

**Town of Bedford
Conservation Commission Minutes
May 25, 2021**

A meeting of the Bedford Conservation Commission was held on Tuesday, May 25, 2021 via the Zoom meeting platform.

Present: Maggie Wachs, Chair, Stephanie Jones, Dave Chiappetta, Bob MacPherson, William Carter, Patricia Grogan, Beth Evarts, Stephen Clough, Kathleen Ports, Julie Donovan and Rebecca Hebert, (Planning Director).

Absent: Denise Ricciardi (Town Council Alternate).

7:00 PM Call to Order

Ms. Wachs: Welcome to the May 25th, I was going to say edition of the Conservation Commission Meeting, but it's just the regular one for the town of Bedford. I am Maggie Wachs, the Chair. I am here alone in the room. We need to identify ourselves, and let all know if anyone else is here with us. Before we get to introductions, I just wanted to make a couple of announcements. We have two new alternate members, Julie Donovan and Kathleen Ports.

Just wanted to welcome you both to the meeting. Feel free to ask questions if anything comes up that you're curious about. I just also wanted to reiterate that we have two full-time members that have been with us now for a couple of meetings as full-time members, Stephanie Jones and Dave Chiappetta. I'd like all the members and Becky to just do a quick introduction of yourself. Let us know if anyone is in the room with you in this meeting. Thank you. Start with you, Bill.

Call to Order and Roll Call:

Mr. Carter: Hi, I'm Bill Carter, the Assistant Chair and Town Council Rep. I'm here in the room by myself.

Ms. Wachs: Thank you. Stephanie?

Ms. Jones: I'm Stephanie Jones, full-time member. I'm alone in the room by myself.

Ms. Wachs: Thank you. Dave?

Mr. Chiappetta: Hey, Dave Chiappetta. I'm now a full sitting member on the Conservation Commission, and I'm here alone in the room.

Ms. Wachs: Great. Patricia?

Ms. Grogan: Patricia Grogan, and I'm here alone in the room.

Ms. Wachs: Great. Thank you, Patricia. Stephen?

Mr. Clough: I'm Stephen Clough, full-time member. I'm the liaison from a planning board. I'm here with my wife.

Ms. Wachs: Thank you. Bob?

Mr. MacPherson: Bob MacPherson, member of the Conservation Commission. I'm here alone.

Ms. Wachs: Great, thank you. Since we do have our alternate members all here, if you wouldn't mind introducing yourselves too. Start with you, Julie.

Ms. Donovan: Okay, Julie Donovan, alternate member. I'm here by myself.

Ms. Wachs: Thank you. Kathleen?

Ms. Ports: Kathleen Ports, alternate member, I'm home by myself. There's a chance that my daughter will join us at some point.

Ms. Wachs: Okay, thank you. Beth.

Ms. Evarts: It's Beth Evarts, alternate member. I'm here by myself, and my two dogs.

Ms. Wachs: Thank you. Okay, Becky, you have a statement to read for the meeting?

Ms. Hebert: Sure. Becky Hebert.

Ms. Wachs: Oh, I'm sorry.

Ms. Hebert: It's okay. I'm here alone, in my home office. I'll read the statement regarding electronic meetings. Due to the Coronavirus crisis, and in accordance with Governor Sununu's Emergency Order 12, pursuant to Executive Order 2024, The Conservation Commission is authorized to meet electronically. This meeting is being conducted using the Zoom platform. All members of the Commission have the ability to communicate with each other during the meeting. The public has access to listen and participate by dialing the phone number, 929-205-6099 and entering the meeting ID number 97291359961 and the meeting password 582435.

Instructions regarding remote access to this meeting were available in advance by contacting the planning department. There is no physical location for the meeting, which is permissible pursuant to the Governor's emergency order. The town of Bedford is providing public access to the Zoom meeting by telephone and computer connections. The meeting is also being broadcast live on BCTV's channel 22.

Members of the public may email staff at planning@bedfordnh.org to ask questions during the meeting, or notify us of technological issues. If you've joined the meeting using Zoom, you may ask questions when the Chair opens the meeting for public

comment through your phone or computer connection. All votes will be taken as a roll call vote. If there are technological issues during the meeting, the Chair will recess the meeting and we will try to correct the problem. If the issue continues, the application will be postponed and the meeting will be adjourned. Thank you.

Ms. Wachs: Great. Thanks, Becky. I'm sorry for not asking you to introduce yourself. I'm going to get good at this at some point. Would you mind reviewing the agenda for us?

Ms. Hebert: Sure. On tonight's agenda, you have two items of new business, a review of a variance request by Paul Stanton to build the porch, a deck and an in-ground pool within the 50-foot wetland setback at 42 Oak Drive, and a second application review of a variance request to build a detached two-car garage within the 50-foot wetland setback at 177 County Road, and this is an application of Richard and Linda Martin. Under old business, The Commission will discuss updates on town-owned land off of Chubbuck Road, and updates regarding the Bedford High School Ecological Program. The Commission will be entering into a non-public session to discuss possible land acquisitions at the end of the meeting.

