

These minutes are subject to possible correction/revision at a subsequent Exeter
Conservation Commission meeting

Exeter Conservation Commission

October 13, 2015

Call to Order

The meeting convened at 7:00 pm in the Nowak Room of the Exeter Town Offices on the above date.

1. MEMBERS PRESENT: Don Briselden, Ginny Raub, Jay Gregoire, Pete Richardson, Alyson Eberhardt, Cynthia Field, Bill Campbell

Staff Present: Kristen Murphy (Natural Resource Planner), Sarah McGraw (Recording Secretary)

2. Public Comment: None

Action Items

1. Continued discussion of the Standard Dredge and Fill Application at 80 Epping Rd

Jonathan Ring from Jones and Beach Engineers discussed the revised plan that addressed the comments made at the last Planning Board meeting. Ms. Murphy asked if the changes were only made to the buffers. Mr. Ring said that the applicant was working with the Planning Board on changes to be made to the plan.

Mike Garrepy from Tuck Realty arrived at the meeting at 7:04. Mr. Ring discussed the changes made to the site plan. He said the Conditional Use Permit was submitted on August 11, 2015 for 35,000 feet of poorly drained buffer impact in proximity to the pond. The revised CUP will be delivered to the Planning Board on October 15, 2015. Mr. Ring added there are 3 buffer impacts. The plan includes an amphibian tunnel at one of the impact sites. Parking areas will have porous pavement but considered impervious by the town of Exeter. Mr. Guindon asked about the drainage capabilities of the porous pavement. Mr. Ring explained that porous pavement should drain immediately giving the example of the 23 Hampton Road parking lot.

Jim Gove of Gove Environmental Services presented information on the wetland assessment. The application number for the NHDES Wetlands Bureau Application is 2015-02310. The Alteration of Terrain permit was also submitted. Mr. Gove said during a meeting with the AOT reviewers, they discussed the man-made pond to be used for storm water retention. He explained that it was not typical to use wetlands for storm water management but to avoid disturbance upland terrestrial habitat. The reviewers agreed to the use of the man made pond. The upland habitat has two potential vernal pools with limited terrestrial impact. There will be limited cutting near the vernal pools.

Mr. Campbell noted the last AOT permit had been denied. Mr. Ring said that the response to the AOT letter was sent while the reviewer sent their letter on September 21, 2015.

Ms. Raub noted that the retention pond was looking green in the summer. Mr. Gove said that it had been a hot dry summer and this can happen to man made pools with no outlet and clay sediment. Ms. Murphy suggested to the Commission what they were to be discussing; 1. The Wetlands Application, 2. The Conservation Easement and 3. The Conditional Use Permit Application.

Mr. Gove discussed the wetlands application. Mr. Gove said there will be 2950 feet of direct wetlands impact. Mr. Campbell noted in the application that it states there is " a building" instead of the multiple buildings. Mr. Gove said that direct wetlands impact is associated with the road. The NHDES wetlands bureau does not deal with buffers unless a prime wetland is identified. The application is not for the entire site but only direct wetlands impacts. The NHDES does not deal with secondary wetlands impacts. Mr. Guindon inquired about piping for sewage and utilities. Mr. Ring said that sewer runs along the road and utilities are underground.

Mr. Campbell noted part of the application saying " impact plants fish and wildlife, included but not limited to vernal pools." Mr. Gove replied the Natural Heritage Bureau keeps information on occurrences of endangered species within a half mile radius of a site. There

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were no endangered species found at this site. Mr. Gove said there were no direct impacts to vernal pools and that the applicant will maintain threshold habitat where possible. The applicant will apply best management practices although not required by NHDES to project places adjacent to vernal pools.

Mr. Richardson noted that the clarity of the application is sub par. Mr. Gove replied that parts of the application that do not apply do not need to be filled out. Mr. Briselden asked what would be included in the plans. Mr. Gove said listed items will include new plans, a memorandum why the changes occurred, review of wetlands habitat and the wetlands assessment. Mr. Briselden asked if the reviewer would look at all of the material in the plans. Mr. Gove said that by law everything should be reviewed.

Ms. Raub said that the cover letter does not accurately describe the scope of the project. She added that the Colcord Pond residents should be considered abutters referring to a May 11 letter. Mr. Gove replied that the CUP will be discussed and NHDES does not address Colcord Pond and there are no direct wetlands impact to Colcord Pond. Ms. Eberhardt agreed that there is a lack of information in the application and it would be helpful to have a narrative of the project.

Mr. Campbell asked if the Commission should write a letter with comments.

