

**Bellingham Conservation Commission
Municipal Center
Bellingham, MA 02019
Minutes of the meeting of September 27, 2017**

Project: 105-806 & BWP- 170
CNOI

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, Rev. 9/6/2017/ Stormwater Management Report, Proposed Motor Fuel Outlet, MHF Design, Rev. 9/6/2017, BSC Group Peer Review 8/2/2017 /MHF Design Consultants responses 8/27/2017; Draft Fuel Spill Emergency Response Guidelines

Continuation time: 7:30 PM

Cliff Matthews opened the continued hearing. Attending were Amanda Atwell, Pat McLaughlin, and Jennifer Daigle of Irving Oil. Cliff stated that Mr. McLaughlin had submitted a draft Fuel Spill Response protocol yesterday and it was forwarded to Commission members for review for this meeting. Mr. McLaughlin stated that the document is only a draft and that there are still outstanding specifics regarding some details and contact information. Mike O’Herron expressed his concerns with a number of issues including proper training of personnel, experience with types and size of potential spills, the location and weight of the cover for the shutoff valve, and concern for easy access to the valve in emergency situations. Mike added that his concerns are due to the fact that the stormwater management system connects to the municipal system that ultimately outfalls into the Peters River. Pat McLaughlin stated that the stormwater management system has a protective treatment train and includes deep sumps in the catch basins, manholes and a 25 gal oil/water separator with 450 CF of storage. In addition, the bottom of the basin contains a liner with several inches of soil above that would also absorb contaminants in the event of any spill. Jennifer Daigle stated that representatives from Irving would finalize the details on the draft plan at a later date when all information is available for the site. Mike O’Herron then asked if the Conservation Commission would be notified in the event of a spill and on the subsequent proposed cleanup efforts. Ms. Daigle responded that representatives from Irving can be instructed to notify the Commission if the Commission requires that information. Cliff Matthews then stated that the hearing would have to be continued to later in the evening due to a conflict with another scheduled hearing. Shawn Wade moved to continue the hearing to 8:40 PM this evening. Mike O’Herron seconded the motion that passed unanimously.

Project: 105- & BWP-175
NOI

Project Description:
187 Farm Street “Stall Brook Business Park”
Construction of building and contractor’s yard

Applicant:
Matt Fasolino
134 Main St., PO Box 731
Medway, MA 02053

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

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Plans: NOI & “Site Development Plan, Stall Brook Business Park, 8 sheets, March 21, 2017, Revised June 27, 2017, PSC 1st Peer Review 8/15/2017; Waiver Requests Sept. 26, 2017

Continuation time: 7:45 PM

Bill Halsing and Matt Fasolino were present when Cliff Matthews opened the continued hearing. Although Mr. Halsing stated at the last meeting that he had requested another continuation to the evening of October 25th, he stated that he would like to take advantage of the time to present some waiver requests for the current project for discussion this evening. Shawn Wade stated that he had expected that a revised plan was going to be submitted for review as well as responses to peer review comments at the next continuation. Shawn added that he was confused that only waiver requests were submitted making the discussion complicated. Mike O’Herron stated that he was concerned with the protection of water resources on the site and that the applicant has not yet provided the types of chemicals that would be stored there. Mr. Fasolino stated that only gravel, mulch, sand and stone would be stored on the site. Mike responded that colored mulch have dyes in them and are potentially contaminants. The first waiver request discussed was a relief from the 4 foot separation to groundwater (247-33(B)(1) and the requirement for a mounding analysis. Cliff Matthews stated that the entire lot is located in the water resource area. Shawn Wade stated that the applicant of the lot across the street just recently permitted was required to make every effort to satisfy the separation to groundwater requirement before getting a permit. Bill Halsing responded that a large of amount of fill would have to be brought in to meet the requirement. In addition, he added that it may not mound with the type of soil on site. Mike O’Herron asked about how the applicant is addressing the 25 foot No Disturb Zone infringement and the existing non-compliance with the performance standards for Riverfront Area (WPA). Regarding incursion into the 25 foot No Disturb Zone, Bill Halsing stated that he would address that issue by installing retaining walls. Section 247-33(B)(5) relating to small orifices was then discussed. Neal Standley stated that this could be an engineering design issue. Mike O’Herron stated that the smallest orifice must be larger than 4 inches. Regarding 247-33(B)(6), Bill Halsing claimed that due to the high permeability of the site, he could not meet the criteria if infiltration were excluded. Mike Roche agreed with Shawn Wade, Mike O’Herron and Brian Norton that the four foot separation to groundwater was critical in the Water Resource District, that the performance standards must be met for the Riverfront Area and that the project design needs revisions. Lori Fafard then moved to continue to October 25th at 8:30 PM. Motion was seconded by Mike Roche and passed unanimously.

