

Exeter Conservation Commission
December 8, 2020
Virtual Meeting
Draft Minutes

Call to Order

1. Introduction of Members Present (by Roll Call)

Present at tonight's meeting were by roll call, Chair Andrew Koff, Vice-Chair Trevor Mattera, Sally Ward, Clerk, Dave Short, Treasurer, Bill Campbell, Carlos Guindon, Alyson Eberhardt, Julie Gilman (Select Board Liaison), Ginny Raub, (Alternate), Donald Clement, (Alternate), Nick Campion (Alternate), and Kristen Murphy, Natural Resource Planner.

Members present indicated there was no one else present in the room with them during this meeting except for Mrs. Campbell.

Absent: Kristen Osterwood (Alternate)

Mr. Koff read the meeting preamble indicated that an emergency exists and the provisions of RSA 91-A:2 III (b) are being invoked. As federal, state and local officials have determined gatherings of ten or more people pose a substantial risk to the community and the meeting imperative to the continued operation of Town and government and services which are vital to public, health, safety and confidence. This meeting will be conducted without a quorum physically present in the same location and welcome members of the public accessing the meeting remotely.

2. Public Comment (7:00 PM)

None.

Mr. Koff called the meeting to order at 7 PM and recused himself from voting on the DPW request. Vice-Chair Mattera activated Alternate Nick Campion.

Action Items

1. Request by Department of Public Works for temporary drilling access on Town-owned conservation lands as part of their Groundwater Source exploration efforts at Smith-Page (Map-Lot 107-10), Katz (91-35-1), Tara Development Corp./Riverbend (104-23), Stone (104-3), Whites Meadow (102-6). *Matt Berube, DPW, Michael Metcalf, Underwood and Daniel Tinkham, EGGI).*

Matt Berube, the Department of Public Works Water and Sewer Manager presented the proposal for groundwater exploration on Conservation land. Mr. Berube indicated proposed sites were narrowed down and a list provided to Ms. Murphy.

Michael Metcalf indicated he is involved in the engineering aspects of the project, tasked at looking at existing supplies. Exeter has an aging treatment plant and three surface supplies which don't have the sustainable capacity previously thought. Surface plants were put on hold to look at groundwater.

Ms. Ward questioned the impact of exploration versus actually finding a site. Mr. Metcalf noted exploration is less invasive. Exploration requires a path to work and construction will require a pump station and access road, etc. Ms. Ward asked if a site was found whether they would come back to the Commission and Mr. Metcalf indicated they would.

Ms. Raub asked the difference between surface water and ground water and Mr. Metcalf explained surface waters are the Exeter River and reservoir that are exposed to the atmosphere. Groundwater is not exposed.

Dan Tinkham explained that in Phase 3 of exploration they looked at specific areas and did site specific surveys to identify possible sites. Now they have to drill into the earth and see what is there. Mr. Tinkham displayed a picture of the rig they will use for exploration.

Mr. Guindon asked how many perforations there will be per site and Mr. Tinkham noted on Drinkwater Road there will be five targets or less. After drilling they will build 3" diameter wells and place a seal in the hole with protective casing.

Mr. Campbell asked how long it will take to test the well site and Mr. Tinkham advised that each target will take two to three days to drill, then one day to test.

Mr. Clement asked what happens to the disturbed area if it ends up not being used and Mr. Tinkham noted only a small pile of dirt will be left behind.

Mr. Berube added that the well head will be left there, and the Town will have to decide to keep it or remove it.

Mr. Tinkham noted zone SG1 east of Drinkwater Road is delineated prime wetlands. There is a loop trail through the area. With wetlands being a concern Mr. Tinkham stated he believes the higher ground could be used to access targets.

Mr. Campbell asked if the Town decided to use the site would there be room to access it. It is pretty narrow. Would it be paved? Mr. Tinkham responded that he has been speaking with a wetland scientist about it and he is unsure if permitting will be only state or state and local.

Ms. Murphy noted the west portion has two deeds that apply, both through Land Water Conservation Funds (LWCF) deeded to the Town to be managed by the Conservation Commission. There is a clause that states it cannot be converted from outdoor recreation use without the permission of the Secretary of the Interior. Mr. Tinkham noted he has not contacted them yet, but the outdoor recreation use would certainly continue.

Mr. Guindon expressed concerns about invasives he found in the fall. Mr. Tinkham noted there will probably have best management practices in the winter.

Ms. Ward asked what would be done if the deed restricts use and Ms. Murphy noted the terms of the deed would have to be upheld. Ms. Ward opined it is not converting the use. Ms. Murphy noted they also have to adhere to the intent.

Mr. Campbell opined the site is very sensitive. Ms. Eberhardt noted she would like to talk through each site on a case-by-case basis.

Mr. Tinkham noted he believed this site holds the greatest promise as far as depth. It was once shallow ocean water. Mr. Campbell expressed concerns about changing surface water levels. Half drains to the Exeter River and the other half to Taylor. Mr. Tinkham noted they have to monitor surrounding water levels.

Mr. Tinkham noted the next zone SG-2 BD-3 doesn't have a lot that needs to be done. The Riverwoods parcel owned by Riverwoods is a bedrock test target. The last zone is SG-4 not far from Larry Lane production well. Wetlands people indicated we could stay out of a few spots to access targets.

Mr. Clement asked about the sand and gravel and Mr. Tinkham responded yes, it is fairly shallow.

Mr. Clement expressed concerns with work on the White parcel and drilling too close to the river. Mr. Clement added that work would also be detrimental to the meadow. Riverbend seems better in terms of lessening impacts. Mr. Tinkham noted the well would be at surface level to protect the meadow and could avoid damage by using high spots.

Ms. Murphy noted the Riverbend deed states it is for Conservation use and not for residential or commercial. White's meadow has no hunting or motorized access with the intent to keep as a meadow.

Mr. Campbell asked if permission was needed on these properties or Select Board approval and Mr. Berube responded they do not intend to present to the Select Board. Ms. Murphy explained that the Conservation Commission makes decisions on uses of Conservation land. The Select Board is aware of the project.

Ms. Ward asked if the exploration will be done for every zone or be done in order and only continue if necessary. Mr. Tinkham noted they intend to drill all targets and let the engineers judge the quality of the water.

Mr. Metcalf noted they just need to know the gallons delivered.

Ms. Ward expressed concerns with Zone 1, with deed permissions and concerns about the meadow on Zone 3.

Mr. Campbell noted he had access concerns on Zone 1 as well as invasives.

Mr. Guindon noted White's Meadow is not a prime wetland and is less forested and opined that impact would be less of a problem with exploration on Zone 3 than Zone 1.

Mr. Clement they would have a pump station and not typically put a building on a wet meadow.

Mr. Mattera noted they are only talking about exploration right now. The language for White's doesn't sound too permissive and recommended reviewing the deed language first.

Mr. Campbell indicated he believes Zone 3 is in compliance.

MOTION: Mr. Campbell moved that after reviewing the proposal the activity is in compliance with the White's property deed, as proposed Ms. Ward seconded the motion. A roll call vote was taken Mattera – nay, Short – aye, Ward – aye, Campbell – aye, Guindon – aye, Eberhardt – aye and Campion – aye. The motion passed 6-1-0.

Ms. Ward added that any proposal for a well would have to come back to the Commission. Ms. Eberhardt asked if legal should weigh in on the interpretation. Mr. Murphy recommended conditioning access be in the winter.

MOTION: Mr. Campbell moved that after reviewing the proposal the activity is in compliance with the Riverbend property deed. Ms. Ward seconded the motion.

Ms. Murphy noted the Riverbend deed is designated for use as Conservation land and open area and not for residential or commercial use. Mr. Campbell noted he had less trouble with this one than White's. This is neither residential nor commercial use.

ROLL CALL VOTE: A roll call vote was taken Mattera – aye, Short – aye, Ward – aye, Campbell – aye, Guindon – aye, Eberhardt – aye and Campion – aye. With all in favor, the motion passed 7-0-0.

Mr. Campbell noted the Riverwoods easement is held by SELT.

The Commission tabled review of the Stone parcel.

Ms. Murphy indicated the Katz parcel is under RSA 36-a. If the Town were to conduct residential, industrial or commercial activity ownership would revert.

The Board discussed what whether exploration would be considered as industrial use. Mr. Metcalf noted this is developing supplies and infrastructure to bring drinking water to people. The intention is a pump station with a water well. Has not heard if this is called that in any other community. It is for a municipal water supply.

Mr. Campbell noted that while the deed doesn't sound like it prevents them from going in, he has a lot of concerns with the sensitivity and environment and a lot of objections with them going on.

MOTION: Mr. Campbell motioned that after reviewing the proposal the Commission recommend that this is not in compliance with the terms of the deed as noted as the area is supposed to be for environmental purposes.

Ms. Ward stated she had some questions about this one. Ms. Murphy read the deed language out loud and opined that this is just a different department in the Town of Exeter, another entity. Mr. Mattera references pages 13-14 of the packet adding that the reverting clause has him nervous but doesn't feel like an exploration drill for a well in a one and done is an industrial activity or being turned into something that will be used as an industrial activity. It will still be an open space. Mr. Mattera noted he would be interested to know if other communities consider this an industrial activity.

Mr. Campbell noted there would be a 10' ROW to get in there. Mr. Tinkham noted an option could be the cul-de-sac for access but 10' is all they need for exploration. Ms. Gilman noted it is defined in the zoning ordinance as an essential service as opposed to industrial. Ms. Murphy asked if this has occurred on conservation land that has restrictions against industrial and commercial.

MOTION: Ms. Ward motioned after reviewing the proposal to recommend that the activity is in compliance with the terms of the deed as noted. Ms. Eberhardt seconded the motion. A roll call vote was taken Mattera – aye, Short – aye, Ward – aye, Campbell – nay, Guindon – aye, Eberhardt – aye and Campion – aye. The motion passed 6-1-0.

Mr. Campbell asked if the Smith property has access through Page. Ms. Murphy noted Page is closest to Drinkwater and is more interior. Access to Smith is through Page. There will be no drilling on Page but there will be tree work for access.

Ms. Murphy noted Smith was granted to the Town to be managed by the Conservation Commission. Page (which is access to Drinkwater) was granted to the Conservation Commission. Both have the statement that cannot be converted to a use other than outdoor recreation without the written approval of the Secretary of the Interior. Eric Field is the contact person. Ms. Eberhardt noted DRED which was the Department of Resources and Economic Development became DNCR, the Department of Natural & Cultural Resources two years ago.

Mr. Campion indicated he was familiar with LWCF and their regulations and feels it is vital that we get Eric's opinion on the matter. If deemed a viable well site DNCR might come back and ask for mitigation or equal or market value.

Ms. Murphy noted access is challenging. There is a road that dead ends at the loop trail that is out there and wondered if there have been any communications with the abutter to the south. Mr. Tinkham noted there have been no communications.

MOTION: Ms. Ward motioned are reviewing the proposal to recommend the Commission consult with DNCR in terms of their interpretation of the proposal prior to approving.

Ms. Eckerman recommended adding that best practices be used for access to avoid transmission of invasive species. Mr. Mattera agreed.

Ms. Ward accepted the addition to her motion adding #2 that best practices be followed with regard to dealing with invasive species and minimizing the impact of invasive species as access proceeds.

Ms. Eberhardt seconded the motion.

Ms. Murphy asked for clarification that should DNCR find this in compliance the Commission is okay with it moving forward and Ms. Ward indicated that is the intention of the motion, yes.

Matt Berube asked who should contact DNCR and Mr. Murphy agreed she will work with Mr. Berube to contact them together.

ROLL CALL VOTE: A roll call vote was taken Mattera – aye, Short – aye, Ward – aye, Campbell – aye, Guindon – aye, Eberhardt – aye and Campion – aye. With all in favor, the motion passed 7-0-0.

Mr. Campbell noted he had additional concerns about the neighborhoods these are in and having this be not so great publicity for the Conservation Commission. Before access Mr. Campbell noted he would like the Commission to get a head's up. Mr. Koff agreed. Mr. Tinkham noted there would be several weeks' notice.

Ms. Murphy recommended DPW contact abutters with Smith/Page and Exeter Falls to communicate with them this was initiated by Public Works and the process of review by the Commission to be sure the work is compliant with the terms of the deeds.

Mr. Tinkham indicated he will prepare a brief letter with regard to best management practices of invasive species and submit that to Ms. Murphy after the holidays.

