

**Bellingham Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of April 12, 2017**

Project: 105-799 & BWP-162
ANRAD

Project Description:
Off Plymouth Rd, Mohawk Path, Sunken Meadow, Franklin

Applicant:
Ed Gately
6 Pine Street
Bellingham, MA 02019

Representative:
Paul DeSimone, Colonial Engineering Inc.
11 Awl Street
Medway, MA 02053

Plans: ANRAD & “Plan of Land in Bellingham, MA for Edward Gately”, Sheets 1 & 2, 2/24/2017

Continuation time: 7:30 PM

Cliff Matthews opened the ANRAD hearing. Ed Gately, Paul DeSimone and five abutters were present. Mr. DeSimone stated that the purpose of the filing is to confirm delineated resource area boundaries on the site. These include Bordering Vegetated Wetlands and the 200 foot Riverfront Area. He stated that the top of bank and flood zone are also noted. Mr. DeSimone also stated that Ivan Szilassy delineated the resource areas in January and that he would provide a map with contours as the project moves forward. Cliff Matthews stated that when the subdivision plans are ready, we will ask for copies of all the Franklin permits for the project. Cliff then suggested that we schedule a site walk which may take a couple of hours. There were no questions from the abutters other than information on the site walk and continued hearing dates and times. Shawn Wade moved to conduct a site walk for this Saturday, April 15th at 8:00 AM and to continue the ANRAD hearing to April 26, 2017 at 8:00 PM. Motion was seconded by Michael O'Herron and passed unanimously.

Project: 105-800 & BWP-158
CNOI

Project Description:
190 Farm Street
Clearing of Industrial land to store asphalt materials

Applicant:
Erin Landry, Asphalt Eng. Inc.
19b South Maple Street
Bellingham, MA 02019

Representative:
Mark Allen, Allen Engineering LLC
2 Willowbrook Lane
Mendon, MA 01756

Plans: NOI & Bulk Storage Site Plan Asphalt Engineering, 190 Farm St., Sheets 1-5, Jan. 18, 2017 Memorandum from Allen Engineering, five sheets, March 15, 2017, Response Letter(to PSC peer review of 2/22/17) Bulk Storage Permit #2 Allen Engineering dated 4/5/2017 & PB Waiver Request 4/7/17, “Bulk Storage Site Plan Revised 4/5/2017 5 Sheets, 4/11/2017 email Formal submission of 3 additional test pits Erin Landry

Continuation time: 7:50 PM

Cliff Matthews opened the continued hearing with Mark Allen, Erin Landry and Nate Moreland attending. Mr. Matthews stated that there are two components to the filing; one to confirm the resource areas on the site (BVW, Riverfront, Flood Zone and Vernal Pools) and two, to review the developmental proposal for the roadways and stormwater management system. He stated that one year ago, he had suggested to Ms. Landry to file an ANRAD in order to confirm the resource areas on the site. He added that the applicant proceeded with filing a Notice of Intent, which is perfectly acceptable, however, the resource areas must still be confirmed.

