

Town of Bedford
Conservation Commission Minutes

June 22, 2021

A meeting of the Town of Bedford Conservation Commission was held Tuesday, June 22 at 7pm at the BCTV meeting room at 10 Meetinghouse Road, Bedford.

Present: Maggie Wachs (Chair), Julie Donovan (alternate), Patricia Grogan (regular member), Bob MacPherson (regular member), Denise Ricciardi (Town Council alternate), Kathleen Ports (Associate Planner) and Becky Hebert (Planning Director).

I. Call to Order and Roll Call:

The Meeting convened at 7pm.

Ms. Wachs: Welcome everybody to the June 22nd meeting of the Conservation Commission of the town of Bedford. I'd like to introduce myself, I am Maggie Wachs, the Chair. Julie, I'll start with you, could you please introduce yourself.

Ms. Donovan: I'm Julie Donovan.

Ms. Grogan: Patricia Grogan.

Ms. Ricciardi: Good evening. Denise Ricciardi, Liaison for the Town Council.

Mr. MacPherson: Bob MacPherson, Conservation Commission.

Ms. Ports: Kathleen Ports from the Planning Department, Town of Bedford.

Ms. Hebert: Good evening. Becky Hebert, Planning Director.

Ms. Wachs: All right. I'll do the alternates in a minute. Could we please review the agenda?

Ms. Hebert: Sure. On tonight's agenda, you have approval of your meeting minutes. We have no new dredge-and-fill applications and no new business to review tonight. The Commission will discuss under old business, updates on discussion of town-owned land off of Chubbuck Road and any updates on the Bedford High School Ecological Program. Under other business, the Commission will review previously reviewed permits and ZBA applications, discuss a Pulpit Rock boundary survey, and an additional request for a turtle crossing sign. The Commission will enter into a non-public session at the end of the meeting.

Ms. Wachs: Thank you. Now, we're going to read the mission statement for the Conservation Commission. The mission of the Bedford New Hampshire Conservation Commission is to protect, preserve and conserve the town's natural resources and open-space land for the common good. This includes stewardship and management of conservation land, protecting wetlands and vernal pools, and the planning and acquisition of land for conservation purposes.

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The Commission works with landowners to administer state and town wetlands regulations, and advises other town boards, such as the Planning Board and Zoning Board of Adjustment on environmental impacts and alternative considerations regarding development projects. The Conservation Commission promotes conservation activities and communicates with the citizens of Bedford on important environmental issues. Our motto is *Keeping Bedford Beautiful*.

This evening, for the purpose of voting, I will appoint Julie Donovan as a voting member so that we can move on to doing the minutes. We can get right to that. Does anyone have any thoughts, edits on the April 13, 2021 meeting minutes?

Ms. Grogan: I wasn't here for that, so I don't know if that affects the voting.

Ms. Wachs: It does, actually. We will table that one. The next meeting minutes for approval are for the May 25th, 2021 meeting?

Ms. Grogan: My name is spelled incorrectly in one place.

Ms. Wachs: Okay. Can we make a motion to approve them with the spelling correction?

Ms. Donovan: Yes.

Mr. MacPherson: I have a question. At that meeting, we were going to have Richard and Linda Martin make a presentation. We said we did not want to get into it at that time until they could come back, and I'm just wondering, where does that stand? They're not here tonight.

Ms. Ports: They were unavailable for tonight's meeting. They're unavailable for next month's meeting, so they will be on the August agenda.

Mr. MacPherson: Okay. Thank you.

Ms. Ports: You're welcome.

II. Approval of Minutes:

May 25, 2021 Conservation Commission Minutes:

MOTION by Mr. MacPherson: I'll make a motion to approve the May 25th, 2021 Conservation Commission minutes.

Ms. Grogan: I'll second it.

Ms. Wachs: Thanks, Patricia. All in favor?

Mr. MacPherson: Aye.

Ms. Donovan: Aye.

Ms. Hebert: Aye.

