

Exeter Conservation Commission  
October 12, 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, Chair Andrew Koff, Vice-Chair Trevor Mattera, Nick Champion, Julie Gilman Select Board Liaison, Conor Madison, Bill Campbell, Alternate, Donald Clement, (@7:38 PM), and Dave Sharples, Town Planner.

Absent: David Short, Alyson Eberhardt, Kristen Osterwood and Alternate Thomas Patterson

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

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 and Shoreland Conditional Use Permit applications for 6,090 SF of temporary wetland buffer impact and 10,714 SF of temporary shoreland buffer impact associated with utility maintenance pole replacement on the existing H141 Eversource transmission line (Tax Map 29, Lots 1 and 2, and Tax Map 29, Lots 32 and 32). Direct wetland impacts have been addressed through the State's statutory permit by notification process for utility maintenance. Agent Kristopher Wilkes, VHB

Mr. Koff read out loud the Public Hearing Notice and noted that Alternate Bill Campbell will be voting in place of Connor Madison on this application, as Mr. Madison has recused himself.

Kristopher Wilkes of VHB presented the application on behalf of Eversource. The project is expected to begin in November and run through the winter months of December and January and wrap up in February. The work described was H141 115kv transmission ROW A126 line which is not structural. There are three structure replacements located between Route 101 West, Epping Road NH Route 27. There is a floodplain wetland associated with Little River. A copy of the plan was provided. There are two wood poles being replaced with weathered steel within 10' of the existing footprint with the exception of #171. Another pole north of the wetland floodplain is being repositioned to the small uplands closer to Epping Road 120' from the existing structure. There will be erosion control, staging and timber matting. There will be a 100'x100' work pad with staging. Work and traffic control will be coordinated with DOT. #176 and #175 will be accessed off Epping Road using an existing older access road. Poles will be cut off at the surface and pole butts left in the ground. These will require a

100'x100' work pad. There will be 7,415 SF of direct temporary wetland impact resulting from #176 and 714 SF of temporary impact within the 300' buffer. There will be 6,090 SF of temporary impact to the buffer in W31 and W32. There will be 10,000 SF of temporary impact in the shoreland protection district of Little River. There is direct wetland application with DES which the Conservation Commission is not involved with. There is direct temporary impact permitting by notification for utility maintenance. The Natural Heritage Bureau and Fish and Game are involved. Concerns for identified species are turtles and the black racer but no rare plant species were identified. There would be a preconstruction meeting and training protocol with contractors to identify and report.

Mr. Campbell asked if the height of the replacement poles would be the same and Mr. Wilkes answered that the height would be increased 5' to 20' noting that one area must cross the DOT ROW at Route 101 and be high enough to cross safely.

Mr. Koff asked about an invasive species management plan and Mr. Wilkes noted the Purple Loose Strife and Glossy Buckthorn were identified and the measures to control spread by cleaning off and inspection equipment prior to transport. Working in the winter helps as it is past flowering season and there will likely be snow on the ground.

Mr. Koff reviewed with Mr. Wilkes the eight criteria for review of the application:

It is permitted in the zoning district – yes.

No alternative design that is less detrimental. Getting the structure outside of the wetland is beneficial. The applicant cannot avoid the location of the existing structures. Access impacts are being minimized by coming in off Route 101.

Evaluation of functions and values. Not detrimental to wetlands or the greater hydrological function. Mr. Wilkes discussed sediment and nutrient removal and flood capacity and does not anticipate any negative effect to the functions and values. The impacts are temporary, and work will be during a short duration in the winter with best management practices concerning erosion control and use of timber matting.

Mr. Mattera asked if it was realistic that the work in Exeter would start in November with other communities: Brentwood, Sandown, Fremont and Stratham involved as well, and Mr. Wilkes noted it was possible that Exeter may not begin in November.

Mr. Koff noted the applicant addressed design, construction and maintenance which will have minimal detrimental impacts.

Mr. Koff noted there would be very little ground disturbance during the short winter duration that would result in the project be hazardous to the individual public health, safety, welfare or direct loss of wetlands or contamination of groundwater or other reasons.

Mr. Campbell noted that DES approves restoration and asked if the Commission weighed in on that approval. Mr. Wilkes noted there is a consultant making weekly inspections during construction to be sure it is being done, writing a report with photos. At the end of the project the consultant meets with the contractor as they are removing mats, grading, and to make sure that seeding and straw are not needed for the spring.

Mr. Koff noted #6 was not applicable as they are not increasing buffers outside the site.

Mr. Koff noted the applicant will restore the property within the buffer.

Mr. Koff reviewed the other required permits for condition #8.

Mr. Koff opened the hearing to the public at 7:36 PM and being none closed the hearing to the public for deliberations.

MOTION: Mr. Koff motioned after reviewing the application that the Conservation Commission has no objection to the approval of the conditional use permit for Eversource, Tax Map 29, Lot 32 as presented. Mr. Campbell seconded the motion. A vote was taken, Mr. Madison abstained, the motion passed 5-0-1.

Alternate Mr. Clement arrived at the meeting and was activated as a voting member by the Chair.

Mr. Koff reviewed the criteria for the Shoreland Conditional Use Permit:

1. Not detrimental to storm water or ground water quality. Structure entirely upland. There will be a silt sock on the edge of the workspace downslope of the wetland area with no direct impacts there.

Mr. Koff asked if the shoreland buffer were 150' and Mr. Wilkes noted it was 300.' 100' from the wetland edge. There will be no additional clearing or widening of access. Relocation of #176 is a benefit taking the impact out of the wetland and future maintenance as well.

2. No discharge of wastewater, not disposal of hazardous or toxic waste. Mr. Wilkes reviewed procedures for fueling, spill kits and not leaving equipment overnight.

3. Undue damage to spawning or wildlife habitat. #177 and #176 have no impact. There will be no damage to spawning or habitat loss. They are working with the NH Heritage Bureau & Fish and Game. Work will be done in the winter months so that there will be no impacts.

Mr. Koff noted he believed Article 9.3.4 of the regulations has been met. Design is consistent with the intent of the property set forth in the shoreland district which allows for maintenance of existing structures.

MOTION: Mr. Koff motioned after reviewing the application that the Conservation Commission has no objection to the shoreland conditional use permit for Eversource for Tax Map 29, Lot 32 as presented.

Mr. Mattera seconded the motion. A vote was taken, with Mr. Madison abstaining, the motion passed 6-0-1.

Mr. Koff noted he will follow-up with a memo to the Planning Board later in the week.

2. Standard Dredge and Fill Application for prime wetland impacts resulting from the prime wetland restoration at 32 Charter Street (Map 82, Lot 36). Wetland buffer impacts related to the construction of a private drive and associated utilities/drainage treatment structures to serve 11 proposed townhouse condominium dwelling units onsite were previously addressed through the conditional use permit process. Agent: Brendan Walden, GES Inc.

Mr. Koff read out loud the Public Hearing Notice.

Jim Gove of Gove Environmental Services presented the application on behalf of the applicant. Mr. Gove noted this is their fourth meeting and the project has previously been discussed. The CUP application was presented on July 15, 2021. A planting and restoration plan was forwarded along with the plan for removing invasive species. Debris had been previously dumped in the prime wetland and will be removed. The building project itself is in the uplands outside of the buffer with minor temporary impacts. Mr. Gove noted they will work outside the frost to avoid rutting and try to remove debris by reaching over and lifting it out rather than bringing equipment in. A wetland seed mix would be used for restoration.

Mr. Koff asked about the timeline for the work and Mr. Gove noted that while it would be the best time to go in now, they have to wait for DES approvals and could start once they are received which may not be until the end of December while there is some possibility it will be approved sooner. Work outside the buffer may begin sooner but they prefer to have as little soil disturbance as possible. He noted he would like to see the remnants of the old house removed before work commences because the access area is very narrow otherwise.

Mr. Mattera noted it was nice to see the junk being taken out of there.

The Commission discussed conditions: invasive species control, density for planting any trees and shrubs, planting success and restoration. Mr. Gove noted there would be no shrubs in the prime wetland area only a wetland seed mix.

Mr. Clement noted he had concerns with protecting the area in the future such as nitrogen and salt and recommended placing a sign so that residents would be aware of the prime wetland and its need for protection and value.

