

**Bellingham Conservation Commission  
Municipal Center  
Bellingham, MA 02019  
Minutes of the meeting of April 26, 2017**

**Project:** 105-784 & BWP-137  
CNOI

**Project Description:**  
Hixon Street, Hartford Village II  
Construct six (6) three (3) unit structures in the buffer zone

**Applicant:**  
K & S Realty  
1 Stallbrook Road  
Milford, MA 01757

**Representative:**  
JP Connolly  
Andrews Survey & Engineering Inc.  
104 Mendon Street  
Uxbridge, MA 01569

**Plans:** NOI & Plans "Hartford Village II, 18 Sheets, Rev.2/14/2017 Stormwater Management Report, Rev. 2/17/2017, Waiver Requests, ASE Peer Review Responses 2/22/2017, PSC response to ASE of 2/22/2017 dated 3/8/2017

**Continuation time: 7:30 PM**

Cliff Matthews opened the continued hearing with J.P. Connolly of ASE attending. J.P. requested a discussion on review of the peer review comments as well as the waiver requests he submitted. Beginning with #10 of the PSC comment letter of 3/8/17, he stated that the actual waiver requests are listed and identified.

#35 J.P. stated that the slopes are proposed at 3:1 rather than the 4:1 as per regulation in order to prevent further intrusion into the resource area buffer. Installing 4:1 slopes would create disturbance as close as 7 ½ feet to the wetland boundary. The Commission agreed with the proposed 3:1 slope construction

#37 J.P. stated that the test pits were performed in late November 2016. Cliff Matthews responded that the test pit information reveals redoxomorphic features and that he witnessed the test pits at that time. Jim Kupfer, Town Planner, stated that the applicant can request a waiver to the time of year that the test pits were taken especially if the Conservation Commission felt comfortable with the results.

#62 Because all the units are located out of the buffer zone, the Conservation Commission concurred with J.P. that an alternatives analysis was not necessary.

#64 The applicant has requested a waiver of using NGVD 29 data and as the new system shares the footprint of the previous basin and the datum used was the older TR88, the Commission believed that it was good to be consistent.

#65 This comment relates to test pit data and maintaining 2 foot minimum separation between the basin bottom and the seasonal high groundwater. J.P. stated one of the test pits provides slightly less (1.84") of separation. Changing the basin would require proposed slopes closer to the resource area. Currently J.P. is maintaining the two foot offset.

#67 Relative to the minimum 1-foot freeboard required for the basin design, J.P. stated that the invert to the basin for all events is 270.2, for the 10 year event 269.53' and for the 25 year event, 286.76' in which water is contained within the spillway.

#68 To address the frozen ground conditions, J.P. stated that he has included an under-drain four feet below the basin bottom to allow water to overflow onto the ground in frozen conditions.

#69 J.P. stated that the applicant would be seeking a waiver to the increase in proposed post developed volumetric increase in all events. This is due to the fact that expansion of the basins would create more impacts closer to the resource area.

Waiver Request sought: J.P. reviewed the Waivers Requests that the applicant has submitted. These include 1) waiver to the Bylaw plan requirements, 2) waiver to the 1 foot minimum

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freeboard at the emergency overflow, 3) waiver to frozen ground conditions 4) waiver to the post development volumetric increase.

J.P. then requested that the Conservation Commission relay acceptance of these waivers to the Planning Board preferable in letter form.

Reviewing the waiver requests, Cliff stated that by granting the 1' freeboard, it would eliminate an additional six foot infringement into the buffer zone. Currently as designed the basin is located 30 feet away from the resource area. Cliff added that standard methodology is being used for basin design as it relates to frozen ground conditions. Neal Standley expressed his concern with the maintenance of the underground outlet pipe in that what would prevent that pipe from becoming clogged over time. J.P. responded that this pipe will be placed in gravel and it would take a long time for it to become silted up. In addition, J.P. has included a screen at the outlet to prevent rodents from using it as a lodge. There were no more concerns other than the fact the Commission wants to make sure that the Planning Board process is nearing completion and that the plans of record remain consistent with the plans of record for the Planning Board. Neal Standley then made a motion to continue the hearing to May 24<sup>th</sup> at 7:30 PM. Motion was seconded by Lori Fafard and passed unanimously.

