

Town of Bedford  
Conservation Commission Minutes  
January 23, 2024

A meeting of the Bedford Conservation Commission was held on Tuesday, January 23, 2024 at the BCTV meeting room at 10 Meetinghouse Road, Bedford. Present: Patricia Grogan (Chair), Brian Labrie (alternate), Grant Killian (alternate), Deborah Evans (member), Stephen Clough (Planning Board liaison), Julie Donovan (member), Kathleen Ports (Conservation Planner). Absent: Stephanie Jones (Vice Chair), Peter Sullivan (member), Kathleen Bemiss (Town Council alternate member), William Carter (Town Council Representative), Joanne Smith (alternate).

**I. Call to Order and Roll Call**

Chair Grogan called the meeting to order at 7:00 p.m. and introduced the Board members. Ms. Ports reviewed the agenda.

Ms. Donovan read the Commission's Mission Statement:

The mission of the Bedford, NH 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. The Commission works with landowners to administer State and Town wetland regulations and advises other Town Boards, such as the Planning Board and the Zoning Board of Adjustment, on environmental impacts and alternate considerations regarding development projects. The Conservation Commission promotes conservation activities and communicates with the citizens of Bedford on important environmental issues. Our motto: *Keeping Bedford Beautiful*.

**II. Approval of Minutes:** December 12, 2023 Meeting, December 12, 2023 Nonpublic Session, December 14, 2023 Site Walk

**MOTION: Ms. Donovan moved to approve the December 12, 2023 meeting minutes, the December 12, 2023 nonpublic minutes and the December 14, 2023 Site Walk minutes. Mr. Killian seconded the motion. Vote taken – All in Favor – unanimous. Motion carries.**

**III. Dredge and Fill Applications**

- 1. The Gerard J. Dumas Family Trust and Pauline L. Dumas Revocable Trust–** Review of a NHDES standard dredge and fill wetlands permit for permanent fill of 772 square feet of wetland and temporary fill of 209 square feet of wetland for construction of an emergency access road to the planned Riddle Brook Acres Senior Housing

Development at 227 Wallace Road, Map 20, Lots 26, 27, & 28 and Map 27, Lots 24 & 110.

**Mr. Brent Cole, Engineer with Granite Engineering presented:** Hello, Commission. My name is Brent Cole. I am an engineer with Granite Engineering. I'm here tonight with my colleague Kim Harrington and we are the engineers for the project before you. Also with me tonight is Tom Sokolowski, the wetland scientist and soil scientist with TES Environmental as well as the owners, Joanne Dumas and Paul Scarpetti. The project before you is a 54-unit age restricted residential development called Riddle Brook Acres of Bedford. The project itself requires the merger of a few properties in order to actually make the project work. It'll be about 26 acres in land for the actual project itself. The location of it, and if everyone could flip to Page 1 of the plans that's in front of you. If you look at this plan set to the north, there's the Bow Lane Apartments. So, the screen behind you is the overview plan of our project. To the north is the Bow Lane Apartments. [Trouble with the screens is resolved].

Like I was saying, to the north, Bow Lane Apartments. To the east is the Bedford High School. To the west is Riddle Brook, and to the south is Presidential Estates, more importantly, Kennedy Drive. The goal is to bring a roadway from Chestnut Drive through Bow Lane and extend it to our property. The road will circle back on itself in this loop like manner with fourplexes and one duplexes situated along the roadway in series as shown on this plan. The recreational activities will be provided on site. We have pickleball courts to the north and there'll be a nice garden to the south, recreational trails throughout the property that will link into County Road as well as ample open space to provide some buffer to the wetland from the south and kind of congregate the development in this northern area here.

The nice part about this cluster development is we actually cluster the density in this northern area, which does give us almost a third of the property to leave in its natural basically state and put that area into open space which will allow for trails and things of that nature.

The secondary means of access for this property leads out from our property or our project here and does head into Kennedy Drive and obviously that's the reason we're here tonight and I'll talk about that in a little bit. But for now, the emergency access road was asked to be put in by the Fire Department. It will be a double gated, so a gate on both sides, and it will only be for the Fire Department. It won't be for the public or anyone using it as part of the project.

For stormwater, the property and the project does have to go to the alteration of terrain as well as through your site plan approval. The storm water for the project drains to this area down here into an infiltration pond where you'll see it be mitigated, treated, and recharged back into the ground.

For the emergency access road, we're treating the stormwater via treatment swale. That leads down to a level spreader that eventually discharges into the wetland after it's been treated. Tom Sokolowski, our wetland scientist, evaluated the property. Riddle Brook is to the west like I mentioned. And there's also this stream that bisects the property in this location here. Those are really the only wetlands that are on the site. He did evaluate the Bow Lane and he found there to be no wetlands along existing Bow Lane along the Bow Lane Apartments' property.

Mr. Clough asked no wetlands at all?

