

Exeter Conservation Commission  
Tuesday, September 10th, 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, Todd Piskovitz, Dave Short, Trevor Mattera, Ginny Raub, and Kristen Murphy.

Mr. Piskovitz called the meeting to order at 7 PM.

2. Public Comment

Rebecca Moore of Nelson Drive read a statement signed by four property owning households on Nelson Drive. They are concerned that a proposed new home and barn on this street may worsen the water issues they experience due to the proximity of the wetlands of Little River.

Stephanie Marshall of 7 Nelson Drive also spoke against the proposed development.

Mr. Piskovitz asked if there were a building plan in place. Ms. Murphy said no, but since they discussed it at the last meeting legal counsel determined that it is a lot of record. In 2015, the town identified any properties that were improperly assessed, and this lot was identified and put on the tax roll as a buildable lot. The church that owns it then became interested in selling to avoid the tax burden.

Because it's a lot of record, the Building Inspector can issue a building permit, provided there's no other spot on the lot that's outside the shoreland district and the design of the house or duplex meets the intent of the Shoreland Protection District ordinance. If there is any impact to the wetland buffer, it would still require a conditional use permit. If the state determines it's within the state shoreland protection district, it would also go to the Exeter Squamscott River Local Advisory Committee. The next step is for the property to be surveyed and the setbacks determined.

Mr. Campbell said they had to wait for a plan to come before them. Ms. Ward said they could ask if the determination of this as a buildable lot could be undone.

Mr. Campbell asked when the road was put in, and Ms. Murphy said in the 1960s. Ms. Moore said that this was the separation that set this parcel up to be a separate lot that would be taxable. Mr. Piskovitz asked if this parcel would make sense as conservation land, which would relieve the church of the tax burden. Ms. Murphy said the church approached the Conservation Commission regarding the sale of this parcel in 2015, but the Commission didn't have the funds. Donating it may or may not work. Ms. Ward pointed out there are two issues, both the loss from being taxed and the money they can gain by selling it; a conservation easement wouldn't address the latter.

Mr. Campbell said that in the Master Plan, they are charged to protect the wetlands. This doesn't seem to be a good decision by the town, but he's not sure what they can do. Mr. Short

said the assessors must have used some basis to determine that this was a buildable lot, and he'd like to hear more about that decision, and whether it could be reconsidered.

Ms. Moore said no one's asked the residents about the land conditions. In the winter, the water on the road pools and freezes. The church put in a non-permeable parking lot surface and there's a lot of water coming off of that. They did get new culverts that help but the drainage is still a big problem.

Mr. Piskovitz said that there's not much the Commission could do until a plan is before them, but it may be worth exploring whether the church is open to negotiation about making it conservation land. He asked the residents to keep them informed.

### **Action items**

1. Consideration of conservation easement on +/- 61 acres of land within Tax Map and Lots 98-37 and 80-18 surrounding the Ridge and the Boulders at Riverwoods development in accordance with the condition of approval issued by the Planning Board on June 5, 2008. Riverwoods has proposed a conservation deed restriction, should the Commission not wish to recommend holding the easement.

Sharon Somers, an attorney with Donahue Tucker, spoke representing Riverwoods. She said that the issue of the conservation easement was first raised in 2008 when the project of The Boulders was approved. A draft conservation easement was created, and the then-Town Planner took a look and it was found acceptable, but for whatever reason it didn't pan out. Riverwoods would like to get that process moving again, and met with Ms. Murphy, Mr. Sharples, and Mr. Eastman on this issue. The areas depicted on the plans from 2008 have remained untouched.

They're seeking guidance on two options: a declaration of a conservation restriction or a full conservation easement. The conservation restriction, pursuant to 674:21-a, restricts Riverwoods from building structures or conducting certain activities there. The town has the ability to do an annual inspection. A conservation restriction would automatically terminate if a conservation easement later goes on record. The other method is the conservation easement, as per the draft presented in 2008.