Ms. Murphy added that the Commission should recommend to approve or not approve the wetlands application with recommendations or recommend not to approve. If the Commission says nothing it will still go through NHDES review. Mr. Guindon said he was concerned with the indirect impacts such as noise, light, and people. He appreciated the modifications made but is concerned Colcord Ponds value will be reduced due to secondary impacts. Mr. Gove responded that he is not suggesting not to provide concerns about the secondary impact. Mr. Campbell had concerns with people disturbing the conservation area.

Mike Garrepy with Tuck Realty suggested addressing the direct wetlands impacts associated to direct wetlands application and any other comments will be amended to the cover letter. The Planning Board is awaiting comments from the Commission. Mr. Garrepy said to look at the direct impacts associated to the roads as NHDES is looking for comments on the stream crossings. Ms. Eberhardt said she was concerned with the intensive use next to potentially fragile vernal pools.

Ms. Eberhardt said that comments can be made to NHDES. Ms. Murphy asked which Commission members would be voting since there were 7 members and identify which alternates would be voting. Ms. Raub inquired about snow being from sidewalks into vernal pools. Mr. Ring said that the road is sloped toward sidewalks moving water towards catch basins.

PUBLIC COMMENT:

Mr. Clement suggested to recommend or not recommend the dredge and fill permit. While thinking about comments to NHDES, they should consider avoiding fill, reducing impact or mitigating impact. Comments should also be provided to the Planning Board. Mr. Clement said that NHDES cares about wetlands impact and to send other comments in a separate letter.

Mr. Gregoire moved to approve the Wetlands Application with comments provided.

Mr. Richardson moved to make no comment on the Wetlands Application, second by Ms. Raub.

Mr. Clement stressed the importance of providing comments to NHDES if the Commission feels strongly about the application. Mr. Clement said they can recommend to deny the application given comments or recommend to approve with conditions. Mr. Richardson withdrew his motion and Ms. Raub withdrew her second.

Mr. Gregoire restated his motion to recommend approval of the Wetlands Application with comments, second by Mr. Campbell.

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Mr. Campbell would be the voting alternate.

Ms. Eberhardt asked if the Commission has to vote to recommend. Ms. Murphy said they can vote to not object. She said she appreciates the applicants willingness to work with the Commission and minimize impacts but concerned about secondary impacts Ms. Eberhardt noted that there is lack of clarity, and indirect impacts to sensitive areas. Mr. Gregoire suggested because there is direct impact then the Commission should approve it with comments. She said the purpose of the dredge and fill application is impacts to wetlands. Ms. Eberhardt said she was not comfortable giving approval with the direct impacts. Per the direct impact, recommend an approval. Mr. Gregoire said he was keeping his motion on the table. Mr. Gregoire restated his motion.

Mr. Gregoire motioned to recommend approval of the application for direct impact subject to comments on secondary impacts , second by Mr. Campbell.

Mr. Richardson asked if they were mixing wetland application with dredge and fill ? Ms. Murphy said it was okay to add comments on the integrity of the wetland for the future. Mr. Campbell said these were things the Planning Board will look at. Ms. Raub suggested saying no objections to the wetland impacts as presented. Mr. Gregoire asked why say no objections. Ms. Raub said she wanted to address the impacts. Mr. Gregoire said to take the recommendation and comments from this evening and submit to NHDES. Ms. Ms. Murphy said NHDES has jurisdiction over the direct impacts and the Planning Board has jurisdiction over the wetland buffer. It was clarified that the motion was on the Dredge and Fill Permit. Mr. Gregoire asked for a vote. It was not clear who was opposed so he recalled the vote.

VOTE: 3 Yays 2 Nays 1 Abstention Motion does not carry.

Ms. Earnhardt said rather than recommend approval.

Ms. Murphy said the motion by Mr. Gregoire was to recommend to approve with the following concerns listed. Ms. Eberhardt motioned to not object with the following concerns detailed at the meeting. Mr. Guindon seconded with concerns on the direct impacts on wetlands.

VOTE: 5 Yays 1 abstention.

Mr. Garrepy asked for clarification of the motion.

Ms. Murphy said the vote was not to object to direct impacts on wetlands with the following concerns: lack of clarity in the application, the significance of impacts to the wetlands, and the importance of sensitive areas.

Mr. Clement asked if the Planning Board will receive a copy of the recommendation. Ms Murphy said yes.

Ms. Murphy recommended said the conservation easement was important to discuss.

Mr. Garrepy said there were 9.1 acres to be deeded as conservation. Mr. Garrepy said that the applicant was willing to discuss the management of the easement with the Town. Ms. Murphy said it is important to get a sense from the Commission as to the management of the property. Mr. Richardson said he was concerned about trails along the shore. Mr. Garrepy said they were willing to change the location of the trails except for the ones present. Mr. Guindon expressed the importance of the buffer along the shore as it is valued as a wildlife corridor. Ms. Eberhardt asked to delineate the easement. Mr Ring responded that there would be 9 acres or ¾ of the property in conservation.

