

TOWN OF BEDFORD CONSERVATION COMMISSION MINUTES
May 26, 2020

A meeting of the Bedford Conservation Commission was held on Tuesday, May 26, 2020 via the Zoom meeting platform.

Present: Beth Evarts (Chairwoman), James Drake (Vice Chair), Bill Carter (Town Council), Mac McMahan (Planning Board Representative), Bob MacPherson, Maggie Wachs, Mac McMahan, Patricia Grogan (Alternate), Karin Elmer (Planning Department), Rebecca Hebert (Planning Director).

Absent: Gregory Schain (Alternate), Denise Ricciardi (Town Council Alternate)

7:00 PM Call to Order

Chairwoman Evarts called the Bedford Conservation Commission meeting to order at 7:00 PM. Members of the commission introduced themselves and all indicated they were alone in the room during this online meeting.

Ms. Elmer read a statement:

- *Due to the Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Conservation Commission is authorized to meet electronically.*
- *This meeting is being conducted using the Zoom platform. All members of the Board have the ability to communicate with each other during the meeting, and the public has access to listen and participate by dialing 929-205-6099 and entering the Meeting ID # 635-6293-7931 and the meeting Password 258794. Instructions regarding remote access to the meeting have been published in advance and are available on the Conservation Commission agenda, which is posted on the Town website.*
- *There is no physical location for the meeting, which is permissible pursuant to the Governor's Emergency Order. Town of Bedford is providing public access to the Zoom meeting by telephone, and the meeting will also be broadcast live on BCTV's Channel 22.*
- *Members of the public may email staff at planning@bedfordnh.org to ask questions during the meeting or notify us of technical issues. If you have joined the meeting using Zoom, you may also ask questions when the Chair opens the hearing for public comment through your phone connection.*
- *All votes will be taken as a roll call vote.*

- *If there are technological issues during the meeting, the Chair will recess the meeting and we will try to correct the problem. If the issue continues, the application will be postponed, and the meeting will be adjourned.*

Ms. Elmer reviewed the agenda for the evening's meeting.

Chairwoman Evarts appointed Ms. Grogan as a voting member for this evening's meeting.

Approval of Minutes:

- January 28, 2020 and February 11, 2020 Conservation Commission Minutes –

Since there were not 4 voting members from the January 28, 2020 meeting present for the needed quorum to vote on the January 28, 2020 minutes, they were tabled until the June 23, 2020 meeting

MOTION by Mr. Drake to approve the February 11, 2020 minutes. Mr. McMahan seconded the motion. Roll call vote taken (1 abstention, Mr. MacPherson) – all others in favor. Motion carried 7-0.

Dredge and Fill Applications:

- **Town of Bedford** – Dredge and Fill permit to fill 1,553 square feet of wetlands for the construction of Foster Place, a new road connecting Technology Drive and Commerce Park North. Lot 35-1-2.

Christine Perrin, Certified Wetland Scientist with McFarland Johnson who was retained by the Town of Bedford to assist with the permitting for the project introduced herself and indicated she was alone in the room. She also introduced Brian Pitinskas, McFarland Johnson's lead engineer on the project who indicated he was alone in the room and provided an overview of the project.

Mr. Pitinskas said the project is located off South River Road in the Southeast corner of Bedford and to the East is the Merrimack River; to the South is Technology Drive; and to the North is Commerce Park North; and to the West is South River Road. Foster Place will be about 1,150-feet of new roadway and connect Commerce Park North to Technology Drive. The town will utilize the right-of-way that was created for a roadway for the subdivision back in 1997. The new road will improve access and safety throughout the area because it will now allow traffic from Commerce Park North to access Technology Drive which has a traffic signal at the intersection, so people will not have to go to the stop sign and make a left; they can just go to the light. The new road will also have 10-foot wide travel lanes and 2-foot shoulders on each side (this is consistent with Commerce Park North and Technology Drive which are both pretty similar). Since this project is subject to MS4 requirements we will be providing treatments to the increased stormwater created by the new impervious area of the road. The east side of the road will have bituminous curb and the west side of the road will have ditches and curbing along the

whole road. The curbing and ditches will be used with the closed drainage system to convey the stormwater to a new infiltration basin located at the low point of the road. On the aerial photograph he showed the area where a pond would go. The infiltration basin will have a four foot base which will provide treatment to all the stormwater, and after that the stormwater will enter the main basin. The infiltration basin will treat all of the water on this road and will also detain up to a 50-year storm. We also have an outlet control structure in case there is a storm bigger than a 50-year storm and the stormwater will just flow out of that. The town has dug a test pit in the area to make sure that groundwater levels will work with this infiltration basin.

One other thing worth noting is that construction will have no impact on The Heritage Trail. The side slopes will end before impacting the trail at all.

Ms. Perrin indicated that the total proposed wetland impacts are just over 1,500 square feet. The project as proposed does qualify as a minimal impact project. She said they had a preapplication meeting with Department of Environmental Services (DES) not because it was required, but just to be conservative, and we reviewed it with the Wetlands Bureau staff and they had no concerns with the project as proposed

Ms. Perrin stated that the first area of impact is Wetland Area A at the north end of the proposed roadway. It is just over 1,100 square feet of impact and it is a small-pocket wetland that's formed over time because of the manipulation of the land in the area. The land has been very disturbed from decades of disturbance, logging, and land clearing. The other area of disturbance is at the south end of the project and is the edge of a larger wetland system that extends well beyond the project area. That impact is about 400 square feet. The impacts in that areas were minimized by the steepening of the proposed roadway slope. This wetland has far more value than the wetland at the northern end of the project because it's a much more natural less-disturbed system. It has more significant functions and values, so they avoided and minimized impacts in this location and the northern/more disturbed wetland was impacted more.

She said a site walk was done with a State archeologist from Division of Historical Resources (DHR) and he had no concerns with this location because of the history of disturbance. There are no rare plants, and they are well outside of the protected shoreline of the Merrimack River. As Brian said, the stormwater runoff is being treated from the new roadway, so water quality impacts are not anticipated.

Abutters to the project area were notified. All abutters to wetland impact were notified of the permit application being filed at DES. All of the impacts outside of the town's easement or right-of-way are within existing easements including the area that extends into the conservation easement area on the segway property that's covered by a 50-foot slope and drainage easement that was put into place when the roadway easement was acquired by the town.

Chairwoman Evarts asked each board member if they had any questions for the applicants.

Q: Mr. Drake asked the purpose of the town putting in this road.

A: Mr. Pitinskas said it was to improve safety so cars on Commerce Park North can get to the traffic signal on Technology Drive because right now they only have a stop sign out there.