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Cliff stated that the commission has confirmed that the BVW and Flood Zone are accurate. However, he noted that Mr. Allen had labeled the water level of the vernal pools on the plans as the extent of the pools, however, it is the determination of the Commission that the edge of the wetland at the vernal pools is the boundary of the vernal pools. Cliff then stated that he and Jim Kupfer had walked the site last Friday, April 7th, to review the Mean High Annual Watermark (MHAWM) of the Riverfront. They had discovered that the MHAWM must be extended several additional feet to the west based on field investigations of water flow. He added that he had asked Mr. Allen to have Sage Env. mark that boundary and then contact the Commission for review, but he has not heard from Sage up to this point in time. Mr. Allen stated that there are possibly four vernal pools (VP) on the site including one in Medway. He stated that his design has provided the 100 foot no touch boundary to the VP in Medway and the 50 foot no touch in Bellingham. Cliff reminded Mr. Allen to revise the plans to correct the boundary of the vernal pools and to calculate the new 50 foot no touch in Bellingham on the plans. Mr. Matthews also requested that a 20 scale plan be provided of the "pinch-point" of the proposed road and stormwater system near the vernal pool so that the distances and elevations are more easily defined. He then added that permitting this project may not be permissible if the Performance Standards cannot be met. He stated that the Conservation Commission needs the necessary time to completely evaluate the required information in order to issue a denial or permit while considering every scientific, engineering and legal aspect of the project. He stated that it is difficult to review information that is being sent in late. Also, although the hearing has been opened for a couple of months, he stated that this is really the first review for the Commission. Mr. Allen responded that he submitted the NOI and plans for review in Feb. and that he has provided plan revisions (4/5/2017) after his first response to PSC's peer review of 2/22/2017. Mr. Allen then stated that Mr. Matthews had trespassed on the property to obtain MHAWM information. Mr. Matthews corrected Mr. Allen by reminding him that by filing with the Commission, we have the right to enter the property to gather necessary information. Mr. Matthews stated that as a courtesy, he would notify Ms. Landry the next time he was to go on site. Ms. Landry then stated that she is not a builder and has been spending time and resources on working with the towns of Medway and Bellingham. Cliff then stated that it is the normal procedure for the Commission to go over the peer review item by item with the applicant and to request additional information of the applicant that may not be included in the peer review. Regarding the Riverfront, Cliff stated that the flags must be revised and the impacts to the Riverfront must be calculated. He added that the 50 foot No Disturb Zones for the vernal pools must be clearly visible on the plans. Four foot separation to groundwater must be met for the basins. Regarding the stormwater management system, several items must be provided. These include a mounding analysis, frozen conditions analysis, and 25 year storm event calculations. Peer reviewer, Tom Houston, added that it is clearly the commission's prerogative to require a mounding analysis and that based on the 48 inches of separation to groundwater required in the Water Resource District, even a six inch mound could violate the 48 inch threshold. Mr. Matthews then stated that the basins are being constructed above the ground with 2:1 side slopes instead of 3:1 side slopes. Mr. Houston stated that the slopes should have a 15 foot expanse instead of the proposed 8 foot expanse based on information in the stormwater handbook in order to provide maintenance access. Mr. Allen responded that it would be difficult to achieve this goal due to the VP. He also stated that he requested a waiver for the on-the-ground construction of the basin with the Planning Board. Cliff responded that the proposed side slopes have a design compaction issue and must be constructed with proper materials. Mr. Houston stated that there is a substantial change to the stormwater system than was originally proposed. He suggested that the design of the BMP's be reversed to have deep sump

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catch basins with hoods upgradient of the forebays. The berms separating the forebays from the infiltration basins should be replaced with permeable trap rock berms in order to achieve the 44% TSS removal rate. Mr. Houston also stated that there are no provisions for containment of fuel spills, that the Fire Dept. should provide comment on the project, that 3 test pits should be provided for each of the three basins, the O & M Plan be revised, that a mounding analysis should be provided, and that the basins do not currently have fencing proposed around them. Mr. Allen stated that the applicant has requested a waiver to the fencing. Neal Standley stated that the Conservation Commission usually defers to the Planning Board for basin fencing. Michael O'Herron stated that there is currently no containment proposed for the asphalt materials. Tom Houston also stated that he is concerned about the literature regarding ABC rubble and anticipates that the design revisions would address protection of water quality in this sensitive water resource area proximate to the town well sites. Mark Allen stated that the applicant is currently applying with MA DEP for a land use permit. Mr. Matthews stated that the state permit should be received before a permit from the Conservation Commission. Brian Norton noted his concerns with dust from asphalt materials creating the potential for ground water contamination. Mr. Moreland stated that no dust is visible and that crushing takes place on the site only five days a year. Mr. Houston requested more formal documentation on the subject. Mr. Houston will attend the next continuation. Neal Standley moved to continue the hearing to April 26th at 8:30 PM. Michael O'Herron seconded the motion that carried unanimously. Ms. Landry then expressed her concern that she believed that all of the requested information could not be provided by that date and asked the board to extend the continuation date. Neal Standley then moved to reconsider the previous vote which was seconded by Mike O'Herron and voted unanimously. Shaw Wade then moved to continue the hearing to May 10th at 7:45 PM, seconded by Mike Roche and voted unanimously.