Ms. Wachs: Great, thank you. To start, I'm going to read our mission statement. The mission of the Bedford, New Hampshire Conservation Commission is to protect, preserve and conserve the town's natural resources and open land for the common good. This includes stewardship and management of conservation land, protecting wetlands and vernal pools, the planning, and acquisition of land for conservation purposes. 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." I believe we have enough voting members tonight, so we will not need to appoint any alternates. Yes, I think we'll start by, I was going to say, we could improve the meeting minutes but we're going to punt on those because we don't have them.

I'm going to skip all of the meeting minutes stuff and jump right into, I think, our first thing to review would be the Stanton property, because we do not have any dredge and fill permits. Mr. Stanton is asking us to review variance requests to build a porch, deck and in-ground pool within the 50-foot wetland setback at 42, Oak Drive. Is Mr. Stanton here?

Ms. Hebert: I Believe, Joe Wichert is here representing the applicant.

Ms. Wachs: Okay, great.

Dredge and Fill Applications: None

New Business:

- 1. Paul Stanton – Review of a variance request to build a porch, deck and in-ground pool within the 50-foot wetland setback, at 42 Oak Drive, Lot 12-74-22.***

Mr. Wichert: Good evening, Madam Chair. I'm Joe Wichert. I'm the surveyor that's working with Paul and Sara Stanton. In the audience, we also have Aaron Wexler, who is our wetland scientist, who is out at the property and delineated the wetlands. We've provided a narrative, trying to explain what it is. Let me see if I can share. Becky, can we share the screen, so we can--

Ms. Hebert: Yes, you can. Hold on one second. You should be all set.

Mr. Wichert: Okay, this is the plan that's in front of the ConCom this evening. The Stanton's own lot 7422. This is their house here. It's 42 Oak Drive. Paul purchased the property back in 2014. This parcel was part of a subdivision from 1905. One of the unique features of the property is Bowman Brook runs through the middle of the property. If you look on the area map, you can see where the Brook up here, it cuts through, it runs close to the house and goes like that. It's denoted on our plan by the edge of wet flags. Then, this is actually the flood line. The houses it sits now is actually closer to the wetlands than what is currently allowed because the house predates the wetlands ordinance.

The 50-foot setback off the wetlands would come through here, run in through here, pop back out and comes into here. The whole rear of the house and a lot of the north end or gable end of the house is also already in the setback. There is an existing deck complex. Let me see if I can blow this up a little bit. The finer dash lines here, that's where the existing deck is. There's an upper deck and there's a lower deck. There's a set of stairs here. There's an exterior retaining wall here that would stay. There's an interior retaining wall here that we would like to remove and replace with a new wall to fit the new landscaping.

The intent would be to eliminate the decks that are here, replace those decks with a two-story porch which would be this heavier line here, and then add an in-ground pool at the north end of the porch. Let's see if we can do this here. Hopefully, you can see the landscape architect plan. This dash line was the box that they were looking for. It's a more conventional pool size. Based on the constraints of the property, they tapered it to fit the lot by rounding these corners and shrinking it up a little, pulling it a little closer to the house and making it a little short. We go back to this plan, which is the plan view. The ordinance requires that we have the 25-foot setback off the lot line.

Then, we have a 50-foot wetland setback. The proposed porch is actually less encroaching than the existing porch here, slightly more encroaching here, slightly more encroaching here but less encroaching because these stairs will not be there. This retaining wall would stay, the new wall would be added on the north end of the pool. It's

designed to stop right at the toe of slope which is the area of the maintained lawn. When we had talked to Becky, Becky had mentioned, tried to show some grading on these plans. We had to submit a plan to the zoning board. On that plan, we added a little bit more detail so I'll swap to that plan.

That is this plan here which was just submitted to the town yesterday. What we did is, we just patched that in a little bit, changed some line types. Basically, what we've done is we've called for the height of this retaining wall should be approximately four feet. That'll match the existing retaining wall here. In height, we would pull that to here. The relief we're looking for is the porch would make the side yard step back, but would only be 20.5 feet at the closest point where the ordinance requires 50. Then the pool, we have designed as being 25 feet off of this portion of Bowman Brook. This is actually beyond our property but this is the other edge of wet.

What we tried to do is we tried to balance this out by setting the pool so it was approximately 25 feet off of each edge of wet. By doing that, it puts this edge of the pool only 15 feet off the lot line, where 25 is required. We felt that was a better location than holding the 25 feet here and shortening this distance to the edge of wet. Becky and I had a discussion about the issues and the intent in what we were looking for. Our thought process when we went forward with this, and the Stantons were good to work with and were agreeable and asked the landscape architect and the pool company to do what they could was this area-- Becky, were the members able to see the pictures we submitted?

Ms. Hebert: Yes, they did get copies of the pictures.

