meeting. Mr. Lariviere stated that he and Brian Norton of the Conservation Commission as well as Mr. & Mrs. Keniston and Paul Dougherty of D & D Mulch walked the site on Saturday, October 25<sup>th</sup>. He added that the site had been restored very expeditiously. Mr. Keniston presented his restoration proposal to the members of the board. He stated that he would like to install a drip irrigation system in his side and back yards and sod that area. He would also like to install a 22 x 22 swing set with pea stone base at the side of his house 37 feet from the water's edge; install a 16 foot circular campfire area approx. 16 feet from the water's edge, install three step downs in timber or stone (6' x 6' in size, 4' long) approx. 36 feet from the water, relocate a Japanese Maple from the front of the house to the back of the house, and plant native species along the water's edge. After some discussion, the board agreed to the proposal, however, Neal Standley suggested that the Conservation Commission write a letter to the Keniston's confirming this restoration agreement. Neal added that the Enforcement order would remain in effect until all of the work is complete and a site walk is conducted.

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**Project: BWP-90**  
CRDA

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**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: 7:30 PM**

Cliff Matthews opened the continued RDA meeting. Prospective Eagle Scout Sean Boddy was present with his parents and brother. Sean distributed copies of his RDA filing and associated plans to each of the board members. He stated that he would like to construct a 20 foot long bridge with 2 x 6 decking over a wet area located behind the High St. fields and located on an existing walking trail. Using the plan he stated that he proposes to dig the bridge posts before the frost (hopefully this upcoming weekend) and construct the bridge itself over the next few weeks. All excavated materials will be removed by hand. Chairman Matthews commended Sean on the thoroughness of his filing. Michael O'Herron was concerned about the potential for ATV use and subsequent wear and destruction of the bridge. Mr. Boddy stated that per the site walk last autumn, the bridge is to be constructed on root balls which would bring the grade of the abutting land at least ten inches below the bridge level making it difficult for motorized traffic to access. Special Conditions discussed included: that the footings must be in before the freeze this year; notify the Conservation Commission before the commencement of work; all excavated spoil piles and bits of wood from construction to be removed from the site. Neal Standley made a motion to close the meeting and issue a Negative Determination with the above conditions. The motion was seconded by Michael O'Herron and carried unanimously.

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**Project: 105-744 & BWP-91**  
NOI

**Project Description:**  
16 Brookfield Lane – single family dwelling & septic system

**Applicant:**  
Emile Gareau  
66 Locust Street  
Bellingham, MA

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

**Plans: NOI & Plans “Lot 5 Brookfield Road, Conservation Plan of Land, Oct. 8, 2014”**

**Hearing time: 8:00 PM**

Paul DeSimone and Emile Gareau were present when Cliff Matthews opened the hearing. Paul DeSimone stated that the filing is for the construction of a single family dwelling with septic system located within the buffer zone to bordering vegetated wetlands. He stated that a fence is proposed at the 25 foot No Disturb Zone. Cliff Matthews stated that the wetland delineation was approved by an ANRAD recently which is still valid and that the Conservation Commission just issued an Order of Conditions for 20 Brookfield Lane, the abutting house lot. The area consists of sandy soils which are the best soils for infiltration. Additionally, the lot is very flat. Special Conditions will include that installed erosion control must be inspected before work may begin. Neal Standley then made a motion to close the hearing and issue an Order of Conditions. The motion was seconded by Michael O’Herron and carried unanimously.

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**Project: 105-745 & BWP-92**  
NOI

**Project Description:**  
135 & 143 Hartford Avenue – 3 lot residential subdivision  
“Strawberry Estates”

**Applicant:**  
Leslie Nava, Quality Homes Inc.  
1 Stallbrook Road  
Milford, MA

**Representative:**  
Stephen O’Connell, Andrews Survey & Engineering  
PO Box 312  
Uxbridge, MA

**Plans: NOI & Plans “Strawberry Estates” 13 Sheets, Sept. 30, 2014**

**Hearing time: 8:25 PM**

Present for the meeting were Paul Hutnak of Andrews Survey, Leslie Nava and Brad Wright. After Cliff Matthews opened the hearing, Paul Hutnak began his presentation. Mr. Hutnak stated that the filing is for the proposal to construct a three lot residential subdivision and road within the buffer zone to bordering vegetated wetlands at 135 and 143 Hartford Avenue. The plans denote the 25, 50 and 100 foot buffer zones areas. He stated that no significant amount of work would take place in the 50 foot buffer zone except for a proposed outfall to the infiltration basin. The stormwater management system will consist of deep sump catch basins, vegetated swale and infiltration basin including a forebay for treatment. Mr. Hutnak stated that the system meets the 80% TSS removal rate and recharge rate as required by DEP. The three house lots would be located outside the 100 foot buffer zone and would require separate filings if any activity at all, including grading for the yards, septic systems etc. were located within jurisdictional areas including the buffer zone. Cliff Matthews stated that the local bylaw requires three test pits per basin yet only one test pit evaluation was performed. He explained that areas near resource areas have the potential for the presence of poorer drainage soils like clay. Mr. Hutnak described the soils as very suitable for good drainage and the board members and Mr. Hutnak agreed to have the applicant perform a second test pit at the southeast corner of the basin. Mr. Hutnak is aware of the suggested \$6,000 stormwater annuity for long term maintenance of the stormwater facilities. Mr. Hutnak will submit a copy of the Planning Board’s consultant’s (PSC) peer review letter to the commission. A site walk was scheduled for Saturday, Nov. 22<sup>nd</sup> at 8:30 AM. Neal Standley made a motion to continue the hearing to Dec. 10<sup>th</sup> at 8:30 PM. The motion was seconded by Brian Norton and passed unanimously.

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**Project: 105-747 & BWP-93**  
NOI

**Project Description:**  
1 Squire Lane – septic system repair

**Applicant:**  
Jennifer Tsionis  
30 Caryville Crossing  
Bellingham, MA

**Representative:**  
Fred Lapham, Shea Eng. & Surveying  
76 Uxbridge Road  
Mendon, MA

**Plans: NOI & Plans “Repair Sewage Disposal Plan” Revised Nov. 9, 2014**

**Time: 8:55 PM**

Cliff Matthews opened the hearing. Fred Lapham of Shea Engineering stated the filing is for the repair of a failing cesspool located at 1 Squire Lane. He stated that the lot is located within the riverfront area to Bungay Brook and the buffer zone to bordering vegetated wetlands. There is a small area of flood plain on the site that will not be impacted with the proposed construction. Mr. Lapham stated that the existing failed cesspool will be abandoned and be replaced with a compliant Title V system. The system will be located within the existing lawn toward the front of the house. Erosion control will be placed at the limits of work. The filing cess pool will be pumped, the top crushed and then filled with gravel and topped with 6 inches of topsoil. The Board of Health approved plan submitted a few years ago is still valid under the Permit Extension Act. A Wrentham Road abutter stated that several years ago, large rocks were allegedly plowed into the brook by the DPW during snow plowing and have subsequently caused wetlands to expand and the water to rise in the area. He asked if the commission could have those rocks removed. Chairman Matthews explained that removal of the stone dam would potentially have habitat and wetlands impacts since the incident occurred many years ago. The only outstanding issue with the filing was that DEP had not issued a file number and therefore the Order of Conditions could not be issued. Mr. Lapham stated that DEP issued the number late that afternoon. There were no other comments on the project. Neal Standley then made a motion to close the hearing and issue the Order of Conditions at our site walk of Saturday, November 22<sup>nd</sup>. Lori Fafard seconded the motion and the motion carried unanimously.

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**Project: 105-746 & BWP-94**  
NOI

**Project Description:**  
66 Farm Street – septic system repair

**Applicant:**  
Thomas Bengiovanni  
66 Farm Street  
Bellingham, MA

**Representative:**  
Joyce Hastings, GLM Engineering Consultants  
19 Exchange Street  
Holliston, MA

**Plans: NOI & Plans “Proposed Sewage Disposal System #66 Farm St. Oct. 8, 2014, Rev. Nov. 11, 2014**

**Time: 9:20 PM**

Joyce Hastings from GLM was present when Cliff Matthews opened the hearing. Mr. Hasting stated that the filing is for the repair of an existing failed system at 66 Farm Street. She stated that the resource area consisting of bordering vegetated wetlands is located at the rear of the site. The proposal includes installation of a new tank and pump station as well as leach field that includes a 40mil impervious barrier. Erosion control consisting of staked silt fence is proposed. All activity will take place in the existing lawn. When the commission questioned why the tank and pump station were located in the back of the dwelling and the proposed leaching area at the side yard, Ms. Hasting stated that the existing indoor plumbing would not have to be rerouted. She presented the requested revised plans that included the removal of the “No Wetlands on Site” note, the removal of the dewatering note and the addition of detail for the erosion control. Special conditions discussed included: all excavation on site will be live loaded; the old system will be pumped and erosion control must be inspected before any work may proceed. There were no further questions from the board. Michael O’Herron made a motion to close the hearing and issue the Order of Conditions. The motion was seconded by Lori Fafard and carried unanimously.

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**Project:**

Informational

**Project Description:**

pumping station at Pine Grove Avenue (DPW)

**Applicant:**

Bellingham DPW  
26 Blackstone St.  
Bellingham, MA

**Representative:**

David Press, Kleinfelder  
1 Speen Street  
Framingham, MA

**Information time: 9:40 PM**

David Press introduced himself as the representative of the DWP project to install a sewer siphon under Arnolds Brook to repair an existing siphon which was installed incorrectly. He stated that he would like to get the commission's input for the filing of a Notice of Intent for the work. Mr. Press stated that the project would include the use of the existing manhole and four inch pipe. Two pumps would be installed and a new 40 inch length of pipe would have to be excavated. The project would also include an area for an electric power station where flood zone data indicates that the area floods up to four feet in elevation. He stated that resource areas on site include flood zone, riverfront to Arnold's Brook, Estimated Habitat (which will be investigated further) and bordering vegetated wetlands. Mr. Matthews stated that if any flood storage capacity is impacted, flood storage compensation must be provided in incremental elevations. Other items that Mr. Press should include in the filing would be a narrative for comp. storage, live loading of any excavated soils, details on de-watering operations. Mr. Press stated that once permitted, the project should take about four weeks to complete.

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The commission signed:

Certificate of Compliance	105-738 & BWP-80/ 832 South Main St. /septic repair
	105-454 / 287 Lakeshore Drive/single family dwelling

Order of Resource Area Delineation 105-743 & BWP-88/ 455 Hartford Avenue/Gately

Determination of Applicability BWP-90/ High St. fields/Eagle Scout bridge project/Sean Boddy

Order of Conditions	105-744 & BWP-91 /16 Brookfield Lane/sfd/Gareau
	105-746 & BWP-94 / 66 Farm St./ septic repair/Bengiovanni

Board members agreed to cancel the December 24<sup>th</sup> regularly scheduled meeting due to the Christmas holiday.

Commissioners were invited to participate in the Mass. Assoc. of Conservation Commission Annual Meeting seminars and workshops in late February. Registration is in early February.

Chairman Matthews read a letter received from Jacqueline Lees regarding a proposed fence design change at 23 Fox Run Road. Mr. Lees petitioned the Commission to allow her to change the requirement in the Order of Conditions from a four foot high vinyl coated chain link fence to a split rail fence to protect the resource area from infringement. Three members believed very strongly that since the fence was so close to the resource area, it should not be change to a split rail fence as requested. Also discussed was the intent of the chain link fence is to protect the resource area from encroachment and that a split rail fence would not be as effective for that protection. No member voted to allow the change. Three members opposed the change and two members abstained. The Chairman did not vote.

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Cliff Matthews announced that Judith Schmitz, the new DEP Central Region Circuit Rider, is scheduled for a one hour presentation from 7:30 PM – 8:30 PM at our next meeting on the changes to the Wetlands Protection Act Regulations. Ms. Schmitz may invite other area Conservation Commissions to attend as well.

Cliff Matthews updated the board on the meeting Anne Matthews had with Mr. Solina of 50 Deer Run Road regarding a violation on Conservation Commission property behind his home. Cliff reported that Mr. Solina was very upset about the violation letter he received from John Emidy and said that he is taking immediate action to rectify the situation. Mr. Solina agreed to update the Commission by email on a weekly basis of his progress and also agreed to a follow up site walk once the work is completed in a month or two.

Cliff Matthew stated that Daniel Feeney of Beals and Thomas contacted the Conservation Commission about the donation of approximately 12 acres of land at Lot 178 High Street abutting the new Victory Packaging development. Board members agreed to allow passive recreation on the site. No motorized vehicles or hunting and trapping would be allowed on the site. Cliff will contact Dan Feeney to work out the wording on the deed and to make sure that the land is marked with bounds.

Attending the meeting were: Cliff Matthews, Neal Standley, Lori Fafard, Brian Norton, Michael O'Herron, and Anne Matthews. Barry Lariviere was present from 7:15 to 7:45 PM at which time he left due to illness.