

**CONSERVATION COMMISSION  
JUNE 13, 2017  
DRAFT MINUTES**

**A. Call to Order:**

Acting Chair Carlos Guindon called the session to order at 7:04 p.m.

**1. Introduction of Members Present:**

Members present were Todd Piskovitz, Andrew Koff, Virginia Raub, Carlos Guindon, Vice Chair and Acting Chair; Alyson Eberhardt, David O’Hearn; Anne Surman, Selectmen’s Representative; Marie Richey, Alternate Member, and David Short, Alternate Member.

Staff present were Kristen Murphy, Natural Resources Planner; Paul Vlasich, Town Engineer; and David Pancoast, Recording Secretary. Applicants, consultants and members of the public were present as well.

Mr. Guindon introduced David Short, newly appointed Alternate Member.

**2. Public Comment**

There was none.

**B. Action Items**

**1. Lincoln Street Watershed Improvement Project (*Paul Vlasich, DPW, Rob Roseen, Waterstone*)**

Paul Vlasich, Town Engineer, said there was a \$75,000 grant awarded which work needed to be completed during this June. Lincoln Street watershed was chosen because there were many opportunities for improvements.

Robert Roseen of Waterstone Engineering presented an update and the final results, including a slide show of the project and results. This project is part of the Administrative Order of Consent with Exeter from NH DES. There is an annual reporting process on nitrogen levels in the watershed. The NH small MS4 municipal stormwater permit is in place and includes nitrogen control improvements. Retrofit includes best management practices. An old stream bed of Kimmins Brook (now fully culverted) runs east/west through the watershed with a 27” storm drain. He showed a slide for current modeling of a 10 year storm for flooding areas. The slide showed some Best Management Practice (“BMP”) improvements, already showing significant improvements for the watershed.

BMPs #1 and #2 are located on Main Street at playground by the cemetery is located. For improvements these BMPs are showing 76 % load reductions, which are in addition to wastewater plant reductions at 75%, so it's a very good improvement. He reviewed other BMPs installed as well, and summarized their improvements. Reductions vary because the devices are opportunistic. He reviewed the cross-section of the devices to indicate how they work. Once installed, they are out of sight underground. He explained one device that functioned just like a salad spinner to remove solids from the stormwater. Tree planters were another BMP used to make improvements as well.

Costs were broken down into four areas of the watershed. BMPs #1 and #2 were about \$125,000 each. It's about \$1500 per pound of nitrogen removed from the system. The tree planters were in the \$3,000 range. BMP #5 was about \$50,000. The final report will be issued at the end of June.

Ms. Eberhardt asked about BMPs and whether trees could go over them. Mr. Roseen said yes, but they prefer to avoid that. Distance separation of between things matters on efficiency/effectiveness of the BMP devices.

## **2. Conservation in a Changing Climate: Assistance Opportunity (*Lisa Graichen, Amanda Stone*)**

Amanda Stone of the UNH Extension spoke about the importance of Conservation Commissions' work, often going unrecognized. Rockingham Planning Commission (RPC) did a C-RiSe project that fits with this one. Coastal Hazard Commission ("CHC") was formed in 2013, and is a bipartisan group. It represents all 17 coastal communities that include those on Great and Little Bays as well as the ocean. The science shows clearly that sea level is definitely rising and there is an increase in storm surges and accompanying flooding as well. NOAA is working with this group and they are all trying to educate, do outreach and such. There is funding to assist municipalities with projects. There is an outreach program to inform Exeter residents about climate change. The Planning Board is often involved but ConCom should be as well because natural resources are often affected. Rockingham Planning Commission ("RPC") is involved. Julia Branch is working on programs in this area. There is also coordination of state agencies to assure same page efforts across the board. She passed out an information sheet and went over it. [Interested parties can view it at the Conservation Office.] There has been an increase in invasive species.

The Natural Resources elements were taken out of the main Report. The maps show the five foot sea level rise contour for issue awareness. The five things Commissions can do to help climate change awareness are to encourage preservation of natural features, control of invasive species, build public awareness about climate change, include

climate change in municipal documents, and add climate vulnerability and adaptation benefits to the criteria.

