

Exeter Conservation Commission
January 14, 2020
Town Offices Nowak Room
Draft Minutes

Call to Order

1. Introduction of Members Present

Present at tonight's meeting were Chair Todd Piskovitz, Vice-Chair Andrew Koff, Sally Ward, Clerk, Bill Campbell, Dave Short, Kristen Murphy, Trevor Mattera, Alternate, and Donald Clement, Alternate

Carlos Guindon, Ginny Raub Lindsey White, Alyson Eberhardt and Julie Gilman, Select Board Liaison, Alternate, were not present.

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

2. Public Comment

1. Rebecca Moore on behalf of Nelson Drive property owners expressed concerns about water on their properties. Indicated the property owners have engaged an attorney to interpret the grandfathered building rules but are not pursuing legal action hopeful that Conservation will assist. The site was cleared of vegetation. A building permit was issued in December.

Ms. Murphy indicated the parcel became a deeded lot in 1967, the shoreland regulations have a grandfathered provision and Mr. Eastman felt the same applied to the wetland buffers.

Ms. Moore noted her attorney did not believe relying upon 1967 ruling is not environmentally sound and want to encourage the Commission to keep thinking about this and asked what their options are.

Mr. Clement indicated to appeal to the ZBA, someone must apply for an appeal, the ZBA would hear the appeal and rule after.

Mr. Piskovitz noted unless the plan comes to us, the Commission's say is advisory only. Ms. Murphy did not think the Commission could make the appeal. Mr. Mattera asked if there was a process where the Commission could weigh in? Ms. Murphy indicated the Commission has never been a part of that before, the structure would impact the buffer.

MOTION: Mr. Campbell motioned to appeal the issue discussed to the ZBA questioning exemption to wetland waiver. Ms. Ward seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Clement indicated he would like Mr. Eastman here to explain the reasoning and proceed carefully. Mr. Campbell indicated the builders will be moving along. Mr. Campbell will draft a letter. Ms. Murphy indicated she was not aware work started; it is possible that it needs a shoreland permit as well.

2. Stephanie Marshall noted she had a packet of information on this topic. Mr. Eastman pulled up the map of the wetland for her and said It would have to be a buffer zone. 9.1 and 9.3 according to the attorney, was in shoreland, not wetland but was used the same. The appeal period ended yesterday, and they have already cleared the land.

3. Lou H raised concerns with the energy committee with a petition against granite bridge pipeline, three weeks ago to formally support. Hope to persuade to support as well and co-sign statement or write own. Question need of project to "increase supply f natural gas for home heating." 50% used to generate electricity, renewable sources will meet needs by then, fuel oil and prepare more expensive, environmental dangers, pass under Squamscott. Need to reduce CO2 emissions, burning methane, 3x as much CO2, no sense to look into fossil fuel future.

Mr. Koff asked the status and Lou noted it is still in PUC for final determination. Feel it is important to us no matter what. Mr. Koff asked about a metering station at the DPW and Lou indicated it was proposed. Mr. Campbell asked if the citizen's petition was submitted to the Town and Lou advised he thinks it will be on the 21st when deliberation takes place. Mr. Campbell asked if it goes to warrant. Lou indicated he would be happy if the Commission supported their statement. Mr. Short indicated it would be an advisory statement only.

Mr. Clement indicated there was not only a gas line under the Squamscott but two more already, run energy corridor along 101, another alternative to bring in gas to more urban areas. Lou indicated he did not think it necessary, that we need more gas.

Mr. Campbell indicated it goes through Hampton east to west probably from Boston and is sort of irrelevant to us. Mr. Mattera indicated it makes a lot of sense coming from the Commission, don't see role as Conservation Commission supporting this. Personally agree but don't see our jurisdiction. Mr. Clement indicated part of the Commission's charge is protection of the environment.

