TOWN OF BEDFORD
January 26, 2016
CONSERVATION COMMISSION
MINUTES

A meeting of the Bedford Conservation Commission was held on Tuesday, January 26, 2016 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Beth Evarts (Chairman), Melissa Stevens (Town Council Alternate), Phil Cote (Planning Board Liaison), Tom Sauser, Ken Peterson, Sarah Thomas, Michelle Salvatore (Alternate), Lisa Kammer (Alternate), and Karin Elmer (Planner 1)

Chairman Evarts called the meeting to order at 7:00 p.m. and introduced members of the Commission. Town Councilor Jim Aguiar, James Drake, and Alternate Jonathan Benjamin were absent. Ms. Kammer was appointed a voting member in place of Mr. Drake.

Dredge and Fill Applications:

- **Town of Bedford – Worthley Road reconstruction totaling 1,327 square feet of wetland impacts.**

Jeff Foote, Public Works, Town Engineer, stated Worthley Road is in horrific condition, the pavement is broken up, there is poor closed and open drainage, there is severe rutting up and down the road, and also shoulder erosion, and that is why we're improving the road. This road runs from Rundlett Hill Road over to the Manchester town line. It is approximately 2,600 feet long, in the northeast quadrant of the Town. The part of the road being reconstructed runs from Rundlett Hill Road to the Manchester town line. The proposed work will include underdrain, culverts, and catch basins. We will replace the pavement and the subgrade of the slope in the road. An asphalt curb will be installed on the north side of the road, replacing an existing condition. The project will improve intersection sight distance at the cross streets and on the driveways, most notably near Third Street as traveling westerly up over the hill from the Manchester line.

Mr. Foote continued on the posted plan you can see two impact areas on the east side of the project. The first is approximately 459 square feet and the second is 868 square feet. There is what is classified as a meadow type wetland. We will be replacing the inlet into that meadow. We consulted with Army Corp of Engineer subcategories; there were no hits on any of the species. We are proposing to increase the impervious area along the corridor of about 4,500 square feet, by repaving the road to normal standards. Mr. Foote reviewed several photographs of existing conditions of the road and described the areas of impact.

Ms. Salvatore asked the outflow will being going into the wet meadow? Mr. Foote replied some of it will, and then it all collects at the Manchester line. That condition will remain the same as it has for decades. Ms. Salvatore asked will there be any sediment control within the catch basin before going into meadow? Mr. Foote replied no; in order to mitigate for the minimal amount of

sediment transport, etc., you would cause more disturbance by going through the introducing a swale or detention pond. The whole project is just the replacing of existing conditions. Mr. Peterson asked what is a Cape Cod berm? Mr. Foote replied it is the asphalt curbing. Ms. Salvatore stated the road is close to the properties. Did you have to provide notification to the property owners? Mr. Foote replied they were all notified. Ms. Salvatore asked was there any feedback from the notices? Mr. Foote replied essentially the whole project was within the Town right-of-way. We do need to get an easement from the property owned by St. Anselm College. We did not receive any feedback.

Chairwoman Evarts asked for comments or questions from the audience. There were none.

> **MOTION by Mr. Peterson that the Conservation Commission recommends approval of the standard dredge and fill application for the Town of Bedford reconstruction of Worthley Road with a total of 1,327 square feet of wetland impacts, as presented by Jeff Foote. Ms. Thomas duly seconded the motion. Vote taken - all in favor. Motion carried.**

- **Town of Bedford – Nashua Road sidewalk construction involving 2,664 square feet of wetland impacts.**

Jeff Foote, Public Works, Town Engineer, stated the area for sidewalk construction on the west side of Nashua Road is between the Bedford high school lower parking lot up to the former Department of Public Works garage/ball fields toward Route 101. The road is not conducive to pedestrian use. It has a narrow shoulder with some minor intersection sight distances for the driveways in that location, will improve safety for the students, and this project will improve those. We will install granite curbing, elevated sidewalk at 6.5 feet wide, with a 2 foot grass panel behind that, and the Town proposes to install four catch basins to capture the water on the west side of the road.