Mr. Cole said no wetlands at all, and we can talk about that in a little bit if you guys have questions. If you were to please flip to sheet 19, I believe you guys have a truncated plan set, but this would be an erosion control plan. It should allow you to see kind of the emergency spill or emergency access road close up and see the actual wetland impact, which is the reason why we're here tonight.

Ms. Ports said excuse me, Brent, they might not have that sheet, but if you look at your removals plan you'll see the road and the impact area or the impact area on that sheet.

Mr. Cole said they should have that sheet. I believe it pulled up.

Ms. Ports said they didn't all get everything that was...

Mr. Cole said OK. So if you follow along with the screen or hopefully you guys can see the plan that I have on my screen, you'll see this is our erosion control plan which shows the emergency access road coming in through here. Kennedy Drive is on your plan right, and our project development is off the sheet plan left. The impact that we're here tonight for is in this area here. In order for us to access Kennedy Drive from our project, we do have to impact this wetland. It's an existing stream, and in order to impact it, we'll be using a 48-inch culvert that's embedded a foot deep. Inside the culvert will be stream simulation to kind of act like a natural stream. It's a very popular practice that DES has been requesting that we do lately instead of just your closed bottom culverts.

Mr. Clough asked so it's like a perforated culvert?

Mr. Cole replied it's not perforated, it's just it's oversized, sunk in a foot, and then they infill with river stone and any sort of stream like a material that may be excavated from the actual stream crossing area itself, to give that stream like base, basically. This construction in order to create this emergency access road will create 50 linear feet of impact to the stream permanently as well as 15 temporary linear feet of impacts. Other than that, this is the only wetland impact we have on the site as well as the only buffer impact. The entire project was able to stay out of all the buffers. So this is really the only area that is in kind of question tonight.

There were some notes in the staff report that I wanted to touch on. There were some things talked about in the staff report regarding the wildlife. Wildlife is important nowadays. We deal with Fish and Game a lot on basically every project. There was one thing noted in why we're using silt socks instead of your typical silt fence. And if you know what silt fence looks like, it's basically a wall and it's creating a barrier which does not allow the natural migration of wildlife. Where the silt socks is a little bit lower to the ground, it's rounded, it allows snakes and turtles to actually navigate over the silt socks and has been a preferred management practice by Fish and Game, which is why we elected to use that on this project.

Similarly, with the sloped granite curb, very similar kind of concept. Vertical granite curb provides a barrier. Your animals and your turtles get stuck in the roadway and they can't get out so they're more apt to get hit by a car. Where the sloped granite curbs at least gives them a fighting chance

to get out of the roadway once they've crossed it. That's the reason why we're electing to go with the sloped granite. We have submitted the project to Fish and Game as part of our AOT permit as well as our wetland permit. And we haven't received comments from them yet, but we expect them shortly.

Furthermore, I believe there was a question about adding some photos to the plan. I'm surprised there weren't photos on the plan anyways, that will be a comment from Fish and Games, so we'll get photos of the Blanding's turtle as well as the hog nose snake on the plan so the contractor knows what they're aware of and who to contact if they're able to see them.

So we looked at providing access using the existing crossing down here and what we found was that it just really was not feasible. Bringing a roadway in through this southern area, there's topographical issues with connecting this area to Kennedy Drive as well as creating two very sharp turns that really don't act well for the fire apparatus. So, we had a hard time navigating a fire truck through here up County Road and then back on to Kennedy. Also, if we were to use this existing crossing, it wouldn't prevent a wetland crossing. We would have to actually remove the culvert, replace it and increase it to a size that is more similar to what we've shown here and also get ample cover which is going to create a fill slope over here and actually create more wetland impacts. So we don't believe the moving in this direction and going to an emergency access road down here really didn't make a lot of sense. We're electing to leave this culvert crossing. It acts fine today. It would be a nice area for people to walk to be able to get to County Road without having to walk on the emergency access road. And we are also concerned that if we remove this culvert, there may be some implications hydraulically with the storm water. This culvert has been acting like this for a long time now. If we do remove it, there's a potential that we're increasing stormwater down to Riddle Brook because stormwater has kind of been acting this way for so many years since the railroad actually put this culvert crossing in. So, we are electing to keep the culvert crossing as is and add the one up here for the emergency access road.

With that, I believe there was a question about a no-cut buffer. We are not opposed to a no-cut buffer. I believe because this is a site plan, there's going to be strict limits of clearing anyways, so that buffer will remain in place. This isn't like your typical subdivision where you may have a homeowner that goes out back and clears more than what we thought they would. But this is a site plan. This will have a homeowner's association. There won't be homeowners that are allowed to just go clear back there. But if it would make the Conservation Commission feel better, we wouldn't be opposed to some sort of permanent easement or something on the plan to make sure that that buffer never got touched.

With that, I'll hand it back to the Commission and we can answer any questions you may have.

Chair Grogan said OK. Does anyone have any questions?

Mr. Clough said the emergency access road looks like it's raised up and is it paved?

