

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
September 30, 2015
Selectmen's Meeting Room
Town Hall, Bedford, MA

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

ABSENT: John Britton, Vice-Chair; Allan Wirth

The meeting was called to order at 7:05 pm.

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

5-7 Alaska Avenue:

Mr. David Bernstein was present before the Commission to request approval of the proposed erosion control plan for 5-7 Alaska Avenue. The Commission reviewed the revised plan.

A motion was made by Mr. Uthoff and seconded by Mr. Willson to approve the erosion control plan as a minor change. The motion passed 4-0-0.

Request for Determination of Applicability: 23 Selfridge Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Jianhua Lu was present before the Commission to discuss the proposed removal of two to three trees leaning towards the house that are within the 100-foot buffer zone to bordering vegetated wetland. Mr. Lu stated that the shade of the trees on his roof has produced mold in the attic of his house. The Commission discussed the removal of a third tree within the 25-foot buffer zone. Ms. Bagdonas said that the tree could be removed but recommended that the Commission require compensation for the removal by allowing an area of currently maintained lawn to naturally vegetate.

A motion was made by Mr. Willson and seconded by Mr. Uthoff to issue a positive Determination for reason five and a negative Determination for reason three for the removal of all three trees with the following conditions:

1. A compensation area is to be provided as shown on the plan by letting the area return to a natural state.
2. Yard waste disposal within the 25-foot buffer is prohibited.

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

Request for Determination of Applicability: 265 North Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Ms. Pamela Brown of Brown and Brown, PC and Mr. Sonny Ferrante of Ferrante Construction were present before the Commission to discuss the proposed demolition of an existing house and the construction of a new single family home and site grading within the 100-foot buffer zone to a wetland described by the applicant as an Isolated Wetland. Ms. Bagdonas stated that the wetland to be discussed is a bordering vegetated wetland due to the presence of a stream and should be recognized as such in the decision. Ms. Brown said that all work will take place within the existing fenced in area and that erosion control measures are proposed.

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

1. Erosion control shall be installed along the interior fence, near the low point of the site.
2. A lawn restoration plan shall be submitted in the spring of 2016, showing the areas to be re-loamed as well as any elevation changes.
3. No applications of herbicides, pesticides or inorganic chemical fertilizers will be permitted on this site within 25 feet of a wetland.

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

Request for Determination of Applicability: 18 Paul Revere Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Matthew Gilarde was present before the Commission to discuss the proposed construction of a farmer's porch within the 100-foot buffer zone to bordering vegetated wetland. Mr. Gilarde is also seeking approval for the removal of non-native invasive plants within the 25-foot buffer.

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

1. The compost pile is to be relocated to an area outside of the 25-foot buffer.
2. The Commission grants permission to remove non-native invasive species by hand within the 25-foot buffer.

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

Request for Determination of Applicability: 6 Kingsley Terrace

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Ms. Sheila Abraham was present before the Commission to discuss the proposed construction of an addition and deck within the 100-foot buffer zone to bordering vegetated wetland. Ms. Bagdonas stated that a site visit took place on September 28, 2015. The wetland line was reviewed and Ms. Bagdonas made a few revisions to the locations of the flags by bringing the wetland line ten feet closer to the house at flags 3A and 4A, resulting in the buffer areas being closer to the house as well.

Ms. Bagdonas said that the wetland flag adjustment should not impact the impervious surface calculations. A small mounded area was observed in the lawn, outside of the 25-foot buffer, that the owners would like to smooth out.

A motion was made by Mr. Uthoff 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. Permission to level out the surface of the old swimming pool site, with work to be done without machinery.
2. Permission to remove non-native, invasive species.
3. Permission to plant native plants within the 25-foot buffer, the species to be approved by the Commission.

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

Public Hearing - Notice of Resource Area Delineation: 7 Robinson Drive

Mr. Scott Smyers of Oxbow Associates and Mr. Douglas Harvey, owner of 7 Robinson Drive, were both present before the Commission to request confirmation of the location of delineated wetland boundaries at 7 Robinson Drive. A site visit took place on September 28, 2015. Ms. Bagdonas stated that there is one flag located on the property and two flags off of the property. The flag located on the property, OA2, is the highest point of the delineated wetland.

A motion was made by Mr. Willson and seconded by Mr. Uthoff to close the public hearing. The motion passed 5-0-0. The Order of Resource Area Delineation will be discussed at the meeting of October 14, 2015.