Mr. Campbell said he wasn't on the Commission at the time, but in 2008 they didn't want to take the responsibility to monitor it. Riverwoods went to negotiate with Rockingham Conservation District, but that didn't work out. They came back a few years later to build something in that area, but that also didn't work out. Ms. Murphy said in 2008, RCCD was interested in holding the easement, and the Conservation Commission had no objection. There have been other efforts to have an organization hold the easement since that time. She's happy to see Riverwoods now asking the Conservation Commission again to take the easement. Riverwoods has functioned as though this area is conserved, they just need to tie up loose ends.

There are significant values on that property. The Boulders property has a swamp white oak basin swamp, which is a unique and significant habitat. The parcel also provides contiguity between the Swasey Parcel and Jolly Rand Road. There are existing trails, used by the public and Riverwoods residents. The Town Planner said that Riverwoods has done their due

diligence, and if they can't find an easement holder the conservation restriction would satisfy the Planning Board.

Mr. Campbell asked if they could monitor the parcel with a conservation restriction. Ms. Murphy said yes, but it's not an obligation. Two-party easements tend to be more restrictive than a deed restriction.

Mr. Piskovitz asked if there were any financial obligation to the easement. Ms. Murphy said there's a time commitment in being required to monitor and protect it in perpetuity. Any violation would be a town legal process. There are some benefits to a conservation easement, such as a dialogue with property owners as part of the annual inspection, sometimes leading to better care of the property.

Mr. Guindon said it certainly has conservation value, but the layout poses challenges, as it borders on so many buildings and roads. He's walked a lot of the trails, it's a nice property and he's in favor of the easement. Under the current language, they can put in certain structures like towers and solar panels which would conflict with the natural resources, and he suggested they revisit the language. Mr. Piskovitz agreed that they should reconsider it. He added that there's less chance for misuse because there's only one abutter (Riverwoods), rather than a neighborhood.

Ms. Murphy said that should the Commission be supportive of the easement, they should figure out what language needs to be changed. Then they would make a recommendation to the Select Board, contingent on legal counsel approving the easement language.

Ms. Somers said she's looking at the financial piece on their end as well.

Mr. Campbell said that two or three people should get together with Ms. Murphy to work on this and bring it back to the next meeting for approval.

Mr. Piskovitz opened the discussion to the public.

Gwenn English, a resident of Jolly Rand Road, said she walks on this property every day, and this community is very careful with their land. Riverwoods will be good stewards.

Mr. Piskovitz said they will table this discussion until next month.

2. Consideration of issuing a letter of support for DPW Water Department's grant application to the NHDES drinking water trust fund.

Ms. Murphy said that this property abuts the Smith-Page conservation area, contiguous with existing conservation land. Mr. Guindon said that looking at the values, it would be great if it were protected.

**MOTION:** Mr. Campbell moved to authorize the Chair to sign the letter in support of the grant application on behalf of the Commission. Mr. Short seconded. All were in favor.

3. Waleryszak Easement Violation Update

The town issued a letter of noncompliance to owner Dana Anderson, which expires September 26th. They've had no response or seen action on the property.

4. Committee Reports

- a. Property Management

- i. McDonnell Conservation Area Use Concerns Update

Ms. Murphy said they met with the Police and the property owner to talk about concerns on this property. There's potential for gating the property at night, but that would bring some challenges and potential expense for an automatic gate. Jay Perkins of the DPW suggested redoing the signs there instead. Bruce Page was the contact at the PD, and he gave the property owner his direct number and will increase patrols there.

ii. Raynes Management Activities Update

Ms. Ward said that the DPW did work out there, clearing some growth between the path and the stone wall, and it looks great. They also cleared the brush close to the barn. The next step would be putting in gravel to extend the parking area. Two events scheduled for the fall are on hold until they see the structures Eversource puts in. Ms. Murphy said Eversource's timeline is October 6th - November 2nd, so Ms. Ward said they should check it shortly after October 6th.

