

Bedford Conservation Commission
Minutes of Meeting
Wednesday, October 9, 2019
Selectmen's Meeting Room

Present: Allan Wirth, Chair; John Britton; Lori Eggert; Art Smith

Absent: Steven Hagan; Stephanie Ide, Department Assistant

The meeting was called to order by Mr. Wirth at 7:00 pm; He then read Disclosure Statements.

Public Hearing – Notice of Intent: 271 Carlisle Road – Mr. and Mrs. Young

Ms. Mary Trudeau appeared on behalf of the owners, Bob and Jane Young. She explained that the sewage disposal system on the property had failed a recent inspection; the proposed project would include hook-up to Town sewer and water, and abandonment of an existing well. Ms. Trudeau presented a colored plan showing the paved driveway and Bordering Vegetated Wetland (BVW) to either side of the driveway; she added that there was a cross-culvert for drainage, but that the site surveyor had been unable to find both ends. Ms. Trudeau stated that the project would take place within Bordering Land Subject to Flooding (BLSF), designated by FEMA as the 1% Annual Chance Flood. A Notice of Intent is required for work in this resource area. Ms. Bagdonas stated that she had reviewed the driveway area and noted that logs from a sawed-up tree had been left at the base of the slope, and should be removed.

Ms. Trudeau added that the work would all take place within the paved driveway footprint, adding that the driveway was narrow. She then explained the construction process. The contractor planned to deposit excavated material directly into a truck, and proposed to offload it immediately and store it temporarily outside the floodplain on the northeast side of the house. This will require only one truck, not interfere with the work area, and minimize impacts. Spot elevations for the driveway will be established first, and the final grading and new paving will be designed to meet these elevations. The culvert will be lifted out and cleaned, or replaced if damaged with a pipe of the same size. A manhole will be needed in the driveway to maintain gravity flow. The various pipes will be layered in accordance with established standards. The final layout will be reviewed and approved by the Department of Public Works.

Mrs. Young stated that they had never had any problem with drainage. Ms. Bagdonas asked her when they usually noted flow within the culvert. She responded that it was in times of heavy rains when Carlisle Road was flooded. Mr. Britton stated that an oval-shaped culvert was available if there was a problem with room for replacement.

The Department of Public Works will be reviewing the plan; their comments will be provided to the Commission.

A motion was made by Mr. Britton and seconded by Ms. Eggert to close the public hearing; the motion passed 4-0-0.

**Public Hearing – Notice of Intent: Massachusetts Port Authority – 200 Hanscom Field
Vegetation Management at Runway Areas 29 and 23 –
Shawsheen River and George Jordan Conservation Area**

James Stolecki, Massport Project Manager for Environmental Permitting, and Gregg Cohen, Environmental Project Manager for Massport's consultant, Stantec Consulting Services, Inc., appeared before the Commission to present the proposed project. Mr. Cohen stated that the Maine office of Stantec had been working on Vegetation Management Plans for Massport since the 1990s.

The hearing began with a powerpoint presentation on previous vegetation management between 2008 and 2014, with monitoring over the subsequent five years. Several documents on monitoring and mitigation had been submitted, and Ms. Bagdonas provided a list, to ensure that the Commission members had received them.

Mr. Cohen explained that Vegetation Management Plans (VMPs) for airports are required every five years under the Limited Project (LP) provisions of the Regulations to the Massachusetts Wetlands Protection Act [310 CMR 10.53(1), (2) and (3)(n)]. The LP regulation provides a template for VMPs and how to present them in a Notice of Intent. The VMP is designed to protect air space to the greatest extent possible in accordance with 14 CFR Part 77 (FAA standard), while maximizing environmental protection.

Mr. Stolecki cited a Memorandum of Agreement reached between 2008 and 2010 by Massport and the Town of Bedford, to be in effect for 50 years from the date of signing on February 2 and 4, 2010.