Public Hearing – Notice of Intent: South Road

Ms. Vivian Kimball of VHB and Mr. Matt Waldrip of Eversource Energy were present before the Commission to discuss the proposed installation of an underground electrical conduit beneath Elm Brook along South Road. The proposed project will take place within Land under Waterbodies and Waterways, Bordering Land Subject to Flooding, Riverfront Area to Elm Brook, and the 100-foot buffer zones to Bordering Land Subject to Flooding, Bank and Bordering Vegetated Wetland. Ms. Kimball stated that they plan on using the horizontal drilling method to go directly under Elm Brook approximately 10 feet below the stream bed. A cluster of nine five inch pipes will be located under Elm Brook.

A motion was made by Mr. Uthoff and seconded by Mr. Willson to continue the public hearing to the meeting of October 14th. The motion passed 5-0-0.

44 Meadowbrook Road:

Mr. Joseph Guardino was present before the Commission requesting approval to remove one dead tree on his property under the Commission's Tree Policy. A motion was made by Mr. Uthoff and seconded by Mr. Willson to approve the removal of the dead tree as depicted in the photograph shown to the Commission. The motion passed 4-0-0.

Minutes:

A motion was made by Mr. Uthoff and seconded by Ms. Eggert to approve the minutes of May 20, 2015 as written. The motion passed 4-0-1 with Mr. Willson abstaining.

A motion was made by Mr. Uthoff and seconded by Ms. Eggert to approve the minutes of September 1, 2015 as written. The motion passed 5-0-0.

Bills Payable:

A motion was made by Ms. Eggert 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 on August 7, 2015 and August 24, 2015. The motion passed 5-0-0, after which the bills payable form was signed.

Request for Determination of Applicability: 224 Carlisle Road

A motion was made and seconded to waive the reading of the public notice. Mr. Mark Sleger of Alan Engineering was present before the Commission on behalf of Premium Homes for the proposed installation of a fence within the 100-foot buffer zones to bordering vegetated wetland and floodplain. Ms. Bagdonas recommended that the Commission include a condition about the distance that can remain clear behind the fence in order to maintain it.

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

1. A three foot strip may be maintained behind the fence.

The motion passed 5-0-0, after which the Determination was signed.

Bills Payable:

A motion was made by Mr. Uthoff and seconded by Mr. Willson to issue payment to Comprehensive Environmental Inc. in the amount of \$3, 527.85 for the peer review of 7 Alcott Street from the Wetlands Protection Fund. The motion passed 5-0-0, after which the bills payable form was signed.

A motion was made by Mr. Uthoff and seconded by Mr. Willson to issue payment to Comprehensive Environmental Inc. in the amount of \$450.00 for the review of the Bedford Conservation Commission Bylaw regarding 7 Alcott Street from the Wetlands Protection Fund. The motion passed 5-0-0, after which the bills payable form was signed.

Certificate of Compliance: 84 North Road

Ms. Bagdonas conducted a site visit on September 30, 2015. The Certificate of Compliance will be discussed at the meeting of October 14, 2105.

Altmann Funds:

Ms. Bagdonas explained that non-native invasive species control needs to take place within the view corridor and that Oxbow Gardens is interested in submitting a proposal. The shrub restoration area work will likely take place in November and can be funded if approved from the Community Preservation Fund.

A motion was made by Mr. Willson and seconded by Ms. Eggert to approve the project concept. The motion passed 4-0-1, with Mr. Uthoff abstaining.

Fawn Lake Beaver Control:

Ms. Bagdonas presented the Commission with Beaver Control educational materials and asked the Commission to review the material.

Certificate of Compliance: 41-43 Concord Road

A site visit was made on September 30, 2015 with Ms. Bagdonas and Ms. Pamela Brown of Brown and Brown, PC. Mr. Guardino also made a site visit several days ago. Ms. Bagdonas stated that the house construction took place further away from the Wetland than previously planned.

A motion was made by Mr. Willson and seconded by Mr. Uthoff to issue the Certificate of Compliance for 41-43 Concord Road with continuing conditions 28, 41, 44, 45, 46 and 47 from the Order of Conditions. The motion passed 4-0-0, after which the Certificate of Compliance was signed.

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

The meeting was adjourned at 8:43 p.m.

The minutes were prepared by Stephanie Ide.

The minutes were approved at the meeting of November 18, 2015.