Protecting natural resources is one of the most important things to do locally to accommodate climate changes. An example would be to include areas where salt marsh could migrate inland as sea level rises in the future.

She discussed other actions that Commissions can do to accommodate climate changes. Living shorelines are very important, as opposed to “hard-scaped” shorelines.

Mr. Guindon said some invasive species management is being done at Commission administered properties. Ms. Raub said the Town has applied for a SAIL grant. It involves Stormwater Regulation and Master Plan updates, which involve sea level rise. Ms. Stone said it was important for Town boards and officials to work together on planning, projects and permitting to assure developments improvements are on the same page.

She said she hoped representatives of the Commission might participate in the Rockingham Planning Commission projects on this issue.

Ms. Richey added that it would be a good idea to incorporate more climate change language in local documentation and decisions. Ms. Stone agreed.

### **3. July 27, July 28 Eco-Endurance Event Request (*Mason Holland*)**

Mason Holland explained that a Four-day Eco-Endurance event will be held next summer, with participants hiking, biking and paddling their way through natural areas in NH and here in Exeter. The northern side of Fort Rock will be involved. No marked course, just hung flagging in the woods. There will be no vehicles, just bikes. There will be a couple hundred participants separated into groups of 2-4 and at that point in the event they will be well spread out. It will probably cover about 36 hours of total time. There won't be a mass of people at any point. This is planned for July 2018, a year from now. It's a non-stop event, participants decide when they need/want to stop for any reason. They are asking for 24 hour access to Fort Rock for this event, short time for this. No trails need to be closed. There can be some bushwhacking for flags, but can keep the flags right on the trails if it's a problem.

Ms. Eberhardt asked if there were camping spots for the eventers. Mr. Holland said most camp a few nights, but some competitors sleep an hour only twice over four full days, to try to win. It is mountains to coast course, but it's a secret course until the morning of the event. Ms. Richey asked about “leave no trace” aspects, maybe moving

debris out of trails etc., as they go. Mr. Holland said the group are nature lovers and a conservation event of some kind is generally woven into the event during it.

Mr. Piskovitz said that the Fort Rock area has some privately owned lands and the Commission can't manage or approve that access. Mr. Guindon said the Commission has to decide if it's something worth approving. He thinks it's a good idea. Mr. Holland said they are open to suggestions on making a positive impact. Mr. Piskovitz moved approval, seconded by Ms. Raub and the vote was unanimously approved. Mr. Holland will send Ms. Murphy their insurance certificate when the event is closer.

#### **4. June 24 Exeter Trail Race 2017 Event Request (*Ri Fahnestock and Sarah Sallade*)**

The Trail Race is June 24<sup>th</sup> at 6 Commerce Way. The landowner is okay with it and it has been approved. Construction issues are involved but they can get folks through there at C3I company site. Course changed just a little bit, but nothing major. There is a bridge down at one point of the race course, but the group will be fixing that before the race as an improvement. Start time is 10 am but it might be staggered a bit. This is part of the New England American Trail Runners Association series this year, but only about 50 extra people, so about 150-200 total . There is a 10 mile and a 4 mile race and the 4 mile will start later than the 10 mile race, so all will be done by 1 pm or so. There will be a sweep cleanup afterward to leave the trails as they should be.

Trails don't need to be closed but "Race in Progress" signs will be put up to make walkers aware. Comfort stations will be available at the start and finish. June 24<sup>th</sup> is the same date as Exeter Summerfest, so they will be sending racers down there afterward. Ms. Eberhardt moved approval, Mr. Koff seconded and it was unanimously approved.

