

**Town of Bellingham
Conservation Commission
Municipal Center
Minutes of the Meeting of October 7, 2015**

Informational / Bylaw Review Committee/ Proposed Noise Bylaw Changes for Special Town Meeting of Oct. 14, 2015

Meeting time: 7:30 PM

Jim Dunlea, Larry Sposato, Mike Connor and Jim Kupfer were for an informal discussion the proposed noise bylaw changes that will be presented at the Special Town Meeting on Oct. 14th. The bylaw is similar to the previous bylaw change that was presented and defeated at the Annual Town Meeting in May. Jim stated that current changes include provisions/exceptions for cultural and athletic events and an exception allowing short periods of decibel increases for businesses once per evening (i.e. for shift changes). The last provision in the bylaw is that the scope of the noise bylaw will apply only to the scenic roads in town (Maple Street, High Street and Farm Street). After discussion, Cliff Matthews stated that it is the consensus of the Con Com to support the proposal at the STM. Cliff then asked if the Bylaw Review Committee recommended the proposed changes to the Bellingham Wetlands Bylaw as an article on the STM warrant that adds an exclusion to exempt the town and state from local wetlands bylaw jurisdiction. Mr. Connor replied that it is the Board of Selectmen who are sponsoring the bylaw change and not the Bylaw Review Committee. During the review of the wetlands bylaw, the Review Committee suggested no changes. He stated that someone complained but was not sure who. Mr. Matthews stated that based on past experience, the only town projects Con Com has experience with are DPW projects. He added that the Con Com works with the DPW very closely to issue permits jurisdictional to the local bylaw. In addition, there are provisions in the local bylaw that allow for exemptions, hardships and waivers. Mr. Connor responded that he would speak with Denis Fraine on this issue.

Project: 105-768 & BWP-118
NOI

Project Description:
Old Bridge Lane / Bldgs 3, 4, 5 of Maplebrook Condos

Applicant:
Longview Realty Trust
120 Quarry Drive
Milford, MA

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

Plans: NOI & Plans "Maplebrook Condominiums Overall Development Plan" "Maplebrook Condominiums Units 3 thru 5" dated August 5, 2015; rev 10/6/2015

Continuation time: 7:50 PM

Cliff Matthews opened the continued hearing. Bob Poxon submitted copies of the revised plan dated 10/6/2015. He stated that the new plan includes revisions to the wetland boundary, improvements to the runoff from the driveways, the addition of roof drains, offsets measuring the distances from the road to two of the three buildings and offsets for all three buildings to the wetland boundary. He stated that due to the updating of the wetland boundary, building #5 had to be moved closer to the road in order to move the grading behind the unit out of the 25 Foot No Disturb Zone. Cliff asked Bob Poxon to add the offset from the middle building to the street as it was not included on the plan. Mr. Poxon also stated that he adjusted General Note #5 and added Note #10 which states that the silt fence remaining from the previous application has to be removed at the time of new construction. He spoke with the Planning Board and confirmed that a Planning Board review will not be required. Stockpiling will not

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take place on the site. After discussion, Mr. Poxon will revise the plans to include the addition of a second row of erosion control on the top of the slope at the rear of the buildings and will add haybales at the driveway locations to keep runoff from the road from entering the site. The Con Com asked Mr. Poxon to removed General Note #4 from the plan as requested previously. Poxon stated that he added rip rapped aprons to the driveways and added detail on the silt sack that is proposed for the erosion control. Cliff Matthews stated that several members of the Con Com had walked the site the previous Saturday and found a significant change to the wetland boundary that was confirmed over 15 years ago including a potential vernal pool. The newly revised wetland boundary has been included on the revised plan. Mr. Poxon also agreed to add detail on the plan showing the location of structures (placed every 50 feet) that will hold No Disturb Zone badges. Cliff Matthews requested a tree mitigation plan again and suggested that trees of similar species on the site could be incorporated into a landscape plan. A Special Condition will include that the proposed 2:1 slope at the rear of the buildings must be stabilized with hydro seed. Mr. Poxon will also add erosion control around the catch basins in the road to the plan. Neal Standley moved to continue the hearing to October 28th at 8:00 PM. Shawn Wade seconded the motion that carried unanimously.

