

Exeter Conservation Commission
December 11th, 2018
Town Offices Nowak Room
Final Minutes

Call To Order

1. Introduction of Members Present

Present at tonight's meeting were Bill Campbell, Carlos Guindon, Ginny Raub, Sally Ward, Todd Piskovitz, Lindsey White, Andy Weeks, Lucretia Ward, Trevor Mattera, Don Clement, and Kristen Murphy. Alyson Eberhardt and Dave Short were not present. Mr. Campbell called the meeting to order at 7:01 PM.

2. Public Comment

Mary Lou Norris of Watson Road complained that the Snowmobile Club has made channels in the beaver dams near her house. Mr. Campbell said they should be coming to the Commission first and asking permission. Mr. Guindon said both dams have had Beaver Deceivers placed in them, which were good for 10 years but seem to be a problem this year. Mr. Clement asked if it's town property; Mr. Campbell said yes, it's in the Oaklands. Ms. Murphy said the Snowmobile Club comes before the commission every five years to make an agreement, and she will look at the wording in the file. She added that landowners do have the ability to break a beaver dam with hand tools. Mr. Campbell said they would follow up.

Mr. Campbell mentioned that commission meetings will no longer go beyond 10 PM without a vote to continue.

Action items

1. Review of NHDES Shoreland Permit Application for reconstruction of a single family home at 374 Water Street, Tax Map Parcel #53-3 (*Brendan Quigley, GES, Inc*)

Ms. Murphy said that the commission doesn't have the right to intervene on shoreland applications, but if they had received the application in time for the meeting, DES would accept feedback. In this case, they didn't receive the application in time. Mr. Campbell explained that they are tearing down a house and rebuilding in the same spot. They did reduce the impervious surface by a fraction. Ms. Murphy said it's also slightly more distant from the shore line. Mr. Clement said that the Exeter Squamscott Local River Advisory Commission has the right to review shoreland applications. That group saw the plans, met with the engineer, and gave the ok. This project is not encroaching shoreland and not increasing the impervious surface. Mr. Piskovitz observed that the new building and garage look bigger. Ms. Murphy said the house and garage are bigger but paved area is less. Mr. Campbell asked if they needed to vote, and Ms. Murphy said no.

2. Application for a Shoreland Conditional Use Permit and Wetland Waiver by Salema K.I.D.S. Realty Ventures LLC for the construction of a 6,860 SF Commercial Retail building at 159 Epping Road, Tax Map Parcel #47-9.2. (*Chris Tymula of MHF Design Consultants, Inc.*)

Chris Tymula of MHF Design gave a brief introduction to the project. The property was subdivided from lot 9 earlier this year; this waiver application is only for 9.02. This is retail commercial development on the east side of Route 27 between Continental Drive and Kings Way Ave. The parcel has an area of 5.7 acres. There's a wetland buffer on the rear of the site, and shoreland area for Watson Brook. They are proposing a development of 7,011 square feet; 1,941 would be a donut shop with a drivethrough, and 5,070 of retail/commercial space.

For their stormwater management plan, there's a closed drainage system, curbing around the site to capture stormwater runoff, which would drain into four or five Rain Guardian filters, which will discharge into five aboveground bioretention areas. This system is designed to reduce the peak rate and volume of runoff, and is consistent with town and state requirements for stormwater management. The grading and buffer disturbance has been reduced by about 9,000 square feet since their initial submittal, by extending the retaining wall and putting some parking outside of the buffer zones. They're providing New England Conservation/Wildlife seed mix on the downstream side of the two bioretention basins in the back, as well as any area within the 40 foot buffer zone. During the development, they'll be providing erosion controls, a silt fence along the edge of construction, silt sacks, and hay bales.

Mr. Tymula said that for the work proposed, they will need a recommendation from the Conservation Commission that the Planning Board approve a waiver and a conditional use permit. Mr. Campbell asked about a discrepancy in square footage listed for the conditional use permit for shoreland protection and the wetland waiver. Ms. Murphy explained that the shoreland district extends further into the site; the shoreland clips the edge of the building and is in the area of the dumpsters, while the wetland buffer is further back.

