

Town of Bedford Conservation Commission Minutes

December 22, 2020

A meeting of the Bedford Conservation Commission was held on Tuesday, December 22, 2020 via the Zoom meeting platform.

Present: Maggie Wachs, (Chair), Stephanie Jones, Patricia Grogan, Dave Chiappetta, Karin Elmer (Planner I) and Rebecca Hebert (Planning Director) and Karin Elmer, Planner I. Bill Carter joined the meeting late.

Absent: Gregory Schain, Bob McPherson, Beth Evarts, Denise Ricciardi, (Town Council Alternate)

7:00 PM Call to Order

Ms. Wachs called the Bedford Conservation Commission meeting to order at 7:00 PM. Members of the Commission introduced themselves via roll call and all indicated they were alone in the room during this online meeting.

Ms. Wachs: Welcome to the Bedford Conservation Commission meeting on December 22nd, 2020. Looks like on the commission tonight we have Patricia Grogan, Stephanie Jones, myself, Maggie Wachs and for the purpose of the voting tonight, I'd like to appoint David Chiappetta as a full voting member. Would that work, Becky?

Ms. Hebert: Yes.

Ms. Wachs: All right.

Ms. Elmer: Just to interrupt, Steve Clough said he was going to be here, but he might be a few minutes late.

Ms. Wachs: Okay, great. Do we need to ask him to introduce himself when he arrives?

Ms. Elmer: When we start asking questions we can sneak him in.

Ms. Wachs: Okay, great. I would like at this time everyone to introduce themselves. Let us know if there is anyone with you at this time. I'll begin. I am Maggie Wachs the chair and I am alone at the moment. Thank you. Let's see. Patricia, do you like to go next?

Ms. Grogan: Patricia Grogan and I'm alone.

Ms. Hebert: Becky Hebert, Planning Director and I'm alone here.

Ms. Jones: Stephanie Jones. I'm also home and alone.

File name: 10051-1 Con Com 12-22-20 (02).3gp

Ms. Elmer: Karin Elmer. I am home and alone.

Mr. Chiappetta: I'm David Chiappetta. I am alone in my office.

Mr. Greer: David Greer, Wire Belt Company, alone in my house.

Ms. Elmer: That's okay. We don't need to go through the applicants right now, just the members.

Mr. Greer: Excellent.

Ms. Wachs: All right. Do we need to save the record who is absent this evening?

[00:02:51] Karin: I think some people I know who are supposed to be coming. They might just be running late. We can wait till we moved down a little further on the agenda if you want, see if they log on.

Ms. Wachs: Sure, that works. I think Karin, if you'd like to read that statement concerning the Zoom meeting format.

Ms. Elmer: Due to the coronavirus crisis and in accordance with Governor Sununu's emergency order number 12 pursuant to executive order 2020-04, the Conservation Commission is authorized to meet electronically. This meeting is being conducted using the Zoom platform. All members of the board have the ability to communicate with each other during the meeting and the public has access to listen and participate by dialing 929-205-6099 and entering the meeting ID number 979-5564-1204 with the meeting password being 688058.

Instructions regarding remote access to the meeting have been published in advance and are available on the Conservation Commission agenda which is posted on the town website. There is no physical location for the meeting which is permissible pursuant to governor's emergency order. Town of Bedford is providing public access to the Zoom meeting by telephone. Members of the public may email staff at planning@bedfordnh.org to ask questions during the meeting or notify us of technological issues.

If you have joined the meeting using Zoom, you may also ask questions when the chair opens the hearing for public comment through your phone connection. All votes will be taken by roll call vote. If there are technological issues during the meeting, the chair will recess the meeting and we will try to correct the problem. If the issue continues, the applications will be postponed and the meeting will be adjourned.

Ms. Wachs: Karin, can you review the agenda for tonight?

Ms. Elmer: On tonight's agenda, we have the approval of the minutes from November 24th, 2020. We have two Dredge and Fill applications this evening. The first one is Wire Belt Company of America, a Dredge & Fill permit and variance application to fill approximately 3,814 square feet of wetland for the construction of a 125,000 square foot manufacturing facility at 308 South River Road, Lot 24-98-19.

We also have Harvey Construction this evening for a Dredge and Fill permit review to fill 500 square feet of wetland for a culvert and review a variance for construction of a 16,000 square foot warehouse within the wetland's setback on Harvey Road, Lot 35-98-30. There is no new business or old business.

Under other business, we will review a proposed amendment to the charter relative to the land use change tax funds to the conservation commission and I will provide an update on previously reviewed permits and ZBA actions, and then the commission will probably be going into the non-public session.

APPROVAL OF MINUTES:

Ms. Wachs: I'd like to ask for a motion to approve the minutes of the November 24th Conservation Commission meeting.

MOTION: Motion by Ms. Jones to approved the November 24, 2020 Conservation Commission minutes.

Ms. Wachs: I probably should have asked first, does anyone have any comments or questions on those before we approve them?

Ms. Jones: Nope.

Ms. Wachs: Okay, great. Thank you, Stephanie. Anyone second?

