

DRAFT MINUTES
CONSERVATION COMMISSION
August 9, 2016

1. Call to Order:

The session was called to order by Bill Campbell, Vice Chair, at 7:02 pm.

a. Introduction of Members Present:

Members present were Alyson Eberhardt, Andrew Koff (Treasurer), Todd Piskovitz, Bill Campbell (Vice Chair/Acting Chair), Virginia Raub, (Clerk), and Anne Surman (BOS Representative). Also present were staff members Kristen Murphy (Natural Resources Planner) and David Pancoast (Recording Secretary). Don Clement, Selectman, was also in the audience as was Jennifer Perry (DPW Director). Members of the public were present as well.

b. Public Comment:

There was none.

2. Action Items:

a. Rockingham Planning Commission C-Rise Presentation (Julie LaBranche, RPC)

Julie LaBranche, Senior Planner of the Rockingham Planning Commission and Project Manager for the C-Rise Project (acronym for “Climate Risk in the Seacoast” area), funded through NOAA. It is a vulnerability assessment of all seacoast lands within tidal range and beyond affected by sea level rise and storm surge in the future. It involves a projection out to Year 2100 with a low of 1.7 feet, intermediate of 4 feet and high scenario of 6.3 feet. It looks at effects of sea level rise on the coastal flood plain, over time, as seawater levels rise. It looks at 3 categories of assets: transportation assets (roads, bridges, culverts and drainage infrastructure), critical facilities in affected communities, and natural resource assets in each community. It covers the geography of the 10 coastal communities and inland “head-of-tide” communities, from Rochester/Rollinsford down to this area. She

presented base maps and wanted to get the Commission's reaction to them and see what impacts may arise in Exeter from a natural resources perspective and critical issues that should be addressed. The target sea rise elevations are measured all along the coastal area from mean high water levels that exist as averaged over a 15 year period and the use of a high resolution topographic model with 2 foot contours as a basis of the flood scenarios at all three target rise elevations, to identify uplands not affected or subject to tidal action today that may be subjected to daily tidal action or storm surges in the future. They are meeting with local decision-makers in the communities and hope to form a work group. The next meeting is in September. The mapping is complete and they will have a customized report that outlines all of the impact data and assessment data for each town. They are also reaching out to stakeholders and others who have an interest in the impacts. She will try to get the maps online, which will be in high resolution PDFs.

Ms. Eberhardt asked how aquatic organisms are going to be evaluated. Ms. LaBranche said the work involved culvert issues and their evaluation and performance in precipitation increase scenarios (there is a 20% increase projected by the year 2100), and that passage of aquatic organisms through the culverts would be evaluated.

Mr. Campbell said the Squamscott River would be affected, down along Swasey Parkway and Exeter Road. Ms. LaBranche mentioned Wheelwright Creek passes under and along Portsmouth Ave and would be affected by storm surge as well. Also, two fingers of marsh that are along Rte 85, on the other side of Rte 101 and residential areas along there that are low-lying could be affected. Most inland tidal communities will have very little impact in their core 'downtown areas' as they were built as "hilltop" towns, outside of most low areas with little existing or surviving infrastructure that was built along the rivers. They did another assessment last year called 'Tides to Storms' which showed substantial impact to low-lying lands and tidal marsh as well as barrier beach systems like in Hampton and Seabrook.

The Commission gathered around a separate table and spent time looking at the maps from 7:15 to 7:25 pm, during which there was explaining map color coding, the maps generally, and certain features in Exeter. Some risk areas in Town were pointed out on the maps. Sea level rise in 2050 would likely only be a maximum of 2 ft, hence the reason for the 2100 projection. Ms. LaBranche said she would leave copies of the maps with the Town (Kristen Murphy, NRP) for review and use.

Ms. Raub mentioned that the forthcoming report would be helpful for the current Master Plan development. There was discussion on the Master Plan integration with this information. Ms. LaBranche said there is a funding limit to outreach, so any way to get the word out to people would be very helpful. The Commission returned to the dais at 7:25 pm.

b. Proposed acquisition of proposed a 4.7 acre lot by the Department of Public Works (Jennifer Perry, DPW Director):

