

Town of Bedford
Conservation Commission Minutes
June 28, 2022

A meeting of the Bedford Conservation Commission was held on Tuesday, June 28, 2022, at the BCTV meeting room at 10 Meetinghouse Road, Bedford.

7:00 PM Call to Order

Present: Patricia Grogan (Chair), Gregory Handy (member), Deborah Evans (member), Julie Donovan (member), Stephen Clough (Planning Board representative), William Carter (Vice Chairman, Town Council), Peter Sullivan (alternate member), Grant Killian (alternate member), Stephanie Jones (member), Kathleen Ports (Associate Planner), Becky Hebert (Planning Director).

Absent: Kathleen Bemiss (Town Council alternate).

Ms. Ports reviewed the agenda items.

Chair Grogan read the Mission Statement:

The mission of the Bedford, New Hampshire Conservation Commission is to protect, preserve and conserve the town's natural resources and open space land for the common good. This includes stewardship and management of conservation land, protecting wetlands and vernal pools, and the planning and acquisition of land for conservation purposes. The Commission works with landowners to administer State and town wetlands regulations, and advises other town boards, such as the Planning Board and the Zoning Board of Adjustment on environmental impacts and alternative considerations regarding development projects. The Conservation Commission promotes conservation activities and communicates with the citizens of Bedford on important environmental issues.

Our motto is: Keeping Bedford Beautiful.

Chair Grogan said OK, let's take up the meeting minutes starting with April 12th, 2022. If you recall, we tabled the approval pending a review of a request from a Bedford resident Cole and Tierney. I reviewed the proposed changes, and I am concerned there may be inaccuracies in the representation of the meeting. Therefore, I will move...

MOTION: Chair Grogan moves we approve the April 12th, 2022, meeting minutes with one suggested edit to clarify that the comment letter we received from resident Heidi Cole was in opposition to the project. Mr. Carter seconds the motion. ALL IN FAVOR - unanimous. Minutes are approved.

Chair Grogan said OK, and the May 24th 22 meeting minutes. Does anyone have any changes to them? [None].

MOTION: Mr. Carter motions to approve the minutes of the May 24th meeting. Ms. Jones seconds the motion. Ms. Evans duly seconds the motion. ALL IN FAVOR – unanimous. Minutes are approved.

Dredge and Fill Applications to Review:

NH DOT Bedford 43138 - NH Rte. 114 N. of New Boston Road

Chair Grogan said Kathleen, would you give an overview of the DOT dredge and fill application we are reviewing tonight? Ms. Ports said yes, so I am looking for a recommendation from the Commission to not object to the project as presented by the DOT. It is repair of a 24-inch culvert crossing, if you may. Remember, we previously discussed this crossing. It's on Route 114 near the intersection with Donald Street up in this corner. Over here is Market Basket. This is a Bowman Brook Crossing where the culvert is being rehabilitated. After further investigation in the field, DOT determined that this culvert needed additional repair, so now they're coming back with a new application for the second crossing. Basically, what they're doing is just fixing the inlet and the outlet and then doing some channel reestablishment to link up the inlet with the channel. And let's see, it's minimal impact. They are not proposing mitigation. There is a concern about listed bats in the area because they do need to do some tree removal, but they have incorporated measures into the project to address the bats. I did ask them about invasive plants and the contractor is responsible to implement an invasive plant management plan during construction to contain and make sure they're not spreading anymore invasives in the site. And that's really the gist of it. Do you guys have any particular questions? Chair Grogan said I'm just curious what do they do with the bats? Ms. Ports said well, the bats are a listed species, and they roost in trees. So anytime you're cutting a tree, there's a concern from the Federal biologists that you're potentially disturbing a roost site or a maternity site for the bats, and I don't really know exactly what the measures are. Often they apply a timing window. So, they'll do the work when the bats aren't expected to be there. Or it's the time of day after the bats have left for the day. Sometimes they'll do the work then. Chair Grogan said oh interesting, OK, any other questions for Kathleen? OK, so can I have a second that we approve? Or make a make a motion, Bill? Someone?

MOTION: Mr. Carter moves that we recommend approval of this dredge and fill as part of the 114 of New Boston Road DOT dredge and fill application. Ms. Donovan duly seconds the motion. ALL IN FAVOR – unanimous. Motion carries.

New Business: None.

Old Business:

SV101, LLC - Review of a request for a variance from Section 275-28(A) to permit the construction of a light industrial (assembly)/warehouse building within 10 feet of the edge of wetland and a retaining wall greater than 6 feet in height within 5 feet of the edge of wetland where 50 feet is required at the corner of NH Route 101 and Hardy Road, Lot 28-21. (Continued from May 24, 2022, Meeting).

SV101, LLC - Review of a request to permit approximately 990 sq. ft. of wetland fill for the construction of a retaining wall and driveway access to a proposed light industrial (assembly)/warehouse in

accordance with Section 275-27(D), located at the corner of NH Route 101 and Hardy Road, Lot 28-21. (Continued from May 24, 2022, Meeting).

Two Hardy Road LLC - Review of a request for a variance from Section 275-27(A) to permit 3,645 sq. ft. of wetland fill for development of a gas station/convenience store, drive-thru, and retaining wall at the corner of NH Route 101 and Hardy Road, Lot 28-20. (Continued from May 24, 2022, Meeting).

Two Hardy Road LLC - Review of a request for a variance from Section 275-28(A) to permit the construction of a retaining wall greater than 6 feet in height at the edge of a wetland where 50 feet is required at the corner of NH Route 101 and Hardy Road, Lot 28-20. (Continued from May 24, 2022, Meeting).

Chair Grogan asked would the applicants step forward please to review and maybe any changes that you've made?

Mr. Jeff Kevan testifies: Good evening, Jeff Kevan with TF Moran's office. I handed out a packet to the Board that includes these drawings, but I also included the original submittal that we had filed. Because over the course of discussions with the Commission we have tried to make some adjustments in order to address your concerns as we went through. I'm just going to summarize because I see some new faces on the Commission. We have two lots that we're looking at. A lot to the further West is 28-1. It's 3.25 acres. The front part of the site is in the commercial district, the back triangle. There's a RA zone line that runs across the back of this site here. So, no development is proposed in that portion of the site. On that property, we're proposing a 14,623 square foot light industrial warehouse type building, and we've been talking to Wholistic Pet. This has access off of Route 101 with a secondary access that would connect between the two properties and over to Hardy Rd into the signal. This site has two wetlands on it. There's a pocketed wetland in the back that is a vernal pool that is considered higher value. And then there's this wetland drainage way that flows diagonally across both properties. This is runoff that comes from Route 101. There's a pool here in the front, and then another pool here if you recall from the wetland scientist went through and described these. This system right here is very much degraded. It collects all the runoff and whatnot coming off of 101. Has very low value. Basically, as a conveyance channel for stormwater is what it is there for.

The driveway in—crossing to get to the usable uplands here in the middle of the property—that is permitted based on Bedford regulations. Accessing utilities crossing to get to the upland is permitted. What we've done with this building here is, we've slid it forward, which pushes it into the 50-foot buffer for this front lower value wetland. But the purpose of that was to preserve this buffer around that vernal pool in the back of the site. And I think the total wetlands impact is 990 square feet. And so, for this site, we're looking for a variance.

This wall on the lower side--there's enough pitch in this stream or ditch line, that when you get to this side of the driveway, the wall be greater than six feet tall. So, we need a variance for a wall greater than six feet within 50 feet of the wetlands. And again, that's being put in to minimize wetlands impact and again preserve as much of this middle pool as possible. And so yeah, it's for this wall and also to construct this building within this 50-foot buffer in the front. And so, this is 10 feet away from the wetlands here and 15 or 16 feet in the middle of the building here. So, we've pushed it forward, but again, what we've tried to do is go to the wetlands that had the lower value and would have the least impact within that system. The nearest house to this site is over off of Grey Rock Road, which is about 240 feet away. And hitching Post Lane is greater than 800 feet away. So, if you look at the second site,

this is lot 28-20. It's 2.8 acres. Again, commercial zone in the front of the property. It runs across right here. The back of the property is the R&A zone. We're proposing a 6,000 square foot filling station with electric chargers, a convenience store, and a food service or coffee shop with a drive thru.

This site we have modified since the original submittal, that's why I gave you both packets so you could see it. These are the fueling pumps here. Electric chargers would go probably in this area on the side of the building. The original location we had the driveway further up on Hardy Rd. Right now, there's a culvert right here, closer to the intersection. After discussions with the abutter across the street and so forth, what we've done is we've lined up those two driveways, which is a normal engineering practice from a safety standpoint. And to accommodate that, we've lengthened the driveway a little bit. So, we've pushed the building to the West and closer to Route 101. Typically, we need a 30-foot pavement separation from the property line to the pavement. We're going to be requesting a waiver to go down to 20. I think that's very reasonable in that this property lost a little bit of land with the widening of Route 101 and so forth. So, we feel that's appropriate and is reasonable, as will hopefully the Planning Board will agree with us.

