

**Bellingham Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of June 28, 2017**

Project: 105-784 & BWP-137
C. NOI

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: 7:20 PM

Cliff Matthews opened the continued hearing. Cliff stated that the applicant's representative, J.P. Connolly of Andrews Survey, requested another continuation to July 26th due to the delay in creating fully revised plans. He believed that this would be ample time to complete the revisions required by the Planning Board. The Planning Board continuation is scheduled for July 27th. Shawn Wade moved to continue the hearing to July 26th. Motion was seconded by Mike Roche and carried unanimously.

Project: WPA-N/A & BWP-164
C. 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 continuation time: 7:15 PM

Brian Norton, a direct abutter, recused himself from the meeting process. Cliff Matthews opened the continued meeting and then stated that Mark Arnold of Goddard Consulting has requested another continuation to July 12th. Mr. Matthews stated that the meeting was originally opened on April 12th and continued several times. On June 7th the Commission received a concept plan through the attorneys that was distributed to each of the members. Subsequently, Mr. Arnold requested another continuation from June 14 to June 28. Cliff stated that the RDA was filed to determine if the work on the submitted plan was jurisdictional to the WPA and/or the Bellingham Wetlands Protection Bylaw. The consensus of the Con Com members is that the work is jurisdictional to the local bylaw and not the WPA. Cliff stated that Town Counsel stands firm on that as well. Cliff added that the Conservation Commission is not precluding the developer from developing the lot as long as they meet the performance standards. We do, however, require the filing of a Notice of Intent under the local Bylaw. He noted that the applicant has

Conservation Commission
Minutes of the meeting of June 28, 2017
Page #2

already recognized local bylaw jurisdiction when he filed for 3 Connor (Lot 7) under the WPA and the Bellingham Wetlands Protection Bylaw (BWPB). Michael O'Herron moved to close the meeting and issue a Negative Determination #4 under the Wetlands Protection Act and a Positive Determination #5 under the BWPB. Neal Standley seconded the motion that carried 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: 7:50 PM

Cliff Matthews opened the continued ANRAD hearing. Several abutters from Mohawk Path/Plymouth Road were present. Paul DiSimone was present for the applicant. Cliff Matthews stated for the record that several members of the Conservation Commission visited the site on Saturday, June 17th to review the areas for re-vegetation in the buffer zone as proposed in the Restoration Plan. Neither the applicant nor the PWS was present for the site inspection. The Con Com contacted Mr. Gately to request that the large piles of slash and tent be removed from the 50 foot buffer zone. Mr. Gately notified Anne Matthews that all this requested work had been completed. Mr. DeSimone agreed to go on site and submit photos of the cleared area. Cliff then marked two areas on the revised plans where the Con Com recommended additional plantings. Regarding the Restoration Plan, Shawn Wade and Neal Standley both stated that the plan needs improvement. Nearly 300 small trees were removed from the 50 foot buffer zone and only ten are proposed for replacement along with hand casting of seed mix. Neal Standley stated that a revised Restoration Plan should include more plantings to mitigate the large number of trees removed. Mr. DeSimone stated that Mr. Gately is seeking the issuance of an ORAD and wants to close the hearing. Cliff Matthews stated that the Con Com had hoped that Mr. Gately would continue to cooperate and implement restoration of the buffer zone rather than have the Commission institute enforcement action. Michael O'Herron added that Mr. Gately actually stated at a previous hearing that he would take care of anything that needed to be done to rectify the situation. Mr. Bissonnette, an abutter, submitted his statement of no confidence in Ed Gately which was noted.

Mr. DeSimone stated that Mr. Gately does not want to continue the ANRAD hearing. He added that Ivan Szilassy developed the Restoration Plan based on his assessment of the site conditions. He also stated that he told Mr. Gately that it was likely that the Con Com would issue an Enforcement Order if he insisted on closing the hearing. Cliff recommended that since the ORAD would not be issued until the next meeting, that the ANRAD be continued to that date. This would allow Mr. Gately some time to reconsider. In the meantime and if necessary, the ORAD and Enforcement Order/Restoration Order would be prepared for signing that evening. No work in the 100 foot buffer zone on the site would be able to commence until the conditions of the Enforcement Order have been met. Mr. DeSimone agreed to speak with Mr. Gately. If Mr. Gately agrees to have Ivan revise the Restoration Plan, we would issue an ORAD and Finding of Facts. Michael O'Herron stated that we should require a time limit on when the restoration period expires. Brian Norton moved to continue the hearing to July 12th. Lori Fafard seconded the motion that carried unanimously.

**Conservation Commission
Minutes of the meeting of June 28, 2017**

Page #3

Project: WPA-N/A & BWP-171
RDA

Project Description:
2 Highridge Road – remove and replace existing deck

Applicant:
Custom Colors
4 Jeffrey Road
Franklin, MA 02038

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

Plans: RDA & Plot Plan Located at 2 Highridge Road, 5/26/17

Meeting time: 8:15 PM

Clay Reeder and Anthony Constanzo, owner, were present when Cliff Matthews opened the continued meeting. Cliff Matthews stated that after the applicant had submitted the filing for removal and replacement of a deck, members of the Conservation Commission went out on site and discovered that material had been placed in the resource area and that plantings had been placed on the Town of Bellingham property abutting this lot. The Con Com had requested that the property be surveyed to confirm its boundaries. The surveyed lot line would also delineate where the trespass is so that the owner could remove plantings and yard waste from the town's property. Shawn Wade stated that he had inspected the site just before arriving to the meeting this evening and noted that all the yard waste, mulch and plantings had been removed from the surveyed lot line. Cliff Matthews then stated that because the fence in the original Order of Conditions was never installed, the Commission is now requiring five posts with No Disturb Zone badges (supplied by the Con Com) to be erected along that property line. These posts are to be installed concurrently with the deck construction and will be evaluated upon final inspection of the deck. This would satisfy the No Disturb Zone barrier requirement. Mr. Matthews read the Special Conditions for the Determination. Mr. Reeder and My Constanzo both understood the permit requirements. Mike Roche moved to close the meeting and issue the Determination. Motion was seconded by Neal Standley and voted unanimously.

Project: 105-726 & BWP-61

Project Description: Preconstruction Meeting

Applicant:
Bellingham Residential Realty
120 Quarry Dr. 2nd Floor
Milford, MA 01757

Representative:
Eli Leino, FRE Building Co., Inc.
120 Quarry Drive, 2nd Floor
Milford, MA 01757

Plans: Silver Lake Sewer project, Rev April 11, 2014

Lori Fafard recused herself as she is a direct abutter. Mike Harrington, Eli Leino and Scott Jordan of EcoTech were present. Cliff Matthews stated that Don DiMartino has made it clear that the applicant has not yet applied for a street opening permit. Referring to the Special Conditions in the Order of Conditions, Cliff then asked Mr. Harrington for a construction schedule. Mike Harrington responded that the engineers, Guerriere and Halnon, are still designing the pump station on Cross St. The design is constantly being modified in order to be approved. Once that design is approved by the state, the applicant can move forward with the project. At this time, there is no schedule because of the delay in the pumping station design approval. Mr. Harrington stated that the pump station has to be installed first with all work stemming out from it in order for the system to be constructed properly. Mr. Matthews stated that all work must be in Sept. or Oct when the groundwater is low. He added that once the pump station design is complete, we can conduct a thorough preconstruction meeting as this meeting did not satisfy that condition.

Conservation Commission
Minutes of the meeting of June 28, 2017
Page #4

Cliff then mentioned a few locations on Lovers Lane and Maplebrook Common that Scott Jordan has been including in his monitoring reports that need erosion control attention. Both Mr. Harrington and Mr. Jordan stated that these areas are now in good repair.

Project: 105-805 & BWP-172
NOI

Project Description:
80 Stockholm Street – septic system repair

Applicant:
David Hawkins
80 Stockholm Street
Bellingham, MA 02019

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

Plans: NOI & Proposed Sewage Disposal System, Stockholm St. one sheet, May 26, 2017

Hearing time: 9:00 PM

Paul DeSimone was present when Cliff Matthews opened the NOI hearing for a septic system repair. Mr. DeSimone stated that a wetland exists across Pearl St. and there is also an off-site swale that creates a 100 foot buffer zone for the area where the new system will be constructed. The tank, pumping chamber, pump and retaining wall lie within the 100 foot buffer zone. The existing swimming pool must be removed and the existing wall extended for the proposed raised septic system. Mr. DeSimone stated that the soils outside the buffer zone are peat 9 – 10 inches deep. Therefore, he could not use that area for the system. He added that the three existing leaching pits also need to be removed and that the existing tank will be replaced with a 1500 gallon tank. Local waiver to the Board of Health was separation to groundwater from 4 – 3 feet. Cliff read the draft special conditions. There were no other questions. Shawn Wade moved to close the hearing and issue an Order of Conditions. Brian Norton seconded the motion that carried unanimously.

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

Cliff Matthews reported that he met on the 231 Maple St. site with Brian Waterman. Guerriere & Halnon has finally confirmed that they have engaged Mr. Waterman for developing the restoration plan for the Notice of Intent for the removal of fill on town owned land and resource areas. Brian and Cliff were out on the site last Thursday, June 22nd for an on-site assessment. Cliff stated that Mr. Waterman will be contacting G & H to get a confirmed survey of the lot line and pre-violation grade elevations for the filled area. Mr. Waterman said that he would provide a restoration plan and a reasonable window of time for requesting an extension to complete the work. Neal Standley stated that the property boundaries should be staked, that the slope is currently too steep and unstable and must be adjusted. He also stated that the cobbles on the site where fill was removed are a problem. Cliff responded that 3 -4 more feet of fill may have to be removed to adjust the slope and grading. The Con Com will await the restoration plan and then take action on the recommendations of the PWS for granting an Extension.

Conservation Commission
Minutes of the meeting of June 28, 2017
Page #5

Cliff Matthews stated that Dan Nitzsche of GZA (representing the 169 Maple St. Enforcement Order to J.D. Raymond) requested another 60 day extension. He has developed an existing conditions plan and is currently developing a stormwater management system for the site. J.D. Raymond is also addressing a Cease & Desist Order from the town and hopes that the final plan will address all the town's issues. Commission members agreed to the 60 days extension that will expire on August 22nd.

Cliff Matthews reported that he and Anne Matthews had inspected the SNETT from Lake St. to Prospect St., Franklin. The trail is currently being developed and the contractor has done a very good job with adherence to the design plans.

The Commission signed:

Vouchers

Det. Of Applicability	BWP-163 / 8 Connor Lane, Lot 4 / jurisdictional question / Ron Nation BWP-171 / 2 Highridge Road / remove & replace deck and restore BZ on town owned land
Order of Conditions	105-800 & BWP-158 / 190 Farm Street / Asphalt Engineering LLC 105-805 & BWP-172 / 80 Stockholm St / septic repair / Hawkins
Amendment	105-786 / Silver Lake drainage improvements / DPW
Cert of Compliance	105-294 / Locust St. / Marinella

Neal Standley moved to adjourn at 9:30 PM. Brian Norton seconded and the motion carried.

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