Mr. Foote stated on the posted plan you can see the two wetlands impacts. The first impact, which is just south of the school parking lots, when installing the sidewalk it causes slope impacts to the wetlands. And then up at the terminus point at the middle driveway, at the former DPW garage and ballfields you can see the small wetland impact there of approximately 71 square feet. For the larger impact, when we introduce the sidewalk it causes the widening of the area thus the slope impact into the wetland as a result. There are no critical habitats in the area. All the resource agencies were contacted and it appears as though there will be no further investigation.

Mr. Foote continued the sidewalk will be constructed of asphalt and will increase impervious area by 6,500 square feet. The east side of the road that condition is going to perpetuate itself, the water will continue to sheet flow off the edge of the road. We know there is a lot of shallow bedrock in the area. We are not proposing to install deep sumps in the catch basins because of the ledge that would be very expensive to remove and there is a water and sewer line in very close proximity. We are trying to minimize the impacts to the area that we have presented to you. We will have regular sumps but not the deep sumps. Mr. Foote reviewed several photos of existing conditions.

Ms. Kammer asked where is the stormwater going to be discharging to? Mr. Foote replied where it does into the area of the skate pond. Chairwoman Evarts asked how are you going to cut into the slope because of the ledge that is there? Mr. Foote replied based on the work that we did on 2006, it was shallow and I think in that area we can get most of it out mechanically. We know based on past experience that at 5 or 6 feet where the water and the sewer were, there was some money spent removing ledge to extend the water and sewer.

Chairwoman Evarts asked when are you planning to start the work? Mr. Foote replied it is all dependent on the article that the SAU has for the voters whether to fund it or not. If it were to pass, we are three months out in order to get the permit, at a minimum, and if it passes, we need to be in position to move forward when school gets out so it can be used for the fall.

Chairwoman Evarts asked for comments or questions from the audience. There were none.

> **MOTION by Mr. Cote that the Conservation Commission recommends approval of the standard dredge and fill application for the Town of Bedford Nashua Road sidewalk construction involving 2,664 square feet of wetland impacts, as presented by Jeff Foote. Mr. Sauser duly seconded the motion. Vote taken - all in favor. Motion carried.**

<u>New Business</u>:

- **Christopher & Deidre Helmke – Review of pending Zoning Board of Adjustment application at 63 Hawk Drive, Lot 8-16-47.**

Tom Carr, Meridian Land Services, and Christopher Helmke were present review this Zoning Board of Adjustment application with the Conservation Commission.

Mr. Carr stated we would like to proceed to the Zoning Board to request a variance for a proposed carriage house in the location shown on the posted plan. The lot is in the Power Hill subdivision, which was approved in the 1989, and that date preceded the wetland setback regulation. So the 50 foot wetland setback to structures came after this lot existed. Posted is an existing conditions plan. The slope in the back of the pool is very, very steep and if you look at the area between the pool and the building setback, there is not enough room to put the proposed carriage house there. After doing an evaluation of the lot, this seemed to be the best most suitable spot to place the carriage house. Mr. Helmke has an antique vehicle that he pays for storage and that would be kept here. The vehicle is fully restored so the carriage would not become a workshop. Looking at the grading plan, the Town is going to grant a temporary curb cut and there will be a temporary accessroad coming down to the proposed carriage house and there will be some grading done. The proposed structure would be 31 feet from the wetland edge, and there would still be at the closest point approximately 10 – 12 feet of vegetated buffer left in place. The temporary accessroad after construction would more than likely be seeded with grass and left like that so he can occasionally take this vehicle out. The curb cut will have to be completely restored to its existing conditions, which is grass. Ms. Elmer distributed photos that are on file for the Zoning Board application and Mr. Carr reviewed them.

