

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
December 12, 2012
Selectmen's Conference Room
Town Hall, Bedford, MA

PRESENT: Tim Gray, Chair; Steven Hagan, Vice-Chair; John Willson, Clerk; Lori Eggert; Art Smith; Allan Wirth; Andreas Uthoff; Elizabeth Bagdonas, Conservation Administrator; Stephanie Ide, Conservation Department Assistant

The meeting was called to order at 7:00 pm. Mr. Gray read the Public Record Statement as approved by Town Counsel on 9/10/12.

Request for Determination of Applicability: 34 Loomis Street

A motion was made and seconded to waive the reading of the public notice. The motion passed 7-0-0. Mr. Kiyoshi Hakamoto was present before the Commission to discuss the proposed demolition of an existing house, construction of a new house with attached garage and landscaping within the 100-foot buffer zone to bordering vegetated wetland. Ms. Bagdonas recommended that the Commission require an as-built including the limit of work for landscaping and impervious surface calculation as conditions.

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 with the condition that there is to be no work beyond the 50-foot buffer to bordering vegetated wetland. The motion passed 7-0-0.

Ms. Bagdonas left the meeting.

Public Hearing – Notice of Intent: 297 Great Road – Chipotle

A motion was made by Mr. Wirth and seconded by Mr. Smith to waive the reading of the public notice. The motion passed 7-0-0. Mr. Jamie Sullivan and Mr. Misha Goodman of EBI Consulting, Ms. Sarah Connolly of BKA, Inc. and Attorney Susan Bernstein were present on behalf of Chipotle to discuss the proposed redevelopment at 297 Great Road to include an outdoor seating area, reconstruction of sidewalks and parking and demolition of a portion of the existing building, within the 100-year floodplain and the Riverfront Area. Mr. Sullivan stated that no work is proposed within 100-feet of the Riverfront Area. The project includes increasing flood storage by the removal of an existing vestibule and use of porous pavement. The Commission reviewed the Department of Public Works (DPW) letter dated December 11, 2012. Mr. Sullivan stated that he does not agree with items two and four of DPW's letter and after some discussion the Commission agreed that items two and four should not be addressed. The applicant agreed to address all other items in said letter. A

motion was made by Mr. Smith and seconded by Mr. Hagan to close the public hearing. The motion passed 7-0-0.

Order of Conditions: 297 Great Road – Chipotle

The Commission discussed findings for the Order of Conditions. Mr. Hagan stated that the project as a whole is a net improvement resulting in reduction of impervious surface; therefore there is no reason for special conditions. The Commission decided to include two findings in the Order of Conditions as follows:

1. The Commission finds that in the review of the Department of Public Works Letter, dated December 11, 2012, it does not agree with items 2 and 4.
2. The overall project as a whole is a net improvement; therefore there is no reason to include special conditions.

The Order of Conditions will be drafted and the Commission will meet on Wednesday December 19, 2012 at 7:00 pm to review, vote and sign the Order. Mr. Smith, Mr. Gray, Mr. Uthoff and Mr. Hagan will be present at the meeting on the 19th.

Ashby Road Bridge:

Mr. Dan Horgan of NH White, Ms. Michelle Simoneaux of GZA Consulting and Mr. Mark Baker and Mr. Norm Delorey of EMD Millipore were present before the Commission to discuss proposed changes to the project including the portadam and temporary culverts. The Commission discussed use of heavy equipment on the bank and stated that if it is necessary, the banks should be repaired as soon as the work is completed.

A motion was made by Mr. Smith and seconded by Mr. Uthoff to consider the proposed changes to the previously issued Order of Conditions as a minor change. The motion passed 7-0-0.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to approve Ms. Michelle Simoneaux of GZA Consulting to be the Environmental Site Supervisor for the project.

Wilson Mill Dam:

The Order of Conditions for the Wilson Mill Dam project requires a landscape plan and landscape restoration. There is not enough money to complete this at this time. The Commission could request \$25,000 from the CPC so that the landscape restoration can take place.

A motion was made by Mr. Smith and seconded by Mr. Wirth to have Mr. Uthoff request funds in the amount of \$25,000 from the CPC. The motion passed 40-3, with MR> Hagan, Mr. Willson and Ms. Eggert abstaining.

4 Madel Lane:

The applicant's representative has asked that the Commission make a revised vote on the Determination that would approve the wetland boundary delineation as it was presented during the hearing.

A motion was made by Mr. Smith and seconded by Mr. Uthoff to issue a revised positive Determination for reason 2a and 5 and a negative Determination for reason 3. The motion passed 7-0-0, after which the revised Determination was signed.

CA Chainsaw Use:

A motion was made by Mr. Uthoff and seconded by Mr. Hagan to allow the use of Chainsaws by volunteers on Town land if a waiver signed. The motion passed 4-3-0 with Mr. Willson, Ms. Eggert and Mr. Smith against.

Certificate of Compliance: 202 Burlington Road

A motion was made by Mr. Smith and seconded by Mr. Uthoff to issue the Certificate of Compliance for 202 Burlington Road, DEP# 103-0728. The motion passed 7-0-0.

Emergency Certification: Whole Foods

A motion was made and seconded to ratify the Emergency Certification for Whole Foods located at 168 Great Road. The motion passed 7-0-0, after which the Emergency Certification form was signed.

Bills Payable:

A motion was made by Ms. Eggert and seconded by Mr. Smith to issue payment in the amount of \$50.00 to Oxbow Gardens for the last mowing of the season at Jordan Gardens. The motion passed 7-0-0, after which the bills payable form was signed.

A motion was made and seconded to issue refunds to the Jordan Gardeners in the amount of \$40.00 each for the deposits on their garden plots. The motion passed 7-0-0, after which each bills payable form was signed.

Huckins Farm Meeting:

The Commission approved Mr. John Willson to be their representative attending homeowners meetings at Huckins Farm regarding any matters that may arise with the Conservation Restriction.

Minutes:

A motion was made by Mr. Uthoff and seconded by Mr. Smith to approve the minutes of November 14, 2012, the Executive Session minutes of November 14, 2012 and the minutes of November 28, 2012. The motion passed 7-0-0.

A motion was made and seconded to adjourn the meeting. The motion passed 7-0-0, adjourning the meeting.

Meeting adjourned at 8:40 pm.

Minutes prepared by Stephanie Ide.

Minutes approved at meeting of January 9, 2013.