

**TOWN OF BEDFORD
December 10, 2018
CONSERVATION COMMISSION
MINUTES**

A meeting of the Bedford Conservation Commission was held on Tuesday, December 10, 2018 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Dave Gambaccini, Catherine Rombeau, Maggie Wachs, Mac McMahan and Bill Carter. Beth Evarts, James Drake, Bob MacPherson and Phil Greazzo were excused.

Dave Gambaccini was appointed Chairman for the meeting, opened the meeting and had the Commission members introduce themselves.

Approval of Minutes:

November 27, 2018 Regular Minutes -

MOTION: Mr. Carter made a motion to approve the November 27, 2018 minutes. Ms. Rombeau seconded. The motion passed with Mr. McMahan abstaining.

November 27, 2018 Non-Public Minutes –

MOTION: Ms. Rombeau made a motion to approve the non-public November 27, 2018 minutes. Mr. Carter seconded. The motion passed with Mr. McMahan abstaining.

Acting chairman Gambaccini announced that there were no dredge and fill permits to review at the meeting and stated that new Conservation Commission member Bill Carter is the applicant for the one variance review application to be discussed this evening.

At this time, Mr. Carter stepped down as a voting member of the Commission.

New Business:

William Carter – Review for a request for a variance from Article IV, Section 275-28 in order to construct a garage 10.8 feet from the edge of a wetland where 50 feet is required at 100 New Boston Road, Lot 2-8, Zoned R&A.

After moving to the applicant table, Mr. Carter introduced himself and started his presentation with a history of his property. He stated he and his wife purchased the property in 2017 and it is

a 1932 bungalow on a 1.5 acre lot. They have been remodeling, re-did the roof and had done research to see when the buildings on the lot were built. It was discovered that the garage in question was built back in the 70's and at that time it was a good sized garage, but they are in need of a larger garage for one car and for storage. Mr. Carter stated that he wants to add another stall to add storage.

Mr. Carter described an elevation presented to the Commission and explained that the house sits on the highest point on the property, and as you go down in elevation, the lower area is where the existing garage is situated. After the elevation, Mr. Carter described an overhead view of the property and mentioned his buildings are right near the road and his neighbor at 104 New Boston Road is next door and there is approximately 60 wooded acres behind his property. He then showed the Commission a few photos of the house and property.

Continuing, Mr. Carter stated that he wants to take the 11' x 22' current garage and make it a 24' x 30' garage. He then showed the plot plan with dimensions for the proposed expanded garage. He mentioned that he researched his property looking for a plot plan but there wasn't one, and there was no documentation at the Building Department either. He then said his next step was to get the property surveyed, which he did and wetland was marked. He noted that his property was dry in September, but now has a water flow starting from a pond two properties away. When 104 New Boston Road was built, a concrete pipe was added under their driveway and this impacts the water flow.

Mr. Carter mentioned he took on the expense for the plot plan, and it was then found out that the wetlands come between 10' – 12' of the current garage. He mentioned that he has noticed that the whole wet area is expanding and his property even gets runoff from New Boston Road onto his property. He then stated that he knows there is a 50' setback to all wetlands, and if looking at the plot plan there is a small area outside of the 50' wetland setback and 35' setback from New Boston Road for building, but there is no other place to put a garage on the property. He stated there is also a problem in the back area of his property because that is where the leach field is and the higher elevation of the property may have ledge and that may be the reason the house does not have a basement. He explained that these are the reasons he is before the Commission and plans to apply for a variance from the Zoning Board next. All I want to do is double the size of the garage to use it for storage. We are visible from New Boston Road and are trying to keep the property cleaned up, and make it easier to store items. I am looking for your recommendations before I take my next step in the process.

Acting Chairman Gambaccini thanked Mr. Carter and asked the Commission for any comments or questions. Mr. McMahan stated that he had a few questions for the applicant that are very common with this type of application. He first asked Mr. Carter if he had checked to see if the wetlands behind him are still considered one. Mr. Carter said he has a background in

Conservation Commissions, and he does not believe this one is considered a prime wetland. It is a poorly drained wetland. Ms. Elmer stated that when we sent the packets out, we did not have a stamped plan by a wetland scientist, and the plan the Commission was looking at today was stamped by Sandford Survey and a copy is in the file.

