

**Bellingham Conservation Commission  
Municipal Center  
Bellingham, MA 02019  
Minutes of the meeting of June 12, 2019  
Page 1 of 7**

**Project:** WPA-N/A & BWP-212  
RDA

**Project Description:**  
cutting of six large trees and construction of shed in BZ

**Applicant:**  
Douglas Betschart & Beverly Bond  
141 Pine Grove Avenue  
Bellingham, MA 02019

**Representative:**

**Plans:** RDA "Mortgage Inspection Plan" April 2015 & Letter of Amendment LOA, 2012

**Meeting time:** 7:00 PM

Douglas and Beverly Betschart were present when Cliff Matthews opened the public meeting for the proposal to cut six trees and construct a shed in the Buffer Zone and Riverfront Area to the Peters River.

Cliff stated that he and Anne Matthews had visited the site and observed that the trees were in close proximity to the house and garage and posed an impending safety threat. The Betscharts stated that the trees will be cut to ground level and lifted over the house via a crane operated by the tree removal company. The tree stumps will not be removed and no excavation will take place. They also requested permitting for their proposal to construct a shed behind the garage and outside the flood zone.

Mike Roche moved to close the hearing and issue a Negative Determination for both the RDA requests. Motion was seconded by Arianne Barton and passed unanimously.

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**Project:** 105-844 & BWP-213  
NOI

**Project Description:**  
32 David Road (Map/Parcel 50-57), septic repair

**Applicant:**  
Joseph Michaelowski  
32 David Road  
Bellingham, MA 02019

**Representative:**  
Paul DeSimone, Colonial Engineering  
11 Owl Street  
Medway, MA

**Plans:** NOI & "Septic System Construction" 32 David Road, April 23, 2019 (Paul Salnier PE)

**Hearing time:** 7:15 PM

Paul DeSimone was present when the hearing was opened. Paul stated that the system design is an alternative design due to constraints on the property. Some of the constraints were that there was not ample room to locate the system in the front of the house, that he could not design the leach bed in the rear of the house due to an existing grade and the fact that both Riverfront and Buffer Zones were impacted with the repair design. Local upgrade waivers include the request to two feet of separation to groundwater and to allow for 41 feet distance to edge of the resource area. He added that the system will include a new tank and D Box as well as the leach field. Paul also noted that erosion control consisting of wattles backed by staked silt fence is proposed.

Cliff then noted that while on site, we noticed that grass clippings have been placed in close proximity to the resource area and that this will have to be cleaned up. He suggested that a No Disturb Zone be located on the plan at the break-out grades to the system and that some type of fencing be included on the plan as well. Paul will provide a revised plan with this information. The applicant may contact the Conservation Commission for the No Disturb

badges. Mike O'Herron moved to prepare the Order of Conditions and to continue the hearing to June 26<sup>th</sup> at 7:00 PM. Seconded by Arianne Barton, the motion passed unanimously.

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**Project:** 105-815 & BWP-182  
CNOI

**Project Description:**  
161 & 169 Maple Street –  
Stormwater management system- response to EO

**Applicant:**  
LMP Properties LLC, Will Boyle  
PO Box 28  
Dover Foxcroft, ME 04426

**Representative:**  
GZA GeoEnvironmental, Dan Nitzsche  
1350 Main, Suite 1400  
Springfield, MA 01103

**Plans:** NOI & Site Plan “Stormwater Management Design, 169 Maple St., 5 Sheets revised December 13, 2018; Stormwater Management Report, 161 and 169 Maple Street, GZA, dated November 28, 2018, revised December 13, 2018 and revised March 8, 2019; VHB Peer Review Memorandum (#3) dated March 22, 2019; Outlet Structure Detail (GZA 4/10/19); Concrete Block Wall Section View, GZA 4/10/2019

