

**Town of Bellingham
Conservation Commission
Municipal Center
Minutes of the Meeting of October 28, 2015**

Project: 105-766 & BWP-117
NOI

Project Description:
119 South Maple Street – 3.1 MW Solar Photovoltaic System in BZ

Applicant:
Andrew Bernstein, Kearsarge
480 Pleasant Street, Suite B110
Watertown, MA

Representative:
Michael Lotti, Innovative Engineering Solutions
15 Spring Street
Walpole, MA

Plans: NOI & Plans: “Bellingham Landfill Solar Generation Station”, Cover Sheet, Sheets C1-C10, July 7, 2015, Draft Preliminary Plans Oct. 2015

Continuation time: 8:30 PM

Michael Lotti, project engineer and contractor, was present when Cliff Matthews opened the continued hearing. Mr. Lotti presented a draft preliminary plan reflecting revisions made to the proposal to date. These changes include moving the northwest array out of the riparian zone, moving of the southwest array out of the buffer zone and a reduction in size of these two arrays. Mr. Lotti stated that notes on the plan specify areas of tree removal and tree trimming. He also presented locations of proposed modified detention basins and noted that the infiltration basin will no longer be located within the riparian zone. Mr. Lotti is working with his engineer to develop revised stormwater calculations and stormwater report reflecting the change for treating post stormwater runoff of the solar arrays as impervious surfaces as recommended by DEP. Mr. Lotti stated that he hopes to have the final revised plans and reports by Friday, November 6th in order to meet the Planning Board deadline for the continued hearing of Nov. 12th. Tom Houston, Planning Board peer reviewer, will then review and comment. Cliff Matthews stated for the record that a majority of the members of the Conservation Commission were on the site on Saturday, Oct. 24th to assess the proposed trees slated for removal in the buffer zone. Mr. Lotti explained that there are two stormwater maintenance plans for the project, one for the solar array maintenance and one for the maintenance of the basins. Cliff Matthews mentioned that if appropriate, the Conservation Commission would require that the fencing around the basins be raised eight inches off the ground to allow for amphibian passage. Mr. Lotti stated the applicant does not intend to upgrade the existing road but it will be assessed after each use and maintained as needed. Cliff Matthews stated that the road passes near the vernal pool and indicated that that section of the road would have double staked haybales to protect the pool. Mike Lotti stated that he would be the environmental monitor for the site and would submit monitoring reports every two weeks once construction begins. Mike Roche moved to continue the hearing to November 11th at 8:00 PM. Motion was seconded by Sean Wade and voted unanimously.

Project: 105-768 & BWP-118
CNOI

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

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Plans: NOI & Plans “Maplebrook Condominiums Overall Development Plan” “Maplebrook Condominiums Units 3 thru 5” dated August 5, 2015; rev 10/15/2015

Continuation time: 8:00 PM

Cliff Matthews opened the continued hearing. Bob Poxon submitted copies of the revised plan dated 10/15/2015. He stated that the new plan includes erosion control at the top of the slope at the rear of the proposed buildings, erosion control at the roadway to the site and silt sacks have been added around the catch basins on Old Bridge Lane. In addition, he added 4 x 4 post at fifty foot intervals at the limit of disturbance that will be posted with No Disturb Zone badges, detail on the roof drains has been added, silt sack detail has been added, he removed notes on the plan that were not relevant to the project, added Notes 11 (to remove old silt fence from the site) and #12 placement of No Disturb Zone posts, updated the legend and added the offset from the road to building #3. There were no further comments. Neal Standley moved to close the hearing and issue the Order of Conditions. Motion was seconded by Brian Norton and voted unanimously.

