

TOWN OF BEDFORD
August 23, 2016
CONSERVATION COMMISSION
MINUTES

A meeting of the Bedford Conservation Commission was held on Tuesday, August 23, 2016 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Jim Aguiar (Town Council), Phil Cote (Planning Board Liaison), James Drake, Tom Sauser, Sarah Thomas, Michelle Salvatore, Dave Gambaccini (Alternate), and Karin Elmer (Planner 1)

Councilor Aguiar called the meeting to order at 7:00 p.m. and introduced members of the Commission. Beth Evarts (Chairwoman), Dave Gilbert (Town Council Alternate), and Lisa Kammer (Alternate) were absent.

Public Hearing on proposed changes to the Rules of Procedure:

MOTION by Mr. Cote to open the public hearing. Mr. Drake duly seconded the motion. Vote taken - all in favor. Motion carried.

Ms. Elmer stated currently anything to be put on the agenda, including applications, are due 7 days prior to the meeting, which does not give me enough time to write staff reports, work with applicants' who may have incomplete information, plus post the agenda before the next meeting. We are suggesting changing the deadline to 14 days prior to a meeting.

Councilor Aguiar read the article as amended, Article 10, Section g, as follows: "Agendas for public meetings are closed at 12 noon, fourteen (14) days before the scheduled meeting. An agenda may be closed sooner, if, in the opinion of the Chairman, the length of the agenda and subject matter is such that completion before 10:00 PM is unlikely. All agendas shall be posted in two (2) public places at least five (5) days prior to any scheduled meeting."

Councilor Aguiar asked for comments or questions from the public. There were no members of the public present.

Mr. Drake asked does this impact any of the other Town boards and commissions? Ms. Elmer replied they are all changing their deadlines. The newspaper that we post our notices in has changed their deadline so each board or commission has changed their deadlines by increasing the amount of time required to have applications submitted. Councilor Aguiar asked are these calendar or business days? Ms. Elmer replied I can add the term calendar days to the change if you prefer. I will amend the change by adding "calendar days."

Mr. Sauser asked is there anything that can be changed with the process internally to maintain the current submission time? Ms. Elmer replied we don't have the staffing levels to keep up with the

newspaper deadline change, and in the past I never spent much time on the Conservation Commission's work, I never prepared staff reports or supplied members with the dredge and fill application permits, and over the last 10 years the members have become more involved, and I just can't meet that deadline anymore.

Ms. Salvatore asked do we have a requirement to review the Rules of Procedure at certain times? Councilor Aguiar stated Chairwoman Evarts and I have been discussing some proposed changes so that is something that may be brought up in the future.

MOTION by Mr. Drake that the Conservation Commission approve the changes to their Rules of Procedure, as amended, per our discussion. Ms. Salvatore duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Mr. Drake to close the public hearing. Mr. Cote duly seconded the motion. Vote taken - all in favor. Motion carried.

Approval of Minutes:

- June 28, 2016

MOTION by Mr. Cote to approve the minutes of the June 28, 2016 Conservation Commission meeting as written. Mr. Drake duly seconded the motion. Vote taken; motion carried, with Councilor Aguiar, Ms. Thomas, and Ms. Salvatore abstaining.

- July 25, 2016 (Heritage Trail site visit)

Councilor Aguiar stated there were only two members present at the site visit; no quorum, therefore a motion is not required, but the minutes will be kept on file.

Dredge and Fill Applications: None

Old Business:

- Update on Sebbins Pond lot abutter encroachments

Ms. Elmer stated a license agreement has been worked out and signed between the abutter, the Bedford Land Trust attorney, and our attorney to keep the treehouse overhanging the Town conservation land, although the post that was on Town property has been removed. This item is now closed.

New Business: None

- Chairwoman's update

There was no Chairwoman's update.