Ms. Wachs: Those are passed.

ALL IN FAVOR. MOTION PASSES.

III. Dredge and Fill Applications:

We don't have any new dredge-and-fill permits for tonight's meeting. As you just mentioned, Bob, Richard and Linda Martin will be on a future agenda, so we can move on to old business.

IV. New Business: None

V. Old Business:

Ms. Wachs: Do we have any updates on the Chubbuck Road land?

Ms. Ports: Both members are absent this evening and neither had an update to provide.

Ms. Wachs: How about the Bedford High School Ecological Program, I don't think we've heard on that either?

Ms. Hebert: No.

Ms. Ports: No, Beth didn't have any updates.

Ms. Wachs: She is still an alternate. Is that correct?

Ms. Ports: Yes, she is.

Ms. Wachs: Moving on to any other business? Do we have any ZBA permits applications that came back?

VI. Other Business:

Ms. Ports Yes. The Stanton variance that you reviewed in May was approved by the ZBA at the last meeting. They all stated their appreciation for the thorough review that the Commission had done. That's been approved and that letter went out. That's it for, I think, that. Other business-- A couple of things I just wanted to mention. We received a copy of a permit notification from DES for Eversource Energy for a temporary wetland impact to make some replacements of structures in the town of Bedford. It's just repair and replacement of overhead wires in their right of way. We don't need to take any action. It's just for your information.

Mr. MacPherson: Whereabouts in Bedford will that occur?

Ms. Ports: I don't have the specific location. I can find out for you, if you'd like to know.

Ms. Ports: We also received a letter from the DOT. They're going to be rehabilitating a culvert at the intersection of 114 at Donald Street and New Boston Road. At this time, they're in the early planning stages. They were wondering if the Commission had a list of priority mitigation sites, in case they needed to provide wetland fill mitigation for their project. I don't know that we have a preferred or priority mitigation

project list, but I'm just bringing it up because it's something that we might want to undertake in the future.

Ms. Wachs: When they do mitigation, they basically kick back some funds to the town. Do they have to name a specific project for them to go to?

Ms. Ports: Yes.

Ms. Hebert: I thought we had a list somewhere, but I don't know.

Ms. Ports: I found a few lists. I'm going through files.

Ms. Wachs: I think you might be the keeper of the list.

Ms. Ports: The lists I found might be a little old and outdated, so I just need to reconcile where those proposals are at. We might want to revisit those and decide if they're still priorities at this point.

Ms. Hebert: The list needs to be projects that are generally ready to be implemented or projects for land acquisition and also projects for restoration. Stream restoration, restoration that might help improve the watershed for the affected area. The Commission might want to add this as an agenda item to develop or update the list that we have. When we get these inquiries, we don't have a lot of time to respond. We can share with DES where we might have a project.

Ms. Wachs: It's too bad they can't just put funds in our bank account for us to use.

Mr. MacPherson: Becky, can you email us the current information that you have?

Ms. Hebert: Yes. We could add this to the next agenda and provide the list. Keep it general. Some of those land acquisitions you may want to talk about under a non-public discussion, but we can talk about general locations.

Ms. Donovan: Yes, that would be good for new members.

Ms. Wachs: Yes, and I think what you're saying, Kathleen, about updating it, because I don't remember the last time we had a discussion about it.

Ms. Ports: I don't know what you used as your prioritization. We might have different criteria now than you had back then. I can put together some example options of how to prioritize and how to go about filling out the list in terms of adding more properties and deciding what you want on there.

Ms. Wachs: That sounds great.

Ms. Donovan: I think the next item is just an update on the Pulpit Rock boundary survey from Bedford Design Consultants. Becky's going to share some preliminary maps that they have sent over for us.