Project: BWP-163
RDA

Project Description:
454 Center Street – septic system repair

Applicant:
Richard Guilbert POA
2590 Channel Way
Kissimmee, FL 34746

Representative:
Seth Lajoie & Associates
PO Box 506
Charlton City, MA 01508

Plans: RDA & plans, Sewage Disposal System, 454 Center Street, Bellingham, MA, 3/20/2017

Hearing time: 8:00 PM

Cliff Matthews opened the hearing for a septic system repair located in the buffer zone to Bordering Vegetated Wetlands at 454 Center Street. Seth Lajoie, the applicant's representative, stated that the leach field is located outside the buffer zone however, the newly proposed tank and distribution box are located in the buffer zone due to the location of the existing connections at the dwelling. Cliff stated that Anne Matthews accompanied by George Holmes were on site the previous week and noted that a large pile of tree branches, yard waste and piping should be removed from the site. The sediment and erosion control are currently in place and grading is limited. Special Conditions include the inspection of the siltation controls, clean-up of the debris pile and stabilization of the site once the work is completed. Shawn Wade moved to close the meeting and issue a Negative Determination under the WPA and the Bellingham Wetlands Protection Bylaw with Special Conditions. Brian Norton seconded the motion that carried.

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Project: 105-801 & BWP- N/A
NOI

Project Description:
Cross Street Layout
Water main installation, Street reconstruction, and
Pavement rehabilitation

Applicant:
Don DiMartino, DPW
26 Blackstone Street
Bellingham, MA 02019

Representative:
John Rhoads, Professional Services Corp. (PSC)
Ten Lincoln Road, Suite 201
Foxborough, MA 02035

Plans: NOI & "Cross Street –Lake St. to Blackmar St., Bellingham- Water Main Construction and Side slope Safety Improvements Contract 2017-CSWM, Feb. 17, 2017"

Hearing time: 8:45 PM

John Rhoads of PSC and Donald DiMartino were present when Cliff Matthews opened the NOI hearing. Mr. Rhoads began by stating that he has submitted a copy of the filing to Natural Heritage and is awaiting the response that is due within 30 days as to whether there is a taking for the Brook Lamprey. DEP noted on the file number sheet that they would recommend some type of water quality improvement if possible at the site. Mr. Rhoads introduced the project location on Cross Street. He stated that John Rockwood had delineated the resource areas (BVW and buffer zone, Riverfront to Hoag Brook with its MAHWM and Flood Zone). He stated that the applicant has met with Marcia Crooks to acquire a temporary grading easement along Cross St. that would provide additional width to the road as well as providing safety and site distance. Erosion control will be installed to protect the resource areas along Cross St. He stated that the proposed improvements to Cross St. include a 400 foot long cut in grade. He added that a substantial amount of gravel will be removed from the cut in grade. Soils from the cut may be used as a base for under the road if suitable. The trees will be cut and delivered to Ms. Crooks. The water main installation will require pavement restoration. There will be a minimum of one foot between the water main and the pipe installation under the Hoag Brook culvert (which is currently in good condition). This area under the culvert is the trickiest and may require some revisions for grading. If the proposed methodology does not work, the applicant will return to the Conservation Commission. Mr. DiMartino stated that he hopes to get the project out to bid and complete by mid-summer. Mr. Rhoads continued by stating that a series of plantings will be installed along the newly graded 3:1 slope along Cross Street. The grading will include a flat median point leveled off for tree planting with an additional 3:1 slope upgradient. He added that two catch basins currently exist 200 feet from Blackmar Street and that the end of the pipe is buried and there are no easements. Half of the drainage goes to Blackmar and half to Lake St. and no water reaches the brook other than sheet flow. Staked haybales will be installed to define the work area. Also on the plans is a detailed trench de-watering plan. The detail on the water quality swale was reviewed. It includes excavation of the swale to two feet during construction so that it can be utilized as a silt trap. Once construction is complete, the plan calls for re-digging of the swale, removal of the silt and the placement of twelve inches of cleaned trap rock. A site walk was suggested. Mike Roche made a motion to conduct a site walk on Sat., April 15th and continue the hearing to April 26th at 8:20 PM. Shawn Wade seconded the motion that carried unanimously. Don DiMartino cannot attend the continued hearing but noted that he hopes that he will hear from Fisheries and Wildlife in the interim.

