

**BEDFORD CONSERVATION COMMISSION**  
**Minutes of Meeting**  
**June 27, 2012**  
**Selectmen's Conference Room**  
**Town Hall, Bedford, MA**

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

**ABSENT:** Tim Gray, Chair; Lori Eggert

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

**Public Hearing - Notice of Intent: 7 Elmbrook Road**

A motion was made and seconded to waive the reading of the public notice. The motion passed 5-0-0. Mr. Gene Cormier of Hills Mor Construction Corporation Inc was present before the Commission to discuss the proposed demolition of an existing single family home and the construction of a new single family home, landscaping, driveway and utilities within the Riverfront Area to Elm Brook and the 100-foot buffer zones to bordering land subject to flooding and bordering vegetated wetland. Ms. Bagdonas explained that the applicant needs to provide the Commission with a plan which clearly locates the Riverfront Area boundaries to Elm Brook. The applicant also needs to provide a narrative of compliance with the Riverfront regulations.

A motion was made by Mr. Smith and seconded by Mr. Uthoff to continue the public hearing to the meeting of July 11, 2012 with the applicant's permission. The motion passed 5-0-0. A site visit was scheduled for Monday, July 9, 2012 at 9:00 a.m.

**180 Hartwell Road:**

Ms. Bagdonas explained to the Commission that the property at 180 Hartwell Road has a generic Order of Conditions for the purposes of maintaining their parking lot and stormwater management which is located next to Elm Brook. Instrumentation Laboratories is requesting that the Commission permit them to replace a culvert, cut and trim trees that are coming through the fence that borders the parking lot and to remove a tree that has partially uprooted and is lying across a ditch leading to Elm Brook. Ms. Bagdonas recommended that the Commission have the applicant file a Notice of Intent for the replacement of the culvert. She also recommended that the Commission allow the trees to be trimmed in order to keep

the fence clear and the removal of the tree lying across Elm Brook if they leave the roots of the tree in place to prevent further disturbance. The Commission did not take a vote on the matter but agreed with MS. Bagdonas and asked her to contact the applicant.

#### **Certificate of Compliance: 13 Redcoat Road**

A motion was made by Mr. Smith and seconded by Mr. Uthoff to issue a replacement Certificate of Compliance for 13 Redcoat Road. The motion passed 5-0-0, after which the Certificate of Compliance was signed.

#### **Certificate of Compliance: 4 Fern Way**

A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue a Certificate of Compliance for 4 Fern Way. The motion passed 5-0-0, after which the Certificate of Compliance was signed.

#### **Certificate of Compliance: Village at Taylor Pond**

Mr. Uthoff attended a site visit for the property. He stated that the Order of Conditions was issued for the construction of an office building that was not constructed as well as residential units that were constructed. A portion of the property has been sold. On the portion of the property that has been sold there is a large amount of construction debris.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue the Certificate of Compliance for the Village at Taylor Pond pending the Conservation Offices receipt of a letter from the applicant stating that a portion of the property has been sold and is no longer owned by the applicant. The motion passed 5-0-0, after which the Certificate of Compliance was signed.

#### **Certificate of Compliance: 201 Burlington Road**

Mr. Uthoff stated that he attended a site visit for the property. A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue a Certificate of Compliance for 201 Burlington Road. The motion passed 5-0-0, after which the Certificate of Compliance was signed.

#### **Project Plan Change: 100 Hanscom Field**

Ms. Bagdonas stated that Mr. DeVellis has submitted plan revisions showing the relocation of the roadway and detention basin at 100 Hanscom Field per an agreement made with the Navy. Ms. St. John of the DPW has reviewed the plan changes which show a decrease in the rate of runoff and can be considered an improvement. Ms. Bagdonas recommended that the Commission approve this as a minor change to the Order of Conditions.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to approve the plan revisions as a minor change to the Order of Conditions. The motion passed 5-0-0.

### **Minutes:**

A motion was made by Mr. Wirth and seconded by Mr. Willson to approve the minutes of April 25, 2012. The motion passed 5-0-0.

### **Bylaw Review Committee:**

Mr. Hagan stated that he has discussed forming a bylaw review committee with Mr. Rick Reed, Town Manager. Mr. Hagan said that the Commission may discuss the bylaw but that it must be done at a public hearing. Once changes are determined the Commission will have to go before Town Meeting for approval of changes. The Commission would like discussion of the Bylaw to remain on the agenda until it is resolved.

### **Minor Intrusions in the Buffer Zone:**

Ms. Bagdonas explained that there have been several minor intrusions in the buffer zone. She cited examples such as parking and tree houses. She asked the Commission how they would like to proceed with these matters. After a brief discussion the Commission informed Ms. Bagdonas that they would like to keep a log about said minor intrusions and handle them on a case by case basis.

*Mr. Wirth left the meeting*

### **Order of Conditions: 5 Alfred Circle**

Ms. Bagdonas explained to the Commission that she had based the draft Order of Conditions for 5 Alfred Circle on the Commission's commercial model. The Commission invited Ms. Pamela Brown up to the table during their review of the draft Order. Ms. Brown, representative of the applicant stated that she did not want the mapped resource area referred to as a wetland in the Order of Conditions and explained that the area is actually a drainage ditch. Ms. Bagdonas explained that the ditch is a mapped wetland and has been mapped as such for several years. The Commission determined that they would not make a decision on the mapped resource area at this time. The Commission also discussed whether or not it could include information in an Order of Conditions that was not discussed during the public hearing process and questioned whether the new information could be discussed during deliberations. The Commission would like to make the following statement in the Order:

The Commission makes no determination under this Order of Conditions regarding jurisdictional status as to whether the mapped resource area is a drainage ditch or wetland.

Ms. Bagdonas stated that she would refer to the mapped resource area as a ditch/intermittent stream when referenced in the Order. The Commission commented that there were several places in the text where the changes should be made. A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue the Order of Conditions for 5 Alfred Circle as discussed and amended. The motion passed 4-0-0, after which the Order of Conditions was signed.

### **Order of Conditions: 202 Burlington Road**

Ms. Pamela Brown, representative of the applicant was present before the Commission as they discussed the draft Order of Conditions for 202 Burlington Road. Ms. Bagdonas noted that the conditions referencing the Planning Board, snow storage and as-built will be removed from the draft Order before the final Order is issued.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue the Order of Conditions as discussed. The motion passed 4-0-0, after which the Order of Conditions was signed.

### **Order of Conditions: 26 Battle Flagg Road**

The Commission reviewed the draft Order of Conditions for 26 Battle Flagg Road. The Commission discussed adding a condition under the pre-construction requirement section of the Order which would state:

The applicant shall submit a sequence of events for construction of the retaining wall, including preparatory excavation, construction and backfill. A cross section locating the wall and foundation outside of the 25-foot buffer shall also be provided. Any proposed changes closer than 25-feet to the wetland will require an amendment to the Order of Conditions.

The Commission would also like to include a condition under the construction section of the Order which would state:

Photographs of the retaining wall are to be submitted to the Commission as it is being constructed.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue the Order of Conditions as discussed. The motion passed 4-0-0, after which the Order of Conditions was signed.

### **Order of Conditions: 340 Concord Road**

The Commission reviewed the draft Order of Conditions for 340 Concord Road. Ms. Bagdonas recommended that the Commission include a condition stating that all runoff should be contained on site.

A motion was made by Mr. Uthoff and seconded by Mr. Willson to issue the Order of Conditions as discussed. The motion passed 4-0-0, after which the Order of Conditions was signed.

*A motion was made by Mr. Uthoff and seconded by Mr. Smith to adjourn the meeting. The motion passed 4-0-0.*

*Meeting adjourned at 10:02 p.m.*

*Minutes prepared by Stephanie Ide.*

*Minutes approved at meeting of July 25, 2012.*