

Final Minutes
As Approved 2-10-2015
Exeter Conservation Commission
January 13, 2015

CALL TO ORDER:

The meeting convened at 7:04 pm in the Wheelwright Room of the Exeter Town offices on the above date:

1. Introduction of Members Present: Don Briselden, Alyson Eberhardt, Pete Richardson, Virginia Raub, Jay Gregoire, Anne Surman (BOS), Cynthia Field, Mike Field, Natural Resource Planner, Kristen Murphy, Maggie Matick, Bill Campbell
2. Public Comment: None

Alternates Mr. Campbell and Ms. Raub would not be voting tonight.

ACTION ITEMS:

Anne Surman motioned to move the bike patrol up to the top of the agenda, second by Ms. Field.

VOTE: *Unanimous*

1. New England Mountain Bike Patrol :

Jason Fritz from New England Mountain Bike Patrol spoke about the possibility of patrolling parts of the Town Forest. He said all of the patrolmen have at least Wilderness First Aid. Mr. Fritz said the group has a memorandum of understanding with the town. Mr. Gregoire made a slight change to the MOU. Mr. Briselden suggested the Commission to run this proposal by Town Counsel. P. Richardson asked what areas would be patrolled. Mr. Fritz said the Swazey and Oakland's trails.

PUBLIC COMMENT:

Brian Grisett of Exeter commented that this agenda item was not publicly noticed sufficiently to take action.

Mr. Gregoire confirmed that no decision was to be made tonight. This was for discussion purposes only. Members will email Ms. Murphy with any modifications and she will have the document reviewed by Town counsel prior to the next Commission meeting.

2. Squamscott River Sediment Remediation

Mark McCabe of the consulting company AECOM presented a standard dredge and fill application to remediate contaminated soils within the Squamscott River resulting from a leak in the 50s from the former Gas Plant. Mr. McCabe provided a copy of a letter of support from New Hampshire Fish and Game. Fish and Game had asked the consultant to start the project by late October and be finish by December 1 to avoid impact to the smelt run. Mr. McCabe said they would like to see a letter of support from the Conservation Commission.

Ms. Eberhardt asked if possible they target an already disturbed area with phragmites invasion (invasive plant). Ms. Murphy said that the Conservation Commission may sign off on the letter of support to send to NHDES in order to prevent the group from having to come back for a second meeting.

Mr. Richardson motioned to write a letter of support for the project as presented, second by Ms. Surman. VOTE: Unanimous

3. Proposed Epping Road Corridor Wetland Zoning Amendments

Darren Winham, Economic Development Director for Exeter described the proposed wetland zoning amendments for the Tax Increment Financing District along Epping Road. Mr. Winham said he and Jim Gove, wetland scientist were available just before the meeting to answer any questions about the wetlands and proposed changes as Mr. Gove had another obligation during this meeting. Mr. Winham said the three areas along Epping Road to be included are C3, CT1 and I zones. Mr. Winham said this amendment takes into account the functions and values of the wetlands to determine the buffer size. Mr. Winham emphasized that this area was designated by the community as an Economic Revitalization Zone which is why he is proposing to reduce setbacks for this area. Ms. Surman summarized what was presented in the 6pm meeting with Jim Gove and stated that the function and value approach was implemented in Kingston, NH. Mr. Winham stated that this method was based on the Army Corps of Engineers (ACE) method. Clement stated he felt the existing wetland ordinance painted too broad a picture and that all wetland were valued the same. Ms. Murphy clarified that the existing wetland ordinance does not use functions and values but did define buffers by wetland types – more sensitive wetlands had larger buffers. Mr. Clement stated that our existing wetland ordinance was scaring away developers and this proposed the method would allow for a reduction of buffers around wetlands but only for this area. He felt this was critical for the kind of development we need to develop our tax base. He said he would never urge this table for the entire town but perhaps in the future this method with higher numbers for larger buffers could be applied to the rest of town.

Ms. Raub asked if other developers would challenge this for example off of Holland way. She provided an example of a project along Holland Way that worked with the Planning Board through the existing methods and through modifications were able to reduce impacts to the wetlands and the project was approved by the Planning Board. She stated she didn't think there had been any applications that had been refused. She questioned if Amendment #4 with the word "value" was a duplication of this effort.

Mr. Winham said the proposed changes were approved by Town's legal counsel and that this was not spot zoning. Mr. Winham said that though the Planning Board has been fairly lenient when it comes to waivers, developers are concerned of the expenses required to get to that point. Developers look at a region and compares towns with neighbors. This way they can send a scientist out to evaluate the property before they have a purchase and sales to know what development can happen without waivers. Mr. Clement said this being particular to these types of zones is the nature of zoning. Mr. Clement said the values section under Amendment 4 did not detail out the functions and

values like this does, as determined by the ACE. Ms. Eberhardt said that while the ACE defines the functions and values they did not assign the number criteria that defines the buffer and that Kingston uses a very different number assignment. Ms. Eberhardt expressed her concern that this is complex science and that this has not been a transparent process, and that the Commission and public have not had enough opportunity to advise on this. She clarified that this is not a bad idea but we need to do it strategically and this is too complicated to do that in a week.

PUBLIC COMMENT:

David Wilson of Colcord Pond, Exeter said the lots along the Epping Corridor are expansive and cannot be broken. Mr. Wilson said reasons expressed in the past for not being able to develop in this area was because there was lots of shelf and rock and wetlands were not brought up then. He said this is a sensitive area.