Mr. Carr posted an aerial view of the property. He stated you can see the existing shed, which is where the carriage house is proposed to be put. Most of the proposed carriage house is on an existing lawn, and just the back corner shown is into the woods.

Mr. Peterson asked did you put this existing shed in that location? Mr. Helmke replied yes. Mr. Peterson stated it said the existing shed did have a permit issued in 2007 and was supposed to meet the wetland setback. Mr. Helmke replied it doesn't meet the new wetland setback. Mr. Carr stated in 1989 the subdivision was done by Thomas F. Moran, which I was an employee of that company at the time. The wetland delineation standards back there were different than they are today. The regulations have changed somewhat and the accuracy of the delineations now we actually survey our flags in. Back in the 1980's we were field mapping, so the accuracy was not very good. I field delineated the wetlands time, flagged it in the field and the surveyors located it. What we have now is what I consider to be an accurate wetland delineation on the property. Mr. Peterson asked is there any chance you could rotate the carriage house 45 degrees to the right, which would solve your whole problem? Mr. Helmke replied I looked at it but aesthetically I don't think it looks right because now it is facing the woods. I played with the position for a long time and this seemed like the best place for it to work.

Mr. Cote asked how close to the edge of wetland do you think you're going to get with the fill and are you going to have erosion control measures in place? Mr. Carr replied yes. I can show some erosion control on the plans to go to the Zoning Board. It will be silt fence or silt sock proposed along the edge of the fill. In the area shown at the closest spot where it is 31 feet there will be about 10 – 12 feet of vegetation left in place at the toe of the slope.

Chairwoman Evarts stated it looks like you're going to have to clear some trees for the temporary accessroad. Mr. Carr responded the existing treeline is as shown on the plan, and there will be an island of trees left and those are some pretty good sized oak trees and good sized saplings, then the gap for the accessroad and then back into natural forest.

Ms. Kammer stated it seems that you're taking the treeline back into the setback as well, and from what you're saying there is no other way to prevent that impact. Mr. Carr responded right for grading-wise. The setback is a setback and not a buffer. The intent of the setback is to provide some separation between impervious particularly or structures; technically it is between structures and the wetland boundary. We felt that the grading along here as shown because it is a fairly steep slope, he doesn't want to have it come down to a flat and then taper down into the woods from there. It would be a lot more grading to do that, and going back to the plan you can see that the grade starts to peel off as shown. So as we go down, there is fairly minimal grading to make this driveway functional and this is about 10 percent grading where shown.

Ms. Salvatore asked are you planning to collect runoff from the roof of the structure and what is your intention with respect to that? Mr. Carr replied it is a 2-pitch roof, we would be happy to propose some stone drip edges so that the water would go into a stone trench. Ms. Salvatore stated I think that will help. Mr. Sauser asked is a drywell an option to catch the runoff? Mr. Carr responded the stone trench essentially acts the same as a drywell. If we did a drywell, we would be adding roof gutters and piping and trenching and then more disturbances to put the drywell in. I think being that this is a relatively small structure compared to a home; the trenches would

probably be the best alternative. Mr. Sauser asked you feel the drip edge will give us as much protection as a drywell? Mr. Carr replied I think so.

Mr. Sauser asked what precludes moving the structure 10 feet towards Hawke Drive? Mr. Helmke replied it is pretty much the slope running down to it. There is a picture shown that. Mr. Sauser stated there appears to be a retaining wall that provides buffer for a flattened area by that corner of the house, so it is not clear. Mr. Helmke replied you can't see it in the photograph but it is sloping down towards the front of the shed, and if I moved it 10 feet closer, then I would be coming out to a ramp as shown. Mr. Sauser stated I think there is some latitude there to minimize the impact to the setback and still allow reasonable access to the home and to the carriage house.