Q: Mr. Drake asked what is going on with Property 2419-1 because it looked like it was a landlocked property but now it becomes a lot of frontage and developable.

A: Mr. Pitinskas said that is correct, but he is not sure what the town's idea about that is. Ms. Elmer explained that was part of the subdivision for the lot with the road going through there. That's why the lot became subdividable because of the proposed road. It cannot be built on until the road is built.

Q: Mr. Drake asked what happens to the Heritage Trail that goes right through the middle of that property if it is developed? We have an easement, but does that mean an easement into perpetuity or an easement subject to the developer's intent to develop the property?

A: Ms. Elmer said it is an easement in perpetuity, but whenever they develop that property that's when we would work with them on the Heritage Trail (safe access, crossings, things of that nature).

Mr. Drake noted that it bisects the property. Ms. Elmer said it does now; but that doesn't mean it can't be moved.

Mr. Drake said he often wonders if we are trying to improve access to a property, why the property owner doesn't help us out to make that road – just a thought.

Q: Ms. Wachs noted that they said the smaller wetland that's going to be filled is of higher value and asked them to elaborate on that a little bit.

A: Ms. Perrin said the smaller wetland at the north end of the project is actually of lower value. It's a very disturbed wetland that was likely formed as a result of man-made manipulations to the landform in the area – the result of drainage being directed to that location. Both wetlands are forested wetlands, but the smaller wetland has an obvious history of tree clearing and disturbance and ditching.

Q: Ms. Wachs thought she heard that one of the wetland areas that was going to be filled was of higher value than the other. She just wanted to hear more about the higher value wetland.

A: Ms. Perrin said at the southern end of the project the overall wetland system in that location is of much higher value. It's a more intact, natural wetland system. The wetland impact in that location is a smaller impact area which is probably what Ms. Wachs was referring to, and the impact itself is right along the perimeter of the wetland. They are not going to be bisecting the

wetland or changing the drainage substantially enough to change the wetland functions and values. There is some drainage getting into that wetland already; so, they don't anticipate this project leading to any adverse effects of the wetland itself. The functions and value of that particular wetland include sediment retention, nutrient removal, and wildlife habitat for sure. It's just a higher value wetland in general.

Mr. MacPherson's questions had already been answered, so he posed nothing further.

Q: Mr. Carter asked about the endangered wildlife – the northern long eared bat and asked if the it was common in this area.

A: Ms. Perrin said unfortunately it is not common in any area anymore because of white nose syndrome that has really decimated bat populations. The northern long eared bat was listed as a federally threatened species and the U.S. Fish and Wildlife Service implemented what's known as the 4D rule which allows limited tree clearing. The project is well within what is allowed under that rule. They are not required to do any presence/absence survey for the bat itself, it's generally just assumed that it could be present because its habitat is present; however, the population in New Hampshire was knocked back somewhere in the range of a 90% decline; so, it's possible the bat is there; however, the minimal amount of tree clearing that is proposed is not expected to have any negative effect. The bats use trees for roosting. Hibernacula or not in the area, so any bats that could be using trees to roost would just move to different trees if those trees were cut down.

Ms. Grogan indicated her concern was also the Heritage Trail, but her questions were answered by the answers given to Mr. Drake previously.

Q: Mr. McMahan asked if the property is purchased and it is determined that the Heritage Trail needs to be moved – in the past has the town required the owner of the property to be responsible and fund the movement of the trail.

A: Ms. Elmer said it's never come in in Bedford before. She deferred to Ms. Hebert to see if she's ever come across it in any of the other towns she's worked for. Ms. Hebert said no, but the town has easement rights for the Heritage Trail across that property, so if the owner were to develop in a way that wouldn't respect the Heritage Trail they would need to come back to the town and the commission and renegotiate those easements, so she thinks the town would have considerable say in how the trail passes through the property and whether or not they would agree to any possible relocation.

Chairwoman Evarts had no further questions. She opened to the public for any comments or questions. Ms. Hebert said if anyone from the public is participating and has called into the Zoom meeting they should dial *9 to raise their hand if they would like to speak. Ms. Hebert didn't see anyone from the public who had dialed in to participate in this discussion and there were no comments or concerns in the Planning Board inbox via email.

MOTION by Mr. Carter to approve a Dredge and Fill permit to fill 1,553 square feet of wetlands for the construction of Foster Place, a new road connecting Technology Drive and Commerce Park North. Lot 35-1-2. Mr. McMahan seconded the motion. Roll call vote taken – all in favor. Motion carried 7-0.

New Business:

- **Daniel & Amanda Casey** – Review of a variance request to construct an in-ground pool 34 feet from the edge of a wetland where 50 feet is required at 42 Settlers Court, Lot 15-14-19.

Attorney John Cronin introduced himself and said his is representing the Casey family in their quest to get a pool in their backyard. He said a company that installs and sells pools came and took a look at the Casey property and created a plan to place a pool in their backyard. After that they learned it isn't as simple as hiring a pool company to go out and start building a pool, but that there were various permits and approvals required. Next they hired Keach and Nordstrom, a wetland consultant to assist them with the able guidance of Karin Elmer who was helpful in the process of identifying what was necessary not only for the Conservation Commission, but what the Zoning Board would look for in a package about constructing a pool.

Attorney Cronin said the site that has been selected in the plans, is not the original site. It was originally placed in the back center of the home, which is typical to most people who want to have a pool in their backyard. The Casey's wanted to have access in and out of the house and have eyesight on the kids so they would not be unattended. A wetland issue came up and they considered the side yard, but it was deemed inappropriate due to its grade and slope. A lot of surface water comes down the street and down that side yard into the wetland; so, both for the utility of the pool and the benefit of the wetlands that location was ruled out early on. The next step was to see if they could relocate the pool from the back of the home to a different location with less intrusion into the buffer. They were able to do that and push it behind the garage where it sits now and encroaches on the wetland setback in a V-shape (as shown in the plans). The middle of the pool is pretty much outside the setback and on the two tails there's some encroachment in that particular area. It is believed the wetlands are man-made by the Settler's Court subdivision. When the subdivision was created there was a retaining wall (see photograph) that is terraced up and sloping toward the home to provide protection and distance to the wetlands. The terraces run on average, 4-feet and they go to a landing up another 4-feet or so. They are all a little bit different, but 4-feet is a good yardstick and then they level off again.

Attorney Cronin said in speaking with the wetlands folks about some of the concerns chlorine impacts and pool water impacts were discussed, and Mr. and Mrs. Casey thought they could mitigate that by committing to a salt water pool that doesn't require chemicals like a typical backyard pool and also doesn't require the backwashing. They discussed with Keach and Nordstrom the possibility of taking the area between the pool edge at the top of

the retaining wall and creating mitigation there by doing a swale that would capture any excess water that might run off before it got to the wetland.

