

Town of Bellingham
Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of January 28, 2015

Project:
Enforcement

Project Description:
24 Pine St., - Violation Notice

Applicant:
William McMullen, 24 Pine Street, Bellingham, MA
Plans: Violation Letter Jan 12, 2015

Representative:

Informational Time: 7:15 PM

Mr. McMullen was not present for the meeting. Cliff Matthews stated that Mr. McMullen has not responded to the violation letter sent by the Conservation Commission (via Certificate of Mailing) to him on January 12, 2015. The letter was sent regarding the alteration of the resource area located behind the residence at 24 Pine St. that was discovered at a recent site walk for 28 Pine Street. Cliff Matthews stated that the letter included three attachments: a copy of the original layout plan for the construction of a single family dwelling clearly showing that the resource area was approximately 55 feet from the foundation of the home, a copy of the Special Conditions for the Order of Conditions for the site explicitly stating that a barrier (wall or fence) was to be constructed to mark the No Disturb Zone of the resource area, and the current aerial photograph of the existing violation on the site. Mr. Matthews stated that the Commission's letter requested that McMullen contact the Commission regarding the violation and requested his attendance at tonight's meeting to discuss restoration strategies. Michael O'Herron stated that the Conservation Commission has made efforts to work with Mr. McMullen and, since he has not responded, made a motion to sign and issue an Enforcement Order. Barry Lariviere amended the motion to include a follow up letter to be included with the Enforcement Order in efforts to encourage Mr. McMullen's cooperation in the matter. Michael O'Herron seconded the motion and the motion carried unanimously. Commission members signed the Enforcement Order that will be copied to DEP, Jay Talerman and Denis Fraine for the Board of Selectmen.

Project: 105-752 & BWP-98
Continued 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: 7:30 PM

Robert Poxon of Guerriere & Halnon was present when Cliff Matthews opened the continued hearing. Mr. Matthews stated that Commission members walked the site on Saturday, Jan. 17th to review the wetland line but was unable to complete a portion of the resource area boundary due to frozen soil conditions. As the terrain is flat and there is evidence of emergent wetland vegetation, soil evaluations will be required to accurately confirm the resource area boundary. He added that he asked Mr. Poxon to come into the hearing tonight to discuss the stabilization of the two driveways that were recently repaired. Mr. Poxon stated that Mr. Meehan placed staked haybales along both of the driveways the Saturday of the site walk. He then presented three copies of the revised plans showing those areas. Poxon stated that the closest area from either driveway to the resource areas is approximately 75 feet. He also stated that it is a good possibility that the western driveway would be abandoned when the lot is subdivided into three lots in order that each lot would have its own access. Neal Standley added that the wetland boundary must be

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confirmed before any new driveways are proposed. Mr. Poxon agreed and added that the abandoned driveway would be restored to its original vegetative condition if not planned for use. Mr. Poxon requested a continuation to March so that the balance of the resource area boundary could be confirmed. Barry Lariviere made a motion to continue the hearing to Wed., Mar 25th at 7:30 PM. Neal Standley seconded the motion and the motion carried unanimously. Cliff Matthews stated that we will schedule the site walk as soon as weather conditions allow.

Project: BWP-99
RDA

Project Description:
92 North Main Street – septic repair

Applicant:
Paul & Judie Hagerty
92 North Main St.
Bellingham, MA

Representative:
Wm. Halsing, Land Planning Inc.
167 Hartford Avenue
Bellingham, MA

Plans: RDA and Plans “Repair of Subsurface Sewage Disposal System” dated Dec. 23, 2014
Meeting time: 7:55PM

Cliff Matthews opened the Request for Determination meeting for the repair of an existing septic system located 84 feet from a resource area. The site wetland area is well defined at the toe of the slope. Cliff added that Mr. Halsing had notified the Commission that he would not be able to attend the meeting and if there were any issues, to continue to the next meeting. Mr. Matthews stated that Ed Avizinis of Natural Resource Services confirmed the accuracy of the wetland boundary and stated that staked silt fence would be critical to prevent erosion into the resource area as the wetland is at the toe of the slope. Members of the Commission reviewed the plan which has been approved by the Board of Health. Neal Standley made a motion to issue a Negative Determination with typical conditions. Barry Lariviere seconded the motion and the motion carried unanimously.

Project: 105- & BWP-100
NOI

Project Description:
297 Pulaski Boulevard – Cumberland Farms

Applicant:
TMC CF of NE LLC
14 Breakneck Hill Road, Ste 101
Lincoln, RI

Representative:
Lucien DiStefano, Bohler Engineering
352 Turnpike Road
Southborough, Ma

Plans: NOI & Site Development Plans for Cumberland Farms, 26 Sheets, dated Dec. 26, 2014, Drainage Report, Dec. 5, 2014
Hearing time: 8:15 PM

Tracey Roll, Phil Lombardo and Luke DiStefano were present when Cliff Matthews opened the hearing. Mr. Lombardo stated that the filing is for the construction of a Cumberland Farms convenience store, 12 fueling stations including two 20,000 gallon underground diesel fuel tanks. He added that the Board of Selectmen issued a Special Permit for the underground tanks and the tank plans have been reviewed by the Fire Dept. The proposed work would include work in the flood plain where the landscaping, grading and drainage would be constructed. There are no other jurisdictional areas to the Conservation Commission on or near the site. Mr. DiStefano added that the intent of the landscaping and drainage design is to try to maintain the green space in the area. He added that a portion of the flood zone would be used for a basin that would provide an additional 380 CY of flood storage and provide improvements for post development runoff. He stated that all elevations are surveyed in the field and the flood zone is at the 186 contour. Trees, once established, would take up flood storage capacity but that amount has not been

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quantified. There are no other resource areas on the site. Three test pits were done with results indicating that there is 5 – 12 feet separation to groundwater. The basin design includes frozen groundwater conditions. Mr. DiStefano stated that the basin would be hydro seeded and will be well maintained. Roof leaders from both the building roof and pump islands drain into the basin. The underground tanks would be 4 – 7 feet below the ground and 15 feet to the bottom of the double walled reinforced fiberglass tanks designed to be in groundwater. The Planning Board hearing is scheduled for Feb. 12th. After some discussion on the possibility of changes to the plans at the Planning Board hearing, the applicant agreed to continue to Feb. 25th. Barry Lariviere made a motion to continue the hearing to Feb. 25th at 7:30 Pm at which time the Order of Conditions would be prepared for signing if there were no changes that result from the Planning Board review. Michael O'Herron seconded the motion and the motion carried unanimously.

Project: 105-746 & BWP-94
Amendment

Project Description:
66 Farm St. – septic repair

Applicant:
Thomas Bengiovanni
66 Farm Street
Bellingham, MA

Representative:
Joyce Hastings
GLM Engineering Consultants
19 Exchange St.
Holliston, MA

Plans: Amendment Request and Proposed Sewage Disposal System #66 Farm St. , Rev Nov.11, 2014
Hearing time: 8:45 PM

Joyce Hastings was present for the applicant when Cliff Matthews opened the hearing. Ms. Hastings stated that a Notice of Intent was filed for the septic repair at 66 Farm St. last November. The original design had a pump chamber and tank closer to the resource area. She stated that during the process, the installer suggested to move the tank and reroute the indoor plumbing to eliminate the pump chamber and to move the system further from the wetland boundary. At that time communication seemed to have broken down and the Board of Health issued a waiver to lower the depth to groundwater and modification to the system in the revised plans. The revised plans were never submitted to the Conservation Commission. She stated that the system is now installed but the site has not been stabilized due to the winter conditions. Ms. Hasting said that she realizes that an Amendment should have been filed with the Conservation Commission to address the changes to the septic system design which is of less impact. Ms. Hasting asked if a Certificate of Compliance could be issued even though the site was not stabilized. There was some discussion on the issuance of a partial Certificate of Compliance with the requirement for a passbook bond which would be a separate issue from establishing escrow accounts at the real estate closing. Joyce Hasting would discuss the options with the applicant. Barry Lariviere made a motion to close the hearing and issue an Order of Conditions. Neal Standley seconded the motion and the motion carried unanimously.

The minutes of the meeting of January 14th 2015 were accepted.

The Commission signed:

Order of Conditions	105-748 & BWP-95/ 51 Irving St/Masse/ septic repair
	105-745 & BWP-92 / 135 – 143 Hartford Avenue/Strawberry Estates/3 lot residential subdivision
Amendment	105-746 & BWP-94/ 66 Farm St/ Bengiovanni/ septic repair
Det. Of Applicability	BWP-99 / 92 North Main Street/ septic repair / Hagerty

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Mr. Matthews stated that a copy of Peter Lavoie's response to the Commission relative to 23 Fox Run Road erosion conditions was sent out to the members along with Cliff's response to Mr. Lavoie regarding the requirement to extend the retaining wall at the front of the site to prevent further erosion onto the abutting property. Cliff stated that Mr. Lavoie has not responded.

Members of the Commission submitted copies of the Certificates for the Town Clerk files for the completed Ethics test.

Cliff Matthews presented the updated site report on the Conservation Restricted land located at Plymouth Road. The report is generated by the Metacomet Land Trust annually.

Cliff Matthews will contact the representative for Omar Wenger on the proposed Forest Cutting Plan located at Mr. Wenger's property. The Conservation Commission has not received a copy of the plan.

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