Mr. Wichert: All right, right now, on the screen, hopefully, you can see the pictures. This is if you were standing to the east looking at the northeast, looking at the deck. This is the existing upper deck. This is the lower deck with the hot tub. This is the area where the pool would go. This right here is the toe of slope which would be the limit of the retaining wall. This is a side view of the existing house. Here's the brook, there's the retaining wall that would stay that we'd be tying into. Here's it from another angle. Again, here's the toe of slope. We're looking at somewhere in here where is where the pool would go. This is the deck complex that would be removed or replaced with the two-story porch.

We would step down the grade of the pool based on what the landscape architect proposes, but it would all fit into here. I think if I go back to here-- I get two of the same pictures. If you're standing here, this is standing on the deck looking out. This is that lower area where the silt sock is. Our retaining wall should be somewhere in here. This is that little point. There's not a lot of vegetation there. It's more or less forest litter and some softwoods. Because we're going to the zoning board, we're asking for relief on the wetland setback. We have to come to the Conservation Commission. We're here, we're just looking for some input, some comment.

When I had talked to Becky our thought process was if this retaining wall will actually reduce the surface run-off into the brook because what'll happen is, rather than having

everything shed down this lawn and go into the brook, it's going to sit here on the retaining wall, it will infiltrate in through the system in the wall. We're proposing an outlet here. The reason we proposed the outlet here was that gave us the longest separation to the wetlands. We have called for gutter drains here and here so that the roof run-off will go straight into the dry well so those won't be sheet-flowing into the brook.

We'd be more than happy to stipulate either a rain guard or dry well here. Unfortunately, the house was built prior to this ordinance. The house is designed and the lot is designed when they built this house, they looked at Bowman Brook as an amenity. This whole house is centered on this brook which is great, it's a great feature, but it makes it difficult to do anything without needing some kind of relief. I think having said that, unless Aaron has something to say, we'd certainly be willing to answer any questions that the commission may have.

Mr. Wexler: I think you've pretty much covered it but by and large, we're not looking at any bordering wetlands to the brook that you're seeing on there on the house side is pretty much top of bank. There is that area where there's not much vegetation under the trees. That's, essentially, you'll see some floodwaters on rare occasions within the flood plain. All the work that's been proposed is outside of the AE zone, I believe, Joe, yes?

Mr. Wichert: Yes.

Mr. Wexler: Yes. I don't really see this as being a significant change in impact, especially with reducing some of those stormwater run-off by using the dry wells. If there's any specific questions, I'm happy to answer them.

Mr. Carter: Maggie, can I start?

Ms. Wachs: Oh, absolutely. I can't see everyone on my screen right now. Please speak up if you have questions.

Mr. Carter: Okay, well, thank you for the presentation. I got a little bit more information than I had asked for. The pitch has really helped immensely. I think the only concerns I have with this is the drainage of the water. Are we talking that from that exists that new two-story down to the pool? Is it all going to be hardscaped? Or is there going to be grass?

Mr. Wichert: I believe they're looking at hardscape but I think there are some gravel seams in it.

Mr. Carter: Thank you for pointing out the dry wells because obviously I didn't-- I was wondering where all that water was going to go off the house and that new two-floor deck. I would like to see a little bit more than just an outlet pipe. I would like to really see trench pipe coming out of the wall because, obviously, that's the way the wall is being built. I'd like to really see it go into a trench so it has a little bit more time to get down into the wetlands there. The wall being 4 feet it's hard to tell by the scale. Is the existing wall 4 feet tall right now?

Mr. Wichert: At this edge right here it's approximately 4 feet, give or take a couple of inches.

Mr. Carter: Okay. Well, I think that with more explanation that was great and the pictures. As I was telling them earlier, I went on to a real estate site to get some more pictures of the property just to get a better idea. It's a great-looking property. I love having Bowman Brook going right through the property. It really shows really nice. My biggest concern is the amount of water for--Anyway, I know we talk about 20 and 50-year events. I'm just trying to make sure that we are preparing not that once in 100 year, but the potential of having a real heavy rainfall, and a lot more roof space, a lot more impervious area for the water to go other than the pool. Obviously, the pool will catch a lot of it if it's raining. Those are my concerns concerning this, the edge to the 25-foot setback. I don't think you're close to a house on that side. It just more wooded area if I'm not mistaken.

Mr. Wichert: Correct. This is the abutting house to the north.

Mr. Carter: Okay, as long as we address a little bit more when it comes to the water runoff, I don't see any issues. It looks like you're putting gutters in anyways to catch that rainwater that goes into the drywall. Those are my concerns. Thank you.

Conservation Commission Member: I actually, I have two questions. Because I don't have a pool and, obviously, this is a very close proximity to the brook. Is there no concerns? I know that in the statement there was information regarding where that water is going to go, like I say, if the pool is overflowing or if there's too much water. That's the only thing I was concerned with, was pool water heading towards the brook. I know the retaining wall is going to, hopefully, help with that and slow that infiltration down. That was a concern of mine. Then, just because, obviously, I haven't been on the property, it just looks so close to the brook. Is erosion and erosion issues, being that close, is that a concern putting in a pool that close proximity to the brook?

