

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
June 10, 2015
Selectmen's Meeting Room
Town Hall, Bedford, MA

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

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: 2 Old Causeway Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Ms. Stephanie Guinto Sullivan and Mr. Tim Sullivan were both present before the Commission to discuss the proposed construction of a deck within the 100-foot buffer zone to bordering land subject to flooding. The deck will be located within the 100-foot buffer to the 100-year floodplain. One tree is proposed to be removed within the buffer to floodplain near where the deck will be constructed. There are eight trees marked for removal in the front yard which are all outside of the Commission jurisdiction.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue a negative Determination for reason three and a positive Determination for reason five. The motion passed 7-0-0, after which the Determination was signed.

Request for Determination of Applicability: 14 Wildwood Drive

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Ms. Christy Keating was present before the Commission to discuss the proposed 15x26 deck within the 100-foot buffer zone to bordering vegetated wetland. Ms. Keating stated that they have a Determination from the Commission to construct a deck but have decided to make the deck larger which is why they have filed another Request for Determination. A larger compensation area is proposed by moving the existing swing set forward and allowing the area to return to a natural state.

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

1. Photographs of the compensation area shall be submitted to the Commission within one year.

The motion passed 7-0-0, after which the Determination was signed.

Request for Determination of Applicability: Sewer Force Main – Great Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Ms. Adrienne St. John and Ms. Kristin Dowdy of the Department of Public Works were present before the Commission to discuss the proposed rehabilitation of the existing sewer force main between the Main Sewer Force Station at 299 Great Road and the Lexington Town Line. The proposed project is located within Riverfront Area to the Shawsheen River, Bordering Land Subject to Flooding and the 100-foot buffer zones to Bank, Land Under Waterway, Bordering Vegetated Wetland and Bordering Land Subject to Flooding.

A motion was made by Mr. Willson and seconded by Mr. Britton to issue a negative Determination for reason three and a positive Determination for reason five. The motion passed 7-0-0, after which the Determination was signed.

Public Hearing – Notice of Intent: Bog Bridges

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Ms. Adrienne St. John and Ms. Kristin Dowdy of the Department of Public Works were present before the Commission on behalf of the Town of Bedford Trails Committee to discuss the proposed installation of bog bridges at various trail locations in Bedford. The proposed installations are within Bordering Vegetated Wetland, Bordering Land Subject to Flooding the 100-foot buffer zones to Bordering Land Subject to Flooding and Bordering Vegetated Wetland. Ms. St. John stated that the vegetation analysis will be the next step and that no work will occur until it is completed.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to close the public hearing. The motion passed 7-0-0. The Order of Conditions will be discussed at the meeting of June 24, 2015.

Trails Committee Charge:

Ms. Adrienne St. John and Ms. Kristin Dowdy of the Department of Public Works were present before the Commission on behalf of the Town of Bedford Trails Committee to discuss the proposed Trails Committee Charge. Mr. Willson stated that he would like to propose a few minor changes to the proposed language which would include the insertion of The Trails Committee working under the supervision of the Bedford Conservation Commission under Responsibilities and under the Membership section the last sentence should say, The Bedford Conservation Commission shall have an opportunity to review and comment on all candidate new members recommended by the Committee before their names are submitted to the Selectmen for appointment.

Mr. Hagan asked if Selectman Mark Siegenthaler had any comments. Selectman Siegenthaler stated that the last sentence does not belong. He continued saying that the process is governed by the Volunteer Coordinating Committee and the Selectmen. Mr. Willson said that that the proposed language should be struck from the draft. The Department of Public Works will revise the Charge.

Request for an Amendment to the Order of Conditions: 285 Great Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Attorney Susan Bernstein and Mr. John Hession of EBI Consulting were both present before the Commission on behalf of the Great Road Shopping Center, LLC requesting an Amendment to the Order of Conditions, DEP File # 103-0716. The applicant is proposing changes to the work originally proposed at 285 Great Road which include a request to approve the long term use of the Interim Outfall and Utility Crossing Plan, dated October 17, 2014. The proposed project is within Riverfront Area to Elm Brook, Bordering Land Subject to Flooding and within the 100-foot buffer zones to Bank, Land Under Waterway, Bordering Vegetated Wetland and Bordering Land Subject to Flooding. Mr. Hession stated that they are requesting that the temporary solution they have approval for through the first Amendment to the Order become the permanent solution. Mr. Hession said that the Department of Public Works comments have been addressed and the modifications to the swale will not impact flood storage. The system now acts more like a detention basin which results in an increase in recharge.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue the Amendment to the Order of Conditions as presented. The motion passed 7-0-0, after which the Amendment was signed.

Request for an Amendment to the Order of Conditions: 201 Burlington Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Mr. Jeff Malloy and Ms. Katie Moniz of the BSC Group were present before the Commission to discuss the proposed site changes at 201 Burlington Road to accommodate the tenant's needs. The new tenant, Keurig, will need to add a loading dock, dumpster enclosure and a concrete pad housing a nitrogen tank. Ms. Bagdonas told the Commission that she believes an Amendment to the Order of Conditions should be required due to the close proximity to Vine Brook. The proposed changes will occur within Riverfront Area, Bordering Land Subject to Flooding, and within the 50-foot buffer zone to Bank and Bordering Vegetated Wetland. Ms. Moniz stated that there will not be an increase in impervious surface calculations in fact compensatory flood storage will increase by approximately 5 cubic yards. The proposed changes will occur within the existing paved area and 348 square feet of parking area will be removed as compensation.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue the Amendment to the Order as presented. The motion passed 7-0-0, after which the Amendment was signed.