Project: 105-761 & BWP-111
CNOI

Project Description:
Countryside Road / Pine Hollow Condos

Applicant:
Alan Nash
181 Congress Street
Milford, MA

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

Plans: NOI & "Pine Hollow Estates" Sheets 1 through 18, revised March 30, 2015 and Draft Conservation Restriction Documents for Parcel 1, 2 & 3 and Draft Conservation Restriction Plans, 9/28/2015

Continuation time: 8:20 PM

Cliff Matthews opened the continued hearing. Mr. Poxon said that that the applicant is working with MESA on the Conservation Restriction and presented three copies of the draft CR Plan and Deeds. He stated that Brian Maddon of LEC is involved with the submittals to MESA on behalf of the applicant. The Con Com asked for a copy of the Baseline Documentation Survey that is referenced in the draft deed as "Exhibit B" in the two draft CR deeds. Cliff Matthews stated that the Con Com needs to fully understand all MESA requirements in the CR before accepting the CR especially if maintenance and monitoring of habitat for the target species is required. The Con Com also requested a copy of the MESA Conservation and Management Permit as submitted by LEC to MESA. Mr. Poxon then discussed the draft CR plans and explained that there are three separate areas identified by MESA on the site (one on the westerly side, one on the land surrounding the proposed condos and the third, a ten acres side on the south side of the property) that will require protection. He added that only 6 – 7 acres of the 25 acres of the site will be utilized for development of the condo units with the balance preserved under CR. Mr. Poxon stated that the CR plans still need to be stamped and recorded. Moving onto the site plan development, Cliff Matthews requested detail on the proposed retaining wall on the southwesterly side of the condos. Poxon agreed to pull it out of the 25 foot No Disturb Zone. He responded that the wall will probably be a Versa-Lock wall and will add the detail to the plan. Mr. Poxon reviewed the soil testing results for areas around the proposed septic system because he did not have witnessed soil tests

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performed yet. Cliff then asked Mr. Poxon to modify the design of the basin on the southerly side wall to pull it inside the existing 284 foot elevation so as not to disturb the existing natural berm at that location. Poxon said that he will rework the grading on the basin and will confirm that the basin will still handle the 100 year storm event. In addition, Mr. Poxon indicated that the basin would be used as a settling basin during construction and agreed to add detail to the plan that the basin will be cleaned, excavated to approved grade, and returned to good condition upon completion of the project. This will be a Special Condition (SC) in the Order of Conditions. The Con Com had requested that No Disturb Zone badges be placed along the 25 foot NDZ. Mr. Poxon explained that the CR plans and deeds call for badges along all the CR boundaries although he did not indicate who would be responsible for installing them (another SC). Neal Standley then moved to continue the hearing to Nov. 11th at 7:30 PM with Shaw Wade seconding the motion that carried unanimously.

Project: 105-764 & BWP-115
NOI

Project Description:
Locust St. to Wrentham Road water loop and
Benelli Street to Central Boulevard water loop

Applicant:
Don DiMartino, DPW Director
26 Blackstone Street
Bellingham, Ma

Representative:
Kendra White, BETA Group
315 Norwood Park South
Norwood, MA

Plans: NOI & Plans “Town Water Main Projects” Locust St.” Sheets 1-10 July 2015 AND Plans, “Existing Conditions Benelli St. to Central Blvd. 4/28/2015 and Existing Conditions Locust St. 2/25/2015: Letter from Natural Heritage 8/6/15, letter withdrawing the Locust St. portion of the project August 25, 2015; Letter retracting withdrawal letter; De-Watering Plan; Waiver Requests

Continuation time: 8:50 PM

No one from the public was present for the opening of the continued hearing. Mr. Matthews stated that all of the information had been presented and all revised plans received. He added that resource area impacts on Locust St. had been substantially reduced now that horizontal directional drilling is proposed under the BVW and Bungay Brook. He added that if the HDD is not successful in this area then the Locust St. water loop project must be abandoned. Neal Standley moved to close the hearing and sign the Order of Conditions. Michael O’Herron seconded the motion and the motion carried unanimously by the three members voting (Neal Standley, Michael O’Herron and Cliff Matthews.)