DPW Director Jennifer Perry said this was an opportunity for the Town to acquire an abutting property to the DPW property on Newfields Road. The owners have 2 lots, this being a separate back lot, east of the railroad tracks, next to the DPW parcel there. There is no access and it's a no build parcel for the owners under a restriction put on it when the lands around it were developed during the 1950's-60's. The ConCom apparently had no interest in it in late 2014, but parcel is only 4.7 acres so was not large enough to be of interest. DPW was approached and has worked with the Board of Selectmen on the purchase. A Purchase & Sales Agreement has been signed. She is here to get Commission support for the purchase, as required under RSA 41.14.c, which requires her to go to both the ConCom and the Planning Board for their support, then back to the BOS to hold 2 public hearings on the purchase. There was an appraisal and a reasonable value was hashed out with the owners. There is an aerial view in the Packets showing the boundaries overlain on the property. The DPW site is

to the south and it has agreed to do a 25 ft setback. If they can purchase it, DPW would be back before the Planning Board later on to get a lot line adjustment. It makes no sense to have setbacks from the current DPW parcel so that would be hashed out at that time.

Mr. Campbell said there was a nursery project conducted nearby in conjunction with DPW, but the trees grew faster than the ConCom could move them out. Ms. Perry said DPW uses it as a staging area for young trees before planting them elsewhere in Town and to temporarily put trees there that have been removed. Mr. Campbell wanted to know if DPW had checked the land for contaminants. Ms. Perry said she spoke to older locals there who were familiar with the site and said there was no greenhouse there, it was just a tree plantation. Mr. Campbell asked about the appraisal being lower than the purchase price. Ms. Perry said it was done with comparable sales, in 2015 but still holds valid. Ms. Surman asked if testing for pesticides could be done to be sure there are no hazardous wastes there. Removal mitigation for such things is expensive. She just wanted the Town to check it to be safe. Ms. Perry said absence testing is expensive, several to many thousands of dollars. She didn't think it advisable to do such testing at this time, as the Town will not be using it for groundwater. There is a well onsite at the DPW facility with only average capacity, so DPW is looking to the Capital Improvement Program ("CIP") this year for a possible extension of the Town water up Newfields Road that would take care of that. The only real possible use is for an expansion of the existing DPW facility there, and another newer highway storage building. The Facilities Study of 2014 showed the DPW building there to be inadequate for roofing issues, so it needs to be replaced. This is prudent Town planning for the future. There was no other input.

Ms. Murphy said DPW is asking for an acquisition recommendation to the BOS. Ms. Raub moved that, Ms. Eberhardt seconded and it passed unanimously.

c. Standard Dredge and Fill and Conditional Use Permit applications by C3I for development at 8 Commerce Way, Tax Map 48-3 (Brendan Quigley)

Brendan Quigley of Gold Environmental Services said the project consists of construction of an 8,000 sq ft building in an upland area, with applications for impacts under both the Shoreland and Wetlands Protection Districts. The main wetland impact is an access crossing to be put in at the narrowest point, which wetlands are the headwaters of North Brook. The wetland crossing is over the stream head and a very small area of wetlands beside it. To provide access and road alignment with minimal impact is the reason for the crossing location. The total impact will be 2600 sq ft of wetlands and stream impact. They will install a 36 foot wide open bottom culvert that is 56 inches wide at the bottom, which is wider than the “bank full” width of the stream there. It exceeds stream width, which meets or exceeds the state standards for wetlands crossings. This is a ‘Tier One’ wetlands crossing, the lowest category, with 108 linear feet of perennial stream impacts, which is only due to the way the State requires it to be calculated, but it is only a 36 foot wide crossing. There is a buffer impact due to the roadway and grading. Stormwater management includes a bio-retention structure and a gravel wetlands, which impact the buffer zone. A small fingerlike wetland projection protruding into the site will be impacted for parking area grading. The building is outside all buffer areas, including the Shoreland District setback which is 100 ft. There will be a truck turnaround necessary in that area which is a buffer zone impact. Trucks will only be coming in on a limited basis, so they don’t need a robust turnaround.

Mr. Quigley said another plan in the set shows the disturbed areas to be treated with a restoration seed mix for a no-maintenance ground cover. At the recent site visit the Commission learned there are areas to be avoided in the buffer to a higher value wetlands, also being avoided for aesthetics. Some upland is to be undeveloped as well. There is no other way onto the site with less impacts. Public interest is enhanced due to the lesser impacts

and the trail access on this site. The total direct wetland impact is 5,180 sq ft. The total buffer zone impact is 28,559 sq ft of disturbance that includes both temporary and permanent. The temporary disturbance is for slope grading which is to be restored. In the Wetlands Protection Overlay District there is some stream buffer associated with the crossing, on the other side, which totals 992 sq ft.

