

TOWN OF BEDFORD CONSERVATION COMMISSION MINUTES
August 27, 2019

A meeting of the Bedford Conservation Commission was held on Tuesday, August 27, 2019 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH.

Present: Beth Evarts (Chairwoman), Denise Ricciardi (Town Council), Bill Carter (Alternate), Maggie Wachs, Mac McMahan (Planning Board Representative), Patricia Grogan (Alternate), Karin Elmer (Planning Department)

Absent: Dave Gambaccini (Vice Chair), Catherine Rombeau (Town Council Alternate), Bob MacPherson, James Drake, Gregory Schain (Alternate)

7:00 PM Call to Order

Chairwoman Evarts called the Bedford Conservation Commission meeting to order at 7:04 PM.

Chairwoman Evarts read the opening statement: The mission of the Bedford Conservation Commission is to protect, preserve and conserve the town's natural resources and open space land. The Commission works with landowners by reviewing permits and administering State and Town wetlands regulations, advises other Town Boards on environmental impacts, and recommends alternative considerations regarding development or improvement projects.

Chairwoman Evarts appointed alternate members Patricia Grogan and Bill Carter as voting members for this meeting.

Approval of Minutes:

- July 23, 2019 Conservation Commission Minutes –

Mr. Carter thought the vote on the Ginn project was 6 to 1, not 5 to 2 on the Ginn discussion. Other than the hand vote, with Mr. Carter was opposed to the vote. The final vote was 6 to 1 to vote for x24.

MOTION by Mr. Carter to approve the July 23, 2019 minutes with the condition that the final vote on the Ginn project was 6 to 1 12x24 with Mr. Carter in opposition. Ms. Ricciardi seconded the motion. One abstention: Chairwoman Evarts. Vote taken – all in favor. Motion carried. Ms. Elmer

Motion to table the minutes and Ms. Elmer will review the BCTV recording of the minutes.

Dredge and Fill Applications:

- None

New Business:

- **Mitchell Soederberg** – Review of a proposed Eagle Scout project for the placement of location markers for the aid of emergency response personnel at the Pulpit Rock Conservation Area.

Chairwoman Evarts explained that the Fire Department often has emergency response calls on the trails and there is not much self-service on the trails, so they approached the Commission about taking a look at adding an emergency marker system. The Fire Department will be conducting drills this Spring.

Mitchell Soederberg of Troop 5 in Bedford is planning on putting together labeled & color-coded 3x3 signs throughout the park. Hikers can reference their location and provide an emergency code so emergency responders can tell where this person is.

For Pulpit Rock, Mr. Soederberg put together a design for a 3x3” sign that shows the “911 Location”. He will survey the trail to make sure they get the correct distance. A person in distress can call the fire department, look at the sign and know their location. It gives the fire department a shortcut on where the person is located on the trail.

As soon as he gets approval from the Eagle Board next week, he will survey the trail to see how many signs he will need. He will then contact Ross Signs. He estimates this will cost \$200.00. He will have a bake sale in the middle of October to raise funds. Then he will schedule 3-4 workdays with volunteer help from the troop who will help him post the signs and coordinates. It will then be immediately ready for usage with the fire department. He hopes to finish by mid-October.

Mr. Soederberg had a few people he would like to thank including Brian Nolan who has been a great mentor and resource for this project, Ms. Karin Elmer in connecting him with other people, and the Commission for putting in the work they do.

Chairwoman Evarts asked about the material he will use for the sign. Mr. Soederberg said he is looking to use 3x3” aluminum signs. Chairwoman Evarts asked how he would install them (on existing resources or on a stake). Mr. Soederberg plans to use trees. Chairwoman Evarts suggested a way so it doesn’t harm the tree. She asked what the distance from the ground will be. Mr. Soederberg is still looking for suggestions on that, but at a level most people can see. And more used trails near the trailhead.

Chairwoman Evarts would like to have Mr. Soederberg come back to update and address the Commission when the project is complete.