Initially the Conservation Commission was not meeting due to the COVID-19 crisis, and they went to the Zoning Board (ZBA) but they were uncomfortable acting on this application until the Conservation Commission had an opportunity to look at it. The Casey's and their pool contractor have proposed a 36x18 pool. They can reduce it somewhat and make a minimal impact on the pool. At the pleasure of the Conservation Commission they would entertain that. Doing so would leave about 50% of the pool outside of the buffer. Attorney Cronin said that this project is supported by all of the abutters in the neighborhood and they would prefer that the pool be placed in the backyard rather than the side yard due to potential impacts to some of the abutters if it were placed on the side and any pool events such as noise and games were to occur. Everybody in the neighborhood seems comfortable with the way it is working, and the Casey's have taken any measure to try and minimize any harm to the wetland – they value it, they value their property, and Attorney Cronin thinks that anyone who may have had the opportunity to do a drive-by can see that it is well-cared for and the whole neighborhood is a place where everybody is proud of their homes and take very good care of them. Attorney Cronin said, “We would ask you to make a positive recommendation to the ZBA” he indicated that Mr. Casey is also on the Zoom call this evening and that they would entertain any questions the Conservation Commission might have.

Chairwoman Evarts indicated that Ms. Wach's could stay in the meeting but recuse herself by muting herself and turning her video off and would not have the chance to ask questions or vote and could listen to when she could rejoin the meeting.

Chairwoman Evarts entertained commission member's questions in a roll call manner.

Q: Mr. Drake said that this application is awesome. He likes the fact that they met a lot of our procedures, addressed a lot of the things we typically ask for when a proponent comes forward to us. He thinks they've done a lot of work and he doesn't have any particular issues with this because he thinks even with the terraced walls they have some buffer and protection on this pool. Looking at the walls he wonders how they are going to construct any depth to this pool because of the rock walls themselves. He asked if they were concerned at all that there would be any construction difficulties and that they are enough of a distance away that they won't need to reconstruct the walls.

A: Dan Casey introduced himself and indicated his wife is in the room with him. He said they've had Keach and Nordstrom look at the wall and they were very comfortable with the 6-foot pool, the size of the wall and the distance from the wall and didn't anticipate having any construction problems.

Q: Mr. Drake said that the reason he brings this up is because he thinks we should check with the town, but if these walls are greater than 3-1/2 or 4-feet they are actually “structures” in the wetland and he would suspect that you might want to go to the Zoning Board for a variance on these if you don't have one already. He said the Conservation Commission has had this come up before, and it's just better to do it now.

A. Ms. Elmer said they would look into it at the town level.

Q. Mr. MacPherson noted they mentioned they would be able to reduce the footprint of the 36x18 pool and asked what the reduced dimensions would be.

A: Attorney Cronin stated they could go back to 34x16 but he is not sure it would have a significant impact on what they are doing, but it is something that, if necessary, they would be willing to do.

Q: Mr. MacPherson asked how much of an impact it would have? If it was 34x16 how much further would it be from the wetland?

A: Attorney Cronin indicated that both of the plans were included in the packets, and you can see it would make about a 2-foot difference on one side going in, so if the distance was 2x2 it might be 32-square feet or 38- square feet depending - because it doesn't run the whole distance and the problem in doing the calculation is that it's geometrical (V-shaped) rather than a straight line. If you went from 2-feet from the length of the pool 36 x 2 feet = 72 feet in square footage. Attorney Cronin said it is in the same location, it just reduces the edges a bit and brings some reduction to it. His sense in talking to the wetland experts is that with the mitigation efforts that they are doing one of the biggest benefits, regardless of the size, is going with the condition of a saltwater pool. His understanding is the backwashing with he chlorinated pools is the thing that has the highest potential for damage.

Q: Mr. McMahon asked about the location of water and sewer on the property, and if they are on city water.

A: Mr. Casey said they are on city water and the septic is in the front-opposite side of the house.

Q: Mr. McMahon asked how far from the edge of the south part of the house will be the perimeter that you will have around the pool.

The plan was put up on the screen to refer to. It didn't look like a distance was indicated on the plan, and Mr. McMahon said that was what confused him. He said if he goes to Google Earth and measure the difference between the south side of the house to the tree line it's 24-feet; and in the image where you see the playground apparatus there is a black fence. He asked if the black fence is on the south side of the house, and if it is – how far away is that from the house? Because, he said, after this fence it seems to drop off rapidly.

A: Mr. Casey said the fence is about 38-feet off of the house. The fence is staying where it is.

Q: Again, Mr. McMahon said if he goes to Google Earth there is a tree line that is 24-feet away from the back of their house. Ms. Elmer said that he really shouldn't go to Google Earth because it has no bearing on this. She said the computer is for entertainment purposes only. Mr. McMahon says he doesn't see how they fit the pool in there.

A: Mr. Casey said that they don't have a tree line; that fence is 36-feet and then there's another 5-feet from that fence the edge of the wall.

Q: "You do have trees back there," Mr. McMahon stated.

A: Mr. Casey said he does have trees back there, but well after the fence.

Q: Mr. McMahon said he doesn't know if you can call up Google Earth, but it would appear that those trees are very close to this house.

Ms. Elmer asked that the photographs of the backyard be brought up to help him. All the pictures of the backyard are also in everyone's packet.

Mr. Drake noted that sometimes the angle they fly with the GIS – the tree cover will kind of give you a weird image. Mr. Drake said if the point is on leveling the backyard and how they leave the fence in place and go from the apron of the house to this position with the pool that's flat – then Mr. McMahon may have a point.

Mr. McMahan said he was just trying to piece together the numbers - so if you know how far away the perimeter of the pool is going to be from the house...and say the perimeter is a couple of feet.. and then 16, a couple feet on the other end that will tell us where that pool will be able to end up.

A: Mr. Casey said the pool would be 10-feet off the house.

Q: Mr. McMahan asked if the perimeter would also be 10-feet off.

Mr. Casey inquired if he is asking how far the pool would be from the fence? Mr. McMahan asked how far it will be from the edge of your house to the walkway on the other side – the perimeter...what is that distance?

A: Mr. Casey said it is 10-feet off the house. If we did a 16-foot wide pool we would have a 1-foot coping and roughly 5-7 feet to the fence and the wall area – probably a little bit more.

Q: Mr. McMahon did the calculations and estimated it would be over 36-feet to the edge of the entire pool with the walkway around it.

A: Mr. Casey said they are not doing a walkway between the pool and the fence. He said it would be 10-feet off the house, 16-feet wide, plus a 1-foot coping; so, call that 27-feet and probably the grassy area to the wall will be about 7-8 feet. Nothing will be there – they are not putting a patio there, or anything.

