

**Town of Bellingham
Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of January 14, 2015**

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, Revised Dec. 29, 2014

Hearing time: 7:30 PM

Leslie Nava, Brad Wright and Paul Hutnik were present for the opening of the continued hearing. Mr. Hutnik stated that the project is a three lot residential subdivision with stormwater management system. The wetland system is located to the south of the lot. He added that the Planning Board peer review is complete and they are waiting for the Conservation Commission to close the NOI hearing. Cliff Matthews requested that Mr. Hutnik replace page 3 of the revised Operation and Maintenance Plan to remove the “Groton” Conservation Commission and replace with “Bellingham” Conservation Commission. Mr. Matthews added that the revised plans and the letter from the DPW were submitted to the Commission in a timely fashion. Two of the three lots in the subdivision will require separate Notices of Intent for the construction of the single family residences. There were no further comments from the Commission. Barry Lariviere made a motion to close the hearing and issue an Order of Conditions. Lori Fafard seconded the motion which carried unanimously.

Project: 105-748 & BWP-95
Continued 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, revised Jan. 12, 2015

Continuation time: 7:50 PM

Bruce Wilson was present for the applicant. After Cliff Matthews opened the continued hearing, Mr. Wilson presented the revised plans that reflect the requirement to provide compensatory flood storage for the 75 cubic yards of flood zone that would be altered due to the design of the leach field for the septic system repair. Mr. Wilson proposed the compensatory storage area be located in the existing lawn of the property. He will provide a revised Sheet 3 to complete the plans. Bruce Wilson stated that he would oversee the construction of the septic repair and the associated compensation area. There were no other comments. Barry Lariviere made a motion to close the hearing and issue an order of Conditions. 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, NRS Wetland Review Report Jan. 12, 2015
Time: 8:05 PM

Dan Feeney of Beals and Thomas was present for the applicant. After Cliff Matthews opened the continued hearing, Mr. Feeney stated that at the last hearing held on Dec. 10th, the applicant had agreed to allow Natural Resource Services to review the delineated wetland boundary on the site on behalf of the Commission. As a result of that review, Scott Rabideau submitted a wetland review report along with a map showing suggested changes to the resource area boundary from his site walk. The changes include three areas, two which are minor and acceptable to the applicant as stated by Mr. Feeney. Mr. Feeney added that the third area is more significant and extends a "finger" of wetlands by 150 to 200 feet into what was shown as upland on the plan that is of more concern to the applicant. Mr. Feeney stated that his firm has not had an opportunity to go into the field and would like to request a continuation so that the area can be reviewed again. He did state that he concurs with Natural Resource Services that there are hydric soils present in this "finger". He added that if his firm does not concur with Mr. Rabideau's boundary, he would request that the Conservation Commission and Mr. Rabideau walk the site once again to review the line when conditions allow. In addition, Beals and Thomas will need time to provide revised surveyed plans for the ORAD. Mr. Feeney also stated that a Notice of Intent would be submitted in the very near future for the construction of a solar array system. Both the hearings would be open until all issues with the wetland boundary are resolved. Barry Lariviere then made a motion to continue the hearing to February 25, 2015 at 7:30 PM. The motion was seconded by Lori Fafard and voted unanimously.

In another matter, Dan Feeney stated he has not yet had a chance to investigate wording for the donation of land at Lot 178 High St. but will inform the Commission as soon as he has any information.

Project: 105-751 & 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:
Jared Hatch, Hatch Inc.
142A Main St.
Millis, MA

Plans: NOI and plans, "Hatch Landscape & Design plan for 52 Box Pond Road" dated 12/1/2014 and revised Jan. 14, 2015, and revised NOI, January 19, 2015
Continuation time: 8:25 PM

Richard and Michele Keniston were present when Barry Lariviere opened the Notice of Intent continued hearing. Cliff Matthews and Anne Matthews recused themselves from the hearing. Michele Keniston submitted revised Notice of Intent forms as requested by DEP to completed excluded information. She also submitted revised sketches of the proposal as requested by DEP and the Conservation Commission. Mrs. Keniston stated that the revisions include moving the swing set closer to the water, removal of the

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plantings from the water's edge, and inclusion of some Blueberry Bushes for landscaping. The fire pit and stone wall have also been revised on the new plans. Barry Lariviere stated that members of the Conservation Commission hearing the project walked the site in December. At that time, it was suggested that the Keniston's hire an engineer to comply with the NOI and plan standards in the Wetlands Protection Act and local bylaw regulations. He said that the information should include dimensions and details of all proposed changes to the site including grading, contours and elevations, buffer zone setbacks, resource areas, and erosion control in standard 40 scale plans. Michael O'Herron added that contour lines are very important in the plans and that the Conservation Commission is simply adhering to being consistent with filing requirements. He added that this procedure protects both the applicant and the permitting board. Barry Lariviere then showed the Keniston's an example of an engineered plan that shows details on all proposed changes to a site. After Jared Hatch was asked how the stone walls were to be constructed, Jared responded that they would have filter fabric and three quarter inch stone fill to fill the voids. Barry stated that the wall construction detail and the fire pit size and construction detail should also be included in the plans. Although Neal Standley stated that he would not request an engineered plan, he would request 20 scale plans to show detail. Barry Lariviere stated that the detailed plans to scale protect the applicant and the permitting authority so that what is shown on the accepted plans of record is the end product. If the construction is not completed in compliance with the plans of record, the board cannot issue a Certificate of Compliance for the project. Mr. Hatch stated that he would need a couple of weeks to complete the plans and Mr. & Mrs. Keniston then requested a continuation of the hearing to the first meeting in February. Michael O'Herron made the motion to continue the hearing to Feb. 11th at 7:30 PM. The motion was seconded by Neal Standley and voted unanimously.

