

CONSERVATION COMMISSION

2/14/17

DRAFT MINUTES

As Finalized at the 4-11-17 Meeting

1. Call to Order:

Vice Chair Bill Campbell, Acting Chair, called meeting to order at 7:01 pm.

Introduction of Members present: Todd Piskovitz; Ginny Raub, Clerk; Bill Campbell, Vice Chair; Andrew Koff, Treasurer; Anne Surman, Board of Selectmen's Representative; and David O'Hearn.

Staff present were Kristen Murphy, Natural Resources Planner; and David Pancoast, Recording Secretary. Members of public were present as well.

2. Public comment:

Sheila Roberge of 15 Pickpocket Rd said she has lived in Exeter 45 years. She had an after the fact, important request, and gave the background. She has lived at 15 Pickpocket Rd in the old Kimball house that was built around circa 1730's for many years. About 35 years ago it was all woods behind the house. It was nice property, always open to public hunting and walking. In the early 2000's that property was sold to Riverwoods, which then expanded. In 1980's property was deemed to be a very valuable wildlife area and protection for it was sought. Riverwoods built the "Boulders" In 2008, which was fought at a ZBA meeting, but they lost. In April 2008, the CEO of Riverwoods specifically offered (at ZBA) to protect a portion of the property for conservation. Somehow they lost track of that but in January 2017, Ms. Roberge got a meeting notice from Riverwoods for two buildings, parking and improvements on Timber Lane. She called Kristen Murphy and the Southeast Land Trust. She learned that Riverwoods had bought her neighbor's property to the right of hers and was going to use some of it for a conservation land swap. Ms. Murphy found out that no protective easement was held on it by anyone. Apparently Riverwoods had approached this Conservation Commission about taking it, but the land was fragmented by the new road, so the Commission didn't want it. Rockingham Country Conservation was also not interested. Riverwoods then went to the Southeast Land Trust, which was fairly new then, and it was not ready to take it on at that time, so it also didn't want it. The matter languished with no interested land recipients, and the whole thing got lost in the shuffle so to speak.

Later on, Riverwoods changed its mind and decided not to build on Timber Lane but up behind the Boulders area. It wanted the building connected to its existing campus, which was understandable to her. But doing that doesn't make sense environmentally, there are two wetlands there. She is very concerned about these revelations. This is a unique property, even though badly compromised. The wetlands mitigation already done by Riverwoods is not good. Dugout areas are filled with pipes and rip-rapped along the road. Riverwoods did put in trails

and wood duck habitat, but the heron rookery area of the property was lost. UNH wildlife studies have found threatened yellow-spotted salamanders there. The large wetlands empties into Pennell Pond. There are turkeys, deer, etc., so the habitat is a good one. There is a large system of trails on both sides of Timber Lane. Erratic boulders on the left side of the road remain and local kids love to play on them. There are beautiful quarried granite pieces with chisel cut marks still on them. There are also four original old stone walls in good shape.

She is here to ask the Commission to revisit/reconsider its prior decision from 2008/2009 and ask Riverwoods if it can still get a protective conservation easement over it. People are out there using trails. It's hard to look at it now with all the snow, but in better weather they could look at it and walk the trails. At the ZBA hearing on it, one member of ZBA opposed the road as it would lead to more developable parcels and further development of it should not occur. Pickpocket Road residents have been very concerned about traffic and the imminent loss of the property she is discussing. It would be great to get an easement on it at least. Development of it is a total disregard for the property's natural beauty. [she passed out pictures for Members' information]. She also thinks that the "Split Rock" should be preserved.

Mr. Campbell said he had become aware that the Town Planner is working with them. The Commission needs to wait until it comes to them. Ms. Raub asked if the area is contiguous. Mr. Campbell said the Commission had thought that another entity (Rockingham County Conservation District) was going to protect it, but they didn't, and Riverwoods never came back to tell the Commission that so it could reconsider its prior decision on it. He said the Commission would consider it.

Dave Saffridge of Pickpocket Woods also spoke, as President of its community well association. They support Ms. Roberge in this. There are 10 homes on a community well there. The well head is 50 years old and close to the lot line and to Split Rock. Its radius of protection is 1000 feet, so that goes up to the maintenance shed in Riverwoods. Concerned about blasting for water and sewer lines. He said they were shocked it wasn't in any Conservation Easement. Community wanted it protected back then, in exchange for the original development. He asked if a land swap now could even work officially. Mr. Campbell said it was never officially under a Conservation Easement, so Riverwoods can still do a land swap on it. Mr. Saffridge asked what the issue was back then with the Commission not taking it. Mr. Campbell said he recalled that back then the Rockingham Conservation District ("RCD") was supposed to take it and the Commission preferred that since it would not have to take on that additional responsibility at that time. But the Commission never knew that RCD didn't pick up the easement. That makes the land swap possible now.

Ms. Murphy then said she had met with Riverwoods, with the Town Planner Dave Sharples and Doug Eastman, Code Enforcement Officer a week ago. At that meeting, they emphasized that protection of 'X' number of acres was an original requirement of that development approval and had to still occur, but it might not be the same area of protection as originally intended. "The Ridge" is also not in third-party protection, it's self-monitored by Riverwoods. She said it will absolutely be protected as a condition of approval. How it happens will be decided.