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**Project:** 105-799 & BWP-162  
CANRAD

**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 and revised April 18, 2017

**Continuation time: 8:00 PM**

Cliff Matthews opened the ANRAD hearing with Paul DeSimone and seven abutters present. Mr. Matthews stated that the Commission had conducted a site walk on Saturday, April 15<sup>th</sup> to review the resource areas on the site. Many wetland flags were revised. He stated that at the site walk it was obvious that Mr. Gately had cleared understory vegetation up to the edge of the resource area. Cliff added that when Mr. Gately had first purchased the property last December, the Commission sent a letter to Mr. Gately that stated that no work was to take place in any resource areas or the 100 foot buffer zone and that he should attend a Commission meeting to discuss his activities on the site. Mr. Gately attended the Commission meeting of March 22<sup>nd</sup> and told the Commission that he was not entering into any the resource areas including the buffer zone. Mr. Gately also stated at the meeting that Ivan Szilassy was currently delineating the resource areas on the site in preparation of the ANRAD filing. Neal Standley added that Mr. Gately was disingenuous to the Commission at that meeting as he was obviously removing vegetation from the buffer zone without a permit.

Paul DeSimone then presented the revised plans showing the changes made to the resource areas. He also stated that he has re-staked the edge of the buffer zone, is currently installing orange construction fence along the edge of the new buffer zone, has had the unregistered vehicles and has had gas and oil storage removed from the buffer zone as required in the letter dated April 17, 2017 sent to Mr. Gately by the Commission. Once all the installation is complete, he would contact the Commission.

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Cliff Matthews then stated that it appears that Mr. Gately made an intentional effort in clearing the buffer zone since he was notified by two letters from the Commission (2/8/17 and 4/17/17) not to conduct any activities in these areas. In addition, he came into a meeting and stated that he would not infringe into the buffer zone. The Commission therefore is requiring Mr. Gately to create a restoration plan for restoring vegetation from the edge of the resource area to the edge of the newly defined 50 foot buffer zone.

Paul DeSimone stated that he would contact Ivan Szilassy to create the restoration plan. Some of the plants that could be included would be High Bush Blueberry, witch Hazel, Winterberry, Low Bush Blueberry and similar plantings. Mr. Matthews stated that the intent here is to restore the damage created in the unpermitted buffer zone alteration. He stated that Mr. Gately must not conduct any more activity in the buffer zone.

Bill Bissonnette, an abutter, asked why the restoration is only to take place in the 50 foot BZ and not the full 100 foot BZ. Cliff then displayed the ANRAD plan and described the locations of the resource areas (Riverfront, flood area, bordering vegetated wetlands) and their associated buffer zones and the jurisdiction that the local conservation commission has on each of these areas.

Additionally grades were checked and the logic of restoring the 0-50 foot buffer zone was explained. Mr. Matthews then stated that Mr. Gately needs approval from the Franklin Planning Board and the Bellingham Planning Board for any proposed development.

Neal Standley then moved to continue the ANRAD hearing to May 24, 2017 at 8:00 PM to allow Mr. DeSimone time to get the restoration plan developed and to allow for completion of the installation of the orange construction fence. Shaw Wade seconded the motion that carried unanimously.

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<b>Project:</b>	<b>Project Description:</b>
Informational Meeting	High Street Fields – Proposed Dog Park
<b>Applicant:</b>	<b>Representative:</b>
Town of Bellingham	Jim Kupfer, Town Planner

**Plans:** Bellingham Dog Park, Schematic Design, 02/21/2017

**Informational meeting**

Jim Kupfer, Town Planner, stated that he was present before the Conservation Commission to get a consensus as to how the town should proceed on a proposed dog park to be located at the High St. fields owned by the Conservation Commission. Mr., Kupfer distributed copies of the schematic of the proposal. He stated that he has walked the site with Denis Fraine, Anne Matthews and Cliff Matthews after marking the proposed boundaries of the park. Referring to the plan, he stated that a portion of the park would be located within some of the existing parking area with the remaining area proposed within the buffer zone. The entire park would be fenced with chain link fence and two gates. Mr. Kupfer stated that there would be no removal of trees or earth. The buffer zone activities would be limited to removal of leaf litter and perhaps any dead or low lying trees. Shawn Wade stated that if any tree is a safety issue, the contractor should mark it for inspection by the commission before any tree is removed. Commission members would like to see no trees removed. Cliff Matthews then stated that the town would have to file with the Conservation Commission because the project is located within the buffer zone. Mr. Matthews was concerned with waste management protocols for the dog park. He also stated that due to the existing trees on the site, the proposed chain link fence may have to be located between the trees. Commission members would also like to conduct a site walk. The consensus of the Conservation Commission was for Mr. Kupfer to proceed with filing an RDA.

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**Project:** 105-801 & BWP- N/A  
CNOI

**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”, NHESP Ltr 4/21/2017 “No Taking”, O & M Plan Page 11, maintenance of swales 04/24/2017

**Hearing time: 8:45 PM**

John Rhoads of PSC and Donald DiMartino were present when Cliff Matthews opened the continued NOI hearing. Mr. Matthews stated that commission members had conducted a site walk on Sat., April 15th. Michael O’Herron and Neal Standley added that the resource areas (Mean Annual High Watermark, BVW and Land Under Water) were all inspected with no changes.

