



Bellingham Conservation Commission
10 Mechanic Street
Bellingham, Massachusetts 02019

Meeting Minutes
Wednesday, February 14, 2024
Meeting In-Person and Via Zoom

Members Present:

Mike O'Herron, Chairman
Neal Standley, Vice Chairman
Arianne Barton, Member
Steven Kohler, Member

Other Officials Present:

Hannah Crawford, Conservation Administrator
Tina Griffin, Recording Secretary

Chairman, Mr. O'Herron called the meeting to order at 7:00 pm.

Public Hearing Continuation: "0" Maple Street (Maplegate)

Hearing Time: 7:00 PM

Project Description: Installation of an electrical line as part of the "Proposed Solar Array – Parcel 3" project on the above referenced subject parcel located within the 100' Buffer Zone to Bordering Vegetated Wetland

Application Type: Notice of Intent

Applicant: Daniel Serber, 177 Huntington Avenue, Boston, MA 02115

Representatives: Daniel Wells, LEC Environmental Consultants, Inc., 380 Lowell Street, Wakefield, MA 01880

Greg DiBona with Bohler Engineering was present at tonight's meeting on behalf of the applicant, in order to discuss the actual drawings and the civil package that went in with the Notice of Intent. There was a site walk done on site a few weeks ago and there was also a peer review letter from BSC received by the Commission as well. Mr. DiBona was present tonight to answer some of the letter's comments and suggestions to provide information to the Commission.

Mr. Burne said that the site visit was done on January 25, 2024, and it was a relatively straightforward project to view. There is proposed Buffer Zone work and also work proposed with a Jack and Bore installation of the proposed service line that is underneath a Wetland resource. One of the first comments was the erosion control barrier which I understand was sort of hypothetical but does coincide with the limit of work shown on the plan. The comment is to recommend tightening that up and make the limit of work as reduced as possible in order to reduce Buffer Zone impacts and show that as the limit of erosion control barrier.

The second comment is that the Commission may consider a special condition that requires establishment of the erosion control barrier and marking it in the field so that it can be reviewed before work begins. This is considered to be common things to have done and that actually might be one of the Commission's standard conditions.

Third comment is that your work provides an opportunity to look for invasive species that may be present on site and to deal with those as a mitigative measure. It didn't appear that there was a ton out there, but Mr. DiBona stated that they would take a look.

Comment four was that an inventory is provided to show trees that need to be taken out for this project and make a determination whether or not there should be any mitigation measure for removal of trees that might be required to do this work. Walking the site shows that there are four trees which are about 6" caliper that would need to come down.

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They consist of being one Pine, one Oak, and two Maple trees. That area is just being cleared so that two utility poles with overhead lines can be installed, and there is normally a limitation to the number of trees that can be put directly in the utility lines. There is a little bit of space right along the frontage where there might be the option to plant one or two trees as part of the replacement. It is not a densely wooded frontage area and has some gaps and the ability to fill some areas and possibly do the mitigation to replace the four trees that need to be taken out.

Comment five states that applicants should discuss the necessity for restoration within the project's limit of work. If there is going to be restoration work, replanting, etc., a conversation about what species are used, as opposed to just a simple winter rye, or something similar will need to take place.

Comment six is that the applicant must present an Alternatives analysis under the Wetlands Bylaw, and it was recommended to Dan that the Alternatives analysis should evaluate the alternative of using the existing access road for the right-of-way that enters to the North of where the proposed project is located. That might be a non-starter with the utility, but it should at least be explored and put on paper. The right-of-way where the applicant started reviewing was the alternative of trying to use the New England Power Easement. They were reached out to and received a quick response that they will not be allowed access or ability to put utilities down the access easement, even though that easement comes onto the applicant's property. That was the applicant's first approach, but wasn't an option, which is why the secondary approach of tying in the utility is being presented.

The final point was that there were some questions brought up on site about whether or not the Jack and Bore process presents a potential risk to the Wetland in terms of its water budget. The request is for the applicant to provide some information relative to previous experience to demonstrate that this type of installation won't risk changing the hydrology of the groundwater underneath the stream and wetland at the site to make sure there aren't unintended impacts as a result. Mr. DiBona states that there are two other projects where this method has been used to go directly under streams, and that this is a similar situation. This process has been very effective for this type of situation and is one of the main reasons they are planning on using it. The applicant doesn't have any concerns about impacting the groundwater or having anything leaching through.

