MEETING LOCATION: Remote Participation through Zoom

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, no in-person attendance of members of the public will be permitted at this meeting.

Present at the Meeting:
Cliff Matthews, Chairman
Neal Standley, Vice Chairman
Shawn M. Wade, Member
Michael O’Herron, Member
Brian Norton, Member

Other Officials:
Anne Matthews, Conservation Agent
Amy Sutherland, Recording Secretary
Jim Kupfer, Town Planner (ran the zoom meeting)

The Chairman opened the meeting at 7:00 pm.

The Chairman institutes a new policy that anyone representing the applicant who wishes to speak has to show themselves.

Continued Public Hearing: Project Location: 988 South Main Street:

Hearing time: 7:00 pm
Project Description: Septic System Repair
Application Type: Notice of Intent: DEP File Number 105-911; BWP-278
Applicant: Charles O’Brien
988 South Main Street
Bellingham, MA 02019

Representative: Russell Waldron
Applied Ecological Sciences
PO Box 184
Norfolk, MA 02056

The Chairman opened the public hearing for 988 South Main Street for a septic system repair.

The applicant representative Jim Mackenzie was present via zoom. It was explained that the applicant is looking to upgrade the existing failing septic system. This system was put in back in 2002. The applicant was in front of the Board of Health last night and approval was granted. The plan was provided to the Commission by email.

The Chairman noted that this is a failing system and is a necessary repair. The site was inspected by the Chairman and the Conservation Agent. The fence on the site is still in place. There has been no dumping over the fence. The resource area has not been impacted. Member Norton provided a share screen so the Commission could review the plan. There will be septic sand brought in and then 9 inches of loam will go over that. The A and B layer of soil will be removed. The plan shows
where the erosion and sedimentation controls will be installed which would include staked waddles. This will be included on the order of conditions. There was a suggestion that the maintenance of the fence be noted as a special condition.

On a motion made by Neal Standley, and seconded by Brian Norton, the Conservation Commission voted to sign, issue and close the hearing for 988 South Main Street.

Roll Call Vote:
Neal Standley, Vice Chairman  
Michael O'Herron, Member  
Brian Norton, Member  
Shawn M. Wade, Member

aye  
aye  
aye  
aye

Continued Public Hearing: Project Location: South Main Street and Center Street:

Hearing time: 7:20 pm
Project Description: Roadway, Stormwater management system and filing of 1,757 sf of IVW for subdivision roads and lots “Bellingham Shores”
Application Type: Notice of Intent: DEP File Number 105-864; BWP-230
Applicant: Rick Terrill  
Bellingham Residential #2 Realty LLC  
120 Quarry Drive  
Milford, MA 01757
Representative: Goddard Consulting LLC  
291 Main Street Suite #8  
Northborough, MA 01532

The Chairman opened the hearing for Bellingham Shores. The applicant representative Sean Malone was present. The Chairman provided a recap that at the last meeting the Commission was going to begin preparing the Order of Conditions. The Conservation Agent is in the process of putting all the documents together. The Commission would like a completed and updated plan set. The last updated stormwater report was from August 5, 2020. Representative Malone communicated that there were not any changes to this report. The Chairman wanted to know if Sean Malone has communicated with the DPW Director relative to the stormwater maintenance bond. The applicant has not reached out but will follow-up this week. The Chairman asked Mr. Arnold about the fact that there was not a waiver request specifically for alterations in the 25 to 50 ft. no build zone. The applicant responded that they had incorporated those together cumulatively since it did not make sense to break them apart since both were being impacted. This is for the IVW area. There was a revised waiver done in April 28, 2020. There was also a separate waiver request for the sidewalk as well. Mr. Arnold communicated that he believes the record has sufficient documentation for the waiver requests. The triangle parcel piece was next discussed. Sean Malone explained that a conceptual landscaping reuse plan was developed. This included new tree plantings and regrading to create a field area. There was a cost estimate done by DPW Director Don DiMartino. Falard did their own estimates with local pricing and had a number which was half of what the DPW had estimated. The DPW estimate was based on the DOT price numbers. This was submitted to the Town Planner and the applicant is willing to provide some of the money for the land. There continues to work on the wording of the conditions or mitigation items which the Planning Board will be addressing. The Chairman communicated that this land will go to the Town of Bellingham and not the Conservation Commission. It was further explained that in the Order of Conditions there will be language noting a no build zone or a no activity zone which will encompass the 100’ buffer due to the fact that the developer previously altered, without permit a portion of the 100’bz during the installation of the sewer line. Representative Malone will need to change the note on the plan that this land is going to the Town of Bellingham and not the Conservation Commission. The Chairman noted that once the limit of clearing has been established then the baseline report will be developed in order to determine existing conditions in order to provide a comparison for future open space inspection. The Planning Board will be meeting on November 12, 2020 to discuss the mitigation.

On a motion made by Neal Standley, seconded by Brian Norton, the Conservation Commission voted by roll call vote to continue the hearing to December 9, 2020 at 8:00 pm.

Roll Call Vote:
Neal Standley, Vice Chairman  
Michael O’Herron, Member

aye  
aye
Brian Norton, Member  aye
Shawn M. Wade, Member  aye

OTHER BUSINESS:

Conservation Commission Meeting:
The Chairman suggested having a meeting on December 16, 2020. The Commissioners were in agreement.

Certificate of Compliance:
The Commission is in receipt of a request for a Certificate of Compliance for the Charles River Versa Lock Wall. There was an inspection completed. It is recommended to issue the Certificate of Compliance.

On a motion made by Neal Standley, seconded by Michael O’Herron, the Conservation Commission voted by roll call vote to issue and sign the Certificate of Compliance for Charles River Versa Lock Wall.

Roll Call Vote:
Neal Standley, Vice Chairman  aye
Michael O’Herron, Member  aye
Brian Norton, Member  aye
Shawn M. Wade, Member  aye

Continued Public Hearing: Project Location: 16 Celestial Circle (Lot 76 A):

Hearing time:  8:00 pm
Project Description:  Grading, Landscaping, Utilities, Bioretention Area
Application Type:  Notice of Intent: DEP File Number 105-888; BWP-258
Applicant:  South Center Realty LLC
120 Quarry Drive
Milford, MA 01757

Representative:
John Frederico
Guerriere & Halnon, Inc.
PO Box 235
Milford, MA 01757

The Chairman opened the following hearings: 16 Celestial Circle (Lot 76 A), 5 Lovers Lane (Lot 79 A), 7 Lovers Lane (Lot 80), and 9 Lovers Lane (Lot 81).

The Chairman communicated that the Conservation Agent has prepared the Order of Conditions for 16 Celestial Circle; The Agent informed the applicant that she has not received the updated hard copies for these. She would like six sets of the plan along with a pdf sent.

The applicant provided a share screen. There has been nothing that has changed with this plan except for some updates to the existing conditions which reflect the soil pile found on Lot 79. The Agent explained that this is Lot 76A which has recently revised lot lines as approved by the Zoning Board of Appeals. Previously it was known as Lot 76. There is no bioretention area on this particular lot. The applicant confirmed this and explained that this is due to the size and shape of the lot.

On a motion made by Neal Standley, seconded by Michael O’Herron, the Conservation Commission voted by roll call vote to close, issue and sign the Order of Conditions for 16 Celestial Circle (Lot 76A).

Roll Call Vote:
Neal Standley, Vice Chairman  aye
Michael O’Herron, Member  aye
Brian Norton, Member  aye
Shawn M. Wade, Member  aye

Continued Public Hearing: Project Location: 5 Lovers Lane (Lot 79 A):

Hearing time:  8:00 pm

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The Chairman opened the continued hearing for Lot 79.

The applicant provided a screen share. All of the outstanding issues on this site have been resolved. There was a correction on the plan of the spoil pile on the existing conditions.

The Conservation Agent has reviewed and recommends issuance of the Order of Conditions.

The Chairman asked for a motion to close, issue and sign the Order of Conditions for 5 Lovers Lane (Lot 79A).

On a motion made by Shawn Wade, seconded by Michael O’Herron, the Conservation Commission voted by roll call vote to close, issue and sign the Order of Conditions for 5 Lovers Lane (Lot 79A).

Roll Call Vote:
Neal Standley, Vice Chairman aye
Michael O’Herron, Member aye
Brian Norton, Member aye
Shawn M. Wade, Member aye

Continued Public Hearing: Project Location: 7 Lovers Lane (Lot 80):
Hearing time: 8:00 pm
Project Description: Grading, Landscaping, Utilities, Bioretention Area
Application Type: Notice of Intent: DEP File Number 105-890; BWP-260
Applicant: South Center Realty LLC
120 Quarry Drive
Milford, MA 01757
Representative: John Frederico
Guerriere & Hannon, Inc.
PO Box 235
Milford, MA 01757

The Chairman opened the continued hearing for Lot 80.

The applicant explained that the Commission requested at the last meeting to add the retaining wall detail. This was added to the plan. The fence style can be chain link as proposed. Below the wall, there is proposed a post and rail fence. There was a building footprint updated for this plan but nothing substantial has changed. The infiltration chambers have been moved to the lower portion of the site.

There was a question about the wall and if it fails, where does the liability fall. The Chairman communicated that the Commission relies on expert testimony to make an informed decision. The liability would be with the contractor who did not comply with the specifications of the plan. The plan is stamped. Consultant DiPietro responded that it is typical that there be language in a condition that the Commission is not liable. He will provide language to the Commission to use as a reference.

