

BEDFORD CONSERVATION COMMISSION
Bedford Massachusetts
Minutes of Meeting
May 10, 2023
Online Remote Hearing

Present: Conservation Commissioners - Steve Hagan, Chair; Frank Richichi, Clerk; Lori Eggert; Deb Edinger; David Santos; Conservation Administrator Jeffrey Summers.

Absent: Conservation Commissioners – Stacey Katz; Stephanie Kane.
Conservation Administrative Assistant Stephanie Ide

Mr. Hagan opened the meeting at 6:10 p.m.

Appointment – 49b Dudley Road

The Huckins Farm Homeowner’s Trust is seeking conformation from the Commission that the creation of a community garden area for use by Huckins Farm residents is an approved activity according the 1991 Conservation Restriction and Declaration of Public Pedestrian Easement which was placed on the majority of the Huckins Farm property along Dudley Road. Mark Weinstein presented the proposal on behalf of Huckins Farm.

The project entails creating new garden beds in the existing pasture to the north of the main stable and office buildings. The area will be less than 1500 square feet and consist of either raised wooden beds or direct in-ground planting. The garden area is also to be fenced in with the fence being removed at the end of each growing season and the location is outside of wetland buffer zones.

The 1991 Conservation Restriction states in so many words that surface use of the land for agricultural purposes is an approved use of the restricted land.

A motion was made by Mr. Richichi and seconded by Ms. Edinger to approve the gardening activity and fence placement on the restricted land.
The motion passed 5-0-0.

Request for Determination of Applicability – 49b Dudley Road

James Kolb, Chair of the Huckins Farm Homeowner’s Trust, was present before the Commission to discuss the project on behalf of Huckins Farm. The project proposal is to decommission the existing horse manure pit located directly behind the main stable and office buildings. The closest distance from the pit to Bordering Vegetated Wetlands is approximately 60 feet. The work is to include the removal and disposal off site of any asphalt and reinforcing steel components that make up the pit. The concrete walls will be broken up in place and the pit filled with sand and gravel to allow for unimpeded stormwater infiltration. Lastly, the area is to be topped with a sufficient quantity of clean soil to then be grassed. Mr. Kolb explained that

Huckins Farm is now composting the horse manure, therefore the pit is no longer needed and it poses a potential safety hazard concerning falls.

A motion was made by Ms. Eggert and seconded by Ms. Edinger to issue a Positive Determination for reason 2b and a Negative Determination for reason 3.
The motion passed 5-0-0.

Request for Determination of Applicability – 9 Garrison Drive

Brian Savage, the homeowner, was present before the Commission to present this project. The proposal as described by Mr. Savage is to relocate an existing storage shed from the west side to the east side of his grassed backyard and to install a new larger shed in the original shed's location. The existing shed is to be resituated on blocks and the new shed will have a crushed stone base which it will be set on top of. The resource area is Bordering Vegetated Wetlands and the closest distance from either shed location is approximately 30 feet. In addition, an existing play set and chicken coop are to be removed and the area grassed to match the existing yard. With the removal of these items, the impervious surface area will remain closely to that as existing.

A motion was made by Mr. Richichi and seconded by Ms. Edinger to issue a Positive Determination for reason 2b and a Negative Determination for reason 3.
The motion passed 5-0-0.

Request for Determination of Applicability – 87 Old Burlington Road

Carl Dumas, of Kneeland Construction Corporation, was present before the Commission to discuss this project on behalf of the homeowner. The entire project includes constructing a second story addition over much of the existing house, however the portion of the work that concerns the Commission is the removal of an existing backyard deck and the construction of a single-story addition in predominantly the same location. The existing raised deck is 20x20' in dimension and is situated on pier footings. The proposed addition will be 16x20' and also supported on pier footings. The addition of 320 square feet of impervious surface area will result in about half, 13%, of the allowable percentage of the buffer zone being impervious.

According to the Town of Bedford GIS maps, the closest distance to the resource area, which appears to be periphery wetland vegetation growing along a stormwater drainage channel to the east of the work location, is about 80 feet. Mr. Dumas mentioned that this area is barely 100 feet to the work location, if at all. Mr. Summers agreed and stated that the option to have a formal wetland delineation was not chosen and the homeowner accepted the Bedford GIS wetland interpretation for the purpose of this project.

A motion was made by Mr. Richichi and seconded by Ms. Eggert to issue a Positive Determination for reason 2b and a Negative Determination for reason 3.
The motion passed 5-0-0.

Abbreviated Notice of Intent – 263 Davis Road

Charlie Dirac, property owner and representing Wellness with Horses, Inc., was present before the Commission to discuss the project proposal. The project is to construct a 200 square foot corrugated metal roofed shelter for horses within the existing paddock. The roof will be supported by six posts set on six concrete Sonotube footings and the structure will have no walls. The ANOI was filed solely for work within Bordering Land Subject to Flooding.

The FEMA floodplain maps show the approximate location of the proposed shelter to straddle the 1% Chance Annual Flood boundary. It is estimated that the Sonotube footings will displace approximately 1.5 to 3 cubic feet of potential floodwaters. The option of removing that volume of soil to provide compensatory flood storage was discussed and rejected with the prevailing opinion among the Commission being that such a volume is de minimis and the resulting damage to the field unnecessary.

A motion was made by Mr. Richichi and seconded by Ms. Eggert to close the public hearing.

The motion passed 5-0-0.

A motion was made by Ms. Eggert and seconded by Ms. Edinger to issue an Order of Conditions for this project.

The motion passed 5-0-0.

Notice of Intent – 38-B Davis Road

Michael Sprague, P.E. and Kristin Dowdy, P.E. of the Bedford Department of Public Works (DPW) were present before the Commission to discuss this project. In early April 2023, beaver activity had created a dam blocking the Mongo Brook culvert passing under Concord Road. Due to potential water damage to outlying properties and the safety concern regarding the overtopping of the brook across Concord Road, an Emergency Certification was issued and ratified by the Commission at the April 12 Conservation hearing. As a result, a water elevation control device was installed within the brook immediately north of the Concord Road culvert to allow water to flow properly while denying the beavers the opportunity to rebuild a dam which would restrict flow.

This NOI is to formerly permit the installation of the water elevation control device which is to be permanently left in place. Mr. Sprague stated that the DWP prefers the environmentally friendly option of living with the beavers rather than having to remove them, potentially every year. The Commission agreed that this is the most sensible option. The DWP will assume responsibility for ensuring the proper working order of the device. The device consists of two wire cages approximately 30 feet apart connected by a flexible HDPE pipe through which the water flow is carried.

A motion was made by Ms. Eggert and seconded by Mr. Richichi to close the public hearing.

The motion passed 5-0-0.

A motion was made by Ms. Eggert and seconded by Mr. Richichi to issue an Order of Conditions for this project.

The motion passed 5-0-0.

*A motion was made by Mr. Santos and seconded by Mr. Richichi to adjourn the meeting at 7:05 p.m.
The motion passed 5-0-0.*

Minutes prepared by Jeffrey Summers.

Minutes approved at the meeting of June 14, 2023.