

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
August 13, 2014
Selectmen's Meeting Room
Town Hall, Bedford, MA

PRESENT: Steven Hagan, Vice-Chair; John Britton, Clerk; Andreas Uthoff; Allan Wirth; Joseph Guardino
Stephanie Ide, Conservation Department Assistant

ABSENT: John Willson, Chair; Lori Eggert;
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: 54 Loomis Street

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Gene Sullivan was present before the Commission on behalf of Loomis Street Development LLC for the proposed construction of a new outdoor seating area along the Minuteman Bikeway within the 100-foot buffer zone to isolated vegetated wetland. Mr. Sullivan stated that this project involves redevelopment of the site. The building will consist of apartments, condo's and retail space. The only thing proposed within the 100-foot buffer to an isolated wetland is the construction of a pervious paver patio to create a seating area near the Minuteman Bikeway.

A motion was made by Mr. Wirth and seconded by Mr. Britton to issue a negative Determination for reason three and a positive Determination for reason five. The motion passed 5-0-0, after which the Determination was signed.

Request for Determination of Applicability: 22 Paul Revere Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Richard Townsend of Homestead Design and Mr. Steve Ferris, homeowner, were present before the Commission to discuss the proposed construction of a two car garage within the 100-foot buffer zone to bordering vegetated wetland.

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 5-0-0, after which the Determination was signed.

Request for Determination of Applicability: 3 Mill Dam Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Vasyl Pominov was present before the Commission to discuss the proposed installation of a fence within the Riverfront Area to the Shawsheen River

and the 100-foot buffer zones to bordering land subject to flooding and bordering vegetated wetland. Mr. Pominov stated that the fence will be installed for child safety.

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 5-0-0, after which the Determination was signed.

Request for Determination of Applicability: 26 Notre Dame Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Ms. Megan Dunne and Mr. Garrett Dunne were present before the Commission to discuss the proposed removal of 26 trees and landscaping 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 negative Determination for reason three and a positive Determination for reason five. The motion passed 5-0-0, after which the Determination was signed.

Request for Determination of Applicability: 28 Houlton Street

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Francis McCarthy was present before the Commission for the proposed demolition of an existing home, construction of a new single family home, grading and landscaping within the 100-foot buffer zone to bordering vegetated wetland. Mr. Uthoff recommended two conditions to have haybales installed on the property line and to keep all heavy machinery out of the 100-foot buffer zone.

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 5-0-0, after which the Determination was signed.

Request for Determination of Applicability: 44 Meadowbrook Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Joseph Guardino recused himself and was present before the Commission to discuss the proposed removal of six trees within the Riverfront Area to Vine Brook and the 100-foot buffer zones to bordering land subject to flooding and bordering vegetated wetland. Mr. Guardino stated that all six trees are in front of the house and close to electrical wires.

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 5-0-0, after which the Determination was signed.

Public Hearing – Notice of Intent: 32 Shawsheen Avenue

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Arthur Allen of EcoTec, Inc. and Mr. Carl Gehring of Verizon Wireless were present before the Commission to discuss the proposed 690 square foot communications compound expansion to the existing cell tower compound within the

Riverfront Area to the Shawsheen River and the 100-foot buffer zone to Bordering Land Subject to Flooding. Mitigation work is proposed within the 100-foot buffer zone to Bank, within the 100-year floodplain and within the Riverfront Area. Mr. Allen stated that the revised plan submitted this evening shows the correct mitigation areas which includes the current proposed 650-750sf mitigation area. Mr. Allen explained that a site visit took place with Mr. Hagan and Mr. Guardino. Mr. Allen pointed out that piles of soils and landscaping materials are located in the original mitigation area for the cell tower construction. Those soils will be removed to grade and replanted with native plantings. A natural gas generator will be installed on site with gas being piped to it from Shawsheen Avenue. There will be no fuel storage on site. The Commission discussed requiring the placement of boulders along the mitigation areas to prevent intrusion.

A motion was made by Mr. Guardino and seconded by Mr. Uthoff to close the public hearing. The motion passed 5-0-0. The Order of Conditions will be discussed at the meeting of August 27, 2014.

Request for an Amendment to the Order of Conditions: 150 – 168 Great Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Marc Gabriel of the BSC Group was present before the Commission to Request an Amendment to the Order of Conditions, DEP File#103-0646, on behalf of Realty Financial Partners, c/o Hamlin Development, LLC, for the proposed building and parking lot modifications within the 100-foot buffer zone to Bordering Vegetated Wetland. Mr. Gabriel stated that the proposed changes will result in a 400 square foot decrease in impervious area and an increase in the restoration area within the 25-foot buffer zone to bordering vegetated wetland. The Bedford Marketplace site will have an overall decrease of 5,400 square feet of impervious area within the buffer zone.

A motion was made by Mr. Britton and seconded by Mr. Uthoff to close the public hearing. The motion passed 5-0-0. The Amended Order of Conditions will be discussed at the meeting of August 27, 2014.

Enforcement: 398 Davis Road

Mr. Hagan and Mr. Britton stated that they had conducted a site visit. Mr. Hagan stated that Mr. Ferrante has removed the foundation from the 50-foot buffer zone to conform to the approved plan.

Bills Payable: Jordan Gardens

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue payment of \$150.00 to Oxbow Gardens for lawn services rendered on July 11, 2014; July 23, 2014; and August 2, 2014. The motion passed 5-0-0, after which the bills payable form was signed.

Certificate of Compliance: 6-8 Preston Court

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue the Certificate of Compliance for 6-8 Preston Court. The motion passed 5-0-0, after which the Certificate of Compliance was signed.

226 Carlisle Road:

Ms. Ide explained that the contractors for 226 Carlisle Road had asked to start work but that there was a condition that had not been met yet. The condition states:

Prior to site grading and construction, the contractor shall provide the commission documentation regarding the source of all fill to be brought onto the site. The documentation should also identify the constituents of such fill, which may not include remnants of asphalt, glass, concrete, metal, brick, plastic or other construction, demolition or excavation debris or “ABC” combinations thereof.

Ms. Ide said that she has not received the correct documentation to date. After discussion with the Code Enforcement Officer She asked that the Commission require a letter from the contractors stating that no fill will be brought on the site in order to obtain the sign off on the building application. If the letter is not provided by the contractors the Commission would like them to meet the original condition.

A motion was made by Mr. Britton and seconded by Mr. Hagan to require a letter from the contractors stating that no fill will be brought on the site in order to void the discussed condition and obtain the sign off on the building application. The motion passed 5-0-0.

Friends of Fawn Lake:

The Friends of Fawn Lake gathering is scheduled to take place on September 28, 2014 from 2:00-4:00 pm.

A motion was made by Mr. Uthoff and seconded by Mr. Britton to allow the Friends of Fawn Lake to use the Fawn Lake Conservation Area for their gathering with the condition that they clean up the area when the event is over. The motion passed 5-0-0.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to adjourn the meeting. The motion passed 5-0-0 adjourning the meeting.

The meeting was adjourned at 8:05 pm.

The minutes were prepared by Stephanie Ide.

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