MEETING LOCATION: ARCAND MEETING ROOM – MUNICIPAL CENTER

Present at the Meeting:
Cliff Matthews, Chairman
Michael O’Herron, Member
Brian Norton, Member
Shawn Wade, Member
Noel Lioce, Member
Arlanne Barton, Member

Other Officials:
Amy Sutherland, Recording Secretary

CONTINUATION HEARING: Project Location: Off Sunken Meadow
Hearing time: 7:15 pm
Project Description: Chapter 40 B, 28 Lot Subdivision, Road and Stormwater Mgt & BVW crossing
Application Type: Notice of Intent: DEP File Number 105-856; BWP/NA
Applicant: Hidden Meadow Realty Trust (Edward Gately)
6 Pine Street
Bellingham, MA 02019
Representative: Guerriere & Halnon Inc. (Amanda Cavaliere)
5 West Central Street
Franklin, MA 02038

Chairman Matthews opened the continued hearing for the Sunken Meadow Road project at 7:15 PM.

The members were in receipt of the Order of Conditions for Off Sunken Meadows.

On a motion made by Shawn Wade, seconded by Brian Norton, the Conservation Commission voted unanimously to close the hearing and sign the Order of Conditions.

APPROVAL OF MINUTES:
December 11, 2019
On a motion made by Shawn Wade, seconded by Noel Lioce, the Conservation Commission voted to approve the December 11, 2019 Meeting Minutes as amended.

CONTINUATION HEARING: Project Location: 43 Candlelight Lane Lot 33
Hearing time: 7:30 PM
Project Description: Single Family Dwelling, grading, bioretention area in buffer zone
Application Type: Notice of Intent: DEP File Number 105-857 & BWP-228
Applicant: South Center Realty LLC, 120 Quarry Drive, Milford, MA 01757
MINUTES OF THE CONSERVATION COMMISSION MEETING

January 8, 2020

**Representative:**  Guerriere & Halnon Inc., Bob Poxon, or Thomas Libby
PO Box 235, Milford, MA 01757

**Plans:**  
NOI &" Building Permit Plan of Land, Lot 33, 43 Candlelight Lane, 9/20/2019; Appendix D Stormwater & Operation Plan for Lakeview Estates rev 2/21/2019

The Chairman opened the continued hearing for 43 Candlelight (Lot 33). The Chairman provided an update that there have been multiple site visits performed by the internal staff and despite requests no one from the applicant’s representatives have met with the Commission members on site. The applicant’s representatives have cleared two jurisdictional lots which were not the correct lots demonstrating the confusion with proper signage. It has also been brought to the attention of the Commission that the rain gardens have not be constructed on some of the required lots.

Guerriere & Halnon Representatives Bob Poxon and Thomas Libby were present. Mr. Poxon communicated that the locations of the rain gardens have currently been verified and inspected. There was also an inventory of those rain gardens which were not the constructed and need to be constructed. Those will be constructed in the spring. Those homeowners have been notified. There were two lots with rain gardens.

The Chairman communicated that the provided inspection report from Guerriere and Halnon was distributed to the members. The provided narrative helped to clarify some of the questions. There was also a map included. There are currently two rain gardens which need to be installed and all are above grade. Mr. Poxon confirmed this and noted that the plants are already in locations but will not get any water. This will need to be addressed. Mr. Poxon also informed the Commission that there were two rain gardens installed which did not need to be there and two lots where rain gardens were supposed to be and are not there. He further stated that these were lots which had no buffer impact. Chairman Matthews explained that the only lots jurisdictional to the Conservation Commission were 8, 9 and 59. Those had written Order of Conditions. There are general Order of Conditions for the subdivision. The rain gardens were part of the permitting process done by an agreement for Low Impact Development to help deal with conditions on site which included ledge and high groundwater. There was a question if the contractor on site is the original one from the beginning of this project. Mr. Poxon responded that the contractor has been the same throughout this project. Chairman Matthews communicated that all these lots have been encumbered by a permit and is on the deed for the properties. There are an open Order of Conditions and the closing Attorneys are not seeing this on behalf of their clients. He further explained that there is language in the Order of Conditions that the closing Attorney is responsible for informing homeowners of their duties and responsibilities. The intent is to protect the homeowner. The Commission would like to see report for the monitoring of the buffer zone restoration in the spring for the sewer line as it was put in the wrong location. The Commission was made aware that there were trees cleared on the site which should not have been cut. Mr. Poxon heard about this from the Conservation Agent. The Commission would like to have a site visit for January 11, 2020 at 9:45 am.

On a motion made by Shawn Meade, seconded by Ariann Barton, the Commission voted unanimously to continue the hearing for 43 Candlelight Lane (Lot 33) to January 22, 2020 at 8:45 pm and to do a site inspection on Saturday January 11, 2020 at 9:45 am.

**Lake Street:**
The Chairman would like to schedule a site visit for the Lake Street site. There will need to be a vernal pool investigation. The applicant representative did not think there were vernal pools but based on the Commissions investigations and field experience this will need to be verified in the Spring. The Chairman would like to go on site and spend an hour familiarizing ourselves with the site and look at areas which may be challenging and, we may need to wait until there is revegetation in the Spring. This site may be a point of access with two perennial streams and a potential vernal pool. We want to make sure the delineation and identification is accurate. The date and time for the preliminary site visit would be Saturday, January 11, 2020 at 8:30 pm.

**CERTIFICATE OF COMPLIANCE:**

**51 Lakeview Avenue**
The Commission is in receipt of a Certificate of Compliance for 51 Lakeview Avenue. This is for the retaining wall. There was an inspection by the Conservation Agent, and it is recommended to sign and issue the Certificate of Compliance for 51 Lakeview Avenue retaining wall.

On a motion made by Ariann Barton, seconded by Shawn Wade, the Commission voted unanimously to issue the Certificate of Compliance for 51 Lakeview Avenue.
CONTINUATION HEARING: Project Location: 5 Roger Street

Hearing time: 7:50 PM
Project Description: Garage in 25 ft BZ
Application Type: Notice of Intent: DEP File Number 105-859; BWP-227
Applicant: Steve Marino
5 Roger Street
Bellingham, MA 02019

Representative: Land Planning (Bill Hasling)
167 Hartford Ave.
Bellingham, MA 02019

Plans: NOI & “Site Plan Located at 5 Roger Street”, 9/5/19

The Chairman opened the continued public hearing for 5 Roger Street. The applicant was tasked with looking at alternatives to decrease infringement into the 25 ft No Disturb Buffer Zone. It was suggested to include a barrier fence, move the garage further up the driveway or to make it smaller, and move the shed.

Representative Bill Hasling was present and explained the modification which included moving up the garage 5 ft. The area which was currently lawn was highlighted on the plan. There was shown a temporary disturbance in the corner which will be allowed to revegetate. The area in the back which is 10 ft. wide will be revegetated where the existing lawn is located. The only new disturbance which is 30 sq. ft is for the corner of the proposed garage. Mr. Hasling did look at possible infiltrating the roof run off the garage but there is not enough offset from groundwater to make it work in this location. The Groundwater is at the wetland elevation. Mr. Hasling recommends crushed stone. There was a question about the location of the shed. The resident indicated that they received a permit for the shed. It appears to be in the wetland.

The Chairman communicated to the applicant that the Commission appreciates their effort made, but at this point to issue a permit, the garage needs to be moved forward but if the applicant does not want to have such a big garage, it can be decreased from 24 ft. x 36 ft. to 24 ft. x 24 ft. There needs to be more protection for this area. There was also discussion about fencing. Mr. Hasling responded that there will be a rail fence. There was no detail noted on the plan. Mr. Hasling communicated that the applicant could just revegetate with what is already there. Another suggestion was to have Scott Heim, the PWS, develop a planting scheme. The Chairman noted that it is his understanding that over the years this has been a filled wetland and there has been evidence found of hydric soils upland from the wetland line.

The applicant expressed his frustration since he bought this house back in 1998. They were not informed about the wetlands from anyone in town. The homeowners have been able to pull permits throughout town for the shed and sunroom. There was never an issue. Through this hearing process, he realized that his 31,000 sq. foot lot, 13,000 sq. ft are wetlands, and he is frustrated since his lot is basically cut in half due to unusable wetlands. He would have never bought the property knowing this.

