

**TOWN OF BEDFORD**  
**CONSERVATION COMMISSION MEETING MINUTES**  
**August 28, 2018**

A meeting of the Bedford Conservation Commission was held on Tuesday, August 28, 2018 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Bob MacPherson, Beth Evarts (Chairwoman), James Drake, Maggie Wachs, Dave Gambaccini, Catherine Rombeau (Town Council), and Karen Elmer (Planner I).

**7:00 Call to Order**

**Approval of Minutes:**

- April 24, 2018 – Tabled to next meeting.
- May 22, 2018 –  
**MOTION by Mr. Drake to approve the May 22, 2018 minutes. Mr. Gambaccini seconded the motion. Vote taken - all in favor. Motion carried.**
- June 26, 2018 – Tabled to next meeting.
- July 24, 2018  
**MOTION by Mr. Drake to approve the July 24, 2018 minutes. The motion was Seconded Maggie Wachs. Vote taken - all in favor. Motion carried.**

**Dredge and Fill Applications:**

- **Town of Bedford** – Dredge and Fill permit to allow for the construction of a closed drainage system with deep sump basins for the reconstruction of Sebbins Pond Dr.

Mitch Pac and Brian Patinskas from McFarland-Johnson, who are consultants for the town, presented the Dredge and Fill application.

Mr. Pac said that the road is in very bad shape and lacking drainage, plus the water quality would be improved. He stated that there are two locations of wetlands impacted, including forested wetlands (1271 sq. ft) and Sebbins Pond (199 sq. ft) for a total of 1470 sq. ft. The impacts are due to installation of new drainage.

Mr. Patinskas stated that the drainage would be collected at the low points and the dry hydrant is not currently up to safety standards so replacing it would allow them to make it safer. A minimized impact permit will be requested after the meeting but has not been requested at the time of the meeting. A protected shoreland permit will also be requested. Sebbins Pond is currently being impaired by phosphorus, so they will want to improve that to improve the water quality. Mr. Patinskas stated that a deep sump would be installed to hold more sediment so it doesn't go into the wetland.

Mr. Patinskas noted that the town has already been in contact with the property owners in the area. Mr. MacPherson asked if any of the home owners have stated any concerns. Mr. Patinskas replied that he has not talked to them himself, but no concerns have been reported to him. He stated that additional phosphorus and trapped water makes the road necessary to be fixed. Mr. Drake asked why they couldn't build swells on the road

instead of making drainage and Mr. Patinskas replied that there is only 5 feet of pavement so anything other than drainage is not ideal. Mr. Drake stated that if the town didn't clean the sump regularly then the phosphorus will just go back to how it is now, but Mr. Patinskas replied that the town DPW has a plan to maintain the structures.

Mr. Patinskas stated that no other pond would be effected by the drainage because all drainage would be directed through vegetation.

Chairwoman Evarts recommended figuring how the deep sump situations, including cleaning and maintenance, would be handled, including nutrient removal.

**MOTION by Mr. Drake to approve the Dredge and Fill permit for full depth road construction and drainage upgrades to Sebbins Pond Drive with the following caveat:**

- **Town to consider moving treatment of roadway drainage**
- **Town to consider alternative means that don't include closed piping drainage**
- **Town to consider treatment to discharge flow especially to Sebbins Pond**
- **Town to consider potential treatment if the waterways on the discharge side of Sebbins Pond and the pond downstream are impacted by phosphorus.**

**Ms. Rombeau seconded the motion. Vote taken - all in favor. Motion carried.**

**New Business:**

- **Thomas & Emily Harrington** – Review for a request for a variance to construct a family room 28 feet from the edge of a wetland where 50 feet is required at 177 County Rd., Lot 22-84

Mr. Harrington stated that they want to build a family room with a basement foundation and it would be a 24x24 ft. room. They had a wetland scientist come out and it was determined that the wetlands are manmade. There is vegetation and a brook on the property as well.

Chairwoman Evarts questioned if homeowners have any ideas on how to work within the setback. Mr. Harrington replied that the septic system, patio, and play area would be interfering with the living room if it were built on the other side of the house. The existing foundation would have to be replaced if they tried to go up at all, so the presented plan is the best way to add space to the house.

Mr. Drake stated that the issue is sticking to the regulations. He suggested getting rid of the breezeway, but the homeowners replied that their family size needs more space so adding on would be best if they want to continue living there.

Chairwoman Evarts recommended talking to a contractor to see if there are any other options. She would like to recommend alternatives be considered and to have the homeowners work with the Planning Department to come up with a solution.

Comment was opened to the public. Kevin Gagne, of 51 Federation Rd., commented that homeowners could pave up to the wetland without permission and suggested rain barrels be put in to stop phosphorus from running into the wetlands. He would like the board to consider the lack of current alternatives.

No motion was made, as the commission would like the homeowners to consider options first.

- **206 Route 101, LLC & Bow Lane Bedford, LLC** – Review of the impact on filling 5,990 sf on two isolated wetland pockets to relocate Bow Lane for the construction of future apartment buildings on Bow Lane. Lots 20-99-1, 2, 3 & 4.

Robert Duval and Chris Danforth of TF Moran came to the meeting to speak about the construction of future apartment buildings behind the high school. There is a former rail corridor that has been blocked off and the water that falls in the area creates a wetland. It amounts to about 6,000 sq. ft.

Mr. Duval stated that if anyone tries to build on that area, the wetlands would be effected since the wetlands are right in the middle of the property. He believes there are no alternatives due to the location. Mr. Danforth stated that the problem now is that there's not enough soil to soak up the water so it just pools until it dries. Another problem is that there are two endangered species located within a mile from the site. The endangered species in question are not generally in the area.

Mr. Danforth stated that there would be a retaining wall about 7 ft. tall, but it is also not within the 50 ft. setback. There would be a drainage system from all buildings to take care of storm runoff.

Chairwoman Evarts asked if they'd be willing to make up for some of the impact by helping other wetlands, such as Riddle Brook. Mr. Danforth replied that they would put in a septic system and get rid of any chance of runoff or sewage overflow. A pump station would be set up and attach to the property. Chairwoman Evarts asked about natural gas and Mr. Danforth replied that there would be an extension of natural gas by Liberty Utilities from the McKelvie School area along County Rd.

Mr. Drake questioned if Fish and Game had checked to see if any endangered species would be affected and Mr. Danforth replied that two species have been noted within a mile and they would review if the species is still going to be affected. He doesn't believe any species will be affected because the wetlands are not significant. If a species does come on the land, it will be handled accordingly. Mr. MacPherson stated that he would be concerned of wildlife since the Route 101 wetlands have been effected.

Comments were open to the public. Kevin Gagne asked if the committee could comment on the air quality and lighting for this project. He also commented on the wetland fill,

stating that the 6000 sq. ft. of wetlands may not be significant to the builders, but it is significant to the community. He urged the committee to walk the wetlands in order to get a better feel for the area before a decision is made. He is worried that storm water could not be handled due to the water volume. He is also worried that the air quality would be of concern since 240+ spots would be available for parking.

Mr. Drake stated that the committee usually does not focus on the air quality issues, but more the wetland issues, so if that is going to change than the mission statement should be fixed also. It should not be changed just for this specific request.

Mr. Danforth stated that any development on this land would need to fill in the wetland. Ms. Elmer stated that you could not put in single-family homes because it is commercial property. Mr. Danforth noted that since it is a commercial property, the number of units put in is irrelevant since it would still impact the wetlands. He also stated that there is a flood plain on the parcel, but not in this location.

Rob Grogan, a member of the public, voiced concern over the snowball effect of the project on wetlands. Mr. Duval replied that when an AOT permit is done, they're automatically matching the storm water flows or decreasing them. The floodwater is due to the backing up of the system, not due to the amount of rainfall. They hope to infiltrate soils to dispose of ground water. The other option is to install a sand filter so the water would be collected. There would be 100% treatment. He also commented on the air quality concern, stating that by putting the property in, you are reducing the amount of miles traveled, therefore reducing the concern for the air quality. He stated that having work, play, and home close together, it reduces the amount of driving people will do.

**MOTION by Mr. Drake to recommend to the Zoning Board:**

- **No finding on the project that the wetland has no value.**
- **More input needed and they suggest to the Zoning Board that the applicant come back and work with the committee to make sure the site drainage design provides them with the confidence level that the runoff from this area will have no impact or limited impact on Riddle Brook.**

**Mr. Gambaccini seconded the motion. Vote taken - all in favor. Motion carried.**

**Old Business:**

- **Gagne Family Rev. Trust** – Review of a variance request for an in- ground pool and garage to be located within the wetland setback at 11 Blackbird Dr., Lot 7-14-14. **(Continued)**

Dean Gagne was present and has revised the plan he previously requested. The new plan is to not put in the garage and make the pool smaller. The previous plans had the pool measuring 42x18, but now it will be 36x18 and will be 12 feet from the edge of the garage and 40 feet from the wetlands.

