



# TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709

[www.exeternh.gov](http://www.exeternh.gov)

## PUBLIC NOTICE EXETER CONSERVATION COMMISSION

### Site Walk

The Exeter Conservation Commission will be conducting a site walk on **Tuesday, June 13<sup>th</sup>, 2017 at 5:00 P.M.** They will meet on Epping Road at the dirt road entrance to the property across the street from the Exeter Decorating. The purpose of the walk is to review the Standard Dredge and Fill and Wetland Waiver Request for Tax Map 47-8.

### Monthly Meeting

The Exeter Conservation Commission will meet in the Nowak Room of the Exeter Town Office Building at 10 Front Street, Exeter on **Tuesday, June 13<sup>th</sup>, 2017 at 7:00 P.M.**

#### Call to Order:

1. Introduction of Members Present
2. Public Comment

#### Action Items

1. Lincoln Street Watershed Improvement Project (*Paul Vlasich, DPW, Rob Roseen, Waterstone*)
2. Conservation in a Changing Climate: Assistance Opportunity (*Lisa Graichen, Amanda Stone*)
3. July 27, July 28 Eco-Endurance Event Request (*Mason Holland*)
4. June 24 Exeter Trail Race 2017 Event Request (*Ri Fahnestock and Sarah Sallade*)
5. Standard Dredge and Fill Application for the construction of a residential, Active Adult Community for 1,395 SF of wetland impact. In addition, a request for your recommendations on the requested waiver from the provisions of the Wetland Conservation District in accordance with Article 9.1.6. C of the Zoning Ordinance and Section 9.9.2 of the Site Plan and Subdivision Regulations (Map 47, Lot 8).
6. Seeds of Success Program: Request to Collect on Conservation Land
7. Committee Reports
  - a. Property Management
    - i. Raynes Lease
    - ii. Raynes Barn Sign
    - iii. Henderson Swasey Invasive Plant Treatment
  - b. Trails
    - i. 2017 Trail Project List Review & Overview of Site Walk
    - ii. Morrissette Kiosk Funding
  - c. Outreach
8. Approval of Minutes: May 9<sup>th</sup>, 2017
9. Correspondence
10. Other Business
11. Next Meeting: Date Scheduled (7/11/17), Submission Deadline (6/30/17)

*Bill Campbell, Chair*

*Exeter Conservation Commission*

*June 9<sup>th</sup>, 2017 Exeter Town Office, Exeter Public Library, and Town Departments.*

**TOWN OF EXETER  
PLANNING DEPARTMENT MEMORANDUM**

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Date: June 9, 2017  
To: Conservation Commission Board Members  
From: Kristen Murphy, Natural Resource Planner  
Subject: June 13 Conservation Commission Meeting

**Lincoln Street Watershed**

This is an informative presentation that builds on the one you heard last month. No action will be required.

**Climate Assistance:**

Please refer to Lisa Graichen's email for an overview.

**Eco- Endurance Trail Race**

Please see email from applicant and application form.

*Recommendation:*

*Approve the event application as proposed.*

*(Approve)(Deny) the application as noted below:*

**Exeter Trail Race 2017**

Application under separate cover

*Recommendation:*

*Approve the event application as proposed.*

*(Approve)(Deny) the application as noted below:*

**Standard Dredge and Fill Application for AAC Community at Map 47, Lot 8.**

This project was before you as a preliminary application during your March meeting. Since that time they attended the Technical Review Committee meeting on 5/18 and went before the Planning Board on 6/8.

The project involves development of an active adult community on an 11.59 acre parcel. Construction will require 1,395 SF of wetland impact and 36 linear feet of intermittent stream impact. You will note that the access road is not addressed in their applications. The reason for this is the road is to be built under Exeter's Tax Incentive Financing (TIF) program and will therefore be built by the town and filed under a later application.

**Wetland Application Review**

- Application included items in "[Required Information](#)" check list
- Wetland application appears to be filled out accurately
- Application has responded with plans to survey for plants identified by NH Heritage Bureau and plans to time construction during winter avoiding the time of concern for long-eared bats.

**Town Application Requirements**

When applications require site plan review, applications have the option to seek a waiver from the wetland conditional use permit process to follow the wetland waiver review guidelines in the Site Plan and Subdivision regulations. The applicant has chosen this option and has submitted a response to the wetland waiver criteria.