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Project: WPA-N/A; BWP-N/A
RDA

Project Description:
105 Cross Street – replacement of well, installation of
Submersible well, pump, adapter, hydrant, piping valves
And electrical conduit

Applicant:
Don DiMartino, DPW/
26 Blackstone Street
Bellingham, MA 02019

Representative:
Charles Caron, Caron Environmental Consulting
247 Bragg Hill Road
Westminster, MA 01473

Plans: RDA & “Bellingham Dept. of Public Works, Well 1 Replacement Project, 2 Sheets, 3/2017”

Meeting time: 9:25 PM

Cliff Matthews opened the RDA meeting. Don DiMartino and Charles Caron were present. Mr. Caron stated that the project includes the replacement of an existing well that was originally constructed around 1939. He stated that both the existing well and the proposed well are located about 40 feet within the Outer Riparian Zone. The old well and hydrant and piping will be removed and the closest point from the resource area is fifty feet. Most of the area is currently pavement or grass. Hoag Brook is approximately 170 feet away from the proposed activity. He added that although the area has flood zone, there is no impact to that resource area. Mr. Caron stated that he believes that the activity is exempt from the Wetlands Protection Act. He added that the project is exempt from jurisdiction of the local bylaw. Mr. DiMartino stated that he has received a letter from Fisheries and Wildlife stating that the project is not exempt from review from Division of Fisheries and that the applicant must file with them and provide additional information in order for a determination to be issued. Special Conditions discussed included inspection of installed erosion control, all excavated materials from the decommissioning of the existing well are to be removed from the site, that all work must take place within the confines of the erosion control and that once completed, the area must be stabilized with seed mix. Neal Standley then made a motion to close the meeting and issue a Negative Determination with conditions stated. Shawn Wade seconded the motion and the motion carried.

After the hearing was continued, Don DiMartino asked for the commission’s direction on filing a Notice of Intent for flooding that is taking place at Benelli St. Mr. DiMartino stated that he drew up a concept plan that includes a deep sump catch basin with hood draining stormwater into a rip rapped flared end outlet and then into a basin. The basin overflow would be directed via a 12 inch RCP pipe under an earthen berm to a flared end rip rapped outlet. He stated that groundwater is ten feet below the basin. His question was whether, when he filed a Notice of Intent, the commission would require drainage calculations. Although the commission members were concerned that the piping may not be the proper size, they stated that Mr. DiMartino could file in the manner he preferred and the Commission would ask formal questions during the hearing process. Mr. DiMartino stated that he may prefer to hire an engineer to move the project forward.