**Continuation time: 7:30 PM**

Steve D'Ambrozio of GZA was present when Cliff Matthews opened the continued hearing. Cliff asked Steve to submit the new soil testing results from April and to provide the proposed Buffer Zone Restoration planting scheme. Steve said he would provide that information. Cliff then stated that the Con Com is aware that the applicant has requested to no avail a meeting with the Fire Department a number of times since the last continued hearing in April. He stated that the Conservation Commission review consists of protection of the resource areas and their buffer zones on the site. The Fire Department has jurisdiction over the entire site and that review takes place under the Planning Board's review process. Cliff added that the Con Com raised concern with the proposed barriers along the perimeter access road in that it would probably not meet Fire Dept. approval. Cliff suggested that the applicant utilize something similar to a break away fence in the design in an effort to address the concern. Cliff stated that these issues will be addressed during the Planning Board process. If any changes are proposed, the applicant will have to file a new NOI, request an Amendment or simply write a letter to the Con Co to revise the Order of Conditions plan. Steve stated that he would provide the requested information as discussed.

Arianne Barton moved to continue the hearing to July 31 at 7:30 PM. Motion was seconded by Mike Roche and passed unanimously.

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**Project:** 105-847 & BWP-207  
ANRAD

**Project Description:**  
Off Plymouth Rd., Mohawk Path &  
Sunken Meadow Rd., Franklin

**Applicant:**  
Ed Gately,  
Hidden Meadows II Realty Trust  
6 Pine Street, Bellingham, MA

**Representative:**  
Paul DeSimone, Colonial Engineering  
11 Awl Street  
Medway, MA 02053

**Plans:** ANRAD and “Plan of Land in Bellingham” Hidden Meadow II Realty Trust, one sheet, March 18, 2019, Revised April 15, 2019

**Continuation time: 7:40 PM**

Paul DeSimone was present when Cliff Matthews opened the continued ANRAD hearing. Cliff stated that DEP has finally issued a file number for this project. He added that the Con Com had reviewed and adjusted the wetland flagging in the field and that we have received a revised

plan. Neal Standley moved to close the hearing and issue the Order of Resource Area Delineation based on the revised plan. Motion was seconded by Mike Roche and passed unanimously.

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**Project:** 105-840 & BWP-206  
CNOI

**Project Description:**  
Lot 4 Blackstone Street – driveway in 50-100' BZ

**Applicant:**  
Ed Renaud  
PO Box 425  
Linwood, MA 01525

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

**Plans:** NOI & “Subsurface Sewage Disposal System”, Feb. 5, 2019

**Hearing time:** 8:00 PM

Cliff Matthews opened the continued hearing. Christine Tesso, an abutter who resides on North St. was present. Cliff stated that the applicant is still working with Natural Heritage on the Priority and Estimated Habitat issues and has therefore requested another continuation. Ms. Tesso asked some questions relating to the four lot 81 ANR plan for the Blackstone Street property owned by Mr. Cournoyer. Cliff stated that only Lot 4 is jurisdictional to the Con Com because it is the only lot that has wetlands on it. However, he added that all four lots are in need of a permit from Natural Heritage. Ms. Tesso will contact Jim Kupfer tomorrow to see if he could answer her questions. Neal Standley then moved to continue the hearing to August 14<sup>th</sup> at 7:30 PM. Motion was seconded by Mike O'Herron and passed unanimously.

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**Project:** 105-845 & BWP-209  
C.ANRAD

**Project Description:**  
0 Brook Street and Williams Way  
Confirmation of delineated resource area boundary

**Applicant:**  
Kearsage Williams Way, LLC  
1200 Soldiers Field Rd. Ste. 202  
Boston, MA 02134

**Representative:**  
Oxbow Associates  
PO Box 971  
Acton, MA 01720-0971

**Plans:** ORAD & plans, “Existing Conditions Plan of Land prepared for Industrial Engineering, Sheets 1,2,3,4, dated Dec. 14, 2018, Revised May 11, 2019

**Hearing time:** 8:55PM

Chairman Matthews opened the ORAD hearing. Ron Strohsahl of Oxbow Engineering and Mike Lotti and an associate were present. Cliff stated that the Con Com had conducted a site walk on Saturday, May 11 to review the wetland delineation.

Ron then stated that adjustments have been made to the “A” series wetland flags during the site walk. There were no adjustments made to the “B” and “C” series flags.

