

Exeter Conservation Commission

Draft Minutes

Nowak Room, Exeter Town Offices
December 14, 2010

Call Meeting to Order

Chairman Robert Aldrich called the meeting to order at 7:03 p.m. in the Nowak Room of the Exeter Town Offices. Members present were Don Briseldon, Peter Richardson, Carlos Guindon, Virginia Raub, Maggie Matick, Kristen Murphy, Natural Resource Planner, and Robert Aldrich, Chairman.

Following the introduction of members, the Chairman asked for public comment. There were no comments at this time.

Action Items

1. Snowshoe Hullabaloo – Feb 5th (Sarah Silverberg, Ri Fahnestock)

Sarah Silverberg and Ri Fahnestock presented the application for a proposed snowshoe footrace in the Henderson Swasey property on February 5, 2011. The distance would be 5 kilometers (3.124 miles) and would probably attract around 50 participants. Instead of using the Department of Public Works parking lot, Ms. Silverberg explained that they would ask permission from the Northeast Lantern Company to use their parking lot located on Commerce Way. This location would allow for a much safer entranceway into the Exeter Town Forest. Prior to the event, trails will be observed for their conditions and facilities such as portable toilets will also be provided. Ms. Silverberg explained that the only thing left to complete for the permitting process is finalizing insurance. The Board discussed the trail route and the existing conditions of the trail. Robert Aldrich requested pictures of the event and stated that events such as these make great use of the Exeter Conservation Lands. Don Briseldon made a motion to approve the event pending approval of insurance, Peter Richardson seconded: Vote unanimous.

2. Birch Road Trust Baseline Report

Southeast Land Trust has prepared a baseline report documenting natural resources for the Birch Road Trust property and requested the Conservation Commission to sign off and acknowledge the document as complete. Southeast Land Trust currently has a conservation easement on the property which is owned by the Conservation Commission. The baseline report includes observations on manmade infrastructures and ongoing disturbances within the property. There are some encroachments nearby but nothing within the property lines.

The Board discussed the property and similar Conservation lands. Robert Aldrich passed the documentation prepared by Southeast Land Trust to the other members, explaining that it has already been signed and notarized by the Epping

Conservation Commission. Don Briseldon stated for disclosure that he is currently on the Board for Southeast Land Trust. The Board agreed to sign the document.

3. 46 Brentwood Road Project Update

The Conservation Commission received a letter from Jeffrey and Deborah Gallant, owners of 46 Brentwood Road offering the Conservation Commission the opportunity to purchase outright or through an easement, approximately ten acres of their land. Previously, the Gallants had submitted an application for a wetlands crossing permit and since then, have begun and stopped work on the site. Mr. Gallant has also recently withdrawn his application for a conditional use permit from the Planning Board for a garage with an attached in-law apartment. Robert Aldrich asked that the Board decide if the property would be worth looking into and if so, decide how the Board should proceed.

A discussion ensued concerning the property's location in relation to surrounding Conservation lands. Kristen Murphy explained that the property could easily connect to other properties but more research would be necessary. The majority of the Board agreed that more information would be necessary before any decision could be made. Some preliminary work includes researching the exact property location, understanding the owner's intention toward the land, and assessing the value of the property. Mr. Aldrich opened the floor to public comment.

Guy Kayton, resident at 50 Brentwood Road and direct abutter to the Gallants, stated that he would be supportive of the Conservation Commission's purchase of this property in order to protect the already damaged land. Mr. Kayton explained that he had argued against the application during the December 8, 2009 Conservation Commission Meeting along with the support of many other neighbors. The property under consideration is almost all wetlands with no buffer to it and has a stream that feeds into neighboring properties. The Gallants have started construction on the proposed driveway, clearing out as many as 40 mature trees and underbrush, built a culvert, and laid gravel. Since the construction, the stream absorption rate has dropped due to the absence of mature trees and has caused overflow problems leading to water damage in Mr. Kayton's basement. The culvert has not been properly cleared, temporary fencing has been left on the site, the gravel path doesn't allow any plants to grow in its place, and erosion has also become a problem. Mr. Kayton presented the Board with pictures of each of these conditions. After explaining that the property would be in better hands with the Conservation Commission, Mr. Kayton suggested that the Gallants consider donating the property to the Commission to receive a tax break. He also stated that both he and his neighbors would be willing to help clean up the property.