Mr. McMahan then said the second question I have is could the garage be put somewhere else? He said it looks like you could put a double garage well before you reach your leach field in the area that is now grass. Mr. Carter responded that that would run into issues. He mentioned if you look at the elevation of the driveway, there is quite a bit of a drop and to be honest with you, to put a garage that far in front of the house I think would take away from the character of the house. He said he feels that it would have to be lowered so far down because of the driveway pitch that it would take away from the elegance of the house. He also mentioned that there are two large trees on the property that he has been maintaining and he had a tree service come over and trim the trees to make them look good. He wants to keep the trees. Also, there are pipes in the ground from the leach field and it is very tight out there. Mr. Carter also said that he doesn't want to spend a lot of money for a big garage. The existing garage has a foundation and he just wants to add to the one he has for normal uses.

Mr. McMahan then asked about the possibility of rotated the location of the proposed garage, and after a bit of a discussion, Mr. Carter mentioned that the existing garage has a full foundation, not a pad, and he wants to utilize that. Ms. Rombeau then mentioned the possibility of rotating the addition and keeping the existing garage where it is. The Commission then discussed possible ways the proposed building addition could be rotated. Mr. Carter then said if I start moving the foundation, there is a 2nd dirt driveway and I would have to dig into the hill. Now there is a straight shot from the driveway into the garage. If there was just a pad under the garage it would be different and could be dug up. I have a 4' foundation in that garage.

Ms. Wachs asked if vehicles are currently being parked in the existing garage. Mr. Carter said no, just lawn equipment right now. At one time they did park an old car in the garage, but it took up the entire building and we could barely open the door inside.

Mr. McMahan asked if Mr. Carter planned on pouring a foundation for the proposed garage addition at the same 4' level as the existing garage and Mr. Carter answered yes. The Commission then discussed potentially moving/rotating the proposed addition more toward New Boston Road, changing the distance from the wetland from 10' to approximately 13'. Ms. Elmer mentioned that that could not be done by much, because that is the front setback from New Boston Road. Mr. Carter then made a clarification for the Commission. He mentioned that the certified plan says the construction will be for a 24' x 30' garage, the whole building. He clarified that the new garage size will be 5' closer to the existing garage. He also mentioned that he will use hay bales and set up gutters and a catch basin if needed. The property drains toward

the wetland area in question the addition of the roof runoff from the garage addition will be minimal.

Mr. McMahan asked Ms. Elmer that since there is no record of the buildings or record of objections to what is there now, is there any means where the garage could be grandfathered? Ms. Elmer said there is an equitable waiver that can be applied for by the Zoning Board for existing, non-conforming structures. It seems evident that that garage was built a long time ago, before we had the wetland setback. I would way the existing structure is probably grandfathered. Folks obtain equitable waivers most commonly for financing purposes. Mr. McMahan then stated that the applicant should write down what Ms. Elmer just said and gave the applicant kudos for mentioning the economic issues with the project, trying to move the proposed structure to the 13.2' (instead of 10') from the wetland, and considering suggestions for remediation for the additional runoff.

Ms. Wachs asked if the remediation would be the catch basin that was mentioned earlier. Mr. Carter said a dry well could be put in with gutters. Mr. McMahan asked Ms. Elmer if you can send gutter water into a wetland and Ms. Elmer answered yes you can. Ms. Wachs stated that was her question too. She reiterated that the applicant was planning on putting some type of buffer between the structure that is already there and the wetland. She also asked if once the garage is built, will you continue to park outside of it? Mr. Carter stated that any garage that is built would mean his wife will have a stall for her car in the winter time.

Mr. McMahan asked the applicant if he would be storing oil, paint etc in the proposed garage. Mr. Carter said there is not even any heat in the garage, just electricity and that he only stores a container of gas in the building for his lawn mover and snow blower.

Acting Chairman Gambaccini stated that when this house was built, everything was non-conforming. It is all in the setback. So, the applicant could basically do nothing with the property if observing the current setback regulations without relief from the Zoning Board. Mr Carter said I have tried to do this the right way by going to the Town officials. It is not a cheap proposition to get a plot plan completed with wetlands delineated. Acting Chairman Gambaccini then asked if the architecture for the garage would be similar to the photo shown to the Commission. Mr. Carter said he will be starting with T-111, and making the garage look like the house. He said my intentions are to make it look like the house and to put some eyebrows to go over the garage. The great thing about thie bungalow it is has the full length front porch. It's a great old house with great bones. They don't build garages like the existing one on the property any more.