#### **5. Standard Dredge and Fill Application for the construction of a residential, Active Adult Community for 1,395 SF of wetland impact. In addition, a request for your recommendations on the requested waiver from the provisions of the Wetland Conservation District in accordance with Article 9.1.6. C of the Zoning Ordinance and Section 9.9.2 of the Site Plan and Subdivision Regulations (Map 47, Lot 8).**

Michael Donahue, Esq., of Donahue, Tucker and Ciandella, presented. Mr. Shafmaster couldn't be present this evening. Also present were Steve Leonard, Project Manager, Brendan Quigley of Gove Environmental Services, Denny Hamel of WC Cammett Engineering, Doug Griner, Landscape Architect, of G2+1, who made many improvements to naturalize the project, and also Justin DeSay, Esq., of the Donahue Office.

This is for a 116 unit active adult community. At the last Planning Board meeting it was positively received by that Board. Many of them were there on the site walk with ConCom for this earlier tonight.

There are some waivers involving the buffer areas, but others might be of interest to ConCom as well. Parking waiver and waiver to reduce distance for parking to roadway areas. Ms. Murphy can comment on those as she was involved for Commission and TRC meeting.

Mr. Quigley of Gove Environmental Services, spoke and addressed state application direct impacts. Two main features are shallow pond and a wetlands area too. Actual pond is small. There is an overflow finger from the wetlands. Watson's Brook is involved. This is a standard forested wetlands dominated by ferns. There is 995 sq ft of disturbance in one area. Mr. Koff asked about the timing of delineation. Mr. Quigley said Fall of 2014 and onsite for 5 years overall. Second impact area is stream crossing at a discreet location-two foot deep channel. A 12 foot wide box channel will span entire channel and stream bed will be within it. It's a Tier One crossing meeting openness ratios and requirements. Total is 1395 sq ft of impacts for all. This is a fairly routine project from wetlands perspective. NH Natural Heritage Bureau was contacted and two plants came up. A federally protected species can be found in that area, but they haven't uncovered any yet, after one search. A second search will be conducted soon for that species.

Mr. Koff asked about utilities for the site. Mr. Leonard said they will be located under Epping Road and then under the "TIF" road on this site. Those impacts are within the wetlands and buffer impacts already listed. The box culvert is 4 ft high and 12 ft wide. The sewer will be mostly gravity feed with one pump up area. The utility company wants overhead lines but the applicant is trying to get it to agree with underground utilities.

Ms. Richey asked about plan changes from last time for ConCom only. Mr. Donahue said there have redesigns to reduce impacts to the buffer by proposing stone retaining walls for example. There are waiver changes to be discussed. There was discussion on when Commission would act on various aspects of this matter. Ms. Murphy said that Shoreland Ordinance issues must be appealed to the ZBA.

Doug Greiner, Landscape Architect, said he was brought in to naturalize the project. Discussion was about various site design elements, storm drainage, bio-retention areas and treatment swales and rock stabilized slopes (in lieu of retaining walls, to avoid having too many guardrails). Those slopes have 1:1 slope ratios. They are visually more appealing for residents. They will be overseeded with NE Conservation Mix. There is

some lawn but not much of t;small areas of lawn around immediate perimeter of buildings. They will use NE Conservation and Wildlife Mix for those areas. His work integrates with other team-members' design efforts. Road is now more serpentine and natural looking. Outdoor patios are included on all buildings and most are wedged into areas near rock-stabilized slopes, improving it site-wise.

For shrubs, some are natives and some are "improved natives" for better flowering features. Trees are all natives and randomly placed for a natural look. He will be present for all plantings to assure locations are random.

Ms. Eberhardt asked about shrub plantings. Mr. Greiner said there are some but not much, mostly 2" stock. They are using naturalized landscaping for the project, to minimize any fertilizing needs,

Ms. Eberhardt asked about graded slopes. Mr. Greiner said they become rock stabilized slopes for the most part. He discussed rain gardens and bio-retention areas too as well as treatment swales.

Steve Leonard added there is ZBA variance approval for this project site.

Ms. Richey asked about detention ponds and if permeable/porous pavement has been considered at all?

Dennis Hamel of Cammett Engineering reported that permeable pavement was considered but it doesn't work well in a linear setting due to damages from heavy construction vehicle and other vehicle repetitive passage, much better in a parking lot situation. So they ruled it out here for those reasons.

