

**Bellingham Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of March 22, 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

Continuation time: 7:30 PM

Cliff Matthews opened the continued hearing. No one from the public was present. He stated that the applicant is presently seeking a modification to Hartford Village I from the Planning Board (scheduled for April 13) and the two projects (Hartford Village I and Hartford Village II) would then be combined into one project. The two projects would then share the same stormwater management system, septic system and homeowners association. He then stated that Andrews Survey has responded to the PSC peer review letter of Dec. 2, 2016. There are only a few outstanding issues left for the applicant to address for the Notice of Intent hearing process. Cliff stated that he would leave the hearing open for the time being in case the applicant or engineer showed up during the hearing time allowed for this evening. During that time, Chairman Matthews took the opportunity to present basic filing information and plan presentations to five boy scouts who were attending the meeting to earn Boy Scout badges. Once the time had elapsed, Michael O'Herron moved to continue the hearing to April 26th at 7:30 PM., seconded by Brian Norton and voted unanimously.

Project: BWP-161
RDA

Project Description:
799-801 Pulaski Boulevard
Determine if isolated wetland is jurisdictional to local bylaw

Applicant:
John Waslyean, Jr.
801 Pulaski Boulevard
Bellingham, MA 02019

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

Plans: RDA & plans, "Nerina Estates" 8 Sheets, Feb. 2, 2017

Hearing time: 8:00 PM

No one from the public was present when Cliff Matthews opened the RDA meeting. He stated that the Conservation Commission was concerned with the subdivision plan that was recently submitted to the Planning Board for a three lot subdivision entitled, "Nerina Estates". The area in question is a small depression located on the plan that the applicant is proposing for a detention

Conservation Commission
Minutes of the meeting of March 22, 2017

Page #2

basin. Additionally, our GIS mapping shows a definite hydrological connection to this area. JP Connolly from Andrews Eng. had told the Planning Board that his wetland consultant had visited the site and stated that this area was not jurisdictional to the Conservation Commission. No findings letter was ever submitted to the Conservation Commission and so the Conservation Commission contacted Andrews Survey to file a Request for Determination to make a formal determination as to the status of whether or not a resource area existed on the site. Phil Devine, an abutter at Deer Run Road, presented some pictures showing flooding conditions in that area. He stated that he was very concerned with the potential for flooding issues from development of the site. Mr. Devine also suggested that this small depression may be a vernal pool. He also stated that on Feb. 4th of this year, test pits were performed in the wet depression but were not witnessed by a soil evaluator. Commission members agreed that we could not visit the site yet as there was still snow on the ground. In addition, commissioners believed that it would be appropriate to evaluate the area in vernal pool season. The site walk would be scheduled within a few weeks. Mike Roche then moved to continue the meeting to May 10th at 7:30 PM. Lori Fafard seconded the motion which carried unanimously.

Project: 105-797 & BWP-159
CNOI

Project Description:
Lot 2 Box Pond Road – clear Buffer Zone for yard

Applicant:
Steve Goyette
60 Rower Wharf

Representative:
Peter Lavoie, Guerriere & Halnon, Inc.
333 West St
Milford, MA 01757

Plans: NOI & Site Development 7 Facilities Plan, Lot 2 Box Pond Road, Nov. 4, 2016
REV 3/15/2017

Hearing time: 8:20 PM

Cliff Matthews opened the hearing. Steve Goyette and Elizabeth Mainini, PE of Guerriere & Halnon were present. Ms. Mainini presented revised plans dated March 15, 2017 reflecting the changes to the plan that were discussed at the last hearing. She stated that these changes include that the yard is now extended into the buffer zone on the eastern side. The revised plans also reflect that the existing driveway on that eastern edge will now be blocked with large boulders, and seeded and loamed for the proposed yard. Cliff Matthews stated that the revised plans were sent out to the commission members for review. There were no comments or questions. Brian Norton moved to close the hearing and sign and issue the Order of Conditions. Lori Fafard seconded the motion and the motion carried unanimously.

Project: 105-798 & BWP-160
CNOI

Project Description:
61 Silver Lake Road – septic repair

Applicant:
Colette Sacco
262 Gazza Road
Mapleville, RI 02839

Representative:
Margaret Bacon, Civil Site Engineering LLC
P.O. Box 248, 80 Maple Street
Douglas, MA 01516

Plans: NOI & Conservation Site Plan Sewage Disposal Layout for 61 Silver Lake Road, Jan. 10, 2017, Rev. Feb. 21, 2017

Conservation Commission
Minutes of the meeting of March 22, 2017
Page #3

Hearing time: 8:00 PM

Cliff Matthews opened the continued hearing. Margaret Bacon of Civil Site Engineering was present for the applicant. Mr. Matthews stated that Notice of Intent hearing was opened at the last meeting of March 8th and the filing was reviewed, however, a DEP file number had not yet been issued for the project. File number 105-798 was assigned for the project subsequent to that meeting. Margaret Bacon stated, in response to Lori Fafard's question, that the shed on the site will be moved to accommodate the new septic system repair. The area is currently all lawn. Mike Roche moved to close the hearing and sign and issue an Order of Conditions. The motion was seconded by Neal Standley and approved unanimously.

Project: 105-800 & BWP-158
NOI

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.

Continuation time: 8:40 PM

Cliff Matthews opened the continued hearing. Mark Allen, Erin Landry, Nate Moorland and a representative from attorney Fernandes' office were present. Mark Allen thanked for commission for continuing the hearing to tonight as he was then able to get direction from the Planning Board on the status of the development plan. He stated that the Planning Board extended the current bulk storage permit for three months and was allowing the applicant to move forward with the current plan to utilize the rear of the site allowing them six months to prepare a full development plan. He distributed a concept plan depicting the concept drawing of the construction of the office and appurtenances that would be submitted to the Planning Board for the development plan. Mark Allen stated that there would be no change in hydrology from the proposed asphalt piles and roadway at the rear of the property to the development of the office at the front of the property. He also stated that the office development at the front of the property may or may not be jurisdictional to the Conservation Commission depending on if he could infiltrate all of the stormwater from the office portion without an outlet to the resource area. Cliff Matthews stated that we do not have any test pit information of the proposed forebay and infiltration basin location at the front of the property nor is there any information on the amount of impervious surfaces that would be proposed. Mr. Allen said that he would provide the test pit information for the front of the property. Cliff responded that Mr. Allen must provide information on the design of the stormwater management system including all of the proposed impervious surfaces.

Mr. Allen then presented a 8-1/2 x 11" sheet of the "pinch point" area of the proposed road to access the rear of the property illustrating the compliance to the 50 foot set-back to the vernal pool and non-disturbance to the 25 foot No Disturb Zone of the wetland. He added that a waiver request under 247.24.B.2.b for disturbance to buffer zone between the 25-50 foot resource area would be necessary. H also added that he submitted a table tabulating all impacts

Conservation Commission
Minutes of the meeting of March 22, 2017

Page #4

to resource areas and that table would be included on the revised plans. Mr. Allen stated that he does not yet have any revised plans completed.

He stated that Sage Environmental would be on site late that week to confirm the suggested highwater mark to Stall Brook using the 2015 plans from 187 Farm Street to assist. He added that the Riverfront Area may extend further out of the current location but he was confident that there would be no more than 10% disturbance.

He stated that he filed with Medway for a Use Variance (without a building) which would be reviewed on April 5th in Medway. Mr. Allen stated that the applicant agreed to remove all work outside the Riverfront and buffer zone on the Medway portion of the lot so that there would be no need to file with the Medway Conservation Commission.

Mr. Allen stated that groundwater testing was conducted and witnessed by Mike Catalano of the Board of Health and Town Planner, Jim Kupfer. The test pit results have been given to the Conservation Commission. He also added that the stormwater system meets the 44% TSS removal rate prior to discharge into the infiltration trench as required for recharge within a Zone II. Mr. Allen confirmed that the plan does reflect field shot grade elevations. Mark stated that the test pit information showed mottling at 48 -52 inches and that he is designing the basins with the proposal to berm up one side. He added that the first three feet of the proposed basins would be excavated then filled with a layer of gravel and loam to build up the sides. Cliff stated that the basin must be constructed in accordance with Town Code Section 245.13 D which states that "the detention basin must be constructed below the existing grade and may not be constructed on fill material". In addition, criteria for construction of stormwater basins located in the Water Resource District require four feet of separation to groundwater. Cliff stated that it was very difficult to determine what the existing and proposed elevations are on the plans that Mr. Allen submitted. Three test pits are required, three in each proposed basin and that information has been submitted, however, we would also require test pit information for the front of the property where the proposed infiltrator for the proposed building and parking would be located. Cliff then asked for more detailed information regarding the detention basin maintenance in the O & M Plan. More appropriate wording should replace the current wording that refers to making sure that the basins can handle stormwater events. Mr. Allen stated that he is utilizing the Cornell Method of determining rainfall as required in our bylaw regulations. Mr. Allen stated that all of the outstanding information will be provided 7 -10 days before the next hearing of April 12th. Cliff Matthews then stated that the commission believes that there are four potential vernal pools on site based on the presence of the vegetation "Buttonbush" as witnessed on the site walk. Due to the presence of the vernal pools, the Commission usually requires that a Professional Wetland Scientist assess and make recommendations on maintaining the integrity of the pools over time. Mr. Allen stated that Jeff D'Arrigo of Sage Environmental would be on site this Friday to confirm the elevation of the highwater mark and that Mark would request that he assess and monitor the vernal pools while on site. Since the vernal pool season is usually between mid-April and mid-May, Mark Allen requested that the vernal pool information be on-going. He stated that all the revised design plans and peer review responses would be completed and submitted for the April 12th Conservation Commission meeting. At that time, he would like a decision. Cliff responded that all information including the peer review responses and basin construction and sizing have to be reviewed by PSC and approved by the Conservation Commission. Cliff stated that the Conservation Commission needs engineering on the basin proposed at the front of the property. Michael O'Herron added that there may not be enough time for all information to be reviewed and completed by April 12th for closing the hearing. Mike Roche then moved to continue the hearing to April 12th at 7:50 PM, seconded by Neal Standley and voted in favor unanimously.