So, this again has primary access to the signal at 101 and then a secondary access it would get you connection back here if people were coming and just taking a right out and heading West. So originally this wall was pressed up against—actually we first found we were impacting a little bit of this corner of this wetland. And so, we've pulled that away. What that does is that provides us a little bit of buffer in here. So, between the wetlands and that location, where anywhere from 18 and the pinch point to 50 feet which meets the requirement in this location. So, again, this wall is taller than six feet tall. So again, that is to preserve as much buffer and avoid any type of wetlands impacts. So, we've again pushed the building to the West and towards the street in order to get out of the impacts of the higher value wetland to the back here. We have a slight amount more impact because of this culvert crossing. I think we're at 2,532 square feet of impact, and I think the original we were at 23,000 and we've looked at a couple of variations, so it's bounced around so it's a slight amount more. But again, what we're doing is filling that degraded wetland channel preserving this higher value wetland to the back of the property. Nearest house, Grey Rock Road, is about 450 feet away. Again, Hitching Post is greater than 800 and if you chase this down, we're approximately a half a mile from Ash Bog. So, we're of a fair distance away. Some of the things we had discussed was containment storage drainage. So, the typical design beyond just the fiberglass tanks, double walled alarm systems within the fueling lines and the tanks and sumps that are provided within here. As far as surface runoff or anything that would spill on the surface, we're proposing traps oil/gas separator traps in each structure. A 5-foot diameter structure would have about 140 gallons of storage above the water flow. So, we would have oil/gas separators here that would capture anything that wouldn't be captured. The typical is the little bit of spill if somebody is fueling or what have you is captured within this groove system that's in this concrete pad underneath the canopy and they then implement their spill planning or come in and clean it up and what have you. So, we are proposing those oil/gas separators and our stormwater has to be treated. So, we're proposing underground StormTech systems that captures sediment and treats any runoff prior to discharging in addition to those oil/gas separators. Everything that would be on pavement here would be captured and treated, detained and so forth.

The other thing that the Board mentioned was is there anything we could do to improve the drainage on the site? Right now, there's a stone channel that runs partway down 101 around the corner, and then down Hardy Road. So, we're proposing to put a rain garden or bioretention system on this upper section. So right now, runoff sheet flows off of 101, gets in the rip rap channel, and it goes straight down without any type of treatment. So, we would propose a rain garden in this area that would provide

some treatment for that runoff coming off 101 and hopefully improve that water quality going into this rear wetland. Do you have any questions on what I've presented so far?

Chair Grogan asked anyone have questions for the applicant? Mr. Handy asked that higher value wetland that you're up in the upper right, if anything flows into that, what's the impact? Do you know what the flow is from that location further up into the bog? Are there mitigations that can be done to clean up any type of spillage? Mr. Kevan replied again, what we're doing is doing a design that would prevent that ever leaving the site. And so, the oil/gas separators and so forth is the best containment you can have. If something did get through that system, you know, you would get a sheen. But this is again, this is depending on the time of year. You might have water there, you may not. It's a forested wetland. So, they could go down and clean up what would be down in this pool here. But our goal is to prevent that from happening altogether and that is why we're not using any sheet flow or open drainage. Everything would be curbed, contained on site and would have to go through the system before it left. Mr. Handy said I agree here you're taking many steps to mitigate spillage. I was reading some incidents from the state, and I was noticing that there's quite a few incidences despite efforts to mitigate. So, the hope is that this will work, but I'm trying to think like worst case scenarios and with that, the impact to that local area. But also, if we know what flow may occur further up into that bog, which is supposed to be very pristine and ideal. And one of the things that I—and I'm no expert, but one of the things I learned looking at homes is that oil and gas—I'm not aware of any water treatment for residential use—and I'm jumping around here a little bit. But the point being that the impact of a spillage in the environment, I think, is difficult to clean. I'm really concerned about just if—depending again on the size of the spillage—I know it's another factor, but do we have any idea about the flow? How extensive could it be? What's the next step if these systems fail? Mr. Kevan replied yeah, I mean I read—I assume you're talking about the cases that were sent out? Mr. Handy said yes, those are some. Mr. Kevan continued yeah, and so if you read through those, I would say close to half of them appear to be the person filling their tank made an error. They either tried to drive away with the nozzle still in their car, or overflowing a tank, or something like that. And most of those were 10 gallons or whatever. There was one that was 100 gallons and, again, that's why I mentioned these oil separators in the catch basins hold more than 100 gallons. And so, the other part of a lot of those reports were also reports that the state came down and looked at somebody's system and told him they had deficiencies with the alarm system or had to repair something, which I agree, the owner needs to be responsible for that. But also, it shows that the system is working in that it was identified, there was no discharge. And they identified issues that had to be repaired or fixed. And you know, those obviously are then done. So, the operators do daily checks, and the state comes down and does checks, and that's what that's for, right, is to identify things that need to be maintained and kept up. And, you know, on our plans and through the Planning Board process, we have monitoring issues as far as surface water, stormwater, and maintenance schedules where they have to go in and clean out these structures on a regular basis. So, I think the best thing is to prevent it from ever leaving the site and intercepting it before it would ever get down there. But again, we're, I think about a half a mile from the bog itself. And you know, I guess there's probably some likelihood of other spillage other than at our site, you know? I know I've had clients call me that were making deliveries and the hydraulic hose breaks on a delivery vehicle, and the guy doesn't shut it off immediately. And that's what I thought of when I read a lot of these reports, right? What happens? The guy has to call the state, report it in, and somebody has to come out and address it, clean it up properly. Usually if it's a small spill, it's caught in that upper layer of soil. You remove the soil and dispose of it in a proper manner. So that's our goal—to design a system such that as things don't leave the site. Mr. Handy asked where are the gaps? No system is perfect, so when you look at what you're doing, where do you see the greatest risk? If you scope not only with the risk area, but potential for the impact. And I'm thinking like volume of gas or. Mr. Kevan replied yeah, I mean, fuel

tanks have gone from metal tanks that could corrode and leak to fiberglass, double lined with alarm systems and sensors in them that send off a trigger. If you read some of those reports, that's exactly what the state came down and said, hey, this isn't operating properly. You know, fix it. I don't see a high probability on the site itself. With implementing these oil/gas separators, I think we can control the surface runoff and capture anything that would spill on the ground. And the current tanks that are state of the art and so forth, there are typically not any leaks within those. A lot of times you'll, again, looking at these reports, they would notice some fuel or whatnot in a sump or a lining, and that's when it's caught. It's not actually leaching into the ground. Mr. Handy said good, yeah, just one quick follow up. How about the connections between the tanks up to the pumps, the lines, the fittings, those sorts of things? Mr. Kevan replied, I'm going to have a gentleman here come in and answer that. He's got more expertise than I do. Mr. Healy said you invited me here so I'm hoping to get a chance.

Mr. Tom Healy testifies: Good evening, Commission. My name is Tom Healy. I'm with Nouria Energy. We're a gas station operator in New England. We operate over 150 sites—35 locations in New Hampshire, and I was invited here to talk tonight about the underground storage tank systems and what protections are in place, to hopefully make the Commission feel more comfortable with what the new construction will entail at the site. So, Jeff brought up some of the features that the underground storage tank systems have for environmental protections, and I wanted to run through that a little bit in more detail for you. First of all, at the surface level, there are some containment grooves that are placed around the perimeter of the fueling area to capture small spills, that contain those and allow our personnel on site to go out there and get the cleanup kits and spread the speedy dry and get that cleaned up and put into the drum. On the fuel dispensers themselves, Jeff had brought up an example of where a driver may have driven off or a customer may have driven off with the hose still stuck in the vehicle and it made the hose disconnect. We put breakaway devices on now that that will disconnect at a low tension. And there's a check valve at that hole, so we will minimize the amount of spill that comes out. Prior to having the type we have now, there was like a single pop it checked off, so more fuel could leak out of the hose, but it contains it on both sides of the hose. It comes off and gets stuck in a vehicle as well as sealing off the dispenser part. Working the way down, that the fuel dispenser, at the at the base of the fuel dispenser where the piping comes up from the underground, there are what we call shear valves. And these valves are set up so that if the dispenser is hit, it automatically trips a check valve both underneath the dispenser and within the dispenser to minimize the release of fuel. So, when you see these movies where somebody drives into a gas station and there's a geyser of gasoline that starts a huge fire, that just doesn't happen when these shear valves are in place. So, those are underneath the dispensers at each fuel line. Working our way down underneath the dispenser, you've got a large containment sump so that if any fuel is weeping out of any of the piping components within the fuel dispenser, it will go into that containment sump and it will set off the sensor. The sensor sets off an audible and visual alarm for the store operator, the cashier, and as well as what we do, our company, we have that all tied into a remote monitoring system. So, it connects over the internet and will e-mail out our maintenance and compliance department if there's an alarm triggered. Those sensors can be set up to kill power to the individual dispenser. Working away through that containment sump underneath the fuel dispensers, it's a double wall line and there's a line leak detector on that line so that if there's a breach in the primary line, it will set off that electronic line leak detector, and that will shut down the pump that's pushing the fuel that's pressurizing the line and pushing it through the fuel dispensers. So that containment system from underneath the fuel dispensers working all the way back to the pump that's on top of the underground storage tank—It's all double walled system. It's a conduit that if anything were to leak out of that primary line, it would go through the secondary line into one of the containment sumps and trigger an electronic alarm.