Continuation of Public Hearing - Abbreviated Notice of Resource Area Delineation: 150A, 158 & 162 South Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Mr. Steven Eriksen of Norse Environmental Services and Mr. Robert Scarano were both present before the Commission to continue the discussion regarding the wetland evaluation on South Road. Mr. Eriksen stated that he agrees with

the wetland delineation that Ms. Basbanes flagged. Mr. Eriksen believes that upland plants dominate the depression in question and believes that the area is not an Isolated Wetland. Ms. Amy Lloyd, Chair of the Planning Board requested that the Commission make a decision on the wetland tonight instead of postponing to conduct another site visit. Ms. Lloyd stated that the proposed project will create more affordable smaller homes in Bedford and that the owner has provided the Commission with two wetland evaluations.

A motion was made by Mr. Britton and seconded by Mr. Uthoff to approve the wetland as originally delineated. The motion passed 5-0-2 with Ms. Eggert and Mr. Wirth abstaining. The Order of Resource Area Delineation was then signed.

Minutes:

A motion was made by Mr. Britton and seconded by Mr. Willson to approve the minutes of April 22, 2015. The motion passed 4-0-3.

A motion was made by Mr. Britton and seconded by Mr. Wirth to approve the minutes of May 14, 2015. The motion passed 5-0-2.

Request for Determination of Applicability: 13 Beacon Street

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Ms. Pamela Brown of Brown & Brown, PC was present before the Commission on behalf of Jonathan & Christine Zbikowski to discuss a determination on a wetland evaluation report; the proposed filling, loaming and seeding to create lawn; and installation of a shed within possible 100-foot buffer zone to bordering vegetated wetland (bv). Ms. Brown stated that the proposed work will remain outside of the 100-foot buffer zone to bv if the Commission determines that the area in question is not a wetland. The Commission did review the wetland evaluation at a previous meeting. Several neighbors of Washington Street were present. The homeowner agreed to either plant several trees along the property line or to install a fence.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue a negative Determination for reason one stating that the area described in the request is not subject to protection under the Act or the Bylaw. The motion passed 5-0-2, with Ms. Eggert and Mr. Wirth abstaining. The Determination was then signed.

5 Alfred Circle:

Ms. Pamela Brown of Brown and Brown, PC was present before the Commission to discuss moving forward with the repaving of an existing parking lot under a Determination that was issued by the Commission. Ms. Brown said that Ms. Bagdonas requested that she speak to the Commission due to the fact that this property also has an Order of Conditions that does include the repaving as well but that has not gone forward.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to let the applicant proceed with the parking lot repaving under the existing Determination. The motion passed 6-0-1 with Ms. Eggert abstaining.

Abbreviated Notice of Resource Area Delineation: 57 & 75 Hartwell Road

A motion was made and seconded to waive the reading of the public notice. Ms. Pamela Brown of Brown and Brown, PC was present before the Commission to discuss the Abbreviated Notice of Resource Area Delineation submitted by Mary Trudeau on behalf of Bonus Varghese requesting confirmation of the location of delineated wetland boundaries at 57 & 75 Hartwell Road. Ms. Brown stated that she is looking for the approval of wetland flags 21A-E. The project has changed and the other wetland flags are not as important.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to confirm the accuracy of wetland flags 21A- E. The motion passed 7-0-0, after which the Order of Resource Area Delineation was signed.

Certificate of Compliance: 1 El-Will Farm Road

A motion was made by Mr. Uthoff and seconded by Mr. Willson to issue the Certificate of Compliance for 1 El Will Farm Road. The motion passed 7-0-0, after which the Certificate of Compliance was signed.

Certificate of Compliance: 26 Independence Road

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue the Certificate of Compliance for 26 Independence Road. The motion passed 7-0-0, after which the Certificate of Compliance was signed.

Emergency Certification: 213 Burlington Road

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue the Emergency Certification for removal of a fallen tree at 213 Burlington Road. The motion passed 7-0-0.

Bills Payable: Lewis Putney

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue payment to Mr. Lewis Putney in the amount of \$35.00 for the delivery of an Enforcement Order at 13 Beacon Street. The motion passed 7-0-0, after which the bills payable form was signed.

ESS – Irene Road:

A motion was made by Mr. Uthoff and seconded by Mr. Britton to approve Mr. Michael Seekamp as the Environmental Site Supervisor for the Irene Road subdivision. The motion passed 7-0-0.

ESS – 13 Bonnievale Drive:

A motion was made by Mr. Uthoff and seconded by Mr. Britton to approve Mr. Richard Kirby as the Environmental Site Supervisor for 13 Bonnievale Drive. The motion passed 7-0-0.

ESS – 236 Carlisle Road:

A motion was made by Mr. Uthoff and seconded by Mr. Britton to approve Mr. Thomas Hughes as the Environmental Site Supervisor for 236 Carlisle Road. The motion passed 7-0-0.

A motion was made by Mr. Uthoff and seconded by Ms. Eggert to adjourn the meeting. The motion passed 7-0-0 adjourning the meeting.

The meeting was adjourned at 9:09 pm.

The minutes were prepared by Stephanie Ide.

The minutes were approved at the meeting of July 22, 2015.