Mr. Campbell said that the town requires 24 parking spaces, but this project is asking for 39, and pointed out that if they took off a row of parking, they could pull the development back from the shoreland. Mr. Tymula said that they met with Darren Winham and Dave Sharples, who said it was less likely they would get the variance from ZBA than from the Planning Board and the Conservation Commission. Ms. Murphy explained that Epping Road has a 50 foot setback according to ZBA. Mr. Tymula said that they did do a substantial amount of pulling back. Originally, there was no retaining wall on two sides of the site; adding these allows them to pull the grading in substantially from northern and southern buffer, by about 9000 square feet.

Mr. Campbell asked where the snow would be put. Mr. Tymula pointed out the snow storage areas, which are outside all buffer zones except for one area. Mr. Campbell asked if it will drain toward the bioretention areas. Mr. Tymula said yes. Mr. Guindon said that beavers have been active in these woods, and there's overflow and flooding. Mr. Tymula answered that they are raising the grade, adding a drainage swale to catch runoff from Route 27, and the site parking runoff will go to the bioretention areas. The berm at the back of the site is at elevation 98, and the wetlands are at 88, so they're 10 feet higher.

Mr. Campbell discussed the criteria for issue of the waiver, according to the letter of MHF Design to Dave Sharples. He had concerns about criterion number three: "The Applicant has demonstrated that the use cannot be reasonably carried out on a portion or portions of the lot which are outside of the buffer." Mr. Piskovitz added that he was concerned about criterion four, "The Applicant has made a substantial effort to minimize impacts to the buffer;" in his opinion, getting the variance from ZBA would be a substantial effort. Mr. Campbell thought they'd satisfied numbers five and seven.

Mr. Guindon asked if they are bringing in fill from somewhere else, and Mr. Tymula replied yes. Mr. Guindon was concerned about more invasives coming in. Mr. Tymula said that they will act consistently with what AOT [The Alteration of Terrain Bureau] would require. Mr. Campbell suggested that the Commission add that concern into the recommendation letter.

Mr. Piskovitz said that he would recommend that the Planning Board not approve the wetlands waiver, since they have not met criteria three and four. He suggested they go for the variance and move the development substantially out of the buffer. Mr. Tymula responded that they'd had feedback from the Town Planner that a variance is not the right way to go. Ms. Murphy said she would discourage the Commission from directing an applicant toward seeking a variance in the motion.

Mr. Clement explained that there's a 50 foot setback on Epping Road because they did not want to see a strip of buildings and parking lots against the road like on Portsmouth Avenue. It leaves a green area in front of potential development and gives the town the opportunity to widen Epping Road in the future. Mr. Piskovitz countered that he would rather see wetlands preserved than a green strip in front. There's a 150 foot shoreland buffer for a reason; it's an important watershed, and a town resource. Ms. Ward said she'd like there to be a reconsideration of moving the project toward the road, which would require a variance.

MOTION: Mr. Piskovitz moved to recommend that the Planning Board not approve the wetlands waiver because the applicant has not met criteria three and four for issuance of a waiver, and they would like to see the applicant review alternatives that move the project substantially out of the buffer to minimize further the disturbance in the buffer. Ms. Raub seconded. Mr. Piskovitz said that the solution could be a variance, or other alternatives such as having one less unit in the building. Mr. Tymula said they'd already reduced the amount of impact by 9,000 square feet from the original proposal. Mr. Campbell said that's laudable, but there could be more of a change. Mr. Piskovitz, Mr. Campbell, Ms. Raub, Ms. White, Mr. Koff, and Mr. Guindon voted yay, and Ms. Ward voted nay. The motion passed 6-1-0.

MOTION: Mr. Piskovitz moved to recommend that the Planning Board not approve the CUP because condition E for issuance of a CUP, minimizing impact to the buffer zone, is not met. Mr. Guindon seconded. Mr. Piskovitz, Mr. Campbell, Ms. Raub, Ms. White, Mr. Koff, and Mr. Guindon voted yay, and Ms. Ward voted nay. The motion passed 6-1-0.