Ms. Hebert: We have received the preliminary boundary survey from Bedford Design Consultants for Pulpit Rock. It was quite an undertaking. As you can see, the

survey encompasses nine sheets of engineering paper and we're asking for an overview plan to be included with the final submission, but I can walk through where some of the interesting areas along the boundary that might need further investigation. The surveyor identified 21 monuments that were missing around the property boundary. The monumentation is really important because there's a conservation easement on the property, and when the Town or the land trust discovers that there may be an encroachment.

It's important for that property boundary to be very clearly marked, so that when town staff or the land trust needs to talk with the landowner it's clear where the boundary is. This boundary survey identified 21 missing markers. Approximately half of those markers were in one specific neighborhood along Esther Drive, and you can see on this first sheet.

When a survey identifies a boundary marker, it's identified with either a colored-in square or circle and the square represents a stone bound, the circle at the corner represents an iron pin. You can see along Esther Drive, we have a stone bound at the corner lot on New Boston Road, and then these residential properties that are about pulpit are missing their corner boundary markers along their rear property line.

Kathleen and I met with the land trust to talk about boundary monumentation, and what their preference would be if the town were to pay to have the missing monuments installed and they would like to see all of the missing monumentation provided along the boundary, and specifically along Esther Drive here. You can see where these straight lines against the pulpit property line runs along north to south right here. You can see these property lines.

Ms. Grogan: That wouldn't be the homeowner's responsibility?

Ms. Hebert: Unfortunately, no. It's not the homeowner's responsibility. It appears to me that at some point this subdivision-- Whoever surveyed and developed the subdivision neglected to place those boundary markers, but so much time has passed. It's not something that we would require after the fact. If we want the monumentation, the town would need to install that. You can see on Sheet 2, there are some more properties along Esther Drive with those missing corner markers.

CC Member: That would be the town that would pay not the Conservation Commission.

Ms. Hebert: The Town would pay to have the pins installed and the land conservancy would follow immediately after the installation of the pins and put their placard up that says "Land protected by the Piscataqua Land Conservancy". It's very obvious that this is the boundary and beyond this line is conservation land.

Mr. MacPherson: Now, who would approve that expenditure, the town council?

Ms. Hebert: The Conservation Commission.

Mr. MacPherson: Also, if we approve it, it's a done deal?

Ms. Hebert: You would need to authorize it. We don't have an estimate for that work yet. Initially the surveyor who prepared the boundary survey was going to come tonight and present their findings to you, and he had an emergency and was unable to attend the meeting at the last minute. I'm trying to give you the best overview I can. I think that the next step would be to ask him to submit a formal proposal for the missing monumentation, and then invite him to come to the next meeting to give you all an update.

Mr. MacPherson: Now, will the money come from our conservation fund?

Ms. Hebert: Yes.

Mr. MacPherson: Okay.

Ms. Hebert: It's an action item that the Land Conservancy has identified as well. They are responsible for maintaining the property boundary, maintaining painted blazes along the property boundary, and correcting monumentation discrepancies or issues. They are very interested in having this boundary clearly marked.

Mr. MacPherson: Yes, definitely. As long the cost is not exorbitant, yes.

Ms. Grogan: How many do we need?

Ms. Hebert: We appear to need about 21 and the cost is about \$155 per pin. I believe Kathleen may have that number in front of her or at the top of her mind.

Ms. Ports: It's \$250, I believe per monument. It's \$225 for a granite marker and \$150 for an iron pin, but there might be some additional costs for labor.

Ms. Hebert: It's money that would protect the boundary of the property, and if you have a legal issue with an encroachment it's going to cost a lot more to resolve it with the town attorney.

Ms. Grogan: Has there been encroachment?

Ms. Hebert: There are places of encroachment along the property boundary but nothing severe, mainly like yard clippings and people's backyard activities extending into the property, but no structures, no severe encroachments. I can tell you in a former job I had an individual build a pool partially off their property and in a conservation easement.

I had to work with the landowner to remove the pool, nothing that severe, nothing that would require significant investment.

Ms. Ricciardi: When an encroachment happens even if it is something somewhat minor, like let's say somebody's got their lawnmower parked over the boundary line, is that something that the surveyor identifies and then contacts the landowner, or is it just brought back to the town and the town needs to go out and talk to the owner about it?