The process that the New Hampshire DES has in place for reviewing plans and inspecting installations is very comprehensive. Of all the States that I work in, New Hampshire has the most comprehensive plan. Their DES is very involved in the very thorough review of the plan set that you submit and then they come out as well as us having to hire a professional engineer to do an inspection of the system. The DES also sends sensor inspectors out and they'll inspect that system both before we backfill it, cover it with stone and concrete and they'll do it again. We'll do a final inspection before we're allowed to open. And then on an annual basis, we're required to have a third-party inspection done. So, they'll come out and they'll inspect all the equipment, make sure it's functioning properly. And the DES also comes out, I believe, every three years to accompany our third-party inspector. So, I heard the inspections deficiencies brought up. I'm not sure of all the documentation that you were looking at. That happens when they find something might not be functioning properly. It could be as small as the thing is on your monitoring system console. There are some indicator lights like a warning light and alarm light in addition to the audible alarm that you'll get. You'll get some blinking lights on there. So, if a bulb is out along those, that'll be captured as a deficiency. And then maybe other, greater deficiencies. I can't speak to other operators. I can speak to how we run our locations. We've got 35 sites we've been running for over 10 years in the state, and, you know, knock on wood, we have not had any underground storage tank fail. We've had some, you know, joints and piping weep fuel and trip an alarm, and we've responded to that. And those have been contained and cleaned up without causing harm to the environment. We have had some surface spills where customers sometimes will, you know, they're not paying attention when they're fueling the vehicle and then the nozzle dislodges. They've got a wedged open cap and it may cause a surface spill. And we have spill response procedures in place for that too for the cashier to respond and report that into our maintenance compliance department as well as, you know, if it's above a certain amount, to immediately call 911 to get the emergency response out there. The piping systems themselves and the tanks themselves—I've been I've been doing this for over 30 years. I've been involved with the underground storage tank installations at gas stations, and it has come a long way. I can tell you there's nobody in this room that less wants to have a fuel spill at one of our sites than me and our company because it's not good for us. It's not good for anybody. You know, we try to be good stewards of the environment. So, some of the products that we're that we're using now, like the underground piping for example, it's a flexible piping system that doesn't have any joints in it between the containment sumps. So, you've got a straight run from one dispenser to the other dispenser. And the piping—there's no joints until they get into those containment sumps. So, you can have a problem typically between one of those joints—might start weeping or something on you and then you'll immediately capture that in alarm condition. The underground storage tanks, the fiberglass tanks have proven themselves over the years, I have recently pulled out fiberglass storage tanks that were put in in the mid-70s, early 80s, and they they're in great condition. They came out because they are single wall systems. We put double wall systems in now so that the inner wall, the interstitial space between the primary tank compartment and the outer compartment is filled with a brine solution and it's got a float monitor on it. So, if there's any fluctuation out of tolerance with that brine solution, whether the inside tank breaches and the brine comes in, or if there's a puncture from the outside and brine leaks out outside—immediately, it will set off an alarm condition that we have to respond to. So those are the highlights of the safety features that we have in place with the underground storage tank systems. And I welcome any questions from the Commission members.

Ms. Evans said it does seem that what you're looking at is state-of-the-art, but my concern is that, looking at the information being given and my own research online, that problems that have arisen due to human error. So not the technology that fails, but the people maintaining the technology, the people responding to the technology, and that's where problems arise. So how can you reassure us that a spill happens, and people do all the right things? I'm concerned about, you know, there's lots from the DES

about people not being trained properly and that sort of thing. And that's my concern—that it's the human element that's the problem, not the technology, which really seems, as I said, state-of-the-art. Mr. Healy replied sure, yes, thank you for the question and point well taken. And again, I cannot speak to all the other operators in the state. I know how we've run our business and we have operator training that's required by the state. That's actually one of the inspection deficiencies that will be pointed out to you when you'll be written up if the DES comes out to your site and you don't have your store personnel trained on emergency response procedures. Where we go above and beyond as I mentioned earlier that we have our monitoring system remotely monitored. So, we've got 24/7 coverage so that in addition to the alarm going off at the store level, somebody else within our maintenance and compliance department is notified of that condition. The store, the procedure for them, is to call immediately and report the condition to us. But we already know about that, so it's a backup. So, we try to put these fail safes and we maintain our equipment very well. The store personnel are trained to enter service requests if we're having any issues with any type of unusual operating condition at the stores. And I think with the overall amount of containment underground too, you know any type of release that may occur in a piping fitting underground, it will set an alarm off even if you would have one sump that had maybe a faulty alarm that just failed last week and you weren't aware of it. All of that secondary system is all contained. So, if fuel gets into one dispenser, so the piping to the next sump is open the secondary so it would flow through that and there would be another sensor over there. It shouldn't even get that far because we have a very precise electronic line leak detector on the product line that will kill power to the submersible pump and not pressurize that line any further when you have a release. Mr. Kevan said and as far as spills, you know, somebody pumping and just not paying attention or what have you, again our intention here is to put these oil/gas separators in and have adequate storage that would handle any of that type of human error. Typically, again, I read through these, you know it's 10 or 12 gallons. Like I said, I saw 100 gallons, which was on the high end. Each one of these structures, if you put a T in for an oil/gas separator, you have about 140 gallons worth of storage in each structure. So, assuming it spreads out, or you know either way, we would have them interconnected so that they would run through a series of these. We should intercept it all on site. Ms. Evans said thank you. Chair Grogan asked anyone else have any questions?

Ms. Jones said I have a question in regards to the light industrial warehouse—particularly the gas station. Can I go ahead and address that now? Mr. Kevan said yeah, sure. Ms. Jones continued, and I don't know if it's been brought up since the first meeting when you all came to share with us, the size of the warehouse. It was briefly mentioned, it's 14,623 square feet. What is the justification for that size? Because it's a fairly sizable building and I know the front wetland, wetland number one, is not necessarily the most pristine or the in the best shape, but you've got a 15-foot buffer there. And so, I'm just curious about the justification for the 14,000 plus square feet. Mr. Kevan replied yeah, so 14,000—it does sound like a good-sized building, but you're talking about the size of a pharmacy, you know, a drug store. So, from a warehouse standpoint, it's relatively small, and for this user. We've been speaking to Wholistic Pet. We actually shrank this building down a little bit in order to better fit it on the site and avoid impacts to that back wetland. So, we've squeezed it as much as we thought we could and still provide him with a building that serves his needs. Ms. Jones said OK, thank you. Chair Grogan asked can you make it clear for some of the public that may not have been here at the last meeting, what exactly they're going to be doing with the warehouse? Mr. Kevan replied sure, basically it is packaging of products and additives, you know, for the pets that they will take down to the store or ship out to individual sites. So, they're not preparing or, you know, creating the product there. They're packaging it and shipping it out from that location. Chair Grogan asked no chemicals or? Mr. Kevan replied no, it's all pet food, pet additive type stuff.

Mr. Carter said thank you, Madam Chairman, thank you for the applicant for listening to the Commission here to try to mediate as much. I'm looking at that wall on the gas station side. Would it be a better spot to move the car charging to where the pumps are, to the space there? Because I'm thinking that if you took that wall and straightened it out to come to where your green space comes instead of getting rid of that parking, wouldn't you defuse the closeness of that point to the wetland there? Mr. Kevan replied so, we can relocate the chargers to out here, and in fact I wanted to mention that, you know, we've also discussed putting in conduit for future, in case these pumps have to be converted to electric car chargers or when they are converted to electric car chargers. And the owner has filed with the Energy Commission with the state. This route is identified as an important corridor that should have electric chargers on it, so the owner has filed with the Energy Commission to be put on their list, you know, to get those chargers and whatnot, but we can provide those there. I can look at pulling that away a little bit. Right now, I'm right on the number of parking spaces I need or to satisfy the town. You're correct, if I could eliminate or relocate 2 parking spaces, I could provide probably 30 to 40 feet of separation from that pinch point. Mr. Carter said it's been my contention that we really don't need 8 pumps there. I would love to see a smaller footprint, which would mean smaller tanks in the ground, right? If we had 6 pumps versus 8? Mr. Healy replied yeah, we typically would not change the underground storage tank size based on 6 versus 8 dispensers. Mr. Carter said OK, and then the last thing. Would there be any consideration to eliminate the drive-thru to give us more room away from that area? I'm looking at—I see you got green space there behind the building. What could you do—and I believe your dumpsters in the back there is that where? Mr. Healy said yeah, so the septic will be in this back corner and the dumpster is in this back corner. Mr. Carter asked is there any consideration to... Mr. Healy continued, and this is—there's the 50-foot setback right here. Mr. Carter said but if you were to eliminate... Mr. Healy continued so the purpose of the drive-thru—so again, what this is—I think I mentioned before the building's gone to 6000 square feet in order to accommodate either a coffee shop or some food service that has a little bit of sit-down space in it. Seeing that these facilities will go to electric charging stations either partially or the transition of, you know, so people will hook up and come in and want to sit down. So, you have a coffee shop what have you. In order to support that, you really need the drive-thru, or else that it's hard to, you know, put personnel and so forth in there because that you would lose a significant portion of the business. So, it just doesn't function without the drive-thru. Mr. Carter said I just see a comfort level that if you're not queuing 40 or 50 cars an hour in the back there, you talk about any accidental spillage or anything like that. So, I'm just saying is there consideration? I mean, I'm not an expert in convenience stores and drive-thrus, but I'm just looking at trying to continue to move that wall just a little bit further away when it's not 50 feet, which I would think where your hand is right now is probably not 50 feet away. Mr. Kevan said this pinch points 18, so this is probably 24 or so, and again, we're from the high value wetland, we meet the 50 here. Mr. Carter said OK, but no, I'm just saying as a comfort level, if you've got a drive-thru—today's world, people tend to want to use the drive-thru before even walking into the store. And I was trying to see how best we can contain any issues. I mean, you're great at taking care of where the gas is and where everything is out there to contain it, so it doesn't flow down the street into the bog. But you do have—not everybody drives electric vehicles—sitting in the drive-thru. That's the concern. Mr. Kevan said no, I understand it. I definitely want to respond to that. We had looked at or talked about, you know, right now there's a full lane and then a bypass here. In one version we had modified that to eliminate the bypass lane, you know, on this pinch point. So, I think if the Commission is concerned with that, we would probably be willing to commit to, you know, maintaining a 25- to 30-foot separation between the wetlands and that wall. Mr. Carter said thank you. That's my concerns. Chair Grogan asked any other?

Mr. Sullivan said yes, thank you for your time and presenting this. So far, the discussion has been focused largely on the risk that gasoline would pose to the wetlands, and I think rightly so. But one of

the other risks that I would be concerned about would be deicer, road salt, that sort of thing in the winter. So, what sort of mitigation steps would you have in mind to ensure that any of the de-ice that piles up in these large piles of snow doesn't enter into these wetland areas and eventually into either the underground water supply that goes to wells or eventually the Ash Bog wetlands? Thank you. Mr. Kevan said right now again, this site sits down in this location. We would put the bioretention system here. There's a little bit of snow storage on the property, you know, so that in this we'll have landscape up here, but there might be a little bit of storage here on this corner. We would not be allowed to push snow towards these wetlands, OK? Most of the chloride management plans are geared towards either using a little bit of brine ahead of time, which then you use less of it, and calibration of your plowing equipment and the operator being trained so you're not dumping a bunch of just salt or chlorides when you don't need them. So, for the most part, snow storage will be here and would be captured. It would melt and this would come onto the site itself. This would run into this bioretention system. But any significant amount of snow will have to be removed from the site and disposed of in a legal manner, so it will have to be taken off site to another property. Mr. Sullivan continued just so I understand it would be relying on kind of the culvert that you'd be improving upon that's along 101 and Hardy Road as part of the mitigation and then relying on the human factor and the procedures, policies, etc. Mr. Kevan said well, again those management plans are all part of the approved set through the Planning Board process and it's not just a culvert, so a rain garden bioretention system. Mr. Sullivan said yes, thank you for clarifying. Mr. Kevan continued is basically a mix of soil that comprises the treatment area and plantings that absorb certain pollutants, and that's what would be put in there to help improve this stormwater coming off that roadway. Chair Grogan said OK, any other questions? Mr. Kevan said so if I've covered all questions, I would like to run through... Chair Grogan said we have one. Mr. Kevan said OK, sorry.

Mr. Handy said just a couple of follow-ups: what's the location of the tanks? Mr. Kevan asked what's what? Mr. Handy said the location of the tanks on that site. Mr. Kevan said right now we're showing them up in this front section here under the pavement up here. Mr. Handy said OK. And the second—not to be beating a dead horse, but—and I don't have an answer. And maybe it's an unfair concern, but if I'm trying to assess the risk of a catastrophic spill, I'm thinking there's not a high risk for what I'm hearing. But I don't know that authoritatively from what I've researched or read. That's my main concern at this point. I think the systems that you put in place, the planning, the thought behind it, your explanations in detail about the underground connections and all that. It sounds good, but the whole thing with the risk management is, you know, what is the worst risk we're facing and what's the probability of it? And then that in turn would drive what's the necessary mitigation. So that's just a question that I've got. That still remains something. Mr. Kevan replied, and I would say that there's really a high risk or a risk of a catastrophic issue here. I mean, if you look at gas stations in the past, that you had a significant issue, and when it comes to mind, the Lee traffic circle, there was a gas station on the corner there that leaked for a lengthy period of time, and this dates back. And they have water issues from that. But with these tanks and whatnot, I don't see a real probability of a catastrophic event. You probably have more chance of a fuel truck or something getting in an accident on a public roadway that would cause a catastrophic event then you know, on a site like this. But I don't know that I can give you a... Mr. Carter said but right what gauge to risk—you're talking about a major intersection there about a risk of something happening at that intersection, not at your station. That's one thing that you guys cannot mitigate, because that is a major intersection that has had some issues in the past. So, you could have a situation in that intersection that could cause a greater cause of fluids and stuff going down Harvey Road into that situation compared to—at least in my research of all this. I would think that there's more risk of that intersection having something happening in the intersection than it is on that site. Mr. Healy said I agree. Mr. Carter said OK. Just want to make sure you know we're talking about worst case scenarios, but I travel that road twice a day, five days a week. And there's a lot of crazies on

101. Just want to make sure everybody is aware that the chance of that happening is a lot greater sometimes, I think, on any of the sites that encompass that whole intersection.

Ms. Evans said Madam Chairman, can I just ask a question? You said the underground tanks right now—you said right now. I'm being pedantic, but you said right now you've got them there. Does that mean you're going to move them off? Mr. Kevan said no, no, there's no tanks in the ground here. Is that what you're asking? Ms. Evans said no, you said—when you were asked about the underground tanks, where are they going to be? You said right now, they're here. Mr. Kevan said yeah, we're planning them being on this front part of the site, OK? Ms. Evans said right, that's unlikely to change I suspect. Mr. Kevan said they may shift a little bit. I'm saying five or six feet. Ms. Evans said oh, OK. Thank you. Mr. Healy added that's another protection it would be in place. The closer that you can put the underground storage tanks to the fuel dispensers, the less piping run that you have. Ms. Evans said thank you. Mr. Clough said I have a question. What is Nouria's track record for underground storage tank spills? Mr. Healy replied exact number—we have not had in my years at Nouria Energy—for 15 years I have not had a tank failure. We've had a couple of product lines, and I'm talking over a network of 150 sites, that they have ruptured inside a containment sump. We've had more probably surface spills, minor surface spills, but when I heard the 100-gallon spill example, we haven't had that. We probably—our largest spill has probably been 25-30 gallons, and there was few and far between. Mr. Clough asked and no underground storage tank failures? Mr. Healy replied we have not had any underground storage tank failures that have resulted in any release. We may have had maybe a fitting on the top of a tank when we were doing a pressure test. Maybe have had something bad and we had to go down and repair that, but we have not had a release from underground source. Mr. Clough said and they're pressure tested how often? Mr. Healy replied at installation. And then they're constantly under monitoring with the sensor that's in that interstitial space. So there not a requirement to go out and pressure test them regularly. If you had some unusual operating condition, and you wanted just to go ahead and get a reassurance that the monitoring system is functioning properly, I'd go and dispatch a third-party test at that point. But in all circumstances, it's just continuously being monitored. That's the beauty of the double wall tank systems. Mr. Clough said thank you. Chair Grogan said OK. Any more questions? OK, before the committee votes tonight...

Mr. Kevan said I wanted to just walk through the intent of the wetlands conservation district and just comment on each of the points just so that we've gone through them. Is that OK? Chair Grogan said sure. Mr. Kevan said OK. So, wetlands conservation district—the intent:

Prevent development within the district which shall contribute to pollution of surface and groundwater by sewage toxic substances or sediment. As we've discussed, the surface runoff from the development will be contained, treated, and we'll have these oil/gas separators in. In addition, we've tried to enhance the drainage system for the drainage coming off of 101 by proposing this bioretention rain garden in that corner to try to improve the runoff quality that would run from 101 down to that back wetland. So, we don't feel that any surface runoff will contribute to any pollutants of the wetlands. Groundwater will not be affected because of the state-of-the-art system that is proposed with the alarm systems and we did submit a report from Miller Engineering that basically stated that this site is not a stratified drift aquifer. So, there is more of a high groundwater table. So, runoff that would come in would not go down. Run off is going to go down and end up in that back wetland so it's not feeding a direct aquifer. So, we feel we've complied with the intent to prevent destruction or change in the significance of the wetlands, flood protection, recharge groundwater and float through ponds and streams. Again, we have limited our impact on that degraded wetland channel coming from 101. So, we've minimized our impacts. We've affected what is basically a drainage ditch, and we've preserved

and protected the higher value wetland 2, which is the one adjacent to Hardy Road to the West and then the vernal pool that's just off the property to the West side of the site. So, on that basis, we don't feel—we have minimized any impacts we're having, and that we're preserving the higher value wetlands that are on the property. We also worked at maintaining these two pools that are in the middle along that channel which will continue to pick up pollutants and sediment and that type of thing that comes off 101. Those will be maintained to some extent, you know, when the site is developed, they will be cleaned out and trash and whatnot is removed. The owner has already done some of that to this point.

Protect unique and unusual natural areas and rare endangered species. Again, the wetlands that we're impacting is not unusual or unique. It is a degraded—a drainage channel basically, and there are no rare endangered species on this site. So, if you look at development next to a roadway that has a significant amount of traffic, the wetlands lose their value with that kind of traffic or volume of cars that go by, so there's very little wildlife value up here. I think Mark identified some frogs and that type of thing, but the wildlife value is in this back area and as you head down to Ash Bog.

Protect fish and wildlife habitat, maintain ecological balances. Again, we feel we've done that. There is no real fish habitat up here or wildlife value, and by adding this bioretention system, we feel we will be providing some improvement to the stormwater that gets to that back area.

Protect quality of drinking water. This site and the sites across the street are on municipal water. Again, we're not in an aquifer area as far as based on soils and what have you, and state regulations say that a fueling station needs to be 250 feet from a residential well. At this point, we're significantly further away from any houses or wells. I think the closest one was 400 feet away.

Prevent any expense to the town. So, this is a private site. Everything will be maintained and taken care of by the landowner and the operator.

Preserve and enhance the aesthetic value associated with the wetlands. Again, we're preserving the valuable wetlands, and we're adding that rain garden. It will enhance or improve the stormwater that runs to it.

H really doesn't apply. It talks about providing a lot size for a house and septic. We're avoiding impacting of the valuable wetlands and just working within the area of the degraded wetland.

The final one is **recognize the unequal and unique burden of wetland property owners, minimize restrictions on such property.** The last exhibit that I had provided you gives you—I think, somebody from the Commission had asked to show these buffer lines, wetlands, so that they could see the wetlands and kind of green area that remains there. I think that this last one is something to consider. If you look at this, again, the driveway is allowed by your regulations. But of this parcel here, you would have about an acre, you know, you have about an acre of developable land if you stayed completely out of all this out of the 3.25 acres. You're using about a third of the land that you own as far as buildable area. And on the second piece it's 2.8 acres. You might have 1.1 or 1.4, again, half the land you could use. So, I think what we've tried to do is comply with the intent of your wetlands ordinance, but also use the commercial land for commercial development and meet the need of the owner as well. So, I think we've met the intent of your wetlands ordinance. Chair Grogan said OK. Before the committee votes tonight, if members of the public would like to come up and make a statement. When you get up there, if you could state your name and address, please.

Mr. John Vanuden testifies: John Vanuden, 49 Seton Drive, Bedford. I'm going to get something that's been in the newspaper. I don't know if you've read it or not. I read it and I was very impressed by it. I'm impressed by it because people in this town are kind of tired of being for something. The idea of a gas station on 101 is like a nuclear bomb. Think about it. 101 has traffic going 60 miles an hour North and South. You have a tanker truck coming in. Good night. The question I have is I'm walking here, what are the hours? Twenty-four hours a day, seven days a week? People have moved into this town because it was Bedford. It was a town of destination, to live in. Today, we have \$5 gas. You might want to read this too. Some of you other people might want to read it as well. I've been here almost my entire life. It's 87 years. And I've seen Bedford as a town, 2,000 people, farms all over the place. Farmers in turn took care of their stock. I heard the comment tonight of wildlife. I live here. And for the last 45 years I've been feeding the deer every day. And I haven't missed a day. It's an obligation to the people. It's an obligation to this Council. It's an obligation to the people to take care of the wildlife. The comment about wetland is wildlife. Back in 2014, Hess came into town. And they wanted this piece of property. I heard this piece of property is not worth very much tonight. Just a few minutes ago. It's worth a lot of money. It's worth money for the town. And it's worth money to these people. But on the same token, I understand from that bulletin, that write-up by this young lady who wrote it, and I must commend her for being so specific on the things that are important. Unfortunately, as I get older, I lose my train of thought goddamnit. And it's not funny. I've been here since 1940. And I've seen Bedford in its good days, and these are not the good days. I understood in 2014, that there was going to be no gas station here ever because the town people voted against it. Now, I may be wrong, but I don't think so. I don't know if you people up there are reading the books, but I do read the books. And I find that the idea of putting a gas station here is nothing more than waiting for an accident to happen. And I mean a gigantic accident. Think about what I just said. It's happened in this country. It's happened in Europe, Asia. A tanker gets smashed, and it explodes. One person here tonight lives on Hitching Post. A full tanker of gasoline is like a bomb—a nuclear bomb going off. You cannot fight it; it has to burn itself out. How do I know that? I know a lot of things. Things that you don't know about me. I was Special Forces at one time a long time ago. And I'd tell you no more. But what I'm saying to this town—people have come here, and the idea of wintertime has runoff. And we are obligated to take care of the water. Not just for one, but for everyone. There are people who live beyond here and above here and next to here and above here. And the idea that you're going to put a gas station in with six units or 16 units and a little curve about electric. Sure, they may be coming in '35. It may be here in '25, but I don't think so. But on the other hand of that, you have an obligation to the people of this town. You have a gas station just below it. And you have a gas station just above it. And beyond that there's a gas station on Boynton St. And beyond that there's a gas station just north of Market Basket. What the hell do we need another gas station for? So that the 6,000 unit building and a stop place to get coffee? There's also going to be a 14,000-building built for other people to work in there. Surprise. I didn't know that. What the hell do we need that for? What we need is housing—elderly housing. And that's what should be built there, elderly housing. It makes sense—not a gas station! My recommendation is no. My recommendation is no. I made an effort to come down here. I just hope the hell I can get home. My life is shot. The last time I came here in '14, I had a major heart attack, and I got a pacemaker here. And that's what keeps me going. I'm like a bunny, I just keep on running, and I run every day. But what I'm saying to you—the idea of wildlife is important. It's important to you, to the kids that are coming, and the people who live here. And by the way, a gas station in turn has owners, and they have lease owners, and they close, and they close. And they reopen and sometimes they become nothing. But you have two buildings proposed here. Is that something of new? Or is it something of something that should be terminated? The people of Bedford don't want it. Thank you very much.

Ms. Sylvia Anderson testifies: I'll be brief. I hope you guys can hear me through the mask. This is Sylvia Anderson at 111 Hitching Post Lane, right around the corner from Hardy. My husband actually wrote a letter. He couldn't be here today, but I wanted to read that to you and then perhaps share it with you at the end. I apologize for not being able to attend in person, but my hope is this letter can be submitted into record for the June 28th Conservation Commission meeting. The mission of the Conservation Commission is to protect, preserve and conserve the town's natural resources, and specifically to protect wetlands. It seems that supporting the request of this developer to build a gas station on wetlands would directly contradict your own mission. This is not a benign use. It's a gas station. It is adjacent to a valuable wetland, and a residential district, so it seems to me to be a very poor place to grant that kind of a relief to this applicant. Asking for only 10-foot setback where 50-feet is required is a substantial and unreasonable request. Thank you.

