

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
August 14, 2013
Selectmen's Conference Room
Town Hall, Bedford, MA

PRESENT: Steven Hagan, Chair; John Willson, Vice-Chair; Andreas Uthoff; Tim Gray;
Lori Eggert
Stephanie Ide, Conservation Department Assistant

ABSENT: Allan Wirth, Clerk; 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: 18 Temple Terrace

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Haizheng Zhang was present before the Commission to discuss the proposed installation of a shed within the 100-foot buffer zone to bordering vegetated wetland. The shed will be approximately 70 feet from the wetland.

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

Request for Determination of Applicability: 85 Old Burlington Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Ms. Veronica Chester was present before the Commission to discuss the previous removal of trees within the 100-foot buffer zone to bordering vegetated wetland. Ms. Chester explained that she was unaware that she was in a buffer area to wetland, the wetland is across the street from her, and unfortunately was at work when the tree work was done. The tree removal contractors did dump some tree debris in the wetland and it has since been removed.

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

Continuation of Public Hearing – Notice of Intent: 11 Elmbrook Road

Mr. Dan Wells of Goddard Consulting LLC was present before the Commission on behalf of Lizbeth Stang to continue the discussion on the proposed demolition of the existing

house and construction of a new house. The proposed project will take place within the Riverfront Area to Elm Brook and within the 100-foot buffer zones to Bordering Vegetated Wetland and Bordering Land Subject to Flooding. Mr. Wells stated that a site visit was made by Ms. Bagdonas. The Commission discussed a depression towards the middle of the property. Mr. Wells stated that he believes the area in question was an old catch basin that has since dried up when the neighborhood was constructed.

A motion was made and seconded to close the public hearing. The motion passed 5-0-0.

Public Hearing – Notice of Intent: 201 Burlington Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Stephen Martorano and Mr. Jeff Malloy of the BSC Group, Inc. were present on behalf of Tremview Investments, LLC to discuss the proposed excavation of contaminated soil and backfilling with clean soil along portions of the foundation. The proposed project is within Bordering Land Subject to Flooding, the Riverfront Area to Vine Brook and the 100-foot buffer zones to Vine Brook and Bordering Vegetated Wetland. Mr. Willson asked what type of contaminants are in the soil. Mr. Martorano stated that there are PCB's in the soil. The soil will be removed and clean soil will be brought in at existing grades. The Commission discussed the storage of the contaminated soils. Ms. Eggert asked where the contaminated materials are disposed of. Mr. Malloy said that the soil will be brought to a toxic waste dump in New York.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to close the public hearing. The motion passed 5-0-0.

Bills Payable: Jordan Gardens Mowing

A motion was made by Mr. Uthoff and seconded by Mr. Willson to issue payment to Oxbow Gardens in the amount of \$100.00 from the Jordan Gardens Account for lawn services rendered on July 16, 2013 & July 31, 2013. The motion passed 5-0-0, after which the bills payable form was signed.

Order of Conditions: 41-43 Concord Road

Mr. Hagan recused himself and left the table. A motion was made by Mr. Willson and seconded to approve the compensation plan. The motion passed 5-0-0. The Commission reviewed the draft Order of Conditions. All conditions in the draft Order will remain the same and the following two conditions will be included in the special conditions specific to this project section of the Order:

1. No salt shall be used to control ice or snow on the driveway.
2. The compensation areas shall be provided as located on the approved Site Plan dated, August 12, 2013.

A motion was made by Mr. Uthoff and seconded by Mr. Willson to issue the Order of Conditions for 41-43 Concord Road as discussed. The motion passed 4-0-0, after which the Order was signed.

Order of Conditions: 241 Davis Road

The Commission reviewed the draft Order of Conditions. Conditions 25-28, 35, 37-37, 41 and 45 will be removed from the Order of Conditions by stating that they do not apply. The following two conditions will be included in the special conditions specific to this project section of the Order:

1. The burden is on the applicant to demonstrate that, after completion of the work, the final elevations conform to current FEMA Flood Plain Map elevations.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to issue the Order of Conditions for 241 Davis Road as discussed. The motion passed 5-0-0, after which the Order was signed.

Order of Conditions: Route 3NB at Ramp 62B

The Commission reviewed the draft Order of Conditions. All conditions in the draft Order will remain the same and the following condition will be included in the special conditions specific to this project section of the Order:

1. **Environmental Site Supervisor.** An Environmental Site Supervisor shall be approved by the Commission prior to the start of construction and shall provide the Commission with weekly reports to include photographs.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to issue the Order of Conditions for Route 3NB as discussed. The motion passed 4-1-0, with Mr. Hagan abstaining. The Order was then signed.

Order of Conditions: 11 Elmbrook Road

The Commission reviewed the draft Order of Conditions. All conditions in the draft Order will remain the same and the following condition will be included in the special conditions specific to this project section of the Order:

1. A landscape plan shall be submitted to and approved by the Commission for the proposed compensation area.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to issue the Order of Conditions for 11 Elmbrook Road as discussed. The motion passed 5-0-0, after which the Order was signed.

DEP Wetland Form:

A motion was made and seconded to suspend the use of the DEP site visit form until further discussion of the Commission at a September meeting. The motion passed 4-1-0 with Ms. Eggert abstaining.

Massport Perimeter Road:

Mr. Uthoff and Mr. Hagan attended a site visit with Massport officials regarding the perimeter road at the Hanscom Airfield. They reported to the Commission that site looks good.

A motion was made and seconded to adjourn the meeting. The motion passed 5-0-0, adjourning the meeting.

Meeting was adjourned at 9:15 pm.

Minutes were prepared by Stephanie Ide.

Minutes were approved at the meeting of September 25, 2013.