Mr. Grisett said he worked as an environmental land use consultant. He said he did not have a problem with what was proposed. Mr. Grisett agreed this is a complex field and the values can be debated back and forth but it is scientifically based. Mr. Grisett said the number one issue to the town is decisions on economic development as stated at the All Boards meeting. He said because of subjectivity, some developers were afraid to develop in an area.

Mr. Campbell said if they didn't impact the buffer they did not have to come to the Conservation Commission or Planning Board. Mr. Clement said if the developer met the requirements they would not need a Conditional Use Permit. Mr. Campbell said if the wetland had low numbers than the developer would not need permission to build on the wetland. Mr. Clement said it was state law to get a permit for filling in a wetland.

Mr. Winham said he was new to the system and though he would have liked to include board review early on he did not believe they were moving too fast. He said this approach was approved by a professional wetland scientist who put his stamp of approval on the proposed changes. He did not want their professionalism to be discounted.

Ms. Raub questioned if this did not pass, would it affect the passing of the TIF proposal. Mr. Winham stated it does not but it does greatly impair the ability to develop Epping Rd. Ms. Raub asked if this had been applied to wetlands to see if it does reduce the buffer. Mr. Winham stated that his consultant looked at a lot of these spots and has used this method in other areas.

Mr. Richardson said this varies from Kingston in both the points and the buffer distances. Mr. Winham said it was intentionally made different so we could put buildings closer to wetlands that are less functional. Ms. Eberhardt said she is not against this idea, but it's the numbers and there is an inability to change them at the Planning Board. Ms. Eberhardt described functions (nutrient cycling, sediment) and values (flood storage, human derived functions) of wetlands. She said the wetlands provide services that will be

impaired by these buffer sizes. She cited a reference by the Environmental Law Institute which says you only start to get some of those functions at a 30 foot buffer. That requires 6 points under this method. This is an order of magnitude of where we need to be to get those functions and values and that a wetland without a buffer is an impaired wetland.

Mr. Winham said the community has little opportunity to create a tax base. He said the opportunity is now, not later which is why he approached a wetland scientist. Ms. Eberhardt stated that there is a subjective component to this method and that comes straight from the ACE manual. Ms. Murphy described that all proposed zoning amendments are being proposed. On the 22nd the Planning Board will vote individually to move them forward to town meeting or not.

Ms. Surman said she felt educated at the meeting with Mr. Gove before the Commission meeting about the different types of wetlands. Ms. Surman said Mr. Winham was tasked with a big job and had made great strides. She said the town needs to balance conservation with economics.

Mr. Richardson commented when looking at buffers, size matters. He said he was in favor of the proposal but opposed to the numbers presented.

Mr. Clement said it was a detailed process to determine the function and values assigned to buffers.

With respect to reducing complexity of zoning ordinances, Mr. Field commented that this method didn't because they still have to deal with the buffers even with the new amendments.

Mr. Grisett asked to view the proposal as an economic need for development to sustain the town. The TIFF amendments would affect three small areas of the town. Mr. Grisett described the development as a maximum tax value with impact on low value wetlands.

Ms. Eberhardt commented that she does not see their views as competing.

After a brief recess Mr. Gregoire announced the meeting was back on the record.

4. Tan Lane Parking Lot Improvements Minimum Impact Expedited Wetland Permit Application, Map 72 Lot 209

Mark Leighton with Phillips Exeter Academy described the project. Mr. Leighton described a gravel parking lot on Tan Lane that needed to be updated. The gravel lot would be paved and would go from 29 to 45 spaces.

Jeff Clifford consultant from Altus Engineering talked about the wetlands and the buffer. Mr. Clifford said the site did not currently have storm water management in place. Mr. Clifford said the wetland might be man made from when the area was used as tanneries. Mr. Clifford said the Commission needed to sign the permit and send to the Applicant.

Luke Hurley representing Gove Environmental Services Inc. described the functions and values of the wetlands.

Mr. Briselden asked if there was a landscape plan. Ron Johnson from PEA described the landscaping design.

Ms. Eberhardt asked if they would pull out the invasive plants. Mr. Johnson replied yes.

Ms. Surman motioned to sign for approval of the minimum impact expedited wetland permit, second by Mr. Richardson. VOTE: Unanimous

5. Raynes Farm Long Range Development Plan Update

Mr. Briselden said input was welcome to changes in the plan. Mr. Gregoire said it was a nice start.

Ms. Murphy said the floor boards were completed and the patchwork for the side wall.

6. Forest Management Plan Implementation

Mr. Briselden said if forest management were to occur this year then actions needed to be taken. Mr. Campbell said the forester was concerned with logging around the public.

Mr. Briselden said it would be part of the discussion to close the trail.

Mr. Richardson moved to approve the plan, second by Ms. Field. VOTE: Unanimous

Ms. Murphy said when funds become available in March there will be \$3,000-\$5,000 in seed money.

Mr. Briselden said this is an opportunity for public outreach.

Ms. Raub suggested notifying the forester of the approval.

7. Approval of the minutes from December 9, 2014

Ms. Surman motioned to approve the minutes, second by Mr. Briselden. VOTE: Unanimous

8. Other Business

Ms. Murphy discussed the Raynes Farm lease. Ms. Murphy said Nate Merrill acquired 100 acres of land but cannot manage. Ms. Muphy said Lessee can assign a lease with written consent of the Town.

Ms. Murphy said there will be a History of Agriculture as told by local Barns talk on February 15 in Stratham.

Mr. Gregoire asked if there was time to deal with the lease issue until next meeting. Ms. Murphy said there was time.

9. Next Meeting: February 10, 2015

Mr. Briselden moved to adjourn, second by Ms. Raub. VOTE: unanimous

The meeting was adjourned at 9:27 pm.

Respectfully Submitted,

Sarah McGraw