

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
September 11, 2013
Selectmen's Conference Room
Town Hall, Bedford, MA

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

ABSENT: Allan Wirth, Clerk; Andreas Uthoff; Tim Gray

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: 499 South Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Charles Strickland was present before the Commission on behalf of Thomas Schluckebier of the United States Air Force to discuss the proposed clearing of a 20-foot swath of vegetation within the 100-foot buffer zone to bordering vegetated wetland. The proposed project is located at Hanscom A.F.B Fancamp. Mr. Strickland stated that a site visit had been made by Ms. Bagdonas and that the vegetation to be removed is mostly brush.

A motion was made by Mr. Willson and seconded by Mr. Britton to issue a negative Determination for reason three and a positive Determination for reason five with a condition stating that the USAF is allowed to clear vegetation 25-feet from the pavilion. The motion passed 4-0-0, after which it was then signed.

Minutes of the following hearing were prepared by Stephanie Ide and Elizabeth Bagdonas.

Request for Determination of Applicability: 2 Otis Street

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Art Smith of Art Smith & Associates was present before the Commission on behalf of Ms. Sarah Dorer to discuss the proposed demolition of an existing deck, stairs and concrete pad and the construction of a new deck, stairs and concrete pad within the 100-foot buffer zone to bordering vegetated wetland. He explained discrepancies in the plans and how he had attempted to resolve them. The location of the permanent granite bounds did not exactly match the wetland boundary as shown on the plan of record. He stated that he was making a two-part proposal: to replace the deck and provide a corrected plan.

Mr. Smith explained that some gradual incursions into the wetland had taken place over time. A patio had also been built that the contractor had said was "no problem" and

would be pervious, although it was not. Mr. Smith had re-calculated the overall impervious surface as 19%. Ms. Bagdonas commented that the original house project allowed some lawn area within the 25-foot buffer, and that the Order of Conditions required permanent bounds along the wetland boundary to serve as a limit of yard use. The incursions over time included beekeeping and gardening activities, bird feeders, composters and an extended lawn, part of which intruded into the wetland as indicated by the bounds. Mr. Smith pointed out the line between the bounds as shown on the plan, stating that the area was about 200 square feet.

Mr. Hagan read a section from the wetland regulations that exempted lawn mowing. Ms. Bagdonas stated that this exemption would not apply to mowing within a wetland.

Mr. Willson suggested addressing the currently proposed project first, and discussing conditions to cover other issues, such as a review of mowing limitations, and potential introduction of native species into the wetland area as defined by the existing bounds. Ms. Bagdonas suggested a condition allowing a new wetland delineation by a qualified consultant.

A motion was made by Mr. Britton and seconded by Mr. Willson to issue a negative Determination for reason three and a positive Determination for reason five with the following condition: The applicant has the option to have a wetland delineation done and reviewed within the next three years. The motion passed 4-0-0, after which it was then signed.

Request for Determination of Applicability: 11 Notre Dame Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Ms. Mary Trudeau was present before the Commission on behalf of David Bernstein to discuss the proposed clearing of trees and landscaping within the 100-foot buffer zone to bordering vegetated wetland. Ms. Trudeau stated that clearing and landscaping will remain 40 feet away from the wetland and straw wattles will be placed at the limit of work. Wetland flags 5, 6A and 7 were approved by the Commission.

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

1. Straw wattles shall be placed at the limit of work shown on the revised plan dated 9/10/13.
2. Stakes shall be placed at the limit of work shown on the revised plan; Photographs shall be submitted to the Commission before and after landscaping showing the limit of work and stakes.

The motion passed 4-0-0, after which it was then signed.

Request for Determination of Applicability: 15 Notre Dame Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Ms. Mary Trudeau was present before the Commission on behalf of David Bernstein to discuss the construction of a house and confirmation of a wetland boundary. Ms. Trudeau stated that no work is proposed within the 100-foot buffer to bordering vegetated wetland.

A motion was made by Mr. Willson and seconded by Mr. Britton to issue a negative Determination for reason four and a positive Determination for reason five with the following condition: Stake the 100-foot buffer zone at two points across the lot and submit photographs to the Commission before and after the work, showing the limit of work and stakes. The motion passed 4-0-0, after which it was then signed.

Minutes of the following hearing were prepared by Stephanie Ide and Elizabeth Bagdonas.

Public Hearing – Notice of Intent: 43 Washington Street

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Richard Kirby of LEC Environmental Consultants, Inc. was present before the Commission on behalf of Shaun & Jennifer Kennery to discuss the proposed demolition of an existing addition and construction of a new addition and a 16x20 deck within Riverfront Area to Elm Brook and the 100-foot buffer zones to Bank, Bordering Vegetated Wetland and Bordering Land subject to Flooding. Mr. Kirby stated that the applicants are proposing to remove an area of mulch and plastic near the brook and replace it with native plantings, which he stated would result in a 600 square foot area of Riverfront restoration.

Mr. Kirby submitted a letter dated September 11, 2013 which addressed the items in Ms. Bagdonas' memo dated September 9, 2013. The letter reviews how the applicant complies with the Riverfront regulations, and provided a summary of alternatives. He stated that the current proposal was consistent with recent projects on other properties in the neighborhood. He added that because the riverfront regulations for new projects require a 100-foot wide buffer to the maximum extent possible, he had increased the proposed planting area by an additional 8 feet. [8 feet of existing forest by the river, 8 feet of restoration/planting in the mulched area, and an additional 8 feet beyond that, resulting in a strip of 22 to 24 feet, or 1,400 square feet.]

Ms. Bagdonas then explained issues related to changes in the yard as indicated by the aerial photos taken in 2003, which is the aerial datalayer on the current Town GIS maps. The 2003 photo indicates an area with trees and brush extending from the brook up into an area that is now lawn; current conditions can be viewed in an on-line aerial. Mr. Kirby stated that the present owners acquired the lot in 2009 from family members, who had removed a tree. Ms. Bagdonas recommended re-establishing the wetland and buffer area based on the Town's GIS maps, and for Mr. Kirby to provide the Commission with a soils profile, to which Mr. Kirby agreed.

A continuation of the public hearing was requested by the applicant. The Commission would like a soils profile done within the lawn area near the brook at two locations approximately 30 feet from the rear lot line. Ms. Bagdonas will consult with the Town GIS Analyst on the accuracy of the Town GIS maps, property line locations, and map comparisons. Mr. Kirby will be present at this meeting.

A motion was made by Mr. Britton and seconded by Mr. Willson to continue the public hearing to the meeting of October 2, 2013. The motion passed 4-0-0.

The following portion of the minutes were prepared by Elizabeth Bagdonas and John Willson.

New Business

A motion was made by Mr. Willson and seconded by Mr. Britton to ratify the Emergency Certification for 14 DeAngelo Drive. The motion passed 4-0-0, after which the document was signed.

Little Meadow Hedge Pruning: Sandy and Randi Currier

Sandy and Randi Currier of 265 Davis Road appeared before the Commission to request permission to remove some shrubs and prune others within a hedge located on the Little Meadow Conservation Area adjacent to their property. They asked to be allowed to remove some of the non-native, invasive species. When they first owned the property, they thought the hedge was theirs and tried to keep it pruned. However, it became overgrown with bittersweet, poison ivy, multiflora rose and glossy buckthorn. They contacted Oxbow Gardens to do the work, and had received a quote for work along the northerly property line, where there are no conservation issues. If approved, Oxbow would do the hedge thinning. The Curriers were also requesting permission to keep the hedge pruned after the initial thinning; they planned to keep and prune the Japanese barberry. All of the work would be paid for by the Curriers.

Discussion followed regarding the options of cutting the entire hedge and then keeping the area mowed, but the Curriers liked having a more managed hedge for a privacy screen. Ms. Currier stated that if they received permission to have Oxbow do the initial work and then paid to have it done, they would like a 20-year guarantee that they would be able to keep pruning the hedge.

Ms. Bagdonas stated that the option of a 20-year guarantee could be included in a request to Town Counsel to review the proposal, along with questions about liability waivers. The Curriers confirmed that both they and Oxbow would be using power tools for the work.

The Commission summarized the request that the Curriers, residing at 265 Davis Road, would like permission to manage the hedge at the Little Meadow Conservation Area at their expense with appropriate agreements, with the work to be done by either the residents or their contractor(s). The Commission directed the Administrator to seek Town Counsel review, and agreed that such an arrangement would be a useful precedent. This matter would be kept on the agenda for the meeting of September 25th.

16 Winterberry Way – Tree Removal: Kristine Shah

Ms. Shah appeared before the Commission. She described her recent fence project, and informed the Commission that during the installation the presence of a few dangerous trees had been brought to her attention by the contractor. He told her that once the fence was installed the tree removal would be difficult. She had one oak tree removed that was hanging over the house and brushing the skylight, and two trunks of a four-stemmed red maple removed as well. This work came to the attention of Ms. Bagdonas, who consulted with Mr.

Hagan and approved a single tree emergency removal. Ms. Shah added that she was now seeking resolution of the issue.

Ms. Bagdonas reminded the Commission that during the fence hearing, the subject of the 25-foot buffer and conservation restriction area was discussed. The trees and trunks that were removed were within both of these areas. She suggested re-planting with lower-growing species to provide a better trail buffer and restore the conservation restriction boundary near the yard. Ms. Shah agreed to do this. A motion was made, seconded and passed to ratify an Emergency Certification. Ms. Bagdonas later informed the Commission that an Emergency Certification had not been issued, so did not need to be ratified.

Ms. Eggert moved that the residents at 16 Winterberry Way be required to re-establish a visibility barrier between the end of their yard area and the walking trail. The planting can be either shrubs or trees, selected from a list of native species provided by the Conservation Administrator, with the planting to be completed within 8 months. Mr. Willson seconded this motion, which was approved 4-0-0. (*Notes for this paragraph taken by Mr. Willson*)

Fawn Lake: Review of Application for Community Preservation Funds

Adrienne St. John of the Bedford Department of Public Works presented a revised funding request to the Commission. She described how she had arrived at the projected cost of \$50,000. She stated that she wanted to go to the Community Preservation Committee for a funding request in this amount to have the lake future studied.

Mr. Hagan asked if funding for the dam would be worked into the request. Ms. St. John explained that although the dam was on the State list for repairs, the State was at present still working on the higher priorities. Mr. Hagan asked if the State could require repairs. Ms. St. John stated that the State would set a schedule, which the Town would have to meet to avoid being fined.

Ms. St. John continued by stating that if the Commission was proposing having the pond studied, the review should include dredging all or part of the pond. For this reason she had put a “place holder” in the application of \$1,000,000. This amount was on the high end, and could be lower, depending upon what the consultant recommends. She also stated that the total cost of the hydroraking had been approximately \$300,000. This was a combination of expenses by the Commission and DPW.

Mr. Hagan stated that for now the request amount would be \$50,000. A study would give options and a cost approach – final numbers do not have to be put in, but an estimate is fairer to the Town. Mr. Willson wondered if it would be better to enter in a range of costs. He added that this was a serious decision and that the Town needs to know.

Discussion followed on the history of the pond, dam and sediment build-up. Ms. Bagdonas stated that the goal was a long-term management plan with a conservation area -wide study. Ms. St. John added that it was a joint request from the Commission and DPW.

A motion was made by Mr. Willson that the Conservation Commission, in conjunction with the Department of Public Works, submit the project sheet and request for \$50,000 in FY14, to develop a management plan for Fawn Lake. The motion was seconded by Mr. Britton and passed 4-0-0. Lori Eggert requested a few edits, and will forward them to Ms. St. John.

Wilson Mill Site – Canoe Launch Repair

Ms. St. John summarized the construction of the canoe launch, stating that originally it was designed as a gravel ramp from the parking area to the pond. The ramp lasted well all last winter, but washed away in June after a series of storms. The damage was fixed, and a berm was installed, but in the summer the ramp washed out again. The design engineer was consulted, and he informed DPW that runoff was going through the gravel parking area and under the ramp because the material there was looser. The engineer has now proposed digging out the stone dust and installing a geogrid, which would then be filled with stone dust. There will be a new concrete trench at the top of the ramp,

The options for permitting the repair included 1) Amendment to the Order; 2) Emergency Certification; 3) approving the proposed repair as covered under the existing Order of Conditions. A discussion on proceeding under the original Order followed, and there was a general agreement to go forward with respect to using the method outlined in the memo from Ms. St. John to the Commission dated September 9, 2013.

Minutes

A motion was made by Ms. Eggert to approve the minutes of August 28, 2013. The motion was seconded by Mr. Willson and passed 4-0-0.

The meeting was adjourned at 10:00 pm.

The minutes were prepared by Stephanie Ide and Elizabeth Bagdonas.

The minutes were approved at the meeting of September 25, 2013