Ms. Grogan seconded.

Ms. Wachs: Thanks, Patricia. I'll take a roll call vote. Aye, for myself.

Ms. Grogan: Aye.

Mr. Chiappetta.: Aye.

Ms. Jones: Aye.

ALL IN FAVOR. MOTION PASSES.

DREDGE & FILL APPLICATIONS:

Ms. Wachs: We have two dredge and fill permits to review. First on the agenda is the Wire Belt Company of America. The application is to fill approximately 3,814 square feet of wetland for the construction of 125,000 square foot manufacturing facility at 308 South River Road, Lot 24-98-19. The applicant, if you could introduce yourself and make your presentation, please.

1. Wire Belt Company of America – Review of a Dredge and Fill permit and a variance application to fill approximately 3,814 sq. ft. of wetland for the construction of a 125,000 sq. ft. manufacturing facility at 308 S. River Rd., Lot 24-98-19.

Mr. Lopez: Yes, good evening. My name is Jason Lopez from Keach-Nordstrom Associates and now with me tonight is the applicant, David Greer. He is a member of

BFB Real Estate Holdings, LLC. They'll be the future landowner. Also, he is the president of Wire Belt Company of America. Also with me tonight is Tom Sullivan, Sullivan Construction. He will be the general contractor of the building.

As you stated, the property is 308 South River Road. That's right across the street from Moore's crossing. Moore's crossing is the road that goes down to the Bedford Heritage trails. It is an existing house on the property today, rundown falling in. The adjacent property is currently a residential mortgage company. The property has a small pond out front as the water feature in it, if you guys are familiar with that area.

The lot is 27-acre lot and it is bordered by the turnpike on the backside, South River Road on the east. It's located in the performance zone. Tonight we are seeking the commission's input on a wetland application and a ZBA application for the filling of 3,814 square feet. You see right in the center we've got a wetland pocket central in the property.

We looked at a few different orientations of the building, but with the size of the building being a hundred thousand square feet to be built now. We've got an additional 25,000 square feet to be permitted and approved now, but built in the future. The plan is for Wire Belt to operate out of 75,000 square feet and have tenant space of 25,000 square feet.

Then in the future, as they expand, they can expand into 25,000 square feet and have additional tenant space. A little information on Wire Belt currently, they are in the airport district over in Londonderry, they've outgrown their facility and have been looking for a new lot. We took a look at a couple of lots in Londonderry and we took a look at this lot and this meets their need for future expansion.

And this lot also provides them with the ability of maybe subdividing a small parcel off the front just right along South River Road. A couple acres of land we could break off in the future for another use. We'll set this manufacturing facility out back, so they liked the opportunity on this property. They've decided to move from Londonderry, and will be here into Bedford.

One of the big points on this project is they're going for LEED certification and net zero energy. With that, it comes with an open space area running along the turnpike and the southerly portion of the property that makes up about 30% of the property.

They are looking under the LEED program to put that into some conservation easement protected land. They're also looking at doing green infrastructure on the drainage design on the south side of the proposed building, south side of the drive going around the building. We've got a large gravel wetland complex that we're going to be building to handle most of the storm water.

There'll also be a small subsurface detention and infiltration system under the parking area. Then out along South River Road, we're going to have a detention pond with the treatment swale, that's going to outlet towards the existing driveway on the abutting property. There will also be six parking spaces for electric vehicles, and a walking trail around the property.

We're looking at a trail or sidewalk to go from the building out to South River Road. Part of the LEED program will be providing spaces for bicycles and bike racks. This will allow the people working at the building to get down over to Moore's Crossing and be able to utilize the Bedford Heritage Trail System. They are looking to place about 70,000 square feet of solar array on the roof of this building.

We've got extensive landscaping that's going to be placed around all the pavement and in hard surfaces to address solar heat gain. That will also help with the temperature of some water runoff, help minimize that problem. Starting on this, we got a wetland consultant to go out there, walk through the property, flag the wetlands. We've had the geo-technical engineer out on the property to look at the soils. We also hired a wildlife biologist to walk the property, and they took a look at the wildlife habitat in the wetland area, then took a look at the property for threatened, endangered, special concern wildlife species. With that, we've worked into the plan, special consideration for the noted turtles, not on the property, but known to be in the area.

They've given us recommendations to work into the plan that involve spotted turtles, hognose snake, ribbon snake, and they also expressed that we limit the time that we remove the existing house for the protection of bats. Bats maybe using the existing barn in roost during critical times of their life. That's a quick overview of what we've got going on out here.

Another big aspect is to the east of the parking lot. They're going to be doing a geothermal well field there for heating and cooling and so forth. It's about a 50 to 53 geothermal wells, they'll be placing on this property. This is quite a unique project for Bedford where it is LEED and they're striving to hit that LEED platinum level and also the net zero energy. There's a lot of benefits to the environment for this project.

Unfortunately, in the layout of the property, it's necessary that we impact a pocket of this wetland. That pocket again is 3,814 square feet, although we're not replicating exactly the same wetland, we have incorporated the gravel wetlands to provide some additional habitat space, got a landscape architect that has reviewed that and specific plantings for that area.