The Chairman communicated that he understands his frustration. There were Order of Conditions on the deed and unfortunately, they were never informed. The closing Attorney should have informed you about this. The Chairman indicated that the applicant is being taxed on a lot on a certain amount of usable land. The applicant was informed that he should take the map and go to the Assessor’s to get an abatement since a portion of his land is not usable. It was suggested to have Scott draw the line showing the boundary.

Mr. Hasling noted that the garage would need to be moved up 10 ft. from the current location noted on the plan. It has already been moved 6 ft. The road is gravel and the driveway would be paved. This is an unaccepted road and the property line is the middle of the street.

The Chairman noted that there is typically a fence put in at the 25 ft. No Disturb Zone but this is currently already the edge of lawn. He suggested that there be a fence or plantings in this location to highlight the fact that this is a resource area. Another recommendation was installation of a post fence with badges along edge of lawn every 20 ft. There also needs to be the inclusion of some plantings such as high bush blueberries.

The Commission has the following recommendations:
- Make the garage smaller from 24 ft. x 36 ft., to 24 ft. by 24 ft.
- Move the garage up closer to the front
• Allow for a combination of shortening the garage and moving it
• Put up a rail fence or posts with badges along the edge of the lawn
• Include plantings with something simple such as high bush blueberries
• Leave the garage as is but give up additional land
• Need detail of fence on plan

After discussing the variety of options, the Chairman took a poll of the members which the majority preferred that the applicant leaves the garage as proposed on plan and have a fence with badges on every other post.

This all needs to be placed on a plan prior to the next meeting, which is Wednesday, January 22, 2020.

**Continuation Vote:**
On a motion made by Shawn Wade, seconded by Noel Lioce, the Commission voted unanimously to continue the hearing for 5 Roger Street to January 22, 2020 at 9:00 pm.

**Public Hearing: Project Location: 33 Candlelight Lane Lot 28 (64-212-0028):**

**Hearing time:** 8:00 pm  
**Project Description:** Site Work in Buffer Zone  
**Application Type:** Notice of Intent: DEP File Number 105-874; BWP-240  
**Applicant:** South Center Realty LLC  
120 Quarry Drive  
Milford, MA 01757  
**Representative:** Guerriere & Halnon Inc., Bob Poxon, or Thomas Libby  
PO Box 235, Milford, MA 01757  
**Plans:** Building Permit Plan of Land Lot 28 Candlelight Lane in Bellingham, MA dated August 28, 2019

The Chairman communicated that the Bellingham Conservation will open and hold public hearings in accordance with the Massachusetts Wetland Protection Act, G.L. Ch. 131 sec 40 and the Bellingham Wetland Protection Bylaw on the following Notice of Intents for the proposed site work within the 100 foot Buffer Zone to Bordering Vegetated Wetlands with the construction of a single family dwellings located at 33 Candlelight Lane (Lot 28), 35 Candlelight (Lot 29), 24 Candlelight Lane (Lot 54), 31 Candlelight (Lot 27), 30 Candlelight Lane (Lot 39), 28 Candlelight Lane (Lot 56), 37 Candlelight Lane (Lot 30), 14 Candlelight Lane (Lot 49), 34 Candlelight Lane (Lot 41), and 15 Candlelight Lane (Lot 19).

The Chairman read from the sequence list which was requested by the applicant.

**Lot 28:**  
Guerriere & Halnon Representatives Bob Poxon and Thomas Libby were present to explain the plan. Mr. Poxon began by noting that the buffer zone was noted on the plan. It was communicated that this lot does require a rain garden. The majority of the construction is outside of the buffer. There will be dry wells for roof run off and foundation drains

The Chairman communicated that the Commission will be going on site and inspecting the lots and making sure that everything is staked out. It was suggested to see if it is possible to save some of the trees in the back corner. If the applicant meets the Commission on site Saturday, they can bring tags to mark the trees which could be saved. It appears that there is a 6-inch perforated pipe which goes across the length of the lot to the rear. There is no outlet noted. This is no direct discharge point, since it is a perforated pipe. The idea of the rain garden is to infiltrate surface water. There was a comment that what is noted on the plan this defeats the purpose for a rain garden. The rain gardens were put in to address the requirement for low impact stormwater management structures.

**Recommendation:**  
• Remove the perforated pipe from plan and property line.

**Public Hearing: Project Location: 35 Candlelight Lane Lot 29 (64-212-0029):**

**Hearing time:** 8:00 pm  
**Project Description:** Site Work in Buffer Zone  
**Application Type:** Notice of Intent: DEP File Number; BWP-241
Applicant: South Center Realty LLC
120 Quarry Drive
Milford, MA 01757

Representative: Guerriere & Halnon Inc., Bob Poxon, or Thomas Libby
PO Box 235, Milford, MA 01757

Plans:

Lot 29:
Representative Poxon began his presentation by showing that the buffer is along the back of the lot. He indicated that there were two rain gardens shown on this property. The roof infiltrators were shown on the plan along with the foundation drains. The driveway pitches toward the road. The Chairman noted that there is a lot of fill at the front and in the back near the rain garden. This is a gradual slope. Grading will be critical in order to assure proper function of the rain garden.

Recommendation:
- Remove the drain on the detail
- Retain as many trees as possible
- Identify the location of the rain gardens (all four corners) on all the required lots

Public Hearing: Project Location: 24 Candlelight Lane Lot 54 (64-212-0054):
Hearing time: 8:00 pm
Project Description: Site Work in Buffer Zone
Application Type: Notice of Intent: DEP File Number ; BWP-246
Applicant: South Center Realty LLC
120 Quarry Drive
Milford, MA 01757

Representative: Guerriere & Halnon Inc., Bob Poxon, or Thomas Libby
PO Box 235, Milford, MA 01757

Plans: Building Permit Plan of Land Lot 54 Candlelight Lane in Bellingham, MA
dated September 3, 2019

Lot 54:
Representative Poxon presented Lot 54. It was communicated that this is near an isolated wetland and open space.

The Chairman communicated that the drains go right through the middle of the rain garden. There is also a split rail fence noted on the plan with conservation badging so that the homeowners are aware that they abut open space. The Commission upon reviewing the tributary surface flow discovered that it does not appear that the rain garden will work since the grade will have to be lowered.

Mr. Poxon communicated that the elevation of Candlelight was lowered, and this effected the grades, so the actual isolated wetland in the center is higher than the lots which are supposed to have rain gardens.

The Chairman communicated that the rain garden is going to fail since the whole concept has been changed by lowering the road. The Chairman wanted to know when the applicant changed the grade from the original permit. The problem now is that none of what the Conservation Commission originally wanted on this site will work due to the lowering of the road.

Mr. Poxon responded that the change was done back in 2011. The Commission was not informed of this change.

Recommendation:
- Consistency with split rail fence or those parcels which require a fence on plan and detail section.
- All of the lots which border the open space are to have post and rail fences on the property lines with badges.
- The grade will have to be lowered so that the rain garden works otherwise no surface flow will go into it. This need to be reviewed and the applicant will have to prepare a solution. There needs to be survey of the new topography and then provide accurate plans.
- Look at Lots 55 and 53 since there appears to be no tributary flow (clarify what the grades are behind this).
- Provide a general plan for the utilities to see how the foundation drains are connected to the project storm water management system.
- Look at design set for Lot 54, 55 and 56 to see where the perimeter drain goes to.

There was a question about the drain on Lot 55. Mr. Poxon is not sure where the pipe goes to, but he thinks it is how the draining of the rain garden is proposed. On Lot 56, they took the foundation drain and instead of putting it to the back, they put it to the front and tied it into the catch basin. Mr. Poxon will investigate this since it is not allowed per the building code.

**Public Hearing: Project Location: 31 Candlelight Lane Lot 27 (64-212-0027):**

**Hearing time:** 8:00 pm  
**Project Description:** Site Work in Buffer Zone  
**Application Type:** Notice of Intent: DEP File Number 105-873; BWP-239  
**Applicant:** South Center Realty LLC  
120 Quarry Drive  
Milford, MA 01757  
**Representative:** Guerriere & Halnon Inc., Bob Poxon, or Thomas Libby  
PO Box 235, Milford, MA 01757  
**Plans:** Building Permit Plan of Land Lot 27 Candlelight Lane in Bellingham, MA dated June 6, 2019

**Lot 27:**
Representative Poxon explained that there are foundation drains which discharge to the rear. There is another drain running along the property line.

