



**Bellingham Conservation Commission
10 Mechanic Street
Bellingham, Massachusetts 02019**

**Meeting Minutes
Wednesday, January 24, 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

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

Public Hearing Continuation: 217 Hartford Avenue

Hearing Time: 7:00 PM

Project Description: 700,000 sf warehouse BVW, Bank, Land Under Water Impacts under WPA with mitigation 39,358 sf Isolated Wetland & Vernal Pools under Bylaw with mitigation

Application Type: Notice of Intent

Applicant: Jeffrey Curley W/S Bellingham IV Associates LLC 33 Boylston Street Chestnut Hill, MA 02467

Representatives: Brian Madden LEC Environmental Consultants, Inc. 100 Grove Street Suite 302 Worcester, MA 01605

The applicant has requested a meeting continuation until February 28, 2024. It was also requested by the applicant if he could hold an additional workshop with Conservation members in order for them to review the responses and updates that have been made and to prepare responses that the Commission will review at their next meeting with the applicant.

Mr. O'Herron discussed this meeting request with members present, in which all members agreed that the meetings provide information that can be reviewed but not discussed until the next Conservation Commission meeting with that applicant takes place.

Mr. Kohler made a motion to continue this Public Hearing until Wednesday, February 28, 2024, at 7:00 pm. Motion was seconded by Ms. Barton and the voice vote passes unanimously.

Public Hearing Continuation: 17 Bellstone St

Hearing Time: 7:30 PM

Project Description: Clearcutting, drainage, and alterations within 100ft buffer zone

Application Type: Informational Hearing

Representatives: Robin Haddad 17 Bellstone St Bellingham, MA 02019

Ms. Haddad shared pictures with the Commission with concerns of her neighbor filling in his backyard, which previously appeared to be swamp water. The neighbor then built a rock wall to also help with keeping the water from ponding on his property. There was a catch basin installed on the right side that is piped from behind her pool and out to the street to catch extra water that comes through. Additional pictures showed water on her property and behind her house, which is the property that is on the other side of the neighbor's new retaining wall. The neighbor has now forced all of the water onto Ms. Haddad's property and additional pictures along with video of the waterflow was provided for members.

This situation has also now created damage to her fence, as it's starting to fall over from the amount of water that is being forced around it. Ms. Haddad had met with the DPW, and they went to the property to see what the situation was. During that time, they had decided to install a large catch basin, which they have already done. DPW told the neighbor to pipe into the new catch basin, but instead he chooses to have his pump coming from his house and only halfway down, so the water then has to flow into Ms. Haddad's yard.

Mr. O'Herron stated that the Commission will have to review the work that the neighbor has done in order to see if it's in a resource area. Otherwise, this would remain as a civil matter if someone is negatively impacting her property in any way. If the work that has been done was not permitted and took place in a resource area, the Commission may have the ability to figure out a solution or bring it to an Enforcement Order. Mr. O'Herron let Ms. Haddad know that the Committee will need to verify the resource areas behind both properties and determine whether or not it is Wetlands. It would first need to be determined if it is a violation of the resource area. Once the Commission has that information they can assess the situation and see what will need to be done. If the Commission determines the owner of 19 Bellstone Drive has impacted a resource area and didn't meet with Conservation to request regulatory approval, the owner could be let known what needs to be done to correct the issues. If the property owner doesn't restore the area, the Enforcement Order would be put into place.

Mr. O'Herron let Ms. Haddad know that they will do some research on the area and review what is on file for plans, in order to determine if this is an area of Wetlands. The Commission thanked Ms. Haddad for coming in this evening and let her know that Ms. Crawford can reach out to her once the Commission has more information about the area and if any impacts to conservation are taking place there.

General Business

Fox Run Road

Ms. Crawford conducted a site visit this week and shared her photos showing the area on Fox Run Road that borders the hay wattle area, and still has old silt fence in place. Ms. Crawford let members know that she has spoken to the Town Administrator about this area as well, and they were both in agreement to have an engineer view the area. Hiring an engineer would provide the information needed for the town to determine if the area is able to have a repair solution by them or not. The water is going from the west to east, which is clearly coming from uphill and heading downhill, towards the conservation land. The source of water is a mix from Whitehall Way, and the top side of Fox Run Road, which is mostly impacting a person that lives on Fox Run Road.

Mr. O'Herron discussed this concern with members, and they agreed to have Ms. Crawford work with Mr. Fraine, in order to set up an appointment with a hydrology expert that could review the area. This would provide the Commission with a plan of the parameters and anything that is causing an issue in that specific area.

Mr. O'Herron let the residents that were present know that the Commission will move forward with trying to get determination of exactly how the water is entering, and if it's possible to be improved. Ms. Crawford will discuss with Mr. Fraine and will try to move the process forward after the winter months to have the area reviewed and groundwater would be flowing better in that timeframe. Ms. Crawford will be able to provide information to the residents when the area is reviewed and another meeting can be scheduled for these residents, if needed.

