

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
November 18, 2015
Selectmen's Meeting Room
Town Hall, Bedford, MA

PRESENT: Steven Hagan, Chair; Joseph Guardino, Clerk; Andreas Uthoff; John Willson; Allan Wirth; Lori Eggert
Elizabeth Bagdonas, Conservation Administrator
Stephanie Ide, Conservation Department Assistant

ABSENT: John Britton, Vice-Chair

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

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

Request for Determination of Applicability: 4 Wellington Way

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Mr. Paul Mortenson and Ms. Stacy Mortenson were present before the Commission to discuss the proposed installation of an in-ground pool, concrete patio, stairs, concrete pad, fence and shed as well as the removal of six trees and landscaping within the fenced in area within the 100-foot buffer zone to Bordering Vegetated Wetland at 4 Wellington Way. Ms. Mortenson stated that the entire project is proposed outside of the 50-foot buffer zone.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue a positive Determination for reason five and a negative Determination for reason three. The motion passed 5-0-1 with Ms. Eggert abstaining. The Determination was then signed.

Continuation of Public Hearing – Notice of Intent: 602 Springs Road

Mr. Mark Sleger of Alan Engineering, LLC was present before the Commission with Mr. Mark Sardzinki, owner of 602 Springs Road, to continue the discussion on the proposed construction of a single family house and associated driveway, retaining wall, grading and utilities within the 100-foot buffer zone to Bordering Vegetated Wetland.

Mr. Sleger stated that a revised plan which shows better erosion control, snow storage area and a second culvert as requested by the Commission was submitted. Jute matting will be used to stabilize disturbed surfaces.

A motion was made by Mr. Willson and seconded by Mr. Guardino to close the public hearing. The motion passed 4-1-1 with Mr. Guardino against and Ms. Eggert abstaining. The Order of Conditions will be discussed at the meeting of December 2, 2015.

Request for Determination of Applicability: 28 Pine Street

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Ms. Fay Russo was present before the Commission to discuss the proposed installation of a shed within the 100-foot buffer zone to bordering vegetated wetland and the riverfront area. The proposed shed is outside of the 50 foot buffer zone and approximately 130 feet away from the stream.

A motion was made by Mr. Uthoff and seconded by Ms. Eggert to issue a positive Determination for reason five and a negative Determination for reason three with a finding that states the project is exempt under the state law. The motion passed 6-0-0, after which the Determination was signed.

Request for Determination of Applicability: 22 Evans Avenue

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Ms. Mary Trudeau was present on behalf of Mr. Gustavo Blondo to discuss the proposed expansion of screen porch within the 100-foot buffer zone to bordering vegetated wetland. Ms. Trudeau stated that the proposed 7 x 10 addition will be supported by two footings. The total impervious surface calculations within the buffer zone will be at 9% once the addition is constructed.

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

1. Disposal of yard waste is not permitted within 25 feet of a wetland.

The motion passed 6-0-0, after which the Determination was signed.

Request for Determination of Applicability: 200 Avalon Drive

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Mr. Fred Keylor of H.W. Moore Associates and Mr. Lucas Edsall of AvalonBay Communities were present before the Commission to discuss the proposed removal of an existing retaining wall and the construction of a new retaining wall within the 100-foot buffer zone to bordering vegetated wetland. Ms. Bagdonas explained the proximity of the work area to the wetland.

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

1. No heavy equipment allowed along the base of the wall.
2. All debris that falls below the wall is to be removed by hand.

The motion passed 6-0-0, after which the Determination was signed.

Public Hearing – Notice of Intent: 150A, 158 & 162 South Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Mr. Robert Scarano of Masskey Development Corp. was present before the Commission to discuss the proposed construction of five single family houses,

porches, patios, driveways, roadway, rain gardens, plantings and associated grading and utilities within the Riverfront Area to Elm Brook, and the 100-foot buffer zones to Bordering Land Subject to Flooding and Bordering Vegetated Wetland at 150A, 158 and 162 South Road.

Ms. Bagdonas mentioned that there is a planned trail easement with this project and that stone dust is proposed but not permitted within wetland areas. A plan change regarding the proposed trail will be submitted to the Commission.