An overview of all vegetation management areas was established in the first VMP, and has been modified over time. The present 2019 VMP establishes that the proposed removal areas have become smaller with each VMP update. Last summer new photogrammetry was conducted to define current removal areas in Bedford. Various resource areas are involved, and all have had previous vegetation management. Examples: In the Runway 29 area, the intention under the current VMP is to use equipment to reach over the fence, in order to avoid bank impacts. Removal of cut material in the "Lop and Fell" areas, shown by aqua dots, will most likely be done by hand. The total work area in Bedford is 1.5 acres, with most of the work within the Jordan Conservation Area being "Top and Prune". In the most recent past effort, mats were used to bring equipment into the removal area in order to bring out trees. The orange areas shown on the VMA maps indicate obstructions that have developed since 2010-2011, where the regrowth has shot back up, mainly in hardwoods. In Area 2, tall pines were all topped ("crew-cut" effect), but all remain alive with new growth.

In the upper region of the Jordan CA, the darker orange color indicates historic vegetation control, and similar protocols for management are proposed now.

Mr. Cohen explained that study areas were established and a number of studies conducted, in order to fulfill the conditions of the previous Order of Conditions. Discussion followed on a summary of these studies, as well as helicopter use. Ms. Eggert asked if trees to be topped would be flagged as in the previous project. Mr. Cohen explained that the plans show dots of different colors, which are not individual trees but rather areas of penetration. More specific identification can be done later. Ms. Eggert stated that there should be a site walk, and asked if the age of the hardwoods was considered in planning the method to be used. Mr. Cohen responded that in 2010 an independent arborist was hired by Massport to supervise pruning of individual trees, which related to a volume that would leave a sustainable amount of growth. He did not think any of these trees (hardwoods) were removed rather than pruned. He added that the understory in the forest is not diverse, due to existing stands of trees. Ms. Bagdonas asked for information on more specific locations.

Discussion followed on topping issues and various options. Mr. Cohen stated that the current VMP projects are taking place farther from the Runway ends than the previous efforts. Therefore, now there are smaller groups of older trees: maintenance, removal areas and quantities, and wetland impacts are all greatly reduced. Mr. Wirth stated that in areas near Runway 11 not much is shown.

Mr. Wirth also expressed concern about ATVs using the Massport trails and protected areas established in the Memorandum of Agreement. Ms. Bagdonas asked that the next hearing follow a site visit and involve more discussion of areas that document results from previous management, and present mitigation choices.

Mr. Wirth asked for questions and comments from the audience.

Mr. Thomas Kenny of 98 Hartwell Road presented a letter with a list of questions, concerns and comments. His first comment related to current use of the Hartwell Road residential area for low-flying helicopters from a helicopter flying school based at L.G. Hanscom Field. The activities include leaving the runway, doing loops, and low and steep descents over the houses. He believes that the tree removal creates more open "corridor" that is attracting this use. Mr. Stolecki stated that he would pass this information along. Mr. Kenny then mentioned the river birch plantings that had done well on the Hartwell Road properties where yard trees had been removed in the previous vegetation management project, adding that they also could provide a noise buffer. All agreed that topping was not a preferred way to prune a tree down in height.

Massport believes that the only trees that were topped were pines – hardwoods were pruned. Also, no girdling took place in the previous projects.

Ms. Joan Kenny stated that poison ivy had proliferated in the open areas created by previous cutting, and that vegetation removal might also favor ticks and mosquitoes.

Ms. Eggert and Ms. Bagdonas suggested that Massport review Mr. Kenny's letter and provide responses at the next hearing.

Mr. Britton asked Mr. Kenny if he had any suggestions. Mr. Kenny responded that he appreciates that the current VMP will have less impact. His major concern is opening up forest canopy areas and the resulting visual impact.

Mr. Cohen will identify the various obstructions and make recommendations for mitigation. In the last project, mats were agreed upon as an alternative to direct ground impacts. He thought that the upcoming Order of Conditions could include repair of divots and ruts, although the managed areas would never look pristine. Although Massport tried not to leave impacts, some were unintended. He could arrange for a more specific evaluation of the best method or combinations, with low ground pressure equipment to be used.

Mr. Wirth asked Mr. Stolecki if Massport was willing to continue the public hearing. Massport agreed to a continuation.

A motion was made by Mr. Britton and seconded by Mr. Wirth to continue the public hearing to the next meeting of the Commission on October 23; the motion passed 4-0-0.