Anne Duncan, resident at 50 Brentwood Road, direct abutter to the Gallants, and wife to Guy Kayton, presented her support for this purchase as well. After providing the Board with pictures, Mrs. Duncan explained that although she cannot speak to the full ten acres of land, she can speak to the half acre abutting her property. The wetlands on this land are of an extremely delicate nature and need to be better cared for. The

stream which flows into the Little River is causing flooding due to the lack of trees on the property. Mrs. Duncan presented pictures of the land both before the construction began and after, explaining that the half acre has been largely deforested through cutting and burning. This site work began within one to two weeks after the Conservation Commission unanimously voted against the issuance of a wetlands permit during the December 2009 meeting, despite the large support of neighbors against the proposal. Since then, approximately 40 mature trees have been cut down and the wetland buffer has been seriously damaged. The land was torn up, filled and layered with gravel, and in March, two major floods occurred. The culvert installed to help aide the flow of water only causes more problems because it has not been properly cleaned. Mrs. Duncan provided the Board with pictures of each of these conditions. Mrs. Duncan also stated that although it is not the place to mention the repeated town ordinance violations for continued excavation and extensive stumping and grading of the buffer, the Town eventually issued a Cease and Desist as a result, halting all excavation during the summer. Due to this, the Gallants have withdrawn their application for a Conditional Use Permit.

After the excavation was brought to a standstill, Mrs. Duncan and Mr. Kayton offered to purchase the half acre piece of land directly abutting their property with the intention to restore the land and the sense of privacy that was lost. Mrs. Duncan stated that the Gallants would not consider anything less than \$35,000 for the buffer, far more than they were willing to spend, forcing Mrs. Duncan and Mr. Kayton to discontinue that process.

Mary Desilva, resident at 48 Brentwood Road and direct abutter to the Gallants, presented her support for the acquisition of this land. Ms. Desilva, who had purchased her property over five years ago, explained that the land had once been a very beautiful piece of untouched wetlands. Often using the land to hike and observe the wildlife with her children, Ms. Desilva has observed many changes over the past five years and stated her concern. She also expressed interest in helping to clean up the damage if the Conservation Commission is successful in acquiring the property.

Robert Aldrich asked for additional comments from the Board, stating that there is an opportunity for preservation and benefit to the Town if the Commission were to acquire this piece of land. Mr. Aldrich listed five steps that the Board will need to take to move forward:

1. Work with the Gallants to obtain a property map showing the exact property boundaries.
2. Research the surrounding context for connections to other Conservation lands.
3. Walk the property with Mr. Gallant to observe the current condition of the property and discuss what work would need to be completed.
4. Receive a property value from the assessing department.
5. Discuss with Mr. Gallant to obtain an estimate on what he would consider.

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Mr. Aldrich stated that Kristen and he would reach out to Mr. Gallant to show the Commission's interest in the property.

Follow-Up Items

1. Set Date for Visioning Session

Robert Aldrich began a discussion concerning the upcoming Visioning Session for the Conservation Commission. This topic was brought about by Pete Richardson during the Bylaws session at a previous Conservation Commission meeting. Mr. Richardson suggested the Board discuss the current priorities and future of the Commission to better serve the Town of Exeter. The Board agreed to take part in a Visioning Session, framed by a member of the New Hampshire Association of Conservation Commissions (NHACC). Mr. Aldrich suggested that the meeting be held in place of the February meeting, either during a weekend over lunch, or in the evening over dinner. Carlos Guindon stated that he may have a conflict with his work schedule. Mr. Richardson suggested that the meeting should be scheduled so every Commission member can attend. The final date will be determined based on the availability of the Commission members and the NHACC member.

2. Natural Resource Inventory RFP Review Process

Robert Aldrich explained that the Commission received two responses for the Natural Resource Inventory RFP request that were invited for interviews: Kane and Ingraham Conservation Consultants from Concord, NH and Neatline Associates and West Environmental from Deerfield, NH. Both comprehensive packets were reviewed by Carlos Guindon, Kristen Murphy, and Robert Aldrich. The interviews will be held during the following Tuesday or Wednesday morning in order to finalize payment and lock in the money before the end of the year. Mr. Aldrich requested that the Board members attend the interviews and decide between the two.

3. Identification of 2010 Encumbrances

Robert Aldrich stated that he is working with the Finance Department in regards to encumbrances for the forestry management plan. There may be a way to request a continuance for the funds to allow the project to be completed in 2011. In addition he is requesting to encumber the balance in the town funds to be put towards the current natural resource inventory project. Mr. Aldrich explained that there is a cap of \$10,000.00 for that project and any shortages will be offset with conservation funds. Kristen will ensure to input all cleared items to be added to the town account in order to move forward with this.

4. 2011 Budget Process Update

Robert Aldrich began a discussion concerning the Budget Process Update, explaining that the Board of Selectmen reviewed the Conservation Commission's

budget last night and supported a level-funded conservation budget similar to 2010. The Selectmen did not support the additional projects within the budget for Raynes Farm but did support a \$35,000.00 warrant article for the roof and silo work, not including the “No-Char” fire protection or the security system. Mr. Aldrich explained that he previously met with the alarm company at the Raynes property to obtain a quote for the alarm system. In order to save on costs, the alarm would not be a direct connection system, but rather a phone dial system which would inform the alarm company and then notify the fire department in case of a fire. If such an emergency occurred, the No-Char protection would help to protect the building from damage until the fire department would be able to arrive. The alarm system would be less expensive than the No-Char protection, which was quoted at \$7,000. Mr. Aldrich explained that once closer to the end of the budget cycle, he will approach the Board of Selectman to reconsider accepting the fire protection and/or security system. On January 10, the Board of Selectman will review all warrant articles, both recommended and not.

5. Raynes Project Update

Kristen Murphy stated that the repairs to the Raynes Farm roof have been completed and the cost was paid for out of the insurance funds. There is still some work to be done to close out the project but the work is complete and the temporary leak is fixed.

6. Little River Bridge Update

Robert Aldrich thanked Jay Perkins and his crew for the work they completed in constructing a Little River Bridge. Mr. Aldrich explained that the project was completed with an extremely small budget, utilizing recycled pieces of the dismantled water tower from Epping Road and completed after two days of construction. The Board discussed the location of the new bridge and agreed to thank Mr. Perkins and his crew by taking them out to breakfast or lunch. The new bridge cost significantly less than the CIP estimate, allows water to properly flow through, and was constructed out of recycled materials.

Regular Business

1. Natural Resources Planner’s Report

Kristen Murphy began a discussion concerning the Conservation Commission's article due on January 10, 2011 for the Town Report. In the past, Ms. Murphy has drafted it and sent it over to the Chairman for review. After passing out the current draft, Ms. Murphy asked the Board inform her of any revisions to be made which may have been overlooked.

Ms. Murphy also informed the Board that Ri Fahnestock has agreed to help the Commission once again build and install additional signage for the town forests.

