

BEDFORD CONSERVATION COMMISSION
Minutes of Meeting
August 8, 2012
Selectmen's Conference Room
Town Hall, Bedford, MA

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

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

Request for Determination of Applicability: 286 Concord Road

A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0. Ms. Leah Basbanes of Basbanes Wetland Consulting and Ms. Kristin Yerardi, homeowner, were present before the Commission for the intent to show that an area located adjacent to the property at 286 Concord Road is not a wetland resource area under the Town of Bedford Wetlands Protection Bylaw. Ms. Basbanes stated that the area in question is 35 feet wide and 80 feet long adjacent to the Yerardi's property. Ms. Basbanes explained that she reviewed plant life and soils and found that the soils were Merrimack soils. After going down 40 inches she had not seen the water table. Ms. Eggert went out to the site with Ms. Basbanes to conduct a site visit.

Ms. Bagdonas explained to the Commission that the 1982 maps showed this area as an isolated depression but that in 1997 after the area had been altered, the owner's consultant, the BSC Group, had identified hydric soils. The wetland was subsequently restored. Ms. Bagdonas stated that she would like the Commission to hire a consultant which would be paid for by the applicant to identify vegetation and soils within the restored area and to determine what has changed since 1997. A discussion took place regarding the methodology used in Ms. Basbanes' field work. Dr. Wirth stated that he was very reluctant to say that this is not a wetland when in 1997 it was. Mr. Hagan, Mr. Smith and Mr. Uthoff discussed that they would vote against getting another consultant and would issue a negative Determination. Mr. Gray, Mr. Wirth and Ms. Eggert discussed voting to hire a consultant at the expense of the applicant. There was a tie in the opinion of the Commission. The Commission discussed how to go about breaking the tie.

Ms Basbanes explained that she used the standard data form for delineating a wetland. Ms. Pamela Brown requested the Commissions permission to speak of her recollection of the wetland restoration at 286 Concord Road in 1997. Ms. Brown believed that 286 Concord Road was considered isolated land subject to flooding and not a wetland in 1997. Mr. Gray said that Ms. Basbanes was hired by Ms. Yerardi to find that the area adjacent to her property was not a wetland. Ms. Yerardi stated that that statement was not true and that Ms. Basbanes was hired to look at the wetland and determine the buffer areas. Mr. Uthoff stated that Mr. Gray's statement was outrageous. Ms. Bagdonas stated that she would like the Commission to have another consultant take a look at

286 Concord Road to find out what happened between 1997 and 2012. Mr. Gray, Mr. Smith and Mr. Hagan would like to know if Ms. Bagdonas would be willing to go out to the site with Ms. Basbanes to verify that the information on the wetland data sheets is accurate. Mr. Hagan stated that he would like Ms. Bagdonas and Ms. Basbanes to go out to the site by August 29th to verify the data sheets. Ms. Bagdonas said that she could not do data sheets without proper direction from the Commission regarding the exact location of the data plot.

A motion was made by Mr. Gray and seconded by Mr. Smith to issue a negative Determination. The motion passed 4-2-0 with Mr. Wirth and Ms. Eggert voting against. The Determination was then signed.

Request for Determination of Applicability: 5 LedgeWood Drive

Mr. Hagan disclosed his affiliation with the church and stated that it would not affect his decision on the matter to be discussed. A motion was made and seconded to waive the reading of the public notice. The motion passed 6-0-0.

Mr. John Gibbons was present before the Commission on behalf of the applicant to discuss the proposed mud room addition at 5 LedgeWood Drive. Ms. Bagdonas stated that she had asked the applicant to submit an RDA because of a depression in the front of the property. She informed the Commission that she had gone out to look at the area and it appeared to be an isolated wetland, which was later confirmed by the applicant's consultant, LEC. The mudroom will be located outside of the 50-foot buffer zone to this wetland.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue a positive Determination for reason five and a negative Determination for reason three. The motion passed 6-0-0, after which it was then signed.

Request for Determination of Applicability: 6 Wildwood Drive

Ms. Pamela Brown appeared before the Commission on behalf of the applicant, Kenneth Gable. She presented Mr. Gable's proposal to remove three trees within the established yard area, and also within the 100-foot buffer zone. The trees were described as two large white pines and one damaged maple; the stumps would be ground on site. The owner was also considering planting some shrubs along the property line.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue a positive Determination for reason five and a negative Determination for reason three. The motion passed 5-1-0, with Dr. Wirth voting against because there had been no discussion.

