

SPECIAL PERMIT & SITE DEVELOPMENT PLAN – PROSPECT HILL VILLAGE  
BELLINGHAM, MA

AMENDED NOTICE OF INTENT - PROJECT NARATIVE  
DEP FILE NO. 105-0968  
PREPARED BY WALL STREET DEVELOPMENT CORP.  
OCTOBER 15, 2024

**I. PROJECT OVERVIEW:**

The proposed project calls for the construction of a 156-unit townhouse residential development including the construction of roadways, along with associated infrastructure, stormwater management basins, utilities and site grading (the “Project”).

The Project is located on the corner of Lake Street in Bellingham and Prospect Street in Franklin, Massachusetts along the town line of Bellingham and Franklin. The parcels included in the proposed subdivision are shown on the Bellingham Assessor Map 69 - Parcel 87 and Map 65 – Parcel 20, 22, 22-01 and 22002 which collectively consists of approximately 72.16 acres of land (the “Property”). The Property consists of gradual hilled terrain with some upland forest. Historically, the Property was used as a gravel mining operation by Varney Bros. Sand & Gravel Co. dating from as early as 1970 through the early 2000’s period. As a result, much of the existing topography has been altered from its natural state.

The Property is located in the Agricultural Zoning District of the town of Bellingham which requires that each of the lots to have a minimum of Eighty Thousand (80,000) square feet and 200-feet of frontage. There are currently no buildings on the Property, except for a single-family home located 137 Lakeview Avenue. The property contains bordering vegetated wetland associated with Hoag Brook. Portions of Hoag Brook are presumed under the Wetland Regulations to be perennial with an associated Riverfront Area, based on USGS mapping. The most upstream portion of Hoag Brook is designated intermittent under the Wetland Regulations and, therefore, does not have an associated Riverfront Area along that segment of the stream.

Along with the construction of the Project and the roadways and utilities, the reconstruction of an existing wetland crossing/culvert (the “Existing Culvert”) is proposed as it crosses an intermittent stream named “Hoag Brook”, including a box culvert compliant with Massachusetts Stream Crossing Standards and associated wetland replication in accordance with state and local wetland regulations. The reconstruction of the Existing Culvert will impact and require the filling and/or alteration of 580 square feet of BVW.

In addition, a sewer main extension is proposed to service the Project. The sewer main extension calls for the installation of a sewer force main approximately 2,800 l.f. in length from the Project to Blackmar Street, at which time the sewer connection will become a gravity sewer connecting down Blackmar Street to Cross Street to the sewer pumping station. A portion of the

The Property has been evaluated by Eco Tec, Inc. of Worcester, MA for the presence of wetland resources as defined by: (1) the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40; the “Act”) and its implementing regulations (310 CMR 10.00 et seq.; the “Regulations”); and (2) the U.S. Clean Water Act (i.e., Section 404 and 401 wetlands). The boundary of Bordering Vegetated Wetlands (“BVW”) or, in the absence of Bordering Vegetated Wetlands, Bank was delineated in the field in accordance with the definitions set forth in the regulations at 310 CMR 10.55(2)(c) and 310 CMR 10.54(2). Section 10.55(2)(c). The location of the wetland boundary flags has been surveyed and plotted on the Plan. In addition, the Commission’s peer reviewer, BSC, has previously evaluated the resource areas on the Property.

A review of the current on-line Massachusetts Natural Heritage Atlas (See Attached Map dated February 16, 2022), Priority Habitats and Estimated Habitats from the NHESP Interactive Viewer and Certified Vernal Pools from MassGIS, demonstrate that the site is not located within an Estimated Habitat [for use with the Act and Regulations (310 CMR 10.00 et seq.)] or a Priority Habitat [for use with Massachusetts Endangered Species Act (M.G.L. Ch. 131A; “MESA”) and regulations (321 CMR 10.00 et seq.; the “MESA Regulations”)]. One “certified” Vernal Pool is located on the site.

An application for Special Permit and Site Plan Approval has been filed with the Bellingham Planning Board. This Notice of Intent is submitted in compliance with the Massachusetts Wetlands Protection Act, M.G.L. Ch. 131 §40 and its regulations 310 CMR 10.00 and the Bellingham Wetland Protection Bylaw.