There were initially 266 parking spaces required. Garages under spaces numbered 122 and they originally needed 144 more above-ground spaces. But the marketing folks said parking isn't a big issue here, so it was reduced to 198 outside spaces. Reduced paving of road width and parking areas too. He discussed moving improvements out of buffers. Two are in structural setback area but not disturbed. A new product called modular bioretention devices will be used, ten in all. They filter water at 100 inches per hour and handle a lot of stormwater. Also reduce TSS and nitrogen by 48% and phosphorous by 66%. The manufacturer installs them, assures functionality and only after a year of functionality turns them over to the site owners to assure they work okay. Only maintenance is replacing surface bark mulch annually.

Ms. Raub asked about buffer on the Landscaping Plan. Mr. Hamel showed her they were outside the buffer she was asking about.

There was discussion on impervious surfaces percentage of 26%, how calculated. Mr. Quigley responded that it's the total lot area that lead to the calculation. Mr. Donahue said that information appears on wetlands impact plan and in their waiver requests. Wetlands onsite is about 1.5 acres, so about 10 acres is non-wetlands on this site. Much of it taken up in buffer protections on site. Direct wetlands impact under Army Corps definition is about 1.2%, which is very low for a project like this.

Ms. Eberhardt said she is uncomfortable with the amount of impervious surfaces in this project. Mr. Donahue said the impacts are not even half of the area. Landscaping doesn't create impervious surfaces. In fact, the outside patios will all be surfaced with permeable pavers.

Mr. Quigley added that 57,000 sq ft of impervious was the original number but it went down to 37,000 sq ft, a 35% reduction. None of that is for impermeable surfaces. The majority of impacts are the graded slopes.

Ms. Eberhardt said that there are 25% of the 50 foot buffer onsite will have direct impacts, almost 40,000 sq ft-which makes her very uncomfortable. Project is squeezed into every bit of upland they can. She suggested that RCCD be brought in to review the wetlands delineation. Big project so every little bit of wetlands that is involved need to be verified and well defined.

Mr. Donahue asked if she had any particular concerns on that aspect. He said this comment/suggestion should have come up at earlier presentation. Entire wetland impact here is only 1500 sq ft, shouldn't have to redelineate whole thing on that basis. If something definite as to mitigation, then let them know and they'll work on it. Mr. Leonard said the two road crossings are about 60% of the buffer impact. Mr. Donahue added that it was quantified. Impact is to get the roadway in on a sizeable area of buildable land, not the buildings. He agreed it's not a simple site. Mr. Leonard added that swales are part of the treatment and water management features.

Ms. Murphy read the procedures on the process. The Planning Board, Code Enforcement Office ("CEO") are all involved, and the ConCom on the wetlands issues. The Planning Board can call in another expert to check the delineations of them. ConCom would have to recommend that to that Board and it would decide what to do. Mr. Short said it boils down to validity of the delineations presented to the ConCom. Mr. Koff said no flags were present on the site walk. Mr. Quigley said the flags are there but a few years old, so only remnants most likely. He said the site walk didn't go that close to the wetlands tonight. Flags might be moved in field review but most likely no changes

to project, maybe only some grading. Mr. Leonard said that they first delineated this 10 yrs ago with someone else. Mr. Gove went out and rechecked it all to do a new delineation which also served as a sort of double check on that original delineation. There were some changes in wetlands delineation processes and analysis regimes since then.

Mr. Quigley said the two delineations were very close to each other and would be highly unlikely to change anything on the project due to that.

#### Dredge and Fill Application:

Ms. Raub asked if one matter is predicated on the other with respect to the two application matters. Mr. Piskovitz said it's either no objection or to be approved with suggested conditions that are stated. Ms. Murphy said if there's no recommendation, the application would just go forward without one from the Commission and the Planning Board would decide what to do.