b. Trails

i. Eagle Project Update

Mr. Short has lost touch with the Eagle Scout, so the project is on hold.

ii. Trail Signage and Blazing Update

Ms. Murphy said they'd removed all the old interior map signs, and corrected a spelling error on the Watson Road Kiosk sign. Blazing of the Green and Blue loops is complete; the next step is the Yellow loop, and she and Mr. Campbell will go out tomorrow or Friday. Mr. Campbell said they are also putting up interior number signs and have one more project at C3I. Ms. Murphy suggested that the public should check in with OpenStreet Maps if there is any confusion about a mismatch with existing numbers.

c. Outreach Events

i. Upcoming: 9/21, Squamscott River Kayak Trip

Mr. Guindon is leading this trip. Ms. Murphy said she doesn't have a number of registrants but on Facebook nine people are interested; they're going directly to Parks and Rec to register. Ms. Murphy asked if he needed help, and he said it would be nice, but they did not have a volunteer.

ii. UNH Extension/Sea Grant Climate Change Outreach

Mr. Mattera said he met with Amanda Stone and Lisa Wise of the UNH Cooperative Extension and the NH Sea Grant, and they would like to hold some kind of outreach together. Different materials are out there about climate change impacts, and he would like to bring these to the Boards for review. Ms. Murphy said she would like a Land Use Boards general meeting to look at them. Mr. Piskovitz suggested also including the Energy Committee and the Sustainability Committee.

5. Approval of Minutes: July 9th meeting, August 13th meeting

a. July 9, 2019

Mr. Short's name was included as being present, but he was not.

**MOTION:** Mr. Short moved to approve the July 9th minutes as amended. Ms. Ward seconded. Mr. Short and Mr. Campbell abstained and the motion passed 4-0-2.

Ms. Raub asked if the restoration at the Patricia Avenue sewer site discussed at the July 9th meeting had been completed. Ms. Murphy said not yet, but no certificate of occupancy will be issued for the building until the work was done.

b. August 13, 2019

Ms. Murphy said that on page 5, in the discussion of mowing, she thought Kathy Norton offered to match the Commission's contribution. She suggested they review the video.

**MOTION:** Mr. Campbell moved to approve the minutes of August 13th pending the review of the video. Ms. Ward seconded. Mr. Short and Mr. Piskovitz abstained and the motion passed 4-0-2.

6. Correspondence

There was an email from Dave O'Hearn, who has completed mowing all three properties. White's Meadow was dry so he was able to cut it more. He did the cleanup at Morrisette. On the Perry property, there's an old foundation which is dangerous to mow, so he did a lot of handwork. There's a sign at the end that says "Tori's pond," but they haven't confirmed who is responsible. Someone is also mowing the pathway. Mr. Guindon said it is a neighbor who is mowing but he doesn't know about the sign. Ms. Raub thought they may want to have the sign removed. Ms. Murphy said that at the Irvine Property, he cut back the poison ivy and exposed the foundation. Mr. O'Hearn went above and beyond with his work.

7. Other Business

Ms. Murphy mentioned that AAA Magazine highlighted Exeter and the town forest.

Ms. Murphy said since she's going to the Budget Recommendations Committee, who will have questions about expenses, members should come to the next meeting prepared to tell her how much they will need in wood. They have \$160 left for education and training, so at least two people can attend NHACC annual meeting on November 2nd, but if others want to attend they can move some money around. She asked that anyone interested let her know by the next meeting. Mr. Guindon said this event is very worthwhile.

Mr. Campbell said if they have money left in Training, he'd like to buy lumber and store it at Public Works for next year. This worked out well last year.

8. Next Meeting

a. Date Scheduled 10/8/19, Submission Deadline 9/27/19

**Adjournment**

**MOTION:** Mr. Campbell moved to adjourn. Ms. Ward seconded. All were in favor and the meeting was adjourned at 8:30 PM.

Respectfully Submitted,  
Joanna Bartell  
Recording Secretary