Lou indicated protecting the wetlands, sea level rise gets worse with this. Mr. Mattera indicated the Commission does not regulate things that affect climate. Do best to conserve valuable land. Ms. Ward asked if there were questions about the impact on the river and Lou indicated if there were a leak, 25 feet below level of river. Mr. Campbell indicated it is a process of directional drilling which is mostly manageable. Mr. Piskovitz indicated they have to set up pretty far away from the river to go that deep.

Mr. Clement indicated they came before the Select Board a year ago for leasing land. There will be an energy shortage in the future (gas) it will go before voters, comes down to if we want to take a stand. Lou indicated if the Commission wants to support hope they will go to the meeting.

Mr. Koff indicated he was in agreement, their opinion was asked on a potential tree farm, had a discussion and want to be consistent. Ms. Murphy indicated there was no objection to leasing land but

made that decision separate to future discussions of project. Mr. Carpenter indicated it will go to ballot; a statement could be made later if the Commission feels comfortable.

Mr. Piskovitz indicated he was looking for the Commission to sign and it doesn't sound like the Commission is comfortable doing that tonight.

Action Items

1. Wetland waiver request for proposed five-lot subdivision and associated infrastructure at
100 Linden Street
Tax Map/Lot: 104-71
Planning Board Case #19-13

Ian Winter presented the application on behalf of IS Realty Trust. Mr. Winter indicated that Henry Boyd and Mark West were present also.

Mark West noted directly adjacent to 98 Linden Street this is a large project with a large detention basin. The sewer line was put in prior to approval. A few trees were planted. There is buffer zone impact. Mr. West indicated he had a letter from the Planning Office which explains how this ties into the wetland system. The parcel has been forested. There are large upland trees. Doesn't hold an extensive amount of water or appear to flood deep. Undeveloped land between Linden and Patricia now is infill, not a unique system. There is rapid development around the wetland. No vernal pool. Not connected to animal habitats or turtles. Had planting scheme. Propose screenage to restore buffer zone. Additional plantings were added just outside. Detention basin adjustment was raised and moved back so five feet zone wouldn't be treated. Has to be in this location to be lower than the roadway. There is an extensive basin with micro pool with heavy plantings on slope of basin and trees at bottom. Septic system will be retired.

Mr. Campbell asked where the wetland is drained and Mr. West indicated it is isolated. There is a pit and mound that hold water on either side which gets right up to the buffer but more to the outer structure.

Mr. Campbell asked if the temporary impacts would be restored and Mr. West indicated yes, the whole area will be replanted and drains to the wooded location.

Mr. Campbell asked if it went before the Planning Board and Mr. Winter indicated not yet.

Mr. Clement noted Lot 5 is the existing house and asked if wetlands are a part of Lot 1. Henry Boyd indicated access is off Linden right of way. Lots 1-4 will have access from Patricia. Lot 4 is very large. Wetland on Lot 1 on left hand side of new road. Lot 2 and 3 share a detention pond. Challenged to use increased rainfall amounts. Not filling in any wetland. Like having the short curves. Cul-de-sac seems large but need to accommodate fire truck. Took safety into account. Is some wetland impact.

Mr. Short asked why the radius in the cul-de-sac sharper than the cul-de-sac and Mr. Boyd indicated due to the slow speed and center line geometry standards. Exeter standards are smaller to be safely designed. Roadway and cul-de-sac are treated differently.

Mr. Campbell asked who maintains the pond and Mr. Boyd indicated it may be the Homeowner's Association. Town has the right but not the responsibility to maintain. Want to make sure town road holds up. Most towns don't have forces to maintain but the Town can charge the HOA to maintain.

Mr. Winter indicated it would be up to the Planning Board and may just be Lots 2 & 3.

Mr. Boyd indicated the exclusive use easement does everything we can to minimize impact.

Ms. Ward asked about the site walk in October and whether there will be any change in the road and Mr. Boyd indicated not really, it can't be moved anymore than they have it. Advocates for narrower roads but done all we can to keep out of there. Doesn't shed water into wetland area. Stormwater treatment changing to store and treat water.

Ms. Ward asked about snow storage and Mr. Boyd indicated it would be in the middle of the cul-de-sac. Exeter allows for loop pavement which has less runoff and is easier to treat. Mr. Campbell asked what would happen if the HOA wanted to plant in the middle and Mr. Boyd indicated it would have to go the Town. It becomes an extension of Patricia Ave. Would have to speak to DPW. Don't think small plantings would be a problem. Ms. Murphy noted utilities are there too.

Mr. Piskovitz asked if the 100' of frontage did not have to be met, could the cul-de-sac be moved and Mr. Boyd indicated he was not sure. There would have to be a radical curve and be closer to the wetland. Water will always flow to the lowest point.

Mr. Clement asked if the drainage of the wetland would be impeded by the extension of the road and Mr. West indicated there is no flow going that way. There is no outlet.

Mr. Koff noted the Planning Board looks at structures and engineering with TRC and Mr. Boyd indicated TRC has reviewed already. They can't release more water than is running off the site already. Mr. Clement asked if it will not push more water into abutting lots and Mr. Boyd indicated correct, the pipes are sized appropriately.

Mr. Clement asked the depth of the basin and Mr. Boyd indicated by low contour line, coming out through the outlet structure, only when large storm event. Mr. Clement indicated 44.5' with a depth of 2 to 2.5?' Mr. Boyd noted it was a challenge to raise a bit, the highest contour is about 48.'

Mr. Koff indicated that it seemed like a lot of effort went into it. Mr. Mattera agreed indicating the wetlands impact to wetlands B don't bother me, you did your homework, permanent impacts to wetlands C are more of a concern. Mr. Boyd indicated he wished those could be avoided but they did everything they could to minimize. Mr. Boyd indicated the deeds could be restricted to cover both.

Mr. Clement indicated the Planning Board was pretty good about setting those as conditions.

Ms. Murphy indicated an example of where the town was forced to maintain and this made the requirement stronger now through PTAP have regulations that protect that. Can make request to be safe and sure to Planning Board.

Mr. Campbell motioned to review with no objection and recommend that the Planning Board restrict deeds as mentioned. Mr. Short seconded the motion. A vote was taken. Mr. Clement abstained. Approved 6-0-1.

2. Climate Summit Workshop Takeaways (Trevor, Don, Kristen)

Ms. Murphy indicated that she, Mr. Campbell, Mr. Mattera attended the Workshop and found it very valuable. A link was sent with the Memo. The workshop covered where to find funds for resilience planning. The Town Administrator at Durham provided an energy checklist requirement, can send around. Planning for future storm surge. Portsmouth went one step further, an unadvisory flood area. Awareness to homeowners in flood area. Have recommendations for development. Specific actions make more likely to adopt. State amended 79 e to allow for use for coastal resilience improvement. Town can adjust program so homeowner can move utilities out of projected sea level. Tax would be deferred to later date. Saves us cost in the long run. Talked about bringing to Exeter next Warrant.

Mr. Campbell noted it was adopted in certain districts, not town wide. Ms. Murphy noted the Town could adopt a coastal resilience zone. Changes made in that zone would not increase taxes. Mr. Campbell noted it would grant relief for several years by appeal basis but was not part of 79e before.

Ms. Murphy indicated there was a fair amount of stormwater utility discussion. Dow attempted to adopt if property can't absorb water anymore. Changes in some way for Town to maintain. Interesting progression in Portland, may be primed to explore that.

Mr. Campbell indicated it made sense to add another and charge like utility More attention will be paid to managing nitrogen levels in bay. Would be addressed differently by case.

Ms. Mattera supported the slow approach, air and equitable, already paying for stormwater work we do, in taxes. Multi-year process.

Ms. Murphy indicated there was a cape study in Exeter which introduced modular stormwater infrastructure. A lot is undersized for future rains but is another way to be proactive.

Mr. Mattera noted they are looking into this kind of stuff in North Hampton. This won't be done overnight, is an exploratory process. Any task force should know that and there should not be a deadline. ARM is coming up. Think is in May with \$1 million in funds.