Chairwoman Evarts stated I think in general our concern is the shed that was put up previously falls within the setback area, of which it wasn't supposed to, and the temporary construction access and the carriage house combined significantly falls within that 50 foot setback today, and to Ms. Kammer's point, you move that treeline further into that. I think we're should look to make some recommendations in our motion to the Zoning Board as they review this to consider some of these things and also see if there is any consideration to be able to shift the carriage house and/or the construction access so that it minimizes that setback area.

Mr. Peterson asked did you consider building a garage on the left-hand side of your house? Mr. Helmke replied yes. I considered building it on the back, on the left, up where the garage is. Mr. Peterson asked if you move the carriage house forward so it would actually attach to the side of your house, which would get rid of some of the gradation problems and now you have a very pretty garage on the left-hand side. Mr. Helmke replied I think it would be difficult to do with the windows and rooms that are already there and access to it. I'm really just looking for an accessory building to park the car, to keep it out of the way and safe. Mr. Carr stated also, when we get to the Zoning Board, we have to consider diminution of values to the property. I know Mr. Helmke worked on this concept for quite a few months before we were finally engaged to do the plan looking at different options, and he talked to me a little bit about it. I didn't really see any plans involved, but when he came up with the final concept, I personally said I think this is the right way to go when we get to the Zoning Board value-wise.

Ms. Salvatore stated this is one of those items that if they kind of go back to the drawing board and say did you do your best effort. There are a lot of ideas out there and I recognize that there are slope issues there, but I don't think we make the recommendation on how to build this thing. Chairwoman Evarts stated I think we need to make a motion to state our concerns so when the Zoning Board looks at this, when you go in front of the Zoning Board it is considered in terms of what our concerns are and then from a construction and permitting perspective, the structure itself is not us. We have to make sure that we clearly state our concerns with regard to the wetland setback and be within that buffer zone. Ms. Elmer stated these minutes will get attached to the staff report going to the Zoning Board. The Zoning Board is looking for guidance. You can choose not to make a motion and let the minutes stand for themselves, you can choose to support it with the conditions you would like included in their approval, you can vote not to support it and the reasons why you don't want to support it, and then the Zoning Board will weigh all of those different things that are being submitted to them. Mr. Helmke stated I tried placing this all over

the place on the property, and I know was size was mentioned and I looked at something smaller but it doesn't work all that well, so I did my best to get it where I thought it worked.

Chairwoman Evarts stated I would like to propose a little bundle on the things we would like to see considered by the Zoning Board and working with the applicant at your next step of this process. Mr. Cote stated I would rather not vote against it.

Chairwoman Evarts stated the Conservation Commission wants to make sure that the Zoning Board considers what we have voiced at this meeting with regard to the drip edge coming off from the structure when it is built, an erosion control plans, especially talking about the accessroad and being within this 50-foot setback. We also talked about the accessroad and moving the treeline and that there is some consideration given to that. We realize you are not going to be driving in and out here on a daily basis. Also, to give consideration to turning the structure or bringing it forward to pull it out of that setback. We realize you have looked at this for 5 or 6 years and tried to find the right place, but we do that the Zoning Board keeps that into consideration.

- **Chairwoman's update.**

There was no update from the Chairwoman.

- **Set up sub-committees for each trail grant.**

Ms. Elmer will collect names for volunteers for the sub-committees, and it was decided that this item will be addressed at a future meeting.

Old Business:

- **Waterfowl Sanctuary Eagle Scout project on Beach Street.**

Colin Figler stated back in May I introduced my project, I have completed it and I am here to present the results. My project was to restore the Waterfowl Sanctuary Nature Trail, create and install a sign, and make a trail map. The trail was disorganized, cluttered with a lot of brush on the trail. I started working on the project in June, and the first step was to clear all the ferns and underbrush on the trail. I did that with the help of a few friends and troop members. The second phase was to blaze the trail, which I did with paint after scraping the bark with a hatchet. Then I took out the old sign posts and installed the new ones. The sign itself consisted of two 5-foot long clear pine planks. First the wood was planed to smooth the surfaces so it could be painted easily, then I sanded the planks, then I stained the wood, then we routed the letters and started painting them. I replaced the original sign posts. A photo of the finished sign was posted.