The applicant contends that a shoreland conditional use permit is not required for this project and has provided their justification. I raised a differing opinion on this issue during the technical review committee. My belief is require a

shoreland conditional use permit is required as the project includes a perennial stream identified on USGS 7.5 minute maps and therefore falls within the district boundary defined under 9.3.3.C.2. Though I understand their reasoning, the intent of the ordinance and the history of how it has been applied indicate a need for a shoreland permit on this project in my opinion. Furthermore, there are no salt water perennial brooks or streams in the Squamscott River watershed that are not already covered under other sections of this ordinance (for example Wheelwright Creek is covered under 9.3.3.C.1) and lastly we have required shoreland permits for similar projects (C3i being the most recent). We have obtained an opinion from the Code Enforcement Officer Doug Eastman who has also made the determination that a shoreland conditional use permit is required based on the information presented.

*Recommendation:*

*NHDES Wetland Dredge and Fill Application*

*Submit a memo indicating one of the following to the NHDES*

*We have investigated this application and have no objection to the issuance of this permit as presented.*

*We have investigated this application and recommend that this permit as presented be (issued) (denied) as noted below:*

*Town of Exeter Wetland Waiver*

*Submit a memo indicating one of the following to the Exeter Planning Board*

*We have investigated this application and have no objection to the issuance of a wetland waiver.*

*We have investigated this application and recommend that the request for waiver be (approved) (denied) as noted below:*

*We have reviewed the applicants determination for non-applicability of the Exeter Shoreland ordinance and (concur) (do not concur) as noted below:*

**Seeds of Success Program**

I have been involved with this program when I worked for BLM in Nevada. The program has very strict and protective collection protocols and I feel strongly the conservation lands would not be negatively impacted from this use. Furthermore, it could provide a local native seed source for restoration activities.

*Recommendation:*

*Approve the use as proposed.*

*(Approve)(Deny) the use as noted below:*

**Raynes Lease**

This lease includes all comments from the Commission and the RFSC.

*Recommend the Board of Selectmen approve the use as proposed.*

**Raynes Sign**

Some concern has been expressed about the Raynes sign so this item needs further discussion among board members about appropriate next steps.



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## Conservation in a Changing Climate - Assistance Opportunity for Conservation Commissions around Great Bay

1 message

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**Graichen, Lisa** <Lisa.Graichen@unh.edu>  
To: "kmurphy@exeternh.gov" <kmurphy@exeternh.gov>

Tue, Apr 4, 2017 at 2:18 PM

Hello Kristen,

My name is Lisa Graichen, and I work with UNH Cooperative Extension and NH Sea Grant (I was previously with the Great Bay NERR and spoke with you about the Buffer Options on the Bay project with Steve Miller). My colleague Amanda Stone and I are collaborating with several partners on a project called NH Setting SAIL. As a part of this project, Amanda and I are hoping to meet with the Conservation Commissions from each of the 10 municipalities around Great Bay to discuss impacts of the changing climate on natural resources, and ways Conservation Commissions can integrate climate into their work. I have attached a two-pager we've put together that summarizes some potential actions and resources.

Would it be possible to get on the agenda for an upcoming Exeter Conservation Commission meeting? We have about 10 minutes or so of presentation then would like to have about a 20-minute discussion to discuss ideas and priorities, but we can modify our approach depending on available time. If your group is able to identify a couple of priority actions the Conservation Commission may be interested in pursuing, Amanda and I can provide some assistance and/or help connect you to resources and other partners as needed, over the next several months.

If you would like to talk more about this over the phone, I can be reached at [603-862-2356](tel:603-862-2356). You can also respond to this email regarding a potential meeting date.

Thanks in advance!

Best,

Lisa

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**Lisa Graichen**

Climate Adaptation Program Coordinator

UNH Cooperative Extension and NH Sea Grant

211 Nesmith Hall

131 Main Street, Durham, NH 03824

(603) 862-2356

[Lisa.Graichen@unh.edu](mailto:Lisa.Graichen@unh.edu)



**CRHC FactSheet ConCom\_03-28-17.pdf**  
1643K

# What Conservation Commissions Can Do to Protect Natural Resources in a Changing Climate



The growing risk of coastal flooding from storm surge, sea-level rise, and extreme precipitation requires municipal action to protect local resources from increased impacts and ensure vibrant coastal communities in the future. Communities can take actions to protect key natural resources, become more resilient to coastal flooding, and preserve healthy habitats and ecosystems.

## HOW WILL CLIMATE CHANGE AFFECT NATURAL RESOURCES?



**Warmer temperatures** will contribute to the spread of invasive species, pests, and diseases that threaten forest health, timber productivity, agriculture, wildlife, and human health.



**Increasing precipitation, more frequent storms and sea-level rise** will increase flooding and erosion, causing potential damage to habitats and ecologically significant areas as well as increasing sedimentation in water bodies.



**Changing precipitation patterns** may increase drought, affecting drinking water, wildlife, agriculture, forestry, wetlands, surface waters, and recreational opportunities.

## TOP FIVE ACTIONS CONSERVATION COMMISSIONS CAN IMPLEMENT

- 1. Encourage landowners to preserve the beneficial functions of natural features,** such as wetlands, stream and wetland buffers, and upland areas that provide flood storage

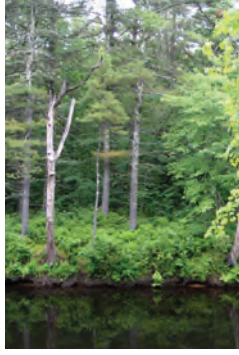


Photo above: UNHCE; center: Emily Lord

- 2. Control invasive species** on town-owned properties and encourage landowners to do the same



- 3. Communicate and build public awareness about climate change** via activities such as local workshops and other events, climate-focused signage, demonstration projects, or high-water mark projects

- 4. Incorporate climate change into municipal documents,** e.g., Natural Resource Inventory; land conservation plan; open space, forest, and farmland management and restoration plans; Master Plan chapters; Hazard Mitigation Plan; and Capital Improvement Plan
- 5. Develop and add climate vulnerability and adaptation benefits to the criteria** used for prioritizing land conservation projects and conservation easements

## WHAT ELSE CAN CONSERVATION COMMISSIONS DO?

### MANAGEMENT AND RESTORATION

- Conduct restoration projects to improve habitat and ecosystem health (e.g., living shorelines)
- Monitor municipal properties to identify problems and track changes over time (e.g., increase in erosion issues due to flooding, damage from storm events, expansion of invasive species)
- Implement best practices for land management (e.g., remove invasive species where feasible)
- Identify opportunities to modify culverts and remove other barriers to stream flow, especially in areas that may allow reconnection of tidal influence to facilitate marsh migration



### LAND CONSERVATION

- Assess existing and potential future conservation lands for climate resilience and their ability to protect water quality and provide storage for flood waters and stormwater runoff
- Pursue funding for conservation and stewardship projects, especially in high-risk areas
- Protect land that allows coastal habitats and populations to adapt to changing conditions
- Partner with local and regional land conservation organizations

### LAND USE PLANNING AND REGULATION

- Promote municipal regulations that reduce vulnerability and protect ecosystems (e.g., cluster development, wetland/riparian buffers, coastal flood hazard overlay district, elevation of new structures in the floodplain)
- Encourage your municipality to consider implementing transfer of development rights and other incentives to acquire or conserve property in high-risk or repetitive loss areas
- Explore options to minimize shoreline hardening and promote natural shorelines
- Develop water-efficient landscaping regulations that restrict water uses during droughts

### COMMUNICATING AND EDUCATING

- Bring the NH Coastal Adaptation Workgroup's outreach programs – such as *Preparing for Climate Change*, *Climate in the Classroom*, or other topic-based events – to your community
- Engage students and community groups in monitoring and restoration projects
- Identify and foster community conservation champions and tell their stories
- Encourage private property owners and businesses to incorporate best available climate science and vulnerability assessments into decision-making and planning
- Provide information to property owners and residents about shoreline and landscaping best management practices, flood protection safety, and leak-detection programs, and promote water use restrictions during drought
- Consider implementing FEMA's High-Water Mark Initiative to raise awareness about flooding
- Encourage homeowners with private wells to test for salinity if close to the coast
- Encourage other municipal officials to include climate science and vulnerability assessment recommendations into Capital Improvement Programs, budgets, and work plans



**INFORMATION, MAPS, AND OTHER RESOURCES**

**Management and Restoration**

- [Picking Our Battles](#)
- [Good Forestry in the Granite State](#)
- [NH Bugs](#)
- [Stewardship Network New England resources page](#)
- [Taking Action for Wildlife](#)

