

Draft Minutes
Exeter Conservation Commission
February 10, 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: Pete Richardson, Alyson Eberhardt, Jay Gregoire (Chair), Kristin Murphy (Staff: Natural Resource Planner), Virginia Raub
2. Public Comment: Eileen Flockhart of 62 Park Ct brought her concerns to the ECC about planting more trees in public spaces in Exeter. A letter stating her concerns and suggestions can be found attached to these minutes. Ms. Murphy stated the Department of Public Works (DPW), has landscaping plans and may be a good place to start. Mr. Clement spoke of the Moreau property nursery having a program with the ECC some time ago but was volunteer based. Ms. Raub commented it was important to find out how volunteers would care for the trees so they would not be forgotten.

Action Items

1. Discussion of potential design alternatives for site development, mitigation and restoration at 156 Epping Road to remediate unpermitted wetland impacts. Tax Map and Lot 47/01

Michael Juliano of Eaglebrook Engineering & Survey, LLC presented a history of the wetland violation notice for 156 Epping Road, meetings with the town and NH Department of Environmental Services (NHDES), and two proposed designs for wetland remediation. Their application package had included email from Eben Lewis with NHDES listing recommendations for things to address in the remediation plan as well as an existing conditions plan. Mr. Juliano walked the Commission through the two wetland remediation designs as they were not submitted for the Commissions packet. The first proposed design included restoring the wetland in the area where it previously existed. The challenge to this design is there would be a need for a crossing over the wetland in order to meet the parking needs of the owner. The second proposed design involved creating a wetland at the west end of the property along the existing tree line. This was the preferred approach of the applicant.

Patrick Seekamp, consulting wetland scientist for the applicant, stated he delineated wetlands beyond the disturbed area to determine wetland type and utilized wetlands from a previous survey to locate former wetlands within the disturbed area. The wetlands as shown on the existing conditions plan are no longer present. He did state that soils had been inspected in both locations and they have similar soil profiles. He suggested the alternative that restores the wetland adjacent to the remaining wooded edge will ensure the wetland has a natural buffer along one side and eliminates the need for a crossing.

Property owner Michael Lampert, clarified he bought the property in 2012 and though he cleared timber in the fall of 2014 in the west portion of the property, the disturbance to the larger wetland was done prior to his ownership but he is willing to correct the violation.

Mr. Juliano stated that in accordance with NHDES recommendations, they are seeking input from the Commission on which of the two designs the Commission would prefer.

Upon request from Ms. Raub and Ms. Eberhardt, Mr. Juliano explained how the proposed plans meet 4 conditions listed in the email from Eben Lewis of NHDES. Additional concerns were expressed over the large amount of wetland impact in general and whether compensatory mitigation would be required. It was explained that because the amount of fill needed after restoration would be 3,000SF (under the 10,000 SF threshold), therefore compensatory mitigation was not required. Ms. Eberhardt recognized that the applicant stated the fill happened prior to his owning the property but expressed concerns that this approach could set a dangerous precedent of asking for forgiveness rather than permission. She recommended that the proposal include innovative stormwater control to improve upon the wetland conditions rather than simply restoring the wetland.

Ms. Murphy asked for clarification on how stormwater will be managed onsite as it was not clear in the plans.

Mr. Seekamp said the stormwater controls would be developed in conjunction with the dredge and fill application and the Commission would have input for that as well. The current need is to determine if the Commission preferred to restore the wetland in its former location or in the western portion of the property with the existing woodland buffer along one side.

Mr. Richardson commented he preferred the alternative that avoids having a wetland crossing and includes the buffer. He is very interested however in seeing the stormwater controls.

Mr. Gregoire thanked the applicant for making an honest effort to fix the problem.

Ms. Raub stated she also preferred restoring the wetland on the western edge of the property.

2. Event application for the Exeter Snowshoe Hullabaloo snowshoe race, February 21, in the Henderson Swasey Town forest

Event Coordinators, Sarah Sallade and Ri Fahnestock spoke before the ECC to answer questions about the event. Mr. Fahnestock said the event would be 4.25 miles long with minimal impact to the trails because of the snow cover. Ms. Sallade said they typically donate a portion of registrations for the summer race to the Commission and select another entity for their winter events. This year 10% of the sales would be going to the ASPCA this year.

Action for the application would be to sign the ECC Event Agreement.

3. Discussion of Proposed Epping Road Corridor Wetland Zoning Amendments

Ms. Eberhardt said she wanted an opportunity to revisit the Epping Road corridor wetland zoning amendments now that the Commission has had some time to review and process them. She also wanted the Commission to be aware residents expressed concerns during the Planning Board meeting about the lack of Commission involvement given their advisory role to wetland issues, and she would like to have an opportunity for the Commission to weigh in on their position about this amendment. Ms. Eberhardt said she has concerns that the proposed buffer sizes would not allow us to maintain highly functioning wetlands and would create a whole area of town with compromised wetlands. She also reminded the Commission that they have spent time and resources on the Think Blue Campaign to educate residents on stormwater pollution and reduce stormwater pollution into our water bodies --this amendment is counter to the efforts of the Think Blue campaign. She would like the board to consider whether as a Commission would take a position to publically oppose this amendment.