On a request for trail input, Mr. Quigley said there is a main access point to the town forest trail across this property. It has much use and is a good access location. The applicant is committed to maintaining the trail access to the town forest and providing 7 additional parking spaces by the gravel wetlands and it would be a simple matter to re-route it there for access to the main area and for an additional trail there that loops around. Access will be maintained for both trails.

Ms. Raub asked the applicant to explain the two fire retention ponds. He said it is to be a rain garden, not a wet pond, that will be planted with species tolerant of intermittent flooding and designed to hold water then infiltrate it or release it in a controlled way so that the gardens will stay more or less dry. Mr. Quigley said there is a forebay to take the first charge of stormwater for initial settling and most sediment maintenance will be done there. There is controlled flow from the forebay to the bio-retention area, with two cells.

Mr. Campbell asked if the drainage flows to North Brook? Mr. Quigley said the overland flow goes to wetlands and then into the Brook. There is to be a set of gravel wetlands onsite. There was discussion on the elevations and slopes on site. There was a concern that the rain gardens lose their value due to being silted in later on and not maintained. Mr. Quigley said that is the function of the forebay. Ms. Murphy said the Planning Board process would result in a maintenance plan for all structures.

There was discussion on concerns about contours on the plan-the water feature contour appears higher than the land around it, so wouldn't flow off. Ms. Murphy explained that water will flow off the highest point (the road) into the rain garden, then, if not infiltrated, will slowly flow out to the wetlands. There was discussion and clarification of the elevations and contours on site. John Lorden with MSC engineers said that the ponds aren't deep, are not collecting much water, so they take what they get, store it, infiltrate it, and then if there's any overflow, it flows into a pipe that empties into a riprapped opening and will then flow overland to the brook, as it does now. They used hydro-cad and analyzed pre-and post-runoffs. They can't increase peak flow. Ms. Murphy said a drainage analysis was also being done within the Planning Board process.

Ms. Eberhardt said if they did away with the public parking spaces, they could scooch the impacts that way to possibly avoid or lessen the buffer impacts. Mr. Lorden said he believed that it possibly would. She did not think any additional parking was necessary. The trail access is up the access road if there's no new parking. Mr. Campbell said there were a lot of dogwalkers out there and it would be more accessible for dogwalkers to have the parking here then to have to walk along the new access road.

Mr. Lorden said they had a discussion with the Planning Board on Design Review, and then Dave Sharples, the Planner, had asked them to do something different with the treatment since trucks only come 2-3 times per year, so they made some changes on that. Mr Sharples also thought that something different could be done with parking. Mr. Lorden said the result was to square it off and install a grass-paved parking area that is over 3 inches thick and can be driven on and plowed of snow and stormwater infiltrates into it. They haven't reduced the parking yet in size but could. The buffer impact might then be less as the Commission would like.

Ms. Eberhardt said there were two hits on the natural heritage species impacts aspects of this. Mr. Quigley responded that there were two hits but

there was no habitat for species on this site and they have correspondence on that. They have worked with Kim Tuttle at Natural Heritage but he needs to update her. At the time of their initial discussion he was unsure of the crossing detail, so now he has to give her that updated information. Due to other projects he's had involving those species, he is confident they can work through her concerns. There was discussion on this aspect of the project. Ms. Murphy said the Commission could include it as a condition in its recommendations to the Planning Board. Mr. Koff said people parking at the cul-de-sac will cut the corner around the north side of the building, so the applicant might need to realize what folks might do and that they might create a new trail that is not intended. If the project gets rid of the parking lot, or it is put elsewhere, they could move the trail access. Mr. Quigley said the parking area formalizes the access, especially with signs. He would not advocate moving the parking area. There was discussion on the public walking through an industrial site. Mr. Quigley said the more formal the parking can be, the better.

Mr. Piskovitz asked about trail access during construction. Mr. Quigley said that would be a concern and they need to work it out, possibly the access could temporarily be run through the Town's logging site. Ms. Murphy said they need to inform the public that it is private land as it should be aware of that. There were no further comments.