Mr. Cole replied there's a portion of it paved. The area that's paved is shown on this plan. It's paved from Kennedy Drive, so to the south here to right to this point here. Just as you get past the culvert crossing. That was done strategically because in order to make stormwater go where we

need it to go, we needed to add an asphalt berm. In order to add an asphalt berm, we needed to have pavement. Therefore, we have water conveying down to this treatment swale. If we were to make this gravel, we would have to have a wider section like you see here with an actual ditch, which would create more of a wetland impact in that area because you'd have the cross section that would include a 2-foot-deep ditch and probably add an extra 12 feet to that culvert. So it's actually, by providing the pavement, we were able to minimize the impact.

Mr. Clough said so if you didn't pave it, you would have to make it wider and include a drainage ditch? Mr. Cole replied correct. Mr. Clough continued but drainage ditches eventually become wetlands. Do you know what I mean?

Mr. Cole replied we hope not, but then they'd get maintained but... The wetland ditch would be above the wetland because we have to treat this stormwater, we can't just let it go off into the wetland. So your ditch would actually traverse over the wetland at a higher grade, down to our treatment swale. But it would widen that wetland impact by a good 12 to 15 feet.

Mr. Clough said so explain to me this natural pipe again. I mean you made it sound like it's a new technology or best available technology.

Mr. Cole replied it's not a new technology. We've been doing it for probably about 10 years now. The theory behind it is it's better than your typical pipe that has a plastic bottom or a concrete bottom.

Mr. Clough said so it's a regular pipe, but you've got substrate in the pipe.

Mr. Cole answered we oversize the pipe so we only technically need a 36-inch pipe for this crossing. According to DES rules and what our model would suggest, we only need a certain size pipe. Instead, we elect to increase that pipe, embed it a foot, and then infill the pipe with material that is similar to what a stream would have, so that your critters and the water will flow more naturally through it. And the critters may not necessarily notice the difference between the streams.

Mr. Clough asked and the substrate is what?

Mr. Cole asked what's being put in the pipe? It's your river stone. When we come in here and actually do the stream crossing, there's going to be similar material that we will stockpile and use to infill that wetland.

Mr. Clough said so it's like almost small cobble? Mr. Cole said yes. Mr. Clough replied OK, that sounds good.

Ms. Ports asked and are there baffles in the culvert to keep that material in place?

Mr. Cole replied no, DES does not allow baffles anymore.

Ms. Ports asked and why not just an open bottom culvert? Mr. Clough added like a like a box culvert. Ms. Ports said a 3 sided, yeah.

Mr. Cole replied the box culverts tend to be a lot larger. Therefore, we're going to have to increase the amount of fill that's over them, which is then going to increase the amount of daylight slope. Which is going to further increase the wetland impact here. Because it's an intermittent stream. Because it's a very low tier, we are allowed to use plastic. We chose to embed it because we know that DES likes it. We don't technically have to, but we think it's a better product for the environment. So we chose to actually put the stream simulation in there.

Ms. Ports said good. Thanks.

Chair Grogan said OK. Does anyone else from the Board have any questions? Is there anyone from the public that would like to speak? Yes, come up to the mic and state your name and address and direct your questions to the Board.

**Ms. Jennifer Packard of 22 Kennedy Drive, Bedford:** Hi Board. My name is Jennifer Packard. I live at 22 Kennedy Drive. I was curious about—I don't know what you know about the buffer the no-cut buffer zone. Just there has been some removal of trees. I mean, it's their property at the time, but there was extensive trees that were removed from what I think is the same zone that they're calling the no-cut buffer. And I was just curious what the impact is going to be for the extension of the roadway there and we already had an increase in, I would say, light pollution from our home related to the high school that's right there and the athletic field when they removed all the trees in that area. So I don't know if there's an aerial that you folks have looked at in terms of the buffer.

Chair Grogan said can you address her? Ms. Ports replied there is an aerial in the packet. I don't know if that would help.

**Mr. Paul Scarpetti:** Hello, Committee. My name is Paul Scarpetti. I'm an in law to the Dumas family, I'm here with Joanne, my sister-in-law, and Terry, her partner. We did do some selective cutting back; it'll be almost three years that we did it. The reason we did it is my father-in-law had the land for decades and never logged the property, so we had mature pine trees that were 150 to 200 feet tall. We experienced blow over during two events and when a 150-, 200-foot pine tree comes down it damages a lot of other trees. So we chose to go in and clear a lot of the pine trees out of there, which is good forestry practices. We had it surveyed, and Joanne and I spent a day or two out there, flagging, measuring, to protect the buffer.