Mr. Koff noted some impervious surface in the buffer would also be coming out.

Mr. Koff opened the hearing to the public for comments and questions and being none closed the hearing to the public for deliberations.

MOTION: Mr. Campbell motioned after reviewing the application that the Conservation Commission has no objection to the Standard Dredge & Fill application for 32 Charter Street as proposed with the conditions of signage, restoration, planting success and invasive species control. Mr. Koff amended the motion with Mr. Campbell's consent, and motioned that after reviewing the application that the Conservation Commission recommends approval of the wetland application be approved with the conditions:

1. Sign indicating the prime wetlands;
2. Invasive Species Control and Management be included in the restoration plan;
3. Restoration planting supervision with a minimum of two years to manage adaptive planting success should it fall below 70%.

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

3. Standard Dredge and Fill Application for wetland impacts associated with the construction of a proposed 41-lot residential subdivision and associated infrastructure at Tax Map 54, Lots 5, 6 & 7 and Map 63, Lot 205). Wetland and shoreland buffer impacts were previously addressed in July 2018, through issuance of a shoreland conditional use permit and wetland waiver. Agent: Marc Jacobs, CWS.

Mr. Koff read out loud the Public Hearing Notice and noted the Rose Farm project was previously discussed in July of 2018 concerning CUP and waivers.

Marc Jacobs, certified wetlands scientist presented the application and noted Attorney Baum was also present.

Mr. Jacobs presented the history of the property which was formerly a brickyard and most recently commercial greenhouses with residential use over the years for employees of the greenhouses mostly. Five of the nine homes remain. Portions of the site are contaminated with lead, coal ash and solid waste proposed to be removed. There is a gas main that bisects the west side of the parcel. The parcel is approximately 50 acres abutting urbanized, densely settled residential area. There is not much habitat fragmentation.

Mr. Jacobs showed slides of the 1958 greenhouse and residential dwellings including the smoke stack for the heating plant which is believed to be what left the coal ash behind. Lead caulking around the greenhouses likely were responsible for lead in the soil. Mr. Jacobs showed Oak Street Extension and noted areas where Jailhouse spring and four manmade ponds were located as well as Norris Brook in two places and the B&M railroad tracks. One pond is contaminated with lead and will be dredged for remediation purposes. The parcel abuts Henderson Swasey Town Forest. There is an unnamed perennial stream which enters Norris Brook and three intermittent streams. He noted one area where horses had been kept and the field changed the runoff conditions. Invasives exist throughout including extensive Japanese Knotweed which has been mapped.

Mr. Jacobs showed an aerial view of Oak Street Extension, Norris Brook Condominiums, the Industrial Park, railroad tracks, Forest Street and a GIS overlap of municipal water and sewer and the dense

residential areas. He noted there are numerous bike trails that will stay open for use. There are some 15% slopes or steeper. The project is an open space development with 41 lots and 45 units, one of which is a large five-unit multi-family residential development. Use of existing septic systems are questionable. There will be 6.3 acres of deeded open space and 12 acres of additional open space areas with five neighborhood recreation areas, one adjacent to Jailhouse Spring with improved access. The road is proposed to be 2,372' in length. There will be a crossing of Norris Brook, proposed box culvert which after feedback obtained from the Commission and the Planning Board was changed from 5'x12' to a 5' tall, 9'x24' open bottom culvert. He noted the exposed banks would be 6'x9' on one side and 6' x 16' on the other. He discussed channel width and wildlife passage on either side of the brook. Impacts will be restored upon completion.

Mr. Jacobs discussed the proposal for 3-4 culvert improvements and replacement of the 36' concrete pipe. He noted improper grading upstream made repair of elevations at both ends necessary because it is acting as a dam. Oak Street Extension will be gated between the spring and the driveway structure for the five units.

Mr. Jacobs discussed the 7/12/18 Conservation Memo and HOA Agreement and draft deed, baseline survey and boundary marker requirements. Invasive species will be controlled and monitored with construction. A geologist determined the vast majority or entirety of the spring is from direct neighborhoods not on site. Mr. Jacobs referred to the AoT manual concerning stormwater and nitrogen control with 4-5 gravel wetlands. Impacts are avoided where possible. Retaining walls will be used. The culvert on the watchlist will be replaced with coordination of the Natural Resource Planner as compensatory mitigation with a value of \$41,000.

