

**Bellingham Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of May 10, 2017**

Project: BWP-161
CRDA

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, B & C Associates, Inc. ltr, 5/10/2017
Continuation time: 7:30 PM

Cliff Matthews opened the continued RDA meeting. He stated that he himself had conducted three site walks, including one with Anne Matthews and one with the members of the Commission to look for evidence of vernal pool obligate species and/or egg masses in the pooled depression on the site. He stated that no evidence of vernal pool life was found but based on the site walks there is very high groundwater in that area. It is not jurisdictional to the Wetlands Protection Act because it does not meet the jurisdictional threshold of ¼ acre feet of water. He stated that the Conservation Commission would make recommendations to the Planning Board to prohibit use of the isolated depression for a stormwater basin due to its containment of high groundwater. He also added that he and members of the Commission could not find any wetland vegetation in the area. Cliff stated that abutter, Phil Devine, has submitted photos of some pond life at the site. The photos show only one Wood Frog but there was no chorusing nor egg masses. He said that most of the pond life seemed to be mosquito larvae. J.P. Connolly then added that he is revising the plans for the Planning Board submittal to incorporate changes to the proposed stormwater basin. He then presented the supporting letter from B & C Associates, Inc. which stated that it was B & C's professional opinion that there was no vernal pool life or wetland vegetation at the ponded area and that it did not qualify as a wetlands. Cliff then stated that the letter would be incorporated into the Determination for signing at the next continuation. Michael O'Herron moved to include the letter in the permit, to continue the meeting to Wed., May 24th at 7:50 PM and to have the permit ready for signing then. Brian Norton seconded the motion that carried unanimously.

Project: 105-800 & BWP-158
CNOI

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 1-7, Jan. 18, 2017, revised May 2, 2017, Drainage Analysis, revised 5/2/2017, Allen Eng. Response letter 5/2/2017 (response to PSC ltr of 4/12/2017), PSC response to Allen Eng. 5/8/2017

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Continuation time: 7:45 PM

Cliff Matthews opened the continued hearing. Attending were Mark Allen, Erin Landry, Nate Moreland, Atty. Jim Roberti, and peer reviewer, Tom Houston. Cliff stated that before getting into the new peer review and responses, he wanted to discuss a couple of items in Mr. Allen's response letter of 5/7/17. He stated that the words "potential man made" (referring to the vernal pools) must be removed from the plans because their status has been confirmed. He also requested that the cart path between the two vernal pools be blocked off so that there could be no vehicle access. Mr. Matthews then asked Mr. Allen if he would update the Commission on the current revisions to the plans dated May 2, 2017.

Mr. Allen stated that the revised Riverfront flagging has been hung and is noted on the plans. Also the 50 foot No Disturb Zone (NDZ) for the vernal pools has been marked on the plans. He added that the 50 foot NDZ to the vernal pools is honored and that the proposed road in this area is now 20 feet in width (narrowing down from the 22 foot width of the balance of the road) and includes incursion into the 25 foot NDZ of the BVW. The road has 1:1 rip rapped slopes and a guardrail. Sheet #5 of the plan set provides a 20 scale detail of this area. Mr. Allen stated that he increased the size of the basin for the 100 year storm event and one foot freeboard. The basins have 4:1 slopes on the back side and 3:1 slopes inside with a 15 foot wide access that decreases to eight feet at the grassed area. He has added a six foot high chain link fence to Basin A at the front of the property. He stated that the collection system includes a rip rap area sending runoff to a deep sump catch basin then to the basin at basin A at the front of the property.

Jeff Sage of Sage Environmental then stated that he and the applicants have met with DEP for a pre-meeting workshop on the state permit application. Asphalt recycling is permitted by DEP Solid Waste. DEP has indicated that based on the size and nature of the material, the project should be permittable with DEP. Mr. Sage stated that the applicant has made every effort to avoid, minimize and mitigate in designing the revised project. He added that he believed that the main concerns remain to be the asphalt material itself and the potential for dust during crushing operations. The applicant will have a tanker on site to mitigate dust and that the stormwater management system and the implementation of its Operation and Maintenance Plan will aid in the functioning of the system. He stated that many studies have been performed that indicate that 95% of the material is rock with only a minimum percentage being asphalt coating. He stated that crushing will take place only once or twice a year. Michael O'Herron expressed his continued concern with the dust and suggested that a mister be kept on site.

Mr. O'Herron also expressed his concern with the literature that was submitted relative to recycled asphalt stating that the dates were older than ten years and that it was created by the asphalt industry. He stated that he continues to be concerned with the potential for asphalt dust creating contamination especially on this environmentally sensitive site. Cliff Matthews then stated that **Special Conditions** would include that a mister be placed on site for dust control and that the asphalt piles containment have visual barriers in place as was required in Medway. Brian Norton then stated that asphalt material is classified by EPA as problematic to health and highly toxic as it has the potential to contain toxic sealant materials. Michael O'Herron added that the asphalt also comes from a variety of sources. Nate Moorland stated the seal coating wears off over time, thereby minimizing the risk from sealants such as coal tar. When asked about the height of the piles, Mr. Moorland answered that the piles would be 30 feet for the gravel piles in

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the Medway permit (on the Medway portion of the property). Another **Special Condition** discussed would be that silt fence must be installed during misting to capture any run off generated by the misting activity. Another **SC** is that the vernal pools must be certified.

Referring to Basin A, Cliff Matthews stated that it is located in the Riverfront and that stormwater management structures should not be fenced according to 310 CMR 10.58. He added, however, that the Planning Board is requiring the fencing and stated that a **Special Condition (SC)** be that the fence is installed ix inches above ground. Mr. Allen will put this on the detail sheet of the plans.

Cliff also asked Mr. Allen to locate a snow storage area, stake the limits of the location of the asphalt piles, and revise Note 8 on Sheets 3 and 4 of the plans.

Cliff then asked Tom Houston to comment on his peer comment letter (just received that evening by the Commission). He stated that he too, continues to be concerned with the water quality in this Zone II and medium aquifer site. He stated that the reports submitted by the applicant are a good start but added that information should be submitted as is written by outside sources. He suggested that a condition of approval may be for the Commission to require monitoring wells upgradient and downgradient of the site with reports of findings. Mr. Houston stated that the applicant has made significant progress with the design but he continues to be concerned with the pre and post development calculations as presented by Mr. Allen in his response letter of May 2, 2017. By example, he stated that there is a slight increase in the post development runoff in the 100 foot buffer zone on the easterly side of the vernal pool but a decrease in smaller storm events. He suggested that Mr. Allen fine tune the engineering to provide more water to the vernal pool in post development conditions. He added that the outlet control structures have been redesigned into weirs from sediment forebays but the interchange is problematic although the hydrology is on its way to resolution. He added that the mounding analysis also needs some clarification but that the analysis shows seasonal high ground water variation as just a few inches. The Bellingham regulations are more stringent on this issue than DEP.

Referring to the Operations and Maintenance Plan (O & M), Mr. Matthews stated that Mr. Allen should include that the use of de-icing agents is prohibited on the site. Mr. Allen was also instructed to include in the revised O & M that copies of annual maintenance logs along with photographic evidence of inspection and completed tasks must be sent to the Conservation Commission annually. A **SC** would state that if the Commission does not receive these reports, the Commission will have the right to request a site walk along with the maintenance logs. Mr. Houston also stated that he would also seek out more information on the asphalt materials composition and safety.

Jacob Butterworth, a consultant for the applicant, stated that he has had much experience with the use of asphalt in remedial projects. In his opinion, use of the recycled material does not create a negative effect on water quality as long as the types of controls as proposed in the engineering design are implemented, specifically, the use of Best Management Practices in the stormwater management design and a practiced O & M Plan. Michael O'Herron again expressed his concern for water quality with the site having asphalt piles so close to fragile areas; vernal pools, well zone and Riverfront Area. He added that now is the time to take precautions before it is too late. He suggested that when the first time grinding operations were to take place, a professional oversee and witness the operation on site to confirm that all mitigating measure have been taken to assure long term water quality (**SC**).

Brian Norton then moved to continue the hearing to May 24th at 8:45 PM. Motion was seconded by Lori Fafard and voted unanimously.

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Project: 105-735 & BWP-73
Informational

Project Description:
231 Maple Street – restoration from violation onto
Town land – OoC to expire 6/5/2017

Applicant:
Chris Funari
231 Maple Street
Bellingham, MA

Representative:
Guerriere & Halnon, Inc.
333 West Street
Milford, MA

Informational time: 8:30 PM

Mr. Funari was present to represent himself. Cliff Matthews began by stating that the Commission asked Mr. Funari to come into our meeting to provide an update on his progress on the removal of fill on Town of Bellingham land and to restore the disturbed resource areas. Mr. Funari had filed a Notice of Intent in response to an enforcement order issued to him in 2014 for the violations. He stated that all the fill material had been removed and that Guerriere & Halnon had been out to survey the site. He added that at the present time, he has hired Brian Waterman, a Professional Wetlands Scientist (PWS), to create a planting scheme for restoration. Cliff Matthews asked that Mr. Waterman confirm that the historic resource area boundary be determined and restored with appropriate vegetation. Mr. Funari stated that he believes that the proposal is going to include just a seed mix. Cliff responded that the restoration may need supplemental plantings. He also stated that a site walk would have to be scheduled. Mr. Funari requested that the Commission consider a six month extension or at least a three month extension so that he could finish the project under the Order of Conditions. Michael O'Herron stated that the Commission should wait until the PWS develops a restoration plan and then we can conduct a site walk so that we would have better information on the time frame needed to complete the project for issuing any Extension to the Order.

Project: 105-802 & BWP-166
CNOI

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" revised May 2, 2017

Hearing time: 8:45 PM

Cliff Matthews opened the continued hearing with David and Jennifer Savard attending. Mr. Savard presented a copy of the revised plan which the Commission had received previously. Cliff stated that the backyard is extended and a split rail fence demarcates the No Disturb Zone. NDZ badges will be placed on the fence. Mr. Savard stated that the plan has been presented to the Board of Health. Lori Fafard remarked that Mike Savard, the builder, has a very good reputation. Lori Fafard then moved to close the hearing and issue the Order of conditions. Michael O'Herron seconded the motion that carried unanimously.

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Project: WPA-N/A & BWP-164
CRDA

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: 9:00 PM

Brian Norton, a direct abutter, recused himself from the hearing process. Mark Arnold of Goddard Consulting was present. Cliff Matthews then stated that the Commission did not have a quorum to open the continued meeting. Shawn Wade, Michael Roche and Neal Standley were all absent and Brian Norton had to recuse himself as he is a direct abutter. The meeting was then continued to May 24th at 7:15 PM.

Project: 105-803 & BWP-165
CNOI

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, 3 Connor Lane, Bellingham", one sheet, March 24, 2017, revised May 1, 2017

Continuation time: 9:15 PM

Brian Norton, a direct abutter, recused himself from the hearing process. Mark Arnold of Goddard Consulting was present. Cliff Matthews then stated that the Commission did not have a quorum to open the continued hearing. Shawn Wade, Michael Roche and Neal Standley were all absent and Brian Norton had to recuse himself as he is a direct abutter. The hearing was then continued to May 24th at 7:15 PM.

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Project: 105- & BWP- 168
CNOI

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, 11/12/15 Revised 5/8/2017

Hearing time: 9:30 PM

Cliff Matthews opened the continued hearing. Bill Halsing and Mr. Galbraith were present. Cliff stated that he, Lori Fafard and Anne Matthews had conducted a site walk on Sat., May 6th. Bill Halsing presented a copy of the revised plan. He stated that the patio and retaining wall have been relocated seven feet further from the lake. The patio will be constructed with pervious pavers. He said that the existing shed has been added to the plan and he also removed the dock from the plan as it did not exist. Special Conditions discussed include the necessity for an engineer to be on site to certify the proper construction of the retaining wall and that the Conservation Commission is not responsible for any survey discrepancies. Brian Norton moved to continue the hearing to May 24th (so that Mr. Halsing could submit the final revised plans) and to prepare the Order of Conditions for signing at the continuation. Lori Fafard seconded the motion that carried unanimously.

The minutes of the meeting of April 26, 2017 were approved with the correction to ground elevations on page #1.

The Commission signed:

OoC / #105-801/ Cross St. Layout / DPW

OoC / #105-802 & BWP-166 / 316 Center St. Lot 7, sub-lot 3, sfd, Savard

Michael O’Herron stated that he did not believe that it was necessary to have Gino attend a meeting as the draft Open Space Plan was 99% complete. Anne Matthews will contact Gino to request status of the Plan and recommendation letters so that we can move forward to its finalization.

Cliff Matthews stated that Anne Matthews has contact Denis Fraine on the wetlands violation taking place at the Center St. Cemetery. Mr. Fraine has requested immediate clean up.

Cliff then stated that the Girls’ Softball Assoc. has contacted the Commission to request permission to construct a storage unit at High Street. Members would look at the site when visiting the fields for the Dog Park RDA.

Attending the meeting: Cliff Matthews, Michael O’Herron, Brian Norton, Lori Fafard, Arianne Barton (Associate member) and Conservation Administrator, Anne Matthews