The applicant believes they will have the ability to easily address all of these items. These will all be addressed on an updated set of plans. The area shaded in yellow on the plans is the Buffer area of disturbance, which is approximately 1,200 sf. A lot of the items discussed tonight are the type of quick items that the applicant can fix on the plans.

The applicant also stated that in terms of what is being disturbed, the special condition about going ahead and flagging the limit disturbance prior to construction makes sense. There isn't any issues there and we can just add that note to the plan to document it so that the contractor knows he has to have it flagged and identified. We also went out to the site and took some inventory of some plants that were out there. The Commission was asked to clarify the intent to mitigate the area that the applicant will be disturbing, and how far do they have to extend beyond that area of work since they are primarily trying to leave most of that area untouched. The applicant stated that there isn't any issue with cleaning up all of the invasives, or anything within the area of work, but they would like to know how far they are expected to go outside of that area.

Mr. O'Herron replied that it would be the Commission's point of view that if invasive species are pulled from the immediate area that is being worked on, the area of impact could have another of the same type of species or a different one that is prone to spreading rapidly. Depending on the species of invasive plants that you're looking at and how rapidly they spread, will determine how much they go outside of the immediate resource area. It will need to be determined what level of disturbance it is going to take in order to get rid of some of these. It will need to be determined if more damage would be caused by going outside of the disturbed area to remove these items.

Mr. DiBona told the Commission that he is meeting with the Planning Board on March 28th. It would be required to have Confirmation or acceptance of the application from the Conservation Commission, prior to the Planning Board meeting, as the Board prefers to have acceptance of the application prior to their meeting. The applicant hopes to get through all of

the approvals by the spring, which would then just be a matter of how quickly their client can get everything mobilized. It is believed that the North project would be happening first before the sale, so there's a chance everything wouldn't happen this year, but the applicant is looking to get all approvals tied to their ability to close on the property and move forward.

This is a large installation process and may span several seasons of construction. The actual project might not happen right away but will need to get in eventually to make the electric connection in order to put it back to the grid.

Mr. O'Herron let the applicant know that they will need to continue this Hearing until the Commission has received the revised plans showing the reduced area for erosion control, and some documentation about the boring process. There also needs to be discussion between Mr. DiBona and the applicant to come to an agreement on the basis of species removal and the methodology impacts.

This information will all need to be provided to a Conservation meeting to see if it will be possible to make the final decision, or if more discussion will need to take place after reviewing and discussing the updated information.

Mr. Kohler made a motion to continue this Hearing until Wednesday, March 13, 2024, at 7:00 pm. Motion was seconded by Ms. Barton and the voice vote passes unanimously.

Public Hearing Continuation: Blackstone Street and North Street

Hearing Time: 7:30 PM
Project Description: Twelve 3-unit townhouse buildings, stormwater management system
Application Type: Notice of Intent
Applicant: John Mshooshian, Raven Homes, Inc., 22 Buckhill Road, Northborough, MA 01532
Representatives: Ryan Roseen, Goddard Consulting, 291 Main Street, Suite 8, Northborough, MA 01532

Mr. Roseen from Goddard Consulting has requested a meeting continuance until Wednesday, February 28, 2024, due to some ongoing conversations they are working on with other Boards and Departments for this project.

Ms. Barton made a motion to continue the Hearing for the Blackstone Street and North Street project until Wednesday, February 28, 2024, at 7:00 pm. Motion was seconded by Mr. Standley and the voice vote passes unanimously.

Public Hearing: 85 Mendon Street

Hearing Time: 7:30 PM
Project Description: Proposed Lucille's Steakhouse within the 100' buffer zone to a BVW
Application Type: Notice of Intent
Applicant: Paul & Julie Rogers, 85 Mendon Street, Bellingham, MA 02019
Representatives: Michael Dryden, Allen Engineering & Associates, Inc., 140 Hartford Avenue, Hopedale, MA 01747

The applicant has requested a Hearing continuation until February 28, 2024, in order to receive their peer review drainage report which has just been shared with them.

Commission members agreed with the requested meeting date for 85 Mendon Street and will provide the applicant with a copy of the agenda prior to the February 28th meeting.

Public Hearing: 1052 South Main Street

Hearing Time: 7:30 PM
Project Description: Construction of a drainage pipe to replace the failing drainage pipe located within the 100' buffer zone to a BVW
Application Type: Notice of Intent
Applicant: Glendon Wenger, 1040 South Main Street, Bellingham, MA 02019
Representatives: Chris Seariac, Bellingham DPW, 26 Blackstone Street, Bellingham, MA 02019

Ms. Crawford let members know that she has been to this location and provided an update for the pictures she has taken and placed on the portal to show members the dam areas that are on the South side of the lake, which is still very much flowing.

This is a private property, which is the actual pond and then some of the property around the pond. The dam and so forth are all part of the private property area. The recourse of the abutters in that area is to try to get somebody to do something short of legal action, which might be hard to pin down. The Commission has been trying to find a solution because the Town DPW has agreed that a part of the problem is due to outdated pipes going into the resource area from street drainage. This is not just surface runoff, but also lack of flow of the pipe in the northwest corner of the pond as well as the dam in the south end of the pond. The DPW did file an NOI and are taking the steps to find a solution. Abutters are coming to the Commission and asking for help with this, and the DPW is looking into this location to try to find a solution as well.

Wenger's Farm has been willing to collaborate with people. He is the least affected by this because his pond goes up to a certain height and then he opens the dam all the way and it does not overflow into his property. It hasn't been determined exactly who is causing what because it is multiple areas and at this time the Commission doesn't know what the solution will be. Nothing has been promised to anyone at this time due to figuring this out. It is going to take a long time to figure out to see if anything could be done, and whether it's done legally and meets the Regulations, or whether we have no jurisdiction ability to do anything. There are multiple parties that are concerned, and unfortunately the property owner wasn't available to attend tonight's meeting to discuss the situation directly with the neighbors that were present. The Commission might not be available for other reasons going forward and might be delegating this to someone who will be more readily available.

If the property owner and DPW is not actively ready to participate in this, then it shouldn't go further because they would be the most active participants in this. The DPW did say that they could try to discuss further in the middle of March because they are overloaded at this current time and are not actively ready to participate in this item. The DPW would likely be the most active participants in this, and the Conservation Commission will not keep trying to go forward with this situation.

Ms. Crawford stated that they are also still waiting for the scope to come back from the engineer. She had previously gone out to the site with the engineer, and he said he was going to bring a scope for the Conservation Commission, but it hasn't been received yet.

Mr. Standley made a motion to continue this Hearing until Wednesday, March 27, 2024, at 7:00 pm. Motion was seconded by Ms. Barton and the voice vote passes unanimously.

General Business

Vote Electronic Signatures

Ms. Barton read the statement to members present in order to provide the information needed to confirm electronic signatures being needed and used by the Conservation Administrator.

Ms. Barton shared her screen and read the Town Letterhead Certificate of vote, as follows: Authorizing signatures pursuant to General Law Chapter 110 G. On February 14, 2024, the Town of Bellingham Conservation Commission met an open session through publicly accessible video conferencing software, pursuant to Temporary Provisions, enacted by Section 20 of Chapter 20 of the Acts of 2021. An Act relative to amending certain Covid 19 measures adopted during the State of Emergency and extended by Governor Maura Healey, on March 29, 2023. At this duly held Hearing the following action was taking motion to authorize the Bellingham Conservation Commission agent Hannah Crawford to physically sign Bellingham Conservation Commission documents on behalf of individual Bellingham Conservation Commission members.

Ms. Liocce made a motion to approve the confirmation of electronic signatures being needed and used, to be done by the Conservation Administrator, Hannah Crawford. Mr. Standley seconded the motion, and the Roll Call Vote was made, as follows:

ROLL CALL VOTE

Mike O'Herron aye
Neal Standley aye
Arianne Barton aye
Steven Kohler aye

The letter is being signed by Hannah Crawford and the Town Clerk and will then be forwarded to the Norfolk County Registry of Deeds.

Extension for Order of Conditions – Lake Hiawatha

Ms. Crawford let Commission members know that Larry Sposato had asked for an extension for an Order of Conditions at Lake Hiawatha. There is a DEP Filing Number and an Order of Conditions, along with paperwork requesting the extension.

Chemical treatment needs to be approved for both of these locations because they are resource areas and the Conservation Commission is regularly asked for these two lakes, in order to approve the companies doing the work at those locations. The particular company they will be using is the same one as last year when the Commission approved it.

Commission Members will be reviewing the document and information that was provided to the Conservation Office and will make a decision at the February 28th Conservation Meeting.

National Grid

Representative Nate Goshgarian, LEC Environmental was present on behalf of the applicant, which is National Grid. This project is the replacement of two existing poles along Lakeview Avenue on the eastern side of Silver Lake. The two existing poles being replaced and are within 100' of BVW. This fits under the Maintenance Exemption, under the Act, which is why we've taken this route in terms of presenting it. This doesn't apply for the permitting for an RDA or an NOI. This is for the replacement of two regular domestic poles and a plan was shared with members present to show which poles they would be. This is just some minor branch removal that inhibits the installation and is within 10' of the line. It is just the extent of some branches or limbs that directly interact with the placement of the pole or the distribution line.

