

Exeter Conservation Commission  
September 14, 2021  
Nowack Room  
Draft Minutes

**Call to Order**

1. Introduction of Members Present (by Roll Call)

Present at tonight's meeting were by roll call, Vice-Chair Trevor Mattera, Kristen Osterwood (virtually), Dave Short, Nick Campion, Julie Gilman Select Board Liaison, Conor Madison, Bill Campbell, Alternate (virtually), Thomas Patterson, Alternate, Donald Clement, (virtually), and Kristen Murphy, Natural Resource Planner.

Absent: Chair Andrew Koff, and Alyson Eberhardt

Mr. Mattera called the meeting to order at 7:00 PM.

2. Public Comment (7:00 PM)

Mr. Mattera 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. Final Draft – Tree Ordinance

Eileen Flockhart, Chair of the Tree Committee, presented the final draft of the Tree Ordinance to the Commission after revisions were made based on the Commission's earlier comments. The Committee is looking for any final comments and recommendation to the Select Board which will be followed by legal counsel review, prior to adoption.

Ms. Flockhart thanked Kristen Murphy, Gwen English, and Sally Ward for their efforts as well as Greg Jordan from UNH.

Ms. Murphy noted plantings will be encouraged to be native species. The next steps will be review by legal counsel and three readings. The ordinance will be adopted as a Town Ordinance which is different than a Zoning Ordinance voted at Town Meeting.

Mr. Campbell asked if there was a limit to the term of the Committee and Ms. Murphy noted it was similar to the Trail Committee with no term limits. Ms. Flockhart explained the Tree Committee is technically a subcommittee of the Commission.

MOTION: Mr. Short motioned that the Commission after reviewing the draft ordinance to be reviewed by legal counsel recommends the adoption of these tree regulations as a section within the Exeter Town

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

2. Wetland Conditional Use Permit Application for impacts associated with a 12-lot single-family open space residential subdivision at 19 Watson Road, Tax Map 33, Lot 26 (Barry Gier – Jones & Beach, Scott Carlisle, Owner)

Ms. Murphy noted the application was before the Commission in June for review of the CUP and the applicant was asked to return with revisions. Ms. Murphy provided the Commission with revised plans, CUP and Natural Resource Plan. The proposal includes a deeded open space to the Town with an easement held by SELT.

Ms. Murphy recommended following the policy adopted in 2009, amended in 2019 to have a surveyed plan, baseline documentation, on-site boundary marker placement confirmed by the Commission and the Grantor, a Phase I Environmental Report and discussion of stewardship fees for long-term management.

Eric Poulin of Jones & Beach indicated he was representing Barry Geier. He addressed the prime wetlands and protected vernal pools on the proposed 12-lot open space residential subdivision which will have a Conservation Easement to be held by SELT with public access. Modifications have been made to the design since the last time they were before the Commission. The lot layout has been revised to remove the vernal pools from private property and put them in the open space easement. Mr. Poulin addressed grading, septic, wells, building envelopes, and impact to buffers. Sumps will be pulled from the proposed structures. Disturbance will be 3,074 SF of temporary buffer impact indicated by the access road and for drainage to be revegetated to natural state with seed mix. 300' is the closest lot to the prime wetland.

Brendan Quigley from Gove Environmental reviewed the Natural Resource Plan. The area is a large, forested wetland near the Oaklands Town Forest area. Mr. Quigley identified the large prime wetland shown on the aerial map, wetlands, and vernal pools. The topography is varied, steep in places. There is high quality for breeding activity, significant habitat within the Exeter River Watershed including Bloody Brook which drains under 101 to the Squamscott River. There are good quality forest soils, well drained to poorly drained in the wetland. The property was logged periodically but not recently. He described an intact mature forest.

Ms. Murphy asked about blasting and redirection of water after recharge. Mr. Poulin indicated test pits were done and there was some refusal and while there is potentially ledge, he does not anticipate anything major. Any blasting would comply with local, state and federal regulations. The flow of water comes from the east side of the property and will continue to feed the vernal pool. A small amount of alteration of watershed is unavoidable but it will not dry up.

Ms. Murphy asked about impact to Blanding's Turtles and Mr. Poulin noted an inspection wasn't done but he can't ignore preservation here. He explained the contractors would be briefed and recommended making owners aware. Ms. Murphy proposed including in the HOA documents.

Sally from Greenleaf Drive remarked that properties with Conservation markers on them are often encroached upon so education would be valuable. Ms. Murphy added that CUP conditions could include

an educational component, sump recommendations and an environmental monitor could be on site during the initial land clearing.

MOTION: Mr. Mattera motioned after reviewing the application that the Commission has no objection to the conditional use permit as proposed with the four conditions discussed. Mr. Short seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

3. Draft conservation deed for the Mendez parcel associated with the 16-unit condo development proposed along both Tamarind Way and a portion of the cul-de-sac on Cullen Way. (Brian Griset, applicant and Justin Pasay)

Mr. Mattera read the Public Hearing Notice.