Mr. Carter asked if there is a need to have signs every 1/10th of a mile. Mr. Soederberg is unsure if it will be 1/10th of a mile or more/less – he wants them in a place that is always in view, so if anyone needs help there is always a sign there. Mr. Carter said it is important that the signs can be seen on both sides. He feels a stake might be better so you can see the sign on both sides coming up or down the trail even at dusk. He feels having a sign every 1/10th of a mile is a lot of signage. Chairwoman Evarts asked if he would track from the trailhead. Mr. Soederberg said the trailhead will be zero. On other trails he needs to survey them and come up with a plan in September. Chairwoman Evarts suggests that he brings his plan back to the Commission for approval.

Chairwoman Evarts suggested also having a Fire Department contact review his sign design and its validity.

Both Ms. Ricciardi and Ms. Wachs thanked him for putting this together. Ms. Wachs thinks it will be helpful to everyone on the trail. She said directions on how to use the signs will be at the trailheads, and she was unsure if this would be part of his project, or something the fire department will do. Mr. Soederberg plans to place an information sheet at the kiosk at the entry to the trail and will have someone at the fire department review. Chairwoman Evarts suggests sharing this information online on the Commission website.

Chairwoman Evarts thanked him for the project and said she is very excited about this. She thinks it could set a standard for other trails in town like Joppa Hill and others. She asked him to keep the Commission posted on his workdays in case they would like to assist.

Chairwoman Evarts suggested having the bake sale at Pulpit Rock to connect with hikers.

- **Eric & Gwen Taranto** – Review of a variance request to construct a deck within the wetland setback on an existing home at 21 Esther Dr., Lot 6-36-18, Zoned R&A.

Eric Taranto said they are looking to replace their current deck with the same footprint, but to extend out further and wrap around the remainder/rear of the house. It will be the same height. When they came in to get the building permits they learned that they must receive a variance approval due to wetland setbacks. Only a small portion encroaches on the wetland setback. The stairs that exit the front of the deck will encroach a bit. The Deck will encroach 7 feet into the wetland, and the stairs would be an additional encroachment of 8 feet.

Mr. Taranto said the reason they want to extend the deck to the rear of the house is to make it more enjoyable and to help them maintain their house. Currently the window on

the 2nd & 3rd floor are unreachable and it would help them to reach the windows, the siding, and the gutters so that they can do maintenance. Eventually they will have to replace some of the windows, and it will make it easier and less costly if they are accessible. Deck will be supported by 6x6 posts with concrete footing in the ground for support.

Mr. Carter asked what was the current square footage of the deck. Mr. Taranto said the current deck is 400 square feet and new deck will be about 3 times that. Mr. Carter asked how much further out than the existing deck will it be. Mr. Taranto said it would be about 4-5 feet. Ms. Taranto said the deck will be 12 feet from the edge of the existing house. Mr. Carter clarified from the house-out it would be 12 feet. He has a little bit of a problem with the stairs encroaching the wetland and asked if there was any way of moving the stairs. Can it be cut down and stay within the 12 feet coming out the house, because if you added 6 feet for stairs that would be 18 feet total. Mr. Taranto would prefer not to (because stairs are under trees and in the winter get iced up), but can look into that. Also propane tank is in the vicinity, and in case of a fire would like to not have to exit toward the propane tank. Mr. Carter suggested having the stairs run parallel to the deck so they are not encroaching further – basically an 8 foot deck with stairs that come down parallel with a landing and more stairs that bring you down to the ground. He would rather not have further encroachment more than 7 feet into the wetland. Mr. Taranto agreed building stairs so the total encroachment is not more than the 7 feet they are asking for. Mr. McMahan agreed it sounds like a good idea.

Mr. Taranto and the Conservation Commission looked at plans and discussed placement of the stairs.

Mr. McMahan asked if he would continue to have grass growing outside the deck. Mr. Taranto said they would have grass growing outside the deck, but was considering putting pavers under the deck. Mr. Carter suggested stone for drainage. Mr. McMahan asked where the wetlands start from the trees. Mr. Taranto said it is down the slope and 5 feet further is where they found the wetland soil according to the survey.

Mrs. Gwen Taranto said the stairs on the side were a better location, but she is concerned about them coming off the side of the deck due to their well and a stone wall. Ms. Elmer said the stone wall would mean having fewer stairs. Mr. Taranto said they would make it work.

Motion by Mr. Carter to recommend a variance to construct a deck within the wetland setback at Esther Drive, with the recommendation to move the steps near the driveway side so they don't encroach as far into the wetlands. Ms. Wachs seconded the motion. Vote taken – all in favor. Motion carried.

- **Circle Drive Associates** – Review of wetland impacts associated with a proposed development on South River Rd across from Iron Horse Dr., Lots 35-98-5 & 35-98-40, Zoned PZ.

Jim Gove of Gove Environmental and Katie Weiss of Bedford Design consultants were representing Circle Drive Associates. Mr. Gove went through where the site is and what it looks like as well as the resources out there. Tax map 35, shows 2 lots - slightly over 24 acres. It is for the most part wooded. To the NE side you see an angular boundary which is the boundary of Sebbins Brook that makes the portion of the property line. There is one area on Iron Horse Drive that is not wooded. It is a crossing of Sebbins brook to get into the site that was permitted in 2009.

Continuing, Mr. Gove stated Sebbins Pond lies to the NW and Sebbins Brook comes out of the pond, goes through the property and heads south. The topography is flat with the exception of a knob near the Everett Turnpike. There are some supporting areas of the Wildlife Action Plan. The Aquifer Map – they found sand deposits on the Eastern side, and as you move to the Western side the sand drops off because there is ledge.

Mr. Gove reviewed the Existing Conditions Plan – the property line between the two parcels is actually Sebbins Brook, which goes along Route 3. There is also a tributary coming in from the SW and going NE which flows into Sebbins Brook. There is a flat area on the SE side (which is a sand plain) and once you go over the tributary there is sand plain and bedrock outcrops. The National Inventory said there were no endangered species of concern found there. Mr. Gove said the original crossing impacts square feet and had mitigation that was done at that time. We now have impacts totaling 20,000 square feet. The property is in the Performance Zone and is a mix of commercial and residential.

Mr. Gove reviewed the Sebbins Brook Crossing mixed-use conceptual design and said the lowest Eastern side is where the access has occurred. Sebbins Brook is a Tier 3 stream. Ms. Weiss said there was some restoration of the stream bank for the airport access road. The bank was eroding into Route 3 so they did that at the same time. Mr. Gove mentioned the deed protection that protects the brook corridor. 3,600 square feet of crossing. Emergency access will go over Sebbins Brook and have the same type of structural opening, although it hasn't been designed yet. That impacts 2,200 square feet.

On the interior right along the highway (3&4) they found that 3 is a deeply excavated area (not sure why). It fills with water and has some vernal pool activity. #4 is right up against the highway and a small portion of that has one egg –mass indicating a vernal pool. When discussed with the EPA and the Army Corp. they talked about building around these things. They had 2 issues with that. By building around it removes the habitat value anyway, and more importantly 3 and 4 are in the bedrock area, so as soon as

they blast anywhere around it that water will be gone. If we work around them, we will destroy them anyway. The Department of Environmental Services suggested they impact the area and provide mitigation. Ms. Weiss stated when the Exit 13 ramp was put in the wetlands were filled close to their property line as part of the DOT project. Mr. Gove said 11,000 square feet #4. If you add it up it is 20,000 square feet total.

Mr. Gove discussed compensatory mitigation. They were well received by the DES and the Army Corps of Engineers on this project because they could see the rationale for their project and why they were doing the. Mr. Gove was interested in discussing potential mitigation sites of interest to the Conservation Commission in areas that also have vernal pool activity. They have the option to pay into the ARM fund. Because they do have vernal pools on site, that payment will be tripled because they are impacting limited resources, but a resource that is held to a higher level.

Mr. Gove reviewed the Vernal Pool Summary and showed photos of them in early spring. Vernal Pool 1 has 2 wood frog egg masses. Vernal Pool 2 has 1 spotted salamander egg mass and Caddisfly cases were observed. This meets the requirements for vernal pool activity.

