

**BEDFORD CONSERVATION COMMISSION**  
**Minutes of Meeting**  
**May 22, 2013**  
**Selectmen's Conference Room**  
**Town Hall, Bedford, MA**

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

**ABSENT:** Tim Gray

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.

**Request for Determination of Applicability: 13 Redcoat Road**

A motion was made by Mr. Uthoff and seconded by Mr. Willson to waive the reading of the public notice. The motion passed 4-0-0. Ms. Syusanna Andelman and Mr. Richard Andelman were present before the Commission to discuss the removal of brush, cutting of trees and tree limbs and installation of lawn within the 100-foot buffer zone to bordering vegetated wetland. Ms. Andelman stated that they would like to extend the lawn area to the 25-foot buffer as well as remove some oak and pine trees within the 100-foot buffer. Ms. Andelman also stated that she has written permission from her neighbor to remove a large limb from a tree that is on her neighbor's property but overhangs her house. Ms. Andelman requested that she be able to remove this large tree limb as well. Ms. Bagdonas explained that she had done a site visit and that the wetland line had been adjusted. The existing shed is within the 50-foot buffer zone and was not permitted but was constructed by the previous owners.

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

1. The limit of work is to be staked.
2. A permit in accordance with the wetland protection bylaw must be obtained when the shed is replaced.
3. No brush may be disposed of within the 25-foot buffer zone to bordering vegetated wetland.

The motion passed 4-0-1 with Ms. Eggert abstaining.

### **Certificate of Compliance: 35 Riverside Avenue**

Mr. Stuart Trout and Ms. Anna Trout were present before the Commission to request a Certificate of Compliance for their project at 35 Riverside Avenue. Ms. Bagdonas explained that she made a site visit and while at the site visit she noticed a gravel parking area that was not permitted in the Order of Conditions. The gravel parking area is located on town land. Mr. Trout stated that the parking area which is crushed stone has been approved by the Selectmen. A motion was made by Mr. Uthoff and seconded by Mr. Willson to approve the parking area as a minor change. The motion passed 5-0-0.

The Commission discussed the Certificate of Compliance and the continuing conditions. Mr. and Mrs. Trout acknowledge that conditions 40, 41, 42 and 43 will be continuing conditions of the Certificate of Compliance.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue the Certificate of Compliance with the continuing conditions as discussed. The motion passed 5-0-0.

Mr. Trout requested that the Commission approve the removal of the silt fence and haybales. Mr. Hagan asked that it be noted in the record that the residents at 35 Riverside Avenue have satisfied the requirements of the Order of Conditions, have obtained a Certificate of Compliance and are now authorized to remove the silt fence and haybales on site.

### **Public Hearing – Notice of Intent: 27 Burlington Road**

A motion was made by Mr. Uthoff and seconded by Mr. Willson to waive the reading of the public notice. The motion passed 5-0-0. Mr. Scott Smyers of Oxbow Associates was present before the Commission on behalf of Kenneth & Lisa Falcone for the proposed construction of a garage and two decks within the 100-foot buffer zone to bordering vegetated wetland. Mr. Smyers submitted a revised narrative with letter dated May 22, 2013 to the Commission. A 500 square foot compensation area is proposed for the intrusion into the 50-foot buffer zone to bordering vegetated wetland. New native plantings will be planted along the wetland as well as invasive species control.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to close the public hearing. The motion passed 5-0-0. The Order of Conditions will be discussed at the meeting of June 12, 2013.

### **Continuation of Public Hearing – Amendment to the Order of Conditions #103-0691: 1 Lavender Lane**

This matter will be re-advertised and put on the agenda for the meeting of June 12, 2013.

### **Project Change: Habitat for Humanity, 130 North Road/Carter Way**

Mr. Scott Carpenter was present before the Commission on behalf of Habitat for Humanity to discuss a proposed plan change which would change the grading on the site. The reason for the grading change is due to running into ledge and an old barn foundation. The grading changes will be on the final as-built plan that will be submitted with the request

for Certificate of Compliance. Mr. Carpenter is requesting that the Commission approve the change as a minor change not requiring an Amendment to the Order of Conditions.

A motion was made by Mr. Uthoff and seconded by Mr. Willson to approve the change in grading as a minor change not requiring an Amendment to the Order of Conditions. The motion passed 5-0-0.

### **160 Middlesex Turnpike:**

A motion was made by Mr. Uthoff and seconded by Mr. Willson to Accept the Declaration of Restrictions document for 160 Middlesex Turnpike. The motion passed 5-0-0, after which the document was signed by the Commission.

### **Order of Conditions: 201A Carlisle Road**

The Commission reviewed the draft Order of Conditions as prepared by Ms. Bagdonas. Ms. Bagdonas stated that the legal street address for this property will be 195 Carlisle Road.

A motion was made by Mr. Willson and seconded by Ms. Eggert to issue the Order of Conditions as discussed. The motion passed 5-0-0, after which it was signed.

### **Certificate of Compliance: 8 Battle Flagg Road**

Mr. Robert Klein was present before the Commission to discuss receiving a Certificate of Compliance for the installation of a lawn in 2005. Ms Bagdonas stated that during her site visit on May 6, 2013 she noticed a swing set within a gravel area that was not permitted. Mr. Klein stated that the play area was installed in 2000. The Commission discussed the potential removal of the gravel area.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue the Certificate of Compliance. The motion passed 5-0-0, after which it was signed.

### **Enforcement: 241 Davis Road**

Mr. Robert Nunes and Ms. Cathe Nunes were present before the Commission to discuss a small area of fill on the side of their house located within the 100-year floodplain. Mr. Hagan stated that he had gone out to do a site visit. The Commission requested that Ms. Bagdonas find out more information on the new floodplain mapping. Ms. Bagdonas said that she would speak to Adrienne St. John of the Department of Public Works. This matter will be further discussed at the meeting of June 12, 2013.

### **Jordan Gardens: Account**

Mr. Rob Dobson will attend the meeting of June 26<sup>th</sup> to discuss potential solutions to lack of funds in the Jordan Gardens account.

### **Roadside Clean-Up Projects:**

Ms. Bagdonas stated that she was approached by a group that would like to clean up trash near the White Cedar Swamp Conservation Area. They requested a police officer detail to assist with traffic along Davis Road and requested that the Commission pay for the police detail. The Commission decided that it will not pay for police details for roadside clean up projects.

### **285 Great Road:**

Ms. Bagdonas stated that Mass Highway will be filing an amendment to do some tree trimming by Elm Brook.

### **Enforcement: 68 Dunster Road**

Ms. Bagdonas would like to set up a site visit with the owner. Mr. Willson said that he is available on Wednesday, May 29<sup>th</sup> at either 9:30 or 10:00 a.m. Ms. Eggert stated she could also be available during that time.

### **Minutes:**

A motion was made by Mr. Uthoff and seconded by Mr. Willson to approve the minutes of May 8, 2013. The motion passed 5-0-0.

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

*Meeting was adjourned at 9:30 pm.*

*Minutes were prepared by Stephanie Ide.*

*Minutes were approved at the meeting of July 2, 2013.*