

**TOWN OF BEDFORD CONSERVATION COMMISSION MINUTES**  
**January 28, 2020**

A meeting of the Bedford Conservation Commission was held on Tuesday, January 28, 2020 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH.

Present: Dave Gambaccini (Vice Chair), Denise Ricciardi (Town Council), Mac McMahan (Planning Board Representative), Maggie Wachs, Gregory Schain (Alternate), Patricia Grogan (Alternate), Karin Elmer (Planning Department).

Absent: Beth Evarts (Chairwoman), Catherine Rombeau (Town Council Alternate), Bob MacPherson, James Drake, Bill Carter (Alternate)

**7:00 PM Call to Order**

Mr. Gambaccini was appointed Chairman for the meeting and opened the meeting at 7:00 PM. A couple voting members were absent, so Gregory Schain and Patricia Grogan were appointed as voting members for the evening.

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

**Approval of Minutes:**

- November 26, 2019 Conservation Commission Minutes –

**MOTION by Ms. Ricciardi to approve the November 26, 2019 minutes. Ms. Wachs seconded the motion. 2 abstentions: Mr. McMahan and Mr. Schain. Vote taken – all others in favor. Motion carried.**

**Dredge and Fill Applications:**

- **Matthew & Christine Hallett – Request to fill approximately 660 sq. ft. of wetland for a new driveway culvert as part of a new subdivision off Roblin Rd., Lot 1-44-6 as shown on the subdivision plan, Zoned R&A.**

**Background Information:** The property is located between Roblin Rd. and New Boston Rd. It is currently a 40-acre lot which will be undergoing review for a proposed 6-lot subdivision. The dredge and fill permit is for a new driveway to be located at the end of Roblin Rd., shown as lot 1-44-6 on the attached plans.

**Project Description:** The applicant is proposing to subdivide an existing 40-acre lot into six building lots. As part of the subdivision, the only wetland impacted will be for the

**construction of a new driveway culvert for new lot 1-44-6. The dredge and fill permit is for the filling of approximately 660 sq. ft for construction of the new driveway. A narrative has been included as part of the permit.**

Earl Sandford of Sandford Surveying and Engineering presented for the dredge and fill application. The Hallett property is located at the end of Roblin Road. At the end of the cul-de-sac is a ditch created from plowing. They would like to put in a driveway going through this area. It was designated a wetland by Tom Sokolov. Mr. Sandford doesn't think it fits the criteria but would consider Sokolov a senior to him in determination. Mr. Sandford reviewed the plans and said that when Roblin Road was paved, it was paved minimally and not nearly enough as is normally paved at the end of a cul-de-sac. When the frost is off the ground or there is a warm spell the plow scoops the soil up and creates a row of soil that has been pushed creating a small very isolated wetland. It is not even on the Hallett property, so Mr. Sandford called the State and it was recommended that the Halletts sign as the owner with a memo from the town saying they are o.k. with it being fixed. The fix would be filling it in and putting in a gravel apron that would enhance the ability to push the snow. The area lost from putting the driveway in, is more than compensated by providing a gravel apron that can receive the snow.

There is another change: There was a misunderstanding and the developer went to the town and was told he could put in another house off the driveway and was told he could only do it as a cluster sub-division. If done as a cluster sub-division 2 houses could be put in. So, the driveway will become a shared driveway that will probably feed 2 houses. Mr. Sandford said the subdivision plan was submitted last Thursday and on Friday he was informed of the above-mentioned misunderstanding. Planning thought that it was an isolated lot, but it is not. It would be isolated by the sub-division being created.

Mr. Sandford reviewed a revised plan noting there is lots of frontage off of New Boston Road. They are not looking to change the road at all. With the cluster the changes would be that they would be able to do some 25-foot frontages and develop a couple more houses. After having the application refused on Thursday, the difference is that they would be going in as a cluster of 2 proposed homes off Roblin Rd., and it will end up being 8 using the same road infrastructure off of New Boston Rd.

The focus this evening is on the little strip of wetland which the town has created by scraping during plowing. Because this would need to be expedited Mr. Sandford needs the Conservation Commission's approval. With the expedited nature of this request some might say the neighbors aren't getting a fair shot because they have not been notified, but Mr. Sandford went ahead and notified them ahead of time so that they would have a fair shot to speak, just like with any other un-expedited dredge and fill application. He is unsure if anyone is here to speak this evening, but he is open to answering any questions.

Chairman Gambaccini opened the floor for questions from the board. Ms. Wachs asked if the dredge and fill was for a driveway that would then split further down the driveway. Mr. Sandford said it could be two driveways with a 25-foot wide strip between them, but he thinks it

would be more feasible to do a shared driveway for the first 100 feet and then split it. She asked if the 100-foot area is the area that will be filled. Mr. Sandford answered, “Yes, it wouldn’t change anything at the beginning.”

Mr. McMahan asked if he had already been to the Zoning and Planning departments. Mr. Sandford said they have been to the Planning Department for three work sessions, and the Department of Public Works for 2 or 3 work sessions, but they are not anticipating any need to go to the Zoning Board for this. Mr. McMahan asked if it had come before the Planning Board yet. Mr. Sandford said it was submitted last Thursday and refused on Friday because we had less than 200 feet of frontage (they had submitted a change from 150 to 200 and then voted last night not to move that forward), so the project is back on track, but has lost 2-weeks because it was not confirming with what was posted and it got rejected. The entrance was rejected because when Becky Hebert at the Planning Department told the developer it was o.k. to put in one house she was not aware there was frontage on the other lot; so that is why we are forced to go to cluster in order to do anything on the lot.

Mr. McMahan asked once it is hashed out before the Planning Board if Mr. Sandford anticipates any conservation issues in which the homes are placed based on wetlands later. He wonders what the need for the expediency is. Mr. Sandford said this would be the only direct impact to the wetland and this is the only dredge and fill that will be needed for the project for all of the 10 lots proposed at this point. Mr. McMahan asked about the areas on the plans where the homes will be place, and Mr. Sandford indicated they are conceptual and they have tried to hook them so that they are further away from Bowman Brook than the existing house that is there. The existing house that is closer to the brook will have to be torn down and the driveway torn up. That is closer to the brook than where the proposed road is. The same entrance will be used but the driveway will be parallel with the brook and then perpendicular for a bit.

Mr. McMahan asked how soon he anticipates construction for the driveways. Mr. Sandford said if everything stays on target they are looking to have approval by the end of April, followed by a construction meeting in May. Because it has to do with New Boston Road they have to deal with the New Hampshire Department of Transportation and have been back and forth with them regarding site distances and making sure that we are doing it correctly.

Mr. McMahan asked if they would be going through the conceptual phase with the Planning Board soon after this meeting. Mr. Sandford indicated they would probably jump right to design because there have already been several meetings with the Planning Department and they’ve received recommendations from Planning Staff regarding granite curbing and some things they wouldn’t normally have done but acquiesced. There is an understanding that if they do these things there is a commitment from the Planning Department that they will be behind this project, but it has not been heard before the Planning Board yet.

Chairman Gambaccini asked where the impact area is shown on the plan. Mr. Sandford indicated the area of impact. Chairman Gambaccini asked if he has an estimate of the square foot size of the proposed gravel apron. Mr. Sanford said the part going over the wetland would be 600 square feet. Chairman Gambaccini asked for the size in-general of the apron. Mr.

Sandford said it was approximately 40x60. Chairman Gambaccini said that they are certainly doubling the gravel apron to offset the wetlands being filling. Mr. Sandford answered affirmatively and said that he is trying to get it out to the line where it should have initially been paved in the first place in the original design. He doesn't think it warrants being paved out there, but he thinks it is better for the town and the Department of Public Works. He understands the condition they want on this that they do not lose any snow storage. Chairman Gambaccini asked if it would just be bank gravel, and not any riprapping. Mr. Sandford said it would be banked, but then with at least 6-inches of a crush and something that will pack well and hopefully minimize the scouring that has been done by the plows. They have done some digging and it appears that someone has put in 4-inch underdrain alligator pipe that keeps getting dug up too.

Chairman Gambaccini opened the floor for questions from the public. There were none.

**MOTION by Ms. Wachs to recommend approval of the dredge and fill permit for a new driveway to be located at the end of Roblin Rd. shown as Lot 1-44-6 on the attached plans. Mr. Schain seconded the motion. Vote taken – all others in favor. Motion carried.**

- **Circle Drive Associates – Request to fill approximately 5,217 sq. ft. of wetlands associated with a proposed development on South River Rd. across from Iron Horse Dr., Lots 35-98-5 & 35-98-40, Zoned PZ.**

**Background:** The project is located off of South River Road and the site is accessed by an existing driveway across from Iron Horse Drive. The site consists of two lots that have a combined area of approximately 27 acres. In 2010, the applicant received a NHDES dredge and fill permit to impact 13,004 sq. ft. of wetland area associated with Sebbins Brook for the construction of the access driveway off of South River Road. The permit required compensatory mitigation and the applicant was required to make a payment to Aquatic Resource Mitigation (ARM) Fund, and also placed permanent conservation restrictions on the riparian buffer areas near Sebbins Brook.

**Proposal:** The applicant has submitted a conceptual plan for the Conservation Commission's review. The proposal is to build a mixed-use development consisting of seven apartment buildings, office space and retail uses. The development would be accessed by the existing driveway off of South River Road across from Iron Horse Drive. The site plan also includes an emergency access drive connecting the site to Sebbins Brook Marketplace. The project design includes filling approximately 20,790 sq. ft. of wetlands.

**There are five areas of wetland impact. Of the five proposed impacts, two are for roadway crossings and three are to be filled for the site development or placement of buildings. The road crossings may be approved by the Planning Board without a variance provided the Planning Board determines that the proposed construction is essential to the productive use of land and no reasonable alternatives exist.**

**The three other areas of wetland impact will require variances. Two of the wetlands have been classified as vernal pools. The Bedford Wetland Ordinance does not distinguish vernal pools as a separate class of wetland. However, these areas are regulated by the NHDES. Staff would recommend that the site plan be modified to reduce to the overall wetland impacts. Proposed apartment building C is almost entirely within a wetland setback or wetland.**

**Summary: The applicant is seeking a discussion with the Commission of the conceptual plan for the proposed mixed-use development and the wetlands permits have not been finalized. It is staff's understanding that the applicant will be back before the Commission when the NHDES dredge and fill permit is completed.**

Luke Hurley of Gove Environmental Services and Katie Weiss from Bedford Design Consultants introduced themselves. Mr. Hurley indicated this is a follow-up to a meeting held with the Conservation Commission back in the Summer with Jim Gove, and there was also a site walk in September. Since that time a formal application has been filed. The site is directly across from Iron Horse Drive. There is a building complex to the Northeast of the site. Mr. Hurley showed where the site is on an aerial photographic plan and where Sebbins Pond flows through on its way to the Merrimack River. Mr. Hurley reviewed the 3 impacts of what they are proposing for the project which is for a proposed residential apartment complex. The Everett Turnpike is on the western side; and Route 3 is on the eastern side.

Three impacts are being proposed and two are for stream crossings: The first is for an existing beaver dam/pipe culvert system that goes through the site. It used to be an actual access road to the site way back. What is being proposed there is 1,324 square feet of direct wetland impact and 35 linear feet of stream impact which is for emergency access coming into the site. It will be gated, and there is a portion that will have to be covered over. A new stream crossing design will be put in (Ms. Weiss will go over those details later). Since it is a combination of an old structure that is already there and a tier crossing they do not have to do full-on replication in design, so they are proposing an alternative design - an engineered structure of a beaver dam. It will still have the capacity to hold water back because they cannot change the hydrology through the wetland. The second steam crossing is the biggest crossing in terms of complexity. It is proposed that 1,382 square feet with 60 linear feet of crossing through the actual direct channel itself which is combination of scrub shrub wetland. There really wasn't a lot of water running through there when Mr. Hurley went out to take pictures in the Fall, but in the Springtime it does flow. Some photos in the application show a channel through there, so we are considering it an intermittent stream. For anyone on the site walk, Ms. Weiss indicated that was the area where the bees were.

The 3<sup>rd</sup> and final impact is for the area in between where the clubhouse and pool is being proposed. As the proposed layout shows, the area itself (even if it wasn't proposed for impact) is going to be surrounded by development and blasting anyway. This vernal pool is considered a low functioning vernal pool which had one spotted salamander egg mass. Mr. Hurley went out and did a the first survey of the vernal pool (typically they go back 3 weeks in a row as required by the Environmental Protection Agency [EPA]) and a colleague went out and did the 2<sup>nd</sup> and 3<sup>rd</sup>

survey and there was still only one salamander egg mass but there was a significant number of green frogs. When green frogs are in a vernal pool they eat the egg masses so the EPA considers that to be a non-viable vernal pool because few if any of those eggs are going to actually hatch, become adults, go into the upland and come back. That impact is for 2,511 square feet for grading and filling for the creation of the clubhouse and pool area in the central/western portion of the site.

Mr. Hurley indicated that some of the initial comments from the Conservation Commission during the first meeting and site walk were to try to limit the impacts to the larger wetland adjacent to the Everett Turnpike. Mr. Hurley said they ended up taking all of those out so there are no impacts there anymore and they have scaled the project and removed a building and no mitigation is needed now. The concerns were heard and the site was redesigned and a they were able to pull out a building in order to have no impact.

Mr. Hurley indicated that a request was sent to the National Heritage Bureau and it came back with no known hits or species.

Chairman Gambaccini opened the floor for questions from the Board.

Ms. Ricciardi thanked them for listening to the Conservation Commission's recommendations and asked for clarification that the number of buildings were reduced to 5 buildings. Ms. Weiss indicated that is correct. There were initially 6 buildings and now there are 5 proposed. Ms. Ricciardi asked if the impact was cut from 13,000 to 5,200. Ms. Weiss said that is correct.

Mr. McMahan asked if they have been through the conceptual phase, to the Planning Board, and then the design phase. Ms. Weiss indicated they are currently in the design phase and will submit on Thursday for the February 24<sup>th</sup> design review meeting. Mr. McMahan believes in the last meeting the Planning Board elected to not leave the design phase....Ms. Weiss indicated that is correct because the Planning Board wanted them to come back with more information. Mr. McMahan wonders if this might be a little premature since they haven't gone through the design phase, and the Conservation Commission doesn't really know where the buildings are going to be or how many there will be; whether or not the Fire Chief has been asked to make a decision and make a report to the Planning Board on whether or not these buildings are a little bit taller than his equipment would be able to guarantee the safety to the people who are inside. Mr. McMahan thinks there are some other questions the Planning Board asked them to look at too, so he doesn't know if this is the right time for them to be here. Once through the design phase and we know exactly what this is going to look like he feels they should come back. Since they first came in for the conceptual design a lot of things have changed already and until the Planning Board is satisfied enough to go into the final stage he wonders whether or not it would be prudent for the Conservation Commission to be granting waivers or make decisions on what is going to happen.

Ms. Weiss said she understands what he is saying. She indicated that the owner has owned the site for 20 years or so. The crossing locations that they show are really the best places for them. They are not going to move whether the buildings turn around or move a little bit. They are not

planning on impacting the old impact area and are planning to stay in the center with impact to the one vernal pool discussed earlier. No matter what they do, there will be blasting so it will affect the vernal pool no matter if they do 3 buildings, 2 buildings or 5 buildings - - it will change nothing because the vernal pool will always be affected by the blasting. Crossing #1 is really the best place to cross, and you have to cross in order to get to back, so again, no matter the number of buildings we have to get to the back and it is the best location to do that because we are limited by the wetland setbacks. Crossing #2 is needed no matter what, as well because the utilities are coming under there (sewer and water) and emergency access is needed. In terms of how this will affect the project if we do change it, she said it doesn't affect any of the wetland permits or what needs to be dredged and filled. Mr. McMahan feels they haven't progressed out of the design phase and doesn't feel they have authority to do much of anything until they move to the final phase. The intent is that things will not change, but they may change to such an extent that it would be worth their while to come back when they have a definite plan that has gone through the design phase. Mr. Hurley sees what Mr. McMahan is saying, but agrees with what Ms. Weiss has said because, as you know, it is a dual process between the State issuing a permit for the wetland impacts and the town issuing approval for the buildings and where they are going to be. When looking at it in terms of wetland impacts in order to get to the back - no matter how many buildings there are we always have to minimize impacts crossing at the narrowest point. There are some slope issues and steep grades on site that dictate how the wetlands are shaped naturally and being able to cross them for Impact #1 (the intermittent stream) is crossing at the narrowest portion, and the same thing for Impact #2 (the perennial stream crossing). It has been historically impacted there for several reasons: The utilities are coming in through there so it really doesn't make sense to come in anywhere else when the impact for the utilities are coming through anyway on top of the fact that that is the narrowest portion due to historic impact. It is a pretty rocky site, as you saw on the site walk, and whenever you do blasting on a site what inevitably happens is that the bedrock is fractured and when it fractures water is sucked down through those fissures. It is often called indirect impact because you are not intentionally draining that vernal pool or any wetland area.

Even with that Mr. McMahan feels there are two extremes that could happen: 1) You don't need any wetland amelioration/waivers or 2) The development may not be able to proceed depending on the Planning Board. Given that entire spectrum, he feels it would be prudent for the Conservation Commission to wait until they get through the design phase.

Ms. Weiss said if the Conservation Commission does approve and they get their permit from DES they are still not allowed to do anything on the site because they have to go to the Planning Board which is a stopgap.

Ms. Wachs said there are two things that the Conservation Commission mostly deals with which are dredge and fill impacts to wetlands and building locations relative to wetland setbacks. Upon looking at the plans she notices that some of the proposed buildings are very close to the setbacks. She knows things can change in the design phase and if anything on the current plans were to change it would require another visit if a wetland variance is needed for a building. Ms.

Weiss indicated that they plan to complete the design review by February 24<sup>th</sup> and then move on to final.

Chairman Gambaccini noted that Mr. McMahan has brought up some timing issues with the process, but it's his understanding that the time would be right for them to be here because the Conservation Commission *does* review concept and design, so that any recommendation can be used for Zoning and Planning to make their approval. Ms. Elmer said Chairman Gambaccini is correct. It is reciprocal - all of the Conservation Commission minutes go to the Planning Board to review, and the Planning Board minutes come to the Conservation Commission to review. He asked if he was misunderstanding Mr. McMahan in any way, because he believes the timing is correct for the Conservation Commission to be making a recommendation so that they can then move on to Planning, and if things change, they certainly will come back. Mr. McMahan said it is more than that. He feels they are asking us to make a judgement on what sort of wetlands may or may not be affected on a plan that is only conceptual. There is nothing firm about the plans. They gave suggestions to the Planning Board, and the Planning Board said, "no, you need to come back again", so things are pretty much up in the air. He feels we could go through the drill tonight but we don't know what the Planning Board is going to do and they may need to come back and discuss a new plan. It could be an exercise in futility.

Mr. Schain noted that they need to come back anyway. Chairman Gambaccini noted that what we do is review plans and concepts that aren't approved and our recommendations help Planning and Zoning. Planning and Zoning do not make their recommendations/approvals and then require the applicants to come back to the Conservation Commission – we feed them and if there are any changes, they come back. Ms. Elmer confirmed that it can work either way depending on the size and scope of a project. In this case the Conservation Commission is reviewing the dredge and fill permit and could recommend to the DES that you think it is premature and you want the applicants to come back at a later date; or you can say that you agree with the developer that no matter how they develop this land these 3 fills are probably going to be needed and that you would not object to DES. Then the Planning Board continues to review this and take all the comments from tonight into consideration during their review. It could be that this moves forward just the way it is laid out and they would not be coming back to the Conservation Commission for anything because it would all be done, or if the Planning Board and the applicants make more changes that they feel need to come back to the Conservation Commission it may be for a review of the sub-division; a review of a variance; a whole new dredge and fill - - these types of giant projects are always in flux. We try and make sure that every board gets the minutes from every other board so that everybody stays on track. There is no right or wrong; there is no black or white - it is however this particular project blossoms.

Since we are an advisory board, if they have to come back Chairman Gambaccini thinks our role is help make some advisory comments based on what they are presenting. He is not concerned with their timing. He feels we can review what they have presented to us and let it go on to other boards to vote on.

Mr. McMahan read a statement from the summary the Conservation Commission was given: "The Planning Staff feels it is premature for the Conservation Commission to review or support

this application.” Chairman Gambaccini asked when that statement was made. Ms. Elmer said it was made in the Staff Report that she sent last week. Chairman Gambaccini read the Staff Report but asked where that information came from. Ms. Elmer noted she is only advisory to the Conservation Commission, but said that because the Planning Board has not decided whether or not they want to approve this project, we don’t know that it’s necessarily where those crossings are going to go, so the recommendation was made that it was premature.

If the plan changes, Mr. Schain asked if they would have to come back anyway. Ms. Elmer explained that if they make some drastic changes, but do not need any changes to the dredge and fill permit they would not necessarily need to come back unless the Planning Board asks that they come back because they are doing something else that impacts the wetlands. The Planning Board can say that they would like the applicant to come back before the Conservation Commission based on the latest proposal. There is no hard or fast rule.

Mr. Schain asked the applicants if the permit from 2010 encompasses what they would like to do now. Ms. Weiss brought up the plan and said the reason they did an open bottom box culvert was because Route 3 was being re-done to make the airport access road; the brook was having issues and eroding into the slope so they restored it in several areas; and they put in access to the site – that was what the 2020 portion of the permit was about. DES knew that they would be coming back for more impacts later; but it was something the applicants needed to do right away at that time.

Mr. McMahan said that we need to keep in mind that the two areas the applicants would like to have access have not even been approved by the Planning Board, and when Staff puts something this strong in our notes (that they feel it is premature) – it is something he feels we should at least consider.

Ms. Ricciardi said that while she is happy that they are keeping the wetlands and listened to a lot of previous recommendations she concurs with Mr. McMahan and is uncomfortable going against what the Planning Board is recommending. She feels the design must be more solidified.

Ms. Wachs asked Ms. Elmer, “When we recommend approval for a dredge and fill permit is it specifically for the places designated on the plan?”. Ms. Elmer said that is correct and “you are not approving any of the design of the actual property.” Ms. Wachs concluded that it is specifically for what is delineated as needing the permit and also the exact square footage; so, if any of that changes she asked if it would nullify the permit. Ms. Elmer said that if the Planning Board wants them to move, for example, intermittent stream impact #1 50-feet North, they would then need another dredge and fill or an amended dredge and fill that would come back to the Conservation Commission for review. Ms. Wachs asked if whatever we do today would be require everything to stay exactly as it is on this plan. Ms. Elmer said that is correct – the dredge and fill couldn’t be changed without them coming back. Ms. Wachs asked if it was based on square footage alone. Ms. Elmer said, “No, the plan you see there is what is being reviewed tonight.” Mr. Schain asked why it is premature and asked if it is likely to change. Ms. Elmer indicated that we don’t know. It depends on what the Planning Board approves or does not

approve. They may not approve the site at all; and therefore, a dredge and fill permit is not needed to develop the lot. Mr. Hurley indicated that Mr. Schain is correct and that what they are applying for is for impacts to the wetlands directly for access into the site and for the vernal pool which is just for site development. He said what the Wetlands Bureau would be acting on is the application that we have already filed – they already have it and the application fee has been sent in; it has been accepted and is being reviewed. What they are looking at is the application that the Conservation Commission are seeing tonight. If the Wetlands Bureau were to permit it exactly from what is on the application and on these plans and with these impact numbers it would not be the first time that they would have to go back to them to amend an application due to changes that arose in the planning phase. They would then have to amend any permit they've issued based on those changes. Based on the layout that is being proposed and what Planning may or may not approve the impacts may not change at all, but regardless of that, the Wetlands Bureau is always sent a new set of plans so that they know the new layout for their records even though the impacts have not changed. They always ask if the impacts have changed, and the applicants let them know that the impacts remain the same.

Mr. Hurley indicated that this is an application that went in under old rules and there are new rules that are in effect as of December 15<sup>th</sup>. This is being reviewed under the old rules, so there is a 25% threshold which means if your application or impacts change more than 25% one way or another – once a permit is issued if through design phase or Planning we met the 25% threshold we would have to reapply. We would be able to simply amend the permit. What we are having the Conservation Commission look at right now is the same thing the Wetlands Bureau is looking at: The application for these 3 impact areas which we think are the least impacting alternatives (certainly for crossings – because we are crossing at the narrowest point and trying to restore connectivity to the stream where it has been lost with the beaver dam and the vernal pool). The vernal pool impact for site development could certainly change; but as he and Ms. Weiss have said either way with the blasting on site that will most likely dry up. This is a secondary effect, but we are just being honest and straightforward saying that we just want to straight impact this because we have a feeling it is going to happen. If there were any plan changes they would go back to the State anyway whether it is for an amendment or to give them the latest set of plans.

Ms. Weiss discussed the design for Impact #1 explaining that it is an 18-inch culvert. Even though it is an intermittent stream there is not a lot of upstream area coming to it. A lot of it is fed through the groundwater table, so there is not a lot of water and an 18-inch culvert meets the criteria for a 50-year storm. On either end there is a small headwall and the slope is a positive slope. Impact area #2 is the complicated impact area. There is a 10-foot span on this closed bottom box culvert. As mentioned before, this is an alternative design. The beaver dam is 10-feet and the slopes that come down that 10-foot span is what we are keeping. That way we can make sure that the water leaving our culvert is basically the same width as the brook as it continues on. The area above the dam is much wider, the wetland is wider, and the brook is wider. As said before there is an old culvert at the beaver dam. The dam itself is about a foot deep and not very big and the water doesn't over top. When we remove the dam, we will put in a 35-foot long closed bottom box culvert and the opening is 2½-feet high so it doesn't have a lot

of flow going through it. The brook is considered a Type 3 because there is a certain amount of area coming towards it, but it was very close to being a Type 2.

On the first design done in 2010 Ms. Weiss explained they had an open bottom box culvert and what they are asking for now is a closed bottom box culvert. Part of the reason for this is that they have utilities running underneath (see Section B.B on the plans), so we have an extended concrete wall going down past the front of the culvert. The reason why is because we are concerned about erosion because it is a very sandy bottom and we've already had issues with erosion because there used to be a logging crossing there and that eroded away; so, we just want to make sure that this is very sturdy because we don't want to lose our sewer and water for the site. We will be embedding some small and large boulders in the concrete itself to create pools and riffles. That is something we did in the first plan in 2010, except this is embedded in concrete and the other one was just in sand. She reviewed a cross section showing the roadway and a guardrail on each side and the 2 ½ - foot opening can be seen with the water going through. Because there is a dam there was a little bit of erosion so there is a negative slope, so the crossing itself is a negative slope so they will enter lower than they leave, which is weird, but part of what the dam did due to the way it held the water it eroded beyond and in front making a strange negative slope. It is the first time Ms. Weiss has ever encountered something like that, but because it is a negative slope that will help slow the water down. We are not adding anything to slow down the water like the beaver dam was, but we are hoping that keeping the span similar and having the slightly negative slope will slow the water down with the pools and riffles.

Ms. Weiss reviewed the de-watering plans which show that while they are constructing this the water from Sebbins Brook can still continue to flow. Ms. Weiss asked if there were any questions about what she presented. There were none.

Chairman Gambaccini opened the floor for questions or comments from the public.

Robert Baskerville of Bedford Design introduced himself. He works with Ms. Weiss and wanted to provide historical perspective. The owner bought the land in the late 1990's originally hoping to build a manufacturing facility back there, and he thinks they applied for the wetland permit for the central vernal pool then and he thinks they actually got the wetland permit, but then the finances didn't work out and they couldn't build it and it sat there for a long time. At the time the vernal pool (back where Sebbins Marketplace is now) there was an old strip hotel that had an accessway across the stream and they owned the land behind it. The owner used to go out there with a bobcat and dig out the sand where he could which is why both he and Jim Gove think that vernal pool is actually something that is probably man-made. It is between two little high spots of ledge, because wherever the owner could find sand, he used to dig it out. New owners then bought the land and did a lot line adjustment. When Mike Sandau came in for the Sebbins Brook Marketplace these owners talked to him and there is no sewer to this property at all; so they made the agreement with him that when he brought the sewer in all the way through his property since there was an existing crossing the sewer was built right up to the edge of the brook. It was the same with the water line with the intent that they would eventually go back and that would be

the only sewer access. At the time it was a crossing (a big metal pipe). Sometime since then the area next to the pipe eroded out. There was a washout, but the pipe is still there. The beavers fixed the beaver dam by just damming up what had been washed out. There is a town-approved plan showing the sewer line going back to that crossing, so the sewer line has got to go in there. That is one of the reasons for the complexity of the design. We don't want it eroding down and not having enough cover over the sewer line.

Mr. Baskerville said it is the same for Crossing #1. Since 1998 that has always been an area we planned to cross because the two areas are not connected. We showed this to the State in 1998 and in 2010 we included these 3 spots in that application and the Wetland Board said that since they were not planning on building now they wanted to hold off until there was a plan. Now that we have a plan we wanted to submit it. He noted that as Ms. Elmer said, this project is very complicated. There has to be at least 8-10 approvals needed. Until they get every single approval, nothing gets built. If we get the first 3 approvals and someone changes something, we go back and get alteration terrain approval. We also need to get Department of Transportation approval, Planning Board approval, and we need to go to the Zoning Board for the wetland permit. There is a long list of permits that they need to get. These are ones, as compared to the others, that seem fixed; so we think it is appropriate to go ahead and we've discussed slowing it down to the owner and he doesn't see a reason for it and he has not given us permission to voluntarily delay this. He wants to go to the board in February and we will start full design. All of the surveying is done, all of the wetland stuff is done and we would expect to be doing full design very soon. We went up to talk to the State about alteration to terrain. So, we are pretty far down the road we just need to put together all of the different approvals.

Ms. Elmer re-read the Staff Report and wanted to clarify that when talking about the dredge and fill permit (about Line Item #12) where they are asked about the benefit of the project to the health, safety and well-being of the general public the applicants stated that it will benefit the town by creating more retail and housing development - - and that is when Ms. Elmer mentioned that both the Planning Staff and the Planning Board have objections to this statement because as this project is currently designed it is not an allowed use of the property and multiple waivers will need to be granted before the Planning Board gives their final o.k.. She explained that this is why we interpreted it to be premature because it's not even an allowed use at this point. Ms. Ricciardi said if it is not an allowed use, it just doesn't feel right to her to put it through. Mr. McMahan noted that if you've been reading the newspaper the fact that it is not an allowed use has spurred a lot of conversations in Bedford.

Chairman Gambaccini indicated that we have the opportunity to either make a motion based on their application or vote to table the discussion until there is more information to present.

**MOTION by Mr. McMahan to delay. Ms. Ricciardi seconded the motion. Vote taken – 1 vote against (Mr. Schain) and 1 abstention (Chairman Gambaccini ) all others in favor. Motion carried.**

Chairman Gambaccini explained that the motion passes and the discussion will be tabled until we have more information, and then we will have the applicants come back and present the information at that time based on Planning Board, Zoning Board or whatever comes next.

- **Village Green at Bedford – Request for a stream bank restoration permit to restore and stabilize approximately 1,500 sq. ft. of Patten Brook off Pebble Beach Dr., Lot 22-89, Zoned AR.**

**Background Information:** The property is located on Pebble Dr., which is within Village Green at Bedford. Patten Brook flows in a northeast direction toward the Merrimack River and is the boundary between Village Green and the Manchester Country Club. The stream bank has been eroding over time and the owners are concerned with the continued loss of the stream bank.

**Project Description:** The applicant is proposing to restore the function and value of the eroded stream bank through the use of a stabilized vegetated slope and erosion fabric. The use of riprap was reviewed but was not considered to be the least impactful alternative. The project will not restrict high flows and will maintain low flows of the brook. Restoration of connectivity will benefit aquatic life and there will be no water quality degradation. The project will impact 1,500 sq. ft. of wetland stream and streambank with 900 sq. ft. of temporary impact for construction and 600 sq. ft. of permanent alteration to the stream bank along the property.

Michael Leach from Stantec Consulting Services introduced himself. He has come before the Conservation Commission for the wetland permit for stream bank restoration for the Village Green at Bedford condominium association. It is a small project located behind units at address 25-27 Pebble Beach Drive. The stream restoration area is behind the units along Patten Brook. The total impact of this project is 1,500 square feet: 900 square feet being temporary to do the work, and 600 square feet of permanent impact associated with the steam bank that will be altered to restore it.

Pictures of the erosion were viewed and Mr. Leach explained what they are planning to do is regrade the slope on the stream bank to stabilize it with a mixture of riprap and loam with an erosion fabric on top of that so that they can stabilize that location. He reviewed the plans to show the area of impact. As part of the construction they will do a temporary bypass so work can be done adjacent to the stream and the riprap and loam mixture will allow it to be vegetated and is where the reconstruction of the slope will take place. The top of the bank will then be further back from the stream and allow the slope to be stabilized. A wetland application has been submitted to the State and Mr. Leach would like to get the Conservation Commission's recommendations for that permit.

Chairman Gambaccini opened the floor for questions from the board

As Mr. McMahan understands it, the association saw there was a problem and took it upon itself to fix it and it will improve the existing problem. Mr. Leach confirmed that is correct. Mr. McMahan said it was commendable.

Ms. Grogan asked what riprap is. Mr. Leach explained it is different sized stone (similar to what you see on the sides of roadways) which is ground from large pieces of rock and intermixed with hummus and a filter fabric on top of that to maintain the slope and allow it to vegetate. Right now, the stream bank is nearly vertical due to erosion and they are trying to cut the slope back, make the stream a little wider in that location and put a slope in there that will stay.

Chairman Gambaccini opened the floor for questions or comments from the public. There were none.

**MOTION by Mr. Schain to recommend the stream restoration permit along Patten Brook Road. Mr. McMahan seconded the motion. Vote taken – all in favor. Motion carried.**

**New Business:**

- **Lyophilization Services of NE Inc. – Review of ZBA variance application to construct an addition 8.3 feet at its closest point from the edge of a wetland where 50 feet is required at 7 Commerce Dr., Lot 24-99-4, Zoned PZ.**

**Background:** The property is located at 7 Commerce Drive in the Performance Zone. In 1999, the facility was approved to be built in three phases. Phase 1 was constructed in 1999. Phase II was completed in 2002. This current proposal is for an expanded Phase III. In 2018, the Conservation Commission reviewed and DES approved the filling of 6,729 sq. ft. of wetland for expanded parking in anticipation of the construction of Phase III.

**Proposal:** This is a review of a variance request for the construction of an addition to the Lyophilization Services building, shown as Phase III on the plan. The original Phase III expansion was envisioned to be the same size as the Phase I & II sections of the building, with expanded parking located in the rear of the building. This proposal is for a larger addition that encompasses the rear parking area. As such, it does not increase the amount of impervious area on the lot. All stormwater treatment will have to meet the town's new Stormwater and Land Disturbance Management Regulations as administered by the Department of Public Works. There will be no additional wetland filled for this project.

**All comments and concerns by the Commission will be forwarded to the Zoning Board. As the project does not increase the impervious area on the lot, planning staff recommends the Commission not object to this project.**

Jeff Kevan of T.F. Moran (the civil engineering firm working on the project) introduced himself. The site was designed for three separate units and was approved in 1999. They built the first unit then and built the second unit in 2002. In 2006 the side parking lot was added. Last year they came back again because when they went to build the third unit the wetlands delineation had changed since 1999 and so they had to get a dredge and fill permit to fill wetlands and build the third unit. Mr. Kevan provided a packet outlining that history. Plans in the packet show the

existing conditions and two units. The third unit was supposed to go right next to it and the pavement was supposed to extend across the back. Mr. Kevan said that last year they came in and got approval to do that and got a dredge and fill permit for 6,729 square feet. LS&E is the user and they started looking at the layout for their equipment in the third unit. Right now, their current business is in a unit on Harvey Road that they occupy and work out of. They have a new building being construction right now on Harvey Road and they are occupying that sight as well. As their business has been growing they started laying out the equipment in this 3<sup>rd</sup> unit and asked if they could extend that building, eliminate the pavement in the back of the building and extend the building across. It would not change the impervious coverage but in Bedford there is a wetland setback and pavement can be put there, but a building cannot be put in the setback. What Mr. Kevan is here for tonight is the Conservation Commission's recommendation to the Zoning Board for the variance request they filed to allow for that building to be extended into the 50-foot buffer in the back of the building. They are proposing replacing the pavement in the back with a building, parking on the side, and drainage and everything else has stayed the same. The way Mr. Kevan looks at it is that you usually get more pollutants going to a wetland out of a loading area/parking area in the back than from a flat roof building. His opinion is that there is no more impact by putting this building here than having the parking lot there. The tree line remains in its current position and they are not proposing to do any work or expansion of grading beyond what had been proposed previously.

Chairman Gambaccini opened the floor for questions from the board.

Mr. McMahan feels it is a pretty significant incursion onto the 50-foot setback in the back and asked if there is a way they can build to avoid that. Mr. Kevan said, "no, not really" because in the back there are loading docks set up for the initial two units that are in operation so there isn't a way to reconfigure this or change it. The only thing they could do is reduce the size of the building. If you look at the functions and values of the 50-foot buffer it is typically for some filtration and cleaning of runoff or vegetation pertaining to wildlife. From Mr. Kevan's perspective he thinks the building will provide less pollutants than a paved surface and if the wooded area isn't changing he doesn't think that the building has any more encroachment on the wooded buffer than if it was asphalt.

Ms. Wachs asked about the northwest corner of the new structure to be built and if it was 26.7-feet from the setback. Mr. Kevan said it is 26.7-feet from the wetland itself and there is also part of the building in the back that would be 8.3-feet from the wetland. Mr. Schain asked if the building would go right up to that 8-feet and Mr. Kevan said the building would be within 8-feet of the wetland itself and there would be no sidewalk. Ms. Elmer indicated on the plan map where the edge of the wetland is and where the setback line is and explained that these dimensions are the actual edge of the wetland. Mr. Kevan said that would either be asphalt or building, but either way they would be constructing in that area to that point. He said the question from the Conservation Commission's perspective is whether this encroachment is within that buffer for building vs. asphalt and is that significant or a problem from your standpoint.

As a general comment, Mr. McMahan explained what the Conservation Commission has been getting more and more of these types of requests and the more we grant them the more likely it is that we will get even more such requests. Each individual request is different and we need to take a look at each differently, but he feels this project is a big bite out of our setbacks and regulations. He mentioned that at the beginning of the meeting Chairman Gambaccini read what the purpose of the Conservation Commission is and on the surface, this seems to erode what our purposes are. Mr. McMahan thinks redesigning the building is an option. This project is not looking for a small waiver, it is asking the Conservation Commission for a waiver for a significant portion and whether the runoff from a building is even worse than pavement – Mr. McMahan said he does not know because he is not a wetland scientist. In the past we have accepted that tarmac can go up to the edge, but we have pretty much been trying to keep that 50-foot buffer for the purpose for which it was originally designed.

Mr. Kevan asked what the purpose of the 50-foot buffer is. Ms. Elmer clarified that it is not a buffer, it is a setback. From what we understand historically when this was originally written it was to give earth moving equipment a chance to move around buildings and build foundations without having to go into the actual wetland and damage the wetland.

On that basis, Mr. Kevan said they are working with Harvey Construction who have been involved with this from the beginning and we are saying we will not encroach any closer to that area than the asphalt was and the grading associated with that asphalt. He understands how the ordinance reads, but he looks at what the purpose of the ordinance was and whether he can meet the intent of that ordinance. He said they will be meeting the intent of that ordinance because we will not be encroaching beyond for the construction of the building or anything else within that area.

Ms. Elmer clarified that it is not allowed by the State for him to go into that wetland with construction equipment either. It is not just a town rule. No one is allowed to go in there with equipment and damage a wetland – that is a State law.

Ms. Wachs explained that the commission has had discussions about the pavement vs. setback logic and the fact that you can pave directly up to a wetland; and it is not entirely clear to her why. Ms. Elmer said it was a give-and-take with the development community going back to when they were writing some of these ordinances and setbacks – basically saying that we understand that you need to use this property, but we do not want buildings there; so does it make sense from a conservation perspective? ...probably not, but as in a lot of laws there is give and take from multiple parties to try and do the best that you can. It is not a perfect system. It is a compromise that was made way back when.

Ms. Wachs pointed out that there are impacts when a building is this close to the wetland itself from water runoff and while she understands that construction equipment won't be in that area, she trusts that the setback distance was set for a reason and as a Commission we have worked with a lot of people looking at the very specific context in which the plan has been developed and proposed. In this case she thinks 80% of the setback would be taken up by the building and

that is too close and she would like to see a revised design that shows a significant retreat from that line.

Mr. McMahan realizes each project is individual but if something like this is approved we might as well just forget about the setback.

Mr. Schain asked if 40x20 is lopped off the building, does that make it unusable for their purposes? Mr. Kevan said the way it works now, he would have to go back and lay out the equipment because it currently runs the length of the building. Mr. Schain asked what they are producing. Mr. Kevan believes that they produce pharmaceutical products/light assembly. Mr. Schain said that does have environmental impact. Mr. Kevan asked how so. Ms. Elmer clarified that the commission does not mandate the inside of the buildings it only deals with the outside. Mr. Schain indicated that pharma plants generally need outside infrastructure. Ms. Elmer corrected that it is not a pharma plant, and that is not what they do – it is just packaging and not a hazardous condition.

Mr. McMahan thinks Mr. Kevan brought up a good point that he could go back and talk to the architect and the people who want to move in there to see if it is possible to ameliorate most of that. Mr. Kevan thinks that they have 3 lines of production, so they would have to eliminate or reduce that and would be losing something. Mr. McMahan feels that when it was originally designed they knew that it would penetrate the setback. He thinks what Mr. Kevan is giving us is what the company would like to see, but we are asking that he go back and see whether or not they can redesign to avoid encroaching on the setback. Mr. Kevan said it's possible they could go back and reduce what they plan to do on the site, but he disagrees because it is a flat roof building and the runoff is being collected and running through the drainage system so there will be no erosion to the side and there is less pollutant coming off a roof than with a parking lot and we know that the confines of our construction need to stay within that footprint. He understands how the ordinance reads but he doesn't know that we are accomplishing anything by reducing the use on the site

Chairman Gambaccini noted that we made mention in a previous application of the Planning Staff recommendation, and in this particular application as the project does not increase the impervious area on the lot Planning Staff recommends that the Commission not object to this project. Mr. McMahan says that the Planning Staff doesn't deal with what the Commission deals with – we are independent. Chairman Gambaccini said mention was made to the Staff recommendation in the previous application, so he is just being consistent in that thought.

Mr. McMahan said one of the things the commission has talked about at length is that when a proposal is made one of the last things we want to do is say, "No, go away." The immediate fallback position is to ask if there is an alternative. We have done that with several applicants and most of them have turned out rather positive. People have taken a look at the alternatives, do what they need to do and come back and make it a win-win for both of us. Mr. Kevan said that the business cannot do what they are proposing and remove 30-40 feet of the back of that building, so it seems what's being said is that he must reduce portions of use within the building.

He can ask the business owner, but he again asks, “What are we trying to protect?” He feels they are meeting the intent of the regulation. He said the State of New Hampshire does not have a 50-foot setback so he is trying to meet the intent of what the regulation was put there for and also satisfy the needs of the client. The wetland has an odd shape around the perimeter so we are working within the 50-foot setback to this jagged edge. If you rounded it off you wouldn’t be encroaching, but it is the little jagged fingers which are shrub-scrub forested wetlands, not a standing marsh or high value wetland. He has made his pitch and will leave it up to the commission.

Ms. Wachs said that we do our best to work with the fact that wetlands are rarely square angles and follow some curved pattern. We have recommended that a variance be granted before, but in this case she thinks the degree to which the building encroaches the setback is concerning to her because the board is tasked by the State of New Hampshire to protect wetlands and the setback gives us leverage in doing that. If we start disregarding that setback we might end up in trouble – it will lose its meaning and we will lose our ability to require that safety net to the wetlands.

On the opposite point, Mr. Schain asked if we want economic development and jobs going to other towns in New Hampshire because we have a rule that may not conform to the State? Ms. Wachs said we are not here about economic development; we are here to protect the wetlands. Mr. Schain said they are asking for a variance. Ms. Wachs said the variance is for 42-feet and that is beyond what she is willing to compromise. If you look along the side of the building it encroaches the wetland by 20-feet in places. She could see an argument for possibly going that far into the setback, but 42-feet is too much. Personally, she has to draw a line in her decision-making process where she will not compromise, but everyone her can draw their own conclusions.

Chairman Gambaccini opened the floor for questions or comments from the public. There were none.

**MOTION by Mr. Schain to recommend the ZBA variance application to construct an addition 8.3 feet at its closest point from the edge of a wetland where 50 feet is required at 7 Commerce Dr. Chairman Gambaccini seconded the motion. Vote taken – 2 in favor (Mr. Schain and Chairman Gambaccini), 4 oppose (Mr. McMahan, Ms. Wachs, Ms. Grogan and Ms. Ricciardi), no abstentions. Motion does not carry.**

Mr. McMahan commented that for the sake of the builder he sincerely hopes that Mr. Kevan can come back in and present again, because we would like to see it go in.

### **Old Business:**

- **Update on Pulpit Rock Conservation Area trail improvements**  
Ms. Elmer reported that with winter this is pretty much on hold, but everyone is anticipating nicer weather so they an get out there and start working again.
- **Update on Pulpit Rock Forest Stewardship Plan**

Ms. Elmer reported that Ron Klemarczyk from FORECO has completed the field groundwork for the forest stewardship plan. He is currently writing up all his reports and he is hoping to have the written report done in early-March.

- **Update on the bridge replacement at Van Loan Preserve**

**Proposal:** As you are aware, one of the pedestrian bridges at the Van Loan Preserve is in need of replacement. DPW has been working on the project and have provided the attached preliminary design plans. Early estimates indicate that the cost for labor and materials will be approximately \$12,000. Not included in this estimate are the permitting fees, which are expected to be between \$3,000 and \$4,000. All construction needs to take place during low flow conditions so the project is not anticipated to start until late summer or early fall.

This is a very large bridge with work being done within a designated wetland, which makes it too large a project for a volunteer crew. DPW will be soliciting bids for the actual construction of the bridge. Since this is a town owned conservation property the Commission will need to vote to expend funds for the project. The total project is anticipated to be below to \$20,000. Planning Staff recommends the Commission to authorize \$4,000 to cover the cost of permitting and then authorize the balance of the costs after the RFP has been completed.

Ms. Elmer reported that there was a Staff Report distributed for the Van Loan bridge replacement with a recommendation. The bridge is in bad shape. Different people have been working together including Chairwoman of the Conservation Commission, Beth Evarts; Department of Public Works; Becky Hebert in the Planning Department and Planning Staff to try and move this along. At this stage, they are looking for \$4,000 to cover the cost of permitting for the project. Because it is such a large project, and for liability reasons it is not something we can ask volunteers or Boy Scouts to build as part of an Eagle Scout Project. We are going to put it out to bid to have someone construct it for us. Once the bid comes back we will hopefully have an amount. The people who have done the preliminary work feel the project will come in under \$20,000; but we don't want to come in for the final amount until we actually know what it is going to be. At this point we are just looking for the commission to approve the not to exceed \$4,000 amount for permitting.

**MOTION by Mr. McMahan that we move to authorize the \$4,000 to cover the cost of permitting. Ms. Ricciardi seconded the motion. Vote taken – all in favor. Motion carried.**

- **Update on Greenfield Farms boundary marking**

Ms. Elmer reported that Ron Klemarczyk from FORECO finished that up in Fall before the snow flew. At the last meeting his increase was approved, and she is waiting for the final invoice.

- **Update on GPS trail mapping**

Ms. Elmer reported that the maps are almost done. Our Boy Scout that is up at Pulpit Rock doing his Eagle Project for the mile markers for emergency response is getting those GPS'ed and

they are also being added to our map. We are looking into the possibility of putting the QR codes on the maps so that people will be able to snap it with their cellphones.

### **Enclosures:**

- **NEW Stormwater and Land Disturbance Management Regulations**

Ms. Elmer reported that last fall the Town Council approved new stormwater and land disturbance management regulations. This came out of the requirement from the Federal MS4 stormwater permits that we were required to submit. When commission member Mr. Drake always asks whether applicants have a stormwater management plan and asks things like: Who is going to monitor it?/Who is paying for this?/Is someone going to go out and look at this?/What if they don't fix it?/Can we go fix it?/Who is keeping these files?...this document helps in all those things we have always wanted to do but have never had a mechanism to do. This lays out all the requirements on certain size disturbances. Whether they are residential or commercial – it doesn't matter – it is the size of the disturbance that kicks in these permits. It is another tool the town now has available to manage stormwater on sites.

Any time an applicant comes to you and you have those questions; they may not be able to ask you because they've got to answer to the Department of Public Works (DPW) on this permitting process. Any comments you have when you are reviewing a site plan will get forwarded to DPW now instead of just the Planning Board or Zoning Board. They will also have your comments for these permits.

### **Other Business:**

- **Update on previously reviewed permits and ZBA actions**

Ms. Elmer gave an update on the November Conservation Commission meeting where a couple of dredge and fill permits were reviewed. The gas station dredge and fill permit for South River Road (right across from Back River Road) had a couple of small items approved by the Department of Environmental Services. They were also approved for the variance to build the stone wall within the wetland setback.

The Conservation Commission reviewed Goedecke's expansion of the addition on his garage. Initially the Conservation Commission approved it as a one-story addition to the garage, then he came back to ask for a second floor. He went to the Zoning Board of Adjustment for a variance and was granted that variance.

Last week or the week before Ms. Elmer met with Mr. Drake and Mr. MacPherson because at another meeting we talked about possibly revising some of the rules of procedure. We met and came up with a whole bunch of stuff, and Ms. Elmer is now working on a red-line copy of those changes to the rules of procedure and we will forward them to the commission for their input and any edits. You should expect them for the March meeting.

Ms. Elmer reported that there was a public announcement that the Bedford Land Trust (BLT) has now merged with the Piscataquog Land Conservancy (PLC). The Piscataquog Land Conservancy is now the organization that will be monitoring all of the easements previously held by the Bedford Land Trust. There was a meeting last week at the library and a couple

commission members were there and it seemed to go well. They were able to answer people's questions about the transition. There shouldn't be any change at all to the way we do business. Instead of BLT monitoring the projects it will now be PLC, so we will still get monitoring reports. The one advantage to this is that the PLC is a much larger organization and have paid staff that can do these kinds of things. The amount of land the BLT acquired over the years has been significant and it just got to be too much for volunteers. PLC has been around for 50-years and own thousands of acres of conservation easements around the area (New Boston, Lyndeborough, Hollis, Brookline, Bedford and Goffstown with Florence M. Tarr Wildlife Sanctuary being the major piece. Chris Wells from the PLC will be coming to one of our upcoming meetings to introduce himself to those who haven't met him yet and talk about the transition for the Conservation Commission.

**Non-Public Session:**

Since 5 members of the commission were absent, it was decided not to go into non-public session to discuss possible land acquisition.

- Per RSA 91-A:3, II(d) for consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

**Adjournment:**

**MOTION by Ms. Ricciardi to adjourn at 8:46 pm. Mr. Schain seconded the motion. Vote taken – all in favor. Motion carried.**

Reminder: The next meeting of the Conservation Commission Meeting will be a workshop on February 11, 2020. Ms. Elmer will send out reminder emails for the workshop.

Respectfully submitted,  
Tiffany Lewis