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Project: WPA-N/A & BWP-164
RDA

Project Description:
8 Connor Lane (Lot 4)
Is work jurisdictional to WPA and/or
Bellingham Wetlands Protection Bylaw

Applicant:
Ron Nation, Post Office Place LLC
PO Box 152
Hopkinton, MA 01748

Representative:
Scott Goddard, Goddard Consulting
291 Main St., Suite 8
Northborough, MA 01532

Plans: RDA and "Proposed On-Site Septic System, Residential 4 Bedroom Dwelling, Lot 4, Connor Lane, Bellingham", one sheet, March 24, 2017

Meeting time: 9:45 PM

Brian Norton, a direct abutter, recused himself from the hearing process.

Cliff Matthews opened the RDA meeting with Scott Goddard and Chris Nation attending. Mr. Goddard stated that Guerriere and Halnon filed the original Notice of Intent (NOI) for Post Office Place for the roadway and stormwater management system in 2010. Subsequently an Order of Conditions (OoC) was issued (DEP File #105-675) confirming the BVW and buffer zone and approving the road and stormwater management system. He continued by stating that in the Special Conditions#18.2 to that OoC, all lots are to have roof leaders. In addition, in Special Condition 18.6, the OoC states that "the two lots proposed for future development are jurisdictional by virtue of being located in the one hundred foot buffer zone to Bordering Vegetated Wetlands. Therefore, Lot #6 & #7 shall require the filing of their own Notices of Intent." He added that although the OoC was for proposed work within the roadway the OoC states that no other work on Lots 1-7 is jurisdictional except for new work proposed on Lots 6 & 7. He also added that the OoC therefore finds that Lot 4 has no jurisdiction. Mr. Goddard continued by stating that the Commission approved the extension of this OoC with no additional special conditions or requirements beyond what the original OoC special conditions or jurisdictional statements. Mr. Goddard stated that the applicant proposes filling in a small isolated wetland on Lot 4, 8 Connor Lane and build a four bedroom single family dwelling with attached garage and associated septic system and grading and roof drain. He asked the commission to make the determination that that work was not jurisdictional to the WPA and also not jurisdictional to the local bylaw. Cliff Matthews stated that the original OoC was issued before the local bylaw came into effect and that the OoC (#105-675) states only jurisdiction under the WPA. Mr. Goddard stated that this work is grandfathered and that the isolated wetlands is not jurisdictional under the local bylaw. Mr. Matthews responded that once the bylaw came into effect and since no work had commenced on the lot, the work becomes jurisdictional to the local bylaw. Michael Roche stated that if the local bylaw was not in effect at the time, he did not believe that it would be effective at the present time under the original OoC and its Extension. Cliff Matthews stated that Anne Matthews had already spoken with Town Counsel to discuss this matter and Town Counsel indicated that the work would be jurisdictional under the local bylaw. Mr. Goddard then stated that he spoke with his counsel and his counsel indicated that the work would not be jurisdictional to the local bylaw. After a lengthy discussion, Scott Goddard requested a continuation to the next meeting so that we could seek additional legal input. Neal Standley asked if Jay Talerma and Mr. Goddard's counsel could discuss the issue. Cliff asked Mr. Goddard to contact Anne to coordinate that discussion and to provide the name of his counsel so that Jay would know with whom to speak. Neal Standley then moved to Continue the meeting to April 26, 2017 at 9:30 PM. Motion was seconded by Shaw Wade and voted unanimously.

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Project: 105- & BWP-165
RNOI

Project Description:
3 Connor Lane (Lot 7)
4 Bedroom SFD, Septic, Garage, Grading

Applicant:
Ron Nation, Post Office Place LLC
PO Box 152
Hopkinton, MA 01748

Representative:
Scott Goddard, Goddard Consulting
291 Main St., Suite 8
Northborough, MA 01532

Plans: NOI and "Proposed On-Site Septic System, Residential 4 Bedroom Dwelling, Lot 7, Connor Lane, Bellingham", one sheet, March 24, 2017

