

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
September 5, 2012
Fitch Room
Town Center, Bedford, MA

PRESENT: Tim Gray, Chair; Steven Hagan, Vice-Chair; Andreas Uthoff; Art Smith
Elizabeth Bagdonas, Conservation Administrator; Stephanie Ide, Conservation
Department Assistant

ABSENT: John Willson, Clerk; Allan Wirth; Lori Eggert

The meeting was called to order at 7:00 pm.

Request for Determination of Applicability: 426 Davis Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Reverend Martin Teske, Pastor of the Lutheran Church of the Savior, Ms. Sandy Libby of P.S. Play Safe and Ms. Patricia Connery of the Lutheran Church were present before the Commission to discuss the proposed relocation of an existing play area and the construction of a new play area and planting of trees within the 100-foot buffer zone to bordering vegetated wetland. Reverend Teske stated that the existing playground will be moved from behind the church to the front of the church, parallel to Davis Road. Mr. Gray asked what the surface of the playground will be. Ms. Libby stated that the surface of the playground will be 12 inches of wood fiber material which is pervious. Ms. Bagdonas stated that the total impervious surface for the site is below 11%.

A motion was made by Mr. Smith and seconded by Mr. Uthoff to issue a negative Determination for reason three and a positive Determination for reason five. The motion passed 4-0-0, after which it was signed.

Request for Determination of Applicability: Oak Park Drive

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. David Cavanaugh of Comcast was present before the Commission to discuss the proposed installation of 1-4" PVC conduit, 413 feet long, connecting to a proposed Quazite hand hole and continuing to 3 Oak Park Drive within the 100-foot buffer zone to bordering vegetated wetland. Mr. Cavanaugh stated that there is an existing silt fence in place from previous work that was done on the site which will remain in place. In addition to the existing silt fence Mr. Cavanaugh stated that hay bales will be placed. The 610 foot long 12 inch wide and 24 inch deep trench will follow existing utilities and will be loamed

and seeded once complete. The work will take two days. Ms. Bagdonas suggested the use of hay wattles instead of hay bales.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue a positive Determination for reason five and a negative Determination for reason three. The motion passed 4-0-0, after which it was then signed.

Public Hearing – Notice of Intent: Ashby Road Bridge

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Derek Schipper, Mr. Randy Meuse, Mr. Peter Williams and Ms. Michele Simoneaux of GZA GeoEnvironmental, Inc. were present before the Commission with Mr. Norman Delorey of EMD Millipore Corporation to discuss the proposed re-facing of the headwall on the Ashby Road Bridge, regrading and curbing of a portion of Ashby Road and the installation of a permanent stormwater control and treatment devices within bank, land under waterbodies and waterways, riverfront area to Elm Brook, bordering land subject to flooding and the 100-foot buffer zone to bordering vegetated wetland.

Mr. Schipper stated that the project will be done in stages to be completed within two to three weeks. GZA will install temporary porter dams to divert the water with minimal dewatering to take place. Any dewatering will be pumped to filter bags. Stage one will be to remove upper versa lock blocks. Stage two will be the mortared boulder façade. Stage three will be to extend the existing culvert and stage four will be the installation of the guardrail, granite curbing and paving. There is a proposed change in grades which will direct runoff downstream to a proposed new catch basin. No heavy equipment will be in the resource area. Equipment will be staged on the bridge and in areas where gravel exist.

Ms. Bagdonas said that a new direct discharge into Elm Brook was not desirable. She stated that she didn't feel that the wetland boundary was accurately shown on the plan. Ms. Bagdonas would like GZA to respond to her concerns that were expressed in the memo dated August 30, 2012 which was distributed to all Commission members, the applicant and the applicant's representative. Ms. Bagdonas explained the goal of avoiding a new outfall to Elm Brook. Mr. Schipper stated that they will address all of these issues. Ms. St. John of the Department of Public Works stated that the DPW would like to see a reduction in pavement. A motion was made and seconded to continue the public hearing to the meeting of September 12, 2012.

Public Hearing – Notice of Intent: 9 Mudge Way & 7 Liljegren Way

A motion was made and seconded to waive the reading of the public notice. The motion passed 4-0-0. Mr. Scott Smyers and Mr. Brian Butler of Oxbow Associates, representatives of the Town of Bedford, were present before the Commission with Ms. Adrienne St. John, Mr. Richard Warrington, Mr. Dennis Freeman and Ms. Kristin Dowdy of the Department of Public Works to discuss the proposed construction of two athletic fields and two detention basins within vegetated wetland.

Mr. Warrington stated that the St. Michaels property was purchased for 1.86 million dollars by the Town of Bedford for the purpose of development. A Request for Determination of Applicability was issued in 2010 concluding that the wetlands on the property were bylaw wetlands and not subject to the State Wetlands Protection Act. The new

parking area located by the old C field was completed and will accommodate the new fields. The two new fields, which would ideally be synthetic, would be used for soccer, field hockey, lacrosse and football. The existing baseball field would also be repositioned by rotating it 180 degrees. On July 30, 2012 the Selectmen voted to endorse the athletic field project which will impact .8 acres of local wetland. The Town of Bedford is offering to place a Conservation Restriction (CR) on 2.5 acres at Pickman Meadow, a CR on 36 acres of Princeton Property land and to replicate .8 acres of wetland with invasive species control at Page Field as mitigation for the .8 acre loss of wetlands at the proposed athletic fields' site. Mr. Warrington stated that he believes that the project can be approved based on an overriding public interest. Ms. Bagdonas explained that this project would need a variance as well as a descriptive wetland replication plan. Ms. Bagdonas explained to the Commission that the wetland replication plan needs to be included in the public hearing process and not as a condition in the Order of Conditions.

Mr. Gray asked about other lands in Bedford that may be available for athletic field development. Mr. Warrington explained that there may not be another parcel like the St. Michaels parcel available again. Mr. Hagan asked if the fields were going to be turf or natural. Mr. Warrington stated that that hasn't been decided yet but that the detention basins shown on the plan will cover the worst case scenario for storm water runoff. Mr. Smith stated that he has no problem with the project. Mr. Uthoff said that he had no issue with Pickman Meadow having a Conservation Restriction.

Ms. St. John asked if they could request an Order of Conditions with a condition stating that no work would commence on any fields until filing is received for wetland replication, maintenance plan and funding is approved. Selectmen Mark Siegenthaler stated that his concern would be that the Conservation Restrictions might be granted and then the fields not constructed. Ms. St. John explained that the DPW would request funding for the project at fall or spring town meeting but that they would prefer fall town meeting. Funding the request would be combined for final field design, field construction and wetland replication.

Ms. Saber of 6 Abbott Lane stated that she never received notice of the application as an abutter. Ms. Saber also asked if wetlands were suspected at the time the Town purchased the land. Mr. Warrington stated that wetlands were not suspected. Mr. Daniel Coyne of 9 Abbott Lane stated that erasing wetlands that were such a thorn in the Abbott Lane development is unjust. Ms. Saber reminded the Commission of the Town of Bedford Fields Committee which has not finished its report to the town. Mr. James Harrington of 9 Copeland Drive stated that he is on the Fields Committee and was previously on the Conservation Commission. He continued saying that there is no other parcel like the St. Michaels parcel in the entire town. Mr. David Sukoff of 8 Abbott Lane, Chair of the Fields Committee and abutter to the field project, stated that field supply does not meet the demand. He continued saying that an alternative option to making fields on the former St. Michaels property would be to turf Sabourin Field and to maybe turf other fields in town as well. Another option would be the Princeton Properties land which could hold two or three fields but parking would be an issue. The Fields report will be completed at the end of this month.

Mr. Gray asked the Commission if they felt they could grant a variance. Mr. Uthoff said that he has no problem granting a variance for this project because it is a more than generous offer but the funding for the design of the wetland replication needs to be part of the funding for the project as a whole. Mr. Smith said that he agreed with Mr. Uthoff. Mr.

Hagan said that he is also in favor of the project. Mr. Gray said that he agrees with granting a variance because it meets the overriding public interest but he is concerned about the timing of the CR Restrictions and the funding for the wetland replication. Ms. Bagdonas stated that the Commission will need a concentrated statement of alternatives and mitigation. Mr. Uthoff suggested that a variance could be issued based on funding approval at town meeting and the Conservation Restrictions could be based on the construction of the fields but that this would have to be proposed by the applicant. Mr. Gray proposed that the public hearing be continued so that the applicant can submit supplemental information to the Commission and so that the Commission can discuss a potential variance with Town Counsel.

A motion was made by Mr. Hagan and seconded by Mr. Uthoff to continue the public hearing to September 26, 2012 at 7:00 pm. The motion passed 3-0-1, with Mr. Smith voting against the continuation.

68 Dunster Road: Project Change

Mr. Gray of Gray Plumbing and Heating was present before the Commission to discuss the proposed project change at 68 Dunster Road. Mr. Gray stated that the homeowner plans to install geothermal heating and cooling which will require the drilling of two wells within the 100-foot buffer zone to bordering vegetated wetland. Mr. Gray requested that this be approved under the previously issued Request for Determination of Applicability. A motion was made by Mr. Uthoff and seconded by Mr. Gray to have the homeowner submit a new Request for Determination of Applicability (RDA) for the well drilling because the new work was not proposed in the original RDA. The motion passed 4-0-0.

Certificate of Compliance: Millipore

A motion was made by Mr. Uthoff and seconded by Mr. Hagan to issue the Certificate of Compliance to Millipore. The motion passed 4-0-0.

286 Concord Road: Revised Vote

Ms. Bagdonas explained that the DA form was checked for reason negative one. Negative six should have also been checked on the form. Ms. Bagdonas asked the Commission to revise the vote and re-issue the Determination. A motion was made by Mr. Uthoff and seconded by Mr. Smith to re-issue the Determination of Applicability for 286 Concord Road for reasons negative one and six. The motion passed 4-0-0, after which it was signed.

New Trails Committee Member:

A motion was made by Mr. Hagan and seconded by Mr. Smith to recommend the prospective new Trails Committee member to the Selectmen. The motion passed 4-0-0.

5 Alfred Circle:

Ms. Bagdonas explained that Ms. Pamela Brown of Brown and Brown requested that DEP postpone their decision until she has discussed the proposed changes that she would like to make to the Order of Conditions that was previously issued for 5 Alfred Circle. Town Counsel has reviewed the Order and sees no reason to change it. The Commission decided to continue this discussion when Ms. Brown approaches the Commission with the proposed changes.

Mead Brothers Tree Proposal:

Ms. Bagdonas explained the Mead Brothers Tree Service proposal to the Commission. A motion was made by Mr. Uthoff and seconded by Mr. Gray to proceed with having the tree cut on Dudley Road and one cut on North Road for a total cost of \$1,250.00. The motion passed 4-0-0.

Minutes:

A motion was made by Mr. Uthoff and seconded by Mr. Hagan to approve the minutes of August 8, 2012. The motion passed 4-0-0.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to adjourn the meeting. The motion passed 4-0-0.

Meeting adjourned at 10:05 p.m.

Minutes prepared by Stephanie Ide.

Minutes approved at meeting of October 17, 2012.