

# **Exeter Conservation Commission**

*Approved as Amended, October 11, 2011*

Nowak Room, Exeter Town Offices

August 9, 2011

## **Call Meeting to Order**

Chairman Robert Aldrich called the meeting to order at 7:00 p.m. in the Nowak Room of the Exeter Town Offices. Members present were Margaret Matick, Peter Richardson, Virginia Raub, Don Briselden, Carlos Guindon, Russell Kaphan, 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. McDonnell Conservation Area Eagle Scout Project (Jay Carmody)**

Jay Carmody proposed an Eagle Scout project to help clean up the McDonnell Conservation Area. The proposal includes a cleanup of trails, poison ivy cleanup, planting bushes to help keep hikers off the closed paths, mark the trails with paint, and possibly construct several benches and/or signs. Mr. Carmody needs to complete at least 100 man hours of work to complete the project and will receive help from family and friends over a course of two to three days. If the benches are constructed, Mr. Carmody proposed locations at the old and new trail intersection as well as one near the woodland and grassland area. If signs are constructed, they will help to identify vegetation or areas of interest.

Virginia Raub suggested Mr. Carmody consider the construction of a simple boardwalk over a wet area in the trail. Peter Richardson made the suggestion to cut back vegetation in an area near Court Street where lower vegetation is growing into a field. Kristen Murphy explained that once a more refined proposal was made, she would speak with Mr. Carmody over site specific items in more detail. A portion of the land is in easement with a neighbor and Ms. Murphy will assist Mr. Carmody with landowner coordination before moving forward. Ms. Murphy agreed to sign any required forms needed for the project.

### **2. Standard Dredge and Fill application from Green Bean/Sweetwater Realty for the construction of a retaining wall to stabilize the existing Retaining Wall at 27-33 Water; Map 12 Lot 37 & 38**

Jim Gove from Gove Environmental Services presented the application for a standard dredge and fill along a wall located within the Exeter River behind the Green Bean on the Water and The Chocolatier properties. Jeff Turner, owner of the Green Bean on the Water, Dennis Wilcom, agent from Seaport Realty and owner of The

Chocolatier, and David Emanuel, Civil Engineer at Emanuel Engineering, Inc were also present for the application. Currently the wall, which is located alongside the New Hampshire Fish and Game's (NHF&G) fish ladder, is at risk of falling apart. A sinkhole has developed adjacent to the wall, causing damage to its structural integrity. Due to the historical nature of the wall, the applicants have discussed the issue with the Division of Historical Resources in an attempt to preserve the wall as best as possible. The applicants have hired an archeologist on site to provide a recommendation. There was a report of climbing hempweed along the wall in 1983. The plant was investigated in 2001 and 2011 and there was no trace of it. The applicants have kept in close contact with the Exeter Town Engineer on the issue of the Great Dam to determine the effect of its removal on the wall.

Mr. Gove listed a number of solutions which have already been researched to repair the wall and sinkhole. The proposed solution is to construct a reinforced concrete wall with a wide base and foundation set five feet into the bedrock using anchors. The footprint of the proposed base is 522 square feet and a geo-tech style non-woven fabric will be applied to prevent movement of material into the river. Setting the wall into the bedrock can be done by hand and crushed stone will be backfilled between the existing wall and the proposed one. Once it is complete, there should be no portion of the wall visible from above the water level. The project should only take a week to complete, causing a disruption in traffic only for the time it takes to construct the concrete forms. Additional work will be completed in the narrow alleyway without disturbing traffic. The timeline for completing the project is restricted to September and October to allow NHF&G the opportunity to lower the water levels for working conditions. Once the DES permit is approved, the project can start.

The Board discussed additional details with Mr. Gove, asking about the location of the property boundaries between the two lots. Currently, there is a dispute concerning 10 feet of land including a large section of the wall. Mr. Emanuel explained that both parties are interested in fixing the problem and would work with the Town to help solve the matter. Don Briselden moved to submit a letter of no objection on the project as submitted, Peter Richardson seconded: Vote unanimous. Kristen Murphy suggested that the Board send a copy of the letter to the Planning Board.

