

**Bellingham Conservation Commission  
Municipal Center  
Bellingham, MA 02019  
Minutes of the meeting of August 9, 2017**

**Project:** 105-806 & BWP- 170  
CNOI

**Project Description:**  
310 & 320 Pulaski Boulevard –  
Irving Gas Station

**Applicant:**  
Irving Oil Marketing, Inc.  
190 Commerce Way  
Portsmouth, NH 03801

**Representative:**  
Amanda Atwell, Epsilon Associates, Inc.  
3 Mill & Main Place, Suite 250  
Maynard, MA 01754

**Plans:** NOI & “Site Development Plans for Proposed Motor Fuel Outlet” Irving Oil, Sheets 1-14, Rev. 8/4/2017/ Stormwater Management Report, Proposed Motor Fuel Outlet, MHF Design, Rev. 8/4/2017, BSC Group Peer Review 8/2/2017 /MHF Design Consultants responses 8/27/2017

**Continuation time:** 7:30 PM

Cliff Matthews opened the continued hearing. Amanda Atwell, Michael McLaughlin, Pat McLaughlin, and peer reviewer, Frank DiPietro (BSC Group), were in attendance. Amanda Atwell introduced the project and then handed the presentation over to Pat McLaughlin. Pat stated that MHF Design has responded to the most recent peer review comments from BSC dated 8/2/2017. He added that MHF has addressed a number of items including the connection of site stormwater to the municipal system. He added that details on the impervious liner have also been addressed. He stated that by raising the basin bottom up by 6 inches with top soil placed on top of the impervious liner above the lowered basin bottom, the top soil will now fully drain and there is no potential for buoyancy of the liner. He also added a small sump in front of the outlet (with trash rack) in the design as an additional sedimentation area. Michael O’Herron questioned whether there was a potential for ice and snow to build up in the basin in the winter months. Pat McLaughlin responded that the 48” x 48” graded inlet at the top of the basin acts as an emergency bypass. There is also an eight inch outlet pipe extending out from the basin. Pat also added that the stormwater system exceeds the 80% TSS removal rate required and that the design also includes a manhole with emergency shut off. Detail Sheet L10 was then reviewed. Mike O’Herron noted that the maintenance of the emergency shut off valve should be added to the Operation and Maintenance Plan to make sure that it operates correctly and that employees know how and when to use it as well as testing its operation on a regular basis. Cliff Matthews agreed that the gate valve information should be included in the O & M Plan. MHF will provide that information to the Commission. Frank DiPietro stated that the design now includes a reconfigured detention basin, and after checking the post run off rates to the original design, confirmed that the that the system works as designed. Cliff Matthews then stated that the Planning Board would be reviewing the project tomorrow evening and suggested that the hearing be continued to our next meeting (in order to confirm that the plans of record referenced in the Order of Conditions are the same as the Planning Board plans). He added that as long as the Planning Board hearing was ready to wrap up the hearing, the Commission would prepare the Order of Conditions with reference to the revised Operation and Maintenance Plan for signing at the next continuation. Pat McLaughlin agreed that both boards should reference the same plans of record. Brian Norton moved to continue the hearing to August 23<sup>rd</sup> at 7:30 PM and prepare the Order of Conditions if the Planning Board closes or is ready to close the hearing tomorrow evening. Mike Roche seconded the motion that carried 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, Edward Gately", Sheets 1 & 2, 2/24/2017, revised June 14, 2017, Municipal Service Engineering, Inc. Ltr June 6, 2017 "Restoration Plan"

**Continuation time: 7:50 PM**

Cliff Matthews opened the continued ANRAD hearing. Paul DeSimone and five abutters were present for the continuation. Mr. DeSimone apologized for his absence at the last hearing. Paul then stated that he had wanted to request another continuation this evening but Mr. Gately had requested that the hearing be closed. Cliff Matthews stated that the most recently revised plan dated June 14<sup>th</sup> includes supplemental plantings as proposed by Mr. Gately's biologist, Ivan Szalassy, as well as the supporting restoration report of June 6, 2017. Cliff stated that Mr. Gately told him that he had had a forester out on site to assess the possibility of including additional plantings (beyond those proposed) for restoration as suggested by the Commission. The forester told Mr. Gately that he did not believe it was necessary as the understory was rejuvenating quickly. Mr. DeSimone stated that Mr. Gately agrees to restore the buffer zone in accordance with the June 14<sup>th</sup> plan and Restoration Report dated June 6, 2017. Neal Standley then stated that the Commission could issue an Order of Resource Area Delineation (ORAD) approving the confirmation of the delineated resource area boundaries and refer to the supplemental plantings report for restoration of the buffer zone. Cliff suggested that the ORAD include a Finding of Facts that would refer to the Commission's discovery of the buffer zone alteration on a site walk for the confirmation of the resource areas on the site. The Findings would refer to the requirement that the applicant must adhere to the restoration/planting regime as per that referenced report and plan. He added that we could also request that Mr. Gately contact the Commission when the plantings/seeding take place. Due to the fact that wildlife passage is being impeded (as witnessed by abutters), Mr. Matthews asked Mr. DeSimone to have Mr. Gately remove the orange construction fence but retain the (painted) staking at the 100 foot buffer zone limit. Cliff then stated that the ORAD would confirm the resource area delineation. The field conditions show that some re-vegetation is currently taking place in the disturbed buffer zone. He stated that the small pines that Mr. Gately removed were mostly stressed. While on site, the Commission compared the vegetation to the vegetation on the abutting property. He also added that Mr. Gately has also had the 100 foot buffer zone staked as requested by the Commission and has provided a restoration plan for restoring the 50 foot buffer zone. Neal Standley added that the Con Com would have more input when the Notice of Intent is filed for the development of the site. Cliff then entertained a motion to close the hearing and issue the ORAD highlighting the restoration plan, placing a time limit on the restoration efforts (consistent with the restoration report), the requirement that Mr. Gately should notify the Con Com when the plantings are completed and the inspection of the site once plantings/seeding has taken place. Brian Norton moved the motion which was seconded by Mike Roche. The vote was 3:1 with Neal Standley opposing.

