

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
January 23, 2013
Selectmen's Conference Room
Town Hall, Bedford, MA

PRESENT: Steven Hagan, Vice-Chair; John Willson, Clerk; Lori Eggert; Art Smith; Allan Wirth
Elizabeth Bagdonas, Conservation Administrator; Stephanie Ide, Conservation Department Assistant

ABSENT: Tim Gray, Chair; Andreas Uthoff

The meeting was called to order at 7:00 pm.

A motion was made by Mr. Hagan to enter into Executive Session to discuss litigation strategy concerning Saber & Knight versus the Town of Bedford, and the negotiations relating to 5 Alfred Circle, because discussion of this strategy in open session may have a detrimental effect upon the litigating position of the Town of Bedford, to return to regular session. The motion was seconded by Mr. Willson. The motion carried 5-0-0 as follows: Aye, Allan Wirth; Aye, John Willson; Aye, Steve Hagan; Aye, Art Smith and Aye, Lori Eggert.

Mr. Hagan read the Public Record Statement as approved by Town Counsel on 9/10/12.

Discussion with Town Counsel:

Attorney Robert Mangiaratti, Esq. of Murphy, Hesse, Toomey and Lehane, Town Counsel, was present before the Commission to answer some of the Commission's questions. Mr. Hagan asked about the Commission's options when Enforcement Orders are not being acknowledged. Mr. Mangiaratti stated that if the Enforcement Order is being ignored the Commission should take it to the next step by filing a complaint in either criminal or civil court. That would enable the Commission the right to monetarily fine the individual. A question was asked about property entry. Mr. Mangiaratti said that he would need time to consider this question and that he will send his response. Mr. Hagan asked if the Commission could make a decision on an RDA submittal when the applicant or the applicant's representative is not present if the Commission believes that there is enough information. Mr. Mangiaratti stated that if the applicant waives his/her right to appear that the Commission should act. If questions arise, the Commission could continue the hearing. Mr. Hagan asked that if the Commission states a condition within an Order of Conditions is not applicable, if that would affect the legal effectiveness of the Order. Mr. Mangiaratti stated that it is reasonable to state whether a condition within an Order is applicable or not applicable.

Request for Determination of Applicability: 168 Great Road – Whole Foods

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Seamen and Mr. Johnson were both present before the Commission to discuss the replacement of an existing concrete dumpster pad and installation of a steel “doghouse” that has already taken place under an Emergency Certification. The project is within the 100-foot buffer zone to bordering vegetated wetland.

A motion was made by Mr. Smith and seconded by Mr. Willson to issue a negative Determination for reason three and a positive Determination for reason five with the condition that the applicant submits photographs of the completed project. The motion passed 5-0-0, after which the Determination was signed.

Mr. Hagan recused himself.

Request for Determination of Applicability: 53 Concord Road – Ann Kiessling

A motion was made by Mr. Smith and seconded by Mr. Wirth to waive the reading of the public notice. The motion passed 5-0-0. The applicant was not present at the hearing but the Commission was provided with a letter that was submitted by Mr. Ralph Hammond on the applicant’s behalf. The Commission reviewed the application for the proposed construction of a wooden stairway leading to an upper deck within the 100-foot buffer zone to bordering vegetated wetland. Mr. Wirth stated that he believes the project has a minimal impact.

A motion was made by Mr. Smith and seconded by Mr. Wirth to issue a negative Determination for reason three and a positive Determination for reason five. The motion passed 4-0-0, after which the Determination was signed.

Mr. Hagan rejoined the quorum.

Healthy Bedford:

Ms. Carla Olsen was present before the Commission to inform them of the Healthy Bedford Program. The program is funded by a healthy planning grant received by Lahey Clinic. Ms. Olsen presented the Commission with informational handouts as well as a survey that had been conducted in town. The top three healthy living obstacles as identified by Bedford residents were: traffic, lack of sidewalks and lack of public transportation.

Bedford Trails Committee – Annual Trails Report:

Ms. Adrienne St. John and Ms. Kristin Dowdy of the Department of Public Works (DPW) were present before the Commission with members of the Trails Committee to present the Annual Trails Report. Ms. Dowdy stated that the Trails Committee would like a de minimis change to the Generic Order of Conditions as it relates to bog bridges to include municipal, state and private lands. The Order currently approves the placement of bog bridges on Conservation Lands only. Ms. Bagdonas explained that she believes the

Commission cannot vote to approve a de minimis change; an Amendment to the order would need to be requested. Ms. St. John said that the DPW will file an Amendment for the meeting of February 13, 2013. Ms. Dowdy reviewed the Annual Trails Report with the Commission. Section one of the report detailed bog bridges. It was requested that the Commission vote to approve the addition of bicycle ramps leading onto and off the bog bridges to allow for easier access. A motion was made by Mr. Smith and seconded by Mr. Willson to accept the design of the ramps located in appendix B of the trails report dated December 2012 as a de minimis change. The motion passed 5-0-0.

Sections two through five discussed boardwalks and footbridges, trail maintenance, status of trails, and trail connections and easements. Section six was about kiosks, sign posts and trail markers. Ms. Dowdy explained that the Trails Committee would like to install sign posts as located on the map of appendix E of the trails report. A motion was made by Mr. Smith and seconded by Mr. Willson to approve the installation of sign posts as described in appendix E of the trails report. The motion passed 5-0-0.

Sections seven and eight of the trails report reviewed trail walks and public outreach and trail maps and the trail guide. Mr. Smith commended the outstanding work of Ms. St. John and Ms. Dowdy as well as the Bedford Trails Committee.

Conservation Project: Adam Appelbaum

Mr. Adam Appelbaum a senior at Bedford High School was present before the Commission to discuss his Senior Project. Mr. Appelbaum would like the Commission to approve and fund his senior project which would include the installation of Adirondack chairs, which would then be dry cemented so that they could not be taken or vandalized, around Fawn Lake. The work would also include the improvement of a bench as well as landscaping to beautify the Fawn Lake Area.

A motion was made by Mr. Smith and seconded by Mr. Wirth to approve funding up to \$250.00 from the Conservation Fund. The motion passed 5-0-0.

GZA for Millipore: Elm Brook Culvert

Ms. Michele Simoneaux and Mr. Randy Meuse of GZA Environmental were present before the Commission to discuss the temporary winter shutdown of the Ashby Road Bridge project. A site visit was required for the removal of portadams. Ms. Simoneaux submitted the third weekly environmental site report to the Commission. A discussion took place about the backfill that was used. The backfill was washed crushed stone that was hand placed to keep the appearance of what was there. Ms. Bagdonas stated that the bank had partially collapsed but was shored up with stones.

A motion was made by Mr. Smith and seconded by Ms. Eggert to conclude that the work done was within the Order of Conditions. The motion passed 5-0-0.

Bills Payable:

A motion was made by Mr. Willson and seconded by Ms. Eggert to approve payment of \$30.00 from the Wetlands Protection Fund to Mr. Lewis Putney for delivery of an

Enforcement Order at The Edge off Hartwell Road. The motion passed 5-0-0, after which the bills payable form was signed.

HATS Appointment:

Ms. Bagdonas stated that there are two spaces available on the Hanscom Area Towns Committee (HATS). Mr. Willson stated that he would be interested in being appointed. Mr. Hagan was interested as well.

A motion was made by Ms. Eggert and seconded by Mr. Wirth to approve Mr. Willson and Mr. Hagan for consideration of being appointed to the HATS Committee. The motion passed 5-0-0.

Minutes:

A motion was made by Mr. Smith and seconded by Ms. Eggert to approve the minutes of January 9, 2013 as revised. The motion passed 5-0-0.

A motion was made by Ms. Eggert and seconded by Mr. Smith to adjourn the meeting. The motion passed 5-0-0, adjourning the meeting.

Meeting adjourned at 9:45 p.m.

Minutes prepared by Stephanie Ide.

Minutes approved at meeting of February 13, 2013.