The Chairman communicated that there may be some trees which could be saved on this lot.

Mr. Poxon responded that it might be possible to save some trees between the rain garden and buffer.

**Recommendation:**
- Need details on plan about rain garden  
- Rain garden drain in back removed  
- Save trees in back between the rain garden and buffer zones and those need to be flagged in the field.  
- Plant trees between buffer and rain garden to let water infiltrate at existing grade.  
- Put badges on trees along 100 ft. buffer zone and see case by case about putting up posts in areas where no disturb zone is required and note on order of conditions that the area is designed as a no disturb.

**Public Hearing: Project Location: 30 Candlelight Lane Lot 39 (64-212-0039):**

**Hearing time:** 8:00 pm  
**Project Description:** Site Work in Buffer Zone  
**Application Type:** Notice of Intent: DEP File Number 105-872; BWP-243  
**Applicant:** South Center Realty LLC  
120 Quarry Drive  
Milford, MA 01757  
**Representative:** Guerriere & Halnon Inc., Bob Poxon, or Thomas Libby  
PO Box 235, Milford, MA 01757  
**Plans:** Building Permit Plan of Land Lot 39 Candlelight Lane in Bellingham, MA dated September 12, 2019

**Lot 39:**
Representative Libby communicated that with this lot, the only thing that needs to be done is site work in the buffer zone since there is no rain garden requirement on this lot.

**Recommendation:**
- Look to see if there are any trees worth saving during the field visit  
- This will only need grading and no rain garden

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The Chairman noted that there will be grading and the installation of roof infiltrators. The easement access was noted between Lots 40 and 41.

**Public Hearing: Project Location: 28 Candlelight Lane Lot 56 (64-212-0056):**

- **Hearing time:** 8:00 pm
- **Project Description:** Site Work in Buffer Zone
- **Application Type:** Notice of Intent: DEP File Number 105-871; BWP-247
- **Applicant:** South Center Realty LLC
  
  120 Quarry Drive
  
  Milford, MA 01757
- **Representative:** Guerriere & Halnon Inc., Bob Poxon, or Thomas Libby
  
  PO Box 235, Milford, MA 01757
- **Plans:** Building Permit Plan of Land Lot 56 Candlelight Lane in Bellingham, MA dated September 17, 2019

The Chairman communicated that the applicant is aware that there needs to be work done on Lots 54 and 56. The applicant is aware and will make the necessary revisions.

**Public Hearing: Project Location: 37 Candlelight Lane Lot 30 (64-212-0030):**

- **Hearing time:** 8:00 pm
- **Project Description:** Site Work in Buffer Zone
- **Application Type:** Notice of Intent: DEP File Number 105-875; BWP-242
- **Applicant:** South Center Realty LLC
  
  120 Quarry Drive
  
  Milford, MA 01757
- **Representative:** Guerriere & Halnon Inc., Bob Poxon, or Thomas Libby
  
  PO Box 235, Milford, MA 01757
- **Plans:** Building Permit Plan of Land Lot 30 Candlelight Lane in Bellingham, MA dated September 12, 2019

**Lot 30:**

Representative Poxon provided an overview of Lot 30. The Commission reviewed the plan and provided the following recommendation.

**Recommendation:**
- The applicant needs to eliminate the rain garden drain
- Save some of the trees on the site.

**Public Hearing: Project Location: 14 Candlelight Lane Lot 49 (64-212-0049):**

- **Hearing time:** 8:00 pm
- **Project Description:** Site Work in Buffer Zone
- **Application Type:** Notice of Intent: DEP File Number 105-869; BWP-242
- **Applicant:** South Center Realty LLC
  
  120 Quarry Drive
  
  Milford, MA 01757
- **Representative:** Guerriere & Halnon Inc., Bob Poxon, or Thomas Libby
  
  PO Box 235, Milford, MA 01757
- **Plans:** Building Permit Plan of Land Lot 49 Candlelight Lane in Bellingham, MA dated September 24, 2019

**Lot 49:**

Representative Poxon explained that Lot 49 shows the drain in the back of the rain garden and going off to Lot 50. He will make this change and eliminate the drain. The elevations were reviewed and there is pitch towards the rain gardens.
The Commission noted that this entire house is inside the buffer zone area. This is allowed since the DEP does not identify the buffer zone as a resource area. This is why the local bylaws state the resource area buffer zone with a no disturb and no build zone and a limited activity zone.

**Recommendation:**
- Eliminate the drain
- Pitch toward the rain garden
- Change the foundation drain
- The whole lot is inside the buffer

**Public Hearing: Project Location: 34 Candlelight Lane Lot 41 (64-212-0041):**

**Hearing time:** 8:00 pm  
**Project Description:** Site Work in Buffer Zone  
**Application Type:** Notice of Intent: DEP File Number ; BWP-244  
**Applicant:** South Center Realty LLC  
120 Quarry Drive  
Milford, MA 01757  
**Representative:** Guerriere & Halnon Inc., Bob Poxon, or Thomas Libby  
PO Box 235, Milford, MA 01757  
**Plans:** Building Permit Plan of Land Lot 41 Candlelight Lane in Bellingham, MA dated October 9, 2019

**Lot 41:** 
Representative Poxon provided an overview of Lot 41. Mr. Poxon indicated that everything on this site pitches from the front to the back at this location.

The Chairman indicated that the rain garden drains need to be eliminated on this site. The foundation drain in the back is ok

**Recommendations:**
- Rain garden drain needs to eliminated
- This needs a rain garden
- Foundation drain in the back is ok
- Try to save some of the trees

**Public Hearing: Project Location: 15 Candlelight Lane Lot 19 (64-212-0019):**

**Hearing time:** 8:00 pm  
**Project Description:** Site Work in Buffer Zone  
**Application Type:** Notice of Intent: DEP File Number 105-870 ; BWP-238  
**Applicant:** South Center Realty LLC  
120 Quarry Drive  
Milford, MA 01757  
**Representative:** Guerriere & Halnon Inc., Bob Poxon, or Thomas Libby  
PO Box 235, Milford, MA 01757  
**Plans:** Building Permit Plan of Land Lot 19 Candlelight Lane in Bellingham, MA dated November 11, 2019

**Lot 19:** 
Representative Bob Poxon presented Lot 19. He communicated that the only bufferzone is on the front of the lot. The buffer is in the front of the driveway. This is a flat site. During a point of discussion it was noted that Lots 18 through 21 should have rain gardens.

**Recommendation:**
- Rain garden easement needs to be noted on the plan.
- Remove the 6-inch perforated pipe.
- Lots 18-21 will need rain gardens.
At the conclusion of the discussion, the Chairman communicated that the lots which need additional work are Lots 54, 56 & 49.

Candlelight Lane Site Visits:
On a motion made by Brian Norton, seconded by Arianne Barton, the Commission voted unanimously to conduct a site inspection on Saturday January 11, 2020 at 9:45 am at the following locations at Candlelight Lane: Lots 28, 29, 27, 39, 30 and 33 and if time allows the Commission will visit Lots 41 and 19.

Continuation:
On a motion made by Shawn Wade, seconded by Noel Lioce, the Commission voted unanimously to continue the hearing for Lots 28, 29, 27 and 39 to January 22, 2020 at 9:15 pm.

Continuation:
On a motion made by Mike O’Herron, seconded by Noel Lioce, the Commission voted unanimously to continue the hearing for Lots 30, 41, and 19 to February 12, 2020 at 8:15 pm.

Continuation:
On a motion made by Arianne Barton, seconded by Noel Lioce, the Commission voted unanimously to continue the hearing for Lots 54, 56, and 49 to February 26, 2020 at 7:30 pm

ADJOURN:
On a motion made by Brian Norton, seconded by Arianne Barton, the Conservation Commission voted unanimously to adjourn the meeting at 9:36 pm.

Meeting Adjourned at 9:36 pm

Respectfully Submitted,

Amy Sutherland
Recording Secretary

Documents List January 8, 2020

- Minutes December 11, 2019

Minutes Approved on: February 12, 2020
(Date) (Prepared by: Amy Sutherland)