Mr. Koff asked if any lesser process could be followed on delineations without full scale redelineation? Mr. Quigley said not really. Mr. Koff moved the Commission submit "no objection" to dredge and fill permit issuance. Ms. Raub seconded. On discussion Ms. Eberhardt asked if the Commission could add that the delineation was done several years ago. Ms. Surman asked who paid for Gove's work? Applicant said they paid it. Ms. Surman said the Town has used Gove many times so if there are no specific issues about the delineation, then shouldn't make applicant expend any more money on this if it's not needed.

Discussion was held on delineation. Ms. Raub said her concern is it was a fall delineation several years ago. Might not warrant another opinion on it. She sees both of the points made by Ms. Eberhardt and Ms. Surman. Mr. Quigley said that there would be very few if any changes. Fall delineations don't pose many problems, not like winter can.

As to the first motion there was no change in it after all the discussion. Mr. Koff (mover) said this should have been considered earlier in process. Mr. Short suggested possibly stating "No objection recognizing the strides the applicant made to reduce buffer impacts and the Planning Board should recognize that but decide if any additional actions exist that could further minimize buffer zone impacts, then those should be considered." Mr. Guindon said the motion should be amplified to include some element of the Commission's concerns.

Mr. Koff withdrew his original motion and Ms. Raub withdrew her second. Mr. Guindon offered a motion to state "no objection to permit as presented, but any actions that could be taken to further reduce impacts should be considered." Mr. Koff moved it, Mr.



Piskovitz seconded and the vote was all ayes but Ms. Eberhardt voted nay. The motion carried.

Waiver of wetlands impacts:

Ms. Eberhardt asked what their role is for this? Ms. Murphy said it's recommendation/comments to the Planning Board. Ms. Raub asked whether ConCom should acknowledge there was no discussion on waiver for wetlands impacts. Mr. Guindon said it could. Mr. Donahue said the applicant presented all reasons for justification for the wetland waiver in its presentation tonight and the deliberations should reflect that fact. Mr. Koff moved to support the waiver application with no objection, Mr. Piskovitz seconded. The vote was all ayes but Ms. Raub and Ms. Eberhardt both voted nay. The motion carried despite the two objections.

## **6. Seeds of Success Program: Request to Collect on Conservation Land**

Ms. Murphy said the program is to collect native local seeds for use in future projects. ConCom would receive a portion of the collected seeds. Ms. Eberhardt moved it, Mr. O'Hearn seconded and it was unanimous.

## **7. Committee Reports**

### **a. Property Management**

#### *i.* Raynes Lease

Ms. Murphy: lease is ready, signed by farmer, recommend to BOS that it approve/sign it. It has all language Commission wanted. Mr. Koff moved approval of lease as presented, Ms. Eberhardt, and it was unanimously approved.

#### *ii.* Raynes Barn Sign [This matter was tabled]

#### *iii.* Henderson Swasey Invasive Plant Treatment

Need three quotes per Ms. Murphy, but they can't find a third bidder. Needs Finance Dept approval somehow if can't get a third quote. Needs to get it done so can do the work this Fall. The Commission decided to add a meeting if necessary for this.

### **b. Trails**

#### *i.* 2017 Trail Project List Review & Overview of Site Walk

There was a brief update and more work is needed.

#### *ii.* Morrissette Kiosk Funding

Tabled due to lateness of the session.

### **c. Outreach**

Ms. Eberhardt: June 20<sup>th</sup> Estuary Alliance on Birds from 12-1 pm, at St James Masonic Lodge in Hampton.

**8. Approval of Minutes: May 9<sup>th</sup>, 2017**

These were tabled due to lateness of the session.

**9. Correspondence**

There was none.

**10. Other Business**

The Apple Tree Release Program with commission members and Ben & Jerry's employees was a big success. In appreciation for letting them participate in the project they left coupons for their ice cream for the Commission to enjoy.

**11. Next Meeting: Date Scheduled (7/11/17), Submission Deadline (6/30/17)**

**12. Adjournment:**

There being no further business, Mr. Koff moved to adjourn, second by Mr. O'Hearn, the motion passed unanimously. Chair adjourned at 10:31 pm.

Respectfully submitted by David Pancoast, Recording Secretary.