Acting Chairman Gambaccini mentioned that we have seen with garages that infringe on wetlands, that people sometimes use 2' of stone around the perimeter of the building for drainage

purposes. Mr. Carter stated that the bungalow has 2-3 feet of rock around it to help with the water. Mr. McMahan mentioned to the applicant that he may want to include the mitigation plan when he applies to the Zoning Board. Ms. Wachs stated that the Commission could add that to their recommendations. Mr. McMahan then asked the applicant if he planned on painting the garage to match the house and he said yes. Keeping the white buildings with green shutters.

Acting Chairman Gambaccini stated that Mr. Carter comes before the Commission with his application with a lot of experience and understanding for the mitigation factors we are looking at. He mentioned a lot of folks come to the Commission and want to enjoy a pool for example, that may infringe on wetlands when they have other land that they could use, unlike your situation. He also stated that he drives by Mr. Carter's property daily and has noticed how they are trying to improve the property. He said the lot is all non-conforming and the Town could say that there will be no expansions of any kind allowed, but he believes that the applicant, with all of his experience, will be able to help with the mitigation and treatment of the additional runoff. He then asked for a motion and said the biggest challenge may be all the steps getting through zoning.

Ms. Wachs stated that there is already a garage in place being used, as a garage. Sticklers may say you need to remove the existing garage, but it would be absurd for anyone to do that. We are really only talking about expanding something that is already there. If improvements are made to the existing garage for the runoff water that would be a good process and beneficial. Mr. Carter also mentioned that water is running off New Boston Road onto his property also.

Ms. Rombeau pointed out in one of the photos that there is a pretty sharp drop off behind the garage. Mr. Carter said yes there is, it is very steep. Ms. Wachs mentioned that she did not know what technical thing the Commission should add to the motion. Ms. Rombeau asked are we allowed to craft specific suggestions or do we ask the applicant to come back with specifics? Acting Chairman Gambaccini stated that we have done it both ways, and where this is an existing structure that is simply being added to, mitigation could be decided the Zoning Board. He then stated that he envisions a stone skirt around the building. Ms. Wachs mentioned that a catch basin was mentioned earlier. Mr. Carter mentioned that at his place in Salem, he dug out 2-3 feet and put in a perforated pipe, then put stone on top of that. The stone and pipe allowed the water to run down, and it was treated. Acting Chairman Gambaccini said the way the garage layout is, Mr. Carter would have access to all sides. Mr. Carter mentioned that there was once an above ground pool to the side of the building.

Acting Chairman Gambaccini then stated to answer Ms. Wach's question, I would think a motion that would include recommendations such as water mitigation, as described, to treat and stop some erosion could be included. Ms. Rombeau asked if the current structure has any runoff mitigation and the applicant answered it does not. She then stated that the added mitigation to

the existing building and addition would be an improvement to the existing situation. Ms. Wachs said she agreed with that.

MOTION: Mr. McMahan made a motion that the Conservation Commission recommend to the Zoning Board approval of the variance request by William Carter, considering that it is a non-conforming property and there is special mitigation based on when the home and garage were built and that a stone skirt with a perimeter drain or similar should be able to mitigate the water runoff. Ms. Rombeau seconded.

In discussion, Acting Chairman Gambaccini stated that he liked that the motion included the language that the applicant has a non-conforming lot. At this time Mr. Carter explained to the Commission how he would install the perimeter drain and stone.

All in favor – Motion carried.

At this time the Mr. Carter re-joined the Commission as an alternate member.

Ms. Elmer updated the Commission at this time on the remaining agenda items. She stated that the Chairwoman is not here for her update so it will be given at the next meeting. Updates will also be given at the next meeting for the Pulpit Rock Trail Grant, Trail Mapping Project and Greenfield Farms Boundary Marking project, all of which are being worked on.

It was mentioned that the next meeting of the Conservation Commission will be January 22, 2019 and then there will be a Commission Workshop scheduled for Tuesday January 29, 2019 at the Library. Ms. Elmer then stated that the Commission does not need to go into non-public session this evening.

MOTION: Acting Chairman Gambaccini asked for a motion to adjourn. Mr. McMahan seconded. All in favor – motion carried.

The meeting adjourned at 8:40pm.

Respectfully submitted,
Christine Szostak