With that, if you've got any questions, I will be happy to answer them.

Ms. Grogan: My question is that little gray area that's on top of the white here, is that the wetland?

Mr. Lopez: Yes, that is the wetland area to be filled.

Ms. Grogan: Okay, thank you.

Ms. Wachs: I had a question for you too, Jason, thanks for going over this. In our notes, there is a Dredge and Fill permit and that would be for the spaces covered by the warehouse area. The white square that the Dredge and Fill would be for that specific wetland piece. There's a variance request going to zoning as well?

Mr. Lopez: Yes, that deadline is Monday and we are currently working on that.

Ms. Wachs: What parts of the plan does that impact?

Mr. Lopez: The only impact is that area we're filling, we have no setback encroachments, no other filling permanent or temporary.

Ms. Wachs: Thank you.

Ms. Jones: I was going to ask about the vegetation in the gravel wetland area that you're creating. You said it's not necessarily going to replicate exactly what might be filled in. You said that you have the landscape architect going to address that vegetation. That helps me consider what you are putting into this, because you can't make it exactly, but at least you're taking the time and the effort to try to replicate or at least do as much as you can, considering how much square footage is getting filled in.

Mr. Lopez: Yes, we had this five systems or areas of wetlands on this property and we had the wetland consultant do a function and values report on each area. The area we're filling is forested wetlands. By function of creating this gravel wetland, the area is not going to be forested and all the wetlands on the site are forested wetlands.

What we'll have here is more wildflowers, scrub shrub type vegetation mix, which should will actually introduce a kind of a new habitat to that one.

Ms. Jones: Thank you.

Mr. Chiappetta: I just want to say that I think you guys have done a really nice job at providing a level of sustainability to the area. Obviously, you're looking to dredge and fill part of a wetland, but you certainly have been really thoughtful and mindful about how you can take this property and not only make it what you want it to be for the purposes of the business, but how you can create factors of sustainability.

I really commend you guys for that. I think that you've really done your due diligence bringing in the wetland consultant, the landscape architect, as we just pointed out, Stephanie talks about. I think really, for me, you guys have done your homework significantly well. Thank you.

Ms. Elmer: Bill Carter just joined the meeting.

Ms. Wachs: Hi, Bill, can you just introduce yourself quickly and let us know if you are with anyone?

Mr. Carter: Oh, thank you, Madam Chairman. Bill Carter, Town Council, I am in the room by myself. Thank you.

Ms. Wachs: Great. At this time, are there any other questions or topics of discussion on the Dredge and fill permit and variance request for the Wire Belt?

Mr. Carter: Oh, sorry. I've been having some connectivity problems. I've been listening on the TV now. I finally got my connection working.

Ms. Wachs: Oh, excellent. Good. Sure.

Mr. Carter: From what I can understand and I'm looking at the plans, my only concern is looking at where the tree line is and where the back of the facility runs closer to a wetland. Is there a possibility to maybe put some berms? Because I believe that's where the loading docks are, it's out in the back of the building, if I'm not mistaken.

Mr. Lopez: Correct. Yes, there's loading docks out back, four-foot loading height. What we've done is we've designed that pavement to pitch back into the green area directly behind the building, so the stormwater runoff is not directed into the wetlands.

Mr. Carter: I do see one area and on the upper part that draws closer to the tree line. At least on that part, I was more concerned where some of the flow will go in there quicker because that is the closest area of wetland.

Mr. Lopez: Do you mean the point of the point of wetlands up by the few parking spaces out in the back?

Mr. Carter: What's actually closer to that back loading dock area is that little triangle?

Mr. Lopez: Oh, okay, yes. Again, all that pavement, what we've done is we've taken - instead of typically on a 24-foot roadway, you would have a crown. In the center would be high, and then it would slope to both sides. What we've done here is we've taken away that crown and we've made that whole road going around the facility, 2% sloping in towards the building. Then we pick up the drainage on the interior green space and direct that down to the gravel wetlands.

We're limited on grade out there, this is a real flat site. Flat site, high water table, fighting a number of things, and then just the length and width of the full facility. Instead of building a lot of berms, we've gone and we've designed all that pavement to slope inward, so we can catch it, manage it, treat it, and provide some infiltration.

Mr. Carter: Thank you. On the lower part of the plan, where your parking is, where the proposed new addition when it's added on, on that corner there, is that curving or is that some kind of a fencing area that is shown on the plan? If you look at the bottom of where the proposed extra 25,000 feet could be later, look to the right, there's a parking area, and then that curve right there, it shows that it's highlighted, then I'm thinking according to your thing, it says curving, if I'm not mistaken?

Mr. Lopez: We've got no curving on the site. We've got a guardrail on that edge of the parking and then we've got raised concrete sidewalk along the front of the addition.

Mr. Carter: Okay, I just see a darker line on your mapping here. Is that a guardrail, is that what you're saying on that bottom right hand corner?

