

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
April 24, 2013
Selectmen's Conference Room
Town Hall, Bedford, MA

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

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

Mr. Willson read the Public Record Statement as approved by Town Counsel on 9/10/12.

Continuation of Public Hearing – Notice of Intent: 9 Alcott Street

Mr. Paul Marchionda of Marchionda & Associates was present before the Commission on behalf of the Zanghi Family Limited Partnership to continue the discussion on the proposed construction of a single family home, driveway, utilities and retaining wall within the 100-foot buffer zone to bordering vegetated wetland (bvw). A portion of the driveway and utilities will be located within the 25-foot buffer zone to bvw. Mr. Marchionda reviewed the April 16, 2013 letter that was submitted to the Commission addressing their previous concerns of the construction of the retaining wall and snow storage. The impervious surface calculations were revised and will be at 21.5% for the lot. Fourteen permanent wetland bounds are proposed along the retaining wall.

Mr. Ed Bensley of 18 Gould Road asked about sewer and gas maintenance requirements. Ms. Linda Hocker of 2 Alcott Street stated that there is gas on Alcott Street. Mr. Marchionda stated that if sewer or gas maintenance is required on the property in the future the owners would be required to file with the Conservation Commission if the work would be within their jurisdiction.

A motion was made by Mr. Smith and seconded by Mr. Wirth to close the public hearing. The motion passed 5-0-1, with Mr. Gray abstaining.

Request for Determination of Applicability: 3 Radcliffe Circle

A motion was made by Mr. Uthoff and seconded to waive the reading of the public notice. The motion passed 6-0-0. Ms. Soraya Stevens was present before the Commission to discuss the proposed repaving of a driveway within the 100-foot buffer zone to bordering vegetated wetland. Ms. Bagdonas suggested that Ms. Stevens use six haybales on the

downstream side of the stream that runs under the roadway in order to protect the stream from any material that may escape the confines of the repaving.

A motion was made by Mr. Uthoff and seconded by Mr. Gray to issue a positive Determination for reason five and a negative Determination for reason three with the condition that haybales are placed as marked on the approved plan. The motion passed 6-0-0, after which it was signed.

Request for Determination of Applicability: 56 Dunster Road

A motion was made by Ms. Eggert and seconded by Mr. Smith to waive the reading of the public notice. The motion passed 6-0-0. Mr. Paul Wittman was present before the Commission to discuss the proposed installation of a generator with gas line, deck replacement with construction of new stairs and replacement of existing front stairs within the 100-foot buffer zone to bordering vegetated wetland. Mr. Wittman explained that the existing deck, which will be replaced with a deck exactly the same size, is located within 25-foot buffer zone to bvw. Mr. Gray asked why the generator and generator pad can not be placed outside of the 50-foot buffer and suggested that it be moved to the other side of the house where it could be outside of the 50-foot buffer. Mr. Wittman explained that the gas line comes in on the side of the house where he is proposing the generator. Ms. Bagdonas recommended that the Commission set a condition requiring a compensation area along the wetland per the plan that was discussed with Mr. Wittman at the site visit.

A motion was made by Mr. Gray and seconded by Mr. Smith to issue a negative Determination for reason three and a positive Determination for reason five with the condition that the compensation area shall be provided and staked per the approved sketch plan. The motion passed 5-0-1, with Mr. Smith abstaining. The Determination was then signed.

Public Hearing – Notice of Intent: 201A Carlisle Road

Mr. Wirth read the public notice. Mr. Brian DeVellis was present before the Commission on behalf of Mark Morwood for the proposed construction of a new home and associated site work within the 100-foot buffer zone to bordering vegetated wetland. Mr. DeVellis reviewed his letter dated April 24, 2013 with the Commission. The letter is in response to Ms. Bagdonas' memo dated April 23, 2013. A discussion took place about data sheets which were not originally included with the wetland report by Ms. Basbanes. Ms. Trudeau, wetlands consultant, has been retained by Mr. DeVellis and will be submitting data sheets on the wetland at 201A Carlisle Road to the Commission. Ms. Bagdonas stated that she is familiar with the area and that the soils can be difficult to identify. Ms. Bagdonas recommended that the Commission invoke the state consultant fees provision, which would require the applicant to pay for a consultant chosen by the Commission under the provisions of MGL Chapter 4, section 53G.

A motion was made by Ms. Eggert and seconded by Mr. Gray to authorize Ms. Bagdonas to hire an outside consultant invoking MGL Chapter 4, section 53G and providing Mr. DeVellis with written notification of any proposed cost to be paid by the applicant if said hiring is necessary. The motion passed 5-0-1 with Mr. Smith abstaining. A site visit will be

held to review the wetland delineation on Monday, April 29, 2013 with Ms. Bagdonas, Ms. Eggert, Mr. Willson and Mr. Gray in attendance.

A motion was made by Mr. Gray and seconded by Mr. Wirth to continue the public hearing to the meeting of May 8, 2013. The motion passed 5-0-1 with Mr. Smith abstaining.

26 Battle Flagg Road:

Mr. Jay Muelhoefer and Ms. Astrid Kruse of 26 Battle Flagg Road were present before the Commission to request a minor modification to the Order of Conditions that was issued on July 11, 2012 for the proposed removal of six trees and filling of a few small depressions in the wooded area adjacent to the proposed landscaping. Ms. Bagdonas requested a condition of haybales to be placed down slope of the proposed fill.

A motion was made by Mr. Gray and seconded by Mr. Smith to approve the proposed work as a minor modification to the Order of Conditions not requiring an amendment with the condition that haybales be placed down slope of the proposed fill as shown on the plan. The motion passed 6-0-0.

Emergency Certification: Hartwell Road

A motion was made and seconded to issue the Emergency Certification to the Department of Public Works. The motion passed 6-0-0, after which it was signed.

Huckins Farm:

Mr. Gray volunteered to replace Mr. Smith as representative of the Commission for the Huckins Farm Committee.

A motion was made by Ms. Eggert and seconded by Mr. Wirth to nominate Mr. Gray to be the Commission's representative for the Huckins Farm Committee. The motion passed 4-0-2, with Mr. Smith and Mr. Uthoff abstaining.

62 Dunster Road:

Ms. Bagdonas explained that there is ground disturbance on the side of the house that seems to be within an area that was prohibited from disturbance in the Determination. Ms. Bagdonas would like to conduct a site visit on the property on Monday, April 29, 2013 at 9:00 a.m. Ms. Eggert will attend the site visit as well.

Minutes:

A motion was made by Mr. Uthoff and seconded by Mr. Smith to approve the minutes of March 27, 2013 as written. The motion passed 4-0-2, with Mr. Gray and Mr. Willson abstaining.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to approve the minutes of April 10, 2013. The motion passed 6-0-0.

A motion was made and seconded to adjourn the meeting. The motion passed 6-0-0, adjourning the meeting.

Meeting adjourned at 9:05 p.m.

Minutes prepared by Stephanie Ide.

Minutes approved at meeting of May 8, 2013.