

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
August 12, 2015
Selectmen's Meeting Room
Town Hall, Bedford, MA

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

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.

Bylaw Discussion:

Mr. Willson stated that the reorganization and reformatting of the Bylaw had been the primary intent of the Commission during this process. Mr. Willson said that he hopes that after the Commission discusses the final proposed version of the draft Bylaw that they would vote to approve the revised bylaw and forward it to the Selectmen for their review.

The Commission reviewed and discussed the edited version of the draft Bylaw as prepared by Mr. Willson which included minor editing recommendations from Ms. Bagdonas. There were only three items proposed to be included in the new draft Bylaw that are not part of the existing Bylaw:

1. Providing an administrative alternative for disposition of certain straightforward, noncontroversial development proposals;
2. Allowing a graduated scheme for determining the amount of noncompliance penalties owed by violators, designed to encourage early settlement;
3. Incorporating the language of the Commission's existing policy on tree removal into the wording of the Bylaw itself

Mr. Hagan requested that the Commission also make an additional change to the Bylaw eliminating the existing language that includes "intermittent stream" as a wetland resource area subject to protection. This was discussed by the Commission; Ms. Bagdonas advised against the change as it would remove a resource area type protectable under MGL 131, s.40. Mr. Hagan requested a vote of the Commission. A motion was made by Mr. Hagan and seconded by Mr. Uthoff to approve the removal of "intermittent stream" from the proposed section 54.3 of the final version of the draft Bylaw. The motion passed 4-3-0, with Mr. Willson, Ms. Eggert and Mr. Wirth voting against.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to remove the words, "and animal", from the proposed section 54.2 of the final version of the draft Bylaw. The motion passed 4-3-0, with Mr. Willson, Ms. Eggert and Mr. Wirth voting against.

A motion was made by Mr. Willson and seconded by Mr. Uthoff to “vote to approve the proposed revised Town of Bedford Wetlands Protection Bylaw dated August 12, 2015 as amended by our discussion and forward it to the Selectmen, along with a separate document comparing it section by section with the wording of the current Bylaw, recommending that they prepare the appropriate article for inclusion in the Warrant for the next Town Meeting.” The motion passed 6-1-0 with Mr. Wirth voting against.

Request for Determination of Applicability: 312 Concord Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Mr. David Giannetta of Meadowbrook Investments was present before the Commission to discuss the proposed installation of 608 square feet of lawn within the 100-foot buffer zone to bordering vegetated wetland at 312 Concord Road. Mr. Giannetta stated that 101 linear feet of silt fencing will be installed. Ms. Bagdonas stated that she reviewed the delineation and recommended that the Commission confirm Wetland Flags 8 and 9. Flag 6 is to be revised on the plan and flag 7 should be removed.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue a positive Determination for reasons 2A and 5 and negative for reason 3 with the following condition:

1. A yard waste area shall be defined on the site plan and approved by the Commission.

The motion passed 6-0-1 with Mr. Guardino abstaining, after which the Determination was signed.

Request for Determination of Applicability: 5 Notre Dame Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Mr. Brian Ricci was present before the Commission on behalf of Mr. Patrick Gordan to discuss the proposed installation of a six foot fence within the 100-foot buffer zone to bordering vegetated wetland at 5 Notre Dame Road.

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

Request for Determination of Applicability: 178 Springs Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Mr. Doug Touart of Touart Design and Construction was present before the Commission to discuss the proposed two car addition with entryway, removal of a storage area and the removal of rear deck screening within the 100-foot buffer zone to bordering vegetated wetland located at 178 Springs Road. Mr. Touart also proposes to remove the debris of an old shed located near wetland flag 10. The debris was thrown over the stone wall on the property. Ms. Bagdonas reviewed the wetland delineation and recommended that the Commission approve wetland flags 4, 5, 6, 7, 8, 9, and 10.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to issue a positive Determination for reasons 2A and 5 and negative for reason 3 with the following conditions:

1. Debris within the 25-foot protected buffer shall be removed from the site.
2. Yard waste shall not be disposed of within the 25-foot buffer.
3. Erosion control shall be installed as shown on the submitted plan.
4. Soils information shall be submitted as established during the wetland delineation.

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

Request for Determination of Applicability: 12 Dewey Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Mr. John Strazzullo was present before the Commission to discuss the proposed temporary trenching to install a two inch gas line which will provide gas service at 12 Dewey Road. The proposed project will be within the 100-foot buffer zone to bordering vegetated wetland.

A motion was made by Mr. Britton and seconded by Mr. Uthoff to issue a positive Determination for reasons 2A and 5 and negative for reason 3 with the following finding:

The Commission finds that an additional wetland area exists on the site, as shown on the submitted Town GIS Map/Sketch. The property owner may elect to have a wetland delineation performed for submittal to the Commission for approval, during the period the Determination remains current. The Commission would like to include the following conditions:

1. Construction shall not be scheduled during a significant forecasted rainfall event.
2. The culvert under the driveway shall not be disturbed during construction.
3. Erosion control materials shall be available on site during construction.

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

Request for Determination of Applicability: 31 Sweetwater Avenue

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Mr. William Simons was present before the Commission to discuss the proposed construction of a 24 x 36 addition within the 100-foot buffer zone to bordering vegetated wetland at 31 Sweetwater Avenue. Mr. Simons stated that the total impervious surface calculations for the lot will be 16.1%. A section of the driveway that is located within the 25-foot buffer will be removed and a compensation area is proposed.

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. Photographs and notes shall be submitted over the period of the Determination to document conditions within the 25-foot protected buffer and both

compensation areas, to include documentation of reduction in yard uses within the 25-foot protected buffer.

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

Public Hearing – Notice of Intent: 7 Alcott Street

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Mr. Paul Marchionda and Mr. Craig Marchionda of Marchionda & Associates were both present on behalf of Mike Welch of Quality Additions, also present, to discuss the proposed construction of a single family house, driveway and associated utilities within Bordering Land Subject to Flooding, Riverfront Area and the 100-foot buffer zones to Bank, Bordering Land Subject to Flooding, and Bordering Vegetated Wetland at 7 Alcott Street. The Commission reviewed the proposal dated August 12, 2015 for a peer wetland review submitted by Mr. Art Allen of EcoTec. The cost of the peer review is estimated at \$1,600.00. Mr. Hagan asked if the applicant would be willing to pay for the peer review. The applicant agreed and stated that the payment would be submitted to the Conservation Office on August 13, 2015.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to continue the public hearing with the permission of the applicant to the meeting of August 26, 2015 pending the completion of the peer wetland review of 7 Alcott Street. The motion passed 7-0-0.

Minutes:

A motion was made by Mr. Britton and seconded by Mr. Guardino to approve the minutes of July 8, 2015 and July 22, 2015 as written. The motion passed 4-0-3, with Mr. Uthoff, Ms. Eggert and Mr. Willson abstaining due to absence.

US Navy Ground Water Monitoring:

Ms. Bagdonas informed the Commission that the US Navy will be conducting ground water monitoring at the former Navy site off of Hartwell Road. A pipe will be installed to allow for the water sampling and immediately removed once completed. The work will take place for one day and is being overseen by both DEP and the EPA. Such work is exempt under the Wetlands Protection Act if proposed at a Super Fund site.

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

The meeting was adjourned at 9:15 pm.

The minutes were prepared by Stephanie Ide.

The minutes were approved at the meeting of September 9, 2015.