Joanne had a lot of experience with a forester, so instead of just hiring a logging company to come in, she knew a forester that came in and had good practice for forestry, and we walked the land with him. He showed us diseased or dead trees or trees that were susceptible to blow over. We marked those. We saved a lot of the white oaks and the regular hardwood. We actually took and we walked it to make sure and had a plan for the logger to clear the trees out of there without damaging the land as well as the trees that were there when they were pulling the logs out of there. Then at the end of it, we had a landing and we had Kennedy Drive that of course, we had to bring back to the original condition. We loamed it. We seeded it. We hand raked it and if you were to go out there, you'd see that we saved a lot of trees. But the buffer we definitely flagged it to make

sure that we protected that because it's important to us. You can see that the Dumas family has really preserved the property over the decades. So we wanted to continue doing so.

Ms. Packard said so is there an aerial or like a satellite view or whatever? So that it's the area that to bring the equipment in, that alone required—that's right at the end of Kennedy Drive in that area. Well, that was not an area that was quote like clear cut for them to just use the heavy equipment there. There was a pretty significant area of trees that were removed. And since the area has been, you know, now that area has no trees in it, we've had a number of huge pines that have crossed over the walking trail. That's the County Road, you know the level six road that they call it now. And that sort of fall into either local people before the townspeople could get there to clear the trail. And that we had more trees fall across the trail since the project three years ago. And I'm just curious about the impact future, how much more trees are going to come down, how much more will the trails be affected? How much more light pollution will we have from the athletic? You can see the track and where we all live.

Mr. Scarpetti replied to answer the landing, we did choose that area because that was the largest area where we had blowdown and that's why we had to go in and clean that area up. So that was chosen as the landing area for the trucks to haul the material out of there. We did leave a lot of the pine trees because it was in the buffer, so those might be the trees that she's talking about that fell down across the pathway. So it's a tough thing because it should have been logged years ago to help the hardwoods grow. So we still have a lot of big pines. We don't plan on taking any more trees out of the buffer. So we may experience more of that.

Chair Grogan asked does this help you? This view?

Ms. Packard replied yes, I don't think anybody's answered the question of you're now putting a roadway there. So what has to be cleared now?

Mr. Cole replied so the grading plan in your packet I can show you that. If you go back to that sheet 19, we do have clearing limits on there that will need to be followed. There is this area here which is our treatment swale that is close to County and close to that landing that was there before. Obviously, we're going to need to clear for the emergency access road coming through there. So there will be some clearing requirements in order to construct this access road.

Chair Grogan asked can you make that clear for her?

Ms. Packard said where the tree line is now and where it will be when you're done?

Mr. Cole replied the tree line here, it's kind of hard to see, but the existing tree line that was out there preclearing is what is shown.

Ms. Packard said pre three years ago. So before they did the clearing.

Mr. Cole said correct, is what's shown on here.

Ms. Packard replied right. So I mean I think, how do you not have the existing information there for what it looks like now?

Mr. Cole replied I don't necessarily know what it would matter. The clearing that we're electing to do is what is shown here. Everything else is going to reestablish just like we had hoped after doing the forestry. I mean creating a healthy forest is important, and it wasn't healthy before, which is why we hired a professional forester to come in, select the logs that needed to be taken in order for this forest to thrive. The emergency access road will require some clearing. There may be some areas that have already been cleared, which means that we don't have to clear as much as what this plan shows. But nevertheless, the tree line that's on this plan is what will be cleared up to and allowed to be restored if it's beyond that. This was not cleared and stumped and grubbed like we're showing our plan. This was selective cut, and there's the base of the tree still there. When we get into stumping and clearing, that's when the actual definition of disturbance is actually enacted. Just clearing a tree and leaving its stump is not technically disturbance according to DES and according to the feds. So our tree limits, our clearing limits, are accurate for this plan.

Ms. Ports said Just a quick note, Brent. There's the 100-foot buffer along the high school. Does that apply along the residential area as well?

Mr. Cole replied there is a 100-foot buffer along the high school. There are portions of that that are being cleared but are being reestablished with new plantings.

Ms. Ports asked but is there a similar requirement between the development and the housing that exists in Presidential Estates?

Mr. Cole replied no, I don't believe. Yes. No, you're right. Let me switch to the first sheet. Yes, the 100-foot buffer goes around the entire property. Because this project is so far away, most of our development is actually far away from Presidential Estates, but you can see the 100-foot buffer here in this area. And obviously we have to be able to clear that in order to create an access road, which is allowed per the regulations.

Ms. Ports asked so the access road is just for the construction of the emergency access and not for the construction vehicles themselves?

Mr. Cole replied correct. Construction vehicles will come through Bow Lane.

Ms. Ports said so, during the Planning Board review, that is something that you could address with the Planning Board in terms of requesting additional or more robust plantings in that buffer if that's a concern or if that would reasonably address the concern. I don't know if it really would. It's hard to get back the tall trees.

Mr. Killian asked is permanent tagging, then, an option to maintain what is there in some fashion?

Ms. Ports replied well, I think what we talked about in the staff report was a 50-foot buffer around the wetlands, and that could be something that we could recommend to the Planning Board that they establish a no-cut deed restriction, and it would be tagged in that case.

Ms. Packard said so it's official that there's no construction that will be going through that way? Because obviously that's how the material came through initially when they did the cutting there was through our...

Ms. Ports said right, because the road wasn't there from the north. So no, it's just for the construction of the emergency access road for Fire Department. Applicant replied, that is correct.

Ms. Packard said OK. Thank you.

Chair Grogan asked is there anyone else from the public? Any questions from the Board? And would the applicant like to wrap up then?

Mr. Cole replied I'm all set.

Chair Grogan stated, we are going to need a motion.

**MOTION: Ms. Evans moved the Conservation Commission recommend that NH DES and the Planning Board approve the request for the permanent fill of 772 square feet of forested wetland and 50 linear feet of ephemeral stream and temporary fill of 209 square feet of forested wetland and 15 linear feet of ephemeral stream for construction of an emergency access to support the development of Riddle Brook Acres of Bedford, with the addition of a 50-foot cut restriction around Riddle Brook and the residential road.**

**DISCUSSION:** Ms. Ports said wait a minute. Let's just make sure we've got that clear. So, with the recommendation of a 50-foot setback around Riddle Brook, and the tributary, and I don't know if we want to say residential road. I think that's something the Planning Board would have to... Ms. Evans replied OK. Yes. Forget that bit then. Chair Grogan asked do you want to read that then? Did you make a correction to it? Ms. Ports replied I think it's clear. Ms. Grogan stated, OK. Do I have a second. OK, all in favor?

**AMENDED MOTION: Ms. Evans moved the Conservation Commission recommend that NH DES and the Planning Board approve the request for the permanent fill of 772 square feet of forested wetland and 50 linear feet of ephemeral stream and temporary fill of 209 square feet of forested wetland and 15 linear feet of ephemeral stream for construction of an emergency access to support the development of Riddle Brook Acres of Bedford, with the addition of a 50-foot cut restriction around Riddle Brook. Ms. Donovan duly seconded the motion. Vote taken – All in favor – Motion carries.**

Mr. Cole stated Thank you very much. I appreciate it.

#### **IV. New Business**

##### 1. New Application Review

Ms. Ports said we had talked in the October workshop about some things we could do to improve the information that we get and communication to our applicants. One of those topics was the development of an actual application form when a project is coming before the Commission. So, that's what you have in front of you. We don't have to go through it right now, but if you want to give some overall impressions or agree that you want to send comments to me individually through e-mail later. However you guys want to proceed. Do you want me to give you an overview of how it's laid out, or what would be helpful?

Ms. Evans replied I think an overview would be helpful.

Ms. Ports said OK, Brian, what were you going to say?

Mr. Labrie asked what do we have now? Do we have anything at all?

Ms. Ports replied we have a submittal requirement which suggests that they write a descriptive narrative of the project and that they talk about how the project minimizes and avoids wetlands, whether it incorporates any kind of mitigation to offset whatever the impacts they're proposing. And then it talks about the types of information that we want, like if there's a functional assessment or a wetland permit application, it talks about copies and that kind of thing.

So the front is just pretty standard other than we added the wetland scientist, their license number and the date of the delineation that was completed. There's just a small box for a brief project purpose and description and then the type of review they're asking for. It might be more than one of these. It might be all of them. I'm just realizing, though, too, that for the Planning Board—so some projects, some types of wetland impacts are reviewed by the Planning Board. They don't require a variance. So I need to capture that here because I don't think I've done that. Oh, that's what maybe this next one is. So, for example, you are allowed to have an impact when you have to have a driveway crossing or a utility crossing. Those go to the Planning Board. So that's what this question is asking.

This is just where we stamp in and receive the information. This is just a summary table of, so assigning an identification number to the wetland and then specifying what the impacts are, what type of wetland it is. Whether it's a wetland of exceptional value, which is asking them to do some of that research for us. Most of them don't come in with that information now. And clarifying what the primary functions of the wetland are. So, for example, the impact on this past project was so small, they didn't have to do a wetland function assessment. So this would just then ask them based on the wetland delineation and the wetland scientists, what are the primary functions? And then explain why the impacts can't be avoided, how they were minimized, and any proposed mitigation.

This is actually helpful to talk through because I'm realizing that we might also want to include something that talks about how the functions are affected and how whatever is remaining will continue to function. So for example, when we looked at the Saint A's application and we had 12,000 square feet of impact and 6,000 square feet of wetland left, what is that net effect on its functions and values? And then, often mitigation through the state is addressed through a payment

into a wetland fund, and we can apply for grant money to do wetland restoration projects here in Town or nominate projects if we wanted to. But a lot of times we don't necessarily see that money. So, this is sort of getting at some of the other things that we might want to see like we brought up with the Saint A's project. So, what can they do with surrounding landscaping or native plants or is there a need for buffer enhancement? I should say setback enhancement, maybe there.

And then for projects involving a buffer encroachment, it's similar. You're explaining why you can't put that structure or vault somewhere else. And they're largely doing that when they're getting their variance anyway. Explaining that so it's just sort of doing that more succinctly for your benefit. And then how the impacts in the buffer were minimized so they're positioning it in a way that they're not putting the whole thing in the buffer. Or maybe they selected a particular location along the wetland where they think there's a wider amount of vegetation that would buffer whatever encroachment there is.

And then how does the project address indirect impact? So this is getting at some of those BMP's that we've been talking about related to infiltration trenches for pool water discharge or downspouts or things like that or directing run off away from the wetland. And again, just more potential features to offset the construction within that setback area. And then just the list of required attachments. We have something similar to this, but I've noticed for other applications that I've amended recently, having that checklist is really helpful. So that's sort of what this is.

Mr. Clough said some wetland delineations provide a summary, and I'm wondering if like in parentheses on some of those requirements, you could put in parentheses or please attach summary. Or please attach wetland delineation summary or something like that. Do you know what I mean? Or on the site plans. If there's a box that says wetland delineation summary.

Ms. Ports replied yes, sometimes there's a little report that goes with it.

Mr. Clough said yes, well, they shouldn't be little. That's one of the things that bothers me is like some of these guys are really, really good and thorough. And some of them just, they're so tired of their job, they just go out there and... And maybe up in the table above, if you scroll up, say wetland, primary wetland functions. Not just functions, primary wetland functions. Ms. Ports replied OK.

Ms. Evans said on the first page, I'm not sure about the word need—why you need to do it. Because if they need to do it, it's hard for us to say no. I would suggest and why you would like to do it. I'm thinking more, I think, about the homeowner who wants to build a shed.

Ms. Ports replied right, which is why I actually said need. But yeah, I understand that that is sort of subjective.

Chair Grogan said how about slash?

Ms. Ports suggested briefly describe what you would like to do. You could say and its purpose. How about that?

Chair Grogan requested can you go up to the impacts? Can't we have a wildlife?

Mr. Labrie said well, the primary wetland functions, one of those is support of wildlife.

Chair Grogan said yes, but they might not—we know that.

Ms. Ports suggested so type of wildlife affected? Is that what you mean by that? Yes? We can consider that.

Mr. Clough said I think there are 11 or 12 functions, right, Kathleen? Ms. Ports said yes. There's quite a few. Let's see, could not be avoided. Describe how wetland impacts are minimized. Maybe we could then tie this question here to the wildlife function up here or the wildlife usage, right? So I can think about that. What did I say when I was going over this? I can't remember now. There was something else we might want to include. Impacts can't be avoided. Impacts are minimized.

Mr. Clough asked what is SF and LF? Ms. Ports replied square foot, linear foot.

Chair Grogan said thanks for asking. Ms. Ports said I could have put a footnote on it. I was just trying to squeeze everything on one page.

Mr. Clough said or you could put foot square. Ms. Ports said yes, OK, that's a good idea. I'll make a few changes and then you guys can look it over again. Does that sound reasonable?

Mr. Labrie said if we have nothing, this is going to be a huge improvement.

Ms. Ports said and once we get a few of them, then we'll realize what we missed and we'll make some more changes.

Ms. Donovan said I think it's briefly set out. I mean this is a form. This looks easy to fill in. Sometimes you see forms you think this is such a mess. I mean, it's clean, it's neat, but it's asking for exact information.

Mr. Clough said under photographs, again, most wetland functional delineations have photographs in them, so maybe in parentheses or include wetland delineation packet or something to that effect. I'm just trying to make it easier on them so they're not multiplying effort.

Ms. Ports said that's a question for you guys. So I got a wetland permit application. They're kind of hard to sift through and find what you really want out of them. So I try to do that in the staff report and then I link it in the Google Drive for you. I don't typically print out the whole or include it, so I just want to make sure that's OK. I think I did include their photos. But they did a good job of saying standing here facing this direction. But it's nice to have a directional index, so I should put that on this, too.

Mr. Labrie said Kathleen, I don't know if it's related to this or not, but site visits. The Saint Anselm's site visit was really helpful. And some of these they come across and we don't have all

the time in the world to digest 100 pages of stuff, right? So, at what point do you ask for that site visit maybe within this application? Is there any way to offer that or ask for it?

Ms. Ports replied some commissions require a site visit. Otherwise it's within your purview at the meeting to say I'd like to table this pending a site visit.

Ms. Evans said sometimes I think it's hard to delay a whole application to have a look at it. I think to Brian's point, it would be nice to have the opportunity even for this to have gone and seen it before they actually present, so I think it's more meaningful. Like you said, the Saint A's one was very helpful.

Chair Grogan said yes, that would help us at the meaning, yeah.

Ms. Ports said yes, so I can look into, maybe there's a process for having a site walk two weeks before a meeting or something? We might want to think about do we need to see every project or is there a threshold over which you feel like you'd want to look at the site? If the impact was?

Chair Grogan suggested well if one member asks for one, we could all be notified and whoever wants to go can go.

Ms. Evans said I quite like to see them all, but I have time. People might not feel the same way. I think even with the guy who wants to extend his overhang, to be able to see the impact of that. It really helps.

Chair Grogan said I know. It really helps.

Ms. Evans said all members may not feel the same. Chair Grogan said I do.

Mr. Labrie said there's a lot of stuff I think we can see on the plans, if you know how to read the plans. But topography is very different, and when he said he swapped out the silt sock for the silt fence, they both serve two totally different purposes. And I probably would have liked to see that and shame on me for not asking for the site visit or going to look myself. But it would have been nice to see that even with a picture of how it would have been laid out. Just one example of why it might be valuable.

Ms. Ports said I'm guessing you can't use the silt sock unless your slope is low enough, right?

Mr. Labrie said the only reason I bring it up is because we were on a job recently with some torrential downpours that we had in December, and even the silt fence didn't hold back the material. So the silt sock will do nothing.

Ms. Ports said yeah, I'm guessing they're using the silt sock because it's more wildlife friendly.

Chair Grogan said yes, that's what he said.

Ms. Ports said when you're talking about like a stream crossing in particular, that's probably what the State wants them to do. So let me do a little research on what some of the other commissions do. How does that sound, for site visits, and maybe we can come up with some—I can come up with some suggestions. It's hard. You don't want to delay a project, but that is absolutely part of your review, so that's OK. But if we're going to ask for site walks...

Chair Grogan said if we could go before, we're not going to delay. That would be great.

## **V. Old Business**

### **1. FAQ Sheets for Water Quality Protection**

Ms. Ports said back in October, we talked about a fact sheet of measures that we might want to see associated with certain projects. So I have not started on that, but I will.

### **2. Streamside and Riparian Areas Overlay**

And then a few folks: Grant, Freya, and Joanne had volunteered to form a little subcommittee and look at some model ordinances or other examples of stream side or riparian overlay districts. It might be nice to have one more person from the Commission on that group, but it's not required. But I'm going to schedule that meeting sometime in the next couple of weeks to get that process off the ground. And then that subcommittee will report back to you guys.

## **VI. Updates on Previously Reviewed Projects**

### **1. St. Anselm's College**

Ms. Ports said Saint Anselm's College did go to the Zoning Board last week, and the Zoning Board approved their request for the wetland fill permit. So now it goes to Planning Board. And a lot of those other bigger issues will get vetted again through the Planning Board.

Mr. Killian asked who moved it forward? Ms. Ports replied the Zoning Board. Because it was a wetland impact for a site development, it needed a variance because that's not an allowed wetland impact under our regulations.

Mr. Clough said so the streamside and riparian areas overlay: That's conservative. In other words, that's inside the buffer. Inside the... Mr. Ports said inside the setback. The thought was that it would be a cut restriction. Whereas right now we don't have any limit on where you can cut trees and can't, or cut vegetation.

Mr. Clough asked so does that impact the homeowner if the homeowner is not affecting the setback? Ms. Ports replied with a structure. Mr. Clough said right. Ms. Ports said it could. I mean, that's what we're going to look at.

Mr. Clough said well, I'd be willing to volunteer to help on that. Ms. Ports said OK, that'd be great. Mr. Clough said I'm just guessing here, but this takes the best person to have on board here

is somebody who does CAD and is really proficient with geospatial stuff. Do you know what I mean? Because then you can actually overlay it in real time on a computer.

Ms. Ports replied yeah, we could have Brandon do—so there is an existing map within the State database that shows all your... the streams that are Tier 1, Tier 2, Tier 3. So Tier 1 would be the stream crossing they just proposed, whereas Riddle Brook would be a Tier 3 stream. And so it would tell us how many miles of stream we had and what that acreage or how many properties would be affected. We also talked about looking at ponds and including some of our named water bodies or named ponds in that overlay as well.

Mr. Clough said yeah, I just don't want to exceed our—at the conservation commission, I don't want to exceed our... do you know what I mean? Our... what we're here for. I don't want to get offensive. Instead of a defensive posture, I don't want to become an offensive force. Do you know what I mean?

Ms. Ports said right. I think the concern has been that we see a lot of projects where they're paving right up to the edge of the wetland and there's nothing you can do about it. Mr. Clough added which is legal, right? Ms. Ports clarified under our regulations; it is. And also, I get a lot of phone calls about stormwater and rising water levels and that's not going to change anytime soon. And so the more vegetation that we keep along our stream corridors, the more we're buffered against those changes. So it just might be timely from a climate perspective. So we're just going to look at it. You're right, it might not be something that the community wants.

## **VII. Pulpit Rock Subcommittee Report**

### **1. 2024 meeting schedule**

Ms. Evans said the Pulpit Rock Subcommittee has set its meeting schedule and workdays for 2024. The 2024 meetings are scheduled for February the 21<sup>st</sup>, April the 17<sup>th</sup>, June the 19<sup>th</sup>, and September the 18<sup>th</sup>. All meetings are at 6:30 p.m. in the Richmond Room at the Bedford Public Library. There are two vacancies on the subcommittee. Interested individuals are encouraged to attend a meeting or apply through the Town website on the Volunteer Opportunities tab. The 2024 workdays will be May the 4<sup>th</sup> from 9 till 2, August the 17<sup>th</sup> from 9 till 2, and if needed October the 13<sup>th</sup> from 1 till 5. You do not need to be a subcommittee member to volunteer on a workday. Announcements about the location, project and tools needed will be shared closer to the workday. Follow the Friends of Bedford Trails, Bedford, NH on Facebook for updates on guided walks, trail conditions and trail projects. Thank you.

## VIII. Trail Stewards Report

### 1. New Trail Maps Update

Mr. Killian said two points: the Trail Stewards meeting schedule for 2024 is set. It will be at the Richmond Room at the Public Library at 6:30 p.m. on March 6th, May 22nd, August 28th and October 9th. The second point, the trail stewards recently completed some repairs at the Van Loan Preserve bridge crossing on Riddle Brook. They added plywood decking and hardware cloth, and the surface is now much safer. Thank you to Brian Nolan, Brian Schuman, Dan Kirby, Jim Murray, Bill Hoke and Ritchie Holstein for volunteering.

## IX. Announcements

1. Bedford's next Housing Forum will be March 20, 2024 at the Public Library's McAllister Room.

Chair Grogan said the next Housing Forum is March 20th in the McAllister Room. There was a really nice turnout for that last time. The time is yet to be determined. The discussion will be focused on possible zoning changes. Visit the Planning and Zoning website for more details.

2. Taking Action for Wildlife Webinar Series – The registration can be found here: <https://www.takingactionforwildlife.org/resources/2024-wildlife-webinar-series>

Ms. Ports said there's a Taking Action for Wildlife Webinar Series being offered for free through The UNH Cooperative Extension. The classes are 4 to 5:15. It's all remote and it's spread out over four different months. So it's pretty convenient to attend. If we have enough attendees participate, we could potentially then request support for a project in Town. So if you're interested, I would highly encourage you to sign up. I know I'm signed up. I believe maybe Joanne has signed up, but if you want more information, just get in touch with me or I included the link on the website.

3. The UNH Cooperative Extension is accepting applications for the NH Coverts Program. The registration can be found here: <https://extension.unh.edu/blog/2024/01/applicationperiod-opens-2024-nh-coverts-project-training>

And then the New Hampshire coverts is a four-day workshop where you will learn about wildlife, forest ecology, habitat management, land conservation, and effective outreach. There's a \$50 registration fee that can be covered by the Planning Department, and in exchange for this otherwise free training—so you stay on site for the whole time—you are asked to volunteer for 40 hours in the coming year to motivate others towards becoming a steward of wildlife and forested resources. I would imagine that your service as a Conservation Commission member would count towards that 40 hours. And so it's just a really great overview about New Hampshire wildlife habitats, rising issues and things you can do at the local level.

Pat, do you recall the easygoing hikes? Is that the first Wednesday of the month?

Chair Grogan replied yes, now it's Wednesdays, yes. Ms. Ports asked and do you know, is there a set time? Chair Grogan replied I don't remember the time. Ms. Ports said OK, well, if you're interested in a monthly guided walk, they are on the first Wednesday of the month. Chair Grogan asked are they on the parks website? Ms. Ports replied no, if you follow the Facebook page, Friends of Bedford Trails, Bedford NH, you will find the announcements there.

Mr. Killian asked is there a minimum age, do you know, for the coverts program? Is it only adults or? Ms. Ports said I don't know the answer to that.

#### **X. Non-Public Session:**

**MOTION made by Ms. Donovan to go into nonpublic session at 8:03 p.m. 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. Ms. Evans seconded the motion. Roll Call vote taken: Chair Grogan, Mr. Labrie, Ms. Evans, Mr. Killian, Ms. Donovan, and Ms. Clough all voted in favor. Unanimous. Motion carried.**

The Commission moves to nonpublic session.

The public portion of the meeting ended at 8:03 p.m.

#### **XI. Adjourn**

**MOTION was made by Ms. Evans to leave nonpublic session at 8:33 p.m. Ms. Donovan seconded the motion. Roll Call vote taken: Chair Grogan, Mr. Labrie, Ms. Evans, Mr. Killian, Ms. Donovan, and Ms. Clough all voted in favor. Unanimous. Motion carried.**

**MOTION to adjourn was made by Ms. Grogan at pm 8:34 p.m. Ms. Donovan duly seconded the motion. ALL IN FAVOR – unanimous. MOTION CARRIES.**

The next meeting will be held on February 27, 2024.

Respectfully submitted by Sue Forcier