Mr. Rhoads stated that very little work is proposed in the buffer zone but proceeded to describe the actual jurisdictional work to be the installation of the water line at the culvert at Hoag Brook and the installation of a gate to block ATV use. Mr. Rhoads then added that there were two outstanding issues that he wanted to resolve. To address the maintenance of the water quality swale, he submitted an additional page for the O & M Plan that includes regular inspection and cleaning of the swale. Neal Standley stated that he was concerned with the life span of that swale and Mr. Rhoads stated that is why he designed the swale with smaller rock on the bottom to catch fines and larger rip rap on top for assist with velocity and water quality. A Special Condition will include that as the swale will be used to trap silt during construction, it must be cleaned when the accumulated depth when the silt reaches one foot. Once side slope work is completed, slopes must be hydroseeded and only then may final swale construction occur. Mr. Rhoads then presented a copy of the Natural Heritage letter dated 4/21/2017 which was the second outstanding item. The letter states that there is no taking of the habitat for the Brook Lamprey. John Rhoads described the proposed de-watering plan for installation of the water main after Neal Standley asked for clarification. He stated that deep sumps with gravel will direct water to crushed stone and then discharge back into the stream. Special Conditions discussed will include: if proposed de-watering methodology will not work, the applicant must report to the Conservation Commission for review of any new proposal, monitoring of the de-watering operations for prevention of damage to the brook and the authority of the Commission to make decisions in the field, and finally the requirement to adhere to the O & M Plan. Mr. DiMartino stated that he would like to get the project out to bid for summer construction and that construction may take a couple of months to perform. Neal Standley then moved to close the hearing and issue an Order of conditions. Motion was seconded by Lori Fafard and voted unanimously.

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**Project:** 105-802 & BWP-166  
NOI

**Project Description:**  
316 Center St., Map 76, Lot 7, Sub-lot 3

**Applicant:**  
David Savard  
70 Linwood Avenue  
Bellingham, MA 02019

**Representative:**  
Lisa Barbosa, Marc Nyberg Associates Inc.  
501 Great Road, Unit 104  
North Smithfield, RI 02896

**Plans:** NOI & "Leaching System Design Conservation Plan for David Savard, 316 Center St., one sheet, March 17, 2017"

**Hearing time: 8:45 PM**

Cliff Matthews opened the hearing. David and Jennifer Savard, Michael Savard and Scott Heim were also present. Mr. Savard stated that the proposal is to construct a single family dwelling, septic and driveway within the buffer zone of BVW at the site. Cliff Matthews explained that the lot was formerly one lot with two houses. The lot has been subdivided into three lots with one common driveway. The driveway entrance servicing the lots cannot be expanded due to the close proximity to BVW on either side. Mr. Savard stated that the wetlands have been flagged. Erosion control consisting of silt sock is proposed. Neal Standley stated that additional erosion control (hay bales) should be placed on the easterly corner of the proposed house. Cliff Matthews questioned the lack of usable space for a yard due to resource areas. Michael Savard stated that some yard will be over the leach field at the front of the property. Cliff suggested that the erosion control be moved back a little to the 50 foot buffer to allow for a small yard area in the back of the house. Neal Standley moved to conduct a site walk this Saturday, April 15<sup>th</sup> and to continue the hearing to May 10, 2017 at 8:45PM. Motion was seconded by Shawn Wade and voted unanimously.

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**Project:** BWP-167  
RDA

**Project Description:**  
20 Brookfield Road – in-ground swimming pool

**Applicant:**  
Paul Giroux  
20 Brookfield Road  
Bellingham, MA 02019

**Representative:**  
self

**Plans:** RDA & "20 Brookfield Plot Plan, 04/11/2017" one sheet

**Meeting time: 9:15 PM**

Cliff Matthews opened the RDA meeting for the proposed installation of an in-ground swimming pool, patio and fencing located approximately 70 feet from the resource area. Cliff Matthews explained that the applicant originally wanted to put the pool on the northerly side of the house but Dig Safe notified the applicant that the electrical service was located there. Mr. Giroux stated that erosion control (staked silt sacks or similar) would be installed at the limit of disturbance as per the plan. Paul Giroux will contact Anne Matthews for inspection of the erosion controls once they have been installed. Special Conditions would include inspection of installed erosion control, all excavated soils must be stored on the upland side the erosion controls, no activity is allowed beyond the limit of disturbance and that the site must be stabilized with seed once the project is complete. Michael O'Herron then moved to close the meeting and issue a Negative Determination under the WPA and Bellingham Wetlands Protection Bylaw with conditions discussed. Motion was seconded by Brian Norton and voted unanimously.