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

Continuation time: 8:30 PM

Russ Waldron, Greg Carey and five residents were present when Cliff Matthews opened the continued hearing. Cliff Matthews stated that the Conservation Commission had conducted a site walk in late September to verify the resource areas on the site. Because the proposed project requires wetland crossings, the applicant’s second wetland consultant, while on site beginning to generate a wildlife assessment, questioned the accuracy of the reviewed wetland boundaries in the wetland crossing areas. A revised plan was subsequently created based not only on the vegetation but also on hydric soils. The revised plan was then submitted to the Conservation Commission for review at the last continuation of Sept. 23rd along with a request to revisit the wetland boundary. Mr. Matthews stated that members of the Conservation Commission visited the site on Sat., Oct. 24th to review the new delineation. Two areas off Hixon St. at the 250 foot contour and an area off Valleyview Road were changed. The revised plan as submitted now reflects the modified resource areas. Mr. Matthews explained that many soil plugs were analyzed on site and vegetation and hydrology were also utilized to confirm the new wetland boundaries. Some residents expressed concern about the use of the resource areas for that proposed development as depicted in the color green on the ANRAD plan. Cliff Matthews stated that the development plan has not been submitted to the Conservation Commission or Planning Board yet. He added that no activity may take place within the resource areas. In addition, no activity may take place in the 25 foot No Disturb Zone to the edge of the bordering vegetated wetlands, including cutting of trees, etc. Greg Carey stated that once he has the development plan, he would like to schedule a neighborhood meeting with Valleyview and Hixon St. residents to explain what

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the proposal includes. Professional standards, zoning issues, Planning Board issues and Conservation Commission issues must all be addressed during the hearing processes. Mr. Matthews stated that a wildlife habitat evaluation must be performed in order for the applicant to meet the Performance Standards of the Wetlands Protection Act. Mr. Carey estimated that only seven of the 30 plus acres would be used for solar panels. He stated that he is currently working on a conceptual plan that he may provide to the Planning Board and the Conservation Commission. The access issue is also a zoning issue and would be addressed in the Planning Board hearing process. Neal Standley moved to close the hearing and issue an Order of Resource Area Delineation based on the revised plan of Oct. 15, 2015. Motion was seconded by Lori Fafard and carried unanimously.

Project: BWP-123 Only
RDA

Project Description:
New England Power Right of Way off Farm Street
Replace insulators on Structure #451

Applicant:
New England Power
40 Sylvan Road
Waltham, MA

Representative:
Theresa Portante, BSC Group, Inc.
33 Waldo Street
Worcester, MA

Plans: RDA & Base Map & Environmental Data, Oct. 2015 & USGS Site Locus Map

Meeting time: 8:50 PM

Cliff Matthews opened the meeting. Neither the applicant nor the applicant's representative were present. Mr. Matthews stated that he would like to suggest continuing the meeting to later this evening in order to allow the applicant to provide input to the meeting. Neal Standley moved to continue the meeting to 9:50 PM the same evening. Shawn Wade seconded the motion that carried unanimously.

Informational: Ronald Lussier/ Benelli Street lot

Mr. Lussier was present when Cliff Matthews stated that the informational meeting was requested by Mr. Lussier in order to discuss the wetland issues with his lot on Benelli. St. Mr. Lussier is currently proposing a single family dwelling on the lot and has had a surveyor field determine the elevations on the site which have been incorporated onto the plan. The lot was once two lots and the town consolidated the two lots because the larger one had no access. Mr. Lussier stated that once the two lots were consolidated by the town, it presented zoning issues and some conservation commissions issues for Mr. Lussier. Resource areas on the site include Bordering Vegetated Wetlands, Special Flood Hazard Area, Estimated Habitat and Riverfront Areas. Cliff explained to Mr. Lussier that he should have a professional determine the Mean Annual High Water Mark of the river in order to more accurately determine the actual edge of the Outer Riparian Zone to the river. Mr. Lussier stated that he presently meets the 90% Rule definition to Zoning for residential zoning and was concerned that if he had a larger Riparian Zone quantified, he would no longer meet that criteria. He would then have to file with the Zoning Board for a variance. After discussion with the commission, Mr. Lussier stated that he would pursue speaking with his engineer or wetland scientist in order to provide more accurate resource areas boundaries.

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Project: 105-771 & BWP-124
NOI

Project Description:
1422 Pulaski Boulevard – septic system repair

Applicant:
John Piccinin
1422 Pulaski Boulevard
Bellingham, MA

Representative:
Paul DeSimone, Colonial Engineering Inc.
11 Awl Street
Medway, MA

Plans: NOI & Plans “Proposed Sewage Disposal Plan, 1422 Pulaski Boulevard, August 3, 2015

Hearing Time: 9:10 PM

Chairman Matthews opened the hearing. No one from the public was present. Cliff stated that DEP has not yet issued a file number for this project. In addition, the check for the cost of the legal classified ad has not been received. Cliff suggested that the Commission review the plan even though no one was present. Members of the commission reviewed the plan for the proposed repair of a septic system that is located in the 100 foot buffer zone. The applicant has requested a local waiver from the water table 3 feet in lieu of 4 feet. Anne Matthews reviewed the wetland boundary as delineated on the plan and found it to be accurate. Staked straw wattles are proposed for erosion control. A note on the plan does state that no material is to be stockpiled in the 100 foot buffer zone. Neal Standley moved to continue the hearing to Wed., Nov. 11 at 9:00 PM. The motion was seconded by Brian Norton and voted unanimously.

Project: 105-774 & BWP-125
NOI

Project Description:
10 Cutler Street – septic system repair

Applicant:
Kevin Overshiner
10 Cutler Street
Bellingham, MA

Representative:
Paul DeSimone, Colonial Engineering Inc.
11 Awl street
Medway, MA

Plans: NOI & “propose Sewage Disposal System, 10 Cutler St., Bellingham”, August 3, 2015

Hearing Time: 9:30 PM

Cliff Matthews opened the hearing for a septic system repair at 10 Cutler Street. No one from the public was present. The proposed system is located in the 100 foot buffer zone and also within the 200 foot Outer Riparian Zone from the Charles River. The Charles River is located on the opposite side of Cutler Street. A shed is proposed for removal in order to make room for the new leach field. Mulch tube is proposed for erosion control near the 50 foot buffer zone. The site has town water. Anne Matthews reviewed the delineated wetland boundary and found it to be accurate. She made no other recommendations for the Order of Conditions. DEP has not yet issued a file number for this submittal and therefore, Mike Roche moved to continue the hearing to Wed., Nov. 11 at 9:10 PM. The motion was seconded by Lori Fafard and voted unanimously.

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Project: 105-772 & BWP-126
NOI

Project Description:
1451 Pulaski Boulevard – septic system repair

Applicant:
Thomas Steeves, EFB White Corp.
15 Chase Street
Bellingham, MA

Representative:
Paul DeSimone, Colonial Engineering, Inc.
11 Awl Street
Medway, MA

Plans: NOI and “Proposed Sewage Disposal System, 1451 Pulaski Boulevard, Sept. 15, 2015”

Hearing time: 9:45 PM

Cliff Matthews opened the hearing for a septic system repair proposed at 1451 Pulaski Boulevard. DEP has not yet issued a file number for this project and no one from the public was present. The septic system is located within the 100 foot buffer zones to two separate wetland systems, one on the opposite side of Pulaski Boulevard and one behind the dwelling. The applicant is requesting local waivers from water table of three feet in lieu of four feet and a waiver to grade within five feet of the road right of way. Anne Matthews was on site to inspect the delineation and found it to be accurate. However, it was recommended that the crumbling shed, cement slabs and grass clippings in the resource area be removed and the boundary posted with five to six “No Disturb Zone” badges when the system was being upgraded. Neal Standley moved to continue the hearing to Wed., Nov. 11 at 9:20 PM. Motion was seconded by Shawn Wade and voted unanimously.

Project: BWP-123 Only
RDA

Project Description:
New England Power Right of Way off Farm Street
Replace insulators on Structure #451

Applicant:
New England Power
40 Sylvan Road
Waltham, MA

Representative:
Theresa Portante, BSC Group, Inc.
33 Waldo Street
Worcester, MA

Plans: RDA & Base Map & Environmental Data, Oct. 2015 & USGS Site Locus Map

Continuation time from 8:50 PM this evening: 9:50 PM

Neither the applicant nor the applicant’s representative was present when Cliff Matthews opened the continued meeting for the replacement of insulators at Structure #451 located within resource areas. The project is filed under the local bylaw only. Cliff stated that a majority of the members of the commission walked the site with Theresa Portante of BSC Group on Sat., Oct. 24th to review the wetland delineation. The access road traverses Bordering Vegetated Wetlands (BVW) in two places where swamp maps are proposed for vehicle access. Swamp mats will also be utilized to access Structure #451 located within the Riverfront Area, BVW and the Special Flood Hazard Area. The applicant will adhere to Best Management Practices as outlined in the project description of the Request for Determination and in New England Power’s maintenance program. Cliff Matthews read the proposed Special Conditions (SC). Neal Standley then moved to close the meeting and to issue a Negative Determination under the local bylaw with the Special Conditions discussed. Lori Fafard seconded the motion that carried unanimously.

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Shawn Wade and Mike Roche asked the members of the commission if they would consider creating a Face Book page for the Conservation Commission. He stated that the purpose of the Face Book page would be to make an effort to counteract any negativity that sometimes occurs from the uninformed public on the internet. Both Shawn and Mike are interested in creating a positive and informative format in presenting information about the mission, tasks, duties and accomplishments of the Conservation Commission. Lori Fafard stated that this should never become a place for residents to post complaints or discuss specific projects and that any other issues should be directed to the Conservation Commission office. After some discussion, Neal Standley moved to create a subcommittee of the Conservation Commission to establish a Face Book page for the Conservation Commission. Lori Fafard seconded the motion that carried unanimously. Cliff Matthew commended the two new members on this innovative approach to public outreach. He added that this may be the very first Conservation Commission web page ever created and that if successful, he encouraged Shawn and Mike to present the idea to Mass. Association of Conservation Commissions at the annual meeting in March 2016.

The Commission signed:

Order of Resource Area Delineation 105-769 & BWP-120/Hixon St/Clean Energy Collective
Determination of Applicability / BWP-123/ New England Power easement off Farm St. /
replace insulators

Certificate of Compliance 105-530 / 44 David Road/ Flaherty/ septic repair
105-734 & bWP-74 /281 Lake St/Matkowski/sfd

Anne Matthews reported that the culvert replacement at Caroline Drive is now complete. John Rhoads of Professional Services Corp. has recommended that erosion control remain in place until the spring in order to keep the site stabilized.

Chairman Matthews presented an update on the decrepit gazebo located on Silver Lake. Cliff stated that the Conservation Commission has attempted for nearly two years to have the owner remove the failing structure that is falling into the lake owned by the town. He added that ever since the town purchased the property, this structure has been floating on the lake. The owner of record for the property has now disputed ownership of the structure and signed a Right of Entry with the town so that the town would be able to access the site to remove it. Acting on advice of Town Counsel, a letter was written to Denis Fraine regarding the immediate removal of the structure and conditions that had to be met for its removal. Cliff then read the letter dated Oct. 19th written to Denis that requests immediate action with conditions. He then presented a copy of the signed contract between the town and F.E. Morse Enterprises, Inc. for the work. Commission members agreed with the decision not to issue any enforcement action against the town. Michael O'Herron requested that once the project is complete, that the Conservation Commission write a letter to Denis thanking the town for its cooperation but also stating that this was an emergency situation which was the reason that the Commission did not require a filing.

Anne Matthews explained the process of applying for grant money for land acquisitions under the "LAND" (Land Acquisitions for Natural Diversity) program of The Dept. Of Energy and Environment. A Conservation Commission of any municipality in the state of Massachusetts may apply for open space grant money provided there is a valid Open Space Plan for that municipality. Bellingham's Open Space Plan will expire in January 2017. It was the consensus of the members of the commission to plan on updating that document in the upcoming year.

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Attending the meeting were: Cliff Matthews, Neal Standley, Michael O'Herron, Lori Fafard, Shawn Wade, Brian Norton, Mike Roche and Anne Matthews as Administrator/Clerk.