

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
July 13, 2016
Selectmen's Meeting Room
Town Hall, Bedford, MA

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

ABSENT: Andreas Uthoff; Allan Wirth

The meeting was called to order at 7:04 pm.

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

5 Alfred Circle:

Ms. Pamela Brown of Brown & Brown PC and Mr. Arthur Mabbett, owner of 5 Alfred Circle, were present before the Commission. Mr. Hagan said that he and Mr. Guardino attended a site visit at 5 Alfred Circle today with Ms. Brown and Mr. Mabbett with inspection of the parking lot area and rock swale taking place. Mr. Hagan continued to say that it was clear from the inspection of the parking area that the elevation had either remained the same or had even been lowered in some areas. Mr. Hagan believes that the area in which the grade was lowered has potentially increased flood storage. The rock swale was installed on the north side of the property towards Lexington Alarm. Ms. Bagdonas would like Mr. Mabbett to document all work that has been done on the site as well as the landscaping work Mr. Mabbett plans to continue and does not see how this can be done without a formal filing with the Commission. Mr. Hagan said that Mr. Mabbett plans on completing the landscaping around the building, to rake out all crumbled asphalt and any other toxic materials, to extend the gravel area adjacent to the asphalt which will require a small amount of fill keeping it below the original elevation level and to replant the adjacent area with grass and native shrubs. Ms. Bagdonas stated that the applicant needs to document the elevations and reminded the Commission that both the Determination and Order of Conditions that had been issued does not include the additional work proposed.

Ms. Brown asked the Commission if they would allow the applicant to provide a plan including elevations. Ms. Bagdonas said that there is no provision to amend a Determination. Ms. Brown said that the parking area was previously approved under the Determination and that the area that crushed stone was place was previously paved therefore seeing this as a drainage improvement. Ms. Eggert believes that the Commission is administratively stuck. Ms. Bagdonas said that the Commission needs a formal submission and added that that there were four conditions in the Determination

that the Commission set that were not honored. Ms. Brown responded saying that Ms. Bagdonas was e-mailed on May 28th and provided Ms. Bagdonas with a copy of the e-mail which said that Mr. Mabbett will begin work on the parking area. Ms. Brown continued to say that the Order of Conditions allows but does not require the applicant to complete all work proposed and that it continues to be valid until 2019. The applicant appealed the Order to DEP but withdrew the appeal therefore going forward with the Determination for the parking lot.

Ms. Bagdonas asked the Commission how they are going to know if drainage characteristics have not changed on the property siting that the OOC required a vegetated rain garden which was not completed; crushed stone is not as good as a vegetated swale. Mr. Mabbett responded saying that he does not want to get into documenting elevations and have the project continue for another six months; I want this resolved tonight. The elevation of the land could not have been altered because the building is slab on grade, people would not be able to enter the building if the elevation had changed. Ms. Bagdonas said that the elevation has not been confirmed.

A motion was made by Mr. Hagan and seconded by Mr. Britton stating that the Commission agrees that in the course of repaving the parking lot, the stone swale was done as an environmental improvement therefore the completed work can be permitted under the existing Determination. The motion passed 3-1-0 with Ms. Eggert voting against.

Ms. Brown stated that improvements are not jurisdictional under the Act. Mr. Hagan sees the work as an improvement. Ms. Eggert asked what the point of having conditions is and why Mr. Mabbett didn't come back before the Commission. Ms. Brown said that she will submit written documentation to the Commission.

A motion was made by Mr. Hagan and seconded by Mr. Guardino saying that given that the Commission receives documentation from the applicant and a clear description of the landscaping work to be completed that the landscaping can go forward but that if the applicant does not submit the recommended documentation the Commission's approval is rescinded. The motion passed 3-1-0, with Ms. Eggert voting against.

Request for Determination of Applicability: 7 Pond Circle

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Victor Zevallos was present before the Commission to discuss the proposed removal of six trees within the 100-foot buffer zone to bordering vegetated wetland. Ms. Bagdonas conducted a site visit and confirmed that the trees to be removed are very close to the house.

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

1. Tree debris to be removed from the property.
2. If the applicant chooses to stump grind, stump grinding debris is to be removed from the property.

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

Request for Determination of Applicability: 79 North Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. David Young and Mrs. Marcy Young were present before the Commission to discuss the proposed construction of a deck within the 100-foot buffer zone to bordering vegetated wetland. The impervious surface calculations for the site will be at 17.2% once the deck is installed.

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

Public Hearing - Abbreviated Notice of Intent: 175 South Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Peter Salem of NJC Development Corp. was present before the Commission to discuss the proposed demolition of an existing house and the construction of a new single family home within land subject to inundation and the 100-foot buffer zone to an isolated vegetated wetland. Ms. Bagdonas stated that a portion of the property is land subject to inundation with an Isolated Wetland and is only subject to the Bylaw. Mr. Salem said that a line of shrubs will be planted at the rear of the property to prevent any alteration to resource areas from occurring. The lawn will be graded inwards and to the rear to prevent flooding on neighboring properties, dry wells will be installed as well as a perimeter drain.

Several neighbors were in attendance to express concerns about the flooding in the area. Mr. Robert Iovino shared pictures of the area properties flooding over the years. Mr. Greg Sharples of 169 South Road stated that his main concern is the land being built up. If the land is the same grade or lower he does not have an issue. Ms. Nancy Lindsy of 169 South Road said that a larger house means a larger elevation and asked where that ground water will be displaced to. Mr. Salem stated that dry wells are proposed to help with water issues. Mr. Hagan recommended that the Commission set a condition stating that the elevation of the property is not to increase and that the final elevations should be documented.

A motion was made by Mr. Britton and seconded by Mr. Guardino to close the public hearing. The motion passed 4-0-0. The Order of Conditions will be discussed at the meeting of July 27, 2016.

Public Hearing – Notice of Intent: Ponds at Mitchell Grant Way/Shire Lane

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Dominic Meringolo of SOLitude Lake Management was present before the Commission on behalf of Bedfordshire Condominium Trust for the proposed aquatic management program to control nuisance & non-native plant growth utilizing treatment with USEPA/MA state registered aquatic herbicides, algaecides, and other BMP's within Land under Waterbodies and Waterways. Mr. Meringolo discussed the numerous non-native vegetation that is starting to take over two of the ponds at the

Condominiums. He stated that they plan to conduct treatments in the ponds during the day in dry conditions with annual treatments as necessary.

A motion was made by Mr. Britton and seconded by Mr. Guardino to close the public hearing. The motion passed 4-0-0. The Order of Conditions will be discussed at the meeting of July 27, 2016.

Order of Conditions: 38 Wildwood Drive

A motion was made by Mr. Britton and seconded by Mr. Guardino to issue the Order of Conditions for 38 Wildwood Drive as discussed and revised. The motion passed 4-0-0, after which the Order was signed.

A motion was made by Mr. Guardino and seconded by Mr. Britton to adjourn the meeting. The motion passed 4-0-0 adjourning the meeting.

The meeting was adjourned at 9:11 p.m.

The minutes were prepared by Stephanie Ide.

The minutes were approved at the meeting of September 14, 2016.