Mr. Gove reviewed photos of the Impacts and Crossings. Impact #1 shows the stream crossing. It looks very open because logging was done out there 3-4 years ago. Impact #2 is the emergency access to get into the adjoining property. Impact #3 is the vernal pool in June. In the growing season the vernal pool is there for about 4 months. The same is true of Impact #4.

Chairwoman Evarts asked, Mr. Gove found it important to formally ask the Conservation Commission since the regulations asks for this.

Ms. Weiss provided a bigger picture by showing a proposed double entrance to the site, buildings, clubhouse and pool for an apartment complex with 6 buildings of 50 units with parking underneath. Chairwoman Evarts said we are coming off of another large project.

Ms. Ricciardi has a lot of concerns about the size of the project and the impact on the wetlands. She doesn't understand why there needs to be so many buildings. She said it is like they are filling a 5 pound bag with 10 pounds of stuff.

Chairwoman Evarts said on the other side of the highway is the Reeds Ferry forest. Sebbins Brook is a significant brook – she wondered how drainage from cars parked under the building, and snow removal and salting would be addressed and contained. Mr. Carter said a culvert would probably create minimal impacts on #1 & #2. He asked how about if Building C was just not there. He said there wouldn't be a need for as much parking and mitigation for #4 would be created, and the wetland would help the development with run-off or filtering the water in the area. Ms. Weiss said the conceptual plan said there was an older plan with 7 buildings, and there is now a newer

plan with 6 buildings and open space in the middle. The buildings are located around the outside. Ms. Wachs asked how many stories. Ms. Weiss said there are 50 units of 5 stories above the parking area.

Chairwoman Evarts asked their thoughts on Mr. Carter's suggestion to remove Building C. Mr. Gove said that neither he nor Ms. Weiss has design authority but could bring any concerns back to the client so they can address them properly.

Chairwoman Evarts would advocate for the Conservation Commission members doing a site walk and understand the Sebbins Pond flow in order to get a visual. Mr. Carter noted the vernal pool activity would not be occurring during an autumn site walk. He thinks the plan would be to have filtered runoff. He said there is talk of widening Route 3 after I93 is done and expanding it from Bedford down and we should get some idea of what is planned to be done. What we do now might affect what the State is going to do. He thinks one less building in the corner would alleviate problems with that, and also allow run-off and drainage to run into the right direction.

Mr. Carter asked what the rain this year was this year compared to the last 5 years. Mr. Gove said this season there was more vernal pool activities in areas they'd never seen them before. It was impressive. The vernal pool was done this year, and in 2008 so they have 2 data points. There was more vernal pool activity in #3 in 2008 and about the same vernal pool activity in #4.

Ms. Wachs asked about the design. There's a single entry and exit on Route 3 and the one on the North would only be for emergency access. Ms. Weiss said the original idea is to keep the North for emergency access and all traffic would go in and out of Route 3. Ms. Wachs asked what the average traffic would be. Ms. Weiss said a traffic study would be done. Ms. Wachs wondered what kind of mitigation as far as traffic lights go. Ms. Weiss said that will all be determined in the traffic study. She said it has already been looked at. Ms. Wachs would like an update on the traffic study once completed.

Mr. McMahan said the plan on the PowerPoint is more up to date than the one in the packet the Commission received. Mr. Gove mentioned that a pre-application meeting (conceptual) is considered to be non-binding. They have notes from the Army Corps, the EPA and DES. Mr. McMahan asked if any of these would be workforce apartment. Ms. Weiss says she does not think so. Mr. McMahan said the snow removal areas are usually pushed toward the borders, and of interest to the Commission would be the mitigation of the melting snow.