Q: Mr. McMahon asked if he was saying the fence is 37-feet away.

A: Mr. Casey said it could be more, but they believe it is about 37-38 feet away.

Q: Mr. McMahon concluded that it would be about a foot away from the pool.

A: “No,” Mr. Casey answered.

Ms. Elmer asked to bring the plot plan up on the screen. In looking at that, Mr. McMahon concluded his math is wrong and that it was going to be about 27-feet to the far end of the pool, and another 10-feet before you get to the fence. Mr. Casey said that is correct. Mr. McMahon asked what the slope was from the back of his house to the fence. Mr. Casey indicated it is “nothing”. Ms. Elmer indicated it is flat. Mr. McMahon was o.k. with that and said he couldn’t tell from the picture. He thanked Mr. Casey for the information and said his presentation was well-done.

Q: Mr. Drake asked about the backyard being flat and asked to look at the picture on Page 26. He said Mr. McMahon brings up an interesting point. (Mr. McMahon said he doesn’t think it is flat, or at least the picture doesn’t make it look that way). Mr. McMahon said another thing he is concerned with is the construction equipment, “because that’s why we have the setback,” he said. He assumed there would be silt fences and that sort of thing, but in order to be able to get the back side of that done it would be a challenge to make sure the equipment....

A: Mr. Casey said that the swing set in the photo would be gone and the fence is at the end of his driveway where the service equipment will be able to access the area. The ground is completely flat in the actual location where the pool will be going.

Ms. Elmer indicated that the equipment will not be going behind the fence in between the pool and the wetland. The retaining wall is there and there will not be any equipment going back there. They will be building the pool strictly from the sides. Mr. McMahon indicated he understood

Q: Mr. McMahon asked if they would be building a ditch to retain – and if that was on the schedule?

A: Attorney Cronin said in discussion with Keach-Nordstrom – in the area between the side of the pool and the top of the retaining wall – they said they could do some mitigation measures such as gravel so that it would be more protective of the wetland. He indicated that is the plan they would be following.

Mr. McMahon seemed satisfied with that and thanked them again.

Q: Mr. Carter indicated he did a drive-by over the weekend to take a look at the area and feels it’s really the only place to put the pool. He would lean toward the 16x34 sized pool, and if we could, instead of having 10-feet to the house, maybe an 8-foot buffer so that the pool would be a little bit closer. He is trying to find a happy medium between 34 and 50 and if we get closer to 40-feet from the wetland it makes him feel a whole lot better, especially since once you get past the black fence it does slope off quite immensely. He asked if the applicant is amenable to going to 16x34 but shifting it 2-4 feet closer to the house?

A: Mr. Casey indicated they are perfectly fine with the 16x34. When they looked into it they did not think they could go any closer to the foundation.

Mr. Carter said, “O.K., even moving it 4-feet moves it 38-feet from the there and makes it just a little bit better, but looking at the pictures on his screens it looks like it will fit just fine in there, but he would be more comfortable with the 16x34 concept versus a 16x36 or an 18x38.

Ms. Grogan indicated that their plan seems well thought out to her and she has no problems with it. She had no further questions.

Chairwoman Evarts had no additional questions, but agrees with Mr. Carter (given all the pools that have come in front of the commission over the last several years) that she too would feel more comfortable with a 34x16 to give as much of a buffer as we can and meet in the middle. She said they have done a great job with their presentation. She also likes the fact that there are additional protective measures that can be put in place and should be considered on the far side of the pool and where that drops off between the pool and the fence.

Mr. MacPherson said that he too would be more comfortable with he 34x16 pool for all the reasons previously stated.

Q: Mr. Drake asked which side of the pool the mitigation measures would be placed on – the long side? What was suggested?

A: Attorney Cronin said it would be the long side of the pool and the top of the retaining wall.

Mr. Drake said that in his mind, because of the slope of the existing surface probably won't have any benefit at all unless you tier it.

Attorney Cronin said he was not a wetland engineer, but from what he understands and from what was explained to him - you can take that gravel and you can pitch it so it heads toward the driveway area where there is a lot more upland – the filled area where the driveway/filled area with a lot more mass for absorption than if you let it trickle down the hill. You can divert water from the long way direction back toward the bigger span of lawn behind the garage. It would be on the other side of the pool.

Q: Mr. Drake asked if they noted any wetland vegetation in any of the rock tiers?

A: Attorney Cronin did not recall seeing any in the report or anything being discussed. His bigger concern before doing the report and after receiving it was the quality of the wetlands. First he was concerned there would be vernal pools back there or if there are natural habitats there that could be of concern; but he was relieved to find in the report that it is a low functioning wetland, no doubt created by the subdivision when the earth was moved around in the process. He doesn't see any indication of anything in that retaining wall, and if you look at it there are some standing trees without the typical decay and disease you would see

in hardwood trees that are standing in wetland with wetland plantings and other problems going on and soil conditions that are consistent with wetland.

Mr. Drake thanked him for that answer and said that it goes along with what he is thinking which is you have a tiered wall system with its own ability to absorb water and to percolate it to the ground before it gets to the wetlands. It's actually its own buffer system, to some degree, because of the way the wall is built. He is wondering (when he looks back at what Mr. McMahon brought up) if there is any thought at all to raising the ground a foot or two with a short retainer wall, leveling off the pool area, and putting a little bit more concrete there. To him, having a pool with a 1-foot coping doesn't really make sense. It would be more expensive – you'd have to move the fence, but you'd flatten the area, you wouldn't have any slope run-off – it would stay on your property and even if it did it would be minor and go into the tiered rock wall.

Ms. Elmer indicated you would have to have a fence for building code issues and not move the fence. Mr. Drake said he was suggesting moving the fence, building up a retaining wall of about 1-2 feet, and return the fence to its current position which would meet code. He is not suggesting removing the fence. If the homeowner wants to keep a larger pool, would that be acceptable to the Board because it's only a 1-2 foot encroachment to reduce the size of the pool versus concreting that area in, flattening it out, putting the fence back and there probably will be no environmental issue. Attorney Cronin said he would applaud the idea and speak for Mr. Casey that it might be cost prohibitive having equipment in his yard at \$1,200/day and they would probably prefer to go with the smaller pool. They might be able to talk to the pool contractor about whether there is a sloped coping (more sloped than what is traditional) or if there is something that can be done on the existing wall. He just thinks that if you are going to take the fence out and do any retaining wall near the tiered wall you are going to get into structural engineering and a whole bunch of work. Maybe some earth can be taken off the level ground, as this goes in and set the elevation to the pool so there isn't a slope on the wetland side and it would accomplish the same goal at a much smaller expense. He thinks it's something the Casey's can look into with their pool contractor. Mr. Drake said that would change the impact to the foundation and change the stairwell going down. If you lower it, it changes your whole pool deck.

Mr. Carter thinks the applicant can obtain what he's trying to do with a little bit of ditching and rock to allow any of that to come off toward the driveway side, and in his mind he thinks it just adds too much work for the landowner to remove and add concrete. Going through this recently (not for a pool, but for other things) he thinks it is going to be a cost. If he just does the 16x34 and just does the acceptable mitigation to allow any extra water to head toward the flatter driveway area, he is perfectly happy with that.

Chairwoman Evarts opened the floor for comments or questions from the public. Ms. Hebert indicated anyone who had called in from the public could press *9 to raise their hand to speak. She indicated there were no incoming calls or emails from the public.

MOTION by Mr. Carter to approve a variance request to construct an in-ground pool 37.5-feet from the edge of a wetland where 50 feet is required at 42 Settlers Court, Lot 15-14-19 and to have a pool that is 16x34 (including a 1-foot coping). Mr. MacPherson seconded the motion. Roll call vote taken (Ms. Wachs was recused from voting) – all in favor. Motion carried 6-0.

Ms. Wachs was invited back into the meeting.

- **Mike & Donna Miville-** Review of a variance request to replace a shed 23.5 feet from the edge of a wetland where 50 feet is required at 21 Tiffany Lane, Lot 28-27-5

Mike Miville introduced himself and indicated there was no one in the room with him. He indicated they built in 1977. When they bought the property, it was basically swampland. There are 5-acres and over 4-acres is swamp and wetlands. His property borders McQuade Brook (they own about 1,000 feet along the brook). They were the first ones to buy, so they had their pick of any of the properties on the street and they picked their home because of the privacy and the wildlife. In looking at the certified plot plan (included in the package) you will see that the house is within a wetland, part of the garage is in the wetlands, 2 sheds are in the wetlands; so if they were to buy the property now they wouldn't even be able to build here. The shed in question is 10x20 and the Mivilles would like to make it 16x20. The shed is 30-years old and starting to tilt. They don't want to leave it like that and would like to put a new shed in. They are hoping to go just 1-foot closer to the wetlands than 5-feet closer to the driveway. The shed would be right on the driveway as it stands.

Chairwoman Evarts opened the floor for questions from the Board.

Q: Mr. Drake asked what the shed is being use for, and what is being stored in there?

A: Mr. Miville said he's been an electrical contractor for over 30-years and the shed was originally built to store electrical items, and it will be for a lawnmower, pool supplies (because he has no place to put pool furniture during the wintertime). As far as the electrical equipment goes, he is semi-retired and most of the equipment is going as he tries to wind down; so it will be more for lawn and garden stuff and things you accumulate after living somewhere for 40-years.

Q: Mr. Drake asked Ms. Elmer about the shed size, and if it would have fallen under our radar if it was how big?

A: Ms. Elmer answered 120-square feet or less.

Q: Mr. MacPherson asked how long the existing shed has been there.

A: Mr. Miville said almost 30-years.

Q: Mr. MacPherson asked if he would be storing any chemicals, paint, or oil in the shed.

A: Mr. Miville said no. All the pool supplies are stored in the garage. If you look at where the shed is on the plot plan the closest part of the building is the shed and that's where all the pool equipment is and that is also where the pool filter, and pool chemicals are stored.

Q: Ms. Wachs asked if all of Mr. Miville's structures on the property are located within the wetlands, or within the setback.

A: Mr. Miville noted they are located within the setback. When they built there were no minimum distances or anything, so everything is pre-ordinances. Everything also has permits. They have a permit for the pool, the 2 sheds, the house and all that; but back then there were no setback requirements.

Q: Ms. Wachs asked if the presentation includes any build-plans for what the new shed will look like.

A: Mr. Miville answered it would basically be the same as it is now except it's going to have a metal roof and be 6-feet wider.

Ms. Wachs indicated sometimes the commission is concerned with things like water run-off and if there could be ways to mitigate any impact since it would be sitting right within that setback area. Mr. Miville said it is basically just 6-feet wider than it is now. The length is the same. Mr. Miville said if you are concerned about run-off, when the road was put in the culvert is directly to the left of their property going to the right and the town water from the traffic circle comes across between the Mivilles and their neighbor and it's right into the wetlands. They salt all the time and it's been like that for 35-years.

Q: Knowing that he just went through this basic kind of process with a garage, Mr. Carter would suggest that the shed is not put closer into the setback, keep the back where it is. He asked about how the roof is pitching.

A: Mr. Miville said the roof pitch is towards the driveway and the other side is toward the pond.

With the larger footprint of the roof which is going from a 10x20 to a 16x20, Mr. Carter would suggest (as he does with anyone else with a garage or building of this size) that a little bit of trenching is done so that the rainwater from the roof is caught in some kind of trenching and able to be treated before it heads 23-feet into the wetlands. Mr. Miville said no matter where he trenches it he is still within the 50-foot buffer. Mr. Carter said that is correct – he just put a new garage in within a 50-foot buffer where an old garage stood and other than gutters a 2-foot trench with a little bit of stone will allow the water to do some treating and works perfectly in his situation – and he is only 18 feet away from the wetlands. It's very simple and you don't need any machinery to do it either (it's just something 2x2 with some piping and some rock and then you'll be set with all the excess water). Mr. Miville said he could do that easily and it would be no problem.

Q: Mr. McMahan asked if the floor of the shed is a pad, dirt, board?

A: Mr. Miville said the existing shed was built on pressure treated lumber, but the new one will be beam and treated plywood. He will also be raising it up 1-foot so that it won't be close to the ground and rot.

Mr. McMahan indicated that he liked Mr. Carter's comments; but also indicated an alternative that may be easier, faster, and more effective: An eaves downspout. He's not sure if it would have to be 2x2, but someone more qualified could figure out which one of the two options would be the most economical and more effective. Mr. Miville says that he has a tractor with a backhoe on it, so it would be real easy to make it 3x3 or 4x4...whatever along the back and put stone along the whole back of the shed where the water comes off the roof. "Excellent," Mr. McMahan replied.

Ms. Grogan said she is very familiar with the area there and said there is a ton of wildlife in there, so she is just happy to hear that he won't be storing chemicals in the shed. She asked Mr. Miville to reassure her of that. He said there are 4 or 5 beaver houses on his property and the only time they can see them is in the middle of winter when there is a deep freeze and he can walk back there. Ms. Grogan said there are a lot of deer and other stuff there too. Mr. Miville listed fox, moose, and a lot of turkeys. He indicated there would be no chemicals in the shed, and that the chemicals are all in the garage.

