

BEDFORD CONSERVATION COMMISSION

Minutes of Meeting

December 11, 2013

Selectmen's Meeting Room

Town Hall, Bedford, MA

PRESENT: Steven Hagan, Chair; Allan Wirth, Clerk; Andreas Uthoff; Lori Eggert; John Britton; Tim Gray
Elizabeth Bagdonas, Conservation Administrator; Stephanie Ide,
Conservation Department Assistant

ABSENT: John Willson, Vice Chair

The meeting was called to order at 7:03 pm.

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

Request for Determination of Applicability: 246 North Road

A motion was made by Mr. Wirth and seconded by Mr. Gray to waive the reading of the public notice. The motion passed 6-0-0. Mr. Bruce Pierce was present before the Commission to discuss the proposed removal and replacement of deck landing with overhang and stairs within the 100-foot buffer zone to bordering vegetated wetland. Ms. Bagdonas stated that the work has been done under an emergency certification and that the filing is after the fact.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to issue a negative Determination for reason three and a positive Determination for reason five. The motion passed 6-0-0, after which it was signed.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to ratify the Emergency Certification for 246 North Road. The motion passed 6-0-0, after which the Emergency Certification was then signed.

Request for Determination of Applicability: 27 Pine Street

A motion was made by Mr. Uthoff and seconded by Mr. Gray to waive the reading of the public notice. The motion passed 6-0-0. Mr. Edward Flores was present before the Commission to discuss the proposed installation of a fence within the 100-foot buffer zone to Bordering Land Subject to Flooding. Ms. Bagdonas recommended that the Commission include a condition stating that the end fence post should be no more than 14 feet down gradient of the edge of the existing rear deck.

A motion was made by Mr. Gray and seconded by Mr. Uthoff to issue a positive Determination for reason five and a negative Determination for reason three with the condition that the end fence post shall be no more than 14 feet down gradient of the end of the existing deck. The motion passed 6-0-0, after which it was signed.

Request for Determination of Applicability: 24 Notre Dame Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Mr. Steve and Ms. Michell Chiu were present before the Commission to discuss the proposed construction of an addition and deck within the 100-foot buffer zone to bordering vegetated wetland. Mr. Britton and Ms. Bagdonas attended a site visit at the property and noticed that some cutting had taken place within the wetland and within the 25-foot buffer to the wetland. The Commission discussed conditions that will be included with the decision.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to issue a negative Determination for reason four and a positive Determination for reason one with the following conditions:

1. Permanent wetland bounds shall be placed at wetland flags 4A, 6A and 7A. These bounds may be made of PVC pipe and concrete, according to directions that Mr. John Britton will develop.
2. Photographs should be taken of the tree area as it appears now, at a time when there is no snow cover.
3. The wetland area as delineated, and the 25-foot buffer to it must not be managed or maintained in any way.
4. Site visits should be made annually for a period of three years to confirm compliance with these conditions. Photographs should be submitted to the Commission from the same vantage points as the originals. Once a restored plant community is present, the wetland boundary must be reviewed again and re-delineated if necessary.

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

Request for Determination of Applicability: 95 Hancock Street

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Mr. Morris & Ms. Lydia Kesler were present before the Commission to discuss the proposed removal of seven trees within the 100-foot buffer zone to bordering vegetated wetland. Ms. Bagdonas told the Commission that a site visit was held on December 5, 2013 and that several of the trees proposed to be removed were either dead or leaning towards the house. Ms. Kesler stated she would like to plant native shrubs within the 25-foot buffer in place of the trees being removed.

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. The applicant shall submit a planting plan to the Commission in the spring of 2014.
2. Photographs of the new plantings shall be submitted to the Commission.
3. The plantings shall be monitored with reports and photographs annually for a three year period.

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

Request for Amendment to the Order of Conditions, DEP File # 103-0726: 191
Hartwell Road – The Edge

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Mr. Brian DeVellis was present before the Commission to discuss the proposed Amendment to the Order of Conditions for The Edge. The proposed change includes the construction of a sewer pump station within Riverfront Area to Elm Brook, the 100-foot buffer zones to Bordering Vegetated Wetland and Bordering Land Subject to Flooding. Mr. DeVellis stated that the proposed sewer pump station will be approximately 70 feet from the wetland and upland of the closest detention basin. The pump station is necessary in order to open the bathrooms at the fields next to the sports center. During construction the applicant and the Department of Public works realized that the pipe that was to be used as the sewer connection had been blocked off. The new pump station will handle the sewage from the bathrooms at the fields as well as the sewage from the abutting Navy property.

A motion was made and seconded to close the public hearing. The motion passed 6-0-0. The Amended Order of Conditions will be discussed at the meeting of January 8, 2013.

