

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
May 8, 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.

Continuation of Public Hearing – Notice of Intent: 201A Carlisle Road

Mr. Brian DeVellis was present before the Commission on behalf of Mark Morwood to continue the discussion for the proposed construction of a new home and associated site work within the 100-foot buffer zone to bordering vegetated wetland. Mr. DeVellis explained the changes that have occurred on the new plan before the Commission. The elevation of the house has been reduced by two feet and the location of the house has been moved to the other side of the property. Ms. Bagdonas recommended that the Commission have a condition within the Order requiring a vegetated buffer between the property line and the abutting Conservation Area.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to close the public hearing. The motion passed 4-0-0. The Order of Conditions will be discussed at the meeting of May 22, 2013.

Continuation of Public Hearing – ANRAD: 9 Norma Road

Ms. Pamela Brown of Brown and Brown and Ms. Carol Washer, owner of 9 Norma Road, were present before the Commission to continue the discussion requesting confirmation of the delineated wetland boundaries. The hearing was opened in 2011 and the delineation was reviewed at a site visit by Ms. Bagdonas. Ms. Brown stated that Mr. and Ms. Washer were hoping to prove that the stream on their property was an intermittent stream but were unable to document the stream to be dry. Ms. Bagdonas stated that the delineation is accurate and that the submitted plan shows a perennial stream and riverfront areas. She reviewed the language of the decision with the Commission and the applicant.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to close the public hearing. The motion passed 4-0-0. A motion was made by Mr. Uthoff and seconded by Mr.

Wirth to approve the Order of Resource Area Delineation as drafted by Ms. Bagdonas. The motion passed 4-0-0, after which it was signed.

Request for Determination of Applicability: 5 Carter Way

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. Mr. Frederick Durfee was present before the Commission to discuss the proposed fence within the 100-foot buffer zone to bordering vegetated wetland. Mr. Durfee stated that the fence would be located between lots 3 and 4. Ms. Bagdonas said that a site visit was conducted on Monday, May 6th, 2013.

A motion was made by Mr. Uthoff and seconded by Mr. Willson to issue a positive Determination for reason five and a negative Determination for reason three. The motion passed 4-0-0, after which it was signed.

Mr. Hagan asked that it be shown on the record of the meeting that the Bedford Conservation Commission expects that Habitat for Humanity complete a Certificate of Compliance within three months from May 8, 2013, to include the requirement for an as-built plan.

Request for Determination of Applicability: 1 McMahan Road

A motion was made by Mr. Uthoff and seconded by Mr. Hagan to waive the reading of the public notice. The motion passed 4-0-0. Ms. Leah Basbanes of Basbanes Wetland Consulting and Mr. Martin McNamara of 1 McMahan Road were present before the Commission to discuss the proposed removal of ten trees, removal of brush, filling of a 500 – 600 sf depression, a vegetable garden and landscaping within the 100-foot buffer zone to bordering vegetated wetland. The landscape area is 2700 cf. Ms. Bagdonas suggested that the Commission include two conditions to the Determination stating that non native invasive species may be removed by hand and replaced with native plants and that a statement of compliance with riverfront regulations shall be submitted before work begins.

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

1. A statement of compliance with riverfront standards shall be submitted before work begins.
2. Non native invasives may be removed by hand and replaced with native plants.

The motion passed 4-0-0, after which it was signed.

Minutes:

A motion was made by Mr. Uthoff and seconded by Mr. Willson to approve the minutes of April 24, 2013 as edited by Mr. Willson. The motion passed 3-0-1, with Mr. Hagan abstaining.

The following section of the minutes written by Elizabeth Bagdonas:

Discussion: 241 Davis Road – Robert Nunes

Mr. Robert Nunes appeared before the Commission to discuss recent work on his property. Ms. Bagdonas provided a visual description of the work, which consisted of landscaping partially within the boundary of the 1% Annual Chance Flood. She described the issue as being evaluation of possible flood storage compensation.

Discussion continued on possible options. Mr. Hagan offered to visit the site on Saturday, May 11th, possibly with other Commission members. Mr. Nunes offered to remove the topsoil that had been brought in, but Ms. Bagdonas advised a review by the Commission. She also explained filing requirements.

Ms. Eggert arrived at 8:15 pm.