Mr. Saffridge asked if that there could still be a land swap on it? Ms. Murphy explained the hierarchy of strength of protection. Riverwoods could still swap it out because right now the original parcels weren't protected. [Mr. Saffridge then showed Members his tablet with plans and parcel locations that had been discussed]. He said that everything not in the original development footprint was to become an easement but didn't.

Mr. Campbell thanked both speakers for their input and said the Commission would look into it with input from the Planner and Ms. Murphy. Ms. Raub asked whose "court the ball is in?" Mr. Campbell said it's officially in Riverwoods' court-since they have to come back for approval compliance before they can move forward with any new plans.

There were no other public comments.

3. Action Items:

a. 104 Brentwood Road: Conditional Use Permit ("CUP") Application. Tax Map 61-23. (Chris Burke)

Chris Burke gave an overview-he has 1.5 acres, the majority of it is currently inaccessible. Wants a barn out back. He would like to fill in a portion of his lot just for rear access and cut trees and grind the stumps. Mostly the area is in wetlands buffer zone. He said the buffer zone comes right up to the house. He had done some cutting, not knowing about the buffer zone, and a skidder was used in that timbering operation.

Luke Hurley, Gove Environmental, is Mr. Burke's consultant on this matter. He said he flagged two wetlands: smaller isolated wetlands in front of the lot, and larger to the rear. He did that work before the snow came. They hold water. The buffer zone comes off the larger wetlands to rear. The cutting and skidding operation hasn't caused any damage to wetlands, only buffer area. He added that Mr. Burke is intending to level the area out, not really fill it. It's so rocky it's not usable for anything.

Logging machines tore up the buffer. If it could be leveled out for access, Mr. Burke would do plantings back there to mitigate machine damage. Ms. Raub suggested could reduce it to less filling. If they remove boulders, wouldn't it impact the ground? She suggested they leave the boulders not in the actual accessway. Mr. Hurley said larger erratic boulders could be in the way. Ms. Raub said a 20 ft wide accessway is enough, they could leave the rest natural. Mr. Hurley said it's a boulder field back there. They need to move some of the larger ones for having a usable area.

After some discussion, Mr. Burke said poorly drained soils area there are about 2,000 sq ft. There would be about 10,000 sq ft of impact for proposed buffer work. Commissioner Alyson Eberhardt had emailed Mr. Campbell that this project scope was unclear. There was no comment in the submission on the functions of the two wetlands as to their importance. Mr. Burke said he would use a bobcat only, not an excavator, for boulder removal and leave

as many as he could leave. He has a trailer and dump truck for his business that he would put back there. He said he only needs about 13 feet width for the accessway. There are a couple of large boulders near the house that he would want to move. Mr. Koff asked where the barn would be. Mr. Burke said outside the buffer zone as would the new garden area be outside of it. There are no horses going into the barn and no animals planned for it. He would not loam and seed the whole disturbed buffer area-this discussion made that clear.

Mr. Campbell asked Commission how it felt about it. He suggested the Commission recommend the Planning Board approve the CUP to allow a 15 ft wide accessway, loamed and seeded but only if the rest of the area is not loamed or seeded and is left natural. Ms. Surman thought it was a good compromise. Mr. Piskovitz said the submitted plan won't show it that way. Mr. Burke said he'd revise the drawing for the Planning Board Mr. Koff said it would be noted in their decision about the plan revision. It was decided that the accessway will be gravel base with a loamed and seeded surface. Discussion on related terms was held. Grinding stumps to grade was also approved. Recommendation is to allow a 15 ft gravel driveway (with loam and seed surface) from the existing driveway to access back land. Remaining part of buffer zone to remain natural with allowance for grinding stumps. Driveway to be as close as practical to the brick path. Owner will plant native species in the remaining disturbed buffer zone area. The organic garden should also be approved. Ms. Raub and Ms. Murphy will suggest plantings to Mr. Burke. The new brick walkway as proposed should also be approved.

Ms. Surman moved to recommend/support approval by the Planning Board of the submitted CUP application with the conditions just stated, Ms. Raub seconded, and it was unanimously approved.

b. Snowshoe Hullabaloo application. [Applicant not present].

Mr. Campbell said this event has been approved every year so he excused the applicant from attending. Ms. Murphy said a police detail will be present. Mr. Piskovitz moved approval, Mr. Koff seconded, discussion on the time of the event was held and it was unanimously approved.

c. Barry Conservation Camp Youth Sponsorship.

