

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
March 30, 2016
Selectmen's Meeting Room
Town Hall, Bedford, MA

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

ABSENT: Steven Hagan, Chair

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

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

Request for Determination of Applicability: 155 Bagley Avenue

Ms. Caroline Fedele and Mr. Richard Fedele were present before the Commission to discuss the proposed demolition of a house and construction of a new house partially within the 100-foot buffer zone to bordering vegetated wetland. Ms. Fedele stated that their intent is to build a home, garage and accessory apartment approximately 101 feet away from the nearest wetland flag from delineations done at 26 and 28 Independence Road. The proposed project will be done in phases. The demolition of the existing house is within the 100-foot buffer zone. Ms. Bagdonas explained to the Commission that a consultant had looked at the property and did not see any wetland vegetation in the back of the property which is confusing because of the delineations done at 26 and 28 Independence Road. Ms. Bagdonas continued to say that a one sided wetland is not possible and the wetland should be reviewed in the future if there is work proposed closer to the rear of the property.

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

1. Future proposals closer to the wetland flag (at the northerly property corner abutting 26 and 28 Independence Road) will require a current delineation.

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

Request for Determination of Applicability: 7 Aspen Circle

Mr. Vikram Kumar and Ms. Srividya Rayagopalau were present before the Commission to discuss the proposed addition within the 100-foot buffer zone to bordering vegetated wetland. The proposed addition is located outside of the 50-foot buffer zone. Two site visits occurred with Ms. Bagdonas and Mr. Smith in attendance and a third with homeowner, Ms. Rayagopalau. Ms. Bagdonas stated that the impervious

surface calculations are below the maximum but that a fence that the previous homeowner constructed was not installed per plans that were submitted to the Commission. Part of the fence is located within the 25-foot buffer zone to bordering vegetated wetland. Ms. Bagdonas said that the 25-foot buffer should be restored and suggested that the owners either relocate the existing fence outside of the 25 foot buffer or remove it all together. The play set and pea stone should also be removed from the 25-foot buffer zone.

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

1. The pea stone and landscaping fabric shall be removed from the 25-foot buffer zone to the extent possible.
2. The play set and fence shall be removed and relocated from the 25-foot buffer zone; If the fence is to be permanently removed native plantings shall be required along the 25-foot buffer zone; If the fence is to be relocated the 25-foot buffer zone shall be allowed to grow back naturally.
3. Yard waste is prohibited within the 25-foot buffer zone.

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

Request for Determination of Applicability: 12 Noreen Drive

Mr. Yiyu Jia was present before the Commission to discuss the previous removal of 12 white pine trees within the 100-foot buffer zone to bordering vegetated wetland. Mr. Jia had Ms. Mary Trudeau delineate the wetland on his property. Three of the previously removed trees were located within the 25 foot buffer zone. Ms. Bagdonas recommended that the Commission set a condition requiring the three trees that were removed within the 25 foot buffer to be replaced with other native trees and that the pine brush debris should be removed to allow for existing vegetation to emerge.

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

1. The 25-foot buffer shall be replanted with three native trees to be approved by the Commission.
2. Broken branches shall be removed so that plants can regrow.
3. Re-seed bare areas with a grass seed mix.

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

Certificate of Compliance: 40 Battle Flagg Road

Mr. Peter Marden was present before the Commission to discuss obtaining a Certificate of Compliance for 40 Battle Flagg Road. A site visit occurred with Ms. Bagdonas on March 11, 2016.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue a Certificate of Compliance for 40 Battle Flagg Road as prepared by Ms. Bagdonas. The motion passed 6-0-0, after which the Certificate of Compliance was signed.