Eagle Scout Project: Connor Maurice – O’Connor Conservation Area

Mr. Maurice presented his proposed Eagle Scout project to the Commission, passing around copies of the official project report and logistical requirements. Mr. Hagan asked him to describe the project. Mr. Maurice stated that he and his troop would construct and install a kiosk at the trailhead to the O’Connor Conservation Area off Old Billerica Road. He added that he had coordinated with the Trails Committee and received their approval, which included a requirement for the Commission to approve the project, and for Mr. Maurice to advise Dig Safe of the project location. He will use the design developed by former Commission and Trails Committee member Art Smith.

A motion was made by Mr. Uthoff and seconded by Dr. Wirth to approve the project; the motion passed 4-0-0, after which Mr. Hagan signed the application on behalf of the Commission.

Certificates of Compliance: 8 Battle Flagg Road; 33 Riverside Avenue

These agenda items were postponed to the meeting of May 22, 2013.

Hartwell Forest Survey

Ms. Bagdonas explained that she and Ms. Eggert had not yet reviewed the survey.

Canoe Launch Discussion: Shawsheen River Conservation Area

Ms. Bagdonas stated that she had been asked by an Oak Park employee if he could keep his canoe on the conservation area by the river. Ms. Bagdonas told the Commission that there were few good launch locations in this area of town, and that the request, if granted, would likely be followed by others. The request related to a location that would not be accessible to the general public. The Commission discussed some of the issues that might arise, and decided at this point not to make a decision.

Order of Conditions: 8 Alcott Street

Ms. Bagdonas provided copies of the draft Findings and Special Conditions, based upon the previously approved “residential model”. The findings were reviewed, as well as some minor changes or additions to the model.

A motion was made by Mr. Uthoff and seconded by Mr. Willson to approve the Order of Conditions as drafted and reviewed; the motion passed 4-0-1, with Mr. Hagan abstaining as not part of the quorum. The Order was then signed.

Order of Conditions: 201A Carlisle Road

The Commission discussed aspects of a draft Findings and Special Conditions section of the Order of Conditions for 201A Carlisle Road, using the draft for 8 Alcott Street as a reference. The Commission asked Ms. Bagdonas to format a draft with appropriate findings, and based on the same conditions. They specified that condition #28 would be included, requiring permanent bounds at the 25-foot protected buffer upgradient of wetland flags 3B and 6B, with additional bounds at the property line above wetland flags 11B and 17B. Condition #46 regarding non-native, invasive species will be retained. There will be an additional condition requesting a planted tree/shrub buffer along the property line upgradient of wetland flags 12B through 17B. The review of the draft and vote will take place at the meeting of May 22.

5 Alfred Circle

The Commission made reference to the recent correspondence from Evergreen Nominee Realty Trust, and a possible request by the Commission through Town Counsel for clarification.

1 Lavender Lane

Ms. Bagdonas reported that she had still not received the as-built plans for Lots 2 and 3 showing all features of the sites, including infiltration structures and rain gardens on both lots, and the retaining wall on Lot 2. The Commission directed Ms. Bagdonas to contact the owners, requiring that the plans be submitted prior to the next meeting of May 20th; if this is not possible, the owners should appear before the Commission on that date.

68 Dunster Road

Ms. Bagdonas informed the Commission that the owner had not contacted her to arrange a site visit.

160 Middlesex Turnpike: Acceptance of Restrictions

Ms. Bagdonas explained that the owners of 160 Middlesex Turnpike had requested a Certificate of Compliance; one of the conditions required the completion of a Declaration of Restrictions regarding Stormwater Management System Inspection and Maintenance Plan. The Plan had been revised to include requirements of two separate maintenance plans associated with different expansion projects. The Declaration of Restrictions was under revision and would be executed prior to the Commission's meeting of May 22; at that time the Commission could vote to issue the Certificate of Compliance. The Declaration must be signed by the owner and accepted by the Commission before it can be brought before the Selectmen.

Because the owners hoped to receive the COC at the end of the month, Ms. Bagdonas asked the Commission to set a special meeting date for the acceptance, as she planned to ask the Selectmen to review it at their meeting of May 20th. Mr. Hagan and Ms. Eggert stated that they would be available at 9:00 am on May 20th. Mr. Uthoff suggested that Ms. Bagdonas email all members with some possible dates.

The meeting was adjourned at 9:15 pm.

The minutes were prepared by Stephanie Ide from 7:00 to 8:00 pm.

The minutes were prepared by Elizabeth Bagdonas from 8:00 pm to 9:15 pm.

The minutes were approved at the meeting of May 22, 2013.