3. Annual Accomplishments and 2020 Goal Setting

Ms. Murphy noted a set of goals has been developed linked to Master Plan. An impressive amount was done in 2019.

Mr. Piskovitz recommended having a separate session for that. A work session could be scheduled for February.

4. Committee Reports:

a. Property Management

i. Invasive Plant Removal 2019 Update

Ms. Murphy provided a map of Henderson Swasey with location and species documented, walked logging paths, tremendous amount of work. Carlos held a pulling day. Majority on map is his effort. Still have funds, could hire SCA with harvest funds and push a community day again, put out a call for volunteers and teach them how to identify invasive plants and indicate how much effort it is.

ii. Fire Pits in Town Forest

Ms. Murphy has been contacted about fire pits in Henderson, Swasey and other areas. There is no accessibility for fire crews there. It is not a permitted use in Town Forest. Worth writing a letter to editor/response from Commission.

Mr. Campbell added in conjunction with the Fire Department would add more weight and asked if it were posted. Mr. Murphy noted it was posted at the kiosks.

Chair Piskovitz will let the Fire Department know the Commission wants their input.

b. Trails

i. Volunteer Support

Ms. Murphy noted a mother and son reached out in Kensington. The school requires volunteer time in the same location. Sent to Little River area. Suggested we would accept classmates as volunteers as well.

Mr. Short indicated they could help with grooming the trails and wouldn't see any objection.

Mr. Campbell had no objection, especially in the Town Forest.

Mr. Short noted someone mentioned the trails were in much better condition where leaf blowing did not occur, the organic base held up better.

Ms. Murphy indicated early spring is amphibian migration just to caution use of equipment. Mr. Short indicated could keep a good eye on everything, probably on a monthly basis.

Mr. Campbell noted signs were up on each side of the tunnel now.

c. Outreach Events

i. Report on Winter Solstice Celebration – Raynes Farm

Ms. Ward noted it was a big success, great bonfire, conditions and weather were great, lit up lanterns, lot of people didn't know about Raynes Farm until then, getting ideas for next year.

Mr. Campbell noted he bought lanterns to light up trails. It would be nice to buy from Ms. Ward and reimburse. Ms. Ward indicated there were six LED lanterns.

MOTION: Mr. Campbell motioned to reimburse Sue Ward \$60. Mr. Short seconded the motion. A vote was taken, Ms. Ward abstained. Approved 7-0-1.

ii. Upcoming:

1. Open Barn Days (tbd)

Ms. Murphy put it out on Facebook and has 15 people interested. Ms. Ward noted it depends on conditions.

2. Full Moon Snowshoe Planning (February 8, 6:30 PM, ECC)

Mr. Koff indicated he was involved last time and can continue to be. Need to advertise. Plan to do hot chocolate again.

Ms. Murphy indicated Parks & Recreation are not able to help but can advertise.

d. Tree City Subcommittee

Mr. Piskovitz noted Eileen Flockhart felt meetings should be posted. Ms. Murphy provided her with the date, which was January 21 in the Wheelwright Room. Will be looking at revising the tree ordinance to meet standards for Tree City. Someone in Town is donating trees.

5. Approval of Minutes: December 10, 2019

MOTION: Mr. Campbell motioned to accept the December 10, 2019 minutes as written. Mr. Short seconded the motion. A vote was taken. Mr. Campbell abstained. Approved 7-0-1.

6. Correspondence

Ms. Murphy got a request for additional information concerning the Epping Road project. Prime wetlands are involved on the property. Ms. Murphy is reaching out to the logging company.

7. Other Business

Next Meeting

- a. Date Scheduled: February 11, 2020 at 7 PM, Submission Deadline: January 31, 2020

Adjournment

MOTION: Mr. Campbell moved to adjourn. Ms. Ward seconded. All were in favor and the meeting was adjourned at 9:29 PM.

Respectfully submitted,

Daniel Hoijer
Recording Secretary