

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

Project: 105-806 & BWP- 170
NOI

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, May 18, 2017 / Stormwater Management Report, Proposed Motor Fuel Outlet, MHF Design, May 18, 2017, Response to DEP File # comments July 10, 2017

Hearing time: 7:30 PM

Cliff Matthews opened the continued hearing and then stated that the applicant has requested a continuation to allow time for peer review comments and responses to take place. Cliff recapped the site visit that took place on Monday June 26th with Amanda Atwell, Cliff Matthews, Mike Roche, Shawn Wade and Anne Matthews. “Resource Area A” was confirmed as Bordering Vegetated Wetlands with no changes to the wetland flagging. “Wetland Resource Area B” was reviewed and confirmed as an isolated freshwater wetland under the Bellingham Wetlands protection Bylaw and no wetland flagging was changed. The designation of intermittent stream/drainage ditch as provided in the NOI was downgraded due to the lack of bank characteristics. Cliff added that the initial peer review has been submitted to the applicant (and members of the Commission) and we are now awaiting responses (which will also be sent to members of the Commission). We will ask peer reviewer, Dominic Rinaldi of BSC, to attend the next continuation. Shawn Wade moved to continue the hearing to July 26th at 7:50 PM. Motion was seconded by Lori Fafard and voted unanimously.

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

Project Description:
Wrentham Road AC Water Main Replacement

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

Representative:
Kendra Martin, BETA Group, Inc.
315 Norwood Park South
Norwood, MA 02062

Plans: RDA & “Wrentham Road AC Water Main Replacement” Sheets 1-5, June 27, 2017

Meeting time: 8:00 PM

Don DiMartino and Kendra Martin were present when Cliff Matthews opened the RDA meeting. Ms. Martin stated that the filing is for the replacement of the AC water main on Wrentham Road. The area of interest to the Conservation Commission is the culvert on Bungay Brook and work proposed within the Riverfront area. In that area, the water main will be replaced by digging a trench on either side of the culvert and replacing the pipe with RCP. All work will take place in the paved roadway and no work will be done to disturb any regulated resource areas. There is no need for

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a de-watering plan as the pipe hangs below the culvert and is 6-7 feet above water level. Ms. Martin stated that haybales and silt fence will be installed as erosion control and that no parking or fueling of vehicles would take place in that area. Cliff Matthews stated that he and Anne Matthews had looked at the site. The AC water main has had several breaks over the past few years resulting in erosion at the culvert. Don DiMartino stated that he repaired the erosion with 6-8" trap rock to stabilize the north and south sides and showed the Commission pictures of those areas. Don DiMartino stated that BETA will be engaged to design the culvert replacement and he hopes that the Notice of Intent would be filed next year. Michael O'Herron moved to close the meeting and issue a Negative Determination which was seconded by Lori Fafard and passed unanimously.

Project: 105-799 & BWP-162

CANRAD

Applicant:

Ed Gately

6 Pine Street

Bellingham, MA 02019

Project Description:

off Plymouth Rd, Mohawk Path, Sunken Meadow, Franklin

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: 8:30 PM

Cliff Matthews opened the continued ANRAD hearing. Several abutters from Mohawk Path/Plymouth Road were present along with Paul DiSimone for the applicant. Cliff Matthews stated that several members of the Conservation Commission went to the site again. At the last meeting, the restoration plan was submitted and some of the Con Com members believed that the plan was insufficient. In addition, there was some concern that all of the brush had not been removed from the 50 foot Buffer Zone. The site walk verified that the orange construction fence was located at the 100 foot buffer zone and not at the 50 foot buffer zone. This was done correctly by Mr. DeSimone in response to our original request to mark in the field the full buffer zone. Mr. Matthews also stated that Mr. Gately had submitted a restoration plan for the 0 -50 foot buffer as was requested by the Con Com. Another purpose of the site visit was to assess the planting scheme proposed by Mr. Gately's PWS. Cliff stated that at the site walk, Con Com members viewed the area behind the silt fence (some of which is the 0 – 25 foot buffer zone) as well as the abutting parcel owned by the town. He stated that in both of those areas, there was little shrub layer and only overstory. Cliff stated that at the site walk, Ivan Szlassy was adamant that upsetting the duff layer where there was a sharp drop in grade with any potential plantings would most likely cause erosion. Most of the trees that were cut were in the 2 inch diameter range white pine, some of which were already dead. Michael O'Herron stated that Mr. Gately should not have cut any trees and that the planting should be established as soon as possible. Mr. DiSimone responded that a Notice of Intent will be filed when the development is proposed. Neal Standley stated that more plantings should be required and suggested placing a fence at the 50 foot buffer. Brian Norton noted again that there was little understory in the undisturbed areas located at the 0-25 foot buffer and the abutting undisturbed property. Brian added that he concurred that it would not be advisable to disturb the duff on the steep slopes with plantings and to let the vegetation take on its own.

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Mr. DiSimone stated that he, Ed Gately and Ivan talked after the last site walk and Ed agreed to put more plantings in the area designed with lower flag numbers. Cliff stated that Mr. Gately cut the shrub layer and not the overstory or the understory. Mr. DiSimone offered to return with a revised planting scheme that included more trees. Cliff then stated that it would be in everyone's best interest to handle the restoration as part of the ORAD process by incorporating the restoration plan and a finding of facts in the ORAD. As an alternative, he added that the Con Com could also issue just the ORAD and two separate Enforcement Orders – one for WPA to address Riverfront violations and one for the local bylaw to address buffer zone and riverfront violations. Neal Standley then added that we always have the option for enforcement. Abutters claimed that Mr. Gately has made no effort to rectify the damage he created. Paul DeSimone responded that Mr. Gately had him put up the silt fence and construction fence as requested. He also removed debris from the 50 foot buffer and prepared a restoration plan as requested. Shawn Wade suggested that we continue the meeting and see what the applicant's PWS proposes for additional plantings. Cliff then added that Mr. Gately is entitled to develop his property. Cliff then noted that the Con Com was interested in purchasing this property in the recent past but upon conducting a site walk, we saw a tremendous amount of dumping from neighboring homes onto the lot. If this had not occurred, the lot would presently be open space and owned by the town. Cliff stated that we could do one of two things: we could agree to continue the hearing, let Mr. DeSimone present a more comprehensive planting plan, conduct another site walk and incorporate the plan into an ORAD or issue an ORAD and two enforcement Orders. Shawn Wade moved to continue the hearing to July 26th at 8:20 PM. Motion was seconded by Brian Norton and passed unanimously. Mr. DeSimone stated that it would take him about a year to explore all the development possibilities for the lot.

Project: WPA-N/A & BWP-173
RDA

Project Description:
34 Pearl Street – septic system repair

Applicant:
Jennie Cameron
34 Pearl Street
Bellingham, MA 02019

Representative:
Paul DeSimone, Colonial Engineering Inc.
11 Awl Street
Medway, MA 01053

Plans: RDA & Proposed Local Upgrade Sewage Disposal System, Map 9, Parcel 93, 34 Pearl St., one sheet, April 28, 2017

Meeting time: 9:00 PM

Paul DeSimone was present when Cliff Matthews opened the meeting for the repair of a failing septic system. Mr. DeSimone stated that the system lies within the 50 -100 foot buffer zone to two piped swales and associated wetlands. Mr. DeSimone stated that he would be installing a new tank with 40 mil barrier, D Box and small retaining wall for the leach field. He will not be disturbing the existing failing cesspool located on the southerly side of the dwelling. Erosion control is proposed on the westerly side of the proposed leach field. Cliff stated that he and Anne Matthews had visited the site. Michael O'Herron moved to close the meeting and issue a Negative Determination #3 with Conditions. Motion was seconded by Brian Norton and passed unanimously.

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231 Maple St /Ext Request / 105-735 & BWP-732 / Chris Funari

Cliff Matthews stated that a couple of months ago we received a Request for Extension for this Order of Conditions. Commission members walked the site where there had been a large area where several cubic yards of material were placed into resource areas and buffer zone as well as on town owned property. The applicant had subsequently filed a Notice of Intent to restore the site (and to address the Enforcement Order) and was now requesting an Extension to complete the work under that Order. Brian Waterman has been engaged as the PWS to oversee the restoration. Brian and Cliff met on the site recently to assess the remaining work. Areas needing further attention include removal of amounts of material to original grade, corrections of slopes, removal of cobbles and replication of the resource area disturbed by the illegal filling at the rate of 2:1. Mr. Waterman has not yet submitted his proposal but had discussed his request to extend the Order to the end of October of this year. Con Com members also suggested establishing replication bond and fence or barrier once restoration is complete. Neal Standley also noted that if the work is not complete by the end of the Extension, the Commission should seek fines and penalties to finish the work. The Con Com will await the restoration plan and then take action on the recommendations of the PWS for granting an Extension.

Cliff stated that Campanelli is now requesting modification to the Plan of Record in the Order of Conditions. David Kelly has submitted the plans and supplemental drainage calculations, 6/28/2017 to both the Planning Board and Conservation Commission. PSC is reviewing the additional documents and stormwater calculations and design to make recommendations as to whether a filing is required for the proposed changes.

Michael O'Herron gave a quick update on the Open Space and Recreation Plan (OSRP). He stated that we have received Letters of Support from the Planning Board, Board of Selectmen and the Park Commission. Gino is now prepared to send the draft OSRP to Dept. of Conservation Services for comments and review.

The Commission signed:

Voucher

Det. Of Applicability BWP-173 / 34 Pearl Street / septic repair / Cameron
Wrentham Road Ac Water Main Replacement project / DPW

Brian Norton moved to adjourn at 9:47 PM. Michael O'Herron seconded and the motion carried.

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