2. Treasurer's Report

Ms. Raub reported a balance of \$5,363.72 for the month ending November 30, 2010. The amount is determined by the amounts in the actual 2010 budget subaccounts plus encumbered funds from 2009 (\$5,000) and then subtracting those items approved for expenditure thus giving the available funds remaining in the ECC budget. The budget for 2010 totaled \$11,475 and everything to date has been expended, including projects that have been approved but paid for. Ms. Raub reported an overdraft of \$27.37 due to a posting for resource inventory. Robert Aldrich explained to the Board that if the land purchase passes, the total cash will decrease by about \$18,000. Don Briseldon moved to accept the Treasurer's Report, Peter Richardson seconded: Vote unanimous.

3. Approval of Minutes: November 9, 2010

Robert Aldrich opened the floor to revisions to the November 9, 2010 Conservation Commission minutes. Virginia Raub suggested the following change to the Treasury Report:

"Ms. Raub reported a balance of \$4450.96 for the month ending October 31, 2010. The amount is determined by the amounts in the actual 2010 budget subaccounts plus encumbered funds from 2009 and then subtracting those items approved for expenditure thus giving the available funds remaining in ECC budget. As to the over expenditure in the Legal Notices subaccount, a voucher for \$128.00 for the legal filing fee for the Morrisette deed was placed into this account (as we had no subaccount for this type of expenditure) thus placing the subaccount into a deficit. Mr. Richardson. suggested...."

Carlos Guindon moved to approve the November 9, 2010 minutes as amended, Peter Richardson seconded: Vote unanimous.

4. Other Business

Peter Richardson spent time with Kristen Murphy reviewing the Beech Hill Development property and expressed his concerns about acquiring a property through the Planning Board without consulting with the Conservation Commission on its ability to maintain and create a baseline for that property. The two members spent around twenty hours attempting to identify boundary monuments and were unable to locate every marker. Mr. Richardson questioned whether the Board should accept the land under those circumstances and suggested that the Board consider responsibilities for monitoring lands without clearly marked boundaries in the future. Although Beech Hill has been helpful in assisting the Board throughout this process, Mr. Richardson estimated an additional six to seven hours of work before the boundaries can be clearly located. Hiring outside the Board to complete the work would cost around \$20.00 per hour and would be expensive. Robert Aldrich stated that it would be helpful to discuss

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how the Conservation Commission should interact with the Planning Board during the visioning session.

Kristen Murphy stated that she sent a memo to Compadres and Associates and their lawyers with the requested revisions to the deed but has yet to receive a response. Ms. Murphy suggested that the Board should send a memo to Compadres notifying them of the encroachments. The deed has yet to be signed but the Commission needs to work with a legal ground at all times.

Peter Richardson drafted a letter to the Swasey Family outlining the Commissions shared concerns involving the presence of the ATV tracks on the Morrisette and Swasey Easement.

Mr. Richardson also stated he found what appeared to be several encroachments on the Morrisette property but did not recommend any action until the Board hires a surveyor to inspect the land. The work may take from a couple hours to several days and may cost several hundred dollars. Robert Aldrich agreed to consider the item under this year's budget or the following.

Mr. Aldrich stated that he received an e-mail from Grove Group Real Estate in Stratham, NH informing the Commission of a recently listed 34 acres of land directly abutting the Oaklands Town Forest along Watson Road. Kristen Murphy explained that after doing some research on the property, she discovered that though there is some debris onsite, the majority of the property is currently ranked highest quality by Fish and Game, and has prime wetlands throughout. Several Town Forest trails already pass through the property so if another purchases the land, that linkage may be lost as well. The property is accessed by Stone Wall Way and the property already has subdivision approval. Ms. Murphy suggested that the Open Space Committee should look into the Town's ability to acquire the land, explaining that she forwarded the e-mail to Gwen English, Chairman of the Open Space Committee. The price is currently listed at \$225,000.

5. Next Meeting: Date and Agenda Items

The next Conservation Commission meeting will be held on January 11, 2011. The Board welcomed Maggie Matick to the Conservation Commission. Don Briseldon moved to adjourn the meeting, Peter Richardson seconded.

Chairman Robert Aldrich adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Gillian Baresich
Recording Secretary