Ms. Elmer: I think it's there to protect the geothermal wellfield. It's just a guardrail, so people can't drive off into the wellfield.

File name: 10051-1 Con Com 12-22-20 (02).3gp

Mr. Carter: Okay. I know Bob's not here to ask this question, but where is the snow removal going to be?

Mr. Lopez: We have a more detailed site plan that we've already submitted into the Planning Board. We're working with a landscape architect. It's going to be around the landscaping, around the side perimeter of the property. We've got some interior areas. Going along the roadway coming in, there's also an area of clearing to be used for snow storage also.

Mr. Carter: Excellent. The last thing, I just want to thank Wire Belt Company for considering Bedford for this new location. That's all the questions I have. Thank you.

Mr. Lopez: Thank you.

Ms. Wachs: Thank you again, Jason, for that presentation. I appreciate it. Do we have any more comments, questions from anyone in the meeting? Anyone in the public? Just one more time since Bill brought up some good points. I will take that as a no. Do I have a motion to recommend approval of the dredge and fill permit and variance requests? Now I do need to do these separately, correct, Karin?

Ms. Elmer: Yes.

Ms. Wachs: Okay.

Ms. Hebert: You should do them separately and just also ask if anyone who joins in this call would like to speak on the decision.

Ms. Wachs: Oh, okay. I'll do that first. The first question is, is there anyone who's joined, would you like to speak about this, the Dredge and Fill part of the application? No? Okay, would anyone like to make a motion or I can. Stephanie?

MOTION: Ms. Jones made a motion to recommend the Dredge and Fill application for the Wire Belt Company as proposed.

Mr. Carter seconded.

? Oh, you're muted.

Ms. Grogan: Yes.

Ms. Jones: Yes.

Mr. Carter: Yes.

Mr. Chiappetta: Yes.

Ms. Wachs: Okay, that's a yes. Thank you.

Ms. Wachs: Good. You came back just in time.

Mr. Chiappetta: Yes.

ALL IN FAVOR. MOTION PASSES.

**MOTION: Ms. Wachs made a motion to recommend approval of the variance for the Bedford Zoning Board.
Mr. Carter seconded.**

Ms. Wachs: Let's take a vote. Yes for me.

Ms. Grogan: Yes.

Ms. Jones: Yes.

Mr. Chiappetta: Yes.

Mr. Carter: It's all official, yes.
ALL IN FAVOR. MOTION PASSES.

Mr. Lopez: Excellent. Thank you very much for your time.

Ms. Wachs: Yes. Thank you and thank you for your presentation. You are all free to go, unless you want to stick around as members of the public to listen to the rest of the meeting, but thank you.

- 2. Harvey Construction – Review a Dredge & Fill permit to fill 500 sq. ft. of wetland for a culvert and review a variance for construction of a 16,000 sq. ft. warehouse within the wetland setback on Harvey Road, Lot 35-98-30.**

Ms. Wachs: Could the representatives of Harvey Construction introduce yourselves please and feel free to start your presentation?

Mr. Golon: Thank you very much. Let me start and I'll introduce the rest of my team. My name is Nick Golon. I'm a licensed engineer and principal with TF Moran. Pretty much everybody else on the line who is muted is our group, Bill Stevens, as well as Andrew Martino from Harvey Construction Corp. Our architects from Stone River Architects, Tony Nazaka, as well as Scott Delorme and Chris Chiaramonte who is one of our design engineers who's listening in tonight. Maggie, is it possible for me to share the screen to go through the presentation tonight?

Mr. Golon: May I have the existing conditions plan that we had submitted as part of our application?

Mr. Golon: While that's coming up, I'll get us started. Relative to the application that is before you, this is tax map 35, lot 98-30. It's comprised of approximately 3.3 acres and located in the PZ zone. The lot itself is a corner lot and has a fair amount of wetlands on it. For any longer tenured members of the Conservation Commission, this is a project site that has previously been before you.

It received approvals in 2003, as well as for 2004 and 2007. As I was mentioning, this is a corner lot on Harvey Road. You can see the various elements. The dashed line represents the area of wetlands. Relative to the limits of the property, again, it's approximately 3.3 acres.

There is a fairly large, forested wetland located on the property, which I'm outlining, which wraps around the southerly portion of Harvey Road, downstream of this area is a larger pond, which then discharges ultimately to Stevens Brook. Relative to the wetlands that are on site, this is primarily a forested wetland, with really the exception being an existing drainage ditch that is located along Harvey Road.

This area is of importance, as that is the area of wetland that which will be impacting. Let's see if we can go to our impact plan. Here's our facility as proposed. This is a 16,000 square foot warehouse building for Harvey Construction. We have strategically located multiple access points. One for oversized vehicles that would provide deliveries to a proposed loading dock.

Within these striped areas, these would be roll-up doors, again, providing access or more utility-sized vehicles and pickup trucks. Along the southerly portion of the building, you'll see there are a few more doors, in this case, this provides access for larger oversized vehicles to back into those spaces and then pull out. It also provides the opportunity for emergency access vehicles to enter into the property, achieve the appropriate turning radius, and then exit.