## **II. MITIGATION MEASURES:**

1) Altered and/or filled BVW will be replicated at slightly more than a 2 to 1 basis 580 square feet of BVW alteration and 1,200 square feet of replication.

2) Reconstruction of the Existing Culvert will be in accordance with the Massachusetts River and Stream Crossing Standards dated March 1, 2006, last revised March 1, 2011. The new culvert will consist of a concrete box culvert 8' in width by 7' in height with a replicated stream channel through the culvert.

3) Filter mitt and/or silt sock will be installed upgradient of wetland systems to prevent sedimentation from disturbed areas. The erosion and sedimentation control devices, as depicted in the Erosion and Sedimentation Control Plans, must be installed prior to any land disturbance on the project site. The controls will be inspected on a regular basis (weekly) and after all rain events of 0.5 inches or more. An adequate supply of erosion control materials such as straw bales, silt sock or filter fabric will be appropriately stored onsite in the instance immediate repairs are required. The temporary measures will not be removed until permanent stabilization has occurred.

4) Filter mitt and silt sock will be installed up gradient from areas of bordering vegetated wetlands that may receive runoff from areas disturbed by construction. The silt sock and/or filter mitt and silt fences will be installed according to good practices and will be maintained throughout the construction process.

5) The sediment control barrier will be installed to prevent the migration of soil materials under, around, or over the fencing. Sediment will be removed from behind the barrier when the accumulated amount has reached approximately 25% of the original installed height of the barrier. The overall condition of the erosion controls will be inspected and maintained by the general contractor to maintain the level of sufficiency.

6) A rock construction entry pad will be installed, regularly inspected and maintained to ensure effectiveness to reduce any off-site tracking at the intersection of the proposed roadway with Prospect Street. Street sweeping will also be utilized in an effort to reduce pollutants in the stormwater.

7) Areas that have been completed or that will not be worked-on for more than thirty (30) days will be stabilized with a temporary or permanent vegetative cover as soon as possible but not more than 14 days after the last construction activity. Surfaces that are disturbed by ongoing construction activities or erosion processes shall be stabilized as soon as possible.

8) Loam will not be placed unless it is to be seeded or otherwise stabilized in an appropriate manner directly thereafter. All disturbed areas will have a minimum of 4" of loam placed before being seeded and mulched. Consideration will be given to hydro-mulching, especially on slopes in excess of 3 to 1. Loamed and seeded slopes will be protected from washout by mulching or other acceptable slope protection until vegetation begins to grow. All landscaping and plantings shall be conducted in accordance with approved plans.

9) Temporary seeding or mulching will be performed on areas that are left bare for more than fifteen (15) days but will be under construction sometime in the future. Soil stockpiles stored for fourteen (14) days or longer will be provided with any necessary erosion control to prevent erosion and sedimentation, including installation of perimeter straw bales/silt fence, silt fabric liner and plastic sheeting, as shown on the Erosion and Sedimentation Control Plans.

10) Upon completion of construction, all disturbed areas shall be loamed and seeded (or landscaped). The erosion and sedimentation controls shall be removed only upon final stabilization of the site and/or after the issuance of a Certificate of Compliance for the project or prior authorization from the Conservation Commission.

### **III. WETLAND PROTECTION ACT PERFORMANCE STANDARDS & PROTECTED INTERESTS:**

1.) Private and Public Water Supplies – The site will be serviced by private water supply wells on each house lot. The proposed private sewage disposal systems on each lot will meet the requirements of Title V - the State Environmental Code. There are no public water supply wells, Zone I, or Zone II/IWPA located within 1,000-feet of the site. Mass GIS shows the site is not located within 1,000-feet of a Zone A, Zone B, or Zone C Surface Water Protection Area.

2.) Groundwater Supply – Roof runoff from proposed dwellings will be captured by dripline recharge trenches surrounding the buildings allowing for recharge to groundwater. The proposed roadway stormwater management system has been designed in accordance with the Massachusetts Stormwater Standards to maintain water quality and quantity infiltrated to the groundwater. An infiltration trench with leaching catch basin will provide additional recharge to the groundwater supply. Additional stormwater management systems are located outside the 100-foot buffer zone to wetlands and not part of this Notice of Intent.