Mr. Campbell said the Commission needs to recommend to the Planning Board to keep the conditional use permit in place and recommend the standard dredge and fill permit be approved. Ms. Murphy said this matter was not expedited, the Commission just needs to send a comments letter to the Planning Board favorable to the project with any recommendations it wants to make. Mr. Quigley asked the Commission to submit favorable comments to NH DES as well. Ms. Murphy reported that Mr. Quigley had offered at the site walk that it was more preferable to lose wetlands here than to further encroach into the beaver pond wetlands nearby. Mr. Quigley replied that there are no buffers at the state level other than tidal

buffers, so the State suggested that the building and parking should be shoved up farther into the site to avoid any wetlands impact. That translated to 477 sq ft of the tip of that wetlands not being impacted. But there are good reasons the applicant had to not impact that uplands farther, including wetlands overlay district reasons, beaver pond wetlands reasons, wildlife habitat reasons, construction disturbances involved, and such. The Commission's letter of recommendation should mention the importance of the local reasons to avoid such other impacts and support the project with parking as proposed, to address concerns with the State.

Ms. Eberhardt wanted to add a condition on the Natural Heritage aspects. Ms. Surman said it's a nice project with a mix of economic development, low impact, trail maintenance, and had an overall benefit to the Town. If all that can be indicated to the State, that would be a very positive approach. Ms. Raub moved to send a positive letter of recommendation to DES with the notation to Fish & Game, with the stated conditions, additions and local reasons noted, and further stating that the Commission has no objections to the proposed work. Ms. Surman seconded and it was unanimously approved. There will be a similar support letter to the Planning Board. Ms. Eberhardt supported Mr. Koff's point that folks might walk around the wrong way. The Planning Board should be made aware so it can address it with the owner. Mr. Koff asked if there needed to be a legal document necessary to maintain the trail access. Ms. Murphy said that if it appears on an approved site plan with the Planning Board it is official and the approved trail access is required. There was discussion that any free use of private land protects that landowner from liability for injuries to the public using the land. Ms. Eberhardt was concerned about invasives coming in during construction? She wanted the Commission to ask the Planning Board to address it. Mr. Quigley said the seed mix should take care of it and after discussion ensued, Ms. Murphy said a note could be put on the plan that the disturbance areas must be kept free of invasive species until after the restoration area becomes established. The Commission decided to send that comment to the Planning Board. Ms. Surman made a motion to send

the recommendations letter as described to the Planning Board. Ms. Raub seconded and it was unanimously approved.

Ms. Raub commented on another aspect of projects like this, involving a recommendation on a conditional use permit that needs to come from the ConCom, the Commission should be asked to attend the first hearing at that board on the matter, to be more involved and connected on it, for faster, easier decisionmaking. She felt handicapped on this matter due to incomplete plans. Ms. Murphy said it's atypical to have the Commission go on site walks before a matter comes before it. This was the Chair's decision to do it in this order this one time. Ms. Murphy does have full size plans of this project in her office. Selectman Clement spoke as a Planning Board member saying the Planning Board hasn't even had a site walk on this project yet, so the ConCom is welcome to come to any Planning Board session, he was just here to pick up some info tonight. Discussion on that suggestion was held. Ms. Murphy said in the past, meeting agendas were distributed between the boards, perhaps the Town should revisit that practice again. Mr. Campbell asked Ms. Murphy to speak to Barb McEvoy of Planning to see if they can be sure to alert the ConCom to these things.

After more discussion, Ms. Murphy said the Commission should probably revisit its submission requirements. Ms. Eberhardt thought the burden of submissions should not fall on Ms. Murphy, so she will draft something up on submissions for the ConCom to evaluate and decide the criteria.

3. Committee Reports:

a. Property

i. Henderson-Swasey Timber Harvest:

Ms. Murphy said the harvester had two last loads to go out. The logging is done. This was a great and unique effort in an area of intense recreational usage. She has had many interactions with a lot of people and everything went well there. The Commission should do picture posts with pictures from different angles that show changes

over time because there was some artistry to the logging that was done. The harvester avoided creating large openings due to the other uses of the site. Everyone should be proud of the project and the Commission's commitment level to users. It should think about using students to pictorially document the changes that will be seen there over time. There should be a press release to coincide with the Trail Committee meeting coming up. Mr. Moreno said he would come to that meeting. Mr. Campbell said Eric Hawkins of the newspaper could do it. Ms. Surman said she would call him to get something done.

b. Trails

i. Trail Committee Meeting Date

The Trail Committee meeting in September should be other than 9/13 (ConCom's session) and the All Boards Meeting is scheduled for Wednesday 9/7 at 6:30 pm. There is no Master Plan meeting set in September yet. Ms. Murphy suggested the Commission pick three dates and see what works. Discussion lead to Wednesdays 9/14, 9/20 and 9/27 as possible dates for the Trail meeting.

c. Outreach

i. Raynes Farm Fall Festival

Ms. Raub did not have much to report-it's still an open project. She set October 15th in the afternoon for the Pumpkin Toss event. The time is not set yet, but will be either 1-4 or 2-4 pm.

d. Annual Planning Calendar & Focus Area Overview

For Focus Areas Mr. Koff said he would like to do Jollyrand(-land (?)) [**← need clarification/correction note on that from Kristen: Andrew definitely said that, my meeting notes and the tape reveal that he did, but did he actually mean "Dolloff" instead? There is no "jolly**

land” on the Exeter Conservation Lands/NR list or map nor anything sounding at all like it other than “Dolloff” If it’s not Dolloff, then I don’t know what nickname he used to refer to some other parcel or named a parcel that my hearing and the tape did not discern], which is in his turf. Mr. Campbell said he will do Little River. Ms. Raub will do the Linden Street Grouping, including Morrissette, Hampton Easement, McDonnell and Linden Commons. Ms. Surman will do the Oakland area. Ms. Murphy said they don’t have to monitor all the parcels, just get their feet wet exploring them and get to know some folks who are nearby, etc. Discussion occurred on this subject.

For other topics, Ms. Eberhardt will do vernal pools, wetlands and invasives if no one else will do it. Mr. Campbell is already committed to several of the topics. Mr Koff said he will address beavers.

4. Quarterly Treasurers Report:

Mr. Koff gave the report, being done quarterly now, so this covers through the end of June 2016. The Commission has \$3,609.00 for the rest of 2016 and has expended \$6,420.00 to date. There are no real problem areas, but the Timber Harvest results are still up in the air. Ms. Murphy said upcoming expenses include some dues that need to be paid and some mowing has to happen at Raynes Barn, and the trail work supplies already approved.

There were no other comments on the report, so Ms. Eberhardt moved approval of it, and Ms. Surman seconded. It was approved by unanimous vote.

5. Approval of the Minutes of 7/12/16:

After discussion on several revisions and changes to them, Ms. Surman moved to accept the Minutes of July 12, 2016 as amended, Mr. Koff seconded and they were unanimously approved.

Ms. Murphy said that the corrections made to the minutes considered at the last session on July 12th were for the wrong date due to a typo in the agenda. The Minutes of June instead of May were accepted as corrected. The Chair decided that the clarification was noted but no motion to correct that error was required.

6. Correspondence (Ms. Murphy):

There was notification that PEA would start its seasonal dock addition work.

There was a better notification to the C3I project discussed earlier tonight.

7. Natural Resource Planner's Report (Ms. Murphy):

The rain garden planned for Westside Drive neighborhood was constructed and installed, but there were some problems, so hand digging it was not possible. It had to be excavated to install it. They got an inquiry from Laura Burrego asking if the ConCom would cover the \$250 for the excavator's costs. Ms. Murphy told her the budget was tight but she would inquire of the Commission. Ms. Raub asked if DPW paid for the rain garden. They paid for the materials. Mr. Campbell asked if DPW could cover that cost? Ms. Murphy said she could ask if it would. Mr. Koff was not in favor of ConCom spending any money for that cost.

Ms. Murphy attended a 'Complete Streets' Workshop with other Town officials. It involved ways of designing streets for "pop up" complete street scenarios. They lay down tape for lines and show expanded areas, pocket parks and things like outdoor cafes. There will be an event in October for Lincoln St, at the Arts Festival, and the Town officials that went are going to do a pop-up Complete Streets event there. They are involving the Lincoln St Arts Chamber for this, with a "parklet" idea and "sharrows" which are arrows that show that roads are shared by cars and bicycles, and it will have a connection of Lincoln St to downtown with signage showing distances indicating the train station is walkable to downtown. She will bring in a design for ConCom to see. They are going to work with the bike

shop for rentals to tie it all together. Hopefully the Commission will help get the word out on this event.

8. Other Business:

There was no other business.

9. Next session is 9/13/16, with a submission deadline of 9/2/16.

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10. Adjournment:

No other business coming before the Commission, Ms. Surman moved to adjourn, seconded by Ms. Eberhardt. It was unanimously voted. The session adjourned at 9:10 pm.

Respectfully submitted by David Pancoast, Recording Secretary