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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: 9:30 PM**

Brian Norton, a direct abutter, recused himself from the hearing process. Cliff Matthews opened the continued RDA hearing. Mark Arnold of Goddard Consulting was present for the applicant. Mr. Arnold asked the Commission for another continuation to May 10<sup>th</sup> in order for legal counsels to discuss the matter of jurisdiction to the local bylaw. Cliff Matthews stated that he believes, and Town Council agrees, that the Conservation Commission has enough information to render a legally correct decision. He added, however, that the Commission wants to provide any opportunity to the applicant to seek more information. Neal Standley moved to continue the RDA hearing to May 10, 2017 @ 9:00 PM. Lori Fafard seconded the motion that carried unanimously.

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**Project:** 105-803 & 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 continued hearing with Mark Arnold attending for the applicant. Cliff Matthews stated that members of the Commission had visited the site on Saturday, April 15<sup>th</sup>. Mr. Arnold stated that all the proposed work including the house construction, septic system installation, grading and roof leaders is located within the 100 foot buffer zone. Michael O'Herron stated that there are some steep banks along the basin and that additional staked erosion control should be added in this area. Mr. Arnold suggested that the erosion control be installed at the limit of disturbance along the drainage easement. Neal Standley added that this should include both silt fence and haybales. Mr. Arnold will revise and submit a revised plan. Cliff Matthews suggested that the Order of Conditions be prepared for signing at the next continuation. Neal Standley moved to continue the hearing to May 10<sup>th</sup> at 9:15 PM and have the prepared Order of Conditions ready for signing. Shawn Wade seconded the motion that carried unanimously.

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Mr. Arnold then displayed a prepared plan for Lot 6, located at 5 Connor Lane. Lot 6 was referenced in the Order of Conditions for the road and stormwater management system. Mr. Arnold explained that the buffer zone is located in a tiny portion of the corner of the lot and that it would not be impacted with the proposed construction of the house and septic system. The Consensus of the members of the Commission was that no filing was necessary for this project. Mr. Arnold will submit a letter and plan for the lot for our files.

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**Project:** 105- & BWP- 168  
NOI

**Project Description:**  
44 Lakeview Avenue – replace retaining walls,  
construct patio, extend parking area, add retaining wall  
and site improvements

**Applicant:**  
Susan Galbraith  
45 Lakeview Avenue  
Bellingham, MA 02019

**Representative:**  
Wm. Halsing, Land Planning Inc.  
167 Hartford Avenue  
Bellingham, MA 02019

**Plans:** NOI & “Site Plan –Sheet 1: Existing Conditions & Demolition Plan, Sheet 2:Site Plan and Retaining Wall Details, Sheet 3:Sedimentation and Erosion Control Plan,  
**Hearing time: 10:05 PM**

Cliff Matthews opened the hearing. Bill Halsing and Mr. Galbraith as well as two abutters, Neil Cross and Adam Finley were also present. Bill Halsing stated that the property owners had filed a Notice of Intent in January 2016 to do some work in the same area. After some consideration, they have decided that they would like to have some additional work permitted including replacing a retaining wall, adding a parking area and adding a 16 x25 foot concrete patio. Mr. Halsing stated that one maple tree would have to be removed. The retaining wall slated for upgrade is about sixteen feet from the water and the patio is about thirteen feet from the water. He added that the boat shed has yet to be taken down. Commission members suggested shifting the patio location five feet further away from the water. Mr. Halsing stated that he could do that. The plan shows an existing dock that has to be removed from the plan because it does not exist. One of the abutters questioned the existence and status of Vekeman Street on the plan. The Commission explained that it was a paper street created at the time when there were many campsites along Lakeview Avenue. Cliff Matthews asked Mr. Halsing to please submit plan revisions with items discussed included. Neal Standley moved to continue the hearing to May 24<sup>th</sup> at 8:20 PM. Mr. Halsing stated that he was unavailable on that date and time. Mr. Standley moved to withdraw the motion which was seconded and approved unanimously. Shawn Wade moved to continue the hearing to May 10<sup>th</sup> at 9:30 PM and conduct a site walk on May 6<sup>th</sup>. Brian Norton seconded the motion that carried unanimously.

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The minutes of the meeting of April 12, 2017 were approved with the correction of Shawn Wade's name.

The Commission signed:

CofC/105-317/Lot 8, 58 High Street/sfd

DoA/ BWP-167 / 20 Brookfield Lane, in-ground swimming pool/ Giroux

Cliff Matthews reported that Kolbe Bell is holding several fund raisers for funding his proposed Eagle Scout project.

Shawn Wade moved to adjourn at 10:25 PM, seconded by Brian Norton and unanimously passed.

Attending the meeting: Cliff Matthews, Neal Standley, Michael O'Herron, Brian Norton, Lori Fafard, Shawn Wade, Mike Roche, Arianne Barton (Associate member) and Conservation Administrator, Anne Matthews