Conservation Commission
Minutes of the meeting of March 22, 2017
Page #5

Project:

Informational

Project Description:

169 & 174 Maple Street- response to Enforcement Order

Applicant:

LMP Properties LLC
JD Raymond
169 & 174 Maple Street

Representative:

Dan Nitzsche, GZA
1350 Main St., Ste 1400
Springfield, MA 01103

Informational time: 9:15 PM

Dan Nitzsche of GZA stated that he has been contracted by LMP Properties to begin the process of filing a Notice of Intent in response to the Enforcement Order (EO) that was issued to his client by the Conservation Commission last month. The EO was issued because the land owner was operating a bulk storage facility without a valid permit for both the facility and stormwater management system. Cliff Matthews stated that the original Order of Conditions (issued in 2008) permitted a motocross facility that was never constructed. The Order expired in 2015 and unpermitted activity is now taking place in the buffer zone. The silt fence on the site is also in need of repair. Commission members agreed that Mr. Nitzsche could use the existing conditions plan as a base for engineering for the filing. Mr. Nitzsche added that he will refresh the wetland flags on the site. Jim Kupfer, Town Planner, stated that because this project is subject to the local bylaw, the Conservation Commission cannot issue an Order of Conditions until all other zoning and planning issues are compliant. The town had issued a Cease and Desist on March 1, 2017 giving the property owner a deadline of thirty days to respond. Mr. Nitzsche will discuss these issues with his client. In the meantime, Mr. Nitzsch requested that the Conservation Commission grant a thirty day extension to filing the NOI. Commission all agreed to grant the requested 30 day extension.

Updates:

Minutes – 3/8/17 Michael O'Herron had three typo correction requests. Neal Standley then moved to accept the minutes as corrected. Motion was seconded by Lori Fafard and carried unanimously.

Cliff Matthews stated that Anne Matthews had met with David Baker of RK Centers, the site manager and yard contractor to walk the Stop & Shop site after a Request for a Certificate of Compliance was received by the commission. The site was in very good condition and the Operation and Maintenance Plan has been actively utilized for annual maintenance. Neal Standley then moved to sign the Certificate of Compliance for Stop & Shop, 50-78-80 Pulaski Blvd. and that once the Registry of Deeds recording information is received by the Conservation Commission from the applicant, release the replication bond. Lori Fafard seconded the motion that carried unanimously.

A voucher for office supplies was signed by the commission.

Cliff Matthews thanked the boy scouts for coming to our meeting.

Conservation Commission
Minutes of the meeting of March 22, 2017
Page #6

Mike O'Herron will contact Gino Carlucci to find out if the final draft Open Space Plan will be ready for our meeting of April 12th. He will also ask Gino to distribute the plans to appropriate departments for letters of recommendation.

Mike Roche asked for guidance for filing with the commission for tick spraying at the two elementary schools and the middle school. He said that the application that the school department is proposing for tick control a "green application". Mike will stop by the Conservation Commission office tomorrow to discuss with Anne Matthews. We will also get in touch with DEP for guidance.

Cliff Matthews stated that some enforcement issues will be discussed at our next meeting. Neal Standley asked if Sandy's Ice Cream located on Pulaski Boulevard has responded yet to the March 15th deadline which they haven't. He requested that we follow-up with the requirement that they file with the Conservation Commission.

Michael O'Herron stated that he and Brian Norton attended the DEP workshop in Franklin the previous evening.

The meeting adjourned at 10:15 PM on a motion by Brian Norton, seconded by Lori Fafard and voted unanimously.

Attending the meeting was: Cliff Matthews, Neal Standley, Michael O'Herron, Lori Fafard, Michael Roche, Brian Norton, Arianne Barton, Associate Member and Conservation Administrator, Anne Matthews.