Mr. Richardson explained that under the proposed amendment you would need to have 6 items in order to get to a thirty foot buffer which is only the beginning where the buffer is gaining any value. He would happily sign on against this amendment.

Mr. Raub also had concerns with the amendment, and said she would like to see a map of the wetlands in the area, and how the formula and rating system was developed.

Mr. Gregoire said he has not had an opportunity to inform himself about the science behind what this amendment would mean and therefore is not willing to sign on to vote one way or another. He was also concerned that the Economic Director did not talk to the ECC sooner.

PUBLIC COMMENT:

Don Clement, member of the BOS addressed the comments made by the ECC. Mr. Clement said they did not look at specific wetlands map to develop this amendment, and detailed the times when this amendment was presented. He provided examples of projects where developers have walked away because of the existing wetland regulations. He questioned why the Commission did not review the other amendments that affected the wetland process. He said it may seem rushed but no one held back information. It was presented when it was developed.

Kris Vaughn of Exeter commented that the example shown by Jim Gove was for an area in Stratham. She said she would like to see what the buffers look like under both existing and proposed zoning amendments.

Mr. Clement said until someone performs a functions and values assessment, they will not know how the wetlands would rate.

Ms. Vaughn said the Economic Director did talk to people after the Planning Board meeting saying Mr. Gove had done work within the area.

Ms. Eberhardt made a motion that the Exeter Conservation Commission opposes the proposed wetland zoning ordinance also known as warrant article 8, second by Ms. Raub.

VOTE: 4 Yays, 1 Abstention- Mr. Gregoire.

4. Memorandum of Understanding between New England Mountain Biking Association and the Exeter Conservation Commission for public safety support in the Oakland's and Henderson Swasey Town Forests

Mr. Gregoire stated Jason Fritz was not able to be present for this discussion and that the MOU is not in its final form. Ms. Murphy said the Town's insurance company Primex is in the process of reviewing the MOU and Mr. Fritz is working to obtain insurance coverage, but this version does include input from Town Council as well as comments from Pete Richardson. In addition Town Council wanted the Board of Selectman to sign off so a signature line was added.

Ms. Murphy suggested a motion be made to accept the MOU for the Chair to sign pending insurance company approval, receipt of adequate insurance information and BOS sign off.

Mr. Richardson made the motion to accept the Memorandum of Understanding, pending the above requirements, second by Ms. Raub. VOTE: Unanimous

5. Committee Reports

a. **Boundary Monitoring:** None

b. **Trails:** Bob Kelly and Jim Clark completed repair of the bridge off the red trail in Oaklands adjacent to Forest Ridge. The Chair wanted to extend thanks to them both. Ms. Murphy said Joe Mikulsky with the Exeter Country Club had offered to partner with the Conservation Commission for poison ivy treatment on the Irvine property. He also was wanted to know if a Frisbee golf course would be possible on the Irvine property. The Commission suggested Ms. Murphy explore whether such an activity would be in compliance with the deeds. Ms. Murphy agreed to also explore permitting process for poison ivy treatment.

c. **Outreach:** Mr. Gregoire said he would like to lead another snowshoe event at Raynes Farm. It was decided to hold the event on Saturday March 7 at 6:30pm. Ms. Raub said there will be a public meeting on the cultural resource impacts of dam removal on February 24th at 6:30 pm at the Exeter Historic Society building. It is the first of two public sessions. February 20th will be a presentation on the history of agriculture as told by barns at the Stratham Town Hall.

Ms. Eberhardt reported that the post installed for the passport rubbings at Morrisette property was missing. Mr. Richardson suggested installing iron rebar at the base of posts. He would also like to identify 3 more sites, Little River, Forest Ridge and Elliot, and Jolly Rand.

Ms. Murphy said Joanna Pellarin inquired about a volunteer day for her church group. Ms. Murphy had previously been approached by Joe Mikulsky and Mark Damsel about assistance with invasive plant removal at Swasey Parkway along the buffer of Norris Brook. She thought it may be a good activity for Jody's group. It was suggested as an event for Earth Day on April 11. ECC members said they would be willing to help lead volunteers. Ms. Murphy said she would coordinate with the Trustees of Swasey Parkway and Public Works.

Ms. Murphy also said Ian Matheson is looking to volunteer and expressed interest in the Think Blue program. She suggested calling a meeting.

Ms. Murphy reported on the forest management plan. She said the forester did not submit a draft contract in time for the meeting. Mr. Richardson suggested getting the invasive species out in the spring.

6. Approval of Minutes: January 13, 2015

Mr. Richardson moved to approve the minutes, second by Mr. Gregoire. VOTE: Unanimous

7. Treasurers Report: Ms. Raub said there was \$3,945.02 for cash on hand with one expense in January.

8. Natural Resource Planner's Report: None

9. Other Business: None

10. Next Meeting: The next meeting will be on March 10, 2015

These minutes are subject to possible corrections/revisions at a subsequent
Exeter Conservation Commission Meeting

*Mr. Richardson made a motion to adjourn the meeting, second by Mr. Gregoire. **VOTE:**
Unanimous*

The meeting was adjourned at 9: 23 pm.

Respectfully Submitted,

Sarah McGraw