On a motion made by Brian Norton, seconded by Michael O’Herron, the Conservation Commission voted by roll call vote to close, issue and sign the Order of Conditions for 7 Lovers Lane (Lot 80).

Roll Call Vote:
The Chairman opened the continued hearing for 9 Lovers Lane (Lot 81).

The applicant explained that he has presented an updated plan to the Conservation Agent. The client did reach out to versa lock who provided a detail to the applicant. This is included on the plan. This is for the portion of the wall greater than 4 feet running along the eastern portion of the site. Versa Lock also prepared a memo regarding the construction of the wall. If there is a need for additional information about the wall, versa lock would be happy to supply this information. The memo was pulled up on screen share. The infiltration chambers were relocated below the shorter 4-foot wall. The detail for this was shown. There is 9.6 feet from the foundation to the face of the wall. The foundation of the wall is closer to the 8-foot mark. The details behind the wall are being worked on and will be stamped by a structural engineer which will be permitted and inspected through the building department. The memo referenced that there will be a 2-foot footer which is approximately two feet below existing grade. There will be material compacted and back filled behind the wall and if any geogrids are needed for this then more material would be compacted onto this.

The Chairman is concerned that if the geogrid needs to be anchored and there is only 8 feet, he is not sure that as the wall gains elevation if there could be a conflict with the foundation. There is also a concern about the connection of the versa lock wall and the boulder wall to the south of the foundation.

Consultant DiPietro noted that the versa lock wall is the standard detail. The standard rule is that as you go higher with the wall, the depth of the geo grid gets longer. This is roughly about half the height. He recommends that the Commission refer to the actual versa lock design that is stamped. The top of the wall is about 9 feet and 8 feet back from the edge of the foundation. It appears that this will be about a foot or two from the foundation, which is not a lot, but he does not think it will interfere. The question to be asked is if versa lock knows there will be a foundation this close to the retaining wall? They should be aware of this as they finalize their design. The applicant will follow up with versa lock to make sure they know that the wall is this close to the foundation. The other important part of this to consider is that this is installed correctly. This will need to be backfilled. The grading will need to be adjusted, it references 290 elevation, then where the versa lock wall is the plan notes a 280 contour. There was also a question if the wall gets built first or the foundation. This should be discussed with versa lock. Another suggestion is that the applicant can provide a cross section of this area with a 1” to 10” scale.

The Chairman wants the applicant to address at the next meeting how the boulders and the wall will be merged together. This is a concern. It is requested that a detail on this be provided. The Commission also communicated that there is a concern about the impact to the open space with this area being extremely tight. It is possible to include in the Order of Conditions the details about the timing, and methodology of how this is going to be built.

The applicant communicated that the point would be at a 45-degree angle or depending if the versa lock wall could go in at a 90 degree and this would need to be reflected. The intent would be that the yard area for Lot 81 would be at a flat area at 290 and 291 ½ where the walk out would be. The applicant will revise the detail to show the versa lock wall going along the southwestern portion of the site.

The Chairman recommended that this hearing be continued.

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On a motion made by Brian Norton, seconded by Michael O'Herron, the Conservation Commission voted by roll call to continue the hearing for 9 Lovers Lane (Lot 81) to December 9, 2020 at 8:15.

Roll Call Vote:
Neal Standley, Vice Chairman aye
Michael O’Herron, Member aye
Brian Norton, Member aye
Shawn M. Wade, Member aye

Approval of Minutes:
September 23, 2020
On a motion made by Michael O’Herron, and seconded by Neal Standley, the Conservation Commission voted to approve the minutes from September 23, 2020 with the noted revisions.

Roll Call Vote:
Neal Standley, Vice Chairman aye
Michael O’Herron, Member aye
Brian Norton, Member aye
Shawn M. Wade, Member aye

October 14, 2020
On a motion made by Michael O’Herron, and seconded by Neal Standley, the Conservation Commission voted to approve the minutes from October 14, 2020 with the noted revisions.

Roll Call Vote:
Neal Standley, Vice Chairman aye
Michael O’Herron, Member aye
Brian Norton, Member aye
Shawn M. Wade, Member aye

Next Meeting:
- Wednesday, December 9, 2020

ADJOURN:
On a motion made by Michael O’Herron, seconded by Shawn Wade, the Conservation Commission voted by Roll Call vote to adjourn the meeting at 8:03 pm.

Roll Call Vote:
Neal Standley, Vice Chairman aye
Michael O’Herron, Member aye
Brian Norton, Member aye
Shawn M. Wade, Member aye

Respectfully Submitted,

Amy Sutherland
Recording Secretary