

**BEDFORD CONSERVATION COMMISSION**  
**Minutes of Meeting**  
**June 25, 2014**  
**Selectmen's Meeting Room**  
**Town Hall, Bedford, MA**

**PRESENT:** John Willson, Chair; John Britton, Clerk; Lori Eggert; Andreas Uthoff  
Elizabeth Bagdonas, Conservation Administrator; Stephanie Ide,  
Conservation Department Assistant

**ABSENT:** Steven Hagan, Vice-Chair; Tim Gray; Allan Wirth

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

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

**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 4-0-0. Mr. William Keating was present before the Commission to discuss the proposed enclosing of an existing deck and construction of a new deck within the 100-foot buffer zone to bordering vegetated wetland. Mr. Keating stated that the new 16x20 deck will be partially located within the 50-foot buffer zone and that he is proposing a 177 square foot compensation area for the intrusion. Mr. Keating said that he had a site visit with Ms. Bagdonas on June 24, 2014 and that Ms. Bagdonas believes that the wetland does extend to the edge of the lawn area. Mr. Keating read and submitted a letter that he prepared stating that he accepts the wetland changes and does not wish to have a delineation done at this time although he is aware that he is able to have a delineation done in the future.

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

1. Larger projects in the future will require a full delineation.
2. The owner may have a wetland delineation performed and reviewed at any time in the future.
3. A photograph shall be submitted of the lawn and wooded edge where the wetland vegetation was observed.

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

**Request for Determination of Applicability: 224 Carlisle Road**

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Ms. Pamela Brown of Brown and Brown and Mr. Mark Sleger of Alan Engineering were present before the Commission on behalf of Premium Homes, LLC to discuss the proposed demolition of an existing house and the construction of a

new house with associated site work within the 100-foot buffer zone to bordering land subject to flooding.

**Request for Determination of Applicability: 226 Carlisle Road**

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Ms. Pamela Brown of Brown and Brown and Mr. Mark Sleger of Alan Engineering were present before the Commission on behalf of Premium Homes, LLC to discuss the proposed demolition of an existing house and the construction of a new house with associated site work within the 100-foot buffer zone to bordering land subject to flooding.

**Request for Determination of Applicability: 87 Old Burlington Road**

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Samuel Chow was present before the Commission to discuss the proposed construction of a breezeway and two-car garage addition within the 100-foot buffer zone to bordering vegetated wetland. The existing driveway was discussed. The applicant does not plan to remove the driveway at this time. Ms. Bagdonas stated that a site visit was done on June 23, 2014 and at the time Mr. Chow asked if he could plant some trees along the edge of the yard. Ms. Bagdonas told the Commission that she believed this to be a great idea and recommended that Mr. Chow use native plants.

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

1. The owner may plant native trees and shrubs by hand within the 25-foot buffer zone without further review.
2. Disposal of yard waste is prohibited within 50 feet of the wetland.
3. Any formal plan submitted to the Code Enforcement Department should be copied to the Conservation Commission.
4. ABC material used as fill or as an asphalt base is prohibited on the site.

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

**Request for Determination of Applicability: 49 Winterberry Way**

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Ellis Kriesberg was present before the Commission to discuss the proposed driveway expansion within the 100-foot buffer zone to bordering vegetated wetland. A brief discussion took place about the use of ABC materials. Ms. Bagdonas informed the Commission that the impervious surface calculations will total 23.4% for the site after the completion of the project.

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

1. The use of ABC materials as fill or an asphalt base is prohibited on the site.

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

### **Request for Determination of Applicability: 404 Davis Road**

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Mikias and Ms. Deidrey Redman were present before the Commission to discuss the proposed expansion of lawn, removal of trees and construction of a fence within the 100-foot buffer zone to bordering vegetated wetland. Ms. Bagdonas stated that a site visit was made on June 23, 2014 and the property was walked. Ms. Bagdonas said that there were several non-native plants present but recommends that a wetland consultant review the boundary and mark it at three locations. Ms. Redman said that they have contacted Ms. Mary Trudeau to come out to look at the wetland.

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

1. The applicant will have Ms. Mary Trudeau flag the wetland at three locations perpendicular to the house and shed foundation. The limit of work shall be at least 27 feet from the flags when removing vegetation and installing the fence.

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

### **Public Hearing – Bylaw Notice of Intent: 2 Harvard Drive**

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Ms. Pamela Brown of Brown & Brown, PC and Mr. Jack Mara of Strawberry Hill Properties were both present to discuss the proposed construction of a single family house and associated site work within the 100-foot buffer zone to an Isolated Wetland. Ms. Brown stated a site visit was made on June 23, 2014. The lot has been vacant for years due to a fire that destroyed the home but the property has been meticulously maintained and an isolated wetland was located at the back of the property. The isolated wetland will be restored and a buffer area has been proposed to protect the restored wetland. Ms. Bagdonas explained to the Commission that the impervious surface calculations for the proposed and existing structures within the 100-foot buffer zone to the isolated wetland will exceed the 25% limitation set in the bylaw. Ms. Bagdonas also mentioned that the bylaw fee needs to be addressed to include all work areas within the buffer. The Commission discussed the impervious surface issue with Ms. Brown and Mr. Mara and suggested that a way to reduce impervious surface on the site could be to install pervious pavers in the driveway and walkways instead of using asphalt.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to close the public hearing contingent upon receipt of an updated plan showing the compensation and limit of work areas as well as a revised impervious surface calculation showing a 25% impervious surface calculation or less. The motion passed 4-0-0. The date to deliberate on the Order of Conditions is to be determined.

**Order of Conditions: 14 Donovan Drive**

A motion was made by Mr. Uthoff and seconded by Ms. Eggert to issue the Order of Conditions as was prepared by Ms. Bagdonas with the modification of condition 26. The motion passed 4-0-0, after which the Order of Conditions was signed.

**Order of Conditions: 1 & 7 Old Billerica Road**

The Commission discussed including a finding that states that the relocation of the driveway is a Riverfront improvement. The Commission would like conditions 21, 22, 27, 28, 30, 34 and 35 marked as not applicable in the Order of Conditions.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue the Order of Conditions as discussed. The motion passed 4-0-0, after which the Order of conditions was signed.

**Certificate of Compliance: 13-15 DeAngelo Drive**

The Commission discussed including continuing conditions within the Certificate of Compliance. Conditions 37, 38 and 40-44 will be continuing conditions in the Certificate of Compliance from the Order of Conditions.

A motion was made by Mr. Uthoff and seconded by Ms. Eggert to issue the Certificate of Compliance with the continuing conditions from the Order of Conditions as discussed. The motion passed 4-0-0, after which the Certificate of Compliance was signed.

**Minutes:**

A motion was made by Mr. Uthoff and seconded by Mr. Willson to approve the minutes of April 16, 2014 and June 16, 2014 as written. The motion passed 4-0-0.

**Hartwell Farms:**

A motion was made by Mr. Uthoff and seconded by Mr. Britton to release the Bond to Hartwell Farms. The motion passed 4-0-0.

**Fill Issues:**

Ms. Bagdonas told the Commission of fill issues that were occurring around town and asked the Commission how they would like her to proceed. The Commission advised Ms. Bagdonas to send the owners who have spread fill a letter telling them to file with the Commission or remove the fill. A vote was not taken.

**Bedford Marketplace:**

Mr. Jeff Malloy of the BSC Group was present before the Commission to request the Commission's approval to accept him as the Environmental Site Supervisor (ESS) for the Bedford Marketplace Project. A motion was made by Mr. Uthoff and seconded by Mr. Britton to approve Mr. Malloy as the ESS for the Bedford Marketplace project. The motion passed 4-0-0.

**201 Burlington Road:**

Mr. Jeff Malloy of the BSC Group was present before the Commission requesting approval to go forward with the mitigation plan for the project at 201 Burlington Road. A motion was made by Mr. Britton and seconded by Ms. Eggert to approve the mitigation portion of the project to go forward contingent upon receipt of the Declaration of Restrictions by the Town of Bedford. The motion passed 4-0-0.

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

*The meeting was adjourned at 9:30 pm.*

*The minutes were prepared by Stephanie Ide.*

*The minutes were approved at the meeting of September 24, 2014.*