Mr. O'Hearn reported that the Camp is completely filled this year already. Mr. Campbell said the Commission should factor this into its budget for next year. Mr. O'Hearn gave some background. The original camp went into disuse. It was rebuilt it a few years back. There was discussion on activities and 2018 planning on this including how the Commission chooses which activity(ies) to sponsor and whom to designate to go. Mr. Piskovitz suggested an essay contest. Ms. Raub suggested if they sponsored one person, that person could do something for the Commission in return. Mr. O'Hearn said he had to report to the Commission on his experience there as a youth. Mr. Campbell asked if the Commission was interested in sponsoring this? Discussion on Junior Conservation Officers and business

contributions was held. Mr. Campbell suggested that someone who can't otherwise afford it would be a good choice for the Commission to sponsor to attend. Mr. O'Hearn said Big Brother/Big Sister would be good for that too. Ms. Surman said it's a good idea and she supports it and thinks it should go into the budget. This is a good educational purpose. Ask for \$500 in the budget and do an essay contest with the winner tied with financial need. Mr. Koff said it's a good idea-just need to figure out funding. Mr. O'Hearn said the applications for 2017 have to be submitted by 6/1/2017 but it's already been sold out for this year. Discussion was held about some possible way the Commission could reserve a spot for its designee for 2018. Mr. O'Hearn will look into the matter further and report back.

d. Treasurer's End-of-Year Report for 2016:

Mr. Koff reported the Commission used its budget in full. Ms. Murphy reported that was the first time they had used it all. Mr. Koff said they overspent slightly (\$121 total)-and that shortfall needs to be balanced somehow. The same budget will be available next year in total if it is approved at the upcoming Town Meeting.

Ms. Raub moved the Commission accept the year-end report, Ms. Surman seconded and the approval was unanimous.

4. Committee Reports:

a. Property Management:

Ms. Murphy said that Steve Walker from the LCIP from the State walked some Commission properties recently. He may do more and Mr. Campbell would like to be notified to possibly meet him and go out with him.

b. Trails:

Mr. Koff reported they are organizing a Trails Committee meeting but need to discuss the next committee meeting date: it should be after the Town meeting. They can do 3/21 or 3/22, or another date, perhaps earlier. Several Members couldn't do 3/14, the Commission's normal meeting date in March. There was discussion on moving the regular meeting date up or back. Ms. Murphy suggested the Commission could meet on 3/21 in the Wheelwright Room. If too many folks, the Commission may need to move to Library or pick another date. The Trails meeting would then be the next night (3/22). Henderson Swasey trails need to be discussed. Ms. Murphy asked if the Commission could have a subgroup discussion beforehand to get things on track. Mr. O'Hearn, Ms. Surman, and Mr. Koff will discuss an agenda, Mr. Campbell will be kept in the loop of information but there will be no quorum for the subgroup.

Mr. O'Hearn did walk some trails a few weeks ago at Dolloff and Little River. There is an old canoe at headwaters of Little River. Cross mill site and go straight, north toward Rte 101, on

other side. Bridge still there and still usable, but no trail to it, just a hunting trail there. Discussion on this area was held.

c. Outreach:

Snowshoe race: Mr. Campbell suggested expand parking from existing area toward barn and park cars there in field. Ms. Raub said explore with DPW. Ms. Murphy said check deed too. Ms. Raub suggested to use land from the parking lot down to trail. Farmer doesn't mow all of it. There's a wetlands near the barn. Should have taken the offer to plow the parking area. Couple of ruts in there, they sunk in a bit. Mr. Anderson said 70 people were ready to go out for that event. Mr. Campbell concerned about night time event, not enough folks to help participants cross the road. The Commission had created a following, need to accommodate the users. Ms. Murphy said that Public Works has worked on that lot since its acquisition and if they felt it was too soft, shouldn't question it. Mr. O'Hearn: If DPW wheels had spun, then would have known. Discussion was held on needing it plowed for this year. Ms. Murphy said can't impact the agricultural use. Need to have a plan for that number of folks. Mr. O'Hearn said there was no snow the Wednesday before the event. Ms. Raub said should plow the parking lot now and get it going. Need enough folks to handle parking and such. Ms. Raub said Saturday 3/4 or daytime Sunday 3/5 would work. Mr. Koff said could get help beyond the Commission. The weekend of 3/11 is not good. Discussion on all this and reservations for spots for attendance was held. Brown Paper tickets were used. Southeast Land Trust event was limited parking. Consensus was for March 4th, Saturday night.

5. Approval of Minutes for 1/10/17:

After discussion on corrections, additions and changes, Ms. Surman moved to approve the minutes of 1/10/17 as amended, Mr. O'Hearn seconded and the vote for approval was unanimous.

6. Correspondence:

Henderson Swasey is part of a tree farm plan and got letter acknowledging the timber project work. Mr. O'Hearn asked about a sign for tree farm. Mr. Campbell said there should be a tree farm sign.

7. Other Business:

Revision of the Bylaws started by Ms. Murphy and Ms. Raub, would like to get a draft for March meeting. Discussion on edits and not a lot of major revision.

8. Next Meeting: is 3/21/17 with submission date of 3/10/17, location to be decided.

9. Adjournment:

There being no further business before the Commission, Mr. Koff moved to adjourn, Ms. Raub seconded and the vote was unanimously approved. Vice Chair Campbell adjourned the session at 8:50 pm.

Respectfully submitted by David Pancoast, Recording Secretary.