

BEDFORD CONSERVATION COMMISSION

Minutes of Meeting

February 12, 2014

Selectmen's Meeting Room

Town Hall, Bedford, MA

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

The meeting was called to order at 6:37 pm.

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

Certificate of Compliance: 299 & 331 Great Road

Ms. Bagdonas explained that a Request for Certificate of Compliance has been made by the owners of Jiffy Lube for the sidewalk project by the Shawsheen River which was constructed by the Department of Public Works.

A motion was made by Mr. Wirth and seconded by Mr. Britton to issue the Certificate of Compliance for 299 & 331 Great Road. The motion passed 4-0-0, after which the Certificate of Compliance was signed.

Certificate of Compliance: 5 Pond Circle

Ms. Bagdonas stated that the owners of 5 Pond Circle requested a Certificate of Compliance for a barn project that took place several years ago. Ms. Bagdonas recommended that the Commission issue the Certificate of Compliance including continuing conditions 36-39.

A motion was made by Mr. Willson and seconded by Mr. Wirth to issue the Certificate of Compliance for 5 Pond Circle. The motion passed 4-0-0, after which the Certificate of Compliance was signed.

Certificate of Compliance: 30 Shawsheen Ave

Ms. Bagdonas explained that the cell tower company that rents a small portion of the property at 30 Shawsheen Ave. would like a Certificate of Compliance for the construction of the tower. Ms. Bagdonas went out to look at the site and noticed that the snow storage plan is not being followed. She recommended that the Commission issue the Certificate of Compliance with continuing conditions 43-48.

A motion was made by Mr. Britton and seconded by Mr. Willson to issue the Certificate of Compliance for 30 Shawsheen Ave with continuing conditions 43-48. The

motion passed 4-0-1, with Mr. Uthoff abstaining. The Certificate of Compliance was then signed.

Certificate of Compliance: 35/39 Crosby Drive

Ms. Bagdonas explained to the Commission that a portion of the land owned by Fuji Film was sold and 39 Crosby Drive was created. The owners at 39 Crosby Drive would like a Certificate of Compliance for an Order that was issued to Fuji Film at 35 Crosby Drive. Ms. Bagdonas recommends that the Commission issue a partial Certificate of Compliance for 39 Crosby Drive.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to issue a partial Certificate of Compliance for 39 Crosby Drive. The motion passed 6-0-0, after which the partial Certificate of Compliance was signed.

Proposed Eagle Scout Project

Mr. Michael Mahoney was present before the Commission to discuss his proposed Eagle Scout project. Ms. Bagdonas explained that she had previously met with Mr. Mahoney to discuss his ideas for an Eagle Scout project. Mr. Mahoney stated that he had decided on creating a trail on Old Middlesex Road, through the McConnell Easement and along Old Middlesex Road. The trail would include bog bridges and link Old Middlesex Road with North Road. Ms. Bagdonas explained that Mr. Mahoney will have to file a Notice of Intent for his proposed project with the Commission.

A motion was made by Mr. Britton and seconded by Mr. Uthoff to approve the proposed project with the understanding that Mr. Mahoney will be working on a Notice of Intent with Ms. Bagdonas. The motion passed 6-0-0.

Trails Committee Annual Report

Mr. Michael Barbehenn, Chair of the Trails Committee, Ms. Kristin Dowdy and Ms. Adrienne St. John of the Department of Public Works as well as several members of the Trails Committee were present before the Commission to discuss the Annual Trails Report. Ms. St. John explained that the annual report is a requirement of the existing Order of Conditions which expires on April 15, 2014. The Trails Committee will be coming before the Commission soon, with a new Notice of Intent for trails, bog bridges, boardwalks and the circuit trails. Ms. St. John and Ms. Dowdy presented the Annual Trails Report through a PowerPoint presentation. The Commission thanked them for a great presentation and all of the work they do.

191 Hartwell Road

A motion was made by Mr. Uthoff and seconded by Mr. Gray to issue an Amendment to the Order of Conditions for 191 Hartwell Road to construct a sewer pump station and sewer lines. The motion passed 7-0-0.

Request for Determination of Applicability: 22 Notre Dame Road

A motion was made by Mr. Uthoff and seconded by Mr. Gray to waive the reading of the legal notice. The motion passed 7-0-0. Mr. Peter Marden was present before the Commission to discuss the proposed removal of a shed and debris, tree removal, the filling of a depressed area, establishing lawn and limit of work within the 100-foot buffer zone to bordering vegetated wetland. Ms. Bagdonas recommended that the Commission include a continuing condition requiring a review of the wetland delineation in the spring.

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 requiring a review of the newly flagged wetland delineation in the spring. The motion passed 7-0-0, after which the Determination was signed.

Request for Determination of Applicability: 13 McMahon Road

A motion was made by Mr. Uthoff and seconded by Mr. Gray to waive the reading of the legal notice. The motion passed 7-0-0. Ms. Pamela Brown of Brown & Brown, PC was present before the Commission on behalf of Michael Carpenter to discuss the previously installed shed within the 100-foot buffer zone to bordering vegetated wetland. Ms. Brown stated that the shed was placed within a previously fenced area.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to issue a positive Determination for reason five and a negative Determination for reason three with the condition that a review of the previously delineated wetland is to be arranged when the snow cover is gone. The motion passed 7-0-0, after which the Determination was signed.

Public Hearing – Notice of Intent: 200 Springs Road

A motion was made by Mr. Uthoff and seconded by Mr. Gray to waive the reading of the legal notice. The motion passed 7-0-0. Mr. Justin Lamoreaux of the Horsley Witten Group and Ms. Elizabeth Collins of Bedford Place, LLC were present before the Commission to discuss the proposed construction of a residential housing building consisting of 70 units, 90 parking spaces, utilities and stormwater structures within Bordering Vegetated Wetland and the 100-foot buffer zone to Bordering Vegetated Wetland.

Ms. Collins stated that the housing units will be for senior homeless veterans. Mr. Lamoreaux said that he has read Ms. Bagdonas memo and they are willing to relocate the constructed wetland, which is approximately 5,000 square feet. This will keep all proposed work outside of the wetland and 25-foot buffer. Dewatering for the site will take place in silt bags. Ms. Bagdonas asked the Commission to require a response from the applicant to the Department of Public Works letter dated February 12, 2014, a statement of compliance with the bylaw, impervious surface calculations, stormwater maintenance plan and declaration of restrictions, updated plans and to reserve the right to review the newly delineated wetland boundary in the spring.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to continue the public hearing to the meeting of February 26, 2014 with the applicant's permission. The motion passed 7-0-0.

Public Hearing – Notice of Intent: 200 Hanscom Drive

Mr. Randy Christensen of Stantec Consulting Service Inc. and Mr. Tom Ennis of Massachusetts Port Authority (Massport) were present before the Commission to discuss the proposed installation of 1,550 LF of chain link fence with concrete footings, vegetation management and vegetation removal within Bordering Land Subject to Flooding, Bank, the Riverfront Area to the Shawsheen River and the 100-foot buffer zone to Bordering Vegetated Wetland.

Mr. Christensen stated that Massport is having difficulties with wildlife walking through twin metal corrugated culverts and getting onto the airfield. Another concern is that people will be able to gain access to the airfield as well. Mr. Ennis said that the fence will be along the bank of the Shawsheen River in a presently grassy area. There is no vegetated wetland beyond the bank and the fence will remain outside of the 25-foot buffer to the river. In order to install and maintain the fence 8,000 square feet of woody vegetation within the Riverfront Area to the Shawsheen will need to be removed. Ms. Bagdonas suggested the submittal of a statement of compliance with the Riverfront regulations or an exemption.

A motion was made by Mr. Uthoff and seconded by Mr. Willson to continue the public hearing to the meeting of February 26, 2014 with the applicant's permission. The motion passed 7-0-0.

Public Hearing – Notice of Intent: 10 DeAngelo Drive

Mr. Paul Finger and Ms. Jaqui Trainer of Paul Finger Associates, Inc. were present before the Commission on behalf of Jay Falik of Formulatrix, Inc. for the proposed construction of a front doorway & vestibule entrance, reconstruction of driveways and parking areas and removal of vegetation within Bordering Land Subject to Flooding, Bank and the 100-foot buffer zone to Bordering Vegetated Wetland.

Ms. Trainer stated that the resource area was flagged last summer. Mr. Finger said the project will result in a reduction in impervious surface from the existing 63% to 56%. Mr. Finger asked the Commission for a reduction in the bylaw fee in view of proposed improvements to the site. A motion was made by Mr. Uthoff and seconded by Mr. Gray to reduce the bylaw fee. The motion passed 5-2-0 with Ms. Eggert and Mr. Willson voting against.

The Commission reviewed the Department of Public Works (DPW) comments and recommendations in the letter dated February 12, 2014. Mr. Finger stated that they will attempt to comply with DPW's recommendations. Mr. Finger explained the issues with groundwater on the site. Ms. Bagdonas stated that the applicant does not meet the bylaw but the Commission could consider a variance. Mr. Finger will formally request a variance from the Commission.

A motion was made by Mr. Willson and seconded by Mr. Britton to close the public hearing contingent upon receipt of a request for a Variance. The Order of Conditions will be discussed at the meeting of February 26, 2014.

Commission Member for Trails Committee

A motion was made by Mr. Gray and seconded by Mr. Uthoff to nominate Mr. Stephen Hagan to be the Commission's representative for the Trails Committee. The motion passed 6-0-0.

Community Preservation & Land Acquisition Member

Ms. Eggert volunteered to become a member of Community Preservation and Land Acquisition Committee representing the Commission. No vote was taken.

Minutes

A motion was made by Mr. Gray and seconded by Mr. Wirth to approve the minutes of January 8, 2014 and January 22, 2014 as written. The motion passed 5-0-2, with Mr. Willson and Mr. Hagan abstaining.

A motion was made by Mr. Gray and seconded by Mr. Britton to adjourn the meeting. The motion passed 7-0-0 adjourning the meeting.

The meeting was adjourned at 9:35 pm.

The minutes were prepared by Stephanie Ide.

The minutes were approved at the meeting of March 26, 2014.