Mr. Garrepy said that they were willing to work on a management plan for the open space and are willing to remove the picnic tables and any unwanted trails from the plan. Ms. Raub asked why the detention pond was included. Mr. Garrepy said that they could modify the plan. Ms. Murphy suggested including comments on the concerns for the piece of land closer to Colcord Pond and defining the boundaries. Mr. Ring said that in some cases the Town does not have to be responsible for the land but keep as responsibility of the landowner.

Ms. Murphy suggested writing a memo to the Planning Board with comments on the area of the easement closest to Colcord Pond.

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Mr. Garrepy agreed to work with the Conservation Commission.

Mr. Ring read through the Conditional Use Permit application and noted the text has not changed but the change relates to the break down of the buffer to minimize disturbance.

Ms. Raub inquired about the final coat of pavement if the buildings will be finished at different times. Mr. Ring said that the two residential buildings should be completed at the same time as far as site work. Ms. Raub asked about lawn care. Mr. Ring referenced sheet 3 note 21 that includes the use of low nitrogen and no phosphate use. Ms. Raub noted that there is a new group in Exeter working on recommendations for lawn care. Mr. Ring said they can make a note of this with the Planning Board.

Mr. Campbell said he was concerned with 2.c of Article 9.3.1 Shore land Protection District with the impact of 91 residents. Mr. Garrepy said that the Rockingham County Conservation District is reviewing 2C as requested by the Planning Board.

Ms. Murphy said the Planning Board was looking for guidance from the Conservation Commission. Mr. Clement said the applicant is looking for relief from 9.3.1 and how much encroachment on the Shore lands District. Mr. Clement asked if the Commission was comfortable or not granting relief.

Ms. Murphy listed the concerns of the Commission.

1. Implications of the conservation area to be determined.
2. Concerns with 2.c of Article 9.3.1. The impact would be significant from 91 residential units in terms of water quality and wildlife impacts.
3. Use of the recommendations from the Exeter Healthy Lawns Initiative.
4. Concerns about road running through vernal pool buffer.

PUBLIC COMMENT:

Dave Willson of 7 Millstream Drive commented that while the RCCD will be reviewing the wildlife assessment, he maintains an extensive collection of media and information on the pond. Mr. Willson recommended not voting on anything until the RCCD recommendations come back.

Mr. Clement said part of the CUP was the requirement for RCCD to evaluate the wildlife assessment. RCCD contracted Mark West as the reviewer.

2. Summary of 6:00 pm 10/13/15 site walk to review wetland restoration to re-mediate unpermitted wetland impacts of 156 Epping Road

Ms. Eberhardt said the north end of the project needs work. Patrick Seekamp did a good job with mitigation but it was an unfortunate outcome of the large wetland fill.

Mr. Richardson said it was important to go back and view the site to view the mitigation results. Ms. Eberhardt noted there has to be permission to visit the property.

3. Committee Reports

a. Trails

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Mr. Gregoire asked for comments on his letter to the editor regarding dogs on the trails. Mr. Briselden said that it is hard to enforce but social conditioning may help.

Mr. Guindon left the meeting at 9:18.

Ms. Murphy noted that some passport posts need to be reconstructed and installed. Mr. Briselden recommended springtime construction to avoid winter damage.

4. Approval of Minutes: September 8, 2015

Mr. Gregoire moved to approve the minutes of September 8, 2015, second by Mr. Campbell. VOTE: Unanimous

Mr. Campbell moved to approve the minutes of the site walk from October 13, 2015, second by Mr. Gregoire. VOTE: Unanimous

5. Other Business

Ms. Murphy noted that November 7 there is a meeting of Conservation Commissions where there will be workshops. Mr. Gregoire said that Nick Coate, Executive Director of Conservation Commissions is making rounds to Commission meetings and may visit the December Conservation Commission meeting.

Ms. Murphy said that a student wishes to interview a Conservation Commission member. Ms. Eberhardt agreed to be interviewed.

Ms. Field left at 9: 29 pm.

6. Next Meeting: November 10, 2015

Mr. Briselden asked there has been word from Charlie Moreno, the contract forester. Ms. Murphy said that she had not.

Mr. Campbell motioned to adjourn the meeting, second by Ms. Raub. VOTE: Unanimous

The meeting was adjourned at 9:35 pm

The Commission went into work session at 9: 35 pm

Respectfully Submitted

Sarah McGraw