Ms. Barbara Torres testifies: I'm Barbara Torres. I'm at 30 Windsong Circle and talking fuel tanks reminds me of the 11 years I spent monitoring all the fuel tanks for the state of New Hampshire. And one of my nightmares was always what if there is a leak? There's going to be a leak, you know. Is there enough fuel? But what's the probability of leak? Because a lot of the tanks were old. Granted, they weren't double walled, the new ones, but they were at their end of their useful life, and it was touch and go because we had to rely on the operators at the sites to notice if there was an alarm or a leak. Except at the end of the month where I had to do all the calculations to figure out whether the tank was OK or if it wasn't OK. And we had a number of scares, and we had a number of things that led to potential leaks. I won't go into what sites, but luckily, I managed to convince the Governor directly, because nobody would do anything about the problem, and we had a lot of those tanks replaced. So, to me, I understand the double walls are safe, but if you rely on the operator at this site, I don't think you're going to be able to get the notification you need unless it automatically goes through the Internet to a software system that says there's a leak or there is a problem with their sump pumps or whatever. So, and I think the wetland problem is definitely of concern, because across from Beaver Lane the gas tanks there had leaks for many years and for some reason they weren't addressed. And then DES calls me and says we need to check your water. Our water was OK luckily, but just because you're not right next to a gas station doesn't matter. It depends on where the groundwater is flowing. So, you can have a leak and have it turn out miles away. It doesn't have to be right next door. So, to me that's my problem with it, and has DES reviewed these plans? And have they approved the plans? Number one, I don't know. I'm coming in after the fact, but I would think that they would have concerns as well. Unless you have a maintenance or some sort of schedule where you're going to check, like maybe on a monthly or bimonthly basis, those wetlands, for oil or whatever, I would say no to the project. And also, what other people have said, do we need another gas station there? So that's my feeling. Thank you.

Ms. Julie Tierney testifies: Julie Tierney, 157 Hitching Post Lane. I would respectfully request that the Commission vote to not recommend this project. Your mission, in part, is to protect the wetlands, the vernal pools, the natural resources of this town. This project is in direct conflict with that. While the developers have indicated the tanks and related water treatment is state-of-the-art, they become obsolete the moment they're placed in the ground. The reason underground tank systems evolve is because past tanks have eventually failed. This is not a frequency issue, but a severity issue. The failure of a tank, of an alarm system, of the piping, the hoses, human error is catastrophic to the wetlands and private wells in the area. These are complex businesses—gas stations. No system is 100 percent effective 100 percent of the time. Complex systems are relying on several alarms, numerous points of failure. One gallon of gasoline can contaminate 1,000,000 gallons of water. The gentleman from Nouria indicated that they had a 25-gallon spill at one of their stations. Once the wetlands and the private wells are damaged, there's no remedy. Nothing can be done. Thank you.

Ms. Gayle Ricevuto testifies: Gayle Ricevuto, and I'm at 121 Hitching Post Lane. I agree with everyone that there shouldn't be another gas station in our town. We've had, we do have all the ones that the other gentleman had mentioned, but I just looking at this chart, I mean, pulling into Hardy Rd at that intersection and that being the only way to get into that gas station or filling up the tanks with gasoline, it would block the one pass-through that would go to that other warehouse station. It just seems like a very illogical plan, and I do believe it would affect the wetlands and our wells. And that's the thing that I'm the most concerned about is the wells on all the homes—on Hitching Post, especially.

Mr. Mike Miville testifies: Mike Miville, we live at 21 Tiffany Lane, and our property borders the Ash Bog. Last year I tried to put in a shed. I had to go through the Planning Board, the Conservation Commission, and get a variance to increase the size of the shed I had, because I was too close to the wetlands. And this is just a shed that has nothing in it except building materials, stock for my business and stuff like that. I was told I can't even put grass clippings in the wetland area. And, you know, they want to put the gas station affecting the wetlands. Our well is only 12 feet deep, and we've been there 40 years and never had a problem with it. And like you said, contamination is an issue. I don't think it would affect us because we're sort of upstream from that. But I don't know. And my other concern is they get a tractor trailer coming out there that dumps the fuel, and he can't do a left-hand turn coming out of the front. So, he has to go onto Hardy Rd, which is a steep incline. And I won't go that way in the wintertime because I don't want to get stuck on that hill. And he's got a tractor trailer trying to get into traffic. And like the other gentleman said, the speed limit is 40. The cars go through that. I don't know how many times I've seen police officers at that intersection trying to get people who run the light who come around a corner, you know 50-60 miles an hour. I'm guilty of that too. I'll go 50, but I don't go any faster. But that's a bad line of sight. And like I said, my other concern was where those tankers, how they're going to get out there if they want to go 101 E, you know, on that incline? Thank you.

Ms. Ellen Hendrickson testifies: My name is Ellen Hendrickson. I live at 54 Norman Circle. I'm almost at the Goffstown line so I'm not on Hitching Post. But I am here tonight because I am concerned about wetlands. I'm concerned about wells of people who live in this town who bought homes like my husband and I did. We bought a home that had wetlands delineated on it, and there's rules that we have to follow and things that we can and cannot do because of that. And I strongly feel that when you look at the risk and the reward, you also have to evaluate the rights of the people who live here. There's a benefit of people who drive on 101 daily. If there's a gas tanker that spills, there's a public good there. There are many people that use that road. It's a public road, but when you have someone who purchases a piece of land knowing it's zoned a certain way, where does the towns' rights come into effect without one individual landowners? And I'd like you to consider that tonight. Thank you.

Chair Grogan asked anyone else? Mr. Carter said Becky, can you explain what the process is once they leave here—where they have to go with this project? Because I've heard a little bit about shouldn't be doing this, shouldn't be doing that. Our purview here tonight is just the variances. Ms. Hebert said yes, the Conservation Commission is an advisory Committee advising the Zoning Board of Adjustment on the proposed encroachments in the wetland setback and the wetland fill associated with the site development, not the access drive. After tonight's meeting, if the Commission makes a recommendation tonight, the applicant would then have the option of proceeding to the Zoning Board with variance requests for the application. And the Zoning Board would then hold a public hearing on the variance requests. If the variance requests are granted, the applicant would then proceed to the Planning Board, and there would be a public hearing with the Planning Board to review and approve a site plan for the

proposed development. So, the Conservation Commission's purview is limited tonight. It's limited to the review and discussion of the wetland impacts and the associated buffer impacts.

Mr. John Cronin asked Madam Chair, if I may, as a matter of procedure, could I respond to some of the public comments at the appropriate time? Chair Grogan said OK, someone from the public?

Mr. Jason Cole testifies: Just had a quick question. Jason Cole, 160 Hitching Post Lane. I noticed on the website the deadline for zoning applications was yesterday. Did the applicant file the zoning application yesterday? Ms. Hebert said yes, the applicant filed a zoning application. Mr. Cole said thank you.

Chair Grogan said do you want to answer any of these questions?

Mr. John Cronin testifies: Sure, Madam Chair. My name for the record is John Cronin. I was here at the last meeting. I'm speaking as counsel to the development team, but also was an interested party here. I have an ownership interest in four units over at Pine Tree Place that I've had back probably to the early '90s, as well as a piece of land at the corner of 101 and Gage Girls Rd, which is—I'm dating myself but—much longer than 30 years ago. And I recall out in West Bedford where that gas station is located close to the brook by the Pizza shop out there, there's always some concerns about difficulties there. But I will say they've been a great neighbor. I've had no issues out there whatsoever. But to address some of these things, in particular conservation issues, as opposed to zoning and planning, which were some of the comments we heard. As far as the trucking and traffic, I recall of first being out at Pine Tree and going out in 101 and I spend my time looking in the rearview mirror biting my fingernails, waiting for some impact, making that left hand turn. And the best thing for that property was the Hannaford, which I know was controversial, and there's a lot of people objecting to that as well. But that light has made a huge difference there. And it's a controlled intersection, unlike some of the other gas stations, which to me makes a difference. When you think about the risk, certainly there's no guarantees in any development. Certainly, I'm not suggesting that there isn't a potential of risk, but it's very minimal due to the regulation not only at the state level at the federal level. And to the comment about these things being obsolete, you recall not too long ago, and Becky may recall the right data, I think it as in 2015 or maybe '18 that gas station owners were required to remove their subsurface tanks and replace them with double walls. So, when there's better technology, it's not like they can sit there with obsolete equipment and harm the environment. They have to dig them up and spend the money and do it right. When you look at the motoring traffic on 101, home heating oil, gasoline not only going to the stations in town, but going to Amherst and Hudson and who knows where else? Some of the dangerous chemicals, I think, sure is that a risk? Could it happen? But in this particular project, I think that's such a remote risk. When you look at the numbers and concentrations. I think it was Mr. Sullivan that made some comments that I was thinking of about the treatment of snow storage, which is always a concern to wetland. But one of the larger concerns that I see and hear often, particularly at DES and the inland waterways, that when you talk about probability of risk, one of the highest probability of risk to damage to the wetland is fertilizer. When you drive around Bedford, there's some beautiful homes. You go up on Hitching Post, there's some beautiful lawns and landscaping. The phosphates and the nitrogen that discharge directly into the ground without regulation are a concern. I don't know if it's required by the Planning Board, but I'm certain the applicant here would agree to a limitation of organic fertilizers, which some Planning Boards require. I'm not sure if it's in Bedford's regulations yet, but in terms of that sort of thing, you know, the risk to the wetland here. When we talk about the gas, this is so contained. There's so many checks and balances, and when you look at the potential for gas spills in everybody's homes, myself included, landscapers come, they fill up their equipment and tanks and mowers in the driveway on the lawn or whatever. Absolutely no regulation. I'm sure most of them do it well, but there's accidents. I'll