Mr. Drake asked why pools are not within the 50 foot setback and Ms. Elmer replied that it's part of the zoning ordinance and is defined as a structure. Ms. Wachs asked if rotating the pool was an option but Mr. Gagne replied that rotating it 90 degrees would be closer to the setback.

Mr. Drake made a recommendation that they support this variance proposal with a caveat that the commission would like to see a filtration system area, where a berm in the impacted area is along the wetland setback and the pool.

**MOTION by Mr. Drake to support the application for a variance with consideration that Mr. Gagne works with the Planning Department to install a filtration system between the pool and wetlands.**

**Mr. Gambaccini seconded the motion. Vote taken - all in favor. Motion carried.**

- **Chairwoman's update:**

Chairwoman Evarts has been meeting with land trust to get feedback on the trail mapping project. She would also like to add an additional workshop on October 23<sup>rd</sup> from 6-8pm.

- **Update on Pulpit Rock Trail Grant Project:**

Chairwoman Evarts would like committee members to walk the trail and look at the improvements. Some of the improvements left are blazing the trail changes, trail realignment, and put up archeological signs. Mr. Drake questioned if a guardrail would be put in, but Ms. Elmer replied that a fence was put up. Mr. Drake stated that he would like a parking guardrail put in, but Chairwoman Evarts said it is not covered by the grant, though it can be brought up at the next workshop. Mr. Drake then suggested doing wheel stops instead of guardrails as long as people understand the perimeters of the parking lot for safety reasons. Chairwoman Evarts would like all committee members to provide feedback at the September meeting on the Pulpit Rock Trail.

- **Mission Statement review:**

The mission statement is to protect, preserve, and serve the town's natural resources and open space/land for the common good. This includes stewardship and management of conservation land and protecting wetlands and pools, and the planning and acquisition of additional land for conservation purposes. The commission works with landowners to administer state and town wetland regulations and advises other town boards such as the Planning and Zoning boards 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".

Mr. Gambaccini stated that they often have to remind people that wetlands can also mean species. He asked if anything should be added or if it is implied. Councilwoman Evarts stated that it is implied.

Mr. Drake suggested the removal of the word “additional” from the mission statement.

**MOTION by Mr. Drake to approve the mission statement with the deletion of the word “additional”.**

**Mr. Gambaccini seconded the motion. Vote taken - all in favor. Motion carried.**

Mr. Gambaccini requested that the mission statement be given to anyone who may need it. Mr. Drake stated that some things, such as wildlife and natural resources, are difficult under their jurisdiction to handle because they’re more under the town’s master plan.

Chairwoman Evarts stated that this is something that should be discussed at the next workshop. She also noted that there is a town master plan meeting that is open to the public on September 13<sup>th</sup>. There is a website, [BlueprintBedford.com](http://BlueprintBedford.com), that is available for more information. Chairwoman Evarts would like all committee members to go to the meeting if possible.

- **Update on outreach:**

Ms. Wachs stated that she does not have much of an update, but will soon.

- **Update on trail mapping project:**

Chairwoman Evarts updated that there is a new website and online tool that maps out online trails. The website is [TrailFinder.Info](http://TrailFinder.Info). Councilwoman Evarts has been working with UNH on the trail finder app to get the trails online. Users will be able to get GPS coordinates of the trails. Heritage Trail will be the first trail mapped, followed by Pulpit Rock, and Joppa Hill.

Mr. Drake asked if they still have to have restrictions on the eagle nesting area. Ms. Elmer stated that it is closed from November to April, which is also noted on the website.

**Enclosures:** None

**Other Business:**

Ms. Elmer stated that there is a 14 day max time to reply to DES regarding Dredge and Fill applications so she just emails them asking for a request to hold until after the next committee meeting. This process has worked so far with no issues.

Chairwoman Evarts noted that there is a NHAAC conference on Saturday November 3<sup>rd</sup> at Pembroke Academy in Pembroke, NH. She stated that this conference is good to get information and feedback from other communities.

Mr. Drake stated that he would like an update on trail blazing for the next meeting.

The next meeting will be held on September 25, 2018.

**Adjournment:**

**MOTION by Mr. Drake to adjourn the meeting at 9:40pm. Chairwoman Evarts seconded the motion. Vote taken - all in favor. Motion carried.**

Respectfully Submitted  
Ashley Schoff