Mr. Campbell asked about Pete Steckler's letter and an alternative design. Mr. Jacobs noted Mr. Steckler's proposal was discussed in 2018 by the Planning Board and dismissed. He noted Oak Street Extension and the two houses. The applicant purchased property for access and cited road design and safety as well as long and steep slopes and the massive road cut and fill and massive wetland alternative to maintain and utilize. Planning Board and Conservation both felt it was not worth the tradeoff. There is already a lot of fragmentation to the end of the corridor, so the alternative proposal was a bit of a reach.

Mr. Koff asked the road width at the culvert and Mr. Jacobs noted the road width is 24' paved with 5' sidewalk and 6" curbing. Retaining walls slope a bit at the base 31-32.'

Mr. Koff asked if the footings would be poured concrete and Mr. Jacobs said yes and added excavation will be restored, replanted and reseeded. There will be a 41-lot subdivision on the 50-acre site with 6,800 SF of impact which is pretty good and compared it to the previous application for maintenance of utility poles which had more impact.

Mr. Koff opened the hearing to the public for comments and questions at 1:56 PM.

Todd Piscovitz of 22 Forest Street expressed concerns with Pete Steckler's letter and the alternative crossing. He noted the 7/10/18 Conservation Commission memo to the Planning Board not to approve

the wetland waiver due to lack of information about fish, shellfish, net-zero nitrogen loading and wetland. The Planning Board approved this application six months later and eight waivers without discussion before the vote for each waiver and it was not returned to the Conservation Commission. He referenced section 9.9.3 of the site plan regulations and the applicant demonstrating an alternate route. The Planning Board heard testimony that an alternate route could be less impactful and allowed the waiver anyway without input from the Conservation Commission. Norris Brook is a vital wetland within a 544-acre watershed above the proposed crossing. He urged the Commission to send a letter to DES that the applicant has not met ENV 311.07 B3 and request they look at this alternative option.

Suzanne Iverson of 5 Walnut Street expressed concerns about the AoT permit which the Conservation Commission is not a part of but feels it is their responsibility to provide stewardship for. She read the memo to Bethany McCarthy and David Price at the AoT and Wetlands Bureau and noted there were two memos on March 19<sup>th</sup> and on April 19<sup>th</sup> by Robert Roseen of Waterstone Engineering PLLC who is recognized as an industry leader. She noted a lack of channel protection and non-compliance for AoT treatment, infiltration and groundwater recharge. She read the 3/18 letter (stet). She referenced the differing hydrocad results. The result would be a lack of channel protection, infiltration and wetland erosion and impacts to aquatic habitat and water quality. Gravel wetlands do not provide sufficient stormwater recharge. There should be more improvement, specifically the shared driveway and there being no pretreatment which water would drain directly into a perennial stream. The existing roadway could be redesigned.

June Fabray of Chestnut Street stated that she does not live near Rose Farm but is concerned with wetlands. She walked the property a year and half ago. A large number of waivers were granted by the Planning Board despite Conservation Commission concerns not being addressed and she produced a letter.

Mr. Clement asked if the applicant had seen all these letters prior to tonight and Mr. Jacobs noted he would like to receive a copy.

Mr. Clement noted he would like the opportunity to talk to Dr. Roseen and be able to ask him questions, but he is not here tonight and can't opine without further research, knowledge and understanding. Mr. Jacobs stated his recollection was concerns were dismissed due to infiltration and soil types and stated this was like beating a dead horse. Attorney Baum noted there was a third-party review in 2018 with Seacamp Environmental and Town staff could provide results. Mr. Steckler's proposal was not applicable. Mr. Roseen spoke to the Planning Board.

Mr. Koff noted that it is not the application before the Commission tonight. Mr. Sharples noted that Patrick Seacamp walked the site with Mr. Jacobs and looked at the alternate road and the Planning Board accepted what you're seeing as the preferred way.

Mr. Campbell noted the Commission could not consider the Roseen and Steckler opinions without seeing the other data to compare. There is new information being supplied by people other than the applicant and would not be fair for the applicant not to respond.