Mr. Scarano stated that the proposed Operation/Maintenance Manual was submitted with the Notice of Intent. The proposed units will be on slab foundations with rain gardens located behind every unit. Ms. Eggert asked about the use of fill on the site. Mr. Scarano said that the contractors will be screening and using the loam from the job site and that he does not anticipate the need for any additional offsite fill. Mr. Scarano explained the snow storage areas on the plan and stated that if snow exceeds the planned storage capacity that it will be trucked off site. Ms. Bagdonas stated that the Department of Public Works is looking for hydro cad information on the rain gardens and that DEP had also questioned whether the proposed project meets the State Stormwater Standards. Mr. Scarano believes that the drainage design for the project exceeds the state Stormwater standards by providing more treatment than currently exists. The Commission recommended that Mr. Scarano speak to his Engineer to address the stormwater concerns. Mr. Willson and Mr. Uthoff agreed that the applicant should address all questions and comments prior to the next meeting, including those submitted by the Department of Public Works, Department of Environmental Protection, and by Ms. Bagdonas. Ms. Bagdonas will provide Mr. Scarano with the model for the Declaration of Restrictions Regarding Stormwater Management Maintenance Plans.

A motion was made by Mr. Willson and seconded by Mr. Uthoff to continue the public hearing to the meeting of December 2, 2015 with the applicant's permission. The motion passed 6-0-0.

Public Hearing – Notice of Intent: 8 Minuteman Drive

Ms. Bagdonas stated that the consulting provision of the Bylaw should be addressed prior to the opening of the public hearing. She stated that she would be able to obtain an estimate for consulting services from CEI. Mr. Hagan asked why a consultant would be necessary. Ms. Bagdonas said that the site had previously had enforcement action taken by DEP and that the Commission will be reviewing a project that is proposed within floodplain. Mr. Hagan believes that the Commission should listen to what the applicant is proposing prior to requiring an independent consultant. The Commission agreed.

A motion was made by Mr. Guardino and seconded by Mr. Willson to require the applicant to provide an amount to the Commission not to exceed \$2,610.00 for an independent consultant review so that the Commission has the option to hire a consultant if necessary. If the Commission does not require a consultant, the funds will be returned to the applicant.

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Mr. Dan Wells of Goddard Consulting, LLC was present before the Commission on behalf of Richard Brogolino Jr. for the proposed construction of an

addition within Bordering Land Subject to Flooding, the Riverfront Area to Mill Brook, and the 100-foot buffer zones to Bordering Land Subject to Flooding and Bordering Vegetated Wetland at 8 Minuteman Drive. Mr. Wells explained to the Commission that the DEP Order of Conditions was satisfied and that the fence was installed and approved by DEP to demarcate the wetland boundary established by DEP. Mr. Wells stated that he did not know this prior to evaluating the wetland and he will revise the plan to show that the wetland is at the edge of the fence line. Mr. Wirth asked if this former restoration had been completely successful. The proposed 455 square foot addition is proposed within the floodplain, the 25-foot buffer and the 50-foot buffer. Approximately 1.8 cubic feet of floodplain will be displaced by the addition but will be replaced in the front of the house.

A discussion took place about whether the Commission could allow the entirety of a new structure to be within the 25-foot buffer zone and within the 50-foot buffer zone. Mr. Willson wants to see a plan that depicts compensation areas equal to or more than what is proposed. Ms. Bagdonas said that the 50-foot buffer and the 10-year floodplain boundaries should be shown on the plan. The former restoration area which was proposed behind the fence should also be shown on the plan;

A motion was made by Mr. Willson and seconded by Mr. Guardino to continue the public hearing to the meeting of December 2, 2015 with the applicant's permission. The motion passed 6-0-0.

Minutes:

A motion was made and seconded to approve the minutes of October 14, 2015 as written. The motion passed 5-0-1 with Mr. Willson abstaining.

A motion was made seconded to approve the minutes of September 30, 2015 as written. The motion passed 6-0-0.

Enforcement Options: 244 Carlisle Road

Ms. Bagdonas explained the enforcement action taken to date in the form of stopping work and requiring the filing of a Notice of Intent, regarding the removal of asphalt and regrading in preparation for repaving an existing driveway, located within the Bordering Land Subject to Flooding (the 1% Annual Chance Flood). The NOI was submitted on November 12th and the public hearing was scheduled for December 2nd. However, this meant that the site might not be stabilized before winter conditions. She recommended the issuance of an Enforcement Order so that the driveway and edges could be stabilized, with appropriate conditions and additional review under the NOI. The Commission agreed that this step should be taken.

*A motion was made by Mr. Uthoff and seconded by Mr. Guardino to adjourn the meeting.
The motion passed 6-0-0 adjourning the meeting.*

The meeting was adjourned at 9:15 p.m.

The minutes were prepared by Stephanie Ide.

The minutes were approved at the meeting of December 16, 2015.