

**BEDFORD CONSERVATION COMMISSION**  
**Minutes of Meeting**  
**February 10, 2016**  
**Selectmen's Meeting Room**  
**Town Hall, Bedford, MA**

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

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.

**Continuation of Public Hearing - Notice of Intent:** 269 Carlisle Road

Mr. Daniel Carr of Stamski & McNary was present before the Commission on behalf of Nelson Aweh to continue the discussion on the proposed demolition of an existing house with partial removal of an existing driveway and the construction of a new house with driveway. Portions of the proposed project are located within Bordering Land Subject to Flooding, and the 100-foot buffer zones to Bordering Land Subject to Flooding and Bordering Vegetated Wetland. Portions of the project are also within the 10-year Flood Plain. Mr. Carr presented the Commission with a revised plan that shows wetland flag 57 removed and the construction entrance detail as was requested at the meeting of January 27, 2016. Ms. Bagdonas stated that the 10 year floodplain should be shown on the plan and that the wetland flags should be reviewed in the spring to verify accuracy. Mr. Carr said that he will revise the plan.

A motion was made by Mr. Britton and seconded by Mr. Wirth to close the public hearing. The motion passed 4-0-2 with Mr. Uthoff and Mr. Hagan abstaining. The Order of Conditions will be discussed later in the meeting.

**Request for Determination of Applicability:** 28 Independence Road

Mr. John Harris & Ms. Caryn Libbey were both present before the Commission to discuss the proposed construction of two decks within the 100-foot buffer zone to bordering vegetated wetland. Ms. Libbey stated that they are considering installing an elevator in order to assist their grandson getting on the decks. If the elevator is installed it would require a 5x4 concrete pad. Ms. Libbey did include the concrete pad in her impervious surface calculations. Ms. Libbey discussed possibly including a hot tub on the deck and a fire pit as well. Mr. Uthoff would like a plan that shows what is proposed to be constructed and not what may or may not be constructed. The Commission agreed that they would like to receive a more definite plan from the applicants before making a decision.

A motion was made by Mr. Guardino and seconded by Mr. Wirth to continue the public hearing with the applicant's permission to the meeting of February 24, 2016. The motion passed 7-0-0.

**Request for Determination of Applicability: 38 Davis Road**

Mr. Jon Chan was present before the Commission to discuss the proposed construction of a garage and mudroom, repaving of driveway, replacement of walkway and front step repair within the 100-foot buffer zone to bordering vegetated wetland. Mr. Chan stated that the proposed work will take place outside of the floodplain and outside of the 50-foot buffer zone. Ms. Bagdonas stated that the wetland boundary needs to be reviewed in the spring.

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 project cannot go forward without confirmation of the wetland boundary, which shall take place once ground vegetation is visible.
2. A revised site plan shall be submitted if it is necessary to relocate any wetland flags.
3. If the project intrudes into the 50-foot buffer zone, a compensation area will be provided and approved by the Commission.
4. The existing shed shall not be replaced within floodplain or the 25-foot buffer zone to bordering vegetated wetland.

The motion passed 7-0-0, after which the Determination was signed.

**Request for Determination of Applicability: 6 Winchester Drive**

Ms. Pamela Brown of Brown & Brown, PC and Mr. Manny Amigo of Premium Homes, LLC were both present before the Commission to discuss the proposed tree removal and reseeded of lawn if damaged within the 100-foot buffer zone to bordering vegetated wetland. Ms. Brown read a memo she wrote dated February 10, 2016 into the record. Ms. Brown stated that no tree removal or lawn restoration will be taking place. The request now is to expand the deck using the original footings to provide access from the sliding door at the back of the house. Mr. Amigo stated that in order to design a squared off deck it would require an additional footing. Ms. Bagdonas stated that it is unclear where the wetland boundary is on the property because it has not been evaluated.

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

1. A site visit will be scheduled with Ms. Bagdonas once ground vegetation is visible in order to confirm the wetland boundary, which will be approved by the Commission at a regular meeting.
2. If the deck expansion intrudes into the 50-foot buffer zone to bordering vegetated wetland, an area equal to the intrusion will be compensated for and approved by the Commission.

