

Exeter Conservation Commission
June 14, 2022
Nowack Room
Exeter Town Offices
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, David Short, Conor Madison, Select Board representative Nancy Belanger, Kyle Welch, Alternate (@7:05 PM), and Bill Campbell, Alternate.

Staff Present: Natural Resources Planner Kristen Murphy

Mr. Koff called the meeting to order at 7:00 PM and indicated Alternates Bill Campbell would be an active voters.

2. Public Comment (7:00 PM)

Mr. Koff asked if there were any questions or comments from the public related to non-agenda matters and there was none.

Action Items

1. Election of Officers

Current slate of officers:

Chair Drew Koff

Vice-Chair Trevor Mattera

Treasurer Dave Short

Mr. Koff read the slate of officers and asked the Commission if anyone wanted to make any changes.

Mr. Campbell motioned to nominate the slate of officers as presented, again. Mr. Koff seconded the motion. A vote was taken, all were in favor, the motion passed 4-0-0.

Mr. Welch arrived at 7:05 PM and Mr. Koff noted he would be an active voter.

2. Wetland and Shoreland Conditional Use Permit applications for the relocation of Building D of Ray Farmstead 55+ residential development (Justin Pasay, Brendan Quigley)

44 Tax Map 47 Lot 8.1
45 C-3 Zoning district

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47 Mr. Koff read out loud the Public Hearing Notice.
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49 Mr. Short recused himself citing a long business relationship with the developer.
50

51 Attorney Justin Pasay appeared on behalf of the applicant. He noted that Dennie Hamel, the civil
52 engineer with GMZ Assoc. and Brendan Quigley, the wetland scientist were also present.
53

54 Attorney Pasay questioned the quorum required for the Commission to meet and Ms. Murphy indicated
55 the quorum was 4 members.
56

57 Attorney Pasay presented the applications for a wetlands conditional use permit and shoreland
58 conditional use permit noting the applicant would appear before the Planning Board at their July 14,
59 2022 meeting.
60

61 Attorney Pasay reviewed the history of the development noting there were 116 units planned at the 55+
62 Ray Farm development which would have four buildings, A, B and C which are identical and building D
63 which is the fourth building. He posted the plan and noted the original location approved for Building D
64 near the Mobil Station and Epping Road. He noted the original approvals impacts to the buffer zone and
65 that the new proposal would relocate Building D to an upland area combining other land. He noted
66 Building A & B have been built and are occupied and Building C is nearly complete with all units sold out.
67

68 Attorney Pasay noted the approval by the Zoning Board of Adjustment on November 21st which was a
69 use variance as the property is zoned C-3 and the approval for multi-family use.
70

71 Attorney Pasay noted there would be more land area with less density.
72

73 Brendan Quigley noted there was a site walk earlier today and spoke to the functions and values report
74 and compared the original approval and its impacts to the new proposal and its impacts. Attorney Pasay
75 noted the first approval was 700 SF of direct wetland impact. The new proposal is to extend the
76 driveway from Building C to Building D. He described the 9,400 SF buffer impacts for grading, pavement,
77 gravel and crossing and the temporary crossing originally approved crossing Commerce Way which the
78 TRC indicated was not ideal. He noted there will be no more temporary construction access, 9100 SF of
79 impact within the 100' shoreland for grading and stormwater treatment, 16,500 SF of impact within the
80 150' shoreland protection for grading and drainage and portions of pavement for Building D.
81

82 Dennis Hamel described the three infiltration basins and roof drainage and described the focal
83 bioretention system, grading and elevation, outdoor parking spaces, water and sewer connections and
84 recommendation for future water connections by the Fire Dept. Mr. Hamel described the guardrail and
85 untouched buffer zone.
86

87 Attorney Pasay noted there would be 485 SF of direct wetland impact for the crossing from Building C to
88 Building D, a 31% reduction and 4,126 SF a reduction of 44% to buffer impact focusing on the
89 “avoidance and minimization” piece. He noted there would be no alternative access that would have
90 less impact. Building D would be the same as the other buildings.

91

92 Mr. Quigley referenced Watson Brook a primary resource area and described the perennial to
93 intermittent stream, wildlife food sources and aesthetics. He noted there were probably no fish habitat
94 due to barriers that prevent passage downstream. He noted the maintenance of buffers goes along way
95 to preserving the functions and values and provides screening and water quality. He noted no impact to
96 the Brook or wetland themselves and no disturbance to wildlife corridor as there is more potential in
97 the area he showed on the plan to the right.

98

99 Mr. Campbell asked about reduced impacts and Mr. Quigley indicated from 17,000 to 10,000 from
100 original plan.

101

102 Mr. Campbell asked Mr. Hamel why there couldn’t be an open box culvert and he noted it was too steep
103 and there was not a flowing stream, the slope would be too high. The 36” culvert proposed is bigger
104 than necessary. Mr. Welch asked the length and Mr. Hamel noted about 42.’

105

106 Mr. Quigley described the state standards for Tier 1 crossings up to two acres.

107

108 Mr. Koff noted the access road to the Carlisle property behind Buildings C and D and the deeded ROW.
109 He noted the Commission received a letter dated today from the Carlisle’s attorney indicated they do
110 plan to develop the property and use this ROW at some point in the future. Mr. Koff noted he did not
111 want to discuss the litigation regarding the TIFF road but there is a real possibility of an additional access
112 road. The worst outcome would be for both of these, and he noted concerns that both roads may be
113 built, and the impact would be significant.

114

115 Attorney Pasay noted the Commission is bound to make a decision on the proposal before it. To the
116 extent that road gets built the applicant will file an amended site plan and make the site compatible but
117 cautioned about speculating about things that may never come to fruition. Ms. Murphy disagreed
118 noting there is an approved subdivision on Carlisle property and opined that it was fair and reasonable
119 for the Commission to have an understanding and evaluate the potential. The Commission should focus
120 on the resource and noted the comparison to alternatives that have been proposed. The easement is
121 not a Conservation matter, but Carlisle could submit tomorrow.

122

123 Mr. Campbell noted he was having trouble voting on this application before knowing if the owner would
124 have access to the Carlisle lot. Mr. Short stated the cumulative impact with adding the alternative is not
125 adding much versus the previous location with the other road going in.

126

127 Mr. Quigley noted no wetland impact associated with Building D only a small amount for the driveway
128 and significant buffer impact is being avoided. He noted Building D is proposed larger.

129

130 Mr. Koff compared the new building impacts to the shoreland of Watson Brook to the original approval
131 by the Mobil and Epping Road. Mr. Koff noted the number of units originally allowed for Building D
132 which were less than the other buildings. Attorney Pasay noted the 116 units were based on a variance
133 that runs with the land from 2014; with three 32 units and one with 20 units the total is 116 units; not
134 based on a yield plan, but on the variance.

135
136 Attorney Pasay noted he mis-referenced Article 9.1 where it should be 9.6. He noted no alternate
137 design would have less impact for Building D with 32 units now where 20 were approved originally. He
138 referenced the functions and values report of the wetland scientist and reviewed the fourth criteria that
139 entire Building D is out of the buffer reduced from the original plan and the fifth criteria not detrimental
140 to public health, safety or welfare by loss of wetland or contamination of groundwater describing the
141 most ecological way to get to the upland and criteria six to access the upland area switching from a
142 location with a higher function and value. Attorney Pasay described the restoration proposals and
143 seeding of disturbed areas and that all permits will be obtained for state and federal which are a
144 Planning Board condition of approval.

145
146 Mr. Campbell questioned whether it would make more sense to table the application due to insufficient
147 information.

148
149 Mr. Koff noted the original design was least impactful on the whole. Attorney Pasay reminded the
150 proposal for Building D is larger for 32 units, not 20 and that on Page Two of the June 3rd narrative all of
151 Ms. Murphy's comments were addressed. The culvert is more than satisfactory and there is no
152 detriment to functions and values and the higher value of the wetland near the Epping Mobil.

153
154 Attorney Pasay reviewed the criteria for the shoreland conditional use permit. Mr. Quigley spoke to the
155 water quality and restoration of graded areas with natural seed mix. Attorney Pasay noted no
156 wastewater discharge on site other than domestic, with water and sewer as reported on page six, no
157 hazardous materials stored on site, no damage to spawning grounds. He referenced criteria #4
158 compliance with setbacks and criteria #5 maintaining water quality or affect on recreational values. Mr.
159 Quigley added that there is no vegetation criteria.

160
161 Mr. Koff noted concerns with discharge so close to Watson Brook feeding to Norris Brook. Mr. Hamel
162 described the treatment system and nitrogen removal. He noted the catch basin is easy to maintain and
163 requires inspection twice a year with a report sent to the Town annually. Mr. Hamel described parking
164 lot runoff filtration. Mr. Quigley noted the stormwater treatment is a big part of not having negative
165 impacts.

166
167 Mr. Koff noted the Commission has the option to not object, recommend approval with conditions or
168 recommend denial and stated he would motion to deny because there is an alternate design that is less
169 impactful. Attorney Pasay noted the shoreland conditional use permit criteria does not have that
170 analysis under the regulations. Mr. Koff noted his concerns are with impact to surface water quality
171 directly above Watson Brook for a structure that parallels Watson Brook. 25,600 SF of shoreland would
172 be detrimentally impacted and within the 100' buffer for the stormwater structure and grading. The
173 parking lot within the 150' buffer and does not know why this configuration was chosen.

174
175 **Mr. Koff motioned to recommend to the Planning Board that they deny the shoreland conditional use**
176 **permit due to the extent of impact to the buffer and potential water quality and wildlife issues that**
177 **could come from that. Mr. Campbell seconded the motion. A vote was taken, all were in favor, the**
178 **motion passed 4-0-0.**

179
180 Mr. Koff noted the wetlands conditional use permit seemed like the most feasible access.

181
182 **Mr. Koff motioned to approved the wetlands conditional use permit.**

183
184 Mr. Campbell recommended conditions: native seed mix and recommended the open box culvert with
185 open bottom design instead of the 36” culvert.

186
187 **Mr. Campbell seconded the motion. A vote was taken, all were in favor, the motion passed 4-0-0.**

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189 Mr. Koff noted a memo would be drafted to the Planning Board with the Commission’s
190 recommendations.

191
192 Mr. Short returned as a voting member.

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194 3. Committee Reports

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196 a. Property Management

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198 Ms. Murphy reported a call from the Davis that they are mowing Raynes using the modified protocol.
199 David O’Hearn asked about brush hogging the field edge at a cost of \$200.

200
201 **Mr. Short motioned to approve the \$200 expenditure to have David O’Hearn do the brush cutting at**
202 **Raynes. Mr. Koff seconded the motion. A vote was taken, all were in favor, the motion passed 5-0-0.**

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204 b. Trails

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206 i. Update to Event Permit – (inc. Police, Fire & DPW sign-off before CC review)

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208 Ms. Murphy provided an update to the event permit for this weekend’s trail race.

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210 ii. Jolly Rand Trail Sign Replacement (expenditure request)

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212 Mr. Short reported the trail signs are worn out. Ms. Murphy noted she did not have a
213 quote but expected the replacement cost to be under \$200.

214
215 **Mr. Short motioned to expend up to \$200 to replace the Jolly Rand trail signs at both**
216 **ends. Mr. Campbell seconded the motion. A vote was taken, all were in favor, the**
217 **motion passed 5-0-0.**

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Ms. Murphy indicated a family reached out wanting to volunteer. The Commission recommended help with unclogging the drainage ditches or cutting small brush back.

c. Outreach Events

i. Alewife Festival Debrief

Mr. Koff reported the Alewife Festival went well and everyone did a good job. The groundwater migration model was filmed and very popular. Ms. Murphy noted no attendance at the film festival or kayak event. Mr. Welch recommended spreading out over multiple weekends. There used to be a race down river and there could be a kid’s race on a smaller scale. Ms. Murphy noted TEAMS invited them to combine with their event the following weekend. Mr. Koff noted he liked the stand-alone event and Mr. Short noted it was pretty well attended and the full committee could get together and have a discussion.

iii. Geocaching Event Planning – TBD

Mr. Welch described the Commerce Way circle and three caches in a mile loop and possibilities for placement by Fort Rock. Ms. Murphy described the July 16th flyer and recommended potential prizes or a passport program and posting on social media.

4. Approval of Minutes:

i. May 10, 2022 Meeting

Mr. Koff motioned to approve the May 10, 2022 meeting minutes. Mr. Short seconded the motion. A vote was taken, all were in favor, the motion passed unanimously 5-0-0.

5. Correspondence

Ms. Murphy noted an upcoming workshop on gravestone restoration which might be helpful with Raynes Wiggins. It is June 26th from 4-6 PM in Kensington.

6. Other Business

7. Next Meeting: Date Scheduled (7/12/22), Submission Deadline (7/1/22)

Adjournment

MOTION: Mr. Koff moved to adjourn the meeting at 9:31 PM seconded by Mr. Short. A vote was taken, all were in favor, the motion passed unanimously.

262 Respectfully submitted,
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264 Daniel Hoijer, Recording Secretary
265 Via Exeter TV
266
267 This meeting was also presented virtually Zoom ID 829 3937 4046