



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

**Meeting Minutes
Wednesday, January 10, 2024
Meeting In-Person and Via Zoom**

Members Present:

Mike O'Herron, Chairman
Neal Standley, Vice Chairman
Noel Lioce, Member
Arianne Barton, Member
Steven Kohler, Member

Other Officials Present:

Hannah Crawford, Conservation Administrator
Tina Griffin, Recording Secretary

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

Public Hearing: "0" Maple Street (Maplegate)

Hearing Time: 7:00 PM
Project Description: Installation of an electrical line as part of the "Proposed Solar Array – Parcel 3" project on the above referenced subject parcel located within the 100' Buffer Zone to Bordering Vegetated Wetland
Application Type: Notice of Intent
Applicant: Daniel Serber, 177 Huntington Avenue, Boston, MA 02115
Representatives: Daniel Wells, LEC Environmental Consultants, Inc., 380 Lowell Street, Wakefield, MA 01880

Greg DiBona from Bohler Engineering let members know that he was in receipt of the peer review cost and scope. They are in agreement with the peer review to be conducted by BSC Group, and they will have the account setup by next week so that BSC Group can get this location on their schedule.

Commission members discussed the time for a site walk. The applicant's representatives and Commission Members agreed to meet at the site at 8:30 am on Saturday, January 20, 2024.

Mr. Standley made a motion to continue this Hearing until Wednesday, February 14, 2024, at 7:00 pm. Motion was seconded by Mr. Kohler and the voice vote passes unanimously.

Public Hearing: 1052 South Main Street

Hearing Time: 7:30 PM
Project Description: Construction of a drainage pipe to replace the failing drainage pipe located within the 100' buffer zone to a BVW
Application Type: Notice of Intent
Applicant: Glendon Wenger, 1040 South Main Street, Bellingham, MA 02019
Representatives: Chris Seariac, Bellingham DPW, 26 Blackstone Street, Bellingham, MA 02019

DPW Project Manager, Chris Seariac was present at tonight's meeting and gave some background on the water drainage for this area. This area has been an issue for a number of years, in which the Steven Road drainage area collects a significant amount of water that is sent to an easement pipe, then to an open trench, which goes across the backyards of Steven Road

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residents, and then to the pond on Wenger's property. There is an undersized 8" PVC pipe that crosses Wenger's property, that the DPW would like to dig out and replace with an 18" PVC pipe. In conjunction, Norfolk County Mosquito has said they could possibly clean up the swale to hopefully alleviate a lot of the problems that the neighbors have been having with water in their backyards.

The Chairman confirmed that the swale area mentioned by Mr. Seariac is a wetlands area that is filled with all types of debris, downed trees, brush, tree stumps, etc., which inhibits water flow. A site walk was done back there with Norfolk County Mosquito a number of months ago, which was identified as an area that they could provide assistance with clearing some of the area.

Photos of the issue areas were shared with members present and discussed in detail about the water that was backed up just from the current day's conditions. Mr. Seariac said that even though there are a number of separate discharges from that area by Saddleback Hill Road, Blackstone Street, etc., all the drainages still go back to the same area. There's no conveyance from where it discharges at other points and is just water going into the wetlands and heading out towards the only area where there is a direct pipe, which is undersized.

Caroline Haviland from Norfolk County Mosquito was present and gave members an update on what they recommend doing in this area. Ms. Haviland stated they are able to work in previously existing and maintained ditches under their exemptions. They provide notification to DEP and the Conservation Commission and do have a history of working with some of this area in the past. Ms. Haviland said they would be able to come in and do some clearing of the area but wouldn't just dig a major ditch. Instead, they would selectively excavate and move material if needed. With some of this just being brush and debris they could try to get the water to have a clear path going to the easement, and into the new water pipe that might be installed by the DPW. Ms. Haviland also noted that there has been a large amount of beaver activity in this area as well, which could be adding additional water flow restrictions.

The Chairman stated that going forward, the first thing that should probably be addressed is having the undersized pipe replaced by the DPW. Mr. Seariac noted that he did already get signed permission from the Wenger's to be able to work on their property and replace the 8" pipe with an 18" pipe. The Chairman also stated that there would have to be a plan put in writing in order to be able to keep the pipe and area maintainable.

Mr. Seariac let members know that he will talk to the DPW Director to see if an engineering study would be obtainable by the firm that normally works with the Town. However, that would need to be discussed further since there would be a cost associated with even just asking for a quote to do the real survey.

The Chairman replied that this can be discussed further after Ms. Crawford is able to talk with the DPW Director and see what the feasibility is of getting a quote for the possibility to an engineering study. This would not be to do the study, but just to see what the cost of doing a study would be. Preference by the Commission might be to possibly do the long term approach to clear up this issue, but many factors need to be taken into consideration before anything moves forward. The DEP filing is the first thing that needs to take place. The DPW was working on requesting the DEP File Number. However, it is completed by the State and there isn't an exact timeframe that it would be issued. The project wouldn't be able to move forward with anything until DEP actually issues the File Number.

In the meantime, Ms. Crawford will also check with the Wenger's to make sure that the dam is at the lowest level that it can be at, in regard to removal of some boards. This will just try to help remediate some part of the problem if it's not at the lowest level at this time.

Ms. Liocce made a motion to continue this Hearing until Wednesday, February 14, 2024, at 7:00 pm. Motion was seconded by Mr. Kohler and the voice vote passes unanimously.

Public Hearing: 85 Mendon Street

Hearing Time: 8:00 PM
Project Description: Proposed Lucille's Steakhouse within the 100' buffer zone to a BVW
Application Type: Notice of Intent
Applicant: Paul & Julie Rogers, 85 Mendon Street, Bellingham, MA 02019
Representatives: Michael Dryden, Allen Engineering & Associates, Inc., 140 Hartford Avenue, Hopedale, MA 01747

Project Manager, Michael Dryden, from Allen Engineering was present and gave the Commission some information on the proposed project of constructing a restaurant at 85 Mendon Street. This site is currently where the Pete's Bluebird restaurant was located before they closed. The site is just under 2 acres in size and is in the Business 1 Zoning District. Mr. Dryden shared plans on screen to show members Map 49 with Lots 1 and 1A listed. They worked with the Planning Board in early 2023, to reconfigure the Lot line and it was shown on the shared plan but hasn't been updated on the Town Assessor's map as of yet. Frontage to the property is located on Route 140 which is a DOT jurisdictional road and there will be a filing with DOT as well. Vehicular access is derived right from Mendon Street in two separate locations.

There is a portion of the site that is wooded with some tall pine trees and some wetlands. The plan showed there is a steep drop-off of approximately 50' at the back of the property with just about a 20' slope with wetlands at the bottom. It is a BVW that borders a stream that's much farther to the North and there are 10 flags that were delineated in the field.

The majority of the site is previously disturbed, with the tree line, some historic fill that was placed on the site many years ago. There is a meadow towards the back of the existing parking lot and a grass area that is maintained and mowed. There is no natural heritage mapping, outstanding or sensitive areas, and no floodplain. This meeting is just to discuss the BVW and minor impacts to the Buffer Zone.

The proposed plan is to raze the existing restaurant and construct a new 5,000 sf. restaurant building with a partial basement of approximately 1,150 sf.

As far as parking, Mr. Dryden will be meeting with the Planning Board tomorrow evening to introduce this project and to propose parking for 92 parking spaces instead of the 138 spaces that would be required under Zoning. It would require a special permit, but from the Conservation standpoint that would reduce the amount of impervious surface and stormwater management which would be positive from the Conservation standpoint. Overall disturbance associated with the project would be just under 1.5 acres of the 2 acre site. Much of the Lot is previously disturbed from utilities. Water, electricity, and gas will be derived directly from Mendon Street, but the applicant would be looking into an on-site sewage disposal system that would be far away from the 100' Buffer Zone.

The proposed stormwater mitigation is going to be provided via two subsurface detention and infiltration systems. There would be a pipe in the back of the site due to the elevation and where it needs to discharge would be the only impact into the 50' Buffer Zone. From 0' to 25' there would be no impact to the Buffer Zone, from 25' to 50' there would be 380 sf. of impact in order to get the drainage pipe to daylight. That would have a rip-rap apron associated with it so there wouldn't be any erosion control or scouring. In the 50' to 100' Buffer Zone, there would be approximately 6,300 sq. ft. of impact.

The Chairman stated that a site walk would need to be conducted at some point, but the flags would first need to be in place for the 25' to 50' and the 50' to 100' Buffer Zones. It would also be good to have something in place to show where the snow storage is proposed to be. There would also need to be peer review done because of the complex draining system and infiltration. Mr. Dryden responded that they will be focusing on peer review with the Planning Board for the engineering side of things and Ms. Crawford will work with Ms. Sutherland to have peer review also provide information on items such as for septic and the proprietary filtrations systems, etc. With the subsurface on that site and all the mechanical structures, a fairly robust O&M Plan will also be prepared and provided for the Commission.

A site walk was scheduled for Saturday, January 20, 2024, at 9:30. My Dryden said he would meet the members on site that morning and will make sure the flags are in place for the Buffer Zone areas prior to the site walk.

Ms. Lioce made a motion to continue this Hearing for 85 Mendon Street until Wednesday, February 14, 2024, at 7:00 pm. The motion was seconded by Ms. Barton and the voice vote passes unanimously.

Public Hearing Continuation: Blackstone Street and North Street

Hearing Time: 8:30 PM
Project Description: Twelve 3-unit townhouse buildings, stormwater management system
Application Type: Notice of Intent
Applicant: John Mshooshian, Raven Homes, Inc., 22 Buckhill Road, Northborough, MA 01532
Representatives: Ryan Roseen, Goddard Consulting, 291 Main Street, Suite 8, Northborough, MA 01532

Mr. Roseen from Goddard Consulting has requested a meeting continuance until Wednesday, February 14, 2024, due to some ongoing conversations they are working on with other Boards and Departments for this project.

Mr. Standley made a motion to continue the Hearing for the Blackstone Street and North Street project until Wednesday, February 14, 2024, at 7:00 pm. Motion was seconded by Ms. Barton and the voice vote passes unanimously.

General Business

Bellingham Shores Extension - Order of Conditions

Mr. O'Connell from Turning Point Engineering was present tonight to request an extension on the Bellingham Shores Order of Conditions. This was previously brought forward to Ms. Crawford in December but wasn't signed because the Commission needed to vote on it first. The project is still moving forward, but an extension is being requested due to economic conditions that arise and cause a slowdown in sales. There is the two stormwater basins that are really the only work in the Buffer Zone, other than the replication area. That work is in the outer 50' Buffer Zone and the ability to maintain those basins through the life of the project is a reason for the three year extension request. There are a total of 103 Lots, with just about 50 Lots being built, but they have not occupied all of those properties as of yet.

Mr. Standley made a motion to approve the Bellingham Shores Order of Condition extension request for a period of 3 years from tonight's date. Motion was seconded by Ms. Lioce and the voice vote passes unanimously.

Fox Run Road

The Commission had previously received some photos and historical information, such as a copy of the letter from 2014 that was provided by the residents of 36 Fox Run Road. This was in regard to seeing if the possibility of a drainage swale could be installed due to residents having an issue with water runoff into their backyards. The issue had been brought to the attention of the Conservation Commission a number of years ago but there wasn't anything done at that time because it wasn't an area that the Commission had jurisdiction over.

Ms. Crawford will look into this a little further and will let the resident of 36 Fox Run Road know if there is anything that the Commission can do with this matter, or if the impact is between the 2 developments of Fox Run and Bellingham Estates. If there is anything that the Commission can do going forward they will continue this discussion to a future meeting. However, the area being presented is considered to be strictly informational at this time.

Parcel C – Lakeview Estates Certificate of Compliance

This is a Public Meeting and not a Public Hearing for Parcel C of Lakeview Estates. The applicant's representatives from Goddard Consulting were present on behalf of South Center Realty, LLC., and gave a brief overview of the Order of Conditions. The Order was issued as part of Lakeview Estates development into the rain gardens. There were certain rain gardens that were replaced or not built as compensatory for this Wetland replication area. The area was prosed and constructed to connect two isolated Wetlands inside the Candlelight Lane and Northern Lights Way Loop. This replication was built in 2020, in which EcoTec, Inc. was part of the construction. The area was planted with Red Dogwoods, High Bush Blueberry, and Arrowhead Shrubs and has been being monitored for the past three years. There is an as built that shows

the grading is 218 sf. larger than what was originally proposed because they were preserving existing trees that were already in that area. With the past three years of monitoring the shrub layer is very dense and the High Bush Blueberry is also providing good wildlife food sources in that area. There is more than 75% vegetative coverage in there and good hydrology. The rain gardens are continuing to be monitored and the 4th Quarter rain garden reports were provided to the Commission today.

Ms. Crawford had asked about the condition of existing rain gardens, as there was some landscape dumping that was identified in the fall. A letter has been prepared for all owners to remind them about the rain garden and to have all items removed. This will be reviewed again in the 1st Quarter inspection to make sure the landscape debris has been removed. All of the inspections and reports have been done over the past three years. However, this meeting is just regarding the Wetland replication that was proposed under the Order of Conditions.

At this point the applicant is looking for a Certificate of Completion and for the Bond to be released. Commission members continued discussion regarding the rain gardens and the Homeowner's Association that will be maintaining these areas going forward, after the Certificate of Completion is released. There was also conversation regarding additional quarterly monitoring inspections that will need to be continued, as well as the O&M plan that will remain in place with the property owners and Homeowner's Association.

The current Bond being discussed tonight is only for the Wetland replication area, to ensure that it would be constructed, planted, and monitored correctly. The rain gardens are part of another Order of Conditions that has continuing conditions with an O&M Plan that requires maintenance of all the rain gardens. That Order is in existence and is recorded as part of the Homeowner's Association and the applicant has been submitting quarterly reports to the Commission for the rain gardens. There will be items implemented in the next quarter to follow up on items that were noted in the last report, which is in a different Order of Conditions than the Order that applies to the Bond.

Commission Members agreed that before releasing this Bond or approving the Order of Conditions, they would like to get the opinion of Town Counsel. Ms. Crawford will be in contact with Town Counsel about the wording, to make sure the Commission will be releasing the Bond just for the Wetland replication areas and it will not have anything to do with the areas of rain gardens.

This item will be placed on the agenda for the next meeting after Ms. Crawford speaks with Town Counsel to get clarification in order to make an informed and accurate decision at the next meeting.

Huntington Regulations

Will be discussed at the next meeting.

236 Blackstone Street Order of Conditions - Amendment

The Chairman let members know that the Amendment to the Order of Conditions for 236 Blackstone Street is due to wanting to keep a shed in the back of this site that just had a septic system replacement. The shed is just outside the 25' Buffer Zone and is sitting in the grass in his yard, right behind the pool area. There isn't any impact to where it is sitting, right on top of the grass. The amendment portion of the Order of Conditions would be to allow the owner to keep the shed. The owner was very understanding that he is needing to still remove some brush that was dumped into the Wetland. He was also told that he needs to keep the erosion control in place until the spring, or until the grass has grown in from the septic system replacement.

Commission members agreed to amend the Order of Conditions and allow the owner to keep the current shed in place, which is right outside of the 25' Buffer Zone.

7 Duhamel Way

Ms. Crawford let members know that she received information about a falling tree on Town property that is overhanging the trail. Tree Warden, Michael Burr, and Ms. Crawford walked the site, and Mr. Burr agreed that for safety reasons, even though the tree has already fallen, it is suspended over the trail. He is planning to cut the tree into chunks and lay it flat and not take it completely off the property.

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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 November 8, 2023, and December 13, 2023, as amended. Motion was seconded by Ms. Lioce and the voice vote passes unanimously.

Adjourn

Ms. Barton made a motion to adjourn the meeting at 9:57 pm. Motion was seconded by Ms. Barton and the voice vote was unanimous.

Respectfully Submitted,

Tina M. Griffin

Tina M. Griffin
Recording Secretary