Mr. Wexler: I don't really think we're looking at any more risk of erosion with this than there currently exists. At the base of that proposed retaining wall, you'll still have some lawn area before you reach the edge of the trees. You're still going to be having an outlet from that, a structured outlet for anything that drains down and seeps through the area around the pool.

As Bill was mentioning, we can incorporate some structure, either vegetated swale or it could go into a small depression where we simulate a miniature rain garden or something. I actually don't think the amount of water that we're going to get just from that patio would be enough to necessarily sustain a rain garden. I think we'd end up with the vegetation dying. We could certainly do something that is in that same idea, and adjust what plants we put in there to be a little more drought tolerant.

As far as erosion, I really don't see anything increasing there. We're going to be actually slowing down the rate that water is going to reach that area. As far as the pool water, I'm not a pool guy. I can't really tell you that much of exactly what happens other than I

believe Paul had mentioned that there wasn't any direct drain. I suppose if that were overflowing, water would have to go someplace. I can't imagine there would be enough going through there to cause any significant damage, especially if it's going to pass through wherever the filtration is under the patio and then out through some vegetation before it reaches the brook.

Conservation Commission Member: Okay.

Conservation Commission Member: Didn't I read that there was going to be some filtration system that was going to be able to exasperate the amount of water being possibly drained?

Mr. Wichert: Right.

Conservation Commission Member: If water was to be drained.

Mr. Wichert: The type of full filtration system that they're proposing doesn't need to be backwashed in the regular base. It's not like every week or two they're going to have a hose out there cleaning the sand in the filter. The only time I could envision a problem is if you had a real rainy spell, an event or two of rain, and it filled up up the pool, and then it's too full and they have to drain some water. That's an occasional issue but it should not be a regular issue. It should only be more the exception than the rule.

Conservation Commission Member: Well, the question I have is what's the objection to try to ease the concern of putting in a rain garden or a vegetable swale?

Mr. Wichert: There isn't any objection. What I was saying is to do a full rain garden, I don't think we have enough water running there to support the vegetation.

Conservation Commission Member: The vegetation would eventually dry out and it would die because you have to have wetland tolerant species in a rain garden in order for the rain garden to maintain itself.

Mr. Wichert: We could certainly put in some fact wet species or some plants that are more drought-tolerant in combination with the swale to slow down and provide some treatment. I'm just trying to find a solution that will maintain long-term use and can offer something close to what you're asking.

Conservation Commission Member: Well, I think looking at normal cases, there are times when we've had some severe weather and rain in the spring. Little brook runs through my property. Several years ago, that water was right up to my neighbor's back door. Thought she was going to get flooded. Doesn't happen often. We had a couple of very wet springs where, well, it's now somebody else but her property was in danger a little bit.

Mr. Wichert: As Aaron had mentioned, Bowman Brook is actually within the zone 18 so it's subject to Special Flood Hazard Area 100 year flood plain. If you look on the plan where we have this 176 contour which is this darker contour that runs like that, comes

up through here, runs through this point in double backs through here, that's the 100 year. That's what FEMA has designated as the 100-year flood. That's 176 when we're up at this level, which is where the house and the deck are, we're at 184. We have 8 feet of vertical in here. If we look at where the bottom of this retaining wall is, it's probably about 176 and a half, 177.

I'm envisioning it's going to be something similar through here. The existing grade is 178. This is our 178 contour which is still 2 foot above the base flood elevation I'm sure if you had a bad storm, Mother's Day or one of the other good ones, that this thing will be running pretty full top of bank a hair beyond. I think what we have going for us is the topography is such that everything should stay below the improvement. I think we have tried to look at that and make sure we don't have anything in it. Like Aaron mentioned. If all we had to do is design some treatment in here, we'd be more than agreeable to do that. We can probably have that done and submit it to Becky before the ZBA meeting and say subject to your review or whatever.

Conservation Commission Member: I like that idea.

Conservation Commission Member: Do you clarify what elevation the pool is at then?

Mr. Wichert: We don't. I don't actually know the elevation of the pool just because they haven't-- The pool company will eventually provide them with a 3D-model package and the whole nine. We're not 100% sure where we're at. This is subject to approval by the zoning board. We're trying not to spend anything we don't necessarily have to. The 184 contour is, basically, the bottom of the existing deck. What I would think is you're going to come off of this stair, you're going to be around 184. There's probably going to be a step or two down here.

By the time we get to this back of the wall, we're probably looking at somewhere between 182 and 183, which this is the 178 contour here. That, basically, puts it at about a four to five-foot wall. Generally, just for structural issues, we try to keep everything under four just because in most towns if you go above four, you have to have a PE design a wall versus a prefab wall. They might add a little bit of fill here and then have it tie into the existing ground.

Ms. Grogan: Maggie, I know you can't see me. This is Patricia. I have a question. Maybe this was mentioned already. Is it a saltwater pool or a chlorine pool?

Mr. Wichert: I do not know the specific answer to that. I was under the assumption it was chlorine, but I got to be honest with you, I don't think I ever asked that question.

Ms. Grogan: Because my concern with the chlorine pool is the splash-over going into the brook if it's a chlorine pool.

