

**BEDFORD CONSERVATION COMMISSION**

**Minutes of Meeting**

**April 9, 2014**

**Selectmen's Meeting Room**

**Town Hall, Bedford, MA**

**PRESENT:** Steven Hagan, Chair; John Willson, Vice Chair; John Britton; Tim Gray; Lori Eggert; Andreas Uthoff; Allan Wirth, Clerk  
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: Middlesex Turnpike**

Mr. Gene Crouch of Vanasse Hangen Brustlin, Inc. and Ms. Susan McArthur of the Massachusetts Department of Transportation (Mass DOT) were present before the Commission to continue the discussion on the proposed expansion of Middlesex Turnpike from a two-lane to a four-lane highway, from the southern side of the Shawsheen River corridor northwest to the Bedford/Billerica town line. The proposed project will take place within Bank, Land Under Water Body and Waterway, Bordering Vegetated Wetland, Bordering Land Subject to Flooding, and the Riverfront Area to the Shawsheen River.

Mr. Crouch stated that the project will involve encroaching into a Vernal Pool located at Wetland 15 with the installation of a retaining wall. Mass DOT intends on restoring the temporary disruption with manmade wetland soils. Ms. Bagdonas asked if the Vernal Pool had been certified after the study was done in 2009. Mr. Crouch stated that he has no knowledge of it being certified but that Natural Heritage is well aware of it being a Vernal Pool. Mass DOT should have the rest of the information for the State by the end of April. Ms. Bagdonas stated that scheduling the project in the Fall or Winter would be ideal. Mr. Wilson asked when Mass DOT plans to begin the project. Mr. Crouch said that a timeframe cannot be given; Natural Heritage needs to determine the timeline for the project. Ms. Bagdonas reminded the Commission that it does not have a letter with comments from Natural Heritage or the Department of Environmental Protection. Ms. Bagdonas stated that the Commission has not received monitoring reports from the previous phase of the project and stated the importance of receiving them during this phase. Ms. McArthur said that she does have the reports and will send them to Ms. Bagdonas. Mr. Uthoff and Mr. Willson would like to include the monitoring reports in the Denial Order.

A motion was made by Mr. Uthoff and seconded by Ms. Eggert to close the public hearing. The motion passed 4-0-3, with Mr. Wirth, Mr. Gray and Mr. Britton abstaining.

#### **44 Meadowbrook Road:**

Mr. Joseph Guardino was present before the Commission to discuss a change to his erosion control plan. Mr. Guardino stated that Ms. Bagdonas recommended that he use haybales instead of silt fencing which he agrees to install. A motion was made and seconded to approve the use of haybales in place of silt fencing. The motion passed 7-0-0.

#### **10 DeAngelo Drive:**

Mr. Paul Finger of Paul Finger Associates was present before the Commission to request the Commission's approval of the submitted erosion control plan, construction sequencing plan, environmental site supervisor and the Declaration of Restrictions. Mr. Finger stated that either he or Mr. Eric Joseph of Paul Finger Associates will be doing the monitoring. Ms. Bagdonas stated that the plan shows the use of ABC materials which is not allowed. Mr. Finger stated that no ABC materials will be used.

A motion was made by Mr. Willson and seconded by Mr. Uthoff to approve the erosion control plan, construction sequencing plan and environmental site supervisor. The motion passed 7-0-0. A motion was made by Mr. Uthoff and seconded by Mr. Gray to accept the Declaration of Restrictions. The motion passed 7-0-0, after which the Declaration of Restrictions was signed.

#### **Route 3 Project Change:**

Ms. Renata Welch of the Massachusetts Department of Transportation was present before the Commission to discuss a modification to the existing project which will include additional work on a nearby slope that is failing. Ms. Welch would like the Commission to approve Ms. Andrea Norton as the Environmental Site Supervisor and to approve the erosion control plan.

A was made by Mr. Gray and seconded by Mr. Willson to approve Ms. Welch as the Environmental Site Supervisor. The motion passed 7-0-0. A motion was made by Mr. Uthoff and seconded by Mr. Gray to approve the modification to the Order of Conditions without requiring an Amendment to the Order. The motion passed 7-0-0. A motion was made by Mr. Gray and seconded by Mr. Uthoff to approve the erosion control plan. The motion passed 7-0-0.

#### **201 Burlington Road Project Compliance:**

Mr. Jeffrey Malloy of BSC Group was present before the Commission to discuss project compliance at 201 Burlington Road. Mr. Malloy presented the Commission with a plan showing the stockpile areas and erosion control line and asked that the Commission approve him as the Environmental Site Supervisor.

A motion was made by Mr. Willson and seconded by Mr. Uthoff to approve Mr. Malloy as the Environmental Site Supervisor. The motion passed 7-0-0.

### **Minutes:**

A motion was made by Mr. Uthoff and seconded by Mr. Britton to approve the minutes of March 12, 2014 as written. The motion passed 7-0-0. A motion was made by Mr. Gray and seconded by Mr. Britton to approve the minutes of February 26, 2014 as written. The motion passed 7-0-0. A motion was made by Mr. Uthoff and seconded by Mr. Gray to approve the minutes of March 25, 2014 as written. The motion passed 7-0-0.

### **Election of Officers:**

A motion was made by Mr. Gray and seconded by Mr. Uthoff to nominate Mr. John Willson for Chair of the Conservation Commission. The motion passed 6-0-0.

A motion was made by Mr. Gray and seconded by Mr. Uthoff to nominate Mr. Britton as Vice-Chair of the Conservation Commission. Mr. Britton respectfully declined. A vote was not taken.

A motion was made by Mr. Britton and seconded by Mr. Uthoff to nominate Mr. Steven Hagan as Vice-Chair of the Conservation Commission. The motion passed 6-0-0.

A motion was made by Mr. Gray and seconded by Mr. Willson to nominate Mr. John Britton as Clerk of the Conservation Commission. The motion passed 6-0-0.

### **Resignation:**

Mr. Gray stated that he will be leaving the Commission at the beginning of July in order to travel the next year. The Commission discussed having Mr. Gray submit a formal resignation letter in order to proceed with getting a new member appointed to the Commission with minimal delay.

### **Denial Order of Conditions: Middlesex Turnpike**

The Commission began its review of the draft Order of Conditions as prepared by Ms. Bagdonas. Mr. Hagan would like the Construction Controls section on page 10.7 removed. Mr. Willson suggests clarifying the section so that the state sees it as a recommendation of the Commission. Mr. Willson also stated that the last finding on page 10.8 needs to be more specific. Mr. Uthoff stated that the Commission should include two additional findings on the mitigation area and canopy and recommended the following language: The Commission finds that the sheeting will result in tree loss by damaging the roots as well as the loss of habitat in the Vernal Pool located within wetland 15. Ms. Bagdonas stated that the Commission should include something about restoration. Mr. Hagan recommended the Commission state that it finds that it would be in the best interest of the Town that the property abutting the Vernal Pool site to be under a Conservation Restriction. Mr. Willson said that the Commission should say that it is aware that there could be a taking and urges the consideration of a Conservation Restriction.

A motion was made by Mr. Willson and seconded by Mr. Uthoff to issue the Denial Order of Conditions for the Middlesex Turnpike expansion project as discussed. The motion passed 7-0-0, after which it was signed.

*A motion was made by Mr. Willson and seconded by Mr. Uthoff 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 May 28, 2014.*