also note that there was a comment that there is no remedy. I disagree with that. Remedies are expensive, but they're available. You may recall, and some of you are too young to recall probably, but I believe it was late 70s, early 80s, they had some issues in Tynngsborough with a landfill—all sorts of things and they resolved the water problems there at great expense. Out in Windham, out on Route 111 out at the corner there as you head into Hudson, there was issues there that were remedied. Clean Harbors has made a fortune over the last several decades cleaning up these types of spills. Nobody wants them. Certainly, they're expensive. Operators, as this gentleman said, they're the last ones that want them right—disrupts their business, gives them a bad reputation. And by their growth, having that number of stores period of time, and I think we can see the one at South River Road. They know their business and they run a great shop. You know, one thing I will say about the fuel and certainly this case deserves all the attention that you've given it. There's been some great questions and I think everybody is looking at this seriously. I read with interest as maybe some of you did in the last few weeks that one of the greatest environmentalists in the country, President Obama, just put a several thousand fossil fuel tank in his mansion on the Atlantic Ocean. He wouldn't be doing that if he didn't think the technology was safe. This is tested technology. It's regulated. It's checked. It's monitored. With respect to the wetland impacts, I think Jeff reviewed your ordinance and zoning regulations. With respect to the conservation, I think this plan was designed to adhere to every one of those and to minimize the risk and the impacts. Thank you for your consideration.

Mr. Kevan said I just emphasize that you know, again, that talk about another gas station. I think a big component of this is the electric chargers that are that are being put in upfront and the conduit, which will transition this in the future. And then secondly, as far as the wells that have been discussed, again, State of New Hampshire's regulations are 250 feet away. Hitching Post is over 800 feet away, and most of those homes are greater than 50 vertical feet above our site. And the low point in the road obviously is down by that wetland, and it's about 30 feet, you know, below 101. So, what you would expect is groundwater is going to follow kind of the flow of water and you wouldn't normally see it climb and go up towards the wells up there. I think the probability or chance of contamination going up towards Hitching Post is remote.

Mr. Cronin added before we conclude, I think you may have been circulated with letters of support, but in fairness to the people that took time to write letters, I'm not going to read them all—basically summarize it that their letters of support for the station, but I'll read their names quickly: William Jean, Bart Fromuth, Karl Norwood, Louise Norwood, Dan Starling, Margaret Kelley, James Vailas, Greg Goley, Dylan Cruesse, Nick Vailas, Hilary Rankins, Jack Carnevale, Jean Turner, Jane Aitken, Denise Ricciardi, Tom Boucher, Jonathan Morella, Jonathan M. Matta, John Mokas, Dan Hagler, Thomas Sullivan senior, Thomas Sullivan junior, John Dow, Scott Danielson, Mr. Haddam, Sean Sweeney, William Donovan, Mark Hayner, Lucie Cronin, Avery Rizzo, Brian Mousmoules, Lindsey Rizzo, Connor Sullivan, Tyler Sullivan, Robert Sullivan, Sandra Sullivan, Lori Hilliard, Daniel Cohen, Elie El Chalfoun, Jong Yun, Kil Lee, Jay Lee, Dotti Young, Carl Andrade, Tyson Smith, Greg Aulson, Alan Schulte, Timothy Roberts, Gregory Pickett, Karen Roberts, Susan Fahey, John Levenstein, Karissa Carr, Amy Ciruso, JP Ciruso, Robert McCarthy, John Santos, Gazette El Chalfoun Anne Ekdahl, Gary Ekdahl, Tiffany Cohen, Adam Stroebel, Rebecca Kuhns, Barbara Chagnon, Roger Baker, Matthew Connors, Tom Buchanan, Alice Burke, Gerald Burke, Dorothy Sullivan, VP Burke, Greg Bryant, David Cassidy, Albert Gagne, John Hession, Jim Beckman, Dean Robbins, Kathleen Collette, Justin Bielagus, Ryan Bielagus, Susan Bragdon, Jim Bea, Tracey Parks, Dorothy Parks, Kevin Duffy, Debra Duffy. There are a number of names I couldn't make out, but in fairness to them I wanted just to read that they had sent in letters of support for the project. Mr. Carter said, and you do recognize that we do have that stack of support letters here. Mr. Cronin said

great, thank you. Chair Grogan said OK, any members of the Commission have any more questions for the applicant? OK, someone from the public?

Mr. Jack Sullivan testifies: My name is Jack Sullivan, one of the owners of the property and the only thing I didn't hear today was that the town of Bedford went every 10 years and has a master plan. And it was, you can ask Becky, but I think it was completed after all the input from the Town and all the meetings everyone had, the input from the boards and one of the things in the master plan, which I think is like a year and a half two to years old now, was that we were underserved in gas stations in Bedford. Thank you.

Chair Grogan said OK. Does the Board have any more questions for the applicant? OK. All right?

MOTION: Chair Grogan moves the Conservation Commission recommend in favor of the request by SV101 LLC for a variance from Section 275-28(A) to permit the construction of a light industrial warehouse building within 10 feet of the edge of a wetland and a retaining wall greater than 6 feet in height within 5 feet of the edge of the wetland where 50 feet is required at the corner of NH Route 101 and Hardy Road, Lot 28-21. Mr. Carter duly seconds the motion. ALL IN FAVOR – 4 yeas, 3 nays. Motion carries.

Ms. Donovan votes yes.

Mr. Clough votes yes.

Mr. Carter votes yes.

Mr. Handy votes yes.

Chair Grogan votes no.

Ms. Jones votes no.

Ms. Evans votes abstention changed to no.

Mr. Sullivan said may I make a comment as a non-voting alternate before moving on to the second? Chair Grogan said yes. Mr. Sullivan said OK, so I'm not voting, but my assessment is that if there were to be a gas station placed at the site, this would be the way to go about doing it. It is a very thorough plan with lots of safeguards in place. However, I think the fundamental question is do we, as a Conservation Commission, recommend approving the placement of a gas station at this site? And is it consistent with our mission statement, which is protecting wetlands and vernal pools, and really being that voice? I would argue that—really two ways to go about protecting wetlands would either be to ensure that there are adequate safeguards in place to minimize any risk to the wetlands or to ensure that the wetlands are not placed at risk in the first place. So, with that in mind, my personal opinion is that we should not approve. I do not think that it is a good idea. But, again, I'm not a voting member. I just wanted to state my opinion. Chair Grogan said thank you.

Moving on, do I have a motion on the request by SV101, LLC for approximately 990 sq. ft. of wetland fill for the construction of a retaining wall and driveway access to a proposed light industrial warehouse in accordance with Section 275-27(D), located at the corner of NH Route 101 and Hardy Road?

MOTION: Mr. Carter moves the Conservation Commission recommend in favor of the request to permit approximately 990 sq. ft. of wetland fill for the construction of a retaining wall and driveway access to a proposed light industrial warehouse in accordance with Section 275-27(D), located at the corner of NH Route 101 and Hardy Road, Lot 28-21. Mr. Clough duly seconds the motion. ALL IN FAVOR – 3 yeas, 4 nays. Motion fails.

Ms. Donovan votes yes.

Mr. Clough votes yes.
Mr. Carter votes yes.
Mr. Handy votes no.
Chair Grogan votes no.
Ms. Jones votes no.
Ms. Evans abstention changed to no.

Ms. Hebert asked Deborah, are you a regular member or an alternate member? Ms. Evans said regular member. Ms. Hebert said I believe abstention is a vote in favor. Ms. Evans said oh, that was not my intention. In that case, I vote against. Ms. Hebert said OK. Mr. Carter said we just passed a building without a driveway. Chair Grogan said right, we passed a building without a driveway. Ms. Evans said well no, because I abstained on the first one, and I'm not allowed to abstain. Ms. Hebert said it was 4-3 in favor. Mr. Kevan said I'm at a loss. My understanding is the first action you took was in favor of construction of the building. Ms. Hebert said that motion passed in favor and then the motion ... Mr. Kevan said the utility driveway access is permitted use within your regulations. Ms. Ports said right. Mr. Kevan said I don't believe you have the right to deny it or approve it. It is within the rights of your ordinance. Ms. Hebert said you would be recommending to the Planning Board whether or not you're in favor of the proposed wetland fill. But it is an allowed use. Mr. Carter said so both 1 and 2 are permitted uses? Or just number 1? Ms. Ports said no, 2. Ms. Hebert said number 2, for SV101 LLC is a permitted use, and it does not need a variance from the Zoning Board. It just needs approval from the Planning Board through the site plan approval process. So, would you like to reconsider the vote? Or reconsider the motion? Mr. Carter said well the motion is for recommendation. It was seconded. Are there any questions from the Board concerning recommendation or non-recommendation where this is an approved... Ms. Evans said yes, I don't understand why we're voting to recommend or not recommend if it's an approved use? Ms. Hebert said you would just typically send your recommendation to the Planning Board in the same way you forward all of your recommendations when you're advising on a permit. Mr. Carter asked further questions? Is there another motion, another recommendation? Mr. Handy said I confused it because I voted in favor of the first and against the second. And that threw everything off. So, I vote in favor of both. Mr. Carter said well what we'll do here—let's redo the vote (on number 2). So those that are in favor of the recommendation, hands up.