Mr. O'Herron replied that this presentation was very straightforward, and as Mr. Goshgarian stated, he didn't have to come through the Commission for all this because they are an exempted Bylaw. The Commission did not have to vote on this discussion, as Mr. Goshgarian was not asking for permission to do anything. This was strictly an informational meeting that Mr. Goshgarian wanted to let the Commission know about.

MACC Conference

Ms. Crawford let Members know about the MACC Conference that is coming up and wanted to verify with Commission Members if any would be attending the upcoming events. This is an annual meeting that is held by the Massachusetts Association of Conservation Commission and is for Commissioner's agents and administrators. The next event is scheduled for Saturday, March 2nd. This gives a chance for people to get together to see exhibits and displays from environmental control companies, and State Wildlife Fisheries. There would be a series of workshops with information on fundamentals to being a Commissioner. This has been done online for the past few years, but they now also have the option to attend in person, if interested. Ms. Crawford would need to know in advance about anyone that would be interested in attending so that the Town can pay for them to attend. Commission Members discussed and will let Mr. Crawford know soon if they will be able to attend the Conference.

Minutes

Commission members will be reviewing the most recent sets of meeting minutes and will provide the approval or changes for them at the next Conservation meeting.

17 Bellstone Drive

Mr. Kohler let members know that he had an informational visit at 17 Bellstone Drive and has provided pictures to Commission members for review. This location has a situation between two neighbors about water management. One neighbor is affecting the other to the point of financial damage and not wanting to pay for the judgement that was received.

One issue is a longstanding water issue on that site, where water leaves a wetland area coming to the surface, which leaves the backyard migrating across the properties to the front of the house. Last summer the town had installed the storm drain in hopes that water would run across the surface and go to the drain. When the development was made, there was a French Drain that was installed deep into the woods, across several properties and filled with gravel. At the moment it has a fair leaf bed over the top of it, so I am unsure of how much water is migrating into it, but water that was seen going across the yard at the site visit was not coming from that swale. It is my thoughts that perhaps in low water periods over the years, the water source behind their properties had dried up. However, in the last two years with higher water volume, the water is resurfacing and expanding. It has been a water issue for a long time back. During the development they tried to modify the site, in which the engineering of that wasn't sufficient to stop the water from migrating. The water now leaves the Wetland area and migrates across the grass. A small trench was put in from the backyard to the front and the water runs while saturating the property. The neighbor has his sump pump coming out of the basement and dumping onto his lawn, which goes downhill and into that trench. While Mr. Kohler was on site he didn't see any water coming out of the pump or discharge pipe. The DPW had told the property owner to pipe it all the way to the storm drain, so that it wasn't using the surface trench, but he has not done that. I don't believe that would dry up the water now. I understand that he modified his backyard in the Wetland area but that didn't add water. It just moved it around a little, where it was going to eventually find its way to the front anyway. If you were to look at the bottom of the water flow at the algae growth, it's indicative of it now being wet for long periods of time.

Ms. Crawford let Members know that the owner of 13 Bellstone Drive, Mr. Connor, came into her office today and was aware of what is going on between both 17 and 19 Bellstone Drive. He stated this is a bigger picture than stated because there is a retention pond that was put in at the end of the 1980's. The catch basin that the DPW had put in is supposed to bring that water directly to it, but the problem is that an abutting property owner built a shed and other things on the easement for the DPW to access the retention Pond.

Mr. O'Herron stated that Commission members could review this area in the Spring, when the ground isn't frozen, and they can see if some vegetation is starting to come in. The Commission would be able to determine if it has a sense of being wet with some vegetation, or something that might give Commission members enough reason to suggest that option to the property owner, without causing her to spend additional money and time while trying to find out if the area is real Wetlands or not. It would be a benefit if there were a couple additional Commission members that could also take time in the Spring to review the area with other members.

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Mr. O'Herron stated that at this time they will keep this on the radar for Board members and will plan to look at it once the ground is not frozen anymore.

Adjourn

Mr. Standley made a motion to adjourn the meeting at 8:30 pm. Motion was seconded by Mr. Kohler and the voice vote was unanimous.

Respectfully Submitted,

Tina M. Griffin

Tina M. Griffin
Recording Secretary