Hunting Regulations

Ms. Crawford asked Commission members if the Hunting Regulations on conservation land needed to be clearly specified, which would need to be provided as a Warrant Article at Town Meeting. Currently, if a hunter would like to hunt on town property, they are supposed to ask for permissions from the Selectboard. However, there are a number of people that have been seen hunting and have not been in contact with the town prior to them going out. There isn't any current signage or Regulations to notify the hunter of getting proper permission prior to hunting. Whether hunting is being allowed, or not, there needs to be changing or updating of the Regulation.

Mr. Kohler said this could be a subject for the Open Space Committee to discuss and possibly create a list as part of the plan. That could then generate the Warrant and possibly put it on the Fall Town Meeting Warrant. Commission members were in agreement with Mr. Kohler and asked Ms. Crawford to put this on the agenda for an Open Space Committee meeting. In addition, Mr. O'Herron told members that he would also talk to Town Council about legal support for this issue.

77 Lakeshore Drive

Jillian Holmes, owner of 77 Lakeshore Drive was present at tonight's meeting and let members know about a tree that was in a resource area and has fallen onto her property. A tree company has come out to remove the tree but let Ms. Holmes know that they would need Conservation approval since the tree is in a resource area.

Commission members agreed with Ms. Holmes about having this tree removed due to the issues it is causing at her property. Mr. O'Herron stated that if the tree company is planning on removing it for Ms. Holmes, the Commission will need to know in advance how the company is planning to remove. They would need to know if it would be a crane, or if they would be walking it down by hand. The Commission requested a letter to be given to their office that provides the methodology of how the tree removal company will be removing all of the tree debris from the water.

Ms. Barton made a motion to allow the homeowner to have the tree professionally removed by a company that will provide methodology and confirmation of the way they will be removing it. Motion was seconded by Mr. Kohler and the voice vote passes unanimously.

Ms. Crawford will draft a letter to provide to Ms. Holmes in order to give permission to the company that will be conducting the tree removal process.

15 Lakeview Avenue

Ms. Crawford let members know that water going into Silverlake has done excessive damage to the driveway at 15 Lakeview Avenue. She has been in contact with the DPW, and they will be installing a Cape Cod berm in order to stop the water from going into that driveway anymore. This is just an informational item that was brought to the Commission.

26 Candlelight Lane

Tom Wilson, owner of 26 Candlelight Lane was present at tonight's meeting and shared pictures that shows flooding in his backyard. Mr. Wilson abuts Parcel C, which was discussed at the last meeting.

Mr. O'Herron let Mr. Wilson know that they are working actively on Parcel C, which is still within the required Bond situation with the developer. The Commission has been addressing this concern and let Mr. Wilson know that they are currently working with the developer and Town Council in order to actively make sure this is working properly.

236 Farm Street

An anonymous letter was sent to the Conservation Commission stating that they had noticed someone working on their property and altering land where Wetlands might be. Mr. O'Herron recently took pictures of the blue flags that mark the Wetland in that area, and the pictures do show that there's been some recent type of excavation or landscaping at that address. The next step with this area would be to determine if it is Wetlands to the left of the area, and how close it would be to the property line.

Without having contact information for the person that sent the letter, there isn't a way to respond directly to them. Mr. O'Herron stated that he has taken a look at that address, and when the Commission has an opportunity they will pursue a little further if the property owner is encroaching on Wetlands.

MACC Conference

An annual conference will be taking place on March 2, 2024. It can be attended in-person or via Zoom. Ms. Crawford let members know that she will be attending this conference and gave members the details so that they can let her know if they are planning on attending as well.

New Interns for the Conservation Commission

Ms. Crawford let members know that two new interns will shortly be starting to work with the Commission for the next four months.

Lake Street

A resident was present to let members know about the road flooding that has been happening in the area of the Prospect Hill Development project. Mr. O'Herron suggests reaching out to the DPW to let them know about the road flooding so that they can assess the situation. There have been some road clearings on the Bellingham side of that area, and another project has been proposed, but not yet approved. Ms. Crawford let members know that she would drive down to that location and determine what appears to be happening in the area.

Meeting Minutes

Minutes from the meetings of November 8, 2023, and December 13, 2023, were discussed by Commission Members. Revisions were suggested by the Chairman and will be made before posting of the minutes to the Town website.

Mr. Kohler made a motion to approve the minutes for the meeting dates of November 8, 2023, and December 13, 2023, as amended. Motion was seconded by Ms. Lioce and the voice vote passes unanimously.

Adjourn

Mr. Kohler made a motion to adjourn the meeting at 8:09 pm. Motion was seconded by Ms. Barton and the voice vote passes unanimously.

Respectfully Submitted,

Tina M. Griffin

Tina M. Griffin
Recording Secretary