Along the western side of the property, you see our second driveway. This driveway is for the purpose of employee as well as visitor parking. We have 13 parking spaces located here. Again, from the standpoint of how we've located these driveways, it's to achieve the appropriate sightlines. Again, being a corner lot, sightlines are a bit more problematic, so siting of those driveways becomes very important.

This provides appropriate sightline on Harvey Road in both directions, as well as the location here, again, providing that sightline in both directions. Relative to the applications that are before you for consideration, we do have a wetland Dredge and Fill permit. That impact is located along this proposed driveway. That would have an impact of approximately 500 square feet. Again, this is an existing drainage ditch that's associated with Harvey Road.

What we've tried to do with this plan is minimize any of our wetland impacts at somewhat of a sacrifice of the wetland setback criteria, which leads us to our next portion of the application that you're reviewing, which is for a reduction in the 50-foot setback. You can see this area of hatch is the portion of our 16,000 square foot building that would be located within that setback.

We're proposing a setback just under 10 feet and its 9.7, in order to minimize potential impacts to this wetland. What we've done relative to the siting of the building, although this building is in close proximity to this wetland, areas that we have improved on is making sure we aren't impacting any of the larger wetland that is located to the east of the property.

I had mentioned that applications have come before the board and the town previously. Those previous applications did propose filling this wetland. When we looked at this plan in comparison to plans that were previously provided, we were able to significantly reduce the area of wetland impact on the site, but it is at the expense of the building setback.

Relative to some of the other features, we talked about the site access and the parking, the building itself, and the loading dock. Another important criteria or component of the project to speak to is the stormwater management. Knowing that we are going to have an impact here to this wetland, there will be a culvert crossing to maintain the connectivity of this existing wetland to the larger wetland that's located east.

Although, we have a very small impact here, it's not significantly impacting the functionality of those wetlands.

Elements of the stormwater management that are important relative to recharge of groundwater, it is a difficult site when we look at the type of soils we have out there. It's essentially a medium sand that is overlain by sandy loam.

Areas of the wetland are more of a fine sandy loam, so that's preventing the opportunity for that recharge. What we've done is provided small pocket areas of stormwater management, rain gardens or bio retention areas is another terminology that you'll hear. We've provided a detail of what those look like. If you're not familiar with what a rain garden is, it's essentially allowing Mother Nature to manage our stormwater forests, provides an appropriate filtration practice so stormwater can filter through that soil. Plantings are provided within that bio-retention area, which also provides a biological uptake, which provides another benefit. We've been very systematic as to how we've cited these stormwater elements. You'll notice that we do have this existing wetland here. One of those functions is obviously groundwater recharge. What we've been able to do is provide a rain garden just to the south of it, as well as another one to the east of it, to provide the opportunity to recharge the stormwater from the impervious surfaces that are proposed.

We would have a gutter system on this pitched roof, which does pitch to the east, towards our loading dockside that would ultimately discharge to our rain garden where it would have the opportunity to recharge. Other areas of impervious which are located either on the east side or the west side would flow via the overland flow, so it's not a closed drainage system, it's an open drainage system. It would discharge through curb breaks into sediment fore bays. Those sediment fore bays provide the opportunity to settle out some of your larger coarse sediments before stormwater carries on into the infiltrator practice, which is the rain garden itself.

A couple other features that we think are important, you'll notice this heavyset line located along the eastern perimeter of the site. This is a retaining wall that's proposed at a height of approximately four and a half to five feet. That provides us the opportunity such that we do not need to impact this existing wetland finger and again, this wetland finger being something that was proposed to be impacted by a prior design.

Relative again to that stormwater, we are using rain gardens because of the seasonal depths to groundwater are rather shallow on this site. We're looking at the neighborhood of two to three and a half feet. This is a great low impact criteria best management practice that works very well with sites that either have high groundwater soils that aren't excessively draining or areas where you could have impacts to let. We thought this was a good fit for this site. If I can, I'll try and be

relatively short and sweet with the presentation and open it up to any questions there may be.

Mr. Carter: In reviewing this plan, I'm looking at where you're planning to put your dumpster that's within the 50-foot setback. Is there a way we can move that outside of the wetland setback?

Mr. Golon: It is something that we're evaluating. It really has to do with the final door locations associated with the warehouse building but relative to that question that is something when we were looking at the potential to relocate.

Mr. Carter: Good. Moving it up towards the corner will move it outside of the 50-foot setback.

Mr. Golon: I would agree. Just for everyone's information, this is the proposed dumpster enclosure as currently constituted. The problem is we do have setback issues along this side of the site so it wouldn't be able to be located beyond the pavement. We are exploring the opportunity as to whether or not it could be located in this vicinity. A lot of it really has to do with turning radiuses and the intent of the applicant on how they would use that area of the site. If it is a possibility, we would have that opportunity.

Mr. Carter: Also, I see the wall at four feet will be four feet at pavement? Or that can be on a down gradient of four feet up?

Mr. Golon: That'd be at the down gradient section, so you would have a higher elevation on this side. This would be the lower elevation, where at its max height as currently proposed, it is four and a half feet.

Mr. Carter: Okay. Would it be possible to extend that wall so the whole area of the 50 foot that you're impacting that that covers that whole 50-foot setback?

Mr. Golon: I'm assuming the intent with that was so that stormwater doesn't drain towards that wetland. Or what was that the concern?

Mr. Carter: Well, there is the concern because even though you might be covering that finger that's coming up, there is opportunity for it to come around. Again, this is not to scale, but I see an opportunity to either that. I'm also concerned about wintertime of snow removal if that wall's tall enough to deter. Or should we have some signage on that wall not to be taking a backhoe and putting snow over the wall to eliminate snow from there?

Mr. Golon: Let me help explain just a little bit in that. The retained area is on this side. This is the area that's lower, that is the wetland. Relative to this wall, this is the high side, this is the low side. There will be a big curve that runs in front of this wall along the entire limits of this area, such that stormwater will be redirected to this far corner where it enters into a rain garden and will receive pretreatment via fore bay. Relative to sufficient stormwater runoff, none of this area would drain into this wetland. I can state that at the back of this retaining wall will be a guardrail that would certainly limit the potential to be dumped over the edge so that actually provides that nice ancillary feature.

File name: 10051-1 Con Com 12-22-20 (02).3gp

Mr. Carter: You just answered the question right there that you're adding up. I would also suggest that there's some signage that says that this is an environmental area that any kind of dumping or discarding should not be put in that area there. The only other thing I have of your impact area of that 9.7 feet, are we doing something at that corner to make sure that any water coming off the facility is heading towards either the left or the right? Which, it looks like you have wetland setbacks in a rain garden.

Mr. Golon: Great question. What you see in circles of this wetland area is silt sock. When we think about the construction time period, making sure that you don't have construction-related stormwater runoff draining towards that area, the silt sock would be there to maintain and provide that best management practice. Also, from a grading standpoint, what we have done is this will actually be a raised foundation wall.

It allows us to limit the amount of grading that is directly adjacent to that wetland and also redirect it to the rain gardens that are located on either side, such that really the only area that will drain directly to this wetland, it's what falls out of the sky, immediately surrounding it by about four feet. There'll be a raised berm around that, for the purposes of providing access around the rain gardens. All of our other stormwater would be redirected around those areas so that way, there wouldn't be the possibility for construction-related stormwater runoff to be inadvertently directed towards that wetland.

From a post-construction standpoint, this is a pitched roof that drains towards our loading dockside where it'll be captured in a gutter and ultimately discharged to our rain garden. Again, no portion of our roof runoff would be directed towards that wetland as well.

Mr. Carter: Those are the questions I have. I still have the concern about the dumpster, I'd rather not see that in the setback. I know you have restraints on this property to have an actual dumpster that could have some issues with anything that's thrown in there. Other than that, thank you for your answers. Thank you for building further in the town of Bedford.

Mr. Chiappetta: I think the only thing was the dumpster and Bill has covered that. Nick, thank you for your thorough presentation on the site plan. Obviously, you have been very thoughtful and mindful about how it'll affect the land and we appreciate that, so thank you.

Mr. Golon: A pleasure.

Ms. Wachs: Do we have any comments or questions from the public?

Ms. Hebert: Planning staff did not received any email comments.

Ms. Wachs: In that case, would anyone like to make a motion?

MOTION: Mr. Carter made a motion that we recommend to the state the Dredge and Fill of 500 square feet for a driveway culvert as part of Harvey Road, Lot 35-98-30.

Ms. Jones seconded.

Ms. Jones: Yes, for me.

Ms. Grogan: Yes

Ms. Wachs: yes

Mr. Chiappetta: Yes.

Mr. Carter: Yes.

ALL IN FAVOR. MOTION PASSES.

Ms. Wachs: Okay. That covers the Dredge and Fill permit. Do we have a motion on the wetland setback variance? Bill?

MOTION: Mr. Carter made a motion that we recommend approval to the ZBA for the variance application for a 16,000 square foot warehouse of which a portion is located within the wetland setback at that Harvey Road, lot 35-90-30 location.

Ms. Jones seconded.

Ms. Grogan: Yes.

Ms. Jones: Yes.

Mr. Chiappetta: Yes.

Ms. Wachs: Yes

Mr. Carter: Yes.

ALL IN FAVOR. MOTION PASSES.

Ms. Wachs: Okay. On both of those permits. Thank you, Nick, very much for your presentation. I appreciate it. As others have said, I appreciate the effort you guys are putting into place to make sure that mitigation is there for the wetland. You are free to go, if you'd like, or if you want to stick around.

New Business: None.

Old Business: None.

Other Business:

Ms. Wachs Moving right along, let's see what's next. We don't have any new or old business, but we do need to discuss the land-use change taxes. If Becky or Karin, you could provide any background on that?

Review of a proposed amendment to the Town Charter relative to the dispersal of Land Use Change Taxes (LUCT) to the Conservation Commission.