Public Hearing – Notice of Intent: 14 Donovan Drive

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Ms. Mary Trudeau and Mr. Gary Ruping of Ruping Builders Inc. were present before the Commission to discuss the proposed construction of a single family house and associated site work within the 100-foot buffer zone to Bordering Vegetated Wetland. Ms. Bagdonas stated that a site visit was held on December 6, 2013 with herself, Mr. Hagan and Mr. Britton in attendance. Ms. Bagdonas and Ms. Trudeau discussed moving the limit of work to elevation 192 to better protect any sloping areas while also saving a group of white pines. Mr. Ruping agreed to move the limit of work to elevation 192. The Commission discussed various conditions of the Order with the applicant. Ms. Bagdonas recommended that the Commission require a passbook savings account in the amount of \$1,900.00 which should be accessible to the Town of Bedford to cover the cost of an as-built plan. Permanent Wetland bounds should be installed at the 25-foot buffer at flags 4, 10, 3, 12 and 14.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to close the public hearing. The motion passed 6-0-0. The Order of Conditions will be discussed at the meeting of January 8, 2013 if the applicant has received a file number from the Department of Environmental Protection (DEP).

Public Hearing – Notice of Intent: 44 Meadowbrook Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Mr. Peter Blaisdell of Williams & Sparages and Mr. Joseph Guardino were present before the Commission to discuss the proposed removal of an existing deck with stairs and construction of a new deck and two additional footings with stairs within the Riverfront Area to Vine Brook and within the 100-foot buffer zones to

Bank, Bordering Vegetated Wetland and Bordering Land Subject to Flooding. Ms. Bagdonas stated that a site visit was held on December 10, 2013 with Mr. Steve Erikson of Norse Environmental and Mr. Guardino. Mr. Erikson flagged wetlands on the property. Mr. Guardino and Ms. Bagdonas discussed planting a shrub border at the edge of the lawn and some native plantings along the slope leading to the bank of Vine Brook. Mr. Guardino stated that his wife loves to garden and would be happy to do some plantings. Ms. Bagdonas recommended that the Commission include a condition within the Order to have Mr. Guardino submit a landscape plan before the construction of the deck takes place.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to close the public hearing. The motion passed 6-0-0. The Order of Conditions will be discussed at the meeting of January 8, 2013.

Public Hearing – Notice of Intent: 6-8 Preston Court

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Mr. Mike Fabbiano of Highpoint Engineering, Inc. and Mr. Guy Danner, PhD of 1366 Technologies were present before the Commission to discuss the proposed demolition of an existing a/c exhaust unit and two backup generators and the proposed installation of gas service, cooling tower, transformer and backup generator within the 100-foot buffer zone to Bordering Vegetated Wetland (BVW). Ms. Bagdonas stated that a site visit was held on December 5, 2013 with Mr. Hagan and herself. Mr. Fabbiano stated that the Department of Public Works did not have any comments on the project and the entire project will take place on an existing paved area. The Commission reviewed the proposed compensation area for the work that is being done within the 50-foot buffer to BVW.

A motion was made by Mr. Gray and seconded by Mr. Uthoff to close the public hearing. The motion passed 6-0-0. The Order of Conditions will be discussed at the meeting of January 8, 2013.

Public Hearing – Notice of Intent: 8 Alfred Circle

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Mr. Rich Kirby of LEC Environmental Consultants, Inc. and Ms. Christina Montgomery of the Bedford Montessori School were present before the Commission to discuss the proposed conversion of existing pavement to a playground and realignment of the site's existing entrance within Bordering Land Subject to Flooding, Bank and the Riverfront Area to Elm Brook, and the 100-foot buffer zone to Bordering Vegetated Wetland. Ms. Bagdonas and Mr. Kirby held a site visit on December 4, 2013. Mr. Kirby stated that the project will result in a 6,000 square foot impervious surface reduction. The Commission reviewed the Department of Public Works comments with Mr. Kirby. Mr. Kirby informed the Commission that the applicant will be meeting with the Planning Board and can not change the plan to include the recommendations of the Department of Public Works until the Planning Board has had time to review them.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to close the public hearing contingent upon receipt of a final plan to be received by January 2, 2013. The motion passed 6-0-0. The Order of Conditions will be discussed on January 8, 2013.

2 Otis Street:

Mr. Bob Dorer was present before the Commission to discuss a plan change to his approved Determination for a deck within the 100-foot buffer zone to Bordering Vegetated Wetland. The Commission determined that Mr. Dorer must file a new Request for Determination of Applicability with the Commission.

15 Caesar Jones Way:

Ms. Bagdonas explained that an as-built plan was submitted to the building department but it does not include buffers, grading or stormwater features as was required in the Order of Conditions. Ms. Bagdonas wrote the attorney a letter explaining the requirements to obtain a Certificate of Compliance (COC). Although the letter helped, the attorney is still hoping to obtain a COC before the closing. The Commission decided that it would like the as-built plan before issuing a Certificate of Compliance.

Campfire in Hartwell Town Forest:

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to approve the request for a campfire in Hartwell Town Forest. The motion passed 5-1-0, with Ms. Eggert voting against.

Minutes:

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to approve the minutes of November 13, 2013 as written. The motion passed 6-0-0.

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

The meeting was adjourned at 9:55 pm.

The minutes were prepared by Stephanie Ide.

The minutes were approved at the meeting of January 8, 2014.