2. Committee Reports

a. Property Management

Ms. Murphy noted Mr. Guindon and Mr. Campion began removing invasives at Raynes Farm last fall.

Ms. Murphy reported the Riverwoods Conservation easement is in its final stages with the plan needing to be revised to show the correct location of the gas line easement in the proper location. The revised plans should be provided before the end of the month and then it will move to the Select Board for approval in December or January.

Mr. Campbell noted that hunting season by rifle ended but archery will continue until the 12th.

b. Trails

Mr. Short noted with the amount of use the trails are getting he hoped they are not too wet because that would be detrimental.

Mr. Guindon noted he and Mr. Campbell removed a lot of invasives at Alan Street but ran into thick brush and invasives to the east so they will need to go out again. Mr. Guindon noted the area along the river is a pretty spot and there are large trees with no invasives beneath them. Markers should be checked for pushing back.

c. Outreach Events

Ms. Murphy announced the clean-up day at Raynes Farm, organized by Sally, was a success. The property was tidied up and historical items were organized, and they are ready to host an event when they are finally able.

Ms. Ward noted Ben Anderson and Word Barn hosted an environmental education event entitled *Owl Prowl* and has added another on Saturday, December 19th.

Ms. Ward brought up for discussion whether the Commission feels the Winter Solstice event should proceed. It is outdoors but there is hesitance with COVID cases spiking. Mr. Campion has other ideas for later in the winter, a lantern walk, bonfire, and hot chocolate which can be done anytime. They will need cinder blocks and pallets. Ms. Raub noted that with the Sky Watch event it was stationary, and they were able to do some diagramming which is not possible with this event. Ms. Ward was in favor of putting it on hold. Mr. Campion recommended preparing grab and go kits for a do it yourself outing. Ms. Ward was unsure how many people would be out there, and the Commission would not be providing a specific date so people would participate on their own at any time. Parks & Recreation has been bringing their programming before the Select Board for approval during COVID because of the State of Emergency. Ms. Gilman recommended first presenting any plans to James Murray the Health Officer to get his expectations. Ms. Raub noted the barn could be open with a table across the entrance to serve hot chocolate. Mr. Koff recommended Ms. Ward and Ms. Raub explore it further.

3. Approval of Minutes: October 13, 2020 Meeting and November 10, 2020 Meeting

October 13, 2020

MOTION: Mr. Koff motioned to approve the October 13, 2020 minutes as amended. Mr. Mattera seconded the motion. A roll call vote was taken Mattera – aye, Short – aye, Ward – aye, Campbell – aye, Guindon – aye, Eberhardt – aye and Koff – aye. With all in favor the motion passed unanimously 7-0-0.

November 10, 2020

Mr. Koff recommended removing the Alternate Select Board from the absent list.

Ms. Eberhardt abstained from voting.

MOTION: Mr. Campbell motioned to approve the November 10, 2020 minutes, as amended. Ms. Ward seconded the motion. A roll call vote was taken Koff – aye, Mattera – aye, Short – aye, Ward – aye, Campbell – aye, Guindon - aye and Campion – aye. With all in favor, the motion passed unanimously 7-0-0.

4. Correspondence

5. Other Business

Mr. Koff acknowledged the indigenous people of the Exeter area and announced that a virtual workshop was coming up. Ms. Murphy noted the virtual workshop coincides with the Commission’s meeting next month at 7 PM.

Mr. Koff announced the Commission has a new Alternate member, Conor Madison who will be joining the Commission at its next meeting and will replace Ms. White.

Ms. Gilman thanked the Commission for all of its hard work and efforts this year and wished everyone a happy and safe holiday and New Year. Mr. Koff concurred adding that 2020 has been a challenging year.

6. Next Meeting: Date Scheduled: January 12, 2021, Submission Deadline: December 31, 2020

Adjournment

MOTION: Mr. Koff moved to adjourn at 9:32 PM. Ms. Ward seconded the motion. A roll call vote was taken Koff – aye, Mattera – aye, Short – aye, Ward – aye, Campbell – aye Guindon – aye and Eberhardt – aye. With all in favor the motion passed unanimously.

Respectfully submitted,

Daniel Hoijer, Recording Secretary