

Town of Bedford
Conservation Commission Minutes
April 12, 2022

A meeting of the Bedford Conservation Commission was held on Tuesday, April 12, at the BCTV meeting room at 10 Meetinghouse Road, Bedford.

7:00 PM Call to Order

Present: Patricia Grogan (Chair), William Carter (Vice Chairman, Town Council representative), Stephanie Jones (member), Julie Donovan (member), Deborah Evans (member), Kathleen Bemiss (Town Council alternate), Kathleen Ports (Associate Planner), Becky Hebert (Planning Director).

Absent: Stephen Clough (Planning Board representative), Gregory Handy (member).

Chair requests Ms. Ports review the agenda items:

Agenda Review: Ms. Ports reviews the Agenda.

Chair Grogan reads the Mission Statement and motto.

Chair Grogan asked any questions on the March 22, 2022 meeting minutes?

MOTION: Mr. Carter motions to approve the minutes of the March Meeting. Ms. Jones seconds the motion. ALL IN FAVOR – unanimous.

Dredge and Fill Applications to Review: None

New Business:

Chair Grogan said seeing there are no dredge and fill applications, we will move on to New Business. I'd like to remind the members and the audience that the Commission is a non-judiciary board and its purview is limited to issues pertaining to impacts to natural resources, wetlands, and wetland setbacks.

Will the representative for SV101 LLC please present your application?

- **SV101, LLC** - Review of a request for a variance from Section 275-28(A) to permit the construction of a light industrial (assembly)/warehouse building within 10 feet of the edge of wetland and a retaining wall greater than 6 feet in height within 5 feet of the edge of wetland where 50 feet is required at the corner of NH Route 101 and Hardy Road, Lot 28-21.
- **SV101, LLC** - Review of a request to permit approximately 990 sq. ft. of wetland fill for the construction of a retaining wall and driveway access to a proposed light industrial

(assembly)/warehouse in accordance with Section 275-27(D), located at the corner of NH Route 101 and Hardy Road, Lot 28-21.

Jeff Kevan and Mark West testify: Jeff Kevan, TF Moran introduced himself, Mark West, the wetland scientist of West Consulting, and Alex Valais, the owner. Mr. Kevan provides an overview of the proposal and describes how it interacts with the adjacent parcel. He describes the wetland and proposed impacts to the wetland and buffer. He states that at the direction of Mr. West, they shifted the building and parking forward on the site to provide as much buffer to the vernal pool as possible. Mr. West presents an assessment of the affected wetlands and their functions and values.

Member asks if there is room for stormwater management and snow storage removal. Mr. Kevan states the site will meet all stormwater quality standards and the design will maintain pre-existing discharge rates. Snow removal may be a combination of onsite and removal to an offsite location. Member inquires whether the parking area can be moved east to pull it out to the vernal pool setback. Mr. Kevan states that impervious surface is allowed in the setback but regardless, the turn radius is such that the parking lot cannot be shifted east. Member asks how much of the buffer will be needed for construction. Mr. Kevan states that 5 to 10 feet is needed for grading and that they may be able to add a short wall to ensure it is not more than that, but the remainder, 28 to 33 would be undisturbed.

Member asked if there are interior drains. Mr. Kevan states that those are not allowed.

Ms. Grogan asks if any member of the public has a question. Seeing none, Ms. Grogan asks Mr. Kevan to continue with the next proposal. Ms. Grogan states that the Commission received and distributed a comment letter from resident Heidi Cole.

- **Two Hardy Road LLC** - Review of a request for a variance from Section 275-27(A) to permit 2,642 sq. ft. of wetland fill for development of a gas station/convenience store, drive-thru, and retaining wall at the corner of NH Route 101 and Hardy Road, Lot 28-20.
- **Two Hardy Road LLC** - Review of a request for a variance from Section 275-28(A) to permit the construction of a retaining wall greater than 6 feet in height at the edge of a wetland where 50 feet is required at the corner of NH Route 101 and Hardy Road, Lot 28-20.

Jeff Kevan and Mark West testify: Mr. Kevan provides an overview of the proposal and describes how it interacts with the adjacent parcel. He describes the wetland and proposed impacts to the wetland and buffer. He explains that modern gas stations are larger because folks wait while a car is charging and desire amenities such as coffee. Mr. West explains how the wetlands 1 and 2 interact. He states that he has been on the site before the State reconfigured the intersection and that the project altered the drainage and sent it straight down the side of the road into Wetland 2, whereas there had been a small wetland in the corner previously.

Member asks if the project and new stormwater management will improve some of the water quality conditions evident in wetlands 1 and 2. Mr. West answers yes. Member asks if the drive-thru can be eliminated or reduced to a single, but slightly wider lane. Mr. Kevan states possibly. When a drive-thru is proposed, a bypass lane is typically required. Member asks about the wetland and water quality risks of a gas station at this site versus another type of development. Mr. Kevan explains that requirements are rigorous and all lines are wired with a monitor that instantly sends notification if there is a leak

detection anywhere in the system. He explains that drips and spills at the pump are collected in a special pad around the pumps. Onsite runoff moves to a catch basin and through an oil and water separator, which is maintained and cleaned on a regular basis.

Ms. Grogan asks if any member of the public has a question. Deidre Menard of 69 Bedford Center Road said she was concerned about MBTE contamination associated with the Gas Station. She stated that it was an issue at the Mobile Station near her residence. The group discussed MBTE and said the additive was banned and replaced with ethanol.