Mr. Koff noted he was not sure the hydrocad analysis would change the crossing or wetland impact and stated he is not seeing the full connection between these points.

Susan Iverson read Dr. Roseen's comments noting the lower elevation among other comments was not conducive to infiltration and recharge. There are conflicting hydrocad analysis. Mr. Mattera noted if there were vast differences it should be looked at. The discussion was dismissed, and he is concerning with rehashing old arguments and has not seen all this. There is a whirlwind of new information outside the scope of the Commission's jurisdiction. The AoT Bureau should be allowed to do their job.

Mr. Koff agreed that the Commission did not need to get into stormwater drainage as their scope is wetland impacts.

Mr. Clement asked if there was a clock on this. Mr. Jacobs noted there are 14 days to place on hold and 40 days to submit concerns.

Mr. Piscovitz requested the Commission ask DES to look at the information and least impactful routes. Mr. Jacobs noted that Mr. Steckler's proposal was not mapped out and had no engineering done. Dr. Roseen copied Eben Lewis and Mr. Piscovitz asked that the Commission ask DES to review and revalue Dr. Roseen's letter.

Mr. Clement recommended asking for the extension to 40 days and noted he would like more time to review. Mr. Koff noted 14 days is tomorrow and will have Mr. Sharples send an email. The Commission's next meeting is November 9<sup>th</sup> which is 28 days, within the 40 days.

Mr. Koff closed the hearing to the public for deliberations at 9:43 PM.

MOTION: Mr. Clement motioned that the Conservation Commission ask NH DES for 40 days to provide recommendations on this project and continue the application to November 9, 2021. Mr. Campbell seconded the motion.

Mr. Madison noted he is unclear what the Commission's role is and recommended AoT should be left to AoT.

Mr. Sharples asked if the Commission needed anything and Mr. Clement asked for more information about the Planning Board's alternative road including Patrick Seacamp's report and the minutes of the meeting and if Dr. Roseen could come before the Commission to discuss this.

Mr. Koff noted he was not as inclined to take up stormwater drainage issues and does not see the connection to the wetland application. He would like to see a condensed version of Patrick Seacamp's analysis to review dated 11/11/2018.

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

Mr. Mattera noted AoT is not the Commission's purview and to keep stormwater out of the discussion unless pertaining to entry points of the development. Mr. Clement agreed the Commission would like to know which was least impactful. Mr. Madison noted engineers would be helpful. Mr. Jacobs will reach out to Fish & Game for recommendations but noted they are backlogged.

#### 4. Committee Reports

##### a. Property Management

i. Research request at Henderson Swasey Town Forest (see correspondence: Julia Brazo, UNH) - Tabled

ii. McDonnell Gate Closure Notification Effective November 1 – March 31. Thank you to this year's volunteer gate tenders Brian McSweeney & Laura McSweeney, David Kovar, Dianne Arnheim, Cheyne Venturini) - Tabled

iii. Phase 1a Arch Review completed. Phase 1b for parking and path south of barn to the east bay entrance.

Mr. Clement departed the meeting at 10:00 PM.

MOTION: Mr. Koff motioned to approve expenditure of \$4,855 from the Conservation Fund for the Phase 1b archeological at Raynes Farm. Mr. Mattera seconded the motion. A vote was taken, all were in favor, the motion passed 6-0-0.

##### b. Trails

i. Flooding of Oaklands Bog Bridge - Tabled

##### c. Outreach Events

i. Rescheduling of Sky Watch at Raynes Farm to October 16<sup>th</sup> at 7:30 PM.

Ms. Murphy reported the Sky Watch event was tabled due to COVID. October 16 is the new date pending approval for in-person events. A virtual event is a possibility as a backup option.

#### 5. Approval of Minutes of September 14, 2021 Meeting - Tabled

#### 6 Other Business

Mr. Campion noted there is a subcommittee meeting Thursday at 8:30 PM.

#### 7. Next Meeting: Date Scheduled (11/9/21), Submission Deadline (10/29/21)

## Adjournment

MOTION: Mr. Koff moved to adjourn the meeting at 10:02 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