Certificate of Compliance: Revolutionary Ridge VI

Mr. Peter Marden was present before the Commission to discuss obtaining a Certificate of Compliance for the roadways in the Revolutionary Ridge subdivision. Mr. Marden stated that there is a \$7,000.00 bond tied to a replication area that was required in the Order of Conditions. The replication area was created in 1994 but the Conservation Office never received an as-built plan that showed the replication area as was also required in the Order of Conditions. Ms. Bagdonas stated that the passbook account is specific to the replication area and that she has received several plans for the subdivision but none that show the replication area. She continued to say that Mr. Marden had provided her with a section of an as-built road plan that shows his sketch of the replication area; she felt that the plan was acceptable.

A motion was made by Mr. Uthoff and seconded by Mr. Guardino to issue a Certificate of Compliance for the Revolutionary Ridge roadways as prepared by Ms. Bagdonas. The motion passed 6-0-0, after which the Certificate of Compliance was signed.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to release the bond in the amount of \$7,000.00 tied to the Revolutionary Ridge roadways subdivision. The motion passed 6-0-0.

Minutes:

A motion was made by Mr. Wirth and seconded by Ms. Eggert to approve the minutes of January 27, 2016 as written. The motion passed 4-0-2 with Mr. Uthoff and Mr. Willson abstaining.

A motion was made by Ms. Eggert and seconded by Mr. Wirth to approve the minutes of February 24, 2016 as written. The motion passed 4-0-2 with Mr. Uthoff and Mr. Willson abstaining.

A motion was made by Mr. Willson and seconded by Mr. Guardino to approve the minutes of March 9, 2016 as written. The motion passed 4-0-2 with Mr. Wirth and Mr. Uthoff abstaining.

Replacement Certificate of Compliance: 13 Donovan Drive

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue the second replacement of the Certificate of Compliance for 13 Donovan Drive. The motion passed 6-0-0, after which it was signed.

Ratification of EC: Dam Breaching at Jordan Conservation Area

Ms. Bagdonas recommended that the Commission ratify the Emergency Certification for dam breaching at Jordan Conservation Area but require Massport to submit a report on the breaching.

A motion was made by Mr. Willson and seconded by Mr. Uthoff to ratify the Emergency Certification for Massport requiring a report. The motion passed 4-2-0, with

Mr. Wirth and Ms. Eggert voting against. The Emergency Certification form was then signed.

13 Robinson Drive:

Ms. Bagdonas explained that a building application had come in for her review regarding the construction of a roof over existing stairs that may or may not require support columns with footings that will be within 100 feet of a wetland. The Commission discussed the matter briefly and concluded that if the proposed roof requires support columns, the owners must file a RDA for the work.

Jordan Gardens Herbicide Use:

A motion was made by Mr. Willson and seconded by Mr. Wirth to declare that herbicide use at Jordan Gardens is prohibited. The motion passed 6-0-0.

Wetland Protection Bylaw Regulations:

Mr. Willson stated that he will e-mail the Conservation Commission of a draft copy of the bylaw regulations that he had been working on in May of 2014. The Commission discussed having a meeting to discuss the Bylaw Regulations separate from their regular scheduled meetings. The Commission would like Ms. Bagdonas to come up with a few dates on Tuesdays, Wednesdays and Thursdays, avoiding Mondays and Fridays, and to e-mail them to see the Commission's availability.

Huckins Farm Committee:

Ms. Bagdonas sent a letter to the Huckins Farm Board of Trustees regarding the Conservation Restriction requirement to establish a Committee with the Commission. Ms. Bagdonas would like to meet with the board to discuss this matter and would like two members of the Commission to be involved.

A motion was made by Mr. Britton and seconded by Mr. Guardino to designate Mr. Wirth and Mr. Uthoff to represent the Conservation Commission in discussions with the Huckins Farm Board of Trustees. The motion passed 4-0-0.

Conservation Commission Member Status:

Mr. Willson stated that he will not be renewing his membership to the Conservation Commission. His last day as a Commission member will be June 30, 2016.

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

The meeting was adjourned at 8:42 p.m.

The minutes were prepared by Stephanie Ide.

The minutes were approved at the meeting of April 27, 2016.