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**Project:** 105-807 & BWP-174  
NOI

**Project Description:**  
56 Box Pond Road, sfd & utilities

**Applicant:**  
William Hebert  
3 Woodland Road  
Framingham, MA

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

**Plans:** NOI & Site Plan/ Subsurface Sewage Disposal System, Lot 3 Box Pond Road, 5/30/32017,  
One Sheet

**Hearing time:** 8:30 PM

Mike Roche stated that he has a close relative who abuts this property and therefore recused himself from the hearing process. Cliff Matthews opened the hearing. Bill Halsing and William Hebert were present. Bill Halsing stated that Guerriere & Halnon had confirmed the resource area boundaries in a previous ANRAD. He stated that the proposal is to construct a single family dwelling with septic system located at the front of the property and as far from the resource area as feasible. A well is also proposed on the westerly side of the dwelling 100 feet away from the septic system and within the 25-50 foot buffer zone. He added that a proposed garage has been added to the plan but that it would be constructed at a later date. Bill Halsing stated the erosion control has also been added to the plan. Currently proposed disturbance in the 25 -50 foot buffer zone is 3,500 sf. Cliff Matthews stated that he had seen a previous plan developed by Guerriere and Halnon that preserved the 50 foot buff zone in its entirety. Bill Halsing responded that the applicant wants to maximize views of the pond. Cliff then stated that many trees have recently been cut on the site. Mr. Hebert said he did not realize that trees should not have been removed. Michel O'Herron noted that there would be 43 additional trees, some of substantial size that would have to be removed. Anne Matthews questioned why the house could not be moved back further from the pond. Bill Halsing stated that the proposed garage has to meet the setback requirements. A site walk was scheduled for Saturday, Aug. 12<sup>th</sup> at 8:30 AM. Brian Norton moved to continue the hearing to 7:45 PM on August 23<sup>rd</sup>. Mike O'Herron seconded the motion and the motion that carried.

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**Project:** 105- & BWP-175  
NOI

**Project Description:**  
187 Farm Street "Stall Brook Business Park"  
Construction of building and contractor's yard

**Applicant:**  
Matt Fasolino  
134 Main St., PO Box 731  
Medway, MA 02053

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

**Plans:** NOI & "Site Development Plan, Stall Brook Business Park, 8 sheets, March 21, 2017,  
Revised June 27, 2017

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**Hearing time: 9:00 PM**

Cliff Matthews opened the hearing. Bill Halsing and Matt Fasolino were present. Cliff stated that it had come to the Commission's attention recently that all municipal licensing authorities are required to adhere to Chapter 71.Financial Affairs section 71-4 for Granting or Renewing of Certain Licenses and Permits. Under that municipal bylaw (adopted under state law), the Conservation Commission has the authority to demand that all outstanding taxes be paid on filings seeking permits from the Conservation Commission after opening the hearing but before hearing the proposal. At that time, the Commission and may deny the project based solely on the fact that the applicant refuses to pay the outstanding taxes within a 14 day window of time. Bill Halsing stated that he has asked the property owner to pay the taxes; however, they have not yet been paid. Mr. Matthews suggested that the commission grant 14 days to the applicant to settle the issue with the town. He suggested that the commission continue the hearing to August 23<sup>rd</sup> to allow the applicant to settle the issue with the town. Mike Roche then moved to continue the hearing to August 23 at 8:05 PM. Motion was seconded by Brian Norton and passed unanimously.

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The minutes of the meeting of July 12, 2017 were accepted.

The Commission signed:

Order of Conditions	105-784 & BWP-137 / Hixon St/ Hartford Village II/
Certificate of Compliance	105-805 & BWP-172 / 80 Stockholm St/ septic repair / Hawkins

Cliff Matthews noted that we are awaiting the replication report from Brian Waterman for the 231 Maple St. extension.

Motion to adjourn by Neal Standley, seconded by Brian Norton, motion carried.

Attending the meeting: Cliff Matthews, Neal Standley, Michael O'Herron, Brian Norton, Mike Roche, and Anne Matthews.