Chairwoman Evarts opened the floor for comments or questions from the public. Ms. Hebert indicated no one had dialed in or emailed.

MOTION by Mr. Carter to approve a variance request to replace a shed which will stay 23.5 feet from the edge of a wetland where 50 feet is required. It will be a 16x20 shed at 21 Tiffany Lane, Lot 28-27-5 with the condition of a trench to be put in to mitigate water coming off the back of the roof of the shed. Mr. McMahan seconded the motion. Roll call vote taken – all in favor. Motion carried 7-0.

- **Chris Wells, Director, Piscataquog Land Conservancy** – Update on transition with the Bedford Land Trust.

Chris Wells, the President and Executive Director of the Piscataquog Land Conservancy (PLC) introduced himself. He has been the PLC for almost 6-years. In theory, the PLC has served Bedford for a long time but didn't actually hold any land or easements. In the past three years they have gone from 0 to over 1,000 acres that started with taking on the Tarr Preserve in the northwest corner of town 3-years ago and as of January 1, 2020 taking over all the conservation easements and a couple of tiny feed properties from the Bedford Land Trust via a merger of them into the PLC.

He forwarded a presentation he gave in January at the library to Ms. Elmer (and she forwarded it to everyone on the commission prior to this meeting). He gave a short summary of the presentation: Effective January 1, 2020 The Bedford Land Trust merged into the Piscataquog Land Conservancy based in New Boston and operating for 50-years since 1970. The PLC is a regional land trust serving more or less all of Hillsborough County at this point. The PLC has a staff of 3.75 full-time people. With the addition of the land that came to the

PLC through the Bedford Land Trust merger they are just north of 8,000 acres conserved, and about 2,200-2,300 of that they own outright (land like the Tarr Preserve) and the balance are conservation easements. The PLC is nationally accredited and subject to a 3rd party audit that is done every 5-years to receive that accreditation that you are operating at the highest national standards.

The Bedford Land Trust had been around for 30-years and was instrumental in a number of the conservation properties that now exist in town including being involved in making things happen where lands were ultimately owned by the town. After 30-years The Bedford Land Trust dissolved as a separate legal entity which means that all 704 unchanged acres which is 14 separate parcels, and their financial assets, all transferred to PLC becoming PLC real estate interests and assets. That was all done via a legal merger agreement that was reviewed by the Charitable Trust Division of New Hampshire Attorney General's Office. Every conservation easement and deed restriction was transferred to PLC without modification. The easements that were held by Bedford Land Trust are now the easements held by PLC. That is very relevant to the town because a number of them are on open space property owned by the Town of Bedford. All restrictions, use limitations, observed rights etc. remain unchanged; the land continues to be protected in perpetuity via the easements that the PLC holds. The existing restrictions on Bedford Land Trust's financial assets (about \$330K) also continued under the merger agreement and the Charitable Trust Division looked particularly hard at that because part of their job is to make sure that any donor restrictions on financial assets continue on the other side of the merger. It took well over a year to get all of this done. There was a deep dive and due diligence to review all of the documents and joint monitoring visits were done last Fall. It is hoped that the PLC with the Town can work to resolve issues identified as part of that due diligence.

Mr. Wells opened the floor for questions, which Chairwoman Evarts conducted via roll call.

Mr. Carter and Mr. McMahon had no questions.

Q: Mr. MacPherson asked what their financial status and how much cash on hand they have to acquire additional land?

A: Mr. Wells said total assets are somewhere around \$3M, \$1.7M-\$1.8M of that is the value of their fee-owned properties; so, it's essentially book values over the land that they own. PLC's investment last month was about \$1.1M although the vast majority of that is restricted in one way or the other – again a decent chunk is Bedford Land Trust assets that were restricted to only in Bedford, only for stewardship, only for land protection. Specific to that, The Bedford Land Trust corpus that came over to the PLC includes about \$80K that would be for acquiring new lands in Bedford going forward. That means there is an opportunity every year to do a conservation project and we would have a kitty out of what came over from Bedford Land Trust. Another chunk of that was unrestricted reserves and that was around \$90K, and the balance of that \$330K is restricted basically to stewardship. There is a little pot for Pulpit Rock.

Q: Mr. MacPherson asked, “When you do fundraising can people who contribute designate money that would only go to Bedford conservation land?”

A: “Yes they could, “ Mr. Wells answered, but he wouldn’t be doing his job if he didn’t say that he would rather they not. They would rather have any contributions be generally available because they are working in 23 towns; but anyone can absolutely restrict a contribution and designate where they want it to go to.

Ms. Grogan, Ms. Wachs, and Mr. Drake had no questions.

Chairwoman Evarts thanked Mr. Wells and looks forward to working with the PLC going forward.

There were no questions from the public via telephone or email.

- **Piscataquog Land Conservancy** - Review easement monitoring list.

Ms. Elmer explained that when PLC took over for Bedford Land Trust they monitored all the properties they were taking over and came up with a list of outstanding items from those monitoring reports and put them in a spreadsheet, which was sent to all members. We divided the list into different projects, so there is a very large list that has gone to the Department of Public Works (DPW) that covers fallen trees, debris removal, illegal stuff in some of the parks (like the bike ramps). DPW will be taking care of a big chunk. Another portion will be taken out on resetting bounds, doing surveying work. Other portions of the list the PLC will be taking on themselves as far as new signage goes. Mr. Wells and Hailey from his team will follow up with Ms. Elmer on this. Mr. Wells said the laundry list of things to do from the list is too extensive to begin listing during this meeting, but if anyone on the Town Staff level or anyone on the Conservation Commission has questions about anything they saw on the list they should reach out to him.

Mr. Wells wanted to make sure we dealt with how the Town forester, Ron Klemarczyk, would be able to work with the PLC’s person and spend time out in the woods to try and get to the bottom of some of the things on the list – missing corners, missing monuments, not blazed and painted lines are all the biggest priority. We would like to push through those issues this year so that everybody knows where the lines are, and so all the abutters know where the lines are which will make everyone’s lives easier in the years ahead, and make it easier to know whether something is a violation or not.

Q: Mr. Drake asked Ms. Elmer if the Town Planning Department is taking the lead with DPW on miscellaneous cleaning up properties; working with encroachments, etc.?

A: Ms. Elmer said yes.

Q: Mr. Drake said the bounds are a big thing, and it’s interesting because he thought we already did something with the bounds at Joppa Hill Farm and had a surveyor go out there and hit all the bounds. And asked if we having trouble keeping the bounds marked?