Mr. Wichert: You would have the retaining wall wrapping around it, so it would have to go a ways before it reached the brook.

Mr. Clough: Can I speak, Madam Chair?

Ms. Wachs: Yes, please.

Mr. Clough: I think Joe and Aaron and the staff have done a really good job of keeping the whole footprint within the backyard. It looks like they've optimized just about every area of the setback they can and tried to minimize any impact. I think I'm willing to accept it as is just because based on the design that I can see, they've just trimmed just about everything they can.

My comment on the chlorine is that I would agree that it would stay within the bounds of the retaining wall. Whatever soil it sinks into chlorine has a very short half-life, so it's eventually going to gas off or bind to organic carbon in the soil, I just want to commend the staff and Aaron and Joe on just a great job. My vote is I'm willing to accept as is.

Conservation Commission Member: Thank you.

Ms. Wachs: Stephen, I'm curious about your opinion on this. Do you think additional filtration will add any significant improvement?

Mr. Clough: It's not filtration. I think Bill's concern was run-off from the roof, is that correct, Bill?

Mr. Carter: That is correct. Giving it a little bit more, if it goes out through that outlet pipe, just a little bit more way to just shut off before heading to the wetlands.

Ms. Wachs: That would be run-off from the deck, from the second floor?

Mr. Wichert: We have tried to account for that. The way this is designed, I think I have a picture of it. I hate flipping back and forth because somebody told me it's aggravating to watch if you're at the screen. It's upside down. That's not helpful.

Mr. Clough: The current run-off from the roof goes into a drywall?

Mr. Wichert: No. The current run-off just sheet-flows down through the ground.

Mr. Clough: Through the ground?

Mr. Wichert: This is the proposal. This is the gable end of the existing house, the roofline. This is the double-deck. This is here. Then, if you go to this one, this view, what we've done is we have called for a gutter, a dry well to be here and here. The only water that's going to come off of here is just this small section. The gutters will pick up any water that comes through here and comes through here and into here. When you go back to the plan, this is the gable section. There's our drain here, and we have this drain here. The run-off from the roof should actually be less than what currently comes off of the existing deck.

Decks are funny because they have spaces. There's definitely going to be some infiltration from water that's going to hit the deck and go through the board, but some of it would shed. Our thought process was these dry wells will, basically, pick up all this

run-off. Now we've cut it to just this section here that'll come off of the pool. In return, we're not sheet rolling the water on this whole section because if you look at the big picture, the high point of the lots here, all this water is currently coming across here, runs across the driveway, and goes through here.

I think on some level, this will actually pick up some water. Paul had mentioned what ends up happening is there's a lot of water that comes down the road and goes down his driveway, which is why a previous owner put this basin to try to prevent the water from going straight into the brook. We have tried to address that. We've tried to minimize, to break it out. This run-off will go to where it goes now. This section, we're going to pinpoint it more or less here. Then, all this other run-off is now going to go into the dry well and won't go to the brook.

Mr. Clough: The dry well goes to groundwater?

Mr. Wichert: Yes.

Mr. Clough: The only thing I'm looking for is just a little bit added to that outlet pipe.

Mr. Wichert: That's fine. We're more than agreeable. We'll put a little plan together based on what Aaron thinks will work for either a little bit of treatment swale or a garden here that'll pick up that water and at least hold it back in the event of a real large storm. Not everything is going to overtop and run into the brook. We're fine with that.

Mr. Clough: Even if it's a little bit of a trench with stone, wouldn't that solve the same issue?

Mr. Wichert: I'll let Aaron talk to it. I thought stone was out of favor these days for treatment.

Mr. Wexler: Stone is fine for breaking up energy and slowing down water provided that in a swelling you're not driving over it or anything, it'll remain fairly permeable. There's nothing really wrong with it. The reason it's not used as much now is because when you're looking at treatment to meet AOT standards, you're not just looking to infiltrate. A lot of times if you're on the surface, you're looking for specific treatment and reductions in nutrients before you reach your discharge. In order to get that, then you're looking at some vegetation. We might incorporate a little bit of stone at the outlet just in case it's coming out quickly and then, typically, we would transition to some vegetation.

It could just be grasses and sedges, or it could be all the way up, but in this particular case, I would just want to make sure that we're putting something and it's going to live when it's not seeing a ton of water. We could certainly do something like a small trench. We could even look at breaking it up and running it along the edge of the wall or something like that, so it has a longer run.

Mr. Clough: That's fine. No, I just wanted to make sure we had taken care of those unusual events that are happening more and more during the year.

Mr. Chiappetta: Just one question, Aaron or Joe. The line with the black triangles, is that the hundred-year flood line?

Mr. Wexler: You're close. The one with the triangles is the edge of the wet ones. Each triangle is where the wet one flags. The one that goes in and out around it, that's the actual flood line. The flood line's pretty close to the top of the bank and in areas.

Mr. Chiappetta: Yes. Again, I think for me, I understand the runoff concern and I think everybody's covered that. I was with Stephanie, just understanding from that brook and what that flood line would look like and what problems could come of that, but I just wanted a better clarification on just the visual of it.

