

Exeter Conservation Commission
November 9, 2021
Nowack Room
10 Front Street
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, Vice-Chair Trevor Mattera, David Short, Kristen Osterwood (remotely), Nick Campion, Conor Madison, Daryl Browne, Select Board Liaison, Donald Clement, Alternate, Bill Campbell, Alternate (remotely), Thomas Patterson, Alternate, and Kristen Murphy, Natural Resource Planner.

Absent: Alyson Eberhardt and Kyle Welch, Alternate

Mr. Koff called the meeting to order at 7:00 PM and activated Alternate Don Clement.

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. Continued review of the 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 Commission will be asked to comment on the application to DES and provide an opinion letter. The hearing was continued from last month to review the road crossing to access the buildable upland area and the alternate crossing proposed by Pete Steckler which relates to the avoidance and minimization criteria of the application. A third-party review was done by Patrick Seacamp and a follow-up memo provided by wetland scientist, Marc Jacobs and the public comment of abutters. Jack McTigue will respond to Dr. Roseen's letter to NH DES. The Commission will not dig into the Alteration of Terrain application with NH DES. Mr. Seacamp's third party review letter addressed the proposed alternate access.

Attorney Kevin Baum summarized the application. Marc Jacobs, certified wetlands scientist referenced the 10/29 letter in response to Pete Steckler's letter concerning fragmentation concerns and analysis of alternatives. The evaluation of data concerns the quantity of data and quality of wetlands which avoids

or minimizes impact to the greatest degree. Mr. Jacobs noted the letter speaks for itself and spoke to concerns about habitat fragmentation 20' downstream from the existing concrete weir which he opined was a stretch that it would fragment the habitat. There was a peer review in 2018 of the same system found to be equal if not functional value and attributes as the Norris Brook riparian area/crossing. Two professional opinions discussed the quantitative and qualitative impacts. The alternate was not a full design and doesn't include stormwater treatment. If it did, impacts would be greater. He noted you can't make water go uphill and the road would need to be expanded also. The curve and slopes would have to be considered as a road perspective because safety also factors in. Mr. Jacobs discussed Tier 1 and Tier 2 which for the same reasons would be elevated. In 2017 there was a substantial change to the wetland rules. The application before the Commission meets current standards, before the 24' bottom box culvert. Before the rules changed it would not have been elevated, now both proposed crossings would. Oak Street would not meet the Town's current design standards which has nothing to do with the State.

Mr. Koff opened the hearing to the public for comments and questions at 7:22 PM.

Jen Legere of Six Forest Street noted this is the fourth anniversary of this project and noted Mark West and Dr. Roseen were both present. Mark West, a wetland scientist was asked by the neighborhood group to get involved a couple of years ago. She expressed concerns about the priority resource area under the new rules. As designated, it would now cross a priority resource area.

Mr. Clement asked if DES classified the area as a priority resource area and Mr. Jacobs noted a portion of the 100-year floodplain of the Brook would be a priority resource area shown on Exhibit 1 or 2 of the report. NH DES was copied on those materials and it would be up to them to confirm or deny. The alternate design would also involve the priority resource area.

Mr. Clement noted the alternate design was not fully engineered.

Dr. Roseen noted he did not believe it was the case that the Commission should not concern themselves with stormwater review of AoT. It would be rare that the stormwater and groundwater don't affect natural resources.

Dr. Roseen indicated there is a lack of channel protection and expressed concerns with maintaining the level of flow before and after to prevent the stream from unraveling. He noted he was surprised more than two years later the issue has not been addressed.

Mr. Clement asked about how the channel protection could be provided and Dr. Roseen indicated gravel wetlands are tremendous for removing nitrogen but not for volume control which needs to be focused on. Dr. Roseen exemplified projects done at Dover, Stratham and Portsmouth with infiltration within the roadways. He noted porous pavement is not great in this kind of location due to the requirements for routine maintenance which would not likely see success in a small area. The alternate would also have some impacts with the road widening.

Mr. Short asked about the quality with gravel wetlands treating nitrogen and phosphorous, solids, oils and grease. Dr. Roseen noted he would like to see both quality and quantity of treatment.