The motion passed 7-0-0, after which the Determination was signed.

### **Request for Determination of Applicability: Taylor Pond Entrance**

Ms. Pamela Brown of Brown & Brown, PC was present before the Commission on behalf of CPF Taylor Pond, LLC to discuss the proposed installation of a sign within the 100-foot buffer zone to bordering vegetated wetland. Ms. Brown stated that the area is an existing developed area. The temporary sign will be removed and the permanent sign installed. Mr. Guardino asked if there are concrete footings for the temporary sign. Ms. Brown said that she was unsure but suspected that there are footings due to the sturdiness of the temporary sign. Mr. Guardino stated that he would like the footings from the temporary sign removed as well as the foundation for the previously approved yet not constructed sign on the opposite side.

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

1. The concrete foundation for the original sign, that was never installed, and the footings from the temporary sign shall be removed, prior to the installation of the new sign.
2. Erosion control will be installed prior to the proposed work, and soils will be stabilized during and after foundation removal and new construction.

The motion passed 7-0-0, after which the Determination was signed.

### **Public Hearing – Notice of Intent: 14 Bonnievale Drive**

Ms. Lori Eggert recused herself stating that she is a direct abutter to the proposed project. Ms. Pamela Brown of Brown & Brown, PC and Mr. David Bernstein of Yukon Development, LLC were both present before the Commission to discuss the proposed relocation of driveway and removal of shrubs within Bordering Land Subject to Flooding. Ms. Brown will provide the Commission with a title and date on the grading plan that was submitted to the Commission. All grading work will take place outside of the floodplain. Ms. Bagdonas suggested that the Commission require erosion control for the grading work. Ms. Bagdonas suggested that the Commission require native plants within the 10-year floodplain.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to close the public hearing. The motion passed 6-0-0. The Order of Conditions will be discussed at the meeting of February 24, 2016.

### **Ratification of Enforcement Order: 13 Bonnievale Drive**

Mr. Michael Welch was present before the Commission regarding the Enforcement that was issued for ABC fill material that had been brought on the site without approval from the Commission. The majority of the unapproved fill was used as a base in the newly constructed garage. Mr. Britton and Ms. Bagdonas attended the site visit. A motion was made by Mr. Wirth and seconded by Mr. Guardino to ratify the Enforcement Order. The motion passed 7-0-0, it was then signed.

**Bylaw:**

The Conservation Commission reviewed and discussed revisions made by Town Counsel to the proposed Bylaw.

A motion was made by Mr. Wirth and seconded by Mr. Uthoff to approve the Bylaw as the Final version that will be used at Town Meeting once approved by the Selectmen. The motion passed 7-0-0.

**Bills Payable:**

A motion was made by Mr. Willson and seconded by Mr. Uthoff to approve and issue payment to Mr. Lewis Putney in the amount of \$50.00 for the issuance of an Enforcement Order at 13 Bonnievale Drive. The motion passed 7-0-0. The bills payable form was then signed.

**Minutes:**

A motion was made by Mr. Britton and seconded by Mr. Wirth to approve the minutes of December 16, 2015 as written. The motion passed 5-0-2 with Mr. Uthoff and Ms. Eggert abstaining.

**Order of Conditions: 269 Carlisle Road**

The Commission reviewed the draft Order of Conditions as prepared by Ms. Bagdonas. Minor revisions were discussed. A motion was made by Mr. Britton and seconded by Mr. Wirth to issue the Order of Conditions as discussed and edited. The motion passed 4-0-1 with Mr. Hagan abstaining. The Order of Conditions was then signed.

*A motion was made by Mr. Britton and seconded by Mr. Guardino to adjourn the meeting. The motion passed 5-0-0 adjourning the meeting.*

*The meeting was adjourned at 9:50 p.m.*

*The minutes were prepared by Stephanie Ide.*

*The minutes were approved at the meeting of March 9, 2016.*