### **3. Site Plan for Boatofgarten 11 Continental Drive; Map 46 Lot 5**

Kristen Murphy introduced the application for a Site Plan Review at 11 Continental Drive. Twelve years ago, the Planning Board had approved an expansion for the applicant and since then, the site plan and subdivision regulations have been revised to include a waiver process. This waiver requires that the ECC make a recommendation to support or not support the application as presented. Ms. Murphy read aloud a letter written by Sylvia von Aulock, Town Planner that explained the additional efforts made by the applicant to improve stormwater management onsite during their coordination.

Jennifer Viarengo from Appledore Engineering, Inc. was present to discuss the application on behalf of Boatofgarten, LLC. The applicant is looking to expand the existing 83,000 sq. ft. Continental Microwave building located on Epping Road. Currently the site addresses overland flow through an existing retention basin leading

out to an outlet swale designed twelve years ago which. The proposed expansion includes the addition of a second story to the building along with additional parking. The parking is designed to improve the existing water quality on site through the use of "green" technology. Gravel wetlands will help to detain excess water flow, improve water quality, and will replace the existing detention pond on site. Within the new pavement area, tree filters will be installed to direct water to an underground water detention system and eventually back into the wetlands. The proposed parking expansion will be located within a previously-cleared area to include parking along the north and southwest extents of the parking lot. Portions of the project are located within the 75 foot buffer of the no parking setback. Ms. Viarengo explained that Appledore Engineers has worked to ensure that the proposed expansion would not have any negative wetland impact within that buffer.

The Board discussed the application in more detail with Ms. Viarengo. Peter Richardson asked if there has been any testing on the existing system. Ms. Viarengo explained that there has been a visual inspection and stated that the water quality will only improve from what is currently in place. The new drainage system will be located in the same location as the existing detention pond and will expand slightly to the north east. Mr. Richardson asked if there was a management plan included in the proposal. Ms. Viarengo stated that an operation and management plan was designed to include the following: responsible parties, visual inspections, outlet inspections, routine sweeping of the parking lot, litter debris removal, underground system cleaning, and a maintenance log available to the public kept within the office. Carlos Guindon explained that if the applicant was able to build a multi-story parking garage, it would have less impact on the land when compared to expanding the parking lot footprint. Ms. Viarengo explained that building such a structure was beyond the applicant's budget and would have caused a problem in connecting to the access road. Peter Richardson moved to support the waiver as presented, Virginia Raub seconded: Vote unanimous.

#### **4. Conditional Use Permit Application for Planning Board Case #21111 - Pendexter Property Management Minor Subdivision. 110 Linden Street; Map 104 Lot 76**

Ms. Sharon Somers introduced herself as an attorney with Donahue, Tucker and Ciandella representing Pendexter Property. Also present was John Ring, Jones and Beech, Jaime Long GZA and Paul McCoy representing the Pendexter Property Management group.

Atty. Somers stated the applicant has applied for a Conditional Use Permit (CUP) from the Planning Board (case #21111) for a minor subdivision at 110 Linden Street. The 10.6 acre lot has an existing dwelling but the applicant wishes to subdivide and create a second lot of 9 + acres with approximately 4 acres of buildable uplands for a second dwelling. To gain access to this lot the access road must pass thru wetland and wetland buffers. Also it was requested to review the waiver request as also submitted to Planning Board.

Atty. Somers acknowledged the project has been in the works for several years in different phases of implementation. Because the membership of the ECC has

changed over these years, she was prepared to give an overview of the project and its history,

In 2007 a Dredge and Fill application was filed with ECC and ultimately a Public Hearing was held by DES. Following two (2) site walks of the property with Dr. Richardson present, DES granted the Dredge and Fill application in January 2010. Atty. Somers noted the highlights in the comments and findings outlined in letter of approval as an indication of the thoroughness of review by DES in determining its ruling.

Historically, it was noted, the ECC, Planning Board and Exeter River Local Advisory Committee (ERLAC) had a full and fair opportunity to participate in the application and the applicant performed due diligence in completing the application. Following the 2010 decision she stated the Town choose not to appeal the decision and stressed this finding still stands.

Their position is unless there is new and deserving evidence it does not seem appropriate to re-raise issues.

Mr. Ring continued the presentation noting the initial Dredge and Fill application before the ECC in 2007 had 8300 sq. ft. of wetland impact. Through redesign and ground truthing on the wetlands the construction of an access road now results in 5653 sq. ft. of impact to the wetland buffers.

