

Bedford Conservation Commission  
Minutes of Meeting  
October 24, 2012  
Selectmen's Meeting Room  
Town Hall, Bedford, MA

PRESENT: Steven Hagan, Vice Chair; John Willson, Clerk; Arthur Black Smith,  
Allan Wirth

Elizabeth Bagdonas, Conservation Administrator

ABSENT: Lori Eggert, Tim Gray, Andreas Uthoff

The meeting was called to order at 7:00 pm. Ms. Bagdonas summarized the situation at 17 Hemlock Lane.

Mr. Hagan read the announcement on public records.

**Determination of Applicability: 5 Ruben Duren Way – Patrick Lacchia**

A motion was made by Mr. Willson and seconded by Mr. Smith to waive the reading of the public notice; the motion passed 4-0-0. The owner, Mr. Lacchia, described the project, the installation of an 8 x 10-foot shed at the southeast corner of the lot. The wetland in this area had been delineated by wetland consultant Leah Basbanes for the owner of the adjacent lot, and the current application included this information on the project plan. The installation would not involve any excavation, and would be 99 feet from the delineated wetland. Mr. Smith and Mr. Willson stated that they had no problem with the proposed project.

A motion was made and seconded to issue a positive Determination for Reason 5 and a negative Determination for Reason 3 with no conditions. The motion passed 4-0-0, after which the Determination was signed. Ms. Sarah Coubiere will call on Friday to pick up the Determination.

**Determination of Applicability: 111 South Road – William Waite for Kenneth Larson**

A motion was made by Mr. Willson and seconded by Mr. Smith to waive the reading of the public notice. The motion passed 4-0-0.

Mr. Waite described the proposed project, to lift the rear part of the existing bike shop, dig and pour a new foundation, and put the structure back in place. He referred to the ditch behind the property as an isolated swale that had no inlet or outlet. Ms. Bagdonas stated that the ditch was the remaining part of a larger wetland that had been delineated in the past. As a small isolated area, it would render the project applicable only under the Bylaw.

Mr. Waite stated that there would be no storage of material on site, and that he would need an 8-foot area around the building to do the work. Mr. Willson asked about erosion control. After a discussion, it was agreed that the need for erosion control should be decided at a pre-construction site visit, to be attended by Mr. Smith.

A motion was made and seconded to issue a positive Determination for Reason 5 and a negative Determination for Reasons 1 and 3 with the condition that a pre-construction site visit shall be held to review erosion control. The motion passed 4-0-0, after which the Determination was signed.

**Certificate of Compliance: 44 Hancock Street**

**Dave Giannetta of Meadowbrook Investments** submitted an as-built plan, and presented his request for a Certificate of Compliance. Tim Gray had made a site visit previously, and Mr. Smith had also driven by the site to check present conditions. The Contractor explained that the major issue for the Commission on the site was the amount of impervious surface, and that the entire driveway, walkway and patio had been constructed of pervious pavers, even though most of the driveway was outside the 100-foot buffer zone. Runoff was also controlled with two Cultec units, also outside the 100-foot buffer, engineered so that roof runoff was directed to gutters and piping, and dispersed to the units.

Ms. Bagdonas described the proposed continuing conditions. She also pointed out that the as-built plan showed that a portion of the deck was within the 50-foot buffer. The contractor explained that this was not really the deck, but part of the landing, and had been required for safety. Ms. Bagdonas asked him to submit a written statement for the file, addressing the reasons for the intrusion.

A motion was made by Mr. Smith and seconded by Mr. Wirth to issue the Certificate of Compliance, provided the statement was submitted as requested. The motion passed 4-0-0, after which the Certificate was signed.

**Enforcement Order: 17 Hemlock Lane**

Ms. Bagdonas summarized recent erosion and sediment discharge issues at 17 Hemlock Lane, and provided copies of a draft Enforcement Order and three attached email messages setting standards for compliance with wetlands laws and the Order of Conditions. Two of the emails were from Ms. Bagdonas to the project proponent and contractor; the third was from Public Works Director Richard Warrington to Elizabeth Bagdonas.

Several revisions were discussed and agreed upon. The Commission also drafted an additional finding: "The Conservation Commission is taking jurisdiction over the entire lot at 17 Hemlock Lane because it has been demonstrated that current environmental protection is not sufficient to protect adjacent resource areas and that impacts to these areas have occurred."

The Commission also stated that it wanted the Enforcement Order delivered by the Town Constable on Thursday, October 25<sup>th</sup>.

Ms. Bagdonas left the meeting at this point to revise the Enforcement Order document.

Guy St. Sauveur of 22 Hemlock Lane appeared before the Commission to discuss the effects of the discharge from 17 Hemlock Lane on his property.

Ms. Bagdonas returned to the meeting with the revised Enforcement Order. The Commission reviewed the changes. A motion was made and seconded to issue the Enforcement Order as revised. The motion passed 4-0-0, after which the Order was signed. Ms. Bagdonas reported that she had contacted Constable Lewis Putney, who would pick up the documents at the Conservation Office the following morning.

Ms. Bagdonas stated that she would contact the site managers of Hartwell Farms, Lavender Lane and The Edge to request additional erosion control measures be put in place over the weekend and reported to the Commission.

The meeting was adjourned at 8:15 pm.

Minutes prepared by Elizabeth Bagdonas

Minutes approved at meeting of November 14, 2012