Ms. Hebert: Sure. Annually a representative from the land trust will go out and monitor the easement, and to monitor the easement they'll walk the property boundary and look for any encroachment, any violations and they submit a report to the town. If there are any issues, it's the town's responsibility to resolve the encroachment or the violation.

Ms. Ricciardi: Okay.

Ms. Hebert: We wanted to give you an update, I'm sorry that Craig Francisco from Bedford Design was unable to be here, but I think it was a good opportunity to introduce the reasons why we need the monumentation and the scale of work that's going to be involved in this particular project. This is one of Bedford's largest conservation areas with a fairly complex property line.

The parcels have been acquired over time, and there are a lot of residential neighborhoods that have property directly like, on Esther Drive and the Preserve subdivision. We've noticed that the newer lots along the Preserve all have the correct monumentation along the corner. It looks like it was just this one subdivision that was remiss in putting those corner bounds in. Anymore questions on this one?

Ms. Ports: No.

Ms. Grogan: No.

Ms. Hebert: The last order of old business is a request for turtle crossing signs. At your last meeting you approved an expense of \$147.36 for the DPW to purchase and install a turtle crossing sign on Meadowcrest. This was at the request of a Bedford resident, and previously two signs were installed on Jenkins Road. We have a request for a third location at the Jenkins Road location on either side of McQuade Brook, between Beals Road and Homestead. The resident, who placed the request had noticed very large turtles crossing frequently at the McQuade Brook area, and they also noted several turtle nests and would like the Commission to consider another location. I wanted to talk with you too about how you wanted to handle these requests for the turtle signs.

I think, as they go up around town, we may have more requests, and we can do them on a case-by-case basis, or if you wanted to approve them subject-to-staff review, we could also do that. Each time a turtle crossing sign goes up, it requires two signs, one on either side of the crossing and DPW holds that same estimate of \$147.

CC Member: That's installed?

Ms. Hebert: Installed, yes. We can pull that up on the map, too, if you want me to show you where that location is.

Ms. Wachs: Sure, let's take a quick look at that. I don't think we have any objections to more turtle crossing signs.

Mr. MacPherson: No.

Ms. Wachs: I'm all for it.

Mr. MacPherson: Nobody wants to run over a turtle.

Ms. Hebert: I know, it's awful.

Ms. Grogan: At Meadowcrest there is a lot of wetland in there. There is a lot of turtles in there, so we need to protect those guys.

Mr. MacPherson: I agree.

Ms. Donovan: I've had to stop for turtles on Meadowcrest and Liberty Hill Road.

Ms. Grogan: They've been around a while, but it probably could get out of hand.

Ms. Wachs: We'll have to make a form for the requests.

Mr. MacPherson: This request being right there near McQuade Brook, and I think anybody who's driven down Jenkins has seen the turtles crossing the road.

Ms. Grogan: Oh, I live over there.

Ms. Wachs: Could you zoom out for a second?

Ms. Hebert: Sure.

Ms. Wachs: Wow, isn't there a bridge there?

Ms. Hebert: Yes, and no signs on either side of the bridge.

Ms. Wachs: This is where the new one would go?

Ms. Hebert: This is where the new one would go.

Ms. Wachs: I do believe, Becky, there is a sign on Jenkins, north of Beals. There's a pond up there right along the road-

Mr. MacPherson: Yes.

Ms. Wachs: -and I believe there's a crossing sign there.

Mr. MacPherson: There is.

Ms. Wachs: That's existing.

Ms. Hebert: Yes. Up here?

Ms. Wachs: Yes.

Ms. Hebert: That's existing. This would be your third turtle crossing location.

?Ms. Grogan: It's the Brook.

Ms. Ports: We can get an inventory and have a little map, if you guys would like, so we can kind of keep a record of where they are.

Ms. Wachs: Yes, that might make sense.

Mr. MacPherson: That's a good idea.

Ms. Grogan: Yes, that'd be great.

Ms. Ricciardi: I know there's not a sign on Magazine Street, but there's the two culverts, the bridges that the Town owned and redid, and there's always been a ton of turtles there. That street is mostly just the people that live on it or a visitor, but there are a lot of turtles there.

Ms. Hebert: Right.

Ms. Ricciardi: A lot. There is no current sign.

Ms. Grogan: Do you want a turtle sign?

Ms. Ricciardi: I was just bringing it up if you're going to be making a list.

Ms. Grogan: Put in a request.

Ms. Ricciardi: Well, because it's Riddle Brook right there.

Ms. Grogan: That's two turtle signs.

Ms. Ricciardi: Since we're talking about it.

Ms. Hebert: Well, I'm sure DPW would be happy to install any number of turtle signs. They do have to maintain them, and the DPW Director said that the one further North on Jenkins has been stolen several times. Maybe kids think it's cool to grab the turtle crossing sign and put it in their rooms.

Ms. Ricciardi: Maybe we need to add something on there, a fence for stealing.

Ms. Grogan: We'll electrify it, how's that?

Ms. Hebert: We were joking, you could add a GPS tracker.

Ms. Wachs: That would be funny.

Ms. Hebert: We'd need a motion to approve the expenditure, if you all are in favor of installing the signs at McQuade Brook.

Mr. MacPherson: Do you need the motions?

Ms. Hebert: Yes.

MOTION by Mr. MacPherson: I would make the motion to purchase the turtle crossing sign for Jenkins Road adjacent to the McQuade Brook area.

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Ms. Wachs: All right.

Ms. Grogan: **Second.**

Ms. Wachs: Seconded. All in favor?

All: Aye.

Ms. Wachs: No oppose, that's good.

ALL IN FAVOR. MOTION CARRIES.

Ms. Wachs: We all like turtles.

Ms. Grogan: Everybody loves turtles.

Mr. MacPherson: It's be a little bit of a traumatic experience, running over a turtle.

Ms. Wachs: I picked up a couple to get them out of the road. If it's not a busy road, I'll stop and pick them up. I saw one on-- I forget what it was. It was that road going from Joppa Hill Road over to Amherst that cut through to 101. That little thing was not happy. That was not happy, and not a happy turtle. It wanted to be in the road, but I ruined its day.

Ms. Ricciardi: You saved its life.

Ms. Wachs: I know.

Mr. MacPherson: Good for you.

Ms. Wachs: It was not a happy turtle.

Ms. Grogan: Just for any of our turtle people out there. When a turtle is crossing the road, if it's in the road, you take it and put it in the direction it was going. Don't take it and turn it around.

Ms. Wachs: Because, then it'll come back again?

Ms. Grogan: Yes, it'll come back on the road. If it's heading that way, take it, place it on that side of the road.

Ms. Wachs: Good to know. Maybe I put it on the wrong side of the road, that's why it was mad at me.

Ms. Grogan: Big trouble.

Ms. Wachs: I think that covers our other business, unless there's anything else, we can go into our non-public session.

VII. Non-Public Session:

Ms. Ricciardi: You need a motion to do that?

Ms. Wachs: Yes, and I will read our non-public session statement per RSA 91-A32D, for consideration of the acquisition sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests

are adverse to those of the general community. **Do we have a motion to move into non-public?**

MOTION by Mr. MacPherson: So moved.

Ms. Wachs: Thank you, Bob.

Ms. Ricciardi: Second.

Ms. Wachs: Thank you, Denise. All in favor?

All: Aye.

ALL IN FAVOR. MOTION CARRIES.

VIII. Adjournment:

The public Conservation Commission meeting adjourned at 7:29pm.

The next meeting of the Bedford Conservation Commission will be Tuesday, July 27, 2021.

Respectfully Submitted,

GoTranscript &
Christine Szostak - edits