Hearing time: 10:05 PM

Brian Norton, a direct abutter, recused himself from the hearing process. Cliff Matthews opened the NOI hearing for Lot 7, 3 Connor Lane with Scott Goddard and Chris Nation attending. Mr. Goddard stated that the wetland boundary was confirmed in the subdivision filing. He stated that the filing is for the construction of a four bedroom dwelling, garage, septic system, grading, dry well and lawn area outside the 50 foot buffer zone. A detention basin exists on this lot but is part of the original OoC for the subdivision road and stormwater management system. Chris Nation stated that the bottom of the basin needs to be cleaned, finished and maintained because it is currently being used as a temporary settling basin. Special Conditions discussed was that the basin must be completed per approved plans. Mr. Matthews asked the applicant to stake the location of the corners of the dwelling and limit of activity so that the commission could conduct a site walk. Mr. Goddard also suggested that the commission look at Lot 4, 8 Connor Lane while on site. Michael Roche moved to conduct a site walk on Saturday, April 15th and to continue the hearing to April 26, 2017 at 9:45 PM. Shawn Wade seconded the motion that carried unanimously.

Project:
Informational

Project Description:
Spraying for tick control
Stall Brook School, Middle School, South Elementary School

Applicant:
Michael Roche
School Department

Representative:
Chris Ford, Fords Hometown Services
549 Grove Street
Worcester, MA 01605

Informational time: 10:30 PM

Mike Roche stated that he had sent information including maps out to all commissioners to review. The proposed activity consists of spraying for tick control on some of the school grounds that is located near sensitive areas. He stated that he and Roger Oakley had met with Anne and Cliff Matthews who had spoken with Judith Schmitz of DEP to discuss the proposal. DEP guidelines consist of determining if there are any alterations taking place, to confirm that the applicators are licensed through the Mass. Pesticide Bureau and to stay within the guidelines of regulations governing Mass. School systems. Mike stated that several families have complained about ticks on their children this year and are concerned with Lyme Disease. He added that Chris Ford, a fully licensed applicator, will be applying the organic green alternative tick spray four times annually approximately 4-5 feet high and 10-15 feet deep on borders. The spraying will take place on Saturday, April 15th which is the first day of vacation week. The consensus of the commission was that it was fine to proceed with the application but that precautions should be undertaken to assure that no spray come into direct contact with the waters at Stall Brook.

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Cliff Matthews asked Shawn Wade and Mike Roche to contact the DPW regarding cutting a dead tree on the tennis court fence at Stall Brook School.

Shawn Wade moved to accept the minutes with the noted corrections. Michael O'Herron seconded the motion that carried unanimously.

The commission signed: DoA / BWP-163 No WPA#/454 Center St./septic repair Guilbert
DoA / No WPA # No BWP #/ 105 Cross St/well replacement/DPW

231 Maple Street/Funari/ Order of Conditions #105-735 & BWP-73

Cliff Matthews stated that he above Order of Conditions that was issued on June 5, 2014 for a violation on town of Bellingham land abutting 213 Maple St. The violation involved an estimated 9,200 cf of fill in a 22,000 sf area on town owned land and included filling of buffer zone and possibly BVW. Mr. Funari filed a Notice of Intent for the correction of the trespassing violation and was issued an Order of Conditions in 2014. That Order will expire on June 5, 2017. Town Counsel recommended drafting a letter to Mr. Funari requesting that he attend a Conservation Commission hearing to discuss the timetable of when the work would be completed. We will direct him to attend our May 10th meeting with a work completion schedule and names of professionals who would oversee the work.

The draft Priority Habitat Map for Natural Heritage & Endangered Species Program (NHESP) comment period will expire on June 3, 2017.

The Master Plan US Army Corps of Engineers comment period expires on June 15, 2017.

Motion to adjourn was made by Mike Roche, seconded by Neal Standley and voted unanimously.

Attending the meeting: Cliff Matthews, Neal Standley, Michael O'Herron, Brian Norton, Shawn Wade, Mike Roche, and Conservation Administrator Anne Matthews