

**Town of Bellingham
Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of April 8, 2015**

Project: 105-754 & BWP-102
CNOI

Project Description:
Lot 7 B Beechwood Road, sfd, septic

Applicant:
David Doiron
2 Annette Road Suite 2
Foxboro, MA

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

Plans: NOI & Subsurface Sewage Disposal System, Lt 7B Beechwood Rd. 1/9/15, One Sheet
Continuation time: 7:30 PM

Cliff Matthews opened the hearing and Mr. & Mrs. Doiron as well as Bill Halsing were present. Cliff stated that the hearing was opened in January and continued so that the Commission could conduct a site walk when snowy conditions subsided. A site walk was scheduled for Sat. April 11th at approx.

10:00 AM to inspect field conditions and to see if the isolated wetland may be a vernal pool. Cliff Matthews stated that if the wetland delineation is accurate, the Conservation Commission would be prepared to close the hearing at the next continuation. Neal Standley moved to conduct a site walk on Sat. and to continue the hearing to Wed. April 22nd at 8:35 PM. Barry Lariviere seconded the motion and the motion carried unanimously.

Project: BWP-104
RDA

Project Description:
Lake St. to Prospect St. SNET Trail, grading & leveling

Applicant:
Paul Jahnige, MA DCR
251 Causeway Ste 900
Boston, MA

Representative:
Andrea Kendall, LEC Environmental
100 Grove Ste 302
Worcester, MA

Plans: RDA & Plans, Southern NE Trunk line Trail, Bellingham & Franklin, Part 1 of 5, Jan. 2015, Rev. March 27, 2015, 5 Sheets

Neither the applicant nor the representatives were present when Cliff Matthews opened the continued hearing. Cliff stated that Andrea Kendall of LEC requested a site walk for this upcoming Saturday morning at 8:30 AM and a continuation of the public meeting to Wed., April 22nd. Cliff also stated that revised plans have been submitted for review. Commission members reviewed the changes in the revised plans including: vegetation removal at the Lake St. entrance to improve site distance, grading at the trail entrance to reduce the elevation, sediment basin, check dams located every 50 feet from Station 4.00 to the entrance, the inclusion of straw wattles, statement from DCR regarding use of similar material floor material as the Lake St./Center St. portion, a statement from DCR regarding animal waste disposal policy and the turn-around area at Prospect St., in Franklin. Special Conditions suggested by the Commission: that the O & M Plan for the basin provides annual inspection and maintenance and that the animal waste policy as described by DCR must be instituted. Barry Lariviere moved to conduct a site walk on Sat., April 11 at 8:30 AM and to continue the meeting to April 22nd at 8:45 PM.

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Project: 105-749 & BWP-96
C. 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: 8:15 PM

Dan Feeney of Beals and Thomas, Jeff Plante, Gregg Andrews, Scott Krawl and Jared Connell of Borrego Solar were present when Cliff Matthews opened the continued hearing. Cliff Matthews stated that members of the Conservation Commission and the applicant and representatives walked the site on April 4th to review the expanded resource area boundary as defined by the Commission's consultant, Scott Rabideau last January. Cliff stated that at the recent site walk the wetland boundary was determined by soils type. Dan Feeney and the applicants agreed that the "finger" of wetlands as defined by Mr. Rabideau was accurate; however, he has not yet had an opportunity to schedule a survey crew to revise the ANRAD plan. Due to the wetland revisions and the subsequent continued hearing for the solar array system following this hearing, Dan Feeney asked if we could continue the hearing to later this evening. Barry Lariviere moved to continue the hearing to 8:55 PM this evening. Neal Standley seconded the motion that carried unanimously.

Project: 105-756 & BWP-108
NOI

Project Description:
off Farm St. and Beaver Pond
Photovoltaic System

Applicant:
EMC Corporation
228 South Street
Hopkinton, MA

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

Plans: NOI and "Solar Array in Bellingham, Sheets 1-11, Feb. 12, 2015, Stormwater Report
Hearing time: 8:30 PM

Dan Feeney of Beals and Thomas, Jeff Plan, Gregg Andrew, Scott Crawl and Jared Connell were present when Cliff Matthews opened the hearing. Mr. Matthews stated that members of the Commission were on site with the applicant and their representatives on April 4th as stated at the previous ANRAD hearing above. Cliff Matthews stated that we looked at the cart path proposed as the overhead utility connection for the solar array and found that the path was a fully vegetated Red Maple swamp. There is a good potential that a vernal pool exists in the flooded depression in that cart path. He added that the proposed impacts would be about 12,000 square feet for a 400 x 25' swath through the resource area. The Conservation Commission agreed that an Alternatives Analysis should be provided in the NOI to avoid wetland impacts. Dan Feeney suggested that the applicant could reduce

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the 30 foot clearing to 20 feet, but the impacts would still be permanent. Because this is a new electrical line, it does not fall into the exempt category for maintenance under the WPA. Cliff stated that even if the applicant leave the stumps of the trees, there is still permanent alteration due to roadway maintenance and tree clearing for access. Cliff stated that Scott Rabideau, our consultant on site that day, suggests an alternative of underground transmission lines, but the activity would still impact the resource area and the work would have to be performed in a period of low flow. This impact would be more temporary in nature, as after the initial alteration, the area could completely re-vegetate. Dan Feeney added that due to the stony terrain and number of trees on the cart path, it would be difficult to install an underground line. Connecting the line to Hixon St. was another possibility but the applicant argued that the power on Hixon St. is single phase, that the voltage is too low and that poles would have to be placed between existing residential dwellings on Hixon Street. Dan Feeney then stated that there is another alternative to avoid the resource areas by skirting the wetlands. He stated that this alternative would create much more buffer zone impacts and would add approx. 2,100 feet of additional utility line. Mr. Feeney stated that they would quantify buffer zone impacts for that alternative utility path. Cliff stated that we will walk the area once we receive that alternative. Mr. Feeney requested a continuation to April 22nd. Barry Lariviere moved to continue the hearing to April 22nd at 9:25 PM. Brian Norton seconded the motion that carried unanimously

Project: 105-749 & BWP-96
C. 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: 8:15 PM

Cliff Matthews opened the Continued ANRAD hearing from earlier this evening. Barry Lariviere moved to continue to April 22nd at 9:15 PM. Neal Standley seconded the motion that carried unanimously.

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, Narrative and Plan revision March 26, 2015

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Continuation time: 9:00 PM

Barry Lariviere opened the continued hearing. Cliff and Anne Matthews recused themselves from the hearing process. Michele and Rich Keniston and Jared Hatch were present. Jared Hatch presented the larger version of the revised plans for the project as well as the associated narrative dated March 30, 2015. Barry Lariviere stated that elevation contours have been added to the plan as well as the 16 foot proposed fire pit and 22 x 24 foot swing set. Members of the Commission requested that the distances from the water's edge to the fire pit and from the water to the swing set be included in the plan. Jared Hatch stated that he would also include detail on the stone wall (i.e. height and tying into the ground elevation) and the type of landscape timbers in the revised plans or narrative. A Special Condition should also include limiting the type of fertilizer to non-Phosphorous that is allowed for use on the landscaped lawn. Michael O'Herron suggested that Jared correct the timing of the installation of the irrigation system in the Construction Sequence. Michael O'Herron moved to continue the hearing to April 22nd at 9:45 PM. The motion was seconded by Neal Standley and voted unanimously.

Project: 105-757 & BWP-105
CNOI

Project Description:
Lot 1 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 1 Welker Way" Oct. 20, 2014, Revised April 7, 2015, Tree Mitigation narrative March 31, 2015

Continuation time: 9:15 PM

Paul Hutnik of Andrews Survey was present when Cliff Matthews opened the hearing. Cliff stated that we received on copy of the revised plan by email. Paul Hutnik presented four copies of the revised plans dated April 7, 2015. He stated that the revisions include the erosion control line being moved ten feet closer to the dwelling and the notation that tree badges would be installed every 35 feet along the limit of disturbance. The plans also include a notation that additional trees will be planted in the buffer zone as noted in the Tree Mitigation Plan. A Special Condition to be included in the Order of Conditions is that the Conservation Commission consultant will oversee the planting of trees in the Tree Mitigation Plan at the same time that the erosion controls are inspected and before development of the lot. Mr. Hutnik stated that the contractor would construct the roadway and the stormwater management system first and then the individual house lots. Barry Lariviere moved to close the hearing and issue an Order of Conditions. Neal Standley seconded the motion that passes unanimously.

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

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Plans: NOI & "Sewage Disposal System, Lot 2 Welker Way", Oct. 20, 2015, Revised April 7, 2015, Tree Mitigation narrative March 31, 2015

Continuation time: 9:20 PM

Cliff Matthews opened the continued hearing for Lot 2, Welker at Strawberry Estates. Mr. Hutnik presented four copies of the revised plans. Cliff Matthews stated that the same conditions apply to Lot 2 Welker as were described in the Lot 1 hearing process with the same Special Conditions. Mr. Hutnik stated that the revisions also include a deck on the back of the house. Barry Lariviere moved to close the hearing and issue an Order of conditions. Neal Standley seconded the motion that carried unanimously.

Project: 105-636
Informational

Project Description:
23 Fox Run Road -Erosion and retaining wall at sfd

Applicant:
Jacqueline Lees, 23 Fox Run Road

Representative:

Informational Time: 9:30 PM

Jacqueline Less and a male associate as well as an abutter, Tim Crossman, were present. Cliff Matthews began by stating that the Conservation Commission had visited the single family dwelling house lot construction site several times over the past several months and have been very concerned with the erosion taking place at the front of the property along the front of the retaining wall. Cliff stated that last December an email was sent to Peter Lavoie requesting a change in the design of the retaining wall to extend it to the front of the property to address the erosion where water is transporting silt around the wall. At that time, the erosion controls also needed to be corrected and silt needed to be removed from the buffer zone. Cliff stated that over the course of the winter, erosion has taken place at the back corner of the house as well and that fresh silt has been transported along the silt fence at the property's eastern boundary. Jacqueline Lees stated that she is aware of the problems and has taken corrective measures to shore up the haybales. She presented some pictures of the site. Ms. Lees stated that she wants to finish the grading as engineered and then stabilize the lawn so that she does not have to modify the wall. She stated that she had sent an email to the Conservation Commission today and presented a copy of that email. (The email was not received during office hours.) Barry Lariviere stated that we believe that extending the wall at the front of the property will address the constant erosion problems. Mr. Crossland stated that he is receiving water from Ms. Lees' lot on his property. Barry Lariviere presented the GIS overlay for the lot and stated that the water always drained in that direction. That is evident by the contours of the land. Neal Standley stated that pre-existing and post construction drainage must not be different. Ms. Lees stated that Mr. Crossland is cutting wetland vegetation on her lot. She has asked Mr. Gagnon, her contractor, to install haybales at the problem area at the front of the house. She also stated that Peter Lavoie will be out on site confirming the survey and assessing the grading design. She would like to grade and stabilize the yard per the plan. The Commission agreed to let her proceed but Neal Standley stated that if after the final grading, silt continues to pass around the wall, we will need to revisit and repair it (possibly redesign it) to prevent further erosion. Ms. Lees agreed with the strategy.

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The minutes of the meeting of March 11, 2015 were accepted.

The Commission signed:

Orders of Conditions 105-757 & BWP-105/ 1 Welker Way (Lot 1)/sfd/Nava
105-758 & BWP-106/3 Welker Way (lot 2)/sfd/ Nava

Site walks were scheduled for Sat., April 11 for SNETT from Lake St. to prospect St, Franklin. and then Lot 7 B Beechwood Road, sfd.

Anne Matthews met with Michael Lotti, the applicant for a proposed a solar array to be located at the former landfill on S. Maple St, for an informational meeting on his project.

Cliff Matthews reported that Charles Caron is representing the DPW on test boring locations for the water loop project at Locust St. and Wrentham Road. Mr. Caron continues to update the Conservation Commission on the project status.

We have received the Yearly operational Plan for vegetative removal on the Keolis Railroad from TEC Assoc.

Cliff stated that three appointments to the Conservation Commission have not been made for three members of the Conservation Commission (Lori Fafard, Barry Lariviere and Brian Norton) whose terms expired on March 31, 2015. He stated that Town Counsel advice is that this is not a problem. Case law from 1924 in Superior Court stated that if an elected official has not been replaced, he/she can continue to serve until re- election or replacement. The 2001 court applied appointed officials to this case law as policy.

The Commission is also in receipt of a draft filing with FERC for the Atlantic Bridge Project.

The Pine Hollow condo project has been remanded back to the Planning Board by the court.

The Mass. Open Space Conference will be held on Sat., May 9th from 9:30 – 4:00 in Ashburnham.

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