Mr. Wexler: Joe, can you pull up the photos briefly?

Mr. Wichert: Yes. This one?

Mr. Wexler: That page here. Yes. If you're looking at that, you can see there's quite a bit of elevation change between the normal ordinary water and where you're going to get to close to the top of the bank where the hundred-year flood point elevation is. Even during larger storm events, you might see a little bit of flow over the edge of that peninsula, which is outside of our proposed developed area. I don't really foresee that being a huge issue here.

Mr. Chiappetta: I appreciate the further clarification. I think as Bill said, we're just seeing so many more events happen a lot more frequently and that was just my one question that I wanted to ask, so thank you.

Mr. Wexler: No, I certainly understand. We're not looking to design anything that's going to cause problems or anything down the line. We don't want it to come back to us either.

Mr. Chiappetta: Yes, absolutely. I think you guys have done an amazing job on this. I think you have everything here. I'm really actually with Steve and I welcome further clarification on what Bill would like, but I really think you guys have covered all your bases. It's our job to ask questions and to make sure that you've done your due diligence, and I think you guys have been spot on. Thank you for that.

Mr. Wexler: Thank you.

Mr. Clough: Looks like they maintained the lawn opposite the brook too?

Mr. Wexler: Yes, this is all maintained.

Mr. Wichert: The other side as well.

Mr. Clough: I mean the other side of the brook. It looks like they maintained that lawn?

Mr. Wexler: Oh, you're saying here?

Mr. Wichert: No, on the other side of the brook, Joe.

Mr. Wexler: Oh, yes, this area here?

Mr. Clough: Yes.

Mr. Wichert: There's a little footbridge.

Mr. Wexler: There's a little gazebo here that the previous owner had built that they use as a picnic area, sun area type of thing.

Mr. Clough: Nice.

Ms. Wachs: Does anyone else have questions? It seems like we really might have covered it. Becky, did we get any questions from the public at all? Are you muted? I'm not sure. Oh yes, you are.

Ms. Hebert: Sorry. We did not get any comments by email.

Ms. Wachs: Okay. I could make a recommendation or unless someone else wants to do it? I'll just summarize it. It does seem like this plan is extremely well thought out. I feel all of my concerns were addressed and questions were asked that were on my mind as well. I feel I would recommend approval of this plan as it is, and I like the idea of just exploring any additional runoff garden or swale or whatever you see fit could go on the other side of the drainage pipe that would be on that wall. Did you want to add anything to that, Bill?

Mr. Carter: No. I think you've covered whatever my concern was.

Ms. Wachs: Okay. Otherwise, it looks like the plan as is would work. I agree with that assessment. Can I get a motion? Does what I say count as a motion, Becky?

Ms. Hebert: I think you could turn that into a motion that would be a recommendation for the zoning board.

MOTION by Ms. Wachs: I move that the zoning board approves the request to build a porch, deck, and in-ground pool within the 50-foot setback at 42 Oak Drive, Plot 7422, based on the plan that we've seen this evening and additional considerations for the back area behind the wall for any water runoff would be a bonus.

Seconded by Mr. Clough:

Ms. Wachs: Okay, I'll take a roll call vote. I'll start with myself. Yes. Bill Carter?

Mr. Carter: Yes.

Ms. Wachs: Stephanie Jones?

Ms. Jones: Yes.

Ms. Wachs: Dave Chiappetta?

Mr. Chiappetta: Yes.

Ms. Wachs: Patricia Grogan. I saw you say yes. Bob MacPherson?

Mr. MacPherson: Yes.

Ms. Wachs: Steven Clough?

Mr. Clough: Yes.

ALL IN FAVOR. MOTION PASSES.

Ms. Wachs: I think that's it. We recommend approval of your plan. Thank you both, Mr. Wichert, Mr. Wexler, am I pronouncing your names right?

Mr. Wexler: Yes, you are.

Ms. Wachs: Thank you very much.

Mr. Wexler: Thank you. I appreciate it.

Ms. Wachs: You're welcome to stick around or leave the meeting. We are going to move on to our next order of business.

Mr. Clough: Thank you, gentlemen.

2. Richard and Linda Martin – Review of a variance request to build a detached two-car garage (24' x 28') within the 50-foot wetland setback, at 177 County Road, Lot 22-84.

Ms. Hebert: Maggie your next agenda item is the review of the variance request for Richard and Linda Martin to construct the detached garage in the wetland setback.

Ms. Wachs: Yes.

Ms. Hebert: When I had my camera off earlier, I was trying to phone them because they have not joined our Zoom call tonight. I had communicated with them and shared the login information. I've been scanning my email and I don't see any, "Help. We can't make it," but they're not here. You have the option of reviewing it and I can do my best to give you an overview of the application, or you can postpone the review and ask them to come back and present.

Mr. Carter: I would like them to come back.

Ms. Jones: I was going to say, if it's not an undue burden, it would be helpful to hear from the property owners.

Ms. Wachs: Yes. I was just taking a quick look at what they were asking for.

Ms. Hebert: They're asking for-- You want me to share a screen?

Ms. Wachs: Just a very high-level overview. I don't want to ask you to go into too much detail, but I'm just looking now. Okay. This would be a garage that was built in a spot that had been approved for a previous owner. Roughly the same dimensions.

Mr. Carter: I think it was an addition that was going to be added to the house in a variance.

Ms. Wachs: Sure.

Ms. Hebert: Yes. The prior application was also for an addition in the garage in the smaller location, but it was attached to the home. This request is for a detached two-car garage off of 177 County Road, their existing driveway is here and this is the detached garage. Typically, we would have the applicant here to explain their situation or proposed layout.

Ms. Wachs: Yes. I read the letter and I saw the proposed layout. There's really not a lot of information here for us to go on without someone to talk to and ask questions of. I think I'm going to side with Bill here and ask them to come back.

Mr. MacPherson: I would also agree with that.

Mr. Carter: Becky, is there a roadside easement also needed for this?

Ms. Hebert: A roadside easement?

Mr. Carter: Yes.

Ms. Hebert: Do you mean--

Ms. Wachs: From the edge of the road.

Ms. Hebert: From the edge of the road. In my discussions with them, you can see here they're setback 32.7 feet from the edge of the right of way. They need to be set back 35 feet. Their plan was to shift their garage back slightly, to meet that front setback. Did that answer your question?

Mr. Carter: Yes, it does. We can talk about that when they come back in front of us.

Ms. Hebert: Yes.

Ms. Wachs: Yes, I'm not even sure, looking at this plan where the garage is going or which structure it is.

Ms. Hebert: I will go reach out to them and we will get them on your June meeting. Maybe a quick motion from the commission just to postpone your discussion on this would be helpful.

MOTION by Mr. Carter: I move to continue to our June meeting.

Mr. Chiappetta: Second.

Ms. Wachs: Should we take a vote?

Mr. Carter: I just have a quick question for Becky.

Ms. Hebert: Sure.

Mr. Carter: First of all, it says that they're isolated wetland, but it says there's a small man-made pond. Do you know if it was previous construction or gravel pit or anything like that? Do we have any hint? Maybe they can bring that information with them.

Ms. Hebert: I can ask for some more background information on that. I think this is-- You see a dark area here on the aerial photo, I think that is the small pond.

Mr. Carter: Yes.

Ms. Hebert: It does drain beyond this property. It's not a very tiny pocket wetland per se, but it's not connected to a larger, named surface water.

Mr. Carter: Okay. I just thought it was curious that it was a "man-made." You know what I mean?

Ms. Hebert: Right. We'll ask them to give some information on the history of the pond.

Mr. Carter: Yes.

Ms. Hebert: Okay. Sounds good.

Mr. Carter: Thank you.

Ms. Wachs: Okay, we can vote on the motion to table this for the next meeting. Aye. Bill Carter?

Mr. Carter: Aye.

Ms. Wachs: Stephanie Jones?

Ms. Jones: Yes.

Ms. Wachs: Dave Chiappetta?

Mr. Chiappetta: Yes.

Ms. Wachs: Patricia Grogan.

Ms. Grogan: Aye.

Ms. Wachs: Oh, good. I heard you loud and clear this time. Bob MacPherson? Stephen Clough?

Mr. Clough: Aye.

ALL IN FAVOR. MOTION PASSES.

Ms. Wachs: All right. We are going to hopefully see them next time.

Ms. Hebert: Yes.

Old Business:

Ms. Wachs: All right. Next agenda item. Okay, so any old business updates. I'll start with Bill, do you have any updates for us on the Chubbuck Road property?

Mr. Carter: I continue to accumulate information. I don't have an update at this time.

Ms. Wachs: Okay. Beth, did you have any information for us on what's going on over at the high school?

Ms. Evarts: I do not have any-- Can you hear me okay?

Ms. Wachs: Yes, I can.

Ms. Evarts: Okay. No, I have no update as of yet.

Ms. Wachs: Okay, great. We'll look forward to that in the future. Do we have any updates on previously viewed ZBA applications?

Ms. Hebert: I do not have any updates for tonight's meeting. I do have a matter of other business, though, that I wanted to run by the group quickly. Are you ready?

Other Business:

Ms. Wachs: Yes, please.

Ms. Hebert: Okay. Jeff Foote, the DPW director, reached out to me with a question regarding whether or not the commission might be interested in helping fund the installation of two turtle crossing signs. This is something that the commission pursued a few years ago on Jenkins Road. On Jenkins Road, as you cross into Bedford, there are two turtle crossing signs over wetland body. A resident has asked that the turtle crossing signs be installed at Meadow Crest drive, where the bridge crosses the wetland area, where there's a large pool there passing the wetland area. He's asking for the commission to purchase the signs or pay for the fabrication of the signs and DPW will install the signs if that's something that you're interested in doing.

Mr. Carter: Do we have a cost of what these signs will be?

Ms. Hebert: Yes, there would be two signs installed at either end of the crossing on Meadow Crest. The total would be \$147.36. This is something that could be funded through your budget, through your land conservation management fund.

Mr. Chiappetta: Is that a \$147 per sign?

Ms. Hebert: Total.

Mr. Chiappetta: Total. Oh, wow.

Ms. Hebert: Yes, for the two signs. Two signs, the posts, the hardware, and the nuts and bolts to do the installation.

Mr. Carter: Will the Bedford Conservation Commission be on the sign?

Ms. Hebert: I don't think so. These are yellow highway signs, MUTCD signs that have turtles and it says, "Turtle crossing." It's a roadway sign.

Ms. Wachs: I've seen the ones that are up on Jenkins.

Mr. Carter: Yes.

Ms. Evarts: It might be worth a photo op, putting something on social media they'll see. You get what I mean?

Ms. Hebert: If you fund it, sure.

Ms. Evarts: Yes. I'd like to throw in a need for something on 101 since it's expanding and now crossing that wetland.

Ms. Jones: I had actually reached out-- Prior to joining the commission, I had called and left messages asking about signs. I actually never got a response from anyone. I was probably contacting the wrong individuals. I actually makes me very happy that this is even something that's being brought up because it's something that I've individual-- I already told you all about the wood turtle, that's a threatened species in New Hampshire. Five minutes down the road, that one was hit. Plenty of pain is, they get hit all the time. I think if we can invest funds in any signage, maybe people don't speed up and hopefully, slow down, I think it would be valuable.

Ms. Wachs: I agree.

Ms. Hebert: He did say the only drawback is that the signs do get vandalized occasionally and they have been stolen. They've also been replaced a few times, but DPW will do the replacement at no cost, and will clean the vandalism or spray paint off of the sign if the commission chooses to install.

Ms. Evarts: Did that stuff happen at the Jenkins Road, or that's just in general?

Ms. Hebert: No, that has happened at the Jenkins Road. The two signs on Jenkins Road, Jeff Foote says, have been stolen and replaced and DPW cleans graffiti off of them a couple of times a year.

Ms. Evarts: Oh my goodness. Thank you.

Ms. Hebert: Yes. Meadow Crest is a little bit lower volume traffic as far as that corridor goes, it may not suffer from the same issue with the graffiti and theft. I need a motion to purchase the two turtle crossing signs for Meadow Crest drive, and the amount of \$147.36.

MOTION by Mr. MacPherson: I would like to make that motion to have the Bedford Conservation Commission purchase the two turtle crossing signs, where the DPW will make the installation.

Mr. Carter seconded.

Ms. Wachs: All right. I'll take a roll-call vote, and call with yourself. Yes, Bill Carter?

Mr. Carter: Yes.

Ms. Wachs: Stephanie Jones?

Ms. Jones: Yes.

Ms. Wachs: Dave Chiappetta?

Mr. Chiappetta: Yes.

Ms. Wachs: Patricia Grogan?

Ms. Grogan: Yes.

Ms. Wachs: Bob MacPherson?

Mr. MacPherson: Yes.

Ms. Wachs: Steven Clough? You are muted, so I don't know if we're-- I assume that you're not going to be a "nay" vote, so we have enough to pass.

Ms. Grogan: He's saying yes.

ALL IN FAVOR. MOTION PASSES.

Ms. Wachs: Yes. We have enough to pass.

Ms. Wachs: Wonderful. I think that might have been all of our public meeting agenda items. We can go into a non-public session.

Ms. Jones: Just really quickly?

Ms. Wachs: Sure.

Ms. Jones: I've actually never wanted to put anything on the agenda. Becky, there's something that I want to discuss for the next meeting. That not necessarily, obviously, variance or Dredge & Fill application related. I just sent that in the e-mail to you.

Ms. Hebert: Yes.

Ms. Jones: Okay.

Ms. Hebert: Yes. Just shoot me an email, and you can copy Maggie. We'll get it on the agenda.

Ms. Jones: Okay. Thank you.

Mr. Carter: Maggie, why don't you read what's the statute of why we're going in the non-public. Then we vote on in it?

Non-Public Session:

MOTION by Ms. Wachs: Yes. All right, here we go. I'm going to make a motion to enter non-public session 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." Can I get a second?

Mr. Carter: I'll second.

Ms. Wachs: I'll take a vote. Yes, Bill Carter?

Mr. Carter: Aye.

Ms. Wachs: Stephanie Jones?

Ms. Jones: Yes.

Ms. Wachs: All right.

Ms. Jones: Dave Chiappetta?

Mr. Chiappetta: Yes.

Ms. Jones: Patrician Grogan?

Ms. Grogan: Yes.

Ms. Jones: Bob MacPherson?

Mr. MacPherson: Yes.

Ms. Jones: Steven Clough?

Mr. Clough: Yes.

ALL IN FAVOR. MOTION PASSES.

Ms. Jones: Great, all right. We will wait a moment.

Adjournment:

The meeting adjourned at 8:03 P.M.

The next meeting of the Bedford Conservation Commission will be June 22, 2021.

Respectfully submitted,

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Edits: Christine Szostak