

**BEDFORD CONSERVATION COMMISSION**

**Minutes of Meeting**

**October 16, 2013**

**Second Floor Conference Room**

**Town Hall, Bedford, MA**

**PRESENT:** John Willson, Vice Chair; Allan Wirth, Clerk; Lori Eggert; Andreas Uthoff; John Britton  
Elizabeth Bagdonas, Conservation Administrator; Stephanie Ide,  
Conservation Department Assistant

**ABSENT:** Steven Hagan, Chair; Tim Gray

The meeting was called to order at 7:04 pm.

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

**Minutes:**

A motion was made by Mr. Uthoff and seconded by Mr. Britton to approve the minutes of September 25, 2013 as written. The motion passed 4-0-0.

A motion was made by John Britton and seconded by John Willson to approve the minutes of October 2, 2013 as written. The motion passed 3-0-1, with Mr. Uthoff abstaining.

**Request for Determination of Applicability: MassDOT**

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Ms. Renata Welch and Mr. Cody Holemo of the Massachusetts Department of Transportation (MassDOT) were present before the Commission to discuss the proposed maintenance and preservation of the existing mainline roadway surface and bridges, including resurfacing, limited cold planing, adjusting and/or rebuilding of drainage structures, sewer, water and gas structures and gates, and pavement markings on a section of the Route 3 Mainline, from the Burlington/Bedford town line to the Bedford/Billerica town line, within the existing State Highway Layout, and within the 100-foot buffer zone to wetland resource areas and the Riverfront Areas to Vine Brook and the Shawsheen River. Mr. Holemo stated that all paving will remain within the existing paved area with minimal grading to take place. Ms. Welch stated that erosion control will be placed where needed and monitored and that work will begin next spring. Ms. Bagdonas said that the major concern is the Shawsheen River and asked if MASSDOT plans on lining the catch basins. Mr. Holemo explained that silt sacks will be placed to protect the catch basins. Ms. Bagdonas asked who the Environmental Site Supervisor will be. Ms. Welch will be the monitor if needed. Ms. Bagdonas asked if there would be an objection to sending the Commission a report after a significant rain event. Mr. Holemo said that a report could be sent to the Commission after a significant rain

event. Ms. Bagdonas asked where refueling will take place. Mr. Holemo stated that there will be multiple staging areas but that he can tell the contractors that none of them will be within 100-feet of a jurisdictional area.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue a negative Determination for reason three with conditions as discussed. The motion passed 5-0-0, after which it was signed.

### **Request for Determination of Applicability: Carleton Willard**

Mr. Doug Miller of Goldsmith, Prest & Ringwall was present on behalf of Carleton-Willard Homes, Inc to continue discussing the proposed realignment of the main entrance drive and expansion of the visitor parking area at Carleton Willard Village and stormwater improvements. Work proposed in phase 2 is the construction of two additions, terraces, relocation of the existing fire lane and stormwater improvements within the 100-foot buffer zone to local jurisdictional wetlands. Mr. Miller stated that the Department of Public Works concerns have been addressed. Carleton Willard is now proposing a stone check dam as a permanent protection measure as shown on the plan and is included in the Operation Maintenance Manual. Mr. Miller explained that he will be appearing before the Zoning Board of Appeals (ZBA) for the continuation on October 24, 2013. At the last ZBA meeting the abutters of Carleton Willard were not happy with their view being obstructed by the proposed activities building. Carleton Willard will be proposing to install a stockade fence which will remain outside of the 50-foot buffer at the ZBA meeting. Mr. Uthoff asked about the Myers Lane easement that was granted to the Town of Bedford by Carleton Willard and remains blocked by a fence. Mr. Miller suggested that the Commission submit a letter requesting the ZBA to include a condition in their decision requiring Carleton Willard to open the fence for a trail entrance at Myers Lane. Ms. Bagdonas asked what the differences were between the drainage systems and if infiltration will occur at the system located above. Mr. Miller explained. Ms. Bagdonas recommends that the Commission vote to approve the RDA and sign it subject to approval of the conditions and findings at the meeting of October 30, 2013. Ms. Bagdonas also recommended that the Commission require Mr. Miller to submit impervious surface calculations for the proposed project. Mr. Miller stated that the impervious surface calculations will be less than 13% and will submit the impervious surface calculations to the Conservation office.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue a negative Determination for reason three and a positive Determination for reason five with the following conditions:

1. A pre-construction site visit is required with the Commission or the Administrator acting on the Commissions behalf.
2. An Environmental Site Supervisor shall be approved by the Commission and present during construction.
3. Erosion control shall be installed and maintained per the final plan.

The motion passed 4-01, with Mr. Wirth Abstaining. The Determination was then signed. A motion was made by Ms. Eggert and seconded by Mr. Britton to have Mr. Uthoff write a letter to the Planning Board regarding trail access at Myers Lane. The motion passed 5-0-0.

### **Request for Determination of Applicability: 15 Notre Dame Road**

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. David Bernstein of Highland Bedford LLC was present before the Commission to discuss the proposed tree removal and construction of a grassed yard area within the 100-foot buffer zone to Bordering Vegetated Wetland. Mr. Bernstein stated that he had previously appeared before the Commission on September 11, 2013 for the construction of a new house and confirmation of a wetland boundary. Mr. Bernstein is proposing to remove 7 trees approximately 50-75 feet away from the wetland boundary. Mr. Willson requested that the record state that a letter sent by an abutter of 15 Notre Dame Road be noted in the minutes. A letter was submitted by Ms. Melinda Dietrich of 19 Notre Dame Road on October 16, 2013 requesting that the Commission not allow the removal of the trees which protect the pond located nearby. Ms. Bagdonas requested that the Commission include a condition requiring a visual buffer/ barrier at the edge of the rear property line consisting of trees and shrubs.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue a negative Determination for reason three and a positive Determination for reason five with the following two conditions:

1. A visual buffer/ barrier shall be installed at the edge of the rear property line consisting of trees and shrubs.
2. A planting plan shall be submitted to the Conservation Office prior to tree removal.

The motion passed 5-0-0, after which the Determination was signed.

### **Request for Determination of Applicability: 10 Parker Road**

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Paul Marcus of Dudley Developers LLC was present before the Commission to discuss the proposed removal and replacement of asphalt to serve as part of an entrance for new house construction, within the 100-foot buffer zone to Bordering Vegetated Wetland. Mr. Marcus stated that the driveway is approximately 80 feet away from the wetland. Ms. Bagdonas asked if there was a catch basin nearby. Mr. Marcus stated that he believed there was. Ms. Bagdonas recommended that the Commission include a condition with their decision requiring that Mr. Marcus line the catch basin to protect it.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue a negative Determination for reason three and a positive Determination for reason five with the condition as discussed. The motion passed 5-0-0, after which the Determination was signed.

### **Certificate of Compliance: 47 Wildwood Drive**

Ms. Bagdonas explained to the Commission that after researching the file for 47 Wildwood Drive she discovered that a Certificate of Compliance had been previously issued and recorded at the Registry of Deeds as required. But upon the site visit she discovered that landscaping work had taken place within the 25-foot buffer zone. Ms.

Bagdonas has since e-mailed the homeowner asking them to file an application with the Commission.

**Certificate of Compliance: Ashby Road – Millipore**

Ms. Bagdonas stated that the project came out really well and recommends that the Commission issue the Certificate of Compliance with continuing conditions regarding landscaping chemicals and snow removal.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue the Certificate of Compliance for Millipore with the continuing conditions as discussed. The motion passed 5-0-0, after which the Certificate of Compliance was signed.

**Certificate of Compliance: 100 Crosby Drive**

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue the Certificate of Compliance for 100 Crosby Drive subject to continuing conditions 63, 64, 65 and 68 of the Order. The motion passed 5-0-0, after which the Certificate of Compliance was signed.

**Procedural Issue:**

Ms. Bagdonas presented the Commission with a general question about whether the Commission would like to have previous permitted projects come back before them when projects are modified, but consisting of improvements and no significant change. The Commission would like to take this as a case by case situation but does not have a problem with the Administrator authorizing improvements as long as it is not a significant change.

*A motion was made by Mr. Uthoff and seconded by Ms. Eggert to adjourn the meeting. The motion passed 5-0-0 adjourning the meeting at 8:38 pm.*

*The minutes were prepared by Stephanie Ide.*

*The minutes were approved at the meeting of October 30, 2013.*