



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

**Meeting Minutes
Wednesday, May 12, 2021**

MEETING LOCATION: zoom meeting

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's March 15, 2020, Order imposing strict limitations on the number of people that may gather in one place. **This meeting will be via the Zoom online option; see information and instructions at the end of the agenda.**

Present at the Meeting:

Cliff Matthews, Chairperson
Neal Standley, Vice Chairperson
Michael O'Herron, Member
Brian Norton, Member
Shawn Wade, Member
Noel Lioce, Member
Arianne Barton, Member

Other Officials:

Anne Matthews, Conservation Agent
Amy Sutherland, Recording Secretary

The Chairman opened the meeting at 6:45 pm

Continuation Public Hearing: Project Location: 721 South Main Street:

<u>Hearing time:</u>	6:45 pm
<u>Project Description:</u>	Septic System Repair
<u>Application Type:</u>	NOI 105- BWP - 293
<u>Applicant:</u>	Marc Drainville, 721 South Main St. Bellingham, MA
<u>Representatives:</u>	Margaret Bacon, Civil Site Engineering, Suite 206, 10 River Rd, Uxbridge, MA 01569

The Chairman opened the hearing for the failing septic system located at 721 South Main Street.

The applicant was present and represented by Margaret Bacon.

There were members of the public present during the zoom meeting.

Margaret Bacon provided revisions to the plan. This was shown on a share screen. The revisions included reconfiguring the leach field to accommodate the title 5 requirements and will still stay out of the 50 ft. buffer. A zoom in of the area was shown. The system is now 10 ft away from the drainage easement. The revisions have been approved by the Board of Health. The slope to wetlands is at the 50 ft. line, this is to maintain a 3 to 1 grade.

On a motion made by Michael O'Herron, seconded by Shawn Wade, the Conservation Commission voted by close the hearing and issue the Order of Conditions for 721 South Main Street.

Roll Call Vote:

Neal Standley, Vice Chairperson	aye
Michael O'Herron, Member	aye
Brian Norton, Member	aye
Shawn M. Wade, Member	aye
Arianne Barton	aye

Noel Lioce

aye

Continuation Public Hearing: Project Location: 6 North Main Street, Mill Street, Common Street:**Hearing time:** 7:00 pm**Project Description:** construction of a new access road, improvements to existing roadways, construction of stormwater management facilities, utility improvements including pump station**Application Type:** NOI**Applicant:** Denis Fraine, Town of Bellingham, 10 Mechanic Street, Bellingham, MA 02019**Representatives:** Mark Allen Allen Engineering & Associates Inc. One Charles View Road, Suite 2, Hopedale, MA 01747

Member Barton recused herself from hearing.

The Chairman opened the hearing for the 6 North Main Street, Mill Street, and Common Street. It was communicated that the issue which needs to be resolved is regarding the 50 ft. setback for infiltration structures. DEP has weighed in on this when the file number was issued noting that at the time there was only the one basin at the bottom of the hill and that it did meet the 50 ft setback. It was noted in the peer review comments. The Chairman wanted to discuss this further since if in the eyes of the DEP, the structure needs to be moved, then the plans will need to be changed. If the DEP indicated that this is acceptable the way, it is then the Commission can continue with the engineering review.

The Engineer Mark Allen was present. It was indicated that his team was in receipt of the Consultants letter on Monday. The definitions that the DEP has put out regarding the stormwater management appears to be open to interpretation. The applicant indicated that they have been using this definition for over 15 years. The applicant communicated that they have always designed basins to the 100 year storm elevation within the basin and DEP has always agreed with them not only in Bellingham but also on other projects throughout MA. The applicant noted that the first basin on Common Street was right up against the wetlands, and there was agreement by the applicant to move this basin in 25 ft. to the toe slope. This got resized again since a little bit of flow was taken away from the first basin and redirected and additional flow then went to the second basin on Common Street. Those two basins have been designed where the 100-year peak elevation inside the basin is at or greater than 50 ft to the wetlands. The applicant has prepared 6 examples both in the Town of Bellingham and Hopedale which were approved by DEP and Commission which show the interpretation of definition in the stormwater regulations.

The Chairman thanked the applicant for providing this investigative work but explained that other projects do not have any relevance to this project. Further, a number of his examples were incorrect. He further clarified that the DEP had an opportunity to look at the basin and they indicated it did not meet the criteria.

The applicant responded that they moved the basin.

The Chairman stated that the wall of the basin is part of the structure of the basin and if you don't construct the wall then there is no basin, that activity along with outfall structures are also considered part of the basin.

Mark Allen responded that this is the misinterpretation of what DEP has issued both in the Town of Bellingham and across the State. The DEP has allowed the berm and off-grading to be between 50 ft. and the wetland edge.

The Conservation Agent communicated that she has reached out the DEP since there needs to be clarification on this issue. She further explained that when the file number for the project was issued and comments made, the basin continues to be located within up to the 25 ft no disturb.

Member Standley recommended the examples be shown to the Commission and would like to wait for the DEP to provide clarity. Member Wade agrees.

The Conservation Agent explained that this is why she reached out to DEP is to get clarification.

The Town Peer Consultant Frank DiPietro was present and agrees with the Commission that the DEP made the comment, and the DEP needs to explain it. Frank did check with other BSC colleagues who have had other interpretations at other projects.

Some consultants say you need to go to the top of the basin, some say go to the outside of the basin exterior wall, some say to go to the bottom of the slope. It is reasonable to expect that since DEP made the comment, they can explain it. There is no guidance which Frank can find which says where the DEP references where to measure from. This is uncertain from the regulations.

The Commission agreed that the hearing should be continued to get clarity from the DEP.

On a motion made by Neal Standley, seconded by Noel Lioce, the Conservation Commission voted by roll call vote to continue the hearing to June 9, 2021, at 8:10 pm.

Roll Call Vote:

Neal Standley, Vice Chairperson	aye
Michael O'Herron, Member	aye
Brian Norton, Member	aye
Shawn M. Wade, Member	aye
Noel Lioce, Member	aye

Continuation Public Hearing: Project Location: Mechanic Street & Mill Street:

<u>Hearing time:</u>	7:30 pm
<u>Project Description:</u>	Roadway, utilities, Stormwater Management for residential subdivision – Red Mill on the Charles
<u>Application Type:</u>	Notice of Intent: 105 -910 DEP File Number ; BWP268
<u>Applicant:</u>	Kevin Lobisser Snowflake LLC One Charlesview Rd Suite 1 Hopedale, MA 01747
<u>Representative:</u>	Mark Allen, Allen Engineering & Associates Inc. One Charles View Road, Suite 2, Hopedale, MA 01747

Member Barton recused self from hearing.

The Chairperson opened the public hearing for Mechanic Street and Mill Street.

Mark Allen was present along with the team. The applicant explained what was done between the last meeting and this meeting. A screen share of sheet 61 was shown with the revised set of drawings which incorporate the vast majority of the riverfront and capturing elements of the alternative analysis and wildlife habitat study. The plans have been revised based on comments from the Commission and BSC. Mike Drydon explained that the form three will be revised and all of those numbers have been added to the plan set and in particular Sheet R2. The Commission would like the revisions in narrative form to assist in the drafting of the Order of Conditions. The alternative analysis was also shown which included information regarding the waivers. There were six waivers requested and two need further discussion. The Chairman communicated that a concern is the location of the basin in the riparian zone. He further noted that in the alternative analysis a statement was made that the grades do not work. The applicant responded that the way the Wetland Protection Act reads is that stormwater basins within the riparian zones should be avoided unless there is no practical alternative. The applicant explained that they were taking the approach that they could alter what was currently altered today in the riparian zone. The applicant decided not to alter more than 10% which is the provision in the Act excluding the stormwater management areas. This was the approach the applicant took which resulted in the loss of some lots and revisions to Road D. The waivers requested were from the 25 ft no disturbance to the wetlands, 25 ft to and 50 ft buffer zone. There is no disturbance to vernal pools. The applicant has removed all the work within the 25 ft. no disturb to the BVW with the exception of the two crossing areas and one area in the northwest corner of the property where it is impossible to outlet the basin at the end of mill street so there is a small encroachment there. The other two waivers on page 3 of BSC's letter are no longer needed. The waiver 247-33 is to maintain one foot of freeboard is no longer needed. The last one 247-33 (6) & (9) the basin to hold a 25-year storm event with frozen ground and to allow no increase in runoff from a 25-year storm. This waiver no longer applies. The next item discussed was Figure B in the packet which shows two dead end roadways on Road A so that there is no longer a crossing of the perennial stream. With this scenario, the existing culvert which is there now would be utilized for emergency access so no improvements would be proposed. This alternative over the preferred alternative was approximately 4,680 sq. ft less of riverfront area disturbance. The applicant recommends the preferred alternative which was presented but wanted to show the alternative analysis as requested by BSC Group and DEP.

The Chairman would like the applicant to respond to BSC comments in writing and the Commission will be waiting to see what happens with the conversations with DEP as they are seeking comprehensive guidance relative to the 50 ft setback.

Consultant DiPietro commented that when looking at infiltration basin #2, the forebay and a portion of the interior of the basin are within the 50 ft. setback from the bordering vegetative wetland. The 100-year flood elevation is above at 225.5 and a portion of the 50-foot setback is within this area. It appears that the basin is clearly in the 50-foot setback at the corner. It was also suggested to look at basin #5 and the outfall. It appears as though it will discharge to Lots 76 and 77 and needs to discharge elsewhere. This will be noted in the response comments.

The Chairman noted that regarding the habitat analysis, there are good comments and some items which warrant further review. There was a recommendation to get written comments on this.

The Consultant communicated that there were some important questions to look at especially the recreational area and what exactly this is since it was not on the plans. The applicant communicated that there is no longer a recreational area for this project. The applicant apologized that the narrative still mentioned this and is no longer part of the project set.

The Chairman asked for a motion to continue the hearing.

On a motion made by Neal Standley, seconded by Brian Norton, the Conservation Commission voted by roll call vote to continue the hearing to June 9, 2021, at 8:40 pm.

Roll Call Vote:

Neal Standley, Vice Chairperson	aye
Michael O'Herron, Member	aye
Brian Norton, Member	aye
Shawn M. Wade, Member	aye
Noel Lioce, Member	aye

Member Barton returned to take part in the meeting.

Public Hearing: Project Location: 35 Pelletier Drive:

Hearing time: 8:00 pm

Project Description: Septic System Upgrade

Application Type: NOI -105- 920 BWP -294

Applicant: Jason & Jennifer Fantini, 35 Pelletier Dr, Bellingham, MA

Representatives: Margaret Bacon, Civil Site Eng. LLC. 20 River Road Suite 206, Uxbridge, MA 01569

The Chairman opened the continued hearing for 35 Pelletier Drive.

The homeowner was present Ms. Fantini during the zoom meeting and indicated that the system is original to the house and is failing. The house was built in the early 50's.

The applicant representative Margaret Bacon was present. She is representing applicant Jason and Jennifer Fantini. Ms. Bacon provided a share screen. The applicant is upgrading an existing two-bedroom home to a three bedroom. The existing system was shown on the plan and the existing tank will be removed and replaced. There will be a new tank and pump chamber. The system is outside the 100 ft. buffer zone. The septic tank and pump chamber are in the buffer zone.

The Chairman and Conservation Agent inspected the property and there are sediment and erosion controls proposed by the lake. The Engineer noted on the plan that the water line will be sleeved 10 ft on each side.

The Engineer indicated that they would remove the contaminated material and will loam and seed. This will be put as a condition.

On a motion made by Neal Standley, seconded by Michael O'Herron, the Conservation Commission voted by roll call to close and issue the Order of Conditions.

Roll Call Vote:

Neal Standley, Vice Chairperson	aye
Michael O'Herron, Member	aye
Brian Norton, Member	aye
Shawn M. Wade, Member	aye
Arianne Barton	aye
Noel Lioce	aye

Certificate of Compliance Request:

The Commission is in receipt of a Certificate of Compliance Request for Duhamel Way. There was an As Built provided. The Chairman and Agent went to the site. The only noted issue was that the fence was not in the same location as permitted. The fence is 7 feet further away from the resource area. The site is stabilized.

The Chairman asked for a motion to issue the Certificate of Compliance but will hold this until the sediment erosion control is removed. The applicant is aware that this needs to be completed prior to receiving the Certificate of Compliance.

On a motion made by Michael O'Herron, seconded by Shawn Wade, the Conservation Commission voted by roll call to issue the Certificate of Compliance once the sediment erosion control measures are removed.

Roll Call Vote:

Neal Standley, Vice Chairperson	aye
Michael O'Herron, Member	aye
Brian Norton, Member	aye
Shawn M. Wade, Member	aye
Arianne Barton	aye
Noel Lioce	aye

Public Hearing: Project Location: 30 Locust Street:

Hearing time: 8:20 pm

Project Description: Bungay Brook Estates – 110 Townhouse in 36 buildings, stormwater management

Application Type: NOI 105 BWP - 296

Applicant: Steven Venincasa, Elite Home Builders LLC, PO Box 1205 Westborough, MA 01581

Representatives: James Almonte Land Design Collaborative, 45 Lyman St., Suite 1, Westborough, MA 01581

Member Wade was the host of zoom meeting and did not take part in the discussion.

The Chairman opened the hearing for 30 Locust Street.

The applicant James Almonte was present from Land Design Collaborative. The applicant provided a screen share to explain the summary of the project. The applicant began the presentation by explaining the existing site conditions. The site is a 57-acre property which is currently operational as a nine-hole golf course. There is a club house noted with parking for 130 vehicles. The single-family residential home was shown on the plan along with the maintenance facility that services the property. There is also a lined pond which provides irrigation to the property. The frontage is located on Locust Street. There are bordering vegetated wetlands to the north and south of the property. There is also a perennial stream known as Bungay Brook. This brook is off the property but does have riverfront area onto the property. There is also a flood plain to the north and south of the site. The soils are basically sand. There are monitoring wells on site. The site is generally flat. The applicant next showed the rendering of the area. This project will have 110 town two-bedroom townhouses in 36 buildings. 34 of the buildings are proposed as tri-plex units. The existing pond will remain with liner intact. The bordering vegetated wetlands located along the northern and southern property lines have been delineated and survey located. No portion of the site contains areas of priority habitats of rare species or estimated habitats or rare wildlife not certified or potential vernal pools according to the NHESP Atlas dated August 1, 2021. The existing pavement at the entrance will be removed to create a boulevard style entrance will transition to two 11' wide travel lanes and a 5' wide bicycle /walking lane along the main driveway in lieu of a conventional sidewalk. The applicant explained that two monitoring wells from previous soil boring activity are located along the west property line and recent readings indicate ground water have receded to about 26' and

28.5' at elevations 197.5 and 190.5. The stormwater system is comprised of overland (Low Impact Development Practices) as well as catch basin and manhole, piped collection/conveyance systems. Each distinct storm drain system flows to an infiltration basin. All stormwater runoff from proposed impervious areas is pre-treated, retained and infiltrated on site. There are no new structures within the 100' wetland buffer, only minimal grading associated with the stormwater system for the Townhouses in the 100' buffer zone. The existing clubhouse gravel and paved parking lot is located in the 100' buffer zone. The stormwater from this parking lot will be treated improving the water quality over existing conditions. All work will be performed upgradient of erosion and sedimentation control barriers and the necessary erosion mitigation measures such as diversion swales, sedimentation basins, and check dams will be in place.

The Chairman referenced the 200 series sheet. It was reviewed and the grading to the basin did not have a lot of detail associated with this. It does appear that the applicant meets the criteria for a water resource district. There is minimal grading of these basins. The applicant communicated that these were basically designed as shallow depression basins. They are natural looking basins. The entire site will drain internally. The parking lot will drain into an infiltration basin. For the paved majority of the site, there is a catch basin and manhole system, the rest of the site will drain to the low areas. There is an overflow through a swale.

The Chairman communicated that the wetland delineation will need to be verified. The Commission would like to set up a site inspection with the applicants PSW. The Chairman also requests that BSC verify that the low areas are sufficient to handle the 25-year storm anticipating frozen ground conditions. The applicant responded that the stormwater report does have the numbers regarding the depth of each basin, and this can be added to the plan if this is something the Commission wants. The Commission would like to see a snow removal and management plan. This is being proposed as a private road and will have a Homeowner's Association in perpetuity.

Abutter Mr. Rhodes asked about the northeast corner near the clubhouse and wetland area. He also has questions about the parking lot plan. The applicant responded that the run-off is captured in a catch basin which will then go into a drain manhole. The abutters concern is the water run-off from the embankment which would cause serious erosion into the wetlands. The abutter noted that his house was misidentified on many of the plans. The Commission would like the peer reviewer to look at this carefully. He is also concerned about the steep embankment around the pond.

The applicant did communicate that they did not look at what could run into the site from locust street. There are catch basins in the area. The street is about 10 to 12 feet higher than the area referenced. The site is contained and slopes up and then back down at the property line.

The commission suggested a split rail and guard rail at the steep slope along with a natural barrier at the side near Mr. Rhodes property. The sewer line and work for this in buffer zone would need to be filed with the Commission.

It was recommended that the hearing be continued and have the applicant provide payment for the peer review.

On a motion made by Neal Standley, seconded by Noel Lioce, the Conservation Commission voted by roll call to continue the hearing to June 23, 2021, at 7:00 pm.

Roll Call Vote:

Neal Standley, Vice Chairperson	aye
Michael O'Herron, Member	aye
Brian Norton, Member	aye
Arianne Barton	aye
Noel Lioce	aye

Public Hearing: Project Location: 161 Wrentham Road:

Hearing time: 8:50 pm

Project Description: Septic System Repair

Application Type: NOI 105-921 BWP - 295

Applicant: Andrey Belov, 161 Wrentham Road, Bellingham, MA

Representatives: Raouff Mankaryous Alpha Omega Engineering, 25 Highland View Drive Sutton, MA 01590

Minutes Approved on: July 8 2021
(Date)

Amy Sutherland
(Prepared by Amy Sutherland)