Roll Call Vote – 4 yeas, 3 nays. Motion passes.

Mr. Handy votes yes.
Ms. Donovan votes yes.
Mr. Clough votes yes.
Mr. Carter votes yes.
Ms. Evans no.
Chair Grogan votes no.
Ms. Jones votes no.

Mr. Carter said OK. Let's move on. Looking for a motion on **Two Hardy Road LLC** - for a variance from Section 275-27(A) to permit 2,532 sq. ft. of wetland fill for development of a gas station/convenience store, drive-thru, and retaining wall at the corner of NH Route 101 and Hardy Road, Lot 28-20.

MOTION: Ms. Evans moves the Conservation Commission does not recommend Two Hardy Road LLC's request for a variance from Section 275-27(A) to permit 2,532 sq. ft. of wetland fill for development of a gas station/convenience store, drive-thru, and retaining wall at the corner of NH Route 101 and

Hardy Road, Lot 28-20. Ms. Jones duly seconded the motion. ALL IN FAVOR – 4 yeas, 3 nays. Motion passes– not to recommend.

Mr. Handy votes yes.

Ms. Evans votes yes.

Chair Grogan votes yes.

Ms. Jones votes yes.

Ms. Donovan votes no.

Mr. Clough votes no.

Mr. Carter votes no.

Mr. Carter said lastly, do I have a motion on the request by Two Hardy Road LLC, for a variance from Section 275-28(A) to permit the construction of a retaining wall greater than 6 feet in height and for construction of a portion of the proposed convenience store within the wetland setback where 50 feet is required at the corner of NH Route 101 and Hardy Road, Lot 28-20? Do I have a motion?

MOTION: Ms. Evans moves that the Conservation Commission does not recommend 2 Hardy Road LLC's request for a variance to allow the construction of a retaining wall greater than 6 feet in height and a portion of the convenience store within 50-foot wetlands setback for the site located at the corner of NH Route 101 and Hardy Road, Lot 28-20. Ms. Jones duly seconded the motion. ALL IN FAVOR – 4 yeas, 3 nays. Motion passes– not to recommend.

Mr. Handy votes yes.

Ms. Evans votes yes.

Chair Grogan votes yes.

Ms. Jones votes yes.

Ms. Donovan votes no.

Mr. Clough votes no.

Mr. Carter votes no.

Chair Grogan said OK, thank you to the applicants and the members of the public.

Other Business:

Conservation Area Updates: Chair Grogan said OK Kathleen, do you have a report on the Conservation Area updates? Ms. Ports said yes, just a quick update on history write up - so they're still in progress. We've got three of them done.

PLC is working on gathering materials on the next set of properties. Let's see, the trail stewards have been meeting weekly. If you're out at Van Loan, there are new stairs from the small linear access point at Wallace Road, which is actually owned by PLC, into the greater preserve area. And we've done some drainage work out there, and there is a new trail out at Van Loan as well. There's a secondary crossing that goes to the other side of the property beyond Riddle Brook now. And then there's a new bog bridge at Muller Park around the backside of the wetland. And this week we will be working out at Pulpit Rock on Scouting Way. The new sign order will go in this week. I postponed that until I returned from my vacation in case any issues or questions came up while I was gone. We completed the Marston debris cleanup, and we did some reseeding out there. It's not being watered, so I don't know how well the seeding is doing but that debris cleanup, which was a requirement of the conservation easement with PLC, is now complete. And we are looking at mapping some trail opportunities out there next. I think that's it on conservation areas. Any questions?

Community Conservation Cohort: This came up last year. I apologize. I sort of missed it again this year. This is a 'Taking Action for Wildlife' program run through the Cooperative Extension, and so I've actually already put it on a draft agenda for next January so that we can be thinking about any sorts of wildlife-related projects that we want to undertake in Town. So, it could be something like mapping vernal pools, or mapping habitats, or doing a natural resource inventory, or looking for alternative bald eagle habitat on the river. So, something wildlife-habitat related on town properties. So just be thinking about what excites and interests you. It's a really great opportunity you get. We need three to five volunteers. They can be nonmembers of the Conservation Commission. We actually get hands on training and opportunity to work with the state biologists and get all their knowledge to assist us in our project. And so, we should really try to hit it next year. Ms. Jones asked didn't we submit something last year? Ms. Ports replied we did submit last year actually, yes.

BCC Logo Roll Out: I'm told the hats will be ready this week. I wish they were ready today—they're not. And then I ordered myself some clothes, so I will bring them for you to look at next time in case you want to stop in and order something. But all the logo materials should be at Gear Up if you want to go in and place an order, you can do that. Mr. Carter said she'll be the point of all this clothing that we have, you know. Ms. Ports said I'll be the model. I ordered three hat colors. We have forest green, the dark green and we have burnt orange and we have what's called Irish green, which is a really softer green. So, hopefully everyone will have a color they enjoy.

Chubbuck Road: Chair Grogan said so, Kathleen Bemis isn't here to give us an update on Chubbuck Rd. Ms. Ports said maybe Peter does, or do you have any updates on Chubbuck Road? Mr. Sullivan said sure. We met several weeks ago just to talk about what the plan going forward would be, and I think our hope would be to try to get that Town property placed into a Town forest designation. My understanding is that that would take a vote by the Town Council to make that happen. So, should be pretty simple as far as the amount of steps in order to potentially make that happen. And there are some different things that we're talking about as far as the trails and potential wildlife impact of the trails, we're working on the formal proposal that we can bring to the Town Council as far as the wording of it for the purpose, et cetera. And then my understanding is also that we'll be trying to meet with some of the other interested parties like DPW in order to just make sure that we're all on the same page, and that there aren't any concerns or interests that we're not representing. So, that's kind of where we're at. Hopefully we'll have some more meetings moving forward, but hopefully we'll be able to do something on this.

Joppa Hill Farm Survey: Ms. Ports said I honestly forgot to check in with the contractor, but I have seen some staking out there on the road, so I'm guessing that they've started their survey work. Ms. Evans said I've seen some steaks on the trails. They're like tall with pink on them. Ms. Ports said OK good, they've started. Chair Grogan said OK, good any questions?

Announcements: We have one announcement. There will be a Pulpit Rock Trail Workday on July 7th from 5:30 to 7:30, and you can meet at the Pulpit Rock parking lot. Ms. Jones asked is that AM or PM? Chair Grogan said PM. Mr. Carter said early work. Chair Grogan said I didn't say AM, did I? Mr. Jones said no. Ms. Ports said you can skip the gym and come out to the trails.

CUB Day: Mr. Carter said we do it twice a year. Obviously, I'm out there all the time and I gotta admit that the roads are looking pretty good. The normal neighborhood road might not be of use, but when I'm doing Wallace, New Boston and North Amherst and all those roads around there, I'm seeing where we're not picking up a lot, which is good. But on the other note, October 15th, 9:00 to 1:00 will be the

Fall. We're going to start plugging this because obviously where Council and stuff meets only once a month, and we'll get rolling so that the Fall day, how it comes like three weeks after school starts. So, I might not get as big a spot for school, but this last time with the Scouts with Woman's Club, all that stuff being out there, hopefully everybody will be out there with their nice safety green T shirts. Ms. Donovan said beautiful T shirt. Mr. Carter said there you go. Thank you.

Non-Public Session:

On a motion by Mr. Carter, and seconded by Ms. Jones, the Commission voted to enter into a non-public session at 9:10 pm per RSA 91-A:3 II (D) for consideration of the acquisition, sale, or lease of real estate, which if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

Vote:

Mr. Handy votes yes.

Ms. Evans votes yes.

Ms. Donovan votes yes.

Mr. Clough votes yes.

Chair Grogan votes yes.

Mr. Carter votes yes.

Mr. Sullivan votes yes.

Mr. Killian votes yes.

Ms. Jones votes yes.

Commission goes to non-public session at 9:01 pm.

Commission came back into public session at 9:29 pm.

Mr. Carter and Chair Grogan said goodnight, Bedford.

Next meeting will be held July 26, 2022.

Respectfully submitted by Sue Forcier