Project: 105-769 & BWP-120
CANRAD

Project Description:
Off Hixon Street – resource area delineation confirmation

Applicant:
Greg Carey, Clean Energy Collective
146 W. Boylston Drive
Worcester, MA

Representative:
Russ Waldron, Applied Ecological Sciences
PO Box 184
Norfolk, MA

Plans: ANRAD & plans, “Limited Boundary and Topographic Plan, Hixon St.” Sheet PL-1, Aug. 14, 2015, Rev. 8/17/2015, rev. 10/5/2015

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Continuation time: 9:00 PM

Russ Waldron of AEI was present when Cliff Matthews opened the continued hearing. Also attending the hearing were four abutters. Mr. Waldron stated that the Con Com had walked the site and approved the wetland boundary a few weeks ago. He added that subsequent to that walk, a wetland scientist from Beals and Thomas was on site to develop a Wildlife Habitat Evaluation as required under the WPA for projects that require wetland crossings and/or alternatives. While on site, that person questioned the soil samples along the wetland boundary at wetland flags 300 and 186 and, contacted Mr. Waldron to re-delineate the boundaries in question. Mr. Waldron stated that the revised plan includes the changes made to those areas. Mr. Waldron then asked the Con Com to schedule a site walk to confirm those changes. Cliff Matthews then answered questions raised by some of the abutters relating to wetland and procedural issues. Neal Standley moved to conduct a site walk on Sat. ., Oct. 24th at 8:00 AM and to continue the hearing to Oct. 28th at 8:30 PM. Shawn Wade seconded the motion that carried unanimously.

Project: BWP-122
RDA

Project Description:
1010 South Main Street – septic system repair

Applicant:
Walton Webson
1010 South Main St.
Bellingham, MA

Representative:
James Nieva, Dunn McKenzie Inc.
206 Dedham Street
Norfolk, MA

Plans: RDA & “Title V Sewage Disposal Upgrade for an Existing Five Bedroom Dwelling” Aug. 24, 2015”

Meeting Time: 9:10 PM

Jim Nieva and Russ Waldron were present for the opening of the meeting. Mr. Nieva stated that the existing five bedroom home is in need of a Title V upgrade to the septic system. He stated that the work is proposed outside the 100 foot buffer zone but is within the 200 foot buffer to the intermittent stream. Russ Waldron delineated the resource area. Anne Matthews stated that she had visited the site to inspect the wetland boundary and found it to be accurate. Cliff Matthews then read the proposed Special Conditions which included notifying the Con Com to inspect the erosion controls before work begins, to remove grass clippings and brush in the 25 foot No Disturb Zone and to post No Disturb Zone badges at the 25 foot NDZ boundary (metal fence posts may be utilized for the postings.) Michael O’Herron moved to issue a Negative Determination with the suggested Special Conditions. Neal Standley seconded the motion that carried unanimously.

The Commission voted to sign:

Order of Conditions: 105-764 & BWP-115/ Benelli – Central Bvd & Locust –Wrentham Rd.
Water loops (HDD & open trenching)/ DPW/

Det. Of Applicability BWP-122/ 1010 South Main Street/ Septic Repair/ Webson

Certificate of Compliance 105-636 / 3 Fox Run Road/ sfd & septic/ Lees
105-547 / 84 Pine Grove Avenue /sfd & sewer connection

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Cliff Matthews presented the proposed new Chapter 40B project for Post Office Place as presented at the Board of Selectmen's meeting of Oct. 5th. In lieu of the seven lot subdivision, the applicant is proposing two four story buildings containing 45 rental units each for a total of 90 units. The units would be one, two and three bedroom units and would have 153 parking spaces. Mr. Matthews stated that access road and stormwater basin have been constructed under the previous seven lot subdivision proposal. The applicant must file a new Notice of Intent under the Wetlands Protection Act with the Conservation Commission since it is a substantial change to the original filing.

Aquatic Control Technology was on site at Silver Lake on Monday, October 5th to treat invasive Phragmites located at the beach area. The project is under contract with the Town of Bellingham.

Members of the Conservation Commission discussed strategies for the on-going violation at Silver Lake regarding a decrepit and decaying gazebo structure located on the water of the lake. The Conservation Commission has made several attempts for the past year and a half with the owner and his representatives for the removal of the structure with no results. The property owner at 29 Dupre now states that he may not claim responsibility for it. The town may have to take action but access to the structure must take place from his property. The town will seek a Memo of Understanding with the owner to utilize his property to remove the structure immediately. The Conservation Commission will have to issue enforcement action against the party removing the structure to expedite its removal. The Enforcement Order would contain special conditions, i.e. booms to contain broken debris resulting from removal, erosion control to stabilize as much of the bank as possible, use of machinery from the shoreline (with swamp mats if necessary), stabilization or grading/leveling of ruts from equipment upon completion.

Attending the meeting were: Cliff Matthews, Neal Standley, Michael O'Herron, Shawn Wade and Anne Matthews as Administrator/Clerk.