A site walk with Massport will be arranged, and the tree marking will proceed as soon as possible. Mr. Stolecki hopes to get the work authorized in November or December. He added that the defining nature of the project is that it is safety-driven.

Ms. Bagdonas stated that she would like to see an explanation of past work results and how they may be used to develop present mitigation proposals, to include uprooting non-native invasive species, and planting slow-growing or understory trees rather than shrubs.

Amended Conservation Restriction: Carleton Willard Homes, Inc.

Ms. Bagdonas explained the new vote and signatures required since the latest revisions to the Restriction added by the State Division of Conservation Services, EOEEA. These changes are to clarify or add detail, and to further support the purpose of the Restriction. The Bedford Selectmen had re-voted and re-signed at its meeting on October 7, 2019. Mr. Wirth then read the wording of the Commission's signature page.

A motion was made and seconded to approve the changes and re-sign the Commission's signature page; the motion passed 4-0-0, after which the page was signed.

Proposed Agricultural Exemption: Roger Little, 228 Dudley Road and Associated Properties

Taylor Dowdy, PE represented Mr. Little, whose property manager was also present. The Commission read through the letter written by Mr. Dowdy in reference to agricultural exemptions, and copies of two letters provided by Mr. Little concerning the use of his properties. Ms. Bagdonas gave a summary of regulatory issues relating to currently proposed fencing, and options for formal Commission review. She also provided a GIS map showing existing and proposed fencing, wetland resource areas and buffer zones, sections of fence outside the Commission's jurisdiction, and an excerpt from the State document "Farming in Wetlands" that gives details and examples of agricultural exemptions.

Mr. Dowdy gave a history of the property going back approximately 100 years to the Pickmans, who originally owned the property. He stated that the current owners keep horses, and that the areas in question were historically pasture. The owners also have apple trees, donating and selling apples.

A motion was made and seconded to grant Mr. Little an agricultural exemption; the motion passed 3-0-1, with Ms. Eggert abstaining.

Pre-Construction Special Conditions: 15 DeAngelo Drive

A motion was made by Mr. Britton and seconded by Mr. Smith to approve Andrew Gorman of Beals and Thomas as the Environmental Site Supervisor. The motion passed 4-0-0. The project engineer, Jeffrey Murphy, PE of Beals and Thomas, reviewed the pre-construction requirements of the Order and submitted additional information. Mr. Smith will make the pre-construction site visit. The owner was given permission to install temporary erosion control for the equipment pad construction; this action should be included in the sequencing plan. A motion was made by Mr. Britton and seconded by Mr. Smith to approve the pre-construction submittals. The motion passed 4-0-0.

40 Buehler Road: Compliance Issues

Ms. Bagdonas referred to recent Environmental Site Supervisor reports from Mary Trudeau for owner/developer Kosta Kritikos. Her description of site conditions indicate that previous issues raised by the Commission have not been addressed. Issues include impacts to the 25-foot buffer, introduction of unapproved fill, and lack of proper erosion control. The Commission directed Ms. Bagdonas to contact Mr. Kritikos and Ms. Trudeau, and request her report on items addressed or not addressed.

Pre-Construction Site Visit: Millipore

Mr. Britton stated that he can be available for a pre-construction site visit at the following times during the work week: around 9 am or 3:30 pm. Ms. Bagdonas will contact the site engineer to arrange it.

Order of Conditions: 35 Washington Street

A motion was made and seconded to approve and sign the Order of Conditions as proposed, with conditions governing as-built elevations, removal of wood debris and tree and shrub plantings within the 25-foot buffer, as proposed by Mary Trudeau in the Notice of Intent. The motion passed 4-0-0, after which the Order was signed.

Certificate of Compliance: 12 Bedford Village 103-0833

A motion was made, seconded and passed 4-0-0 to issue a Certificate of Compliance for the Bedford Village Project, after which the Certificate was signed.

A motion was made by Mr. Britton and seconded by Mr. Wirth to adjourn the meeting; the motion passed 4-0-0.

The meeting was adjourned at 9:30 pm.

Minutes prepared by Elizabeth Bagdonas, with details from the recording provided by Stephanie Ide.

Minutes approved at meeting of October 23, 2019.