Project: 105-752 & BWP-98
ANRAD

Project Description:
54 Box Pond Road -BVW

Applicant:
Jason P. Meehan
PO Box 444
Mendon, MA

Representative:
Robert Poxon, Guerriere & Halnon Inc.
333 West St.
Milford, MA

Hearing time: 8:50 PM

Robert Poxon of Guerriere & Halnon as well as Jason Meehan and Ms. Goddard of Goddard Consulting were present when Cliff Matthews opened the hearing. Mr. Poxon stated that the Abbreviated Notice of Resource Areas Delineation has been filed to confirm bordering vegetated wetlands located on the 12.6 acre site at 54 Box Pond Road. A residential duplex currently exists on the site. Mr. Poxon stated that the applicant wishes to subdivide the parcel into three ANR lots that must conform to the 90% rule; one for a duplex (120,000 sfd) and two separate single family lots (80,000 sf). Goddard Consulting delineated the wetlands. Ms. Goddard stated that there are 223 linear feet of bordering vegetated wetlands and some flood zone on the site. The site is at the location of Box Pond, an impoundment created on the Charles River, which includes no Riverfront Area by definition. There are about 200 wetlands flags on the site some of which was defined by topography. The Commission set up a site walk for this Saturday, Jan. 17th at 8:30 AM. The applicant and Mr. Poxon will join the commission. Ms. Goddard was not available to join the group that day. Barry Lariviere made a motion to continue the hearing to Wed., Jan. 28th at 7:30 PM. Lori Fafard seconded the motion and the motion carried unanimously.

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Request for Cert. of Compliance

10 Dupre Road

Bellingham, MA

Representative:

Informational time: 9:00 PM

Sarah and Doug Martin were present for the meeting. Cliff Matthew stated that the applicant had recently submitted a Request for Certificate of Compliance along with an as built plan. The engineer's letter indicated that the bounds marking the No Disturb Zone were eight to ten feet closer to the resource area than was permitted. Mr. Matthews also stated that when the project was permitted, detail on a proposed versa lock wall was included. Mr. Martin subsequently requested that the versa lock wall be replaced with a boulder wall and submitted detail on the boulder wall. The Commission allowed the change to the wall, however, there was only one wall permitted on the site and two boulder walls are now constructed. He told Mr. Martin that he should have contacted the Conservation Commission again, as stated in the Order of Conditions, to see if an Amendment would be required. As the second wall was constructed closer to regulated resource areas, it is likely that an Amendment would have been required. Doug Martin stated that the second wall was installed because there was a steep eight foot drop in elevation to the road. He added that both he and the contractor agreed to proceed with the two walls even though the original plan only included one wall. Mr. Martin requested that he not be required to get another survey for the location of the No Disturb boundaries once they have been relocated. After some discussion, members of the board agreed to allow Mr. Martin to move the No Disturb posts to the 228 elevation by measuring ten to twelve feet from the existing posts. The board also requested that the erosion control be removed once the project is completed. The question of the corrected as built plan with the new locations of the No Disturb posts was unresolved. Members of the commission agreed to consider the use of the current as built plan modified to reflect the changes; however, the engineer would have to be contacted to approve the request. Mr. Martin will proceed with the relocation of the posts so that the Certificate of Compliance may be reconsidered.

Informational: Beaver problem at Whitehall Way/ Michael Morin

Cliff Matthews stated that Mr. Morin requested a withdrawal of the informational meeting. Cliff had spoken with Don DiMartino of the DPW earlier that day who informed Cliff that the DPW had assessed the problem and that they believed it to be somewhat exaggerated; however he would make sure that the bridge and road would not be flooded due to the beaver dam. Mr. DiMartino will take action in the early spring to remove the dam and/or the beaver to prevent the threat of flooding. He, of course, will obtain all necessary permits from the Board of Health and the Conservation Commission.

105-747 & BWP-93, 1 Squire Lane/ septic repair/Tsiounis

The Commission has received a copy of the proposed NSTAR Yearly Operation Plan for its review.

Cliff Matthews encouraged members of the board to register for the annual MACC Conference in Feb.

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Metacomet Land Trust performed a site walk on the Conservation Restriction property held by the Commission located at Plymouth Road. A copy of the site walk inspection was sent to the Commission.

Neal Standley stated that he had visited 23 Fox Run Road. Haybales have been placed at the back corner of the lot but the silt fence has not been repaired and there has been no change to the retaining wall. Erosion continues to work its way beyond the wall at the front of the property along the sidewalk area. Cliff Matthews read Peter Lavoie's email that stated that until the site is stabilized and the swale is in place, erosion would continue to take place. Commission agreed that the retaining wall must be extended at the front of the property. We will assess the swale effectiveness once it is installed.

Members of the Commission received copies of the violation letter submitted to Mr. McMullen at 24 Pine St. Mr. McMullen is scheduled to attend the Conservation Commission meeting of Jan. 28th at 7:15 PM to discuss restoration on the site.

Cliff Matthews reported that Attorney John Powers is working on the restoration on the wetlands located at 28 Pine St. Mr. Power will be contacting our office once he has engaged the services of a engineer.

Anne Matthews stated that Mr. & Mrs. Solina of 50 Deer Run Road have notified the Commission that they are currently removing portions of the stone wall that has been placed on Conservation Commission property. They continue to update the Conservation Commission on the progress of restoring the site.

Each member of the Commission received state ethics test information requirements. Once the certification is received, it should be copied and submitted to the Town Clerk for filing.

The minutes of the meeting of December 10, 2014 were accepted as amended.

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