MOTION: Mr. Carter motions to approve the requests for wetland fill and encroachment in the wetland buffers. No Second. MOTION FAILS.

MOTION: Ms. Jones motions to table the application to the May meeting pending a site walk with the Commission. Ms. Donovan, Ms. Evans, and Ms. Bemiss vote in favor. Mr. Carter votes no. MOTION CARRIES.

Mr. Carter recuses himself.

Chair Grogan said moving on Mr. Silva are you ready? Please present your application.

Frank Silva and His Associate testify regarding their request for an after-the-fact variance from Section 275-28(A) to build a shed within 32.2 feet of the edge of a wetland where 50 feet is required, at 110 New Boston Road, Lot 2-10-1.

MOTION: Ms. Jones motions to approve an after-the-fact variance from Section 275-28(A) to build a shed within 32.2 feet of the edge of a wetland where 50 feet is required, at 110 New Boston Road, Lot 2-10-1, with the added condition that crushed rock be placed around the edge of the shed and the flow path to the wetland be stabilized with plantings. Ms. Grogan seconds the motion. ALL IN FAVOR – unanimous. MOTION CARRIES.

Member of the Public: Resident Deidre Menard asked if the Agenda included discussion of the proposed library parking lot expansion. Ms. Menard was informed there were no wetland or buffer impacts associated with the proposal and therefore it is not within the purview of the Commission.

CUB Day: Mr. Carter said CUB Day is coming up this weekend on Saturday, April 16th from 9 to 1. Bags are available at the Town Library, Town Office Building location, the Safety Complex where the Police and Fire are. There will be a box there. There will be a box at the Farm at Joppa Hill, and anytime, doesn't matter if it's the 16th or any time, the Transfer Station has them. The CUB Day signs are also up as you enter Bedford from Merrimack and coming in from Goffstown, on Wallace Road.

Chubbuck Site Plan - Mr. Carter said our new Town Councilor, Kathleen Bemiss, has agreed to take this one. She happens to live abutting the Chubbuck property. Ms. Bemiss stated she is recommending the area for Town Forest designation and is excited to work on that.

Logo Contest – Ms. Ports said our Logo winner is Entry 6 by Peter and Brandon Sullivan. How would the Commission like to roll out the logo? Members suggested bumper stickers, hats, letter head, website, and signs for now. Ms. Jones will help with pricing and orders.

History Write-ups – Ms. Ports said Bedford Land Trust is compiling information for us and Ms. Evans will be assisting with the history write-ups. This will get started in the next few weeks.

Other Business

Big Tree Program – Ms. Ports said we had 19 attendees and it was a lot of fun. Ms. Evans and Ms. Jones attended. Thank you Mike Gagnon from the Cooperative Extension and the Hillsborough County Forester for leading the program. Ms. Grogan read a letter from the State Big Tree Program announcing the State Red Maple Champion is in Bedford at Joppa Hill Farm Conservation Area.

Trail Stewardship Meeting – Ms. Ports said we held three trainings attended by 19 volunteers. We are organizing our first work day in the next week or two. I have a request for you to approve the expenditure of funds to purchase tools and equipment to make the repairs. Mr. Carter asked about Town Liability for the trail volunteers. Ms. Hebert stated that the town is protected by State RSAs.

MOTION: Ms. Jones motions to approve the expenditure of up to \$4,000 of conservation funds for trail supplies. Ms. Donovan seconds. ALL IN FAVOR – unanimous. MOTION CARRIES.

Pulpit Rock Subcommittee: Ms. Ports said the subcommittee met on April 6. They are planning a work day on May 7 at 9am. There will be a Geology Walk on May 22 from 11 to 1:30 pm. Sign up through www.plcnh.org.

Joppa Hill Farm Survey – Ms. Ports said I received three bids on the RFP issued to have Joppa Hill Farm Conservation Area surveyed. I recommend we accept the bid from S&H Land Surveying.

MOTION: Mr. Carter motions to approve the expenditure of \$20,000 of Conservation Funds for S&H Land Surveying to complete a new survey and set all property boundary monumentation at the Joppa Hill Farm Conservation area and accept the donation of services to complete the blazing. Ms. Grogan seconds the motion. ALL IN FAVOR – unanimous. MOTION CARRIES.

Marston Debris Removal – Ms. Ports said I would like to arrange the debris removal at Marston, which is something we agreed to do when we purchased the land. Some of the farm equipment will remain but we need to remove the wood pile. I have a bid from Pinard Waste and Sonny D Excavation to do the work.

MOTION: Mr. Carter motions to approve the expenditure of up to \$4,000 of conservation funds to remove the debris pile on the Marston-Dunlap Conservation Area at the direction of the Planning Department. Ms. Jones seconds the motion. ALL IN FAVOR – unanimous. MOTION CARRIES.

Announcements:

1. **Bedford Transfer Station** – Chair Grogan said the Bedford Transfer Station is now accepting food waste.
2. **Annual NHACC Meeting and Conference** – Saturday, November 5th will be the annual NHACC meeting and conference. Put that on your calendars for now. More information later.
3. **CUB Day** – Don't forget CUB Day is April 16th.

MOTION: Mr. Carter motions to adjourn the Conservation Commission meeting. Ms. Jones seconds the motion. ALL IN FAVOR – unanimous. MOTION CARRIES.

Meeting Adjourned at **9:17 pm**.

Next meeting will be held May 24, 2022, at 7:00 p.m.

Respectfully submitted by Kathleen Ports