Appointment: Allison Field Juma

Ms. Allison Field-Juma was present before the Commission to inform the Commission about the organization for the Assabet, Concord and Sudbury Rivers. Ms. Field-Juma stated that the non profit organization, now called OARS, was founded in 1986 to protect the watershed, water quality, habitat, recreation and to promote the sustainable use of water resources. Last year the Concord and Sudbury rivers were added to the organization. Some of the main concerns in these rivers are the excessive plant growth due to high nutrients in the water as well as waste water and pollutants. Mr. Ralph Hammond is the OARS steward for the Town of Bedford.

Orders of Conditions: 7 Elmbrook Road

The Commission reviewed the draft Order of Conditions for 7 Elmbrook Road that was prepared by Ms. Bagdonas. A motion was made by Mr. Smith and seconded by Mr. Uthoff to remove condition #37 from the Order. The motion passed 6-0-0. A motion was made and seconded to issue the Order of Conditions. The motion passed 6-0-0, after which the Order of Conditions was signed.

Orders of Conditions: 2 Jeffrey Circle

The Commission reviewed the draft Order of Conditions for 2 Jeffrey Circle that was prepared by Ms. Bagdonas. Ms. Bagdonas and Mr. Smith discussed adding a condition that would state that the existing elevations would remain the same and that the applicant should provide the Commission with documentation. Mr. Smith agreed to write the condition and e-mail it to Ms. Bagdonas.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue the Order of Conditions including the condition to be written by Mr. Smith. The motion passed 6-0-0, after which it was signed.

Orders of Conditions: 114 Concord Road

The Commission reviewed the draft Order of Conditions for 114 Concord Road. A motion was made by Mr. Smith and seconded by Mr. Hagan to remove condition #37 from the Order. The motion passed 6-0-0. The Commission discussed adding a condition requiring the applicant to compensate for the intrusion in the Riverfront Area by planting a few shrubs down the embankment of Mongo Brook.

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue the Order of Conditions as discussed. The motion passed 6-0-0, after which it was signed.

Minutes:

A motion was made and seconded to approve the minutes of July 25, 2012 as edited by Mr. Gray. The motion passed 6-0-0.

5 Alfred Circle 103-0729:

Ms. Bagdonas explained to the Commission that a site visit will take place with the Department of Environmental Protection (DEP) regarding the 5 Alfred Circle appeal on Wednesday, August 15, 2012 at 10:00 am. Mr. Smith said that he would attend the site visit with DEP.

Mr. Gray left the meeting.

Bills Payable: Oxbow Gardens

A motion was made by Mr. Uthoff and seconded by Mr. Wirth to issue payment to Oxbow Gardens for lawn services rendered at Jordan Gardens. The motion passed 5-0-0, after which the bills payable form was signed.

Orders of Conditions: 12 Paul Revere Road

The Commission reviewed the draft Order of Conditions for 12 Paul Revere Road as prepared by Ms. Bagdonas. A motion was made by Mr. Uthoff and seconded by Mr. Smith to remove condition #37 from the Order. The motion passed 5-0-0. A motion was made and seconded to issue the Order of Conditions. The motion passed 5-0-0, after which the Order of Conditions was signed.

Mowing Contract:

A motion was made by Mr. Smith and seconded by Mr. Uthoff to approve Mr. Paul Jenkin's bid of mowing the Conservation Areas not to exceed \$2,810.00. The motion passed 5-0-0.

Fawn Lake Management Contract:

A motion was made by Mr. Uthoff and seconded by Mr. Smith to approve payment of \$250.00 for the annual maintenance agreement of Fawn Lake. The motion passed 5-0-0.

New Bridges in Conservation Areas:

Ms. Bagdonas informed the Commission of a bridge with concrete footings that has appeared in the Lantern Lane CA as well as the unauthorized construction of a new trail within the O'Connor CA. A motion was made by Mr. Smith and seconded by Mr. Wirth to approve the removal of the unauthorized trail and bridge as an emergency. The motion passed 5-0-0.

Application acceptance Requirements:

A motion was made by Mr. Smith and seconded by Mr. Uthoff stating that if an application is incomplete according to the checklist which is included with said applications when submitted, the Conservation staff has the authority to not accept the application until it is complete per the checklist. The motion passed 5-0-0.

A motion was made by Ms. Eggert and seconded by Mr. Wirth to adjourn the meeting. The motion passed 4-0-1, with Mr. Smith voting against adjourning the meeting.

Meeting adjourned at 9:25 p.m.

Minutes prepared by Stephanie Ide.

Minutes approved at meeting of September 5, 2012.