With the aid of a colored rendition of the site plan delineating the prime wetlands, wetland buffers and the 100 year flood markings represented, he traced the path of the driveway noting the crossing of the 100 ft. buffer of prime wetlands and a crossing of the 100 yr. flood elevation as the driveway reaches the top of buildable area. Drainage and erosion matters are addressed in various ways. Using a Drainage Watershed Map, Mr. Ring explained in detail the water flow on the site calling out the different contour levels. He did acknowledge the water does eventually end up in the Exeter River some 600 feet away.

Mr. Ring stated they submitted a CUP application and a waiver request pertaining to wetland setbacks as stated in Town Zoning Ordinances Sect 9.9.2 and 9.9.3 of the wetland waiver guidelines. Copies of the applications and accompanying cover letters were provided the ECC. The Planning Board will be discussing and ruling on the application and waiver request at their September 8, 2011 meeting. Because the Planning Board was seeking input from the Commission, the design team was re-presenting the plan and application.

Mr. Jaime Long, a certified NH wetland scientist affiliated with GZA continued the presentation outlining the steps taken during the planning and design process to work with the existing wetlands and poorly drained soils. He did refer to the ground truthing site walk in 2009 with Dr. Richardson of DES, Mark West of West Environmental, Mr. Ring, soil scientists and several members of the ECC. Mr. Richardson asked the weather conditions at the time be noted. Mr. Long confirmed weather conditions at both times were described as adverse with several inches on snow on the ground. This in-the-field documenting resulted in fine-tuning the prime wetland boundaries thus in turn

resulting in the prime wetlands not being impacted by the access road. It was noted the ECC approved the new boundaries. Ms. Raub wished the record to show that the Commission did so because of the presence and input of Mr. West of West Environmental, the author of the Town prime wetland report and we wished the project to move forward but not necessarily agreeing with the findings and manner in which the findings were finalized. She did add it was fair to say if that same request came before the Commission today for a site walk in the winter months we would most likely ask for a postponement until all snow was gone from the site.

Referencing the scheduled site walk on August 18, Mr. Briselden questioned the nature of the site walk and if the project had not changed since last seen by Commission was it in the best interest of all parties? Referencing the letter of objection to DES and the ultimate ruling, Mr. Briselden stated if DES does approve it the Commission is not obligated to agree with DES. Atty. Somers concurred that the Commission doesn't have to agree.

Mr. Ring continued by taking additional questions from the Commission.

The Chair asked for public comments at this time.

Ms. Diane Arnheim, abutter at 114 Linden St., expressed concern the construction of the raised driveway would change the water flow so she would experience an increase of water coming onto her property. As it was, she has standing water on the north, south and east side of her property from the months of March to June.

Mr. Gary Morissette of 102 Linden St. stated he had resided in the area abutting the 110 lot for some 50+ years and was very familiar with the water issues in that area. He expressed concern there was no drainage plans for the entire site--just the driveway--as he was certain the entire area would be impacted.

The Chair asked if we were prepared to go forward and make a decision at this time. There being no motions put forth it was decided to have as many members wishing to attend the site walk do so and an August 30, 2001 meeting was set to prepare a response on both issues for the Planning Board for their September 8, 2011 meeting.

## **5. Rollingsford Associates Proposed Conservation Land; Map 51 Lot 1.**

Kristen Murphy introduced the next item on the agenda, explaining that Rollinsford Associates is looking to receive input on their proposal presented at the previous meeting. They had offered the Conservation Commission a two acre portion of their property to be used as a connection to adjacent Conservation lands, as well as an entrance space and the use of parking. Ms. Murphy stated that the applicants attorney offered three options: accept the Conservation land as proposed, accept the portion of the land and adjust the lot lines so it becomes a piece of the other parcel, or allow the

land to remain private as part of the Portsmouth Avenue property. By accepting the parcel, the Commission would gain connections to the Allen Street property and the Prospect Park Conservation Marsh. Ms. Murphy explained that the Allen Street property has access only through a right-of-way path within a neighborhood. After the Commission discussed the details of the property in more detail, it was agreed that the Conservation Commission was interested in pursuing the property. Peter Richardson suggested that the Board continue the discussion at a later date with a map of the surrounding properties to help determine possible trail connections. Ms. Murphy stated that she would inform the applicant of the Commission's interest in the property.