Cliff asked if any adjustments were made to the development plan referencing grading at the existing trail to allow pedestrians to continue to use the trail. Mike Lotti responded that he had committed to adjusting the grading in that location while on site with the Commission and that he will follow through during construction on that request. He suggested that he would contact Anne Matthews when grading was taking place during construction to approve the location of the large boulders or other method that will block motorized vehicles, but still allow pedestrian or bike passage.

Ron then stated that MESA has determined that there is a taking of habitat with the proposed construction of the solar array. He added that the town is interested in a 30 acre

Conservation Restriction to protect the balance of the site in perpetuity. The 30 acres includes 24 acres of upland and five acres of wetlands including a vernal pool and open canopy for nesting of the protected species. He added that 500 feet of water line impacts about 1-1/2 acres of the 500 foot habitat protection for another species on the site which will also be addressed. He stated that part of the proposed Conservation Management Plan (CMP) would be to hold the land under Article 97 with the Conservation Commission. Cliff Matthews responded that we would surely be the proper entity to hold the land in a CR however, we will not be responsible for any maintenance (i.e. mowing), species inventory, etc. that would be agreed upon in the CMP. He also added that the area would need to have proper barriers at all access points. Property bounds must be installed to identify the protected acreage. Cliff stated that the Con Com is very interested and requested that the applicant provide a draft CMP for us to review.

Neal Standley then moved to close the hearing and issue the ORAD. Arianne Barton seconded the motion hat passed unanimously.

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**Project:** 105-842 & BWP-210  
ANRAD

**Project Description:**  
Mill Street (& Mechanic St.)  
Resource Area Delineation Verification

**Applicant:**  
Kevin Lobisser, Snowflake LLC  
31 Whitewood Road  
Milford, MA 01757

**Representative:**  
Mark Allen, Allen Engineering & Assoc. Inc.  
1 Charlesview Road, Suite 2  
Milford, MA 01757

**Plans:** ANRAD & plans, “Abbreviated Notice of Resource Area Delineation” 15 Sheets, April 15, 2019; Letter Natural Resource Services, Inc. “Wetland Delineation Peer Review, Mill Street” May 31, 2019; Sage Environmental Response to NRS June 11, 2019

**Hearing time:** 9:05 PM

Arianne Barton recused herself from the hearing as she is employed by Sage Environmental, the applicant’s environmental representative. Kevin Lobisser, Jeff D’Arrigo or Sage and Scott Rabideau of Natural Resource Services were present when the hearing was opened. Cliff stated that Scott had visited the site and had a few changes to the wetland delineation. The items in Scott’s letter were reviewed and Jeff stated that he agreed with all of the changes.

Cliff then stated that the Con Com would like to set up a site walk to observe the findings in the field. A site walk was set up for Monday, June 17<sup>th</sup> at 5:00 PM to review the resource areas. Brian Norton moved to continue the hearing to June 26<sup>th</sup> at 7:10 PM and to prepare the ORAD for signing. Michael O’Herron seconded the motion that carried unanimously.

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**Project:** 105-836 & BWP-200  
CNOI

**Project Description:**  
300 Mechanic Street, Map 51, Lot 13  
345,000 square foot warehouse & appurtenances

**Applicant:**  
Sean Chrisom  
LPC Northeast, LLC  
53 State Street, 8<sup>th</sup> Floor  
Boston, MA 02109

**Representative:**  
Christopher Wager  
VHB, Inc.  
101 Walnut Street  
Watertown, MA 02471

**Plans:** NOI (Rev. 1/3/2019) & Proposed Warehouse Stormwater Management Report, Nov. 20, 2018, Rev Jan. 3, 2019, Rev Mar 21, 2019: Proposed Warehouse Site Plans, Plan Set 33 Sheets, Nov. 27, 2018, Rev Jan. 3, 2019, Rev Mar 21, 2019: BSC Peer Review Comment Letter April 15,

**Continuation time:** 9:30 PM

Cliff Matthews opened the continued hearing. The applicant and representatives from VHB were present. He stated that members of the Con Com met with Chris Wagner to review the staked replication area and buffer zone restoration area.

Cliff stated that there are a few requests that the Commission would like to make. These include that the applicant devise a method to secure the replication and buffer zone restoration areas on the site to all motorized vehicle traffic. He requested that the main ATV arteries on the site be blocked off to prevent trespassing motorized traffic. Cliff also requested some type of long term protection of the Buffer Zone Enhancement Area i.e. deed restriction, CR, or donation under Chapter 97. Also discussed was that bonding will be required for the monitoring of the replication area to assure that 75% of the vegetation survives for the required three year period. He asked VHB to submit a suggested bonding amount to the Commission. The last item was that soil testing be performed to check hydrology in the buffer zone enhancement areas in order to assure survival of the restoration.

Michael O'Herron stated that while on site, we questioned how the 1-1/2:1 gravel slope near the replication area would be stabilized. Chris Wagner stated that rocks and logs can be placed on the slope not only to prevent erosion but also to prevent motorized traffic. Cliff stated that usually the Commission requires that the replication protocol is put in the plan set but that the narrative is too large. He said that this report is an integral part of the construction must be included in the plans of record to be adhered to.

Referring back to the peer review letters and responses, Cliff noted under the wetlands section that the DEP comments have been addressed. Conor Naigle said that a new FDIR will be filed for the one warehouse project with one driveway. In addition, the 401 and 404 Water Quality Reports are being filed presently.

On page 20 #6, Cliff again raised concern with test pits under the infiltration system that will be built on crushed rock and raised concern with permeability and infiltration. Conor Naigle stressed that this process will be overseen by a structural engineer and geo tech will be on site to oversee the process. Looking at the plan set, Cliff questioned whether the wall base should be extended. Conor Naigle responded that the fabric used in the wall design is not impervious and if the wall were extended, it would create pooling of water similar to a dam, below grade behind the wall.

Brian Norton questioned the location of the shut off valves claiming that stockpile snow would block access to on the shut offs. Conor agreed and said that he will have to move the valve behind the guardrail.

Cliff concluded by stating that we will await responses to the outstanding issues that we discussed previously this evening. He added that many items have been addressed already.

Chris Wagner presented a copy of the 401 and 404 Permits Applications to Anne Matthews for the file.

Michael O'Herron moved to continue the hearing to June 26<sup>th</sup> at 7:30 PM. Motion was seconded by Brian Norton and passed unanimously.

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**Project:** 105-843 & BWP-214  
NOI

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**Project Description:**  
Resource area confirmation and BZ mitigation in  
Response to Violation Notice

**Applicant:**  
David Patterson  
19 Plain Street  
Franklin, MA

**Representative:**  
Scott Goddard, Goddard Consulting Inc.  
291 Main St.  
Northborough, MA 01532

**Plans:** NOI and “Resource Area Plan of Land, 455 Hartford Avenue” May 3, 2019

**Hearing time:** 9:15 PM

Chairman Matthews opened the hearing. David Patterson, Valovia Costa and Nicole from Goddard Consulting were present.

Mr. Costa stated the Notice of Intent is filed to confirm the wetland delineation on the site and to address the cease and desist order issued to Mr. Patterson by proposing buffer zone mitigation. He stated that the site includes bordering vegetated wetland, isolated vegetated wetland, buffer zone and riverfront areas. A visit on April 12 revealed that no vernal pools exist on the site. Silt fence and haybales have been placed along the outside of the 25 foot No Disturb Zone on the site. 7,448 sf of tree clearing took place in the 50-100 foot buffer zone without a permit in spring of this year. This area included removal of 81 trees. The newly proposed mitigation area is located outside the 100 foot buffer zone at the rear of the property and consists of 12,236 sf of upland as mitigation and will be designated as a No Disturb Zone. The proposed mitigation area consists of 80 existing trees. The area has no understory but the cleared buffer zone also had limited understory.

Cliff then stated that the wetland delineation will require a site walk for confirmation of the wetland flags. The site has been difficult to delineate in the past and the last time the Commission had confirmed the delineation, much of the lot had 100% wetland vegetation and was very wet.

Dave Patterson then stated that he had contacted three tree companies for quotes and that he never gave permission to clear the property. He received a call from Anne Matthews to cease and desist and did not know who was out on the site. He stated that he bought the commercially zoned property as an investment and would probably like to sell it at some point.

Referring to the proposed mitigation, Cliff stated that we would need to have some sort of restriction on the property to permanently address the mitigation. The wetland flags are still hung and the mitigation area will be staked for a site walk. The site walk was scheduled for Monday, June 24<sup>th</sup> at 6:00 PM. Neal Standley moved to continue the hearing to July 10<sup>th</sup> at 7:45 PM. Michael O’Herron seconded the motion that carried.

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**Project:** 105-846 & BWP-215  
NOI

**Project Description:**  
Maple Street to Farm Street 315 % 303/327/3520 ROW  
Transmission line refurbishment including structure  
Replacements, access road upgrades and work pad  
Construction

**Applicant:**  
Erin Whoriskey, National Grid  
40 Sylvan Road, E2.468  
Waltham, MA 02451

**Representative:**  
Alison Milliman, BSC Group Inc.  
33 Waldo Road  
Worcester, MA 01608

**Plans:** NOI & USGS Map and “Notice of Intent Maps, 315/327/303/3520 Line Refurbishment Project, 11 Sheets in NOI, May 2019”

**Hearing time:** 9:40 PM

Alison Milliman of BSC was present for the applicant when Cliff Matthews opened the hearing. Alison stated that the Notice of Intent has been filed for a transmission line refurbishment project located along the ROW in Bellingham running from Maple Street (at ANP) to Farm Street. This is part of a refurbishment project for National Grid running from Somerset to Medway, MA. She stated that poles, lines and structures will be upgraded and replaced as noted in the plan set. Several resource areas are located in the Right of Way including bordering vegetated wetland (BVW) and associated buffer zone and riverfront areas. Access to poles

located in the BVW will be via timber mats and National Grid Environmental Protocol, in compliance with a federal Programmatic General Permit, will be utilized for all activity taking place.

Cliff stated that the plans are confusing and that the USGS Quadrangle Map is missing. Alison will provide that missing map. Cliff then stated that we have set aside this Saturday to schedule a site walk. We will meet on Maple Street at the ANP site.

Alison stated that there are five structures in BVW in Bellingham that need replacement. 100 sf of work pad area is proposed for these areas. Cliff stated that when we conduct the site visit, we may be able to address minimizing impacts to resource areas.

Brian Norton then moved to continue the hearing to June 26th at 8:00 PM. Motion was seconded by Mike Roche and passed unanimously.

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Motion was made by Michael O'Herron to accept the minutes of April 24, 2019, May 8, 2019 and May 15, 2019 with minor corrections. Mike Roche seconded the motion that carried.

Neal Standley moved to cancel the July 24<sup>th</sup> meeting and reschedule to July 31<sup>st</sup> due to vacation schedules. Michael O'Herron seconded the motion that carried.

The Commission signed the following permits:

Certificates of Compliance

105-361 / 15 Elaine Circle / sfd / Lambert (Standley/Roche motion)  
105-835 & BWP-202 / 485 Hartford Ave / septic repair /Cowell (Roche/O'Herron motions)  
105-455 / Mechanic Street Connors Crossing / road & drainage (Roche/O'Herron motions)  
105-841 & BWP-208 / 54 Steven Road / septic repair / Ellis (Roche/Barton motions)  
105-803 & BWP-155 / Lot 7, 3 Connor Lane /Ron Nation (Barton/Standley motions)

Partial Certificate of Compliance

105-812 & BWP-180 / Lot 4, 8 Connor Lane Ron Nation (Roche/ Standley motions)

Determination of Applicability

BWP-212 / 141 Pine Grove Avenue / tree clearing & shed / Betschart

Order of Resource Area Delineation

105-845 & BWP-209 / Williams Way & O Brook Street / Kearsage / Solar project  
105-847 & BWP-207 / behind Mohawk Path and Sunken Meadow Rd, Franklin /Gately  
(ORAD#2 for the site)

Extension Permit:

105-675 / 101 Mechanic Street / Post Office Place / Nation /road and stormwater mgt.

Voucher and stipend

On a Roche/O'Herron motion, the Commission unanimously approved to adjourn the meeting.

Attending the meeting: Cliff Matthews, Neal Standley, Michael O'Herron, Brian Norton, Mike Roche, Arianne Barton and Agent, Anne Matthews.