

**Bellingham Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of May 24, 2017**

Project: 105-803 & BWP-165
C. NOI

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: 7:15 PM

Brian Norton, a direct abutter, recused himself from the hearing process. Neither the applicant nor his representative was present when Cliff Matthews opened the continued hearing. Cliff stated that the Order of Conditions was prepared for signing. Shawn Wade then moved to close the hearing and issue the Order of Conditions. Motion was seconded by Michael Roche and passed 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. Neither the applicant nor his representative was present when Cliff Matthews opened the continued RDA meeting. Cliff stated that the filing is for the determination of whether the lot is jurisdictional to the Wetlands Protection Act and/or to the local bylaw. He added that Jay Talerman, Town Counsel, has made it clear that there is no "grandfathering" to the local bylaw as there is with zoning. He stated that the Commission could work with the applicant for alternatives. Cliff stated that at the last continuation, Mark Arnold had requested another continuation to obtain soil profiles to re-adjust the site development. We have not received any information relative to this alternative. Mr. Matthews stated that he recommends that due to the contentious nature of this filing, the Commission should give every opportunity to the applicant to provide alternatives. Mike Roche and Brian Norton cannot vote. Michael O'Herron moved to continue the meeting to June 14th at 7:50 PM. Shawn Wade seconded the motion. Motion passed.

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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: 7:30 PM

Cliff Matthews opened the continued hearing with J.P. Connolly of ASE attending. J.P. stated that due to continuations with the Planning Board, he would like to request another continuation. At the present time, he is working on the lot layout of 18 units and is attempting to move the west side building five feet closer to the abutting building. Jim Kupfer, Town Planner, stated that the Planning Board approval will require a peer review of the proposed septic system. J. P. also needs an earth removal permit from the ZBA. He requested a continuation to June 14th. Mike Roche moved to continue the hearing to June 14th at 8:05 PM. Motion was seconded by Shawn Wade and the motion passed.

Project: BWP-161
C. 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, B & C Associates, Inc. ltr, 5/10/2017

Continuation time: 7:30 PM

Cliff Matthews opened the continued RDA meeting. Abutter Phil Devine was present. Cliff Matthews stated that the Commission had made a determination of the status of the isolated pool at the last meeting but was unable to provide a signed determination because we did not have a copy of the B & C Associates letter stating that in their professional opinion, there were no wetlands present on the site. Mr. Matthews added that it is the recommendation of the Commission to the Planning Board that this pooled area should not be considered for any stormwater management basin because of the high groundwater issues and its location in the Water Resource District. J.P. stated that he is moving forward with another stormwater design for the project. Michael O'Herron moved to close the meeting and issue a Negative Determination based on the Commission's findings at the site walks. Shawn Wade seconded the motion that carried. Mike Roche was unable to vote on this project.

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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 for Edward Gately", Sheets 1 & 2, 2/24/2017 and revised April 18, 2017

Continuation time: 8:00 PM

Cliff Matthews opened the continued ANRAD hearing. Three abutters from Mohawk Path were present. Neither the applicant nor his representative was present. Cliff Matthews stated that Mr. Gately had contacted Anne Matthews late this afternoon to notify the Conservation Commission that Ivan Szalassy, his PWS, had not yet completed the buffer zone restoration plan as discussed at the last hearing. Mr. Gately also requested another continuation in order to have additional time to complete that plan. Cliff stated that Mr. DeSimone had resurveyed the corrected 100 foot buffer zone and installed orange construction fencing at the limits of the 100 foot buffer zone. In his email of today, Ed Gately stated that he had removed everything from the 100 foot buffer zone as requested by the Commission except the tent. Mr. Matthews stated that a buffer restoration plan is required of Mr. Gately because he removed a substantial amount of understory right up to the resource area edge. The restoration plan will include plantings in the altered fifty foot buffer zone. Cliff also stated that Mr. Gately will have to obtain appropriate permits from the town for the proposed development of the property. At this time, Mr. Gately must be compliant with restoring altered buffer zone areas. Shawn Wade moved to continue the hearing to June 14th at 8:10 PM. Motion was seconded by Brian Norton and passed unanimously.

Project: WPA# N/A, BWP# N/A
RDA

Project Description:

High Street Fields – Proposed Dog Park

Applicant:

Denis Fraine, Town Administrator

10 Mechanic Street

Bellingham, MA 02019

Representative:

James Kupfer, Town Planner

10 Mechanic Street

Bellingham, MA 02019

Plans: RDA & "Bellingham Dog Park, Schematic Design, April 28, 2017, One Sheet

Meeting time: 8:30 PM

Cliff Matthews opened the Request for Determination meeting. Jim Kupfer, Town Planner, was present for the applicant. Mr. Kupfer stated that the applicant decided to remove the project from the buffer zone and has therefore subsequently withdrawn the RDA. Mr. Kupfer stated that the Board of Selectmen will decide how the project will move forward. He also added that once the final plan is completed, he would notify and copy the Commission. Cliff Matthews stated that the Conservation Commission was of the understanding that the Girls Softball Association was in agreement with the project, but as things progressed we now understand that they are not. Mr. Kupfer stated that there were positive responses to the project for the first three meetings but then some negativity developed including concern for replicating parking spaces. Cliff Matthews stated that one of the natural features of the entrance to the fields is the existing

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ledge which we do not want to see removed for additional parking. He also added that the Commission does not want pavement on the site which may require stormwater management. Cliff stated that the Softball Assoc. wants permission to construct another shed on the site. He stated that the existing building and its addition were not approved by the Conservation Commission and added that the Conservation Commission is trying to minimize the expansion of buildings and use on this site.

Project: 105-800 & BWP-158
C. 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 1-7, Jan. 18, 2017, revised May 23, 2017, Drainage Analysis, revised 5/2/2017, PSC email response to Allen Eng. 5/23/2017, USGS publication "Coal-Tar-Based Pavement Sealcoat – Potential Concerns for Human Health and Aquatic Life, April 2016, ATSDR Public Health Statement PAH's, Aug 1995

Continuation time: 8:45 PM

Cliff Matthews opened the continued hearing. Attending were Mark Allen, Erin Landry, Nate Moorland, Atty. Jim Roberti, peer reviewer, Tom Houston, and Town Planner, Jim Kupfer. Mark Allen suggested that he update the commission members on the revisions to the plans. He stated that he has submitted a Waiver Request for intrusion into the 25 foot No Disturb Zone (NDZ) for disturbance of a 780 sf area for the proposed road. He provided mitigation for that impact by including a planting scheme proposal of 800 sf that includes 20-22 Highbush Blueberry and Sweet Pepperbush plants on 8-10 foot centers. He revised the plan to show a 50 foot NDZ from the vernal pool and deleted the words "potential manmade" from the vernal pool labels on the plan. The roadway includes a reduction in width to 20 feet with a 1:1 rip rap slope that is located ten feet from the BVW. A snow storage area is located on the plan. The revised O & M Plan now includes the prohibition of de-icing agents and inclusion that annual maintenance records with photographs must be submitted to the Conservation Commission. A vehicular barrier is now located on the plan on the cart path between the two vernal pools. A Special Condition (**SC**) will include that crushing may take place only up to twice a year, that erosion control must be installed around the crusher and that a visual barrier of the extent of the limit of the asphalt pile must be installed. Mike O'Herron questioned the misting operations. Erin Landry responded by stating that the water tank does not provide water flow but merely mists the piles during crushing operations. Erosion control will be installed around the mister as well. She added that the crusher area is 40' x 20". Mike O'Herron and Brian Norton expressed their concerns with the dust as well as the Polycyclic Aromatic Hydrocarbons (PAH's) that would be generated from the crushing operations. Ms. Landry stated that her company purchases the asphalt and that the crushing activity would take place 375 feet from the vernal pools. Mark Allen suggested that a **SC** could be that the applicant copies the Con Com on their DEP permit.

Cliff then questioned the criteria used for determining the four foot separation to groundwater noting that the elevations on the plan near Test Pit 1 at Basin 2 seemed to be in conflict with the elevation on the plans. Mr. Allen stated that he performed a survey when he conducted the test pit. Tom Houston stated that Mr. Allen took specific elevations at the time of the testing and

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that sometimes it is not reflected on the plan. Cliff stated that when Mr. Allen was asked by the Con Com a few meetings prior if he had conducted field shot grade elevations, Mr. Allen had responded in the affirmative. Mr. Houston suggested that Mr. Allen provide clarification on this before he would comment further.

Tom Houston then stated that there have been significant modifications to the drainage system. The last problem was the configuration of the outlet control structures because they were higher than the weirs so that the water could not exit. Mr. Houston added that the design now reflects lowering of the elevation of the outlet pipes. The inlet weirs were lowered .4 inches. On the third basin, Mr. Allen increased the capacity of the outlet pipes by increasing the pipe diameters. Normal maintenance should be four times a year which has been added to the revised O & M Plan. Mr. Houston stated that he is now awaiting the parameters to the mounding analysis as well as supplemental information on the test pits.

Mr. Matthews stated that on the 20 scale plan, the area closest point to the BVW is only ten feet and that he could not locate the size of the rip rap on the detail sheet and asked for clarification on the detail sheets.

Mr. O'Herron then questioned Mr. Houston on his recommendation of installing monitoring wells on the site in order to monitor water quality. Ms. Landry stated that she did not want to consider using monitoring wells on the site. She added that she has taken necessary precautions on the site development plan utilizing best management practices.

Cliff Matthews stated that it would be necessary to continue the hearing after the next two previously scheduled hearings this evening were opened and discussed. Mike Roche moved to continue this hearing to 9:50 PM the same evening. Shawn Wade seconded the motion that passed unanimously.

Project: 105- & BWP- 168
C.NOI

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

Bill Halsing and Mr. Galbraith were present when Cliff Matthews opened the continued hearing. Mr. Matthews stated that revised plans were reviewed at the last continuation and that the Commission was awaiting paper copies. He added that we received copies of the plans the day after the last hearing. Michael O'Herron moved to close the hearing and issue the Order of Conditions. Brian Norton seconded the motion that carried unanimously.

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Project: WPA-N/A & BWP-169
RDA

Project Description:
89 Lakeview Avenue – construct driveway and deck,
Abandon, loam and seed existing parking area near
Silver Lake

Applicant:
Quarry Development LLC
89 Lakeview Avenue
Bellingham, MA 02019

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

Plans: RDA & Site Plan Located at 89 Lakeview Avenue, Bellingham, 5/4/17 Rev 5/18/17, One Sheet

Meeting time: 9:45 PM

Cliff Matthews opened the public meeting. Bill Halsing, Robert Benjamin and the owner or Quarry Dev. were present. Bill Halsing stated that the filing is for the construction of a driveway and deck (onto the existing dwelling) in the buffer zone. The applicant also proposes to abandon the existing parking area located within close proximity to the water's edge and loam and seed the area. He stated that the parking area is located on Town of Bellingham property. Cliff Matthews stated that he and Anne Matthews had visited the site and recommended that when the driveway is being constructed, sediment and erosion controls be installed at the bottom of the driveway at Lakeview Avenue to prevent erosion until the area is paved. Mr. Matthews also stated that barriers of timbers, curbing or boulders be placed along the restored parking area to prevent future intrusion into that area. Brian Norton moved to close the meeting and issue a Negative Determination with the suggested conditions. Shawn Wade seconded the motion that carried unanimously.

Project: 105-800 & BWP-158
C. 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 1-7, Jan. 18, 2017, revised May 23, 2017, Drainage Analysis, revised 5/2/2017, PSC email response to Allen Eng. 5/23/2017, USGS publication "Coal-Tar-Based Pavement Sealcoat – Potential Concerns for Human Health and Aquatic Life, April 2016, ATSDR Public Health Statement PAH's, Aug 1995

Continuation time: 9:50 PM

Cliff Matthews opened the continued hearing from earlier this evening. Attending were Mark Allen, Erin Landry, Nate Moorland, Atty. Jim Roberti, and peer reviewer, Tom Houston, and Town Planner, Jim Kupfer. Mr. Matthews stated that as previously discussed, the applicant is not interested in installing monitoring wells on the site. Associate member Arianne Barton stated that PAH's are not water soluble therefore monitoring wells would not work for testing parameters for water quality. Michael O'Herron stated that this is all new territory for us and the

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Commission has three sensitive areas on this site that are of concern. Ms. Landry stated that DEP has a policy of encouraging recycled asphalt and that she is obtaining a permit from DEP. Discussion then continued about the composition of the asphalt materials removed from various sites and the processes that Asphalt Engineering utilizes in its operations. Brian Norton submitted more recent information, not distributed by the industry for consideration. The USGS report was reviewed that spoke to RAF's and sealants. Ms. Landry stated that a homeowner or business would not invest in expensive sealants for their driveways only to contract her firm to remove and replace it. She stated that much of the sealant has evaporated or runoff before her firm removes it to store on their site. Ms. Landry stated that DEP has also expressed concern with the sensitivity of the site and operations. The closest point to the vernal pool with the crushing activity is 375 feet. Tom Houston stated that he is comfortable with the stormwater management system but Mr. Allen should provide rip rap detail and information on the mounding as previously discussed.

Cliff Matthews then brought up a discussion on the Mullen Rule stating that all Commission members voting on a project must have attended every hearing. He added that a few members have missed at least one hearing. Mr. Matthews suggested to the applicant that we continue this hearing and conduct a "recap" meeting to discuss the entire current project. This would allow members to review minutes of past missed hearings and avail themselves to a full presentation. Mr. Matthews stated that Town Counsel has approved such action when only a limited amount of members are legally able to vote on a project. The applicant and their attorney agreed to continue. The Commission agreed that Ms. Landry could incorporate these revised plans into her DEP permit application. Shawn Wade moved to continue the hearing to June 14th at 8:30 PM in order to conduct a recapped hearing. Motion was seconded by Mike Roche and voted unanimously.

The Annual Town Meeting is scheduled for June 13, 2017.

Treatment of nuisance aquatic vegetation at Silver lake and Jenks Reservoir is scheduled for Wed., May 31st. Notifications have been sent to various town boards and is posted on the town website. Shawn Wade will post the notification to the Facebook page as well.

Gino Carlucci and Michael O'Herron will be attending the June 8th Planning Board hearing for a brief discussion on the updated Open Space and Recreation Plan.

Denis Fraine and Don DiMartino have been informed about a wetland violation at the cemetery in the center of town. Anne Matthews met with Dave Brown on Monday, May 22nd, to discuss the cleanup. Mr. Brown stated that the clean would take place within one week.

The Commission discussed the Extension Request from received from Attorney Paul Beattie, representing Bellingham Residential Realty, for the Silver Lake sewer line. Commission members discussed coordinating the date of the Extension expiration to the expiration of the DEP SOC#105-607 for "Lakeview Estates". Michael O'Herron moved to issue the Extension for the sewer line to May 30, 2018 in order to coincide with the Extension for the Lakeview Estates project recently issued by DEP for the Amended Superseding Order of Conditions. Mike Roche seconded the motion that carried unanimously.

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The Commission signed:

OoC 105-803 & BWP-165 / 3 Connor Lane, Lot 7, sfd, Ron Nation
105-804 & BWP-168 / 44 Lakeview Avenue / retaining wall, patio / Galbraith
DoA BWP-161 / 799-801 Pulaski Blvd. / 3 Lot Subdivision Nerina Estates/ isolated pool
BWP-169 / 89 Lakeview Ave / Quarry Dev. / driveway, deck seeding of disturbed area
CofC 105-677 / Crystal Springs Condos III / Lobisser
Ext 105-726 & BWP-61 / Silver Lake Sewer Line / Bellingham Residential Realty

Attending the meeting: Cliff Matthews, Michael O'Herron, Brian Norton, Mike Roche, Shawn Wade, Arianne Barton (Associate member) and Conservation Administrator, Anne Matthews.