File name: 10051-1 Con Com 12-22-20 (02).3gp

Mr. Carter: Yes, I'll speak to it because obviously, it's something that was brought up as part of the Town Council meetings. It's been a talk since I got onto the Town Council about the opportunity to purchase land in the town of Bedford. As we look at possibilities and if you watched any of the Town Council, the Chairman is very interested in trying to find ways of purchasing more open space. Since 2000, 70% of the land-use change tax, or current use penalty has gone to the conservation land fund.

Basically, when a piece of property comes out of current use, the Conservation Commission would get 70% of that tax and the town would get 30%. Back in 2000, when the town was 12,000 people or thereabouts and there was a lot of land about, basically, they decided, "We need something to go into the general funds." Now, the town is pretty much well built out, 95%, that land use tax is coming out, it's a lot less. I know it's going to be a very good year for the Conservation Commission because there was a lot of money put into there. It was about 60 something thousand dollars going to go into the general fund.

What was decided, and we discussed it during our workshop, was to say, "Let's put it on the ballot and see if we can just have 100% of all the land-use tax going into the conservation fund to allow us to have more opportunity to purchase property if we need to in town." That was what was brought up and worded. It was approved by the Town Council to put on the ballot, and now it's in front of the conservation commission for us to review in it.

Becky and Karin did send you a list of what the surrounding towns in the state do, and some are from 0% to 100%. I think this is a good time. It's not going to gain us a lot of money, but it's going to give us a little bit more money to possibly purchase property.

Ms. Wachs: Do we know how much property right now is in current use?

Ms. Elmer: I do not.

Mr. Carter: I think it's something like 95% of the town is used up.

Ms. Wachs: It's okay. I'm just trying to wrap my head around the concept of it.

Ms. Hebert: 2% would be my rough guess, 1% to 2% probably left in current use. The penalty tax is 10% of the fair market value at the time the property was taken out of use. When land is developed, that's how that penalty tax is calculated and a bill gets sent out by the assessing department. You have a good amount of funds in your Conservation Trust Fund. Bill, do you know the amount projected for this year's budget? Is it 1.1 million?

Mr. Carter: Last time I saw it, it was in that 1.1 million range because I think we were getting in probably a little bit over 300,000 into our 800,000 plus that we have in the account now. I believe the town side of it was going to be at 62,000 this year. Back in 2000, when the acre of land in town was not as big as it is now it gave us some money to do certain things.

Ms. Hebert: The money can be used for land management, trail improvements, and land purchases and any study that you find might be necessary and stewardship plans.

Ms. Elmer: Easement monitoring, all those kinds of things can come out of that. It's not just to buy land.

Mr. Carter: You would think \$1 million was a lot of money, but in today's money, it's not really a lot of money.

Ms. Hebert: It's a decreasing resource because we're nearly built out. It's a trend to increase that land-use change tax to try and help the Conservation Fund as much as possible.

Ms. Elmer: With the increased usage this year of, all the trails in town, I think it's a very good time for that because so many people were working from home during COVID, that our trails have been mobbed. If we can find some properties that we have a willing seller and a willing buyer because it takes two, maybe we can develop some more trail areas for the town.

Mr. Carter: It's the time to do it. It was unanimous for the board that it has to go up in front of them rather than from the town of Bedford, but the dollars back then, there was a lot of land that was available that came out of current use and houses were built, and we'd profit from that. Now as we get towards the end of that, it still helps us profit, but it helps us go a little bit further down the road.

Ms. Hebert: Oh, I was going to ask Bill if you needed a motion or wanted a formal recommendation from the Commission.

Mr. Carter: I think they asked me last week at the Town Council meeting. We already voted to put it and move it to the town ballot. Basically, someone said, "Have you brought in front of Conservation? Conservation meets after the Town Council." I said, "It's coming up in front of us." Yes, I don't think we need a motion. I would think that everybody is in support of it. If they're not, please let me know and I'll bring your concerns to the town council.

Ms. Wachs: No, I think this is a great idea. Thank you. I guess my only question is, since we are running out of space very quickly, and there's not much left, what would be a future source of income for the Conservation fund? That's not really a question we can answer right now, it's more like, "Okay." It's a follow up on to what this means.

Mr. Carter: It gives us the ability to do something if there was a major piece that we could have both ends of the teeter-totter ready to go, to sell and allow us to buy it. As we've talked about, there's a few lots in town that it would take that kind of money to possibly purchase. It's a good thing to have and it gives us a little bit of options so that we have that down the road.

Ms. Elmer: I'll make the statement if there's anyone out there with a very large piece of land and you would be willing to talk to the town about ways to protect it, it doesn't necessarily mean you would have to sell your property to the town. There are lots of

mechanisms available. We could purchase conservation easements. We can work with you through your attorneys in your estate planning. There are ways sometimes to donate a portion of the land to get your tax benefits without having to sell it for the full price to the town because sometimes they can have a negative effect on your finances with all the taxes you end up having to pay.

It's just a conversation. Just calling us doesn't mean you have to follow through with it but if there is anyone out there I would encourage you to contact either Becky or myself. We also have partners if you do not want to sell your property to the town in any way, shape, or form. There are land trusts that we can put you in contact with, and we work with those land trusts. In case they don't have enough money to purchase something, we can work with the land trust to purchase the property from you and the town really wouldn't be involved at all.

There's so many different alternatives. If anybody is even just thinking about it please give us a call and we can find you some other resources to do some in-depth planning. Thank you.

Mr. Carter: I couldn't have said it any better.

Ms. Wachs: Thank you, Karin. This is going to go on the next ballot in March?

Mr. Carter: Yes, it will be on our town ballot in March.

Ms. Wachs: Good.

Mr. Carter: I will pass to the Town Council that it's something that we will definitely be behind and approve of that.

Ms. Wachs: Are there any limitations on how much we can advertise our support for something like this?

Mr. Carter: You can always drop an email to any member of the Town Council and let them know.

Ms. Wachs: I'm thinking publicly too.

Ms. Elmer: Oh, go ahead, put it on your Facebook pages. Just get it out there.

Ms. Wachs: I know that our elections in March tend to be a much lower turnout and so publicizing what's going to be on the ballot ahead of time always helps.

Ms. Hebert: Maggie, when we get the samples from the ballot, we'll share it with you, and you can perhaps share on Facebook and say, "Vote 'yes' on charter amendment number two," or whatever the amendment is.

Ms. Wachs: Yes, that would be great.

Ms. Hebert: Yes. Good point.

Mr. Carter: I believe few people know about the Conservation fund and what goes on with all that stuff so the more we publicize it the better we are.

Ms. Wachs: Absolutely. There seems to be a lot more interest in the last few years on preserving whatever green spaces we have, so hopefully, we can turn that into votes for this to pass.

Mr. Carter: Excellent.

Ms. Wachs: Thank you, Bill. Do we have any previously reviewed ZBA permits?

Ms. Elmer: The only thing we have from last month was a garage for Mr. Bresnahan over on Blanford Place. He was building it within the 50-foot setback from the wetlands and the Zoning Board did approve that application. Bill Carter was there. I don't know if Bill you want to add anything?

Mr. Carter: The only reason I was on it I was more concerned about the stone wall being close to the wetland. I suggested, and it wasn't part of their approval or anything, to move that stone wall just a little bit closer to the garage. No, the application was fine, and just wanted to make sure. That was one of the facts that I wanted to bring up was about that stone wall but other than that there was no issue with moving forward with that under ZBA.

Ms. Wachs: I'd like to ask for a motion to enter non-public session per RSA 91-A: 3, II(d) for consideration of the acquisition, sale, or lease of real or personal property which if discussed in public would likely benefit a party or parties whose interests are adverse to those of the general community.

MOTION: Ms. Jones made a motion to go into non- public session per RSA. 91-A: 3, II (d)

Ms. Grogan seconded.

Ms. Wachs: yes.

Ms. Grogan: Yes.

Ms. Jones: Yes.

Mr. Chiappetta: Yes.

Mr. Carter: Yes.

ALL IN FAVOR. MOTION PASSES.

The regular meeting adjourned at 8:07pm. The Commission went into non-public session.

Public session resumed at 8:23 pm.

Motion by Mr. Carter to seal the minutes. Second by Ms. Jones. Roll call vote:

Ms. Wachs: yes.

File name: 10051-1 Con Com 12-22-20 (02).3gp

Ms. Grogan: Yes.

Ms. Jones: Yes.

Mr. Chiappetta: Yes.

Mr. Carter: Yes.

Motion by Ms. Wachs to unseal the minutes of August 25, 2020, September 22, 2020 and November 24, 2020. Second by Mr. Chiappetta. Roll call vote:

Ms. Wachs: yes.

Ms. Grogan: Yes.

Ms. Jones: Yes.

Mr. Chiappetta: Yes.

Mr. Carter: Yes.

Minutes unsealed.

Motion by Mr. Carter to adjourn. Second by Ms. Jones. Roll call vote:

Ms. Wachs: yes.

Ms. Grogan: Yes.

Ms. Jones: Yes.

Mr. Chiappetta: Yes.

Mr. Carter: Yes.

Meeting adjourned at 8: 26pm.

Respectfully submitted,

GoTranscript
Edits: Christine Szostak

**TOWN OF BEDFORD CONSERVATION COMMISSION
NON-PUBLIC MINUTES
December 22, 2020**

A Non-Public meeting of the Bedford Conservation Commission was held on Tuesday, December 22, 2020 via the Zoom meeting platform.

Present: Maggie Wachs, (Chair), Bill Carter (Vice Chair & Town Council), Stephanie Jones, Patricia Grogan, Dave Chiappetta, Karin Elmer (Planner I) and Rebecca Hebert (Planning Director).

The Commission discussed the ongoing negotiations to purchase some new land.

Motion by Mr. Carter to return to public session 8:23 pm. Second by Ms. Jones.

Vote: All in Favor

*Respectfully submitted,
Karin Elmer, Planner I*