Other Business:

Ms. Elmer stated Mr. Drake and Ms. Salvatore were looking into setting up a 501(c)3 charitable organization for the Conservation Commission to accept donations. I received an interpretation from the Town attorney that states under current law, RSA 36-A:4, I, specifically permits Conservation Commissions to accept gifts of money subject to Town Council approval. Therefore, there is no need for a 501(c)3 or having to funnel money through the Bedford Land Trust. A copy of the Town attorney's interpretation was distributed to the members and a copy will be attached to these minutes.

Mr. Drake stated that is a serious advantage to those who are considering donating, and we could possibly do some publicity for donors.

Reports of Committees:

- Update on Heritage Trail Grant work

Ms. Salvatore stated we have run into a snafu. At the July 25, 2016 trail site meeting we heard from EverSource that where we proposed our crossing was right under their utility lines. We determined that we could not put the crossing at the initial location and decided it would have to be moved about 20 feet to the west. We had EverSource clear the area to get a look at what we were dealing with and look at the wetland delineation. To build at that location it would require supports right in the center of the bridge. Vickie Chase from Normandeau Associates believes we can do a trails notification for a wetland crossing based on what we are doing and she has offered to do that. If all goes well, we could maybe get an approval from the DES mid-September, but the problem is we have to have the work completed by October 1st. That doesn't give us much time to get all the checks and paperwork to submit for the grant. I don't believe that is enough time. I could call DES and explain our predicament that initially it wasn't going to require notification as we were not going to be disturbing the wetlands and see if they can expedite it. The design and material list is complete, and Mr. Sauser has an Eagle Scout that is ready to jump in, but this has us backed into a corner for a timeframe. Mr. Sauser stated if we could look at submitting the paperwork and see how to expedite it, if the Conservation Commission could approve \$500 of risk money to purchase the granite footings for the extremities of the bridge and the concrete footings in the center support, which would go into the wetlands, that would buy us a week. If we could start early and Ms. Salvatore does her part with DES, we could condense the work time. Another issue is that we still need to get approval from the real estate company at 10 Iron Horse Drive for our staging area. The owner needs to be indemnified from the Town and the turnaround of paperwork for this could take some time. The \$500 will be replaced with grant money if the grant is approved.

MOTION by Mr. Drake that the Conservation Commission approve an expenditure in the amount of \$500 for the Heritage Trail bridge development. Ms. Salvatore duly seconded the motion. Vote taken - all in favor. Motion carried.

Mr. Drake stated Mr. Sauser can get bids on the items to be purchased and submit that to Ms. Elmer to help expedite this project.

- Update on Pulpit Rock Trail Grant

Mr. Drake stated there is not much going on with this. We were looking at some firm to come onboard to look at trail maintenance. Ms. Elmer stated Ron is very interested and is hoping to get us something by the next meeting. We have to get financial approval from the Finance Department to do a sole-source and not put it out to bid. He would be doing all the easement monitoring, minor trail maintenance, blaze trails, and replace any boundary markers that may be missing.

Enclosures:

- Newspaper Article regarding McQuesten Brook Restoration

Ms. Elmer stated Bedford is all done with their part of the McQuesten Brook restoration. It has now moved up to the Manchester side.

Additional Comments:

Ms. Elmer stated Chris Wells of the Piscataquog Land Conservancy, with regard to the Florence Tarr Trust easement funding, is not ready with his information yet. There is still no ruling from the court as to how much money is in the account. He will be back to see us when that is done.

Mr. Drake stated we had talked about a summer intern doing an inventory plan for us. Ms. Elmer stated he wasn't going to do it for us but he was working on it. I am not sure how much he got done but he is gone now. That may be something else Ron can work on for us.

Ms. Elmer stated our new Assistant Planning Director is Mark Connors, and in next year's budget he is proposing buying new software. He is very good with graphics and doing brochures, doing things like the map book that Amherst has, and maybe we could take advantage of that. Chairwoman Evarts got an estimate from the Southern NH Planning Commission to see what they could do of us. Mr. Drake stated that could set us up for more property stewardship and grant planning.

Non-public Session: None

Adjournment:

MOTION by Ms. Salvatore to adjourn at 7:45 PM. Mr. Sauser duly seconded the motion. Vote taken - all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons