

BEDFORD CONSERVATION COMMISSION

Minutes of Meeting

September 12, 2012

Selectmen's Conference Room

Town Hall, Bedford, MA

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

ABSENT: Allan Wirth

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.

Bills Payable:

A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue payment to Community Newspaper Company in the amount of \$54.60 for the legal notice of 2 Jeffrey Circle with the applicant to pay for the second legal notice. The motion passed 6-0-0, after which the bills payable form was signed.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue payment to Oxbow Gardens for lawn service at Jordan Gardens on August 6, 2012 and August 31, 2012 in the amount of \$100.00. The motion passed 6-0-0, after which the bills payable form was signed.

Continuation of Public Hearing – Notice of Intent: Ashby Road Bridge

Mr. Randy Meuse and Ms. Michele Simoneaux of GZA GeoEnvironmental, Inc. were present before the Commission with Mr. Norman Delorey of EMD Millipore Corporation to continue the discussion of the proposed re-facing of the headwall on the Ashby Road Bridge, regrading and curbing of a portion of Ashby Road and the installation of a permanent stormwater control and treatment devices within bank, land under waterbodies and waterways, riverfront area to Elm Brook, bordering land subject to flooding and the 100-foot buffer zone to bordering vegetated wetland.

Ms. Simoneaux explained that GZA has located the Bedford wetlands on their plans, as shown on the GIS maps overlay. They have also revised sheet C-3 of the plans to show the reduction in riprap to six feet off of the headwall with riprap eliminated on the southeast side, reduced on the northwest side, and the southwest side shown not to be repaired. The last plan change shows that they have eliminated a catch basin, regraded the road, reduced pavement and created a bio-swale. Ms. Bagdonas stated that the project meets the Limited Project standards of the wetlands regulations.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to close the public hearing. The motion passed 4-2-0 with Mr. Willson and Ms. Eggert abstaining due to their absence at the meeting of September 5, 2012.

Public Hearing – Notice of Intent: 18 & 18A Ashby Road

A motion was made by Mr. Smith and seconded by Mr. Uthoff to waive the reading of the public notice. The motion passed 6-0-0. Mr. Randy Meuse and Ms. Michele Simoneaux of GZA GeoEnvironmental, Inc. were present before the Commission with Mr. Norman Delorey of EMD Millipore Corporation to discuss the proposed removal of a 300,000 gallon water tank and the placement of an air compressor building on an existing concrete pad within the Riverfront Area to Elm Brook and the 100-foot buffer zone to bordering vegetated wetland.

The water tank will be drained with the water being released slowly over a period of four days. The water will be discharged to a southern portion of the site. Once the tank is drained, a crane will be brought in to remove the tank leaving the existing concrete pad that the tank currently sits on. The proposed new structure will sit on the existing footprint of the concrete pad. Ms. Bagdonas explained that if any part of the new structure is located within the 50-foot buffer, a compensation area will be required per the Bylaw. Ms. Simoneaux stated that approximately 100 square feet of the new structure will be located within the 50-foot buffer but that it will be on the existing concrete pad and suggested that they come back in the spring with a compensation plan for the intrusion into the 50-foot buffer. Mr. Hagan and Mr. Uthoff stated that they were against having a compensation area because the applicant is placing the structure on an existing concrete pad and not enlarging the pad. Mr. Smith agreed and stated that if the applicant removes the concrete pad then the applicant should be required to come back before the Commission. Mr. Willson stated that he would like a compensation area because it is a new structure within the 50-foot buffer. Mr. Gray stated that it is an addition to an existing pump house on the existing pad that is within the buffer and should require compensation. Ms. Eggert agreed with Mr. Gray and Mr. Willson. Mr. Smith stated that he was now in favor of the compensation area.

A motion was made by Ms. Eggert and seconded by Mr. Willson to close the public hearing. The motion passed 6-0-0.

Order of Conditions: Ashby Road Bridge

The Commission reviewed the draft Order of Conditions for the Ashby Road Bridge project as prepared by Ms. Bagdonas. The Commission discussed including the following findings:

1. The Conservation Commission finds that the applicant has correctly identified the delineated wetlands except at the northwest side where the town GIS maps show additional wetlands that will not be altered by the project.
2. The applicant addressed all regulations of the bylaw to the satisfaction of the Commission.

A motion was made by Mr. Uthoff and seconded by Mr. Smith to issue the Order of conditions as discussed. The motion passed 4-2-0 with Mr. Willson and Ms. Eggert

abstaining due to their absence at the meeting of September 5, 2012. The Order was then signed.

Order of Conditions: 18 & 18A Ashby Road

The Commission reviewed the draft Order of Conditions for 18 & 18A Ashby Road as prepared by Ms. Bagdonas. The Commission discussed including the following finding:

1. A portion of the proposed new structure is within the 50-foot buffer zone but located within the existing footprint of the concrete pad. Any intrusion within the 50-foot buffer by a new structure shall be compensated for.

The Commission would like conditions 56 and 57 removed from the Order and conditions 63 and 64 as special conditions within the Order.

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

Order of Conditions Model:

Ms. Bagdonas and Mr. Willson worked together to create an Order of Conditions model for residential projects. The Commission reviewed the model and concluded that if a condition is not relevant it should state that it is not applicable (N/A) with the condition number to remain in place, and that condition number 28 in the model should be removed. Mr. Smith stated that he is favor of the Commission requiring as-built plans but only at the Commission's discretion. A motion was made by Mr. Uthoff and seconded by Mr. Smith to approve the use of the new residential Order of Conditions model. The motion passed 6-0-0.

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

Meeting adjourned at 9:45 p.m.

Minutes prepared by Stephanie Ide.

Minutes approved at meeting of October 17, 2012.