Colin stated I raised around $500 with a bake sale fundraiser, I spent close to $400, which was mainly on wood and hardware for the sign, there were probably 25 individuals that assisted me throughout the project, man hours for myself was around 40 working hours, and I think the total hours worked was 120 hours for everyone. I also created a map for the trail.

The Commission congratulated Colin on his project.

- **Update on Sebbins Pond lot abutter encroachments.**

Ms. Elmer stated the Bedford Land Trust has been working with the property owners. I've distributed a copy of a letter the Bedford Land Trust sent to the property owners about removing the encroachments on the property with photos attached. It looks like it is slowly coming to an end. Chairwoman Evarts asked they are going to remove the tree house and the retaining wall, and then let the portion of the lawn that has been mowed and fertilized go back to its natural state. Ms. Elmer responded yes. Chairwoman Evarts stated this is informational only for the Commission, and the Bedford Land Trust will keep up to date.

- **Update on trail grant submittals**.

Ms. Elmer stated we still do not have final approval for either one of the grants. The funds have still not been released for the Heritage Trail and we still are working on the RFP for the archeological study at Pulpit Rock. The RFP should be posted within the next week.

- **Update on the McQuesten Brook restoration plan.**

Ms. Elmer stated there is nothing now on this item. We are still waiting for some information.

- **Easement monitoring assignments.**

Ms. Elmer stated if there are any outstanding, please get them to me.

Correspondence:

Ms. Elmer distributed information to the Commission from the Bedford Land Trust reporting their monitoring of the conservation easement monitoring of Pulpit Rock. I'm working with the highway department to try and correct some of these things. Some will get corrected as part of the Pulpit Rock grant for relocating trails that got covered up by the detention pond. The boundary markers should be getting installed this spring as soon as the ground is unfrozen. I will put this on next month's agenda, and we can talk about the status.

Ms. Elmer distributed information on the Pulpit Rock Preserve property on boundary markers or lack thereof. She stated a lot of the lots are being sold off. I am going to be doing a check to see which of the granite boundary markers are missing versus who owns what. By spring everything should be 100 percent. I will come back to the Commission if a lot of boundary markers are needed.

Chairwoman Evarts stated the Bedford Land Trust is putting forth options to purchase aerials. This will be on next month's agenda.

- **Stoddard Conservation Commission letter regarding state regulations on bobcat hunting.**

Chairwoman Evarts stated we are being asked to write in support of opposing the opening of the trapping and hunting season on bobcats in New Hampshire. Ms. Elmer stated there is no hunting on conservation land. No hunting on Town-owned land is directed by the Town Council. The Conservation Commission does not have the authority to make something hunting or not hunting. Mr. Peterson stated I don't feel I am qualified to make a decision on this. Mr. Cote stated I share similar belief. We have only seen one side of the story. Ms. Elmer stated if you feel personally you want to support this, you can do that on an individual basis. Chairwoman Evarts stated my personal opinion would not represent the Commission. Mr. Peterson stated this is not part of our job as a Conservation Commission, and I think we would be remiss to be signing onto something like this. Mr. Sauser stated I agree with that.

Approval of Minutes:

- **November 24, 2015**

  MOTION by Mr. Cote that the minutes of the November 24, 2015 Conservation Commission meeting be approved as written. Mr. Sauser duly seconded the motion. Vote taken; motion carried, with Mr. Peterson abstaining.

Non-public Session:

- None

Adjournment:

MOTION by Mr. Peterson to adjourn at 8:39 p.m. Mr. Sauser duly seconded the motion. Vote taken - all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons