

Exeter Conservation Commission
August 13, 2019
Town Offices Nowak Room
Final Minutes

Call To Order

1. Introduction of Members Present

Present at tonight's meeting were Bill Campbell, Carlos Guindon, Andrew Koff, Sally Ward, Lucretia Ganley, Trevor Mattera, Julie Gilman, and Kristen Murphy.

Todd Piskovitz, Ginny Raub, Lindsey White, Andy Weeks, Alyson Eberhardt, and Dave Short, were not present.

Vice-Chair Koff called the meeting to order at 7:03 PM.

2. Public Comment

- a. There was no public comment at this meeting.

Action items

1. In accordance with NH RSA 41:14-a, the Selectboard is seeking your recommendation on the proposed sale of a town-owned parcel (Map 65 Lot 147) to the Exeter Hospital for \$50,000. (Phil Chaput, Exeter Hospital; Darren Winham, Town of Exeter)

Darren Winham, the Town Economic Development Director, spoke about this proposed sale. This parcel is unique because it's in the hospital zone, and the hospital approached them about purchasing it for \$50,000. The land was originally sold to the Waterworks, and there is a deed restriction that says they could only build a water tower there. The Town took over the Waterworks and the land has no value to the Town. Mr. Winham said that the Commission can't negotiate price, that's for the Select Board. Ms. Murphy added that it's a requirement of RSA that when land is sold they obtain the recommendation of the Conservation Commission.

Mr. Koff asked why the hospital is interested in this land. Phil Shaput, the Hospital Facilities Director, said for a potential extension to the facilities building.

Mr. Campbell said he doesn't see much value conservationwise, since this land is between a parking lot and a driveway, and he has no objections. Mr. Koff asked if the town does anything to maintain the land, and Mr. Winham said no. Ms. Gilman said there was actually a water tower there at one time, the first one in the town.

Mr. Koff opened the discussion to public comment.

Brian Griset of 26 Cullen Way said he'd tracked the history of the parcel. When the hospital had a lot of land, it gave the parcel to the town for \$1. Returning it to the hospital which serves our community is the right thing to do, and he suggested they sell it back for \$1.

MOTION: Mr. Campbell that they have reviewed this proposal and have no objection to the sale of Tax Map Parcel 65-Lot 147 as proposed. Mr. Mattera seconded. Ms. Ward recused herself as a member of the Hospital Board. The motion passed 5-0-1.

2. Expedited Wetland application for 2,265 square feet of wetland fill associated with shoulder widening and sidewalk installation for improved pedestrian and bike access along Kingston Rd between the Little River and Pickpocket Road (Bill Straub, CMA and Jen Mates, DPW)

Mr. Koff said that the Town is proposing to improve pedestrian and bike access along Kingston Road. Jen Mates, the Assistant Town Engineer, explained that they are proposing about a mile of shoulder widening, increasing the shoulder width to five feet on either side from one to two feet now. This project would add 3,000 linear feet of sidewalk, extending from the bridge at Little River to Tamarind Lane. The wetlands impacts are minor, since the development is along the shoulders of the road. There is a total of 2,200 square feet of disturbance.

Bill Straub of CMA Engineers said that the Town has a state grant to do a Transportation Alternative Project, which includes extending public sidewalks and cyclable areas. The sidewalk will be separate from the road on the South side. It's 1.1 miles in total. They are looking for an expedited minimum impact mitigation due to the timing with DES. There are no serious impacts; these are not prime wetlands, they are in the ditch line.

Ms. Ganley asked if the shoulders will be paved. Mr. Straub said yes, enough to hit the threshold for an AOT permit. However, the treatment of stormwater is a separate issue from wetlands impact.

Mr. Koff asked if they had plans for invasive management. Mr. Straub said there are no known invasives now. Mr. Koff countered that there are bittersweet, multiflora rose, and purple loosestrife in this area, but it's not clear if that's the wetlands being impacted. Mr. Straub said he will make sure that if invasives are present they will follow AOT guidelines to address them. Mr. Koff asked if there would be any landscaping or planting, but Mr. Straub said no, the strips are too narrow to enhance.

Ms. Ward said she would advocate for minimizing impact to trees. Mr. Straub responded that the tree removal would be limited to just what is required to get the sidewalk in. Ms. Ward said that from a conservation perspective, the wetland impact is less than the advantage of biking and pedestrian traffic.

Mr. Guindon said he was concerned about wetlands, and asked that they minimize impact from the project. Mr. Straub said there would be very good erosion control at the borders, and the impact should be minimal.

Ms. Gilman asked if historical resources such as stone walls would be impacted. Mr. Straub said no. All work will be done within the town right-of-way.

Mr. Koff opened the discussion to the public

Patrick Flaherty of 8 Tamarind Lane was concerned about the wetness of his and adjoining properties near the project area. Mr. Straub said there would be small culvert to the east and west of this area. Bioretention between the sidewalk and the road will slow down the water and promote infiltration. The project doesn't make the situation worse, and should get the drainage under better control.

Brian Griset of 26 Cullen Way, who is also a property owner in this area, said he supports the project of building sidewalks but also has concerns about drainage. 80% of the runoff on both sides of the road is going to flow across his property, as he owns everything South of Tamarind to Little River. He is listed as a concerned addressee but never received

notices. He was told that three bioretention swales have been incorporated, which will improve water quality and provide infiltration for smaller storm events, but in major events he believes they're going to have surging.

Mr. Straub said that it's a transportation project, and was not intended to solve drainage problems on Kingston Road. The water issues are inherent characteristics of the land. For AOT, the project went through a review process. Stormwater won't go to the outlets, because the culverts will replace the infiltration behavior. They've compensated for every square foot that they've added and there will be no increased runoff.

Mr. Koff pointed out that the wetland impacts are mostly to the west of this site, not the area they're talking about. Mr. Mattera said he appreciates the discussion of the runoff system, but it's not within the scope of the discussion. He sees no problem with the small amount of wetlands impact in light of the benefits of this project. Ms. Ward asked whose responsibility is this larger issue of drainage, as she wanted to add comments for them to the recommendation. Mr. Straub said the State, since it's a DOT road.

Ms. Murphy said the discussion should be whether the Commission is supportive of expedited review. Adding comments slows the expedition down, and it would have to go through standard review. Mr. Mattera said the standard review is through Wetlands DES, not anyone who would address the larger issue of runoff. Mr. Straub added that the AOT permit is in place and the DOT has reviewed this project extensively.

Mr. Koff said this project has a huge value to the community, and better pedestrian access is part of the Master Plan. Mr. Mattera said he would like to approach overall stormwater and runoff issues, but this is not the project to do it on.

Ms. Ganley recused herself from the vote because of a familial relationship with Mr. Griset.

MOTION: Ms. Ward moved that they have reviewed the proposal and vote to authorize the Chair to sign the wetland application indicating support for expedited review and no objection to permitting the proposed work. Mr. Mattera seconded. The motion passed 5-0-1.

3. Walleryczyk Easement Issue

Ms. Murphy said that they had a report of stockpiled logs on the property, which is located on Court Street adjacent to Exeter River. They had the same issue on this property in 2013. At that time, they issued a notice of violation to Dana Anderson, the owner of that property. By allowing him to cut the logs and move them offsite, he interpreted that as condoning that use of the property, and was surprised to hear this was an issue again. Stockpiling logs is not in compliance with the conservation easement. The violator has 30 days to remedy from notice, but he needs more time. She told him to come speak to the Commission, but he did not come tonight. She recommends continuing with the easement terms. The number of logs is double what was in 2013, about 100 cords of wood. It impairs the scenic quality of the property. She sent a certified letter August 6th, and the 30 days starts with receipt of the certified letter, but she hasn't received the receipt back. She asked how the Commission would like to proceed.

Ms. Ward thought changing the terms of the easement would set a bad precedent. Mr. Guindon said the situation was way beyond what was intended with allowing him to store some wood. It's visible from the river and the road. Mr. Campbell asked about the next steps

according to the easement terms. Ms. Murphy said if he takes no action in 30 days, it becomes a legal issue. Mr. Koff agreed that the impact violated the easement, and suggested they revisit the issue at next month's meeting when they're nearer to the deadline.

4. 2020 CIP and Town Budget Planning Discussion

Ms. Murphy said that last Thursday she presented CIP items to the Planning Board. Raynes Farm and the Conservation Fund proposal will have to be addressed separately. Raynes Barn is not in the CIP until 2021. For the Conservation fund, the Commission did not specify an amount, so she put \$50,000, which was the previous level. When she presented to the Planning Board, they were supportive of the concept, but suggested this number be quadrupled so it would be a more effective match for grant dollars. She asked if the Commission was supportive of increasing the amount. If the Planning Board recommends the request, it goes to the Budget Recommendations Committee, then to the Select Board, then on the Town Warrant in 2020.

Mr. Campbell said he's concerned with getting ready for LCHIP in 2021, and wondered if they should ask for \$50,000 now and \$70,000 next year. Ms. Murphy clarified that there's a separate CIP for Raynes in 2021.

Mr. Campbell said he would like to have the funding request on the warrant to see if the Town is supportive of conservation.

Ms. Murphy said they should do it this year because of the potential for an ARM grant to be opened up to the Seacoast region. They have several projects on which they might be able to move forward with a grant application.

Mr. Koff suggested going higher for the first few years to build the fund, so they won't miss opportunities. Mr. Guindon agreed. Ms. Murphy said at the CIP, you can say \$150,000 and note your plan going forward. They should discuss it at the Planning Board meeting on the 22nd.

Mr. Mattera said that land conservation is very opportunistic. If they're not ready to jump on a project for four or five years, the fund is not meeting their needs. He's inclined to frontload the money and adjust further funds. Ms. Ward said that \$50,000 is not very much money. Mr. Koff suggested \$100,000 now and then \$50,000 in future years.

Ms. Murphy said they will also need to submit the Town budget request. The items they'd talked about were increasing the training budget for NHACC and workshops, as well as doubling the mowing budget to support field clearing around Raynes Farm.

Mr. Campbell asked if their contract services were lined up for the rest of the year. Ms. Murphy said yes, but there is money in the budget that would have covered supplemental engineering work for Raynes Barn, and they could use \$1,000 of that towards field clearing this year. Last year, any leftover amount was put toward wood so people could get trail projects done. She added that David O'Hearn offered to now half or all of the property for Morrissette, and she suggests doing the whole property. Half would be \$250, whole \$475. Last time they did half. Mr. Guindon suggested staying consistent with half to provide a consistent habitat, but this time mowing the other half.

MOTION: Mr. Campbell moved to expend \$1,575 to hire Dave O'Hearn to do the mowing, with only the half of Morrissette on the Court Street side mowed. Ms. Ward seconded. Mr. Koff

suggested asking for Mr. O'Hearn's recommendations on where to mow. Mr. Guindon said he can also go out and see what it looks like. All were in favor.

Ms. Ward said she and Mr. Campbell met with the DPW to talk about creating additional parking at Raynes closer to the barn, as it's difficult to carry stuff there from the parking lot. It wouldn't have a budget impact, since the DPW would do it. Mr. Koff said parking has historically been an issue, so it's good to consider improvements.

Mr. Koff asked if Dave O'Hearn could also do clearing at Raynes. Ms. Murphy said they could look into having someone clear brush around the perimeter of the Raynes field this year. Mr. Guindon said it's mostly invasives and the scenic value has been lost due to vegetation. Ms. Ward said a local landscaper did some work for free in the gravesite at Raynes, and made it accessible. She would like to send him a letter of thanks from the Commission. Mr. Campbell said this landscaper also cleared some poison ivy near the entrance. It would be nice to have Mr. O'Hearn continue that clearing. Ms. Murphy cautioned that the roadside is in DOT right of way.

MOTION: Mr. Campbell moved to approve \$1,350, \$1,000 from Contract Services and \$350 from mowing, to have a contractor clear the perimeter of Raynes Farm. Mr. Mattera seconded. All were in favor.

Mr. Koff said they're typically advised not to increase their budget, but \$170 for education and training doesn't seem like enough. He wondered if they could adjust things between categories rather than raising it. Ms. Murphy said in August, she will submit their budget to the Town Manager. Mr. Koff said they should table this discussion until the next meeting. Ms. Murphy said she will present what they have now at the preliminary budget meeting.

5. UNH Extension/Sea Grant Climate Change Outreach

Ms. Murphy said that she successfully applied for an opportunity through UNH to have some outreach support. The organization offered dates for an initial group meeting. This work meets the Master Plan goals of educating the public on climate impacts and resiliency actions landowners can do. Mr. Mattera volunteered to attend and the group felt that Ms. Eberhardt may also be interested.

6. Committee Reports

a. Property Management

- i. Updates: Community Garden, Raynes Farm, Property Monitoring, VRAP (equipment purchase), Emerald Ash Borer Monitoring, Exeter Country Club

Ms. Murphy said that the Attorney General was not supportive of the Community Garden. Public parks fall under a different set of restrictions, and they can't exclude public access, so the project was not in compliance. Their only potential for recourse would be to go back to probate court and file an amendment. The Attorney General offered to speak with them further if they're interested, but Ms. Murphy didn't see the point. She said she was very disappointed and Mr. Koff said it was back to the drawing board.

Ms. Ward attended the Raynes Farm Stewardship meeting July 30, where they discussed parking and the Eversource project. Eversource is putting out mats for construction, and it's unclear how that will impinge access to the barn; they likely won't know until the mats are in place. They have events scheduled in the Fall that may not go forward, such as story time, kite flying, and stargazing. They also discussed the long-term strategies to increase use of the barn. The major issues are parking and weather. They talked about having a volunteer day and tidying up the barn.

Ms. Murphy said the interns have finished their internship, and did a wonderful job. They were able to monitor all of the properties, with the exception of a small handful that were overgrown or too wet. Commission members should not monitor their usual properties, but can contact her if they want one of the remaining properties assigned to them.

Ms. Murphy said there's confusion about Henderson Swasey where all the trails meet, as there are lots of shortcuts between trails. She said the Commission should schedule a sitewalk this Fall to determine areas for closure. Mr. Koff suggested tabling that issue for the next meeting.

Ms. Murphy said the VRAP was successful this year, but the PH probe broke. She asked if the Commission would support the purchase of a new PH probe for \$125 out of Community Services.

MOTION: Mr. Campbell moved to support the expenditure of \$125 for the purchase of a PH probe. Ms. Ward seconded. All were in favor.

Ms. Murphy said they partnered with UNH forestry to put up Emerald Ash Borer traps. It was unclear if the insects had made it into local areas, as the reported sightings have been to the southwest. Unfortunately, they were able to detect them in the traps. The insects will devastate the ash trees, and treating the trees is incredibly expensive. Jay Perkins is working with Urban Tree Services to find a way to save the Winter Street Cemetery Ash trees in particular.

Mr. Mattera said that Ocean Engineering students at the US Naval Academy are looking for design project ideas on shorelines in NH. He suggested this could tie in with the potential living shoreline project at the Country Club. They were looking for a project with a short time period, and the folks at the Country Club were on board, so he submitted the project for consideration. This could be free design work and set them up better for an ARM grant application.

ii. McDonnell Conservation Area Misuse

Ms. Murphy said that there has been misuse of the McDonnell conservation property north of the Exeter River. The owner Dianne has been a good steward of that property, but stuff is ramping up there, and there have been drug transactions and verbal threats to the owner. Ms. Murphy set up a meeting with the Police Department, Bruce Page, and the owner tomorrow to talk about process. They may be better served to close the property at night and/or gate it if this continues.

iii. Bunker/Barker Easement (Beech Hill Road): Gate Request

Ms. Murphy said that this is an easement with agricultural use. They have a good relationship with the owners, who have expressed concerns about people driving down the road onto private land. Signs were ineffective. The owners proposed a gate that sits on the surface of the ground. It could be opened by anyone, so it falls within the terms of allowing public access, but people will read the sign and know they're not supposed to drive down there. The owners are willing to pay for the gate.

MOTION: Mr. Koff moved to approve their use of a gate as described in the memo. Mr. Campbell seconded. All were in favor.

iv. Field/Jones Easement (Dogtown Rd): Fencing Notice

This property also has agricultural uses in their easement. The owners informed her that they want to add cows and install fencing. Ms. Murphy believes that's in compliance with conservation easement, and no action is required.

b. Trails

i. Eagle Project Update - funding request (\$10)

Ms. Murphy said Mr. Short met with Eagle Scout Luke Tyner recently, and he's made great progress, but he did fundraising and was short \$10.

MOTION: Ms. Ganley moved to expend \$10 from Conservation Land Administration for the Eagle Scout Project. Ms. Ward seconded. All were in favor.

ii. Trail Blazing - Paint Supply funding request (\$110.98)

Ms. Murphy said she expended personal money to fund the paint supply, and she's looking for approval to reimburse her.

MOTION: Mr. Campbell moved to expend \$110.98 from Conservation Land Administration for paint. Mr. Guindon seconded. All were in favor.

Ms. Murphy said she neglected to count the Watson Road kiosk in the budget for this project, and needs \$100 from Conservation Land Administration to purchase a kiosk for the Watson Road sign.

MOTION: Ms. Ward moved to expend \$100 from Conservation Land Administration for the Watson Road kiosk, Mr. Campbell seconded. All were in favor.

Mr. Campbell said he's not sure where the sign should go at the Commerce Way entrance. They need money to do installation of the mini kiosks. Ms. Murphy suggested reaching out to Ray Fahnstock re installation.

Ms. Murphy said that trail brochures and trail maps have been updated. They're in the process of moving the junction markers, and the public should be aware that the Open Street Map site is the best resource to use to orient for now.

c. Outreach Events

i. Update: Exploring Exeter - Little River

Mr. Koff said he led the Exeter River adventure. 13 people signed up and eight attended. They advertised in the Carriagetown News and got attendees from outside Exeter. They walked on Pete's path and talked about the trail blazing process and the wetlands.

ii. Upcoming: 9/21, Possible Kayak Trip

Ms. Murphy said she talked with Parks and Rec about another kayak trip, and asked if Mr. Campbell and Mr. Guindon were interested in leading it again. Mr. Guindon said yes. Mr. Campbell said that SELT is having their Trailfest that weekend so he can't attend. Ms. Murphy will go forward with the proposal to Parks and Rec.

7. Approval of Minutes: July 9th meeting

MOTION: Mr. Campbell moved to approve the minutes as submitted. Mr. Koff seconded. Mr. Campbell, Mr. Guindon, Mr. Koff and Ms. Ward abstained because they weren't at the meeting, and the motion failed for lack of quorum 3-0-3.

8. Correspondence

The Commission received a letter about 7 Nelson Drive and whether it is possible for a house to be constructed on lot 83/56. Ms. Murphy said there is no application is before the Commission, so no action is required. Ms. Ward asked if the property would come before the Commission if it were sold and someone wanted to build a house. Ms. Murphy said yes, unless the parcel is an existing lot of record, which would require that a deed was recorded prior to the adoption of that zoning ordinance.

Catherine McDonald, a resident of Nelson Drive, said that she has concerns about flooding and the wetlands in this area. Ms. Murphy said that she doesn't know what determination has been made as far as this being a buildable lot or lot of record. If the church which owns the property was able to document it as an existing lot of record, they would only need a building permit, and the Town doesn't notify abutters of building permits. There's no evidence of that but it's still to be determined.

9. Other Business

Ms. Ward said that the group walked the Water Trail, and it was very interesting. Mr. Koff said there were well-designed signs. He mentioned that they saw an issue with maintenance on a stormwater structure managed by the SAU, and would like Ms. Murphy to follow up.

10. Next Meeting

- a. Date Scheduled September 10th.

Adjournment

MOTION: Mr. Campbell moved to adjourn. Ms. Ward seconded. All were in favor and the meeting was adjourned at 9:50 PM.

Respectfully Submitted,
Joanna Bartell
Recording Secretary