A: "It could be in some places," Ms. Elmer answered. Part of Ms. Elmer's triage was to make her own spreadsheet of each one of the properties and who each one of the surveying companies were that did each original survey plan. Now she is working to determine which ones did more than one property so she can send them a bulk letter with all the properties and ask them for an estimate on what it will cost to get markers set.

Q: Chairwoman Evarts asked if the ones that had already been done would not need to be re-done.

A: "Not necessarily," Ms. Elmer explained because sometimes the boundary markers disappear, get vandalized, or get buried. Just because it was there a 1-3 years ago, doesn't mean the markers are there now. Before PLC acquired all of the Bedford Land Trust land they perambulated all those boundaries with Bedford Land Trust members who are very involved with PLC.

Q: Mr. Drake asked if it is an expensive proposition to hire one land surveyor (rather than numerous surveyors) to get this done on all our properties just because we are now handing them off to a new caretaker.

A: Ms. Elmer indicated that is another estimate she will be getting. Mr. Wells said that they don't want the Town to spend anymore money than it has to on surveyors, but in the end some of this will have to be dealt with by surveyors. It will require a fair amount of time out in the field by the PLC's stewardship person, Hailey, to get these things resolved - and that will be on their dime.

- **Social Distancing Protocols** - Discussion regarding social distancing protocols for trail usage.

Ms. Elmer said the town residents are asking about social distancing protocols on the trails, and the PLC is also receiving questions about this. Ms. Elmer shared that a meeting was held last Friday to discuss different options. She went on Google to see how other communities are handling their trails, increased traffic, and how people are behaving or misbehaving on those trails with all the increased traffic on the trails like never seen before. Some options discussed include: 1) Separation of people, 2) Proper etiquette when you come across another group of people on a trail so that you maintain social distance 3) Whether or not people should be wearing masks 4) Should we be encouraging people to wear masks 5) Should we be encouraging people to stay in groups smaller than 10 and also to be sure they bring out their own trash and pick up after their dogs. All of the trails around the country are getting really stressed from over-usage. One quick fix would be to put colorful signs up at each one of the kiosks. They've also thought about having large signs made by DPW that would be posted at all the entrances at all the different properties listing in big bold letters what is and is not allowed and encourage. No final decision has been made yet, but lots of discussion is occurring.

It was just brought to Mr. Well's attention today that some of their colleague land trusts and municipalities have been looking to make one way trails on a temporary basis; so, one of the

things the PLC is going to do at the Tarr Preserve, for example, putting up signage that the looped trail is temporarily a one-way trail. Social distancing is key. The other thing is some people feel when they're outside on the trail they don't need to wear masks, but you should have one with you so that if you come upon someone else on the trail coming the other way and you can't avoid getting close to one another – at least people would have a mask they can put on until you pass one another. This seems to be becoming standard practice.

Chairwoman Evarts said she likes the sign approach. It might be “right in your face” but at least for now, we need to temporarily have a big yellow official looking sign from DPW giving the bullet points of conduct.

Mr. Drake cautioned if it is going to take us awhile to create a nice sign listing all the conditions of use – putting those together and getting them out there needs to happen now; so, simple may be better to remind people to be safe and respect others. He asked Ms. Elmer if we've had any problems on our trails. He said some trails like Purgatory Falls have been closed because Lyndeborough got sick of what they had to put up with. Ms. Elmer said that we are having a lot of issues with trash and rather large groups hiking together which is disconcerting to other hikers. She is unaware if there have been extra police calls, but there's a lot more people on the trails. Chairwoman Evarts said using the signs to remind people to keep their dogs leashed and trash in/trash out would be good.

Mr. Carter suggested working with BCTV to put out informational videos concerning this. Chairwoman Evarts agreed that either a BCTV video or posted PowerPoint would be a good idea and she also mentioned putting out posts on social media. There are a number of Bedford Facebook groups to reach out to.

Mr. MacPherson also suggested doing a quick article in the local newspapers and he volunteered to put something together in the next couple of days.

Ms. Hebert asked if it would make sense for Planning Staff to write up a bullet point list of items that might show up on the sign and we could email it out to commission members and get their thoughts on it by email. She would hate to wait until the next meeting to approve of a design and list of rules. Chairwoman Evarts agreed it would be perfect to get that done.

Mr. Wells said the PLC already went through this and he wrote something on this weeks ago that could be shared. He will send it to Ms. Elmer.

Old Business:

- Update on Pulpit Rock Conservation Area ongoing modifications
Ms. Elmer reported that Ron Klemarczyk of FORECO has been very busy. Two weeks ago, he and a few helpers built a bridge over the unnamed brook on Campbell Road where it intersects with the ravine trail, so the trail no longer goes down to the ledges to

the side of the bridge to be removed. He has also rerouted a very short section of the ravine trail so that it comes out near the new bridge; no longer crosses the unnamed brook to join the Campbell trail; and the new trail sections have been blazed. He has removed the markers from the old section so that they aren't visible. When the old bridge is totally removed they will re-route Tufts trail completely onto the Old Woods Road that went to Gage's Mill where most of the Tufts trail is already located. She said we have Richard and Brandon working on dating the maps. Brandon is moving very quickly, so she wouldn't be surprised if we have the new trail maps by the end of the week to post at the kiosks and on the website. Next Mr. Klemarczyk will be working on one of the suggestions we had last year when the trails people came to look at the progress for our grant and they suggested continuing all the nik-pak on the trails from the parking lot all the way to the bridge. We only did a portion of it last year; so, hopefully Mr. Klemarczyk will be working on this fairly soon. Ms. Hebert confirmed that is the next step.

Mr. MacPherson said Kerry Oakes, the manager at Lowes was willing to provide us with some materials and asked if Mr. Klemarczyk has contacted them, or if we need to contact them to get the materials they have set aside for us based on an email we sent Lowes. Ms. Elmer and Ms. Hebert did not know; but they will follow up on that and will let Mr. MacPherson know and get connected to the Lowe's donation. Once Mr. Klemarczyk needs it, Mr. MacPherson said to let him know and he will work it out with Lowes because they've got it set aside. If Mr. Klemarczyk can't pick up the materials, Mr. McMahan said to let him know, and he can get it in his pick-up truck.

