

**Town of Bellingham  
Conservation Commission  
Municipal Center  
Bellingham, MA 02019  
Minutes of the meeting of Dec. 10, 2014**

**7:30 – 8:30 PM**

**Informational Meeting/ Revised WPA Regulations**

Judith Schmitz, circuit rider for DEP Central Region presented a one hour workshop on the revised Wetlands Protection Act Regulations effective in October 2014.

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

**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: 8:30 PM**

Leslie Nava, Brad Wright and Paul Hutnik were present for the opening of the continued hearing. Mr. Hutnik stated that several members of the Conservation Commission as well as the applicant and Steve O’Connell of Andrews walked the site on Sat., November 22<sup>nd</sup> to review the wetland delineation. No changes were made to the resource area boundary as delineated. He also stated that he had performed two more test pits in the basin area as required by local bylaw and DEP and added the information to the plan. He stated that the soil test results were 78” to mottling, 86” to mottling and 83” to mottling. Mr. Hutnik stated that as a result of the Planning Board peer reviewer, a drawdown devise consisting of submerged perforated pipe to promote infiltration was added to the inlet structure of the basin. He added that this 6 inch diameter pipe placed 2 inches deep also helps infiltration in frozen conditions. Mr. Hutnik showed the area proposed for stockpiling. He stated that the Planning Board requires iron bounds to mark the lot lines but the Commission stated that no bounds should be installed in the wetlands. Paul Hutnik stated that the erosion control line consisting of straw wattles staked with silt fence is the limit of work and is located mostly at the 50 foot offset to the resource area except for the basin area. Three lots are proposed and will require separate filings at least for Lots 1 & 2. Mr. Matthews requested copies of the Operation and Maintenance Plan, a document that was not included in the filing. He also requested a copy of the letter from DPW regarding the stormwater management annuity details, three additional copies of the revised plans and any changes made due to Planning Board hearings. Mr. Hutnik agreed to submit all requested materials well before the next meeting of Jan. 14<sup>th</sup> and may even be able to put an informational package by week’s end. Barry Lariviere made a motion to continue to Jan. 14<sup>th</sup> at 7:30 PM. Motion was seconded by Neal Standley and voted unanimously.

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**Project: 105-748 & BWP-95**  
NOI

**Project Description:**  
51 Irving Street – septic system repair

**Applicant:**  
Lionel Masse  
51 Irving Street  
Bellingham, MA

**Representative:**  
Bruce Wilson, Frank O Waterman Assoc.  
248 Elm Street  
Blackstone, MA

**Plans: NOI & Plans “Septic System Repair Lionel Masse, 51 Irving St.” Sheets 1,2,3 and dated 11/2/2014**

**Hearing time: 9:00 PM**

Bruce Wilson was present for the applicant. After the hearing was opened, Mr. Wilson stated that the filing is for the replacement of an existing failing septic system located at 51 Irving St., an 8 bedroom 3 unit dwelling. The contaminated soils from the failing system would be removed per Title 5 Regulations. The new septic system is partially located within the 100 Special Flood Hazard Area AE between the 186 and 187 elevation. 0 -1 foot of fill is proposed generating approximately 75 cubic yards of flood zone impacts. A local waiver from the Board of Health was requested for 3 to 4 feet to groundwater. Barry Lariviere stated that sewer is not available on Irving St. so the applicant has to repair the system. Mr. Wilson did not submit any proposal in the filing for providing compensation for lost flood storage. After review of flood zone maps, Mr. Wilson agreed to submit a revised plan by year's end showing a compensatory storage area which would be located at the front of the lot above the current flood elevation. Barry Lariviere made a motion to continue the hearing to Jan. 14<sup>th</sup> at 7:50 PM. Lori Fafard seconded the motion and the motion carried unanimously.

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**Project: 105-749 & BWP-96**  
ANRAD

**Project Description:**  
Off Farm St. and Beaver Pond –  
Wetland boundary verification

**Applicant:**  
EMC Corporation  
228 South Street  
Hopkinton, MA

**Representative:**  
Daniel Feeney, Beals and Thomas  
Res. Corp. Park, 144 Turnpike Road  
Southborough, MA

**Plans: ANRAD and plans, “ANRAD Plans, Sheets 1,2,3” dated Nov. 20, 2014**

**Time: 9:25 PM**

Dan Feeney of Beals and Thomas and Paul Fitzgerald of EMC were present when Cliff Matthews opened the hearing. Mr. Feeney stated that an Order of Resource Area Delineation was issued about 17 years ago for the site located north of Beaver Pond. The ANRAD filing is for the confirmation of approximately 2,200 linear feet of bordering vegetated wetland consisting of 50 wetland flags. The delineation was done by John Thomas Jr. of Beals and Thomas in August/September of this year. Mr. Feeney stated that the plans show the 25 foot No Disturb Zone as well as the 25 -50 foot and 50 – 100 foot buffer zones. Mr. Feeney stated that the applicant, EMC, will be filing a Notice of Intent for the installation of a solar array facility on the site in January 2015. The Commission suggested that due to the upcoming holidays and fast approaching winter weather, we contact our consultant to perform the delineation verification. Mr. Fitzgerald was in agreement. The board will contact Natural Resource Services to inquire if they would provide a quote to perform the work on behalf of the Commission. Neal Standley made a motion to continue the hearing to Jan. 14<sup>th</sup> at 8:05 PM. Barry Lariviere seconded the motion and the motion carried unanimously.