Attorney Justin Pasay presented the proposal for a conservation deed on the Mendez parcel for the 16-unit open space condominium development which requires a NH DES minimum expedited permit. Mr. Griset received recommendation from the Commission and the Planning Board for the NH DES wetlands and shorelands CUP. On July 29<sup>th</sup> the plans received conditional approval from the Planning Board. Attorney Pasay noted the original draft deed had more robust language concerning management of coyote, beaver, wildlife and veteran hunting. The easement would be Town owned.

Ms. Murphy noted the applicant was before the Commission in November to discuss conserving a portion of the property. Ms. Murphy recommended following the policy adopted in 2009, amended in 2019 to have a surveyed plan, baseline documentation, on-site boundary marker placement confirmed by the Commission and the Grantor, a Phase I Environmental Report and discussion of stewardship fees for long-term management.

Ms. Murphy reviewed easement language and highlighted:

Section 1B which typically states “passive recreation by the public;”  
Section 2A (2D and Paragraph 3) industrial or commercial activities;  
Section 2F (Section K below);  
Section 2I append Planning Board Case #20-2 with 7-30-21 approval date;  
Section 2K two (2) observation points;  
Section 3A Kiosk on Brickyard Park property;  
Survey Plan specific to area including markers depicted on a single sheet;  
Baseline document and walking boundaries with grantor;  
Discussion of stewardship fees; and  
Legal Review.

Attorney Pasay noted the applicant was happy to remove the language and replace with passive recreation. 2A can be amended as the property will be maintained as open space and understands the kiosk is being asked to be placed on Brickyard property which will be the purview of the Recreation Department. There will be no mechanized or motorized vehicles. Beals Assoc. provided the environmental document. Mr. Griset noted pins were set on the south portion but are not included in the drawing yet. The easement will be discussed with Town Manager Russ Dean on September 27<sup>th</sup>. Ms. Murphy noted there would be legal review in between.

MOTION: Mr. Short motioned after reviewing the application the Commission send a memo to the Select Board recommending acceptance of the Conservation Deed for Tax Map Parcels 81-53 with changes as amended. Mr. Mattera seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

#### 4. Committee Reports

##### a. Property Management

Raynes:

##### Phase I Archeological Review

Ms. Murphy provided the Commission with results and cost estimate for Phase 1b. Ms. Murphy noted the cost for Phase 1B was quoted over \$10,000 and asked to break it up into two items. Mr. Short agreed it should be split up so there is no delay, do the parking lot and leave the path for now. Mr. Mattera agreed. Ms. Murphy will bring the cost for the driveway only to the next meeting.

Ms. Murphy recommended using the town allocated budget to fund the Phase 1A work.

MOTION: Mr. Short motioned to approve the expenditure of \$1,000 from Contract Services and \$935 from the Conservation Land Administration account to cover the cost. Mr. Mattera seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

Ms. Murphy noted haying is complete. David O'Hearn is doing the invasives now.

##### b. Trails

Ms. Murphy noted Fort Rock Riders is doing stewardship day to day. Jacob Holmes is doing some trail maintenance to Little Rover from the Garrison Lane footbridge and is eager to do more. She suggested McDonald and White Meadow.

##### c. Outreach – Day of Assistance for Sky Watch 10/2 at 7:30 (10/16 cloud date)

Ms. Murphy noted the Sky Watch event is scheduled for 10/2 with a cloud date of 10/16. Mr. Madison, Mr. Mattera and Mr. Campion volunteered to help out. Ms. Murphy noted she needs help with parking and getting refreshments to the barn. The event is posted on the event page and linked to Event Brite and will move to the Town website.

#### 5. Approval of Minutes of August 10, 2021 Meeting

MOTION: Mr. Short motioned to approve the August 10, 2021 Meeting Minutes. Mr. Mattera seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

#### 6 Other Business

Ben Anderson – Word Barn, DOT Sight Distance Easement

Ben Anderson presented the request for a Sight Distance Easement at Newfields Road where he lives at #66 where the original farmhouse is. Last October a tree was removed which obstructed sight. The DOT would like an easement that no further trees or brush will obstruct the sight distance to permit access. They would like something in writing.

Mr. Short recommended a letter that Mr. Anderson has permission to keep the area cleared similar to trail maintenance volunteers and that the Commission accepts his gracious offer. He does not think his needs to become a legal document.

Ms. Gilman asked about future owners and Mr. Short recommended they deal with DOT.

MOTION: Mr. Mattera motioned for the Commission to write a letter allowing Ben Anderson to cut along this pathway to present to DOT for his needs. Mr. Short seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

Hiking with Parks & Recreation (Dates)

Ms. Murphy noted after-school hikes are proposed to start November 3<sup>rd</sup> and 17<sup>th</sup>, December 1 and December 15<sup>th</sup> after 3/3:30 PM. Ms. Murphy noted her knee is still bothering her and asked if someone else could take the lead on those.

7. Next Meeting: Date Scheduled (10/12/21), Submission Deadline (10/1/21)

### Adjournment

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

Respectfully submitted,

Daniel Hoijer, Recording Secretary  
Via Exeter TV

This meeting was also available for electronic access through Webinar ID: 865 1385 3661