Mr. McTigue noted there were more concerns with nitrogen and no public roads are approved with this. Most DPW are resistant, Portsmouth asked not to put infiltration systems under roads because of the maintenance issues. Failure would cause the whole road to fail and conflict with utilities which make more impacts. AoT pushes for anaerobic nitrogen infiltration. Dr. Roseen noted infiltration within the roadway does not have to be done with chambers and engineering innovation such as perforated pipe and stone should be looked into.

June Fabray of Chestnut Street noted she followed the Planning Board process and expressed concerns with the sewer pump station in a low spot and the area predicted to be inundated in the future. She referenced Page 27 of the Master Plan and concerns with pushing water onto private property. She noted the development received a large number of waivers.

Mr. Jack McTigue discussed the rising sea level predictors and potential wetland impact to the sewer pump station. Flood level would be at 4' freeboard in the worst-case prediction. The pump station will be the Town's responsibility.

Mr. Clement asked if the pump station would be part of the HOA and Mr. Koff noted the Town would be taking over the road.

Mr. Clement noted he would like to see pre and post construction erosion control in place and a reduction or elimination of fertilizers used in the development and reduced salt in the roadways. Mr. Clement noted all make valid points and are qualified wetland scientists. Mr. Clement noted in his opinion the crossing would not create an adverse effect of the water quality of Norris Brook.

Mr. Koff noted there were pros and cons to both designs. Mr. Short noted he saw nothing compelling to go the alternate route and NH DES will look at both designs and be the final arbiters. There is nothing overwhelmingly compelling in the alternate route and some negatives as well. Mr. Mattera agreed there is no better answer here. The design of the open box culvert crossing seems sufficient, and he stated he does not buy into the argument that there will be additional fragmentation and agrees there is no overwhelming evidence design #1 is causing greater detriment to quality.

Mr. Short spoke to the size of the open bottom box culvert and the ability of wildlife to pass. He asked if there were a shelf on both sides and Mr. Jacobs responded yes.

Mr. Jacobs noted he did not have final feedback from Fish & Game. NHB signed off on rare plant species. Mr. Koff addressed vegetation and increase of light penetration. There is a lot of knotweed. A perennial stream would be crossed with the alternate design. More forest cover would be lost with the alternate than currently proposed. He would like to see an invasive management plan. The Planning Board requested an environmental monitor during construction especially for knotweed and possible transmission down Norris Brook. A map provided a survey of the extent of the knotweed. Mr. Koff noted the safety of the public and drivers would need to be balanced as well as the slope to roads. The

property is 6.9% steeper. Mr. McTigue noted in the event of an emergency there would be two access points. With the alternate there would be only one.

Mr. Koff closed the hearing to the public at 8:27 for deliberations.

Mr. Mattera noted there were enough wetland impacts to trigger compensatory mitigation (#6549). Tamarind Lane could be explored as a location option for mitigation.

Mr. Clement noted the alternatives have been laid out and there are impacts either way. The alternate design does not avoid impact to a significant degree. Open bottom culverts are very effective.

Mr. Short recommended asking DPW to use their discretion with making a low salt reduction area. Mr. Koff noted that could be raised with DPW but is outside the State permit.

Mr. Koff motioned that the Commission has no objection to the State permit application with the inclusion of the following conditions:

- 1. Erosion control pre and post construction;***
- 2. Discretion of DPW to regulate low salt usage area;***
- 3. Invasive Management during construction to limit the spread of invasive species;***
- 4. Increased volume control where necessary related to stormwater management; and***
- 5. Tamarind Lane culvert replacement exploration as #6549 local mitigation.***

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

Mr. Koff informed the applicant the Commission would be in touch at a future date to discuss the terms of the Conservation easement.

2. Research Request: Julia Brazo Geological Research at Henderson Swasey

Ms. Murphy provided details of the request by Julia Brazo to collect rock samples for geo-dating and glacial measurements. Samples would be smaller than a closed fist. Samples could be limited.

Mr. Koff noted he would like to know the specific locations where boulders would be sampled as there is a lot of recreational rock-climbing activity and they are a valuable resource he would not want to see damaged or destroyed. Ms. Brazo could walk the area with a member of the Commission and when that person feels uncomfortable with the location or number of sampling, they will ask the sampling to stop. Mr. Short and Mr. Koff offered to supervise the sampling.

Mr. Koff motioned to approve the request of Julia Brazo for sampling of select boulders at Henderson Swasey under the oversight of the Commission. Mr. Short seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

3. Committee Reports

a. Property Management

i. McDonnell Gate Closure Notice: Effective November 1 – March 31.

Ms. Murphy noted the gate closure was discussed at an earlier meeting and approved. The gate is being opened and closed by volunteers twice a day. Mr. Clement noted the volunteers were doing a great job with that. Ms. Murphy noted there would still be parking for two cars.

ii. Raynes Farm Update

Ms. Murphy noted Phase 1B Archeological will begin Wednesday to mark the site. There will be test pits and Dig Safe marking then Public Works and the following week then the archeological stuff Ms. Murphy will go out and take pictures.

iii. Pin Inspection Mendez Property

Ms. Murphy noted pins were installed for all but three. The Select Board signed the deed which allows the Town the ability to install a future trail.

b. Trails

i. Flooding of Oaklands Bog Bridge, Beaver pipe plan. Total project \$1,700

Mr. Short reported contacting several people concerning the beaver problem at the Bog Bridge. He would like to see the water at a manageable level below the bridge. A design was sent. Work would be guaranteed for ten years and can be done before winter. The cost would be \$1,700 offset by grant from the NH Animal Rights League paid directly to the installer of \$750 leaving a cost to the Town of \$950.

Mr. Short indicated the work would all be done by hand. Ms. Murphy noted she sent a letter to Eben Lewis at NH DES. He noted there are concerns that if the Town does nothing someone may take it upon themselves to eliminate the dam.

Mr. Clement motioned to expend up to \$950 from the Conservation Fund for installation of a beaver deceiver pipe system to reduce flooding of the trail at the Oaklands Conservation area. Mr. Short seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

c. Outreach Events

i. Raynes Wreath Workshop November 20th 10-12 (approval of funds)

Ms. Murphy reported there will be a meeting on Saturday November 20th from 10-12. Cost is \$30 per person. Any helpers can reach out.

Mr. Koff motioned to expend up to \$150 from the Conservation Services budget for the project. Mr. Short seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

4. Approval of Minutes: September 14, 2021 Meeting and October 12, 2021 Meeting

- September 14, 2021

Mr. Koff motioned to approve the September 14, 2021 meeting minutes. Mr. Short seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

- October 12, 2021

Mr. Koff recommended edits.

Mr. Koff motioned to approve the October 12, 2021 meeting minutes, as amended. Mr. Short seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

5. Other Business

Ben Anderson of the Word Barn provided hand outs concerning his request for a sight easement to satisfy the DOT's requirements. Mr. Anderson appeared at an earlier meeting but noted DOT was not satisfied with the letter provided by the Commission and wanted an easement.

Ms. Murphy noted the Commission did not have the authority to grant easements and he would have to go to the Select Board with their recommendation. The easement is a recorded document.

Mr. Short motioned to support Ben Anderson's sight line application to the Select Board. Mr. Clement seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

Mr. Clement expressed concerns about invasives on Town property. Mr. Short reported the Town had cut them back at the boat launch. Mr. Clement noted he would like to see them replaced with something else.

Ms. Murphy noted David O'Hearn stepped down from the Exeter Squamscott River Advisory Committee and they are looking for someone to serve as a representative. Mr. Clement noted they meet once a month. There are twelve towns in the watershed from Chester to Stratham.

Ms. Murphy noted Alewife Fest 2022 is being planned. There is a meeting next week. An email was sent with the date. The Library will be having a story hour for kids and the Founders Park area has been reserved with Greg Bisson.

Mr. Koff recommended having a January gathering and asked members to email ideas.

6. Next Meeting: Date Scheduled (12/14/21), Submission Deadline (12/3/21)

Adjournment

MOTION: Mr. Short moved to adjourn the meeting at 9:37 PM seconded by Mr. Clement. 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 broadcast on Zoom 826 8571 4277