In another matter, Dan Feeney told the board that he would try to locate a Conservation Restriction deed for language to use in the 12 acres of land located on High Street that is to be donated to the town through the ConCom for passive recreation.

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**Project:** 105- & BWP-97  
NOI

**Project Description:**  
52 Box Pond Road – construction of boulder wall, stone patio  
swing set and plantings

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

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

**Plans:** NOI and plans, “Hatch landscape & Design plan for 52 Box Pond Road” dated 12/1/2014  
**Time:** 9:50 PM

Richard and Michele Keniston were present when Barry Lariviere opened the Notice of Intent hearing. Cliff Matthews and Anne Matthews recused themselves from the hearing. Jared Hatch presented the proposed landscaping plan for the site that included a swing set, stone patio, boulder retaining walls, and plantings along the water’s edge at Box Pond. The grading that would take place involves the removal of material to level off the swing set area and patio area and use that material for fill behind the boulder wall. Barry Lariviere stated that at the last meeting, the applicant had presented a much less intrusive site plan in response to the recent Enforcement Order. He added that this plan is a substantial change. Plantings should be natural rather than ornamentals i.e. planting Blueberry, Dogwood, red lobelia, etc. After the Commission inquired about the walls, Jared Hatch explained that the proposed stone walls would be 3 – 4 feet high. He stated that the 16’ diameter fire pit would be located 16 feet from the water’s edge and would consist of washed stone under the patio base. Commissioners reminded the applicants about the 25 foot No Disturb Zone and that fact that any activity proposed should be outside that 25 foot area. In this case, it is important to maintain a buffer at the shoreline. Mr. Hatch agreed to revise the proposed plantings. The applicant was told that the silt fence must remain in place. Mr. Hatch will provide a more detailed plan showing elevations, proposed grading, plantings and the 25, 50 and 100 foot buffer zones. DEP has not yet issued a file number for the project. Mr. Lariviere then stated that members of the Commission should look at the site as only he and Brian Norton had a chance to see it. A site walk was scheduled for Sat. 13<sup>th</sup>. Michael O’Herron and Lori Fafard will contact the applicant to arrange for another time to visit the site. Lori Fafard then made a motion to continue the hearing to Wed., Jan. 14<sup>th</sup> 2015 at 8:25PM. Motion was seconded by Neal Standley and voted unanimously.

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Cliff Matthews stated that we have received a Certificate of Compliance Request for 10 (Lot 63) Dupre Road) single family dwelling. The letter from Don Nielsen of Guerriere & Halnon indicates that the No Disturb boundaries are located 8 – 10 feet closer to the wetland boundary than were permitted. Commission members agreed that the applicant should be contacted to revise the locations of those markers before we issue the Certificate.

Another Certificate of Compliance Request was received for 28 Pine Street single family dwelling. The attorney for the project believed the address was 24 Pine Street. Natural Resource Services visited the site last Friday and went to 28 Pine St. where the inspector found a large wetland violation. He noticed that 24 Pine Street also had a violation as well. Commission members will visit the site on Sat., Dec. 13<sup>th</sup> to assess each of the lots and pursue corrective measures with the property owners.

The commission signed:  
Certificate of Compliance      105-715 & BWP-48/ Units 216 & 218 Lake St duplex/Bell Lumber  
The Certificate of Compliance will not be issued until the  
Erosion control is removed.

The Final Decision for Lot 10 Silver Lake Road withdrawal was finally received.

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Members of the Commission were encouraged to attend the Annual Mass. Assoc. of Conservation Commission Meeting on Feb. 28, 2015. Seminars and workshops choices should be available for consideration sometime in January.

Cliff Matthews reported that the Commission had issued an Order of Conditions for 66 Farm St. septic repair at the last meeting on November 12<sup>th</sup>. The Order was signed and mailed to GLM for recording that Friday. The Commission received the recording information and had the erosion controls inspected by Natural Resource Services. We recently became aware that the plan was revised by GLM subsequent to the recording of the Order of Conditions and a different system was installed. When Mike Catalano of the Board of Health had spoken to Anne Matthews about the possibility of a revision previously, he was told that the applicant would probably have to file an Amendment but that they should contact the ConCom. The as-built plan shows that the original plan as referenced in the Plan of Record was not installed. After some discussion, commissioners agreed that the applicant should be contacted to require the filing of an Amendment to the Order.

Massachusetts Historical Commission sent a copy of the comments on the Old Mill Dam removal on Pearl St. to the Conservation Commission. They require further information from the applicant as to the relevant historical features on the site before proceeding with the dam removal permit.

Board members reviewed and approved the proposed 2015-2016 budget.

Anne Matthews met with Chris nation for a preconstruction meeting for Post Office Place located near the Post Office on Mechanic St. The Special Conditions in the Order of Conditions were reviewed. Also attending the meeting was John Harte of the DPW.

Anne Matthews reported on the updates for the cleanup of the violation on Conservation Commission property located behind 50 Deer Run Road.

Michael O'Herron reported that the violation at Beaver Pond Road is almost entirely corrected. The Swansons have planted Arborvitae along the property boundary as agreed upon.

Brian Norton stated that he would visit the High St. site to inspect the progress of the Eagle Scout bridge.

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