## **6. Town Forest Management Plan Update - (Charlie Moreno)**

Charlie Moreno was present to provide an update on the Town Forest Management Plan currently under way. Mr. Moreno explained that he is in the process of completing several detailed maps which would help to outline the resources currently available within the Henderson Swasey Town Forest. The purpose of tonight's update is to provide an outline some early recommendations, discuss the key problem areas, and receive feedback from the ECC in order to help move forward. Based on those comments, Mr. Moreno will make a series of recommendations within the Town Forest Management Plan.

Mr. Moreno began the discussion by explaining the history of the Town Forest. During the 17<sup>th</sup> century, the large pines in the forest were harvested and then later, the forest was completely cleared of trees to allow for granite mining around 1820. The land was then left as a series of pasture fields and began to grow back in various stages until the 1960s. Currently, the majority of the forest is eighty (80) to one-hundred (100) years old and there are some older areas of the forest that are over 150 years old. There is not a wide variety of tree species throughout the forest, mainly hemlock, red oak, and white pine. The habitat makes for an excellent masked forest, producing large amounts of acorns and beech nuts. Hemlock cover, rock crevices, and series of vernal pools provide the perfect habitat for animals. The gasoline portion of the forest adds a different diversity, mainly young growth. The major recreational use in the Town Forest is mountain biking followed by hiking. During the winter season, popular recreational activities include snowshoeing and snow biking.

Mr. Moreno presented three primary resource concerns and one secondary concern to the Board:

1. The boundaries for the Town Forest need to be located, blazed, and painted. Currently, the northwest and northeast boundaries are the most difficult to locate and some surveying may necessary. The cost estimated for this work is somewhere around \$5,000 - \$10,000, depending on the amount of surveying needed.
2. Remove and control exotic plants and invasive species. Mr. Moreno listed the plants discovered on the property: burning bush, bittersweet, buckthorn, and Japanese barberry. The area along the gasoline has been heavily infested with invasive species. The cost estimated for species removal was estimated at \$10,000 or more. Options for removal include chemical control

or uprooting and containment, which can be organized through community action days.

3. The third major concern is maintaining the woods maintenance road which has become overgrown. The cost estimate for this work is around \$500.
4. The final concern involves the successional conversion of the forest to beech and hemlock. Due to the heavy canopy of the trees within the forest, the forest floor is heavily shaded and this has created an environment difficult for diverse species to thrive. If the canopy was opened, either by a natural disaster or controlled clear cutting, the sunlight would allow for more diverse plants to grow.

Mr. Moreno began a discussion on alternative options for forest maintenance. One option available to the Board is to not maintain the forest and allow it to continue growing in its current state. This would be the cheapest option for the Town but it may prove dangerous if a natural disaster did occur. In this case, the trees may also develop a plant disease or invasive insects may take over. Another option is to act in a reactive manner to situational occurrences. Mr. Moreno's current recommendation is to encourage a program to control and eradicate invasive plants, culturally manage areas for biodiversity through clear cutting and harvesting methods, and withhold from expanding the internal road system in order to retain extensive reserve areas.

Mr. Moreno opened the conversation for questions from the Board. Don Briselden commented that when the maps are completed, there will be a more complex system of trails than shown in the current presentation. Maggie Matick suggested renting out weed wrenches to be used during a community event to help remove invasive species. The board discussed several issues in more depth, including harvesting potential resources, the best methods to control invasive species, and what would happen to the forest if the Board decided to leave the forest to grow in its current state. The next step in developing the Town Forest Management Plan is to provide feedback on how the Board would like to proceed. Mr. Moreno provided the Board with a questionnaire outlining some of these main concerns. Robert Aldrich stated that the Commission will discuss each of the issues and return the questionnaire after the next meeting.

### **Follow-Up Items**

#### **1. Linden Commons project**

This item was tabled for the following meeting.

### **Regular Business**

#### **1. Treasurer's Report**

This item was tabled for the following meeting.

**2. Approval of Minutes: May 10, 2011, June 29, 2011 site walk, June 30, 2011, 2011 site walk**

This item was tabled for the following meeting.

**3. Natural Resources Planner's Report**

This item was tabled for the following meeting.

**4. Other Business**

This item was tabled for the following meeting.

**5. Next Meeting: Date and Agenda Items**

The next Conservation Commission Meeting will be held on August 30<sup>th</sup>.

Peter Richardson moved to adjourn the meeting, Carlos Guindon seconded.

Chairman Robert Aldrich adjourned the meeting at 10:01 p.m.

Respectfully submitted,

Gillian Baresich  
Recording Secretary