3.) Flood Control – With the exception of the wetland area, the project is located outside of the 100-year flood elevation and does not involve any placement of fill within Boring Lands Subject to Flooding as defined in 310 CMR 10.57(2)(a). Incremental flood storage calculations by the project engineer verify the incremental flood storage is maintained. Analysis of the project's pre-development and post-development stormwater runoff characteristics indicates that the proposed stormwater management system will control peak rates of runoff to predevelopment conditions for all design storms in accordance with the Massachusetts Stormwater Standards.

4.) Storm Damage Prevention – As noted above, incremental flood storage is maintained by the Project and peak rates of runoff for the design storms are controlled in accordance with the Massachusetts Stormwater Standards. Erosion control barriers will be installed and maintained down gradient to all proposed work. Due to the project being covered by a NPDES Construction General Permit, a site specific SWPPP will be prepared and submitted prior to any land disturbance.

5.) Prevention of Pollution - The project does not intend to use, store or generate any potentially toxic or hazardous materials on the site. Proposed uses will utilize typical cleaning supplies which will be stored within the dwellings. Pesticides will not be used except to address specific infestations if they occur. The project does not propose any underground or above ground storage for any chemicals or gasoline. The proposed stormwater management system has been designed in accordance with the Massachusetts Stormwater Standards to maintain water quality.

6.) Protection of land containing shellfish - Not applicable.

7.) Protection of Fisheries – The proposed roadway stormwater management system has been designed in accordance with the Massachusetts Stormwater Standards to maintain water quality. In addition, if fisheries habitat is present at the road crossing, the proposed box culvert will improve fisheries habitat relative to the existing 24-inch culvert pipe.

8.) Protection of Wildlife Habitat - The Massachusetts Natural Heritage Atlas (Oct. 2017 Edition) demonstrates that the site is not within a Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife. A filing with NHESP relative to rare species is not required. Bank and Land Under Water wildlife habitat is being protected and improved at the existing culvert crossing through the use of a box culvert that complies with Stream Crossing Standards. BVW wildlife habitat is maintained and enhanced through replication of BVW in excess of 1:1.

#### **IV. OTHER PROTECTED WETLAND INTERESTS:**

Bordering Vegetated Wetland: The BVW regulation at 310 CMR 10.55(4)(b) allow for replication of BVW up to 5,000 sf, and require that replication meet the following criteria:

- 1) the surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area");
- 2) the ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area;
- 3) The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area;
- 4) the replacement area shall have an unrestricted hydraulic connection to the same water body or waterway associated with the lost area;
- 5) the replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;
- 6) at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods; and
- 7) the replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00

The proposed BVW replication has been designed in accordance with these standards.

Bank: Bank is proposed to be altered at the existing/proposed road crossing. At that location, the stream is contained for most of the width of the proposed road within an existing 24-inch diameter pipe. Approximately 10-feet of non-culverted stream channel is proposed to be altered. As indicated on the site plans, a box culvert that complies with the Stream Crossing Standards is proposed.

Bank: Bank regulations [310 CMR 10.54(4)(a)] require that work in Bank must not impair the following:

1. Physical stability of the Bank;
2. Water carrying capacity with a defined channel;
3. Ground and surface water quality;
4. Capacity of said land to provide breeding habitat, escape cover, and food for fisheries;
5. Important wildlife habitat functions (however projects that alter less than 10% or 50 linear feet of this Resource Area, whichever is less, found to be significant to wildlife habitat are deemed to have no adverse impact on wildlife habitat functions;

The proposed project has been designed to comply with the above provisions for Bank.

Land Under Water Body or Waterway (LUW): The LUW regulations [310 CMR 10.56(4)(a)] require that work in LUW must not impair the following:

1. Water carrying capacity with a defined channel;
2. Ground and surface water quality;
3. Capacity of said land to provide breeding habitat, escape cover, and food for fisheries;
4. Important wildlife habitat functions (however projects that alter less than 10% or 5,000 sf of this Resource Area, whichever is less, found to be significant to wildlife habitat are deemed to have no adverse impact on wildlife habitat functions;

The proposed project has been designed to comply with the above provisions for Land Under Water Bodies and Waterways.

Riverfront Area: The Revised Site Development Plan dated September 26, 2024 show a minor encroachment of approximately 18,645 sq. ft. into the outer riparian zone to construct the roadway and utilities. No work is proposed within the 100-foot inner riparian zone.