3. Consideration of a Wetlands Conditional Use Permit by ProCon for the construction of a Unitil Operations Facility at 20 Continental Drive, Tax Map Parcel #46-3 (*Jim Petropulos, H/S Inc*)

Jim Petropulos of Hainer/Swanson, representing Unitil Energy Systems, said that they are seeking input from the Conservation Commission on their conditional use permit request for a wetland conservation buffer. They haven't yet made an application to the Planning Board. The project is on a 11.7 acre tract of land, part of Garrison Glen Corporate Park. In 1998, the entire park was conceived in a commercial subdivision, 8 lots in total, plus 212 acres of land conveyed to the town of Exeter for conservation. This lot has frontage on Continental, but the access would come from the Gourmet Gift Basket driveway. There's a series of wetland areas near

Continental Drive that they intend to stay away from. They've looked at the wetlands in spring conditions, and they do not meet the criteria for a vernal pool.

The proposal is to build a 53,000 square foot operations facility for Unitil Energy Systems. Unitil provides energy to the Seacoast and is a first responder during a power outage. They're currently in Kensington, in a small outdated facility. The building will contain offices, vehicle storage, warehouse areas. It will have 80 employees. There will be 100 parking spaces, with additional spaces used as a staging area for surplus vehicles used during storm events. There will be a paved area behind the building for equipment storage: utility poles, piping, transformers, pedestals, etc.

There is 15,423 square feet of wetland impact, mostly at the edges of the larger wetland complex to the south of the property, other than the pocket area on the site. The wetlands have a 40 foot buffer. The intrusion into the buffers totals 78,155 square feet. Half are paved areas, half are outside pavement. For stormwater, they're using a system of curbing and catchbasins, captured from the front and brought to the back to pretreatment water quality units and a subsurface water detention area.

Regarding porous pavement, they dug test pits and found gray clayey soil, which doesn't receive water well. There's ledge in the front and glacial till soil in the back. This reduces the stormwater strategies possible.

The DES policy with wetland impacts is to avoid, minimize and mitigate. For avoidance, they have shifted the site as far forward as they can. They're swapping an acre of land with a neighboring parcel to move the site forward and minimize impacts in the back. They're using a 2:1 slope around the back of the site. They appeared before DES and talked about mitigation at a local level. The state has an aquatics resource mitigation fund that can capture dollars for wetland impacts; they are required to use the dollars within the watershed, but not necessarily within the community. They'd like to have a discussion with the commission about a reasonable local mitigation that could occur.

Mr. Petropulos explained that there are seven conditions of working within a wetland conservation district: 1. The proposed use is allowed in the CT1 zone? Yes. 2. Use cannot be carried out on the portion of the lot that is outside the buffer? No, there's a large building pad and a large storage facility in the plans. 3. There's a "function and values" discussion. These wetlands are common to Garrison Glen. These are wooded wetlands with poorly drained soils. Salt marshes have a high value, but the wetlands in this lot don't have a high value. 4. Design and construction, will they minimize detrimental impact? They are being responsible with stormwater. 5. Will nonpaved buffer areas be restored? Yes. 6. No adverse impact to public health, safety, or welfare? Yes. 7. Obtained all permits? Yes, they will.

Brendan Quigley of Gove Environmental services spoke about the wetlands in this area. It's a flat, bouldery landscape, glacial till with poorly drained soils. It's surrounded by larger, more significant wetland areas of Little River and Bloody Brook. They're a buffer in themselves to the more sensitive resources in the conservation area. To protect water quality, they need stormwater management on site to compensate for the small loss of function. It's a minor wildlife habitat, due to its location, lack of water features, and the size of the lot.

Mr. Koff asked about the relative scope of these impacts, both in square footage of wetland and in buffer impacts as percentage of parcel, as compared to neighboring developments. Ms. Murphy said she would have to do some digging, but they have not had a

development there that tipped the threshold for mitigation before. Mr. Campbell said it's an 11.701 acre site. The seven wetlands are 15,475 square feet, or .35 acres. The buffer impact is 78,000 square feet, 1.79 acres, so they're affecting 2.14 acres of the 11 acre site, or 18%. Mr. Petropulos said that GDB impacted 7,000 square feet of wetland plus buffer. 24 Continental Drive was below 10,000 square feet plus buffer, that lot was much closer to Little River. This project probably has slightly more percentage impact.

Mr. Campbell asked about snow storage. Mr. Petropulos pointed out areas in the front to accommodate snow, and a manmade basin to manage snow. There's some shoulder around the edge to accommodate snow in smaller storms. Mr. Campbell said they're leveling the site. They've mentioned the soils are not great for pervious pavement, but if they're filling, couldn't the back part of area, where there are not trucks all the time, be pervious? Mr. Petropulos said they're actually blasting ledge to use as fill, so not much bringing in material. It's not a site conducive to porous pavement. Mr. Piskovitz was skeptical about putting porous pavement where they'll be storing transformers and telephone poles, since they may be coated with chemicals like creosote. Mr. Campbell said it's great for the town to have Unutil, but this is a large piece of impervious surface. Mr. Piskovitz had the same concerns about the size of that area.

Mr. Koff asked about the mitigation aspect, since they haven't seen one in his four years on the commission. Mr. Piskovitz said that DES requires it to be within the watershed, but which watershed? Mr. Petropulos said that if there's a local project, something already ongoing, like a study, they would reach out to the state of NH on Exeter's behalf regarding the mitigation. Ms. Murphy said she has a couple of ideas for mitigation. The first is land acquisition; they've discussed two parcels that are larger than the six or eight acres that are required. They don't have matching funds but there could be grant opportunities. Another option is a project of land acquisition around that acreage, but she's not presenting that project until next month. Another project is a climate resiliency project at the Country Club, where an engineer would come in and look at retreating from the shoreline. It's on a conservation easement, so the town would have a direct benefit. It would be around \$40-50,000 for engineering design. Mr. Petropulos said the ARM fund is \$5 per square feet, so \$75,000. Mr. Campbell asked about the project's timeline. Mr. Petropulos said they're going before the Planning Board in February. Ms. Murphy said there's no wetland application before the commission yet, but they should get organized to talk to DES.

Ms. Murphy asked Mr. Petropulos whether installing retaining walls would drop the project below the mitigation threshold. Mr. Petropulos said they'd evaluated retaining walls around the perimeter, but to minimize wetland impacts, they'd need 8 - 10 foot walls over 700-800 feet of perimeter, which would cost \$750,000. They wanted to get under 10,000 square feet to take them out of the state mitigation process, but they couldn't do that even with retaining walls. Four foot walls and a fill are easy to build, but this would cost around \$200,000, and they would still be over 10,000 square feet and have to pay the mitigation.

Mr. Piskovitz asked Mr. Quigley about vernal pools. Mr. Quigley said that in the site plan, the wetland looks prominent, like an isolated area that could be a vernal pool, but on the ground it's different. The area dries up by mid-May even in a wet spring, which is not long enough for a viable vernal pool.

Mr. Campbell asked if the commission could vote on a wetland waiver. Ms. Murphy said they hadn't submitted a wetland application, but they did provide a response to the wetland buffer impact criteria, so the commission could give a recommendation to the Planning Board.

Mr. Koff asked about the stormwater retention basin appears to leave the parcel. Mr. Petropulos said that the current owner also owns the next parcel, so they're proposing a private stormwater easement. Mr. Piskovitz asked whether there are pump islands at the back of the site. Mr. Petropulos said that's a loading dock well, there's no fuel on site.

Ms. White said she would not be voting. Mr. Mattera agreed to vote.

MOTION: Ms. Ward moved to recommend this project to the Planning Board with no objection, but they would like to investigate mitigation. Ms. Raub seconded. Mr. Piskovitz wanted to add something about the condition that there is no fueling in the future, if the Planning Board has that jurisdiction. Ms. Murphy said that fueling is a prohibited activity in a wetland buffer. Ms. Ward suggested they put that condition in the letter without it being part of the motion. Mr. Koff asked about their concerns about the wetlands impacts. Mr. Campbell said that's addressed by the mitigation. If they don't want to fill the wetlands in the middle, it's a no go. Until needs this area to be a major staging area. Mr. Clement said that this is the type of project that was envisioned to go into Garrison Glen. It's a commercial operation with good tax dollars. Mr. Campbell said that this is why Conservation got 212 acres, so that they could develop the inside part the way they wanted to. All were in favor, and the motion passed 7-0-0.

4. NHDES Wetland Permit Application for impacts to the protected buffer of the Squamscott River for expansion of existing development associated with 173-179 Water Street, Tax Map #64-50 within the protected buffer of Squamscott River (*Barry Gier, J&B*)

Eric Polin of Jones Beach Engineers present to discuss the 173 Water Street project. Ms. Murphy clarified that this project did not need a shoreland permit because the waterfront commercial district is exempt. This is a state wetlands permit.

Mr. Polin said they're redeveloping an existing building at 173 Water Street, and the footprint is not expanding. They're adding a story, and putting retail on the first floor, residential on the first, second, and third floors, and office space on the second. This project has been approved by the Planning Board. They're seeking a wetlands permit from the state, and looking for comments from the Conservation Commission for the state Wetlands Bureau.

Mr. Campbell explained that they want a waiver from the stormwater redevelopment. Mr. Polin said that most of the lot is taken up by the existing structure. There are challenges with the footprint and available space. For stormwater, they're proposing a catchbasin with a deep sump and greasehood. The drainage heads north. There's an existing settling chamber system underground, which discharges into the river. Mr. Guindon asked if that's shared drainage between buildings. Mr. Polin said there are multiple units that discharge into it, with multiple catchbasins, and they all head into a settling chamber and discharge into the river. The River Advisory committee saw this, and they presented comments from them to the Wetlands Bureau.

Mr. Campbell said that looking at the 20 question application, not all of the questions pertain. He mentioned number 13, impact from proposed project on quantity or quality of surface water or groundwater. That's where the improved catchbasins come in. Number 16, the cumulative impact that could result if abutting parties made similar alterations. Other areas

could do similar development to this project. Will the existing holding tank hold what they're going to add? Mr. Polin said that was a comment they got from the river advisory board, and they're going to coordinate with the DPW to investigate how the chamber is functioning. He clarified that it's not their chamber, it's drainage for multiple properties.

Mr. Clement pointed out that another unit can decide to build up, but the area is maxed out for impervious surfaces. Ms. Ward asked if the additional parking added around the building had increased the paving. Mr. Polin said they reduced some impervious area, but there's a net increase in paving on the site. Mr. Piskovitz: recommended to approve the easement, not the impervious pavement.

Mr. Campbell asked about snow storage. Mr. Polin said there's not a lot of square footage on the site, only a couple of areas to put snow in the side and rear. Extremely large storm events would be a real struggle. Mr. Campbell asked if they would truck the snow off site, saying they can't just plow it into the river. Ms. Ward said point number 17 is the project won't impact the functionality of the Squamscott River, but if snow goes into the river it will. Ms. Murphy suggested this is something they could address in their recommendations.

Mr. Campbell said they could recommend the permit be approved but make sure snow is trucked offsite for major storms. Mr. Koff asked about the maintenance of the stormwater system. Mr. Polin said they will maintain the unit and establish a regular cleaning schedule. A truck removes the sediment that builds up, and they can see if there are any structural issues. Mr. Piskovitz said the River Committee recommended proper maintenance, but the commission should make that recommendation as well. Mr. Campbell said they could move to approve with the conditions of snow removal and the maintenance of the stormwater system. Ms. Murphy added should snow exceed identified areas. Mr. Koff said it shall not enter the Squamscott directly.

Lindsey White did not vote on this motion; Trevor Mattera agreed to vote.

MOTION: Mr. Koff moved to recommend the permit be approved with the conditions that snow exceeding identified snow storage areas should be removed from the site and the stormwater system should have the proper maintenance. Ms. Ward seconded. All were in favor and the motion passed 7-0-0.

5. Exeter Parks and Recreation response to NHDES Request for Additional Information in association with the Kayak Pad addition to the Town seasonal dock.

Mr. Campbell said that the DES wants more information about the kayak pad, which Greg Bisson has provided. Ms. Murphy said that DES had an issue that the plans that the town provided didn't show connection of the dock to the shore, so they were not clear on where it was located. The plans have been revised. DES also required a statement from the Pease Development Authority on the kayak pad addition, which has been obtained. They are required to present the additional information to the commission as well. If this raises additional concerns, they can send them to DES. Mr. Guindon asked if the whole thing gets removed in the winter, and Ms. Murphy said yes.

MOTION: Mr. Guindon moved that they have investigated the additional information provided and have no change in their original response. Mr. Piskovitz seconded. Lindsay White voted, not Trevor Mattera, and all were in favor.

6. Request for Input to DOT Environmental Study associated with Road Improvements to Court Street from Crawford Ave, South to the Town Boundary.

Mr. Campbell said that the DOT is planning to resurface the road. Along the left side, there's a privately owned wooded area, with some pockets of wetlands and some invasives. Ms. Murphy added that there's Japanese knotweed. Mr. Clement said that Court Street/108 goes through an aquifer district. There's the Gilman parcel and a parcel owned by PEA, containing swamp oaks. It's a sensitive area. Mr. Campbell said they're going to be putting in shoulders on the road, and redoing the drainage ditch. He'd like to recommend they do something about the knotweed and other invasives. Mr. Clement said they'd appeared before ERSALAC. There were fears that when they repave they will grub the shoulder, which means to scrape it and eliminate every piece of green. This doesn't help stormwater flowing off the road, since they lose infiltration, and invasives can take over.

Mr. Campbell said they are going to spread the road further and have a chance to regrade the ditches. He'd like to make the recommendation that they try to eliminate invasives along the way. Mr. Guindon added they should minimize damage to the native vegetation, serves as a buffer. Mr. Campbell suggested that they incorporate bioretention and roadside buffer enhancement, which would help protect the aquifer. He suggested that they make a motion to send these concerns to DOT. He also thought there may be an opportunity to improve wildlife crossing.

MOTION: Mr. Piskovitz moved to make the following recommendations to the DOT: incorporate measures during road and shoulder work to prevent the spread of invasives; consider modifications for improved wildlife crossings; consider incorporation of bioretention areas and roadside buffer enhancement to facilitate pollution attention and infiltration; and consider that some of the road work is through an aquifer and a surface water protection area. Ms. Ward seconded. All were in favor and the motion passed 7-0-0.

7. Committee Reports

Property Management

- i. Mr. Guindon and Mr. Short cleared logs which were across the trail along Little River to Dudley.
- ii. Ms. Murphy said that their application for an LCHIP grant for Raynes Barn was not successful. In the next meeting's agenda, she will share a thought from Don Briselden on the Raynes Barn which could inspire and generate more activity.

Trails

- iii. Mr. Campbell said he had met with Jason Fritz, a member of the fire department, who does search and rescue for Oaklands and Henderson Swasey, and they've had a couple people lost out there. Chief Comeau wanted the commission to consider more signage. Ms. Murphy, Mr. Campbell, and Bob Kelly will meet Thursday to discuss ideas that came out of that meeting.

8. Approval of Minutes: November 13th Meeting

Mr. Clement said that at the end of the minutes, they exited for a work session and the TV cameras were shut off. The commission had a great update from their guests, and the public missed out. He said that work sessions should be filmed. Ms. Murphy said it seemed like it wasn't conducive to a TV presentation; the presenters didn't have an electronic version, only paper maps. She agreed that it would have been great to engage the public. Mr. Piskovitz said they were downstairs with one camera, standing around the table, but he agrees the public would have benefitted. Ms. Murphy said if there are interested members of the public, she would be happy to meet with them to go over those maps and share the information.

Mr. Piskovitz said that his name is spelled P-i-s-k, not P-i-s-c.

MOTION: All were in favor of approving the minutes of November 13th, 2018 as amended.

9. Correspondence

- a. There was no correspondence considered at this meeting.

10. Other Business

Trevor Mattera discussed the mitigation associated with 20 Continental Drive. He thought they could do several local projects for the amount of money they're looking at. Mr. Campbell suggested they form a subcommittee to come up with specific mitigation ideas, and Mr. Mattera said he would be willing to join the subcommittee. Mr. Clement said that any subcommittee members may have to sit with ARM in Concord.

11. Next Meeting: Date Scheduled (1/8/19), Submission Deadline (12/28/18)

There will be a work Session where they'll discuss goals and activities, such as the moonlight snowshoe.

Adjournment

MOTION: Mr. Piskovitz moved to adjourn. Ms. Raub seconded. All were in favor. And the meeting was adjourned at 9:30 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary