

Exeter Conservation Commission
June 8, 2021
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, Dave Short, Treasurer, Alyson Eberhardt, Kristen Osterwood, Julie Gilman Select Board Liaison, Conor Madison, Alternate, Bill Campbell, Alternate (@7:54), Donald Clement, Alternate (until 8:21 PM), and Kristen Murphy, Natural Resource Planner.

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

Absent, Carlos Guindon, and Nick Campion

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.

Mr. Koff called the meeting to order at 7 PM and indicated Alternates Donald Clement and Conor Madison would be active and voting for this meeting.

2. Public Comment (7:00 PM)

Mr. Koff asked if there were any members of the public who wanted to speak to an item not on the agenda and being none closed public comment.

3. Election of Officers

Mr. Koff noted that the Select Board appointed Kristen Osterwood and Nick Campion as regular members of the Conservation Commission.

Ms. Gilman noted the Governor is expected to lift the Emergency Order which will mean meetings will be back in person. A hybrid option is being looked into at the Select Board meeting Monday night.

Mr. Koff read the proposed slate of officers:

Chair – Andrew Koff

Vice Chair – Trevor Mattera

Treasurer – Dave Short

Mr. Koff noted the positions held by Ginny Raub as Alternate and Sally Ward as a regular member and Clerk of the Commission are vacant. Ms. Osterwood offered to serve as Clerk.

MOTION: Mr. Koff motioned to nominate Kristen Osterwood as Clerk and the slate of officers as presented. Mr. Short seconded the motion. A roll call vote was taken by Ms. Murphy: Koff – aye, Mattera – aye, Short – aye, Eberhardt – aye, Madison – aye, Clement – aye and Osterwood – aye. The motion passed 7-0-0

Action Items

Wetland Conditional Use Permit review for a 12-lot open space subdivision for Scott Carlisle III at 19 Watson Road
Tax Map 33-26
(Scott Carlisle, Barry Gier)

Mr. Koff noted there was a joint Site Walk with the Commission and the Planning Board this morning with Mr. Gier of Jones & Beach. Mr. Koff and Ms. Murphy were present as well as a majority of the Planning Board.

Mr. Gier presented the proposal for a Wetlands Conditional Use Permit for the 12-lot open space subdivision at Tax Map 33-26 in the R-1 zone. The parcel is 98 acres with 1760 linear feet of frontage on the east side of Watson Road. Route 101 is to the south. There is a large wetlands complex to the east. The roadway is proposed to be 1128 linear feet with curbing and a closed drainage system. There will be a large infiltration basin to handle stormwater. The two wetland buffer impacts are 6,517 SF of temporary impact and 1,215 SF of permanent impact for the roadway. Grading will be revegetated. The infiltration basin and rip rap will be minor permanent impacts. The location shown on the plan for the homes are not exact. There is a hill to the uplands which is why the temporary impacts are required. The road is longer than typical.

Mr. Koff expressed concerns with the vernal pool on Lot 3 and disturbances from construction up slope affecting the buffer. Mr. Koff noted the developer does not appear to be building as many lots as he could. Mr. Gier noted the size of most lots is just under two acres while only 15,000 SF is required per lot in an open space subdivision. Mr. Gier noted the Planning Board suggested eliminating the vernal pool from Lot 3 and including it in the open space.

Ms. Eberhardt referenced Jim Gove's January 12 evaluation and five wetland buffer impacts and Lot 2 which is perched between wetlands. Mr. Gier displayed the location of all vernal pools in the proposed subdivision in purple on the screen.

Mr. Koff expressed concerns with the hydrology upgradient of the road and recharge of sheet flow diverting away and the potential addition of water to the south. Mr. Gier noted there would be a slight redirection not a complete redirection.

Mr. Koff reviewed the criteria:

1. Permitted in the zone.
2. No alternative design which is less detrimental is feasible.
3. Impact of functions and values.
4. Maintenance.
5. Not create a hazard to individuals or public health, safety, welfare, loss to the wetland or contamination of groundwater or other reasons.
6. Increase to other wetland buffers elsewhere.
7. Temporary disturbance/restoration proposal.
8. All permits, NH DES etc.

Mr. Koff opened the hearing to the public for comments and questions at 8:07 PM.

Mr. Gier noted the proposed subdivision is permitted in the residential zone. Mr. Gier noted it is impossible not to have any impacts with wetlands throughout.

Mr. Koff noted there does appear to be an alternative design mentioned that would be less detrimental. The lot shapes are not optimized to minimize impacts to buffers especially on Lots 2 and 3.

Mr. Koff asked about ledge and Mr. Gier noted they did several test pits and did not come across ledge. Mr. Koff asked about sandy soil. Mr. Koff noted the north side of the road would have impacts to vernal pools below it and have a different character than now.

Mr. Clement noted he had no grave concerns about the size of the lots. It is good to have larger lots which lessens the impacts as a whole. The parcel is not tied to municipal water and sewer and will need larger areas for septic and well protective areas and gives more pervious surface recharge. The site is best with as little impact as possible. There are a lot of wetlands present.

Mr. Campbell arrived at the meeting.

Mr. Koff asked if Lots 2 and 3 were reconfigured so that the vernal pool would be located entirely in the open space, if the house on Lot 2 would be closer to the road. Mr. Gier discussed the shared driveway easement so there would be no impact to the buffer.

Mr. Campbell asked if the homeowner could put a lawn in and Mr. Gier noted they could but in limited use buffer they could not.

Mr. Campbell asked about the grade for Lot 3 which appeared steep, and Mr. Gier noted the grade was 3:1. Mr. Gier added that septic designs are not required to be 4,000 SF but must be shown on the proposal as 4,000 SF. There could also be a smaller house without a garage.

Mr. Gier noted the proposal did not impact functions and values. Road impacts are minimized. There is a retention pond for stormwater.

Mr. Koff asked if there were a wildlife habitat assessment and noted it would be helpful to answer his questions. Mr. Clement noted the area to the north is a known breeding area for Blanding's Turtles and Spotted Turtles. The sandy soil is conducive to turtle breeding and the species may be present. Ms. Murphy noted the Commission could require or recommend one, it was not provided and noted it would be helpful for Mr. Gove to be here.

Mr. Gier noted temporary grading will be revegetated. The permanent impacts will be the pipe for the stormwater retention and rip rap.

Mr. Gier noted there would be no hazard as single-family residences don't typically contaminate groundwater. There is no proposed increase in wetlands buffers elsewhere.

Mr. Koff asked if NH DES was contacted yet and Mr. Gier noted approvals are required but he has not been in touch with them yet.

Ms. Murphy asked about the process of showing the building envelope and Mr. Gier noted each lot is almost two acres and buildable within the setbacks where building envelopes are typically shown when lots are tighter.

Mr. Mattera noted there was a lot of effort made to meander through this maze of wetlands. Impacts were minimized and are temporary. Mr. Mattera questioned whether the road alignment would change with the reconfiguration of Lots 2 and 3. Mr. Gier noted it was the best road location with the least amount of impact from grading and doesn't anticipate any change to the roadway.

Mr. Koff recommended returning with the revised plan set and wildlife assessment and possibly Mr. Gove to discuss his report. Mr. Mattera agreed the wildlife assessment could change the design.

MOTION: Mr. Koff motioned to table the CUP recommendation for Tax Map 33-26 until a later date when the revised submittal and wildlife assessment and revised plan based on inclusion of the venal pool in the open space are provided, as the Commission does not have enough information. Ms. Eberhardt seconded the motion. A roll call vote was taken Koff – aye, Mattera – aye, Eberhardt – aye, Short – aye, Osterwood – aye, Clement – aye and Madison – aye. The motion passed 7-0-0.

Non-Public Session

- Non-public session pursuant to RSA 91-A:3(II)(d) for the consideration of the acquisition, sale, or lease of real or personal property

MOTION: Mr. Koff motioned to go into non-public session pursuant to RSA 91-A:3(II)(d). Mr. Mattera seconded the motion. A roll call vote was taken Mattera – aye, Koff – aye, Eberhardt – aye, Short – aye, Osterwood – aye, Clement – aye and Madison – aye. The motion passed 7-0-0.

The meeting was closed to the public at 8:21 PM.

MOTION: Mr. Koff motioned to come out of non-public session. Mr. Mattera seconded the motion. A roll call vote was taken Mattera – aye, Koff – aye, Eberhardt – aye, Short – aye, Osterwood – aye, Clement – aye and Madison – aye. The motion passed 7-0-0.

The meeting was reopened to the public at 9:09 PM.

MOTION: Mr. Koff motioned to seal the minutes of the non-public session because divulgence of this information will likely render the proposed action ineffective. Mr. Short seconded the motion. A roll call vote was taken Mattera – aye, Koff – aye, Eberhardt – aye, Short – aye, Osterwood – aye and Madison – aye. The motion passed 6-0-0.

Action Items Cont'd

1. LCHIP Grant Application Update and Request for Matching Funds from two sources:

- a. Expenditure of up to \$50,000 from the Conservation Fund as partial matching funds for the LCHIP grant application for Raynes Barn improvements at 61 Newfields Road.

Ms. Murphy noted the subcommittee is working to appraise repairs with the consultant and provide an updated cost of the barn's needs. The grant application is almost complete. The total projected cost is \$248,200 and the Town would be required to provide a 50% match. \$100,000 could come from L-CHIP, \$100,000 from Warrant Article and \$50,000 from the existing Conservation Fund.

Ms. Murphy provided the Commissioners with a link to the Conservation Fund Guidebook which describes allowed uses consistent with RSA 36a. The Conservation Fund has a balance of approximately \$108,000 now with nothing pending this year.

Mr. Koff asked if the Warrant Article request from Conservation would be \$100,000 alone or if the annual \$50,000 funding would also be requested. Ms. Murphy noted both of those would be a big ask.

Mr. Campbell noted it is a good project and needed. The Commission has a good shot at it and it may be their last shot. Mr. Mattera agreed.

Mr. Koff asked what would happen if the grant was not received and Ms. Murphy noted they would not spend this and would know in December.

MOTION: Mr. Koff motioned to approve the expenditure of up to \$50,000 from the Conservation Fund for the repairs to Raynes barn in accordance with the L-CHIP application approval. Ms. Eberhardt seconded the motion. A roll call vote was taken Mattera – aye, Koff – aye, Eberhardt – aye, Short – aye, Osterwood – aye, and Madison – aye. The motion passed 6-0-0.

Ms. Murphy noted the application is due Friday, the 24th officially - in two weeks, and may be reviewed by TRC. A special meeting could be called if necessary.

- b. Expenditure of up to \$1940 from the Conservation Fund or Phase I Archaeological Study around the perimeter of Raynes barn

Ms. Murphy noted a Phase 1A archaeological study is required whenever there is excavation at a historic site. In this case there would be fill and foundation work proposed. This evaluation would determine if additional study under Phase 1C would be required. The cost is \$1940. Any digging would not be done with equipment. Cost can go toward the required match.

MOTION: Mr. Koff motioned to approve the expenditure of up to \$1940 from the Conservation Fund for the Phase 1A archaeological study at Raynes barn. Mr. Mattera seconded the motion. A roll call vote was taken Mattera – aye, Koff – aye, Eberhardt – aye, Short – aye, Osterwood – aye, and Madison – aye. The motion passed 6-0-0.

2. Committee Reports

- a. Trail Committee: Discussion of Trail Use (Dave & Kristen)

Mr. Short discussed trail use and issues. Two members were concerned with heavy use and overflow parking which poses a danger when parking on the curve. Fire safety reached out about trail maps that didn't match. Signs were proposed for the kiosks and trail entrances. Mr. Short recommended explaining why trails were closed and that there be a sign for no unauthorized trail building. Activity on private land is being confused with public. The private landowner had no issue with the trails there. Mr. Short will work with Tobey and Ms. Murphy on language for signs.

Mr. Short acknowledge a donation of lumber and help from volunteers and noted Ms. Murphy upgraded the blazing. Signs could be donated.

- b. Tree Committee Update- Draft Ordinance and Appointment of Tree Committee Rep

Eileen Flockhart discussed the draft ordinance which will regulate how trees in the streets and public place will be managed. This would be a Town ordinance not a zoning ordinance. Comments can be emailed to Ms. Murphy and discussed at the next meeting. The Select Board would recommend whether to adopt the ordinance and then have two public meetings. Jay Perkins the Tree Warden will provide approvals and advice to the Committee. Native species would be the preferred planting for street trees.

3. Approval of Minutes:

May 11, 2021 Meeting

Mr. Koff recommended edits.

MOTION: Mr. Koff motioned to approve the May 11, 2021 minutes as amended. Mr. Mattera seconded the motion. A roll call vote was taken Mattera – aye, Koff – aye, Eberhardt – abstain, Short – abstain, Osterwood – aye and Madison – aye. The motion passed 4-0-2.

4. Other Business

5. Next Meeting: Date Scheduled (7/13/21), Submission Deadline (7/2/21)

Adjournment

MOTION: Mr. Koff moved to adjourn at 9:48 PM seconded by Mr. Short. A roll call vote was taken. With all in favor the motion passed unanimously.

Respectfully submitted,

Daniel Hoijer, Recording Secretary