- Update on Pulpit Rock Forest Stewardship Plan
Ms. Elmer reported that due to the very full agenda tonight we decided against having Mr. Klemarczyk join the meeting tonight because he wouldn't have the time needed to discuss this; so, we hope to have him at the June meeting and he is very anxious to talk with the commission. He has completed all the field work for the stewardship plan and he wants to do a presentation on his findings and ask for comments from the commission before he writes up his final report.
- Update on the bridge replacement at Van Loan Preserve
Ms. Elmer reported that a couple months ago the commission was asked to vote to release money for the Van Loan bridge replacement. The original bridge that is there now was built by felling trees on the site and spanning the brook. Over the years, because that bridge is so long the bridge has bowed in the middle and sagged and is rotting and has become very dangerous. We had the town's engineer come up with a new design for the bridge. It was going to be a steel bridge, but the bridge is so far in the trail it would be very hard to get steel beams to that location; so, it was decided to build a bridge with wood. In order to make the span you have to put a column in the middle of the span, which in turn, means putting a footing in the brook. Because there is a footing now being proposed in the brook it bumps it up to a major impact because it's a tier 1 stream. The permitting costs involved for that are close to \$25K not including construction costs. Ms. Elmer was not able to contact the Department of Environmental Services (DES) who are swamped due to the COVID-19 crisis; so, we are trying to see if we can work with DES

in any way to see if there is another alternative for building the bridge they may be aware of . We are also going to see if we can get another estimate on permitting costs from another engineer. Once we have those answers we will make a presentation to the commission.

Mr. MacPherson asked if the entire amount (whether it be \$18K, \$20K, \$25K) would have to come out of our funds. Ms. Elmer said that is correct. She said another alternative they will put on the table is eliminating that trail completely. She said they will include that plan in the options and when all the options are presented we will show you what will happen to the Van Loan preserve and their trails if that happened. Mr. MacPherson feels eliminating the trail entirely should be a last resort because it is a valuable piece of property and he'd hate to see us go down that road. Ms. Elmer suggested it may be something we want to apply for a grant for once we get all the final costs.

Chairwoman Evarts asked if Ms. Elmer has an idea from DPW on timing on when the bridge might go and whether or not it is stable to keep the trail open at this point or if it needs to be closed until we resolve this. Ms. Elmer has not asked that question yet. Mr. Wells shared that he was recently out with Hailey, the PLC's stewardship person walking all the trails and he would agree the footing is a little bit sketchy but would say it's a long way from collapsing into the brook. It did not strike him as terribly unsafe or that it was about to fail. If it was up to him, he would say you could leave it open; but, it is the town's property, not PLC property, so you have to make your own decision on that. Chairwoman Evarts stated she too recently walked on it and doesn't think that anyone would fall in if they walked on it, but it has a railing on one side and not the other and it bows a little bit when you walk across it. With more people out on the trails these days and bigger groups on the trails it is a concern. She said we all look forward to getting an update from Ms. Elmer and next meeting we will take a look at what we are facing, and maybe look at what grants are out there. It's a sizeable enough job, and a sizeable enough cost that a grant should be considered.

Mr. Drake stated the RTG grant is due June 19th, 2020. Ms. Elmer said that is not going to happen because we don't have the time, the manpower, and the staffing to do it. Mr. Drake has put other ones together in 2-3 weeks and said he would see what he can do. Ms. Elmer said that would have to be a vote by the full commission and it's not on the agenda for this evening. Mr. Drake said, "OK." Chairwoman Evarts asked if the grant was once a year. Mr. Drake said it was. Chairwoman Evarts said there are other grants out there – we can keep digging. She mentioned that Mr. MacPherson had put together a list of grants at some point that we could look at.

Mr. Carter asked if we should have some signage on the condition of the bridge to be careful, or something of that nature. He asked if we are at risk if somebody happens to hurt themselves or fall. Chairwoman Evarts said we would have to leave that to DPW to make the decision. Ms. Hebert said she thinks they would either close the trail or leave it as-is since people assume some risk when they go out hiking and they are generally ok with some level of adventure and risk and the town has immunity. She would leave it up

to DPW and our engineers to decide whether or not it is structurally sound and whether to close the trail or leave it open.

To keep things in perspective, Mr. Drake asked how much money is in the kitty. Ms. Elmer said it is over \$200K right now. Mr. Drake thought it was \$300K. Ms. Elmer said it could be...she doesn't have the information with her tonight. Chairwoman Evarts said we will look at this at the June meeting so we will know what we have to put towards this project.

Other Business:

- Update on previously reviewed permits and ZBA actions

Ms. Elmer provided an update of DES permits that have been reviewed since January:

- Circle Drive was approved by DES even though the Conservation Commission did not recommend approval – DES did; however, they have changed their plan to minimize impacts from the last time the commission saw it. They will be applying for a variance for a small fill on that property for the vernal pool; so, they will be coming back to the Conservation Commission for review of the variance ONLY. It will not be a review of the wetlands permit because that is done.
- Village Green had a stream bank restoration plan submitted that was also approved by DES and there was a subdivision off New Boston and Roblin Roads that needed some culvert crossings for new driveways that was recommended for approval by the Conservation Commission and DES did approve that plan also.
- In January, Lyophilization came before the Conservation Commission for a wetland setback for an addition on their manufacturing building and the Zoning Board of Adjustment approved that with the recommendations of the commission which had to do with treatment swales and things like that between the edges of the building and the parking lot and the actual edge of the wetland.

Mr. Drake asked if DES explained why they went against our recommendation in the text or meeting minutes. “Nope,” Ms. Elmer said. They stated that there was a concern that was listed but they don't explain the reasons why they approve something, it's just a letter stating they did approve it with any conditions that may have come forward.

Finally Chairwoman Evarts stated she would like to take a step back as Chair of the commission and would like to have everybody think about whether or not you would like to step up and take on the Chair role going forward in the near future (maybe June). We know there are people who may not have received a slot on Zoning Board of Adjustments or Town Council or other boards and they might be interested in filling a role with the Bedford Conservation Commission so we may have some good candidates coming down the pike, but she still wanted to throw it out there. She said she is not totally stepping away but may sit as an alternate. She will figure it out, but at least wanted to talk about it so that she doesn't walk away without any succession plan in place.

Mr. Carter shared that Town Council will be making their appointments tomorrow night (May 27th) for all of the commissions, so you should be seeing at least one or more people coming on the Conservation Commission.

Mr. McMahan thanked Ms. Elmer and Ms. Hebert for organizing all of this and Chairwoman Evarts for running the meeting

Mr. Drake said we had a non-public session and asked if we are going back to the business of that non-public session soon? Has any progress been made? Ms. Elmer said we should get through this Zoom meeting and conclude it before we go to a non-public session; so, we will add that to June's agenda since everyone is now used to having Zoom meetings.

Non-Public Session:

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

Adjournment:

MOTION by Mr. Drake to adjourn at 9:11 pm. Mr. Carter seconded the motion. Roll call vote taken – all in favor. Motion carried 7-0.

The next meeting of the Conservation Commission will be June 23, 2020.

Respectfully submitted,
Tiffany Lewis