

Exeter Conservation Commission
July 13, 2021
Nowack Room
Approved Minutes

Call to Order

1. Introduction of Members Present (by Roll Call)

Present at tonight's meeting were by roll call, Chair Andrew Koff, Dave Short, Treasurer, Alyson Eberhardt, Kristen Osterwood, Nick Campion, Julie Gilman Select Board Liaison, Conor Madison, Alternate, Bill Campbell, and Kristen Murphy, Natural Resource Planner.

Absent: Trevor Mattera, Donald Clement, Alternate

Mr. Koff called the meeting to order at 7:05 PM and indicated Alternate 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.

Action Items

1. Wetland Conditional Use Permit application for buffer impacts resulting from the construction of a private drive and associated utilities/drainage treatment structures to serve 11 proposed townhouse condominium dwelling units at 32 Charter Street (Map 82, Lot 36).

Christian Smith of Beals Associates presented the application on behalf of developer, Frank Catapano. The existing buildings, docks, debris and gravel within the prime wetland will be removed and restored less than 125' from the prime buffer setback prior to construction of the 11 townhouse condominiums and associated improvements. Roofs will have a 4' wide stone drip edge. There will be stormwater collection and treatment with an estimated 3,000 SF of impact. Exposed soils would be reseeded. Care would be taken not to spread invasives. There would be no lawns to be mowed and no recreational area for the development other than the small area behind the buildings. The units are two-bedroom and not age restricted.

Mr. Smith posted the plan showing an overlay of the field delineated by Mr. Gove and the GIS wetlands map and noted an area referred to as the "bump out" shown on the right, did not line up due to suspected infilling which changed the field delineation. Utilizing the GIS map there would be an additional 2,000 SF approximately of additional impact. Mr. Gove explained the difference and described the area he believed to be filled. DES has a mechanism to modify the boundary to match the

actual delineation, 703:05 and this would be part of the application filed with them. The applicant would ask that the recommendation concur with the boundary adjustment.

Ms. Murphy noted the analysis identified smartweed as an endangered plant species present at the site and felt there would be no impact.

Ms. Murphy suggested the Commission address support of the boundary change before reviewing the CUP criteria.

Mr. Koff questioned what was going in that area and Mr. Smith noted the infiltration basin due to it being the lowest level.

Mr. Koff asked if there were plans to excavate the filled area and Mr. Gove noted the fill could be removed if the Commission preferred they would take off approximately 18" of material. Ms. Eberhardt noted there would be a beneficial trade off. Ms. Osterwood recommended taking into consideration the drought and heavy rain patterns recently experienced that a shrub planting may be most likely to survive the two year success regulation and provide diversity with competing invasives on site. Mr. Koff agreed that improving the quality of water flowing in would be beneficial. Mr. Gove reminded this would change the impact numbers in the buffer.

MOTION: Mr. Koff motioned after reviewing the field-based wetland mapping and designated prime wetland boundary presented with this application the Commission support amending the prime wetland boundary to match field conditions. Mr. Madison seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

Mr. Koff reviewed the CUP 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.

#1. Mr. Smith noted the parcel was in the R-5 Multi-Family District.

#2. Mr. Smith noted there were several iterations presented to the Commission and this was the most suitable with the least amount of impact. Mr. Smith explained the decision to change from garden style apartments to townhouse condominiums to reduce parking impact.

#3. Mr. Koff noted there would never be zero impact and the trade off is cleaning up the site and reduction of impervious surface, treatment of runoff to the buffer. Mr. Gove noted enhancement of

functions and values based on the remediation they were doing by removing structures from the prime wetland. Adding shrubs to the “bump out” area would also be beneficial to wildlife and water quality and control of runoff.

Mr. Koff asked about curbing and Mr. Smith showed the Cape Cod berm design recommended by the TRC and how that would direct water flow from the parking lot via a common slope.

#4. Mr. Smith noted there would be minimum impact to the wetland and buffer. The design improves a fairly ugly situation. There would be HOA documents prohibiting cutting.

#5. Mr. Smith noted the area will be restored. There is old machinery, tractors, etc. in the WCD currently and the plan will improve what is there now. Impervious areas will be treated.

#6-7. Mr. Smith noted after restoration there will be pavement 50’ away and buildings outside the 100.’ Mr. Gove noted the embankment to the railroad track is part of it. He was surprised to find some natural soils, sand over clay but it appeared they were trying to make some uplands. Temporary disturbances will be restored following construction. Mr. Gove noted some blown trees will remain for wildlife habitat. DES will address management of invasive species. Ms. Eberhardt noted DES does not control the buffer. This could be a condition of approval along with shrubs and seeding. Invasives should be removed before they go to seed.

#8. Mr. Smith noted they will be applying for DES dredge and fill permits and will be back before the Commission for that. The development will be on Town water and sewer.

Mr. Smith noted they will appear at the Planning Board’s August 26th meeting. Mr. Gove noted there would be about 50 days minimum for DES dredge and fill.

Mr. Gove noted the Army Corp. manual specifies plantings be 10’ on center with 80% survival in two years.

Mr. Koff opened the hearing to the public for comments and questions at 7:23 PM and being none closed the hearing to the public for deliberations.