Project: 105-812 & BWP-180
NOI

Project Description:
8 Connor Lane (Lot 4) with replication proposed
on 3 Connor Lane (Lot 7)

Applicant:
Ron Nation
Post Office Place, LC
PO Box 152
Hopkinton, MA 1748

Representative:
Scott Goddard, Goddard Consulting
291 Main St., Suite 8
Northborough, MA 01532

Plans: NOI & “proposed Depiction of Site Plan with on-site septic system, components and grading” 7/27/2017, one sheet and “Proposed On-Site Septic System” (with replication), 2/10/2017, one sheet

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Hearing time: 8:15 PM

Brian Norton recused himself from the hearing process as he is a direct abutter. Cliff Matthews opened the hearing with Scott Goddard present. Scott Goddard presented the first plan and the history of the lot by stating that the subdivision received an Order of Conditions in July 2010 under the WPA and that the Isolated Vegetated Wetland on Lot 4 was not jurisdictional to the WPA. The applicant filed a RDA in the spring of this year and the Commission issued a positive determination rendering the lot jurisdictional under the local bylaw that came into effect after the original Notice of Intent was filed. He added that this Notice of Intent is filed for jurisdictional work in the IVW under the local bylaw and the associated proposed replication area located adjacent to the Bordering Vegetated Wetland (BVW) jurisdictional to the WPA. Scott then presented the first concept proposal submitted with the RDA. This proposal includes a single family dwelling, garage, septic system and driveway and preserves up to the edge of the Isolated Vegetated Wetland (IVW). In this option, the leach field is located up-gradient of the IVW and includes a pump that would pump from the tank up into the mounded leach field. The second proposal includes the same development as well as the proposed filling and grading of the IVW for the proposed driveway. The septic system in this design is located at the front of the property. The site is proposed to be raised to the 294 grade elevation. Mr. Godard stated that filling of the IVW under the local bylaw triggers 2:1 replication. He proposed a replication area of 2,600 sf on 3 Connor Lane (Lot 7) for the impacted 1,300 sf of IVW on 8 Connor Lane (Lot 4)). Mr. Goddard stated that the replication area will be constructed adjacent to the BVW on Lot 7, 3 Connor Lane and will prove to be a more viable wetlands system once created. He asked the Commission to consider the second option and stated that the waiver requests under the local bylaw were submitted with the NOI. Cliff Matthews then stated that members of the Commission were on site recently to review the IVW and the proposed replication area. Cliff was concerned with the existing channel at the Marion Road cul-de-sac up-gradient to lot 4 stating that there is an existing 18 inch RCP draining towards the property boundary. He added that this situation weighs heavily on the decision to grant the second proposal. He stated that creating the hydrology for the replication area is critical for successful plant growth. After Mike O'Herron questioned the replication plantings, Scott stated that the proposed plantings are robust and that the Replication Plan is included in the NOI. Mike Roche agreed with granting the second option as did Neal Standley who stated that the IVW currently has less value than if attached to a larger wetland system. Cliff then stated that it is the policy of the Con Com to require establishment of a replication bond to ensure the successful monitoring of the newly created wetland system. Cliff stated that our next regularly scheduled meeting of Oct. 11th has been cancelled due to a conflict with the Special Town Meeting and that if we closed the hearing this evening, we would not meet the 21 day period to issue a permit. After some discussion, Scott Goddard agreed to continue the hearing to Oct. 25th at 7:20 PM at which time, the Order of Conditions would be prepared for signing. Shawn Wade moved to prepare the Order for signing at our next meeting and to continue to Oct. 25th at 7:20 PM. Mike Roche seconded the motion that carried unanimously.

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Continuation time: 8:45 PM

Cliff Matthews opened the continuation from earlier in the evening. Attending were Amanda Atwell, Pat McLaughlin, and Jennifer Daigle of Irving Oil. Cliff stated that in the earlier discussion, there was some concern by some Commission members about the location of the shut off between parking spaces and the physical requirement of lifting the cover. Pat McLaughlin replied that the cover is light weight enough for lifting. Arianne Barton questioned if personnel are OSHA trained. Amanda Atwell then stated that there will be an assigned environmental person in Massachusetts who will be in charge of organizing the training of personnel. In addition, the Fire Dept. would also be involved in issuing a permit including the requirement of a spill kit. She stated that the draft version of the protocol has been submitted as requested and that the applicant has no problem with Con Com input once the document evolves. Cliff Matthews then added that this is the Fire Dept.’s expertise. If a spill occurs, the Fire Dept. is the first responder and they will contact Clean Harbors or a similar licensed firm for cleanup. Cliff then read a revised draft version of Special Condition 14 for the Order:

As an On-Going Condition to this Order and to assure compliance with DEP’s Storm Water Management Standards, a maintenance program for drainage structures on the site as outlined in the Operation and Maintenance Plan submitted with the filing must be performed at intervals specified. This includes periodic training of personnel and periodic testing related to the emergency shut off isolation valve. A copy of the final Fuel Spill Emergency Responses Guidelines document shall be submitted to the Conservation Commission before the Occupancy Permit is granted. The developer shall bear full responsibility for performing all tasks in compliance with the procedures approved in the O & M Plan.

All parties agreed that the Special Condition addresses the concern. There were no more comments. Mike Roche moved to close the hearing and issue the Order of Conditions with the revised Special Condition. Shawn Wade seconded the motion that carried unanimously.

Cliff Matthews reported that the second regularly scheduled Conservation Commission meeting of October 11th has been cancelled due to a conflict with the Special Town Meeting.

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It was the consensus of the Commission members to write a letter of support to the Planning Board regarding Articles 12 & 13 (Bulk Storage General and Zoning Bylaw Amendments) of the Special Town Meeting.

Commission members were reminded that there is an All Boards Meeting on Monday, Oct. 2nd. Members were encouraged to attend if possible.

The Commission signed:

Order of Conditions 105-806 & BWP-170 / 310 & 320 Pulaski Blvd.& 21 Westminster St./
Irving Oil

Anne Matthews reported that she signed a letter of recommendation for Kolbe Bell who just recently finished his Eagle Scout project in Bellingham. The project consisted of the construction of bat houses at Jenks Reservoir and High St. Lot 178.

The minutes of Sept. 13th were accepted as revised.

Motion to adjourn by Mike O'Herron and second by Brian Norton passed unanimously.

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