Mr. McMahan asked if it was a man-made vernal pool. Mr. Gove indicated it was. There is a section under the DES that talks about ephemeral granite pools that are unregulated. The vernal pool here has been here a long time. The activity of being dug out was done long ago, so it is very mature. It doesn't fall under the definition of an ephemeral vernal pool (such as in a discarded tire or other transitory) – he does not define

this vernal pool as such. Mr. McMahan agrees that if Building C is not built at all, and there is no need to blast – would it then not impact buildings on either side or to the south. Ms. Weiss indicated the areas of ledge. The #3 vernal pool is between two ledge areas. Either way blasting would be necessary. Mr. McMahan asked if the blasting would impact #3. Mr. Gove said that was highly likely. Mr. McMahan asked if eliminating Building C would help them to mitigate. Mr. Gove would need to look at how they would lay it out to get to 10,000 square feet which is the “magic number”. If they could get under 10,000 square feet they may not have to do blasting. Mr. McMahan said the Commission would like to see the report on that.

Ms. Weiss stated there was an easement right now for utilities (so sewer and water could go through there) they are looking right now to get access. Mr. McMahan asked if there would be any covered parking other than the parking underground. Ms. Weiss explained it may be about a half-story. At this point they have a vision of how they want it to look, but need to work with an architect.

Mr. Carter feels a detention area would mitigate the blasting. Mr. Gove thinks we are talking about 2 different things. He absolutely sees the need to ensure melting snow doesn't go toward Sebbins Brook. The criteria for making new wetlands and having them count has essentially gone away because of the checkered success of building wetlands. There has been a real lack of interest in building new wetlands to act as mitigation. The concept of totally avoiding Impact #4 would lower the need for compensatory mitigation. They might be able to build something to contain run-off to Sebbins Brook, but mitigation for direct wetland impact probably wouldn't work because of the square footage needed for the project.

Chairwoman Evarts is looking forward to the next round of discussion about what their client has to say and responses to the Commission's concerns. They would like to work with them once it moves past the conceptual phase. As long as we can get it through DES and EPA Mr. Gove is sure his client would like that.

Ms. Elmer will work with Jim to get 3 potential site walk dates and send them out to the Commission for their availability response. Mr. Gove indicated all the wetlands have been flagged.

Old Business:

- Update on Pulpit Rock Conservation Area ongoing modifications:
Chairwoman Evarts reported that we are still waiting to hear on their extension and if we can move forward with proposed additional project work. We may need an extension to the extension.
Ms. Elmer reported that since the state budget was not passed, funding is in limbo.

- Update on Pulpit Rock Forest Management Plan and Woolly Adelgid infestation:
Chairwoman Evarts reported that the proposal got approval and we are waiting for a contract.
- Update on Greenfield Farms boundary marking:
Ms. Elmer reported that we are waiting for this and will provide at next meeting.
- Update on easement monitoring contract with FORECO:
Chairwoman Evarts reported it is being worked on.
- Update on GPS trail mapping:
Chairwoman Evarts said this should be completed in a few weeks and work will be done to get all the trails online by the end of the year. She noted that October 22nd will be the quarterly get-together. A poll will be taken in September to see who can attend.

Enclosures:

- None

Other Business:

- None

The Commission consulted with Mr. Richard Moore who was in attendance on his thoughts about Mr. Soederberg's Eagle Scout project at Pulpit Rock. Mr. Moore said it fulfills two purposes because it helps the fire department and it helps the hikers to know where they are and whether it is time to turn back.

Chairwoman Evarts is excited to be able to use this as our standard going forward. Mr. McMahan asked if the fact that cell phones may not work on the trail, necessitating the trail signage be included on the information sheet.

Ms. Elmer said a pedestrian counter was Sat Aug 10 and Thurs Aug 22 on The Heritage Trail and in that 12 day period there were 1,580 people on the trail. Sunday Aug 11th had 242 people – the largest day. The data just came across her desk today and they will analyze it and perhaps put in a pedestrian counter on other trails.

Non-Public Session:

- Per RSA 91-A:3, II(d) 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.

Adjournment:

MOTION by Mr. Carter to adjourn at 8:40 pm. Ms. Ricciardi seconded the motion. Vote taken – all in favor. Motion carried.

The next meeting of the Conservation Commission will be September 24, 2019.

Respectfully submitted,
Tiffany Lewis