

Bedford Conservation Commission
Minutes of Meeting
January 9, 2013
Selectmen's Meeting Room
Town Hall, Bedford, MA

PRESENT: Tim Gray, Chair; Steven Hagan, Vice Chair; John Willson, Clerk;
Lori Eggert; Arthur Black Smith; Andreas Uthoff

Elizabeth Bagdonas, Conservation Administrator

ABSENT: Allan Wirth

The meeting was called to order at 7:00 pm. Mr. Gray read the announcement regarding public records.

MINUTES A motion was made by Mr. Willson and seconded by Mr. Hagan to approve the minutes of December 12, 2012, as amended. The motion passed 5-0-0.

Andreas Uthoff arrived at the meeting.

NEW BUSINESS

Certificate of Compliance: – 32 Wiggins Avenue – Farley White Wiggins LLC

Ms. Bagdonas explained that the applicant's engineer had submitted an as-built plan, but that some of the features required in the Order of Conditions (special condition #48) had not been included on the plan. The Commission agreed that the applicant or its representative should request the Certificate after the complete plan has been submitted.

Enforcement Order: 100 Hanscom Field (Hartwell Road) – Bedford Sports Center LLC

Ms. Bagdonas reported on erosion control problems on the site, most recently during the rain storm of 12/17/2012, and sediment impacts to Elm Brook. An initial motion was made by Mr. Smith and seconded by Mr. Willson to take jurisdiction of areas outside the 100-foot buffer zone. After some discussion, Mr. Smith stated that the Commission did not have to "take" jurisdiction, as the wetland regulations conferred jurisdiction in such circumstances. Mr. Gray wondered if this was too strong an approach, but the majority agreed that it was not.

Ms. Bagdonas reported that in late summer 2012 the applicant had proposed to complete and stabilize the lower field area first. Mr. Smith stated that the reason the construction had proceeded in the upper area was that issues with the U.S. Navy had held back development of the lower area. The Commission felt that the project proponents were all professionals who were aware of regulations and standards.

The Commission then discussed an Enforcement Order. Ms. Bagdonas stated that the document should repeat the impacts and actions she had included in two prior emails to the applicant following the December 27th storm; she also suggested referencing the recent reports of the Environmental Monitor, Mary Trudeau. The Commission agreed with these contents and recommended issuing the Order the next day and have it served by the Constable. They also wanted a statement in the Order that the applicant should complete an erosion and sedimentation control plan by a civil engineer, and present it at the Commission's next meeting of Wednesday, January 23, 2013.

A motion was made by Mr. Smith and seconded by Mr. Willson to issue the Enforcement Order containing the specifics listed above. The motion passed 5-1-0.

17 Hemlock Lane

Ms. Bagdonas described the current condition of the site, developer Jack Bellan's recent request to remove the haybales, her direction to keep them in place until the spring, and the gaps in the line which the owner or contractor had apparently created by removing some of the bales. She confirmed that the existing Enforcement Order could not be recorded. Mr. Willson mentioned the four other options that Town Counsel had listed in his recent letter, and Mr. Hagan read these out. Mr. Willson felt that options 3 and 4 were too strong, and the others too lame.

The Commission decided to request Town Counsel write a letter to the owners stating that the Enforcement Order stands and that they have a responsibility to obey all the conditions. The Commission also wanted the Order to stay in place until the spring, when conditions would allow full soil stabilization. Mr. Gray asked who the principals were, and Ms. Bagdonas listed those involved in the project.

A motion was made by Mr. Willson and seconded by Mr. Hagan to send a letter to all three parties that the Enforcement Order is in effect, and that they must come into compliance with its conditions. Mr. Smith added to the motion that the parties were "put on notice" to comply with the Order. The motion passed 6-0-0.

Archive Project

Ms. Bagdonas explained the archive project and informed the Commission that the archival assistant, Ken Clayton, had almost completed the hours allowed for under the Code Enforcement budget, part of which had been given over to conservation wetland file archiving. She asked that the Commission vote to spend \$1,000 from the Wetlands Protection Fund to allow this archiving to continue, stating that it qualified as administrative services related to the Wetlands Protection Act. A motion to spend up to this amount was made by Mr. Smith and seconded by Mr. Uthoff. The motion passed 5-1-0.

OLD BUSINESS

Hartwell Town Forest Survey

Ms. Bagdonas explained that the funding for this project from the Community Preservation Fund did not cover the full range of the estimate (\$3,500 granted, estimate range \$3,500 to \$4,500). She recommended that the additional \$1,000 be approved from the Conservation Fund. A motion was made by Mr. Uthoff and seconded by Mr. Smith to approve this amount. The motion passed 6-0-0.

PROCEDURAL ISSUES

Trail Maintenance Guidelines

The Commission expressed concern with the guidelines as possibly being in conflict with the new allowance for the use of power tools. Ms. Bagdonas suggested adding the word “most” in the next to last paragraph: “...believes that *most* trails can be created...”

Use of Power Tools

The Commission discussed whether or not to require those proposing to use power tools in conservation areas to schedule their work via email with the Conservation Office, and to provide the names of those doing the work. Ms. Bagdonas advised the Commission that the Town Manager’s opinion was that all those participating in such work would have to sign the new waiver with the reference to power tools, whether or not they were actually going to operate the equipment. Mr. Gray believed that there were no grounds for additional objections, given the review of the Town Manager and Town Counsel, and the previous vote by the Commission to allow the use of power tools.

Mr. Uthoff suggested a limit to the number of people who would be allowed to use power tools, to be confined to members of the Conservation Commission and Trails Committee who wanted to do so and had signed the new waiver. He cautioned against having too many people involved, and did not think the Stewards should be included.

A further suggestion would limit the waivers to current and active members of the Commission and Trails Committee. The trail work to be allowed with the use of power tools would be limited to projects listed and described in the Trails Committee Annual Report, or emergency removal of storm damaged trees that were blocking the trails.

Mr. Willson suggested a motion that the use of power tools would be limited to those who would qualify under the above standard and who had signed the new waiver, for work confined to projects listed under an approved annual plan submitted by the Trails Committee and approved by the Commission. Under these conditions there would be no need for individual notification on specific projects and participants.

A motion was made by Mr. Smith to adopt these conditions, and was seconded by Mr. Hagan. Mr. Hagan commented that as a courtesy participants should call in, but that this was not mandated. The motion passed 5-1-0.

Tree Removal Policy Discussion was postponed to the next meeting.

New Trail Locations The issue is whether or not all new trails within the 100-foot buffer will require filings with the commission. Mr. Willson stated that the requirement for filing for projects within 100 feet of wetlands is an “unambiguous standard” that results in a definite authority on the part of the Commission. As such, there should be consistency in applying the standard. The Commission agreed.

Determination of Applicability Insert Discussion was postponed to the next meeting.

OPEN DISCUSSION

Ms. Bagdonas asked who would attend the upcoming bikeway extension meeting. Mr. Gray was planning to attend, and Mr. Hagan also expressed an interest. There was a short discussion of issues to bring up during this meeting, including buffer and riverfront standards, flood plain and wetland alterations, conservation restrictions and the Chapter 40 mandate.

Orders of Conditions Copies were distributed of the new commercial model. Ms. Bagdonas pointed out that some commercial projects would involve stormwater management and possibly a Declaration of Restrictions. Mr. Willson agreed, but thought the conditions used for this issue should be in a separate menu. All agreed, and further discussion was postponed to the next meeting.

7 Liljegren/10 Mudge Way Regarding the appeal of the Order of Conditions/Variance decision, the Commission asked Ms. Bagdonas to request Town Counsel advice on statements and procedures.

The meeting was adjourned at 8:55 pm.

The minutes were prepared by Elizabeth Bagdonas.

The minutes were approved at the meeting of January 23, 2013.