Mr. Koff discussed proposed conditions of approval with the applicant and Commission.

MOTION: Ms. Eberhardt motioned after reviewing the application the Commission recommends approval of the wetland conditional use permit with the following conditions:

1. The addition of trees and shrubs be planted in the 50’ buffer at the density dictated by the Army Corp. manual;
2. An invasive species control plan be provided for the area within the buffer; and
3. A monitoring and adaptive management plan provided for the restoration area.

Mr. Madison seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

2. Tree Ordinance

Eileen Flockhart appeared on behalf of the Tree Committee to present the proposed town ordinance to be adopted after public hearings with the Select Board. The final draft will be reviewed by legal counsel. Ms. Flockhart encourage the Commission to email her with any recommendations.

Ms. Flockhart noted the Committee looked at Tree City USA recommendations and those adopted by other towns to create the proposed ordinance. The Tree Warden is on the Committee. There are a lot of memorial trees and an education and awareness component concerning the value of protecting the trees and increasing biodiversity. The Committee would evaluate trees on Town properties and ROW and make recommendations concerning trees on other properties that posed danger to the public which would generate a letter to the homeowner. Trees falling into the river are one example of who is responsible. A list of appropriate trees would be developed. One example is trees growing up into the asphalt on sidewalks. Utility cuts were discussed and how the utility will be involved with the Committee.

Ms. Flockhart and Mr. Short discussed the inventory of trees on Town-owned property and the importance of keeping that updated and the public educated as to why a dead or diseased tree may need to be removed.

Mr. Campbell asked about Conservation properties and Ms. Murphy explained how the 50' buffer offers protection between ROW and private lands.

Ms. Flockhart noted the ordinance would be a Town ordinance not a zoning ordinance.

3. NHACC Member Survey

Ms. Murphy reviewed the survey questions with the Commission which questioned how often the Town relies upon publications, advice and website offerings from the NHACC as well as attendance at annual meetings. Mr. Koff noted all of the offerings have been equally useful over the past year.

Ms. Murphy noted the survey asked the Commission to chose three topics to review and any recent associations with other commissions and projects over the past three years including partnership with SELT in monitoring easement acquisitions and the Land Use Change Tax percentage. Ms. Eberhardt noted working with Tree City USA, Mr. Campbell noted the L-CHIP application at Raynes Farm and Mr. Koff noted the Commission has been reviewing wetland applications and working with developers.

4. Snowhounds Trail Use Permission Form

Mr. Koff noted Tim Shepard is looking to renew the Snowhounds permission forms and he has no issue and has received no complaints concerning their use of the trails.

MOTION: Mr. Koff motioned after reviewing the request the Commission authorize the chair to sign in support o renewing the trail use agreement as requested. Mr. Short seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

5. Sky Watch Event at Raynes Farm (10/2 7:30 PM with 10/16 cloud date)

Ms. Murphy reported the Sky Watch Event at Raynes Farm is scheduled for October 2nd at 7:30 PM with an October 16th cloud date. There will be one speaker from the NH Astronomical Association and members on hand with their telescopes. She is looking for members willing to assist with parking and setting up the barn for the event. Mr. Campion noted he was available.

Mr. Campbell questioned how many people should attend given the parking capacity which could be about 50.

6. Approval of Minutes: June 8, 2021 Meeting

MOTION: Mr. Campbell motioned to approve the June 8, 2021 meeting minutes seconded by Mr. Short. A vote was taken, Mr. Campion abstained with the remainder in favor, the motion passed 6-0-1.

7. Other Business

Sergio Bonilla appeared before the Commission for input about a proposed seasonal dock located to be located at 48 Franklin Street, Tax Map #72-80 The structure would be anchored to the sloping shoreline. He is looking for feedback to be forwarded to the state. Mr. Koff indicated there is only a ten day window. Ms. Eberhardt noted she would have liked more time but it is the only opportunity to comment. Ms. Murphy noted it didn't sound like a design for the dock was done yet. Ms. Eberhardt questioned periods of tidal inundation and climate flood scenarios.

Ms. Murphy asked about the design of the dock. Mr. Campbell asked if the dock is fixed. Ms. Osterwood agreed that anchoring points would be a concern as impacts shoreland vegetation.

Mr. Koff reviewed the recommendations:

- There is a lack of clarity on the design of the docking structure
- The Commission did not agree the project would have no impact on the resource as proposed
- Should a dock be approved, it should include a design that accommodates the dramatic changes in flood flow, an anchor system sufficient for flood scenarios common along the Exeter River today and in the future with the predicted altered weather regime
- Placement and design have a mind toward protection of the aquatic and shoreline vegetation

As a result the Commission did not feel they could sign Section 11 of the application.

MOTION: Mr. Koff motioned to send a comment letter to DES. Mr. Campbell seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

8. Next Meeting: Date Scheduled (8/10/21), Submission Deadline (7/30/21)

Adjournment

MOTION: Mr. Koff moved to adjourn at 9:39 PM seconded by Mr. Campbell. A vote was taken, all were in favor, the motion passed unanimously.

Respectfully submitted,

Daniel Hoijer, Recording Secretary