

**Town of Bellingham
Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of March 25, 2015**

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

Plans: ANRAD & "ANRAD Plan of Land, Dec. 3, 2014" One Sheet

Hearing time: 7:30 PM

Neither the applicant nor his representative was present when Cliff Matthews opened the continued hearing. Cliff stated that approximately 80% of the resource area delineation on the site was previously confirmed last December; however, the balance of the delineation confirmation has not taken place due to wintery and frozen conditions and which have not been amendable to site walks nor to the testing of soils samples. Cliff Matthews stated that Mr. Poxon did not request a continuation for the hearing but the Commission has the discretionary authority to continue. Barry Lariviere moved to continue the hearing to May 13th at 7:30 PM. Lori Fafard seconded the motion which carried unanimously.

Project: 105-753 & BWP-100
CNOI

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, Site Plan, 1 Sheet, Revised 2/23/2015

Continuation time: 7:45 PM

Phil Lombardo was present for the applicant. Also present were Bill Redman, Eva-Mari Gamache and Melanie Berchtold. After Cliff Matthews opened the hearing, Phil Lombardo, attorney for the applicant, stated that the Planning Board has required some changes to the plan. Mr. Lombardo stated that the major change in the plan was the access relocation from Pulaski Blvd to Winter Street. He added that the gas station and the convenience store would remain basically the same as originally proposed. Mr. Lombardo also stated that the Planning Board discussed sidewalk construction on Winter St. but added that Cumberland Farms did not want to construct that sidewalk because it would be on their property. The sidewalk would also impact flood zone. The Conservation Commission stated that we could not comment on that issue until the applicant quantified the impacts and submitted them for comment. Mr. Lombardo stated that the Planning Board also requested that the six foot high white vinyl fence be extended another fifty feet to within five feet of Central Street on the South Park St. side of the lot. The Conservation Commission did not believe that there would be any jurisdictional issues with that request. Cliff Matthews stated that previously trees were proposed in that area displacing a small amount of flood storage. He added that the fence posts would take up approximately the same amount of flood storage as the tree plantings. Cliff Matthews stated that the Commission usually requires that fences

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located in jurisdictional areas be raised six to twelve inches off the ground to allow for animal migration. In this case it would also eliminate additional flood zone impacts. Cliff Matthews then stated that it is the consensus of the commission to allow the fence to be extended provided that detail on compensatory storage is provided. Mr. Lombardo stated that he was meeting with Stacy Wetstein the next day and would be discussing the comments from the Conservation Commission with her. The Planning Board hearing is continued to April 9th. Mr. Lombardo requested a NOI continuation to April 22nd. Barry Lariviere moved to continue the hearing to April 22nd at 8:15 PM. The motion was seconded by Lori Fafard and carried unanimously.

Project: 105-757 & BWP-105
CNOI

Project Description:
Lot 1 Welker Way, new septic for new sf

Applicant:
Leslie Nava
Quality Homes
1 Stallbrook Rd.

Representative:
Andrews Survey
PO Box 213
Uxbridge, MA

Plans: NOI & "Sewage Disposal System, Lot 1 Welker Way" Oct. 20, 2014
Continuation time: 8:15 PM

Paul Hutnik of Andrews Survey was present when Cliff Matthews opened the hearing. Mr. Hutnik stated that at the last continuation, we had discussions on the replacement of trees that were slated for removal from the buffer zone and the limit of disturbance during development of the lots. He stated that he has determined that there would be 18 hardwoods and six conifers (White Pines) impacted for Lot 1 Welker Way with a total of 29 hardwood trees and ten conifers for the two lots. Paul Hutnik offered to move the limit of disturbance ten feet closer to the outer buffer zone on Lot 1 and Lot 2 thereby reducing the number of trees to be removed by twelve trees. He suggested that, after consultation with Arthur Allen of Eco Tech, the applicant proposes tree replacement in the buffer zone along the basin and interspersing a quantity of twenty replacement trees within the buffer zone in the existing tree line. Paul stated that Art Allen proposed plantings of Hawthorne, Hazelnut and Hemlocks for the replacement plantings. Paul also added that a number of No Disturb badges would be installed on trees along the existing tree line. The badges would designate a No Disturb Zone in which the future homeowner would be prohibited from altering. Members of the commission agreed that Mr. Hutnak should proceed with the development of a narrative and plan depicting the proposal for this creative thinking. Mr. Redman, a resident, inquired as to why the commission would not require granite or concrete bounds instead of tree badges stating that trees die in time. Cliff Matthews stated that we consider granite or concrete bounds or fencing generally in instances when there are no other options but especially when it involves a land donation. Mr. Hutnik agreed to provide updated information and revised plans to the commission in a timely fashion so that the hearing could be closed and an Order of Conditions issued at the next continuation. Barry Lariviere moved to continue the hearing to April 8th at 9:15 PM. Motion was seconded by Lori Fafard and voted unanimously.

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Project: 105-758 & BWP-106
CNOI

Project Description:
Lot 2 Welker Way, new septic for new sfd

Applicant:
Leslie Nava
Quality Homes
1 Stallbrook Rd.

Representative:
Andrews Survey
PO Box 213
Uxbridge, MA

Plans: NOI & "Sewage Disposal System, Lot 2 Welker Way", Oct. 20, 2015

Continuation time: 8:25 PM

Cliff Matthews opened the continued hearing for Lot 2, Welker at Strawberry Estates. Mr. Hutnik stated that the same information regarding the tree replacement proposal heard for Lot 1 would also be incorporated for Lot 2. He also stated that the revised plans would include a proposed deck. Mr. Hutnik agreed to provide the narrative and revised plans in a timely fashion. Barry Lariviere moved to continue to April 8th at 9:20 PM. Lori Fafard seconded the motion which carried unanimously.

Project: BWP-107
RDA

Project Description:
35 Pelletier Drive – removal of 5 trees on Lake Hiawatha

Applicant:
Jason Fantini,
35 Pelletier Drive
Bellingham, MA

Plans: RDA and Tree Removal Plan, Feb. 17, 2015

Meeting continuation time: 8:45 PM

Jason Fantini was present when Cliff Matthews opened the continued RDA meeting. Mr. Fantini proposes to remove five trees located within the buffer zone to Lake Hiawatha. Michael O'Herron, Brian Norton and Neal Standley visited the site to assess the trees that Jason had marked for removal with orange mesh. Mr. Fantini stated that he believes the trees to be a safety issue. Michael O'Herron stated that two of the three trees marked were closer to the water than to the house and did not seem to be a threat to the dwelling. He added that only one of the marked trees was leaning towards the house. Jason stated that he does have a number of large trees in his yard but that he reduced the proposed tree removal plan to only five trees. Neal Standley stated that the tree closest to the house and leaning towards the house could certainly be safety issue. Cliff Matthews added that trees not only provide shading and habitat for wildlife but also provide groundwater uptake stating that if these trees were to be removed, Mr. Fantini may very well expect the ground water to rise creating other issues. Commission members reviewed the pictures taken at the site walk and determined that Mr. Fantini would be allowed to remove a total of five trees. Using the plan that Mr. Fantini provided in the filing, Mr. Fantini and the commission members agreed that Mr. Fantini could remove three trees designated by the letters, "A", "B" and "C" and trees identified as tree #2 and #3. Trees #1, #4 and #5 would remain in place. Barry Lariviere moved to issue a Negative Determination with conditions specifying the trees to be removed and requirement that the applicant notify the Conservation Commission when he schedules the tree removal process. Motion was seconded by Lori Fafard and voted unanimously.

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Project: BWP-109
RDA

Project Description:
151 Maple Street – removal of “Ma Glockners” bldg.

Applicant:
Rezende Realty Trust
151 Maple Street
Bellingham, MA

Representative:
Carlos Ferreira
19 White Bagley Road
Southborough, MA

Plans: RDA & plans, “151 Maple St. Demolition Plan”, Nov. 10, 2014

Meeting time: 9:00 PM

Carlos Ferreira and Mel Rezende and Mr. Rezende (his brother) were present for the opening of the RDA meeting. Mr. Ferreira stated that the 151 Maple St. site is currently being used as a landscaping yard. He stated that he used the old septic system plan from several years ago to mark the buffer zone of the BVW on the site. The building is located approximately 150 feet from 100 foot buffer zone of that BVW. A BVW also exists directly across the street and therefore the building slated for demolition is located within the fifty foot buffer zone of that BVW. Mr. Ferreira stated that the building is not being used and the proposal is simply to raze the building and the foundation then fill the cellar hole and gravel the area. He stated that erosion control is proposed along the north and south sides of the building and along Maple St. The Fire Dept. would be supervising the demolition and hopefully the demolition would take only one day. Special Conditions discussed include that the Conservation Commission must be notified before any work commences and for inspection of installed erosion control. Also, orange construction fence is to be installed at the 100 foot buffer zone boundary to avoid encroachment into the previously restored buffer zone. Michael O’Herron moved to issue a Negative Determination with Special Conditions. Barry Lariviere seconded the motion and it carried unanimously. Mel will pick up the Determination on Friday morning.

Informational/ Proposed Noise Bylaw Amendment/ Jim Dunlea

Cliff Matthews stated that Jim Dunlea had contacted the Conservation Commission and requested to be on the agenda to discuss his draft Noise Bylaw revision which is an Article on the Annual Town Meeting Warrant in May. He stated that he is working with Town Counsel and hopes to talk with other boards to gain support at the town meeting. Jim stated that his proposed revision is keeping 90% of the current Noise Bylaw intact. Changes to the bylaw would include reduction in daytime and nighttime noise decibels as well as adding a category entitled “places of recreation” i.e. parks and areas with use limits to residents only. Enforcement authority would be the Building Inspector. He described the new trend in shopping methods of the public shopping at retail shops is currently changing to internet sales which require large warehouses distribution centers. There was general consensus from the Commission to support the bylaw revision. Jim stated that he would be attending the Planning Board meeting tomorrow evening to present the proposed changes to them.

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Informational/ The Shoppes/Discussion on Order of Conditions

Austin Turner, Bob Frazier and Lou Massiello of W.S. Development were present. Cliff Matthews stated that this past Monday morning, he was called into a meeting with two members of the Board of Selectmen, Denis Fraine, Austin Turner and Ann McMenemy to discuss the I-495 Interchange project. Discussions commenced on how that project affected the Shoppes at Bellingham project. Austin Turner stated that the Conservation Commission had issued a denial in an Order of Conditions issued for The Shoppes project late last summer. The reason for the denial was that the applicant had another viable means of access to the site with lesser resource area impacts than the "M Crossing" and that the applicant had not submitted information to support that claim. Mr. Turner then presented a letter from MA DOT dated January 2015 stating that the I-495 project is on the "fast track", funding has been approved and the design phase is at 25%. He also presented a plan showing the proposed I-495 Interchange improvements. He then presented the I-495 current plan with an overlay of The Shoppes roadway proposals and stated that the Home Depot access suggested by the commission is not viable to the project because the I-495 project utilizes the area for exit/entrance ramps. Mr. Turner gave a general update on his understanding of the I-495 Interchange design including a new northbound entrance at Walmart and new entrance/exit access at Rte 126, the proposal for widening the existing bridge and including sidewalks and bike path and the elimination of the previously proposed roundabouts. He added that the MA DOT letter states that the project is more than the 25% design phase and that environmental filings would be taking place in the spring of 2015 with hopes of construction beginning in 2018. Austin stated that MA DOT is in total control of the engineering design of the I-495 project, however, W/S Dev. has made arrangements to donate property for the ramps improvements. Mr. Turner then asked the members of the Commission if they would reconsider the reason for denial and allow the applicant to re-file a Notice of Intent for The Shoppes project utilizing the latest DOT information as new information. The new NOI would include all the plans, reports and pertinent information to present the project for reconsideration. Neal Standley then asked how these two projects would address cumulative impacts. Mr. Turner stated that MA DOT would be responsible for their project. Cliff Matthews stated that the project exceeds the threshold for impacts. Austin then stated that two years ago it was the opinion of counsel that The Shoppes cannot be held responsible for the MA DOT project. Cliff Matthews stated that at the time of the denial, it was the opinion of the Conservation Commission that the applicant had full control to use the alternate site access at Home Depot. The original NOI submittal had one access off North Main St. and the denial was that the applicant had not provided ample information to demonstrate that they had no control over the alternate access. Mr. Matthews stated that the Commission was comfortable with the denial as written and believed that the reason for the denial was substantiated under the WPA and Regulations. Robert Frazier spoke about the interchange funding and history and stated that the interchange project is now a priority since this intersection has been identified as one of the most dangerous intersections on the interstate. Austin Turner then asked the Conservation Commission if we would reconsider the original denial if a new NOI were submitted under the Wetlands Protection Act only with all updated information and pertinent documents. He added that the other avenue open to the applicant would be to complete their MEPA filing with the state and then request a Superseding Order of Conditions from DEP but that the local Conservation Commission would have no input conditioning the project. After further discussion, it was the consensus of the members of the Commission that the alternate access as identified in the denial is no longer a viable access for The Shoppes project because the applicant has provided sufficient information to prove that that area of land is currently being utilized in the engineering and design of the I-495 Interchange project and that the Commission would review a new Notice of Intent with all pertinent

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documents for permitting the project. Cliff Matthews stated that once a new Order of Conditions is issued, the applicant must withdraw one of the Orders of Conditions per DEP policy.

The minutes of the meeting of Feb. 25, 2015 were accepted.

The Commission signed:

Det. Of Applicability BWP-107/35 Pelletier Dr/ removal of five trees/ Fantini
BWP-109/151 Maple Street/ demolition of MaGlockner's Restaurant

Michael O'Herron was recognized for his achievement of the MACC Fundamentals Courses by a letter generated by Mass. Association of Conservation Commissions sent to the Board of Selectmen and copied to the Conservation Commission.

Tom Sexton is now employed by GZA GeoEnvironmental Inc. and has sent us information on the services offered by this company.

Lori Fafard expressed interest in attending the MA COLAP 28th Annual Lake and Pond Management Workshop offered on Saturday April 4th at Worcester State College. Other members of the commission would be conducting site walks that morning and are not available to attend the workshop.

Cliff Matthews mentioned that the Conservation Commission is in receipt of a copy of the FEMA letter sent to the Board of Selectmen regarding RISK Mapping.

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