**Land Conservation**

- [NH Coastal Viewer](#) – Explore these layers: Conservation and Public Lands; Land Conservation Focus Areas (2006) and Water Resources Update (2016); Wildlife Action Plan; Sea-Level Rise Predictions; Sea Level Affecting Marshes Model (SLAMM); National Wetlands Inventory
- [Land Conservation Plan for NH’s Coastal Watersheds \(2006\) and Land Conservation Priorities for the Protection of Coastal Water Resources \(Technical Report, 2016\)](#)

**Land Use Planning and Regulation**

- [Innovative Land Use Planning Techniques](#) guide
- [Natural and Structural Measures for Shoreline Stabilization](#)
- [Managing Shore Zones for Ecological Benefits](#)
- [Model regulations for water-efficient landscaping for subdivision and site plan applications](#)
- [Model water use restriction ordinance for water systems](#)

**Communicating and Educating**

- [NH Coastal Adaptation Workgroup](#) outreach programs, resources, and social media
- [Preparing for Climate Change and Climate in the Classroom](#)
- [NH Coastal Risk and Hazards Commission](#) reports
- [C-RiSe and Tides to Storms vulnerability assessments: Strafford Regional Planning Commission municipalities / Rockingham Planning Commission municipalities](#)
- [Climate Change in Southern NH: Past, Present, and Future \(2014\)](#)
- [Climate Change in the Piscataqua/Great Bay Region: Past, Present, and Future \(2011\)](#)
- [Shoreland Homeowner’s Guide to Stormwater Management](#)
- [Protecting Water Resources and Managing Stormwater: A Bird’s Eye View for NH Communities](#)
- [FEMA’s High-Water Mark Initiative](#)

**POTENTIAL FUNDING SOURCES**

**Local**

- [Great Bay Resource Protection Partnership](#)

**State**

- [NH Land and Community Heritage Investment Program](#)
- [Aquatic Resource Mitigation \(ARM\) fund](#), NH Dept. of Environmental Services (note: not available in 2017)
- [NH Coastal Program](#) (as funds are available)
- [Piscataqua Region Estuaries Partnership](#) (as funds are available)
- [NH Conservation and Heritage License Plate Program](#)

**Federal**

- [USDA Natural Resource Conservation Service](#)
- [USDA Forest Legacy Program](#)
- [US Fish and Wildlife Service](#)
- [Land and Water Conservation Fund](#)
- [FEMA Pre-Disaster Mitigation Grant Program](#)
- [FEMA Hazard Mitigation Grant Program](#)

**Other**

- [Wildlife Conservation Society Climate Adaptation Fund](#)
- [Open Space Institute Resilient Landscapes grants](#)
- [NH Charitable Foundation](#)

**ORGANIZATIONS**

- [UNH Cooperative Extension](#)
- [NH Sea Grant](#)
- [The Stewardship Network, New England](#)
- [NH Coastal Adaptation Workgroup](#)
- [Rockingham Planning Commission](#)
- [Strafford Regional Planning Commission](#)
- [The Nature Conservancy, NH Chapter](#)
- [Great Bay Resource Protection Partnership](#)
- [Southeast Land Trust](#)



**New Hampshire Setting SAIL**

**Acting on the Coastal Risk and Hazards Commission Science, Assessment, Implementation, and Legislation Recommendations**

Dover • Durham • Exeter • Greenland • Hampton • Hampton Falls • Madbury • New Castle • Newfields  
Newington • Newmarket • North Hampton • Portsmouth • Rollinsford • Rye • Seabrook • Stratham

**FOR MORE INFORMATION, CONTACT:**

**Lisa Graichen**  
NH Sea Grant/UNH Cooperative Extension  
(603) 862-2356 [Lisa.Graichen@unh.edu](mailto:Lisa.Graichen@unh.edu)

**Amanda Stone**  
UNH Cooperative Extension  
(603) 862-1067 [Amanda.Stone@unh.edu](mailto:Amanda.Stone@unh.edu)



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## Ft Rock use inquiry

1 message

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**Mason Holland** <masonholland3@gmail.com>  
To: kmurphy@exeternh.gov

Fri, Apr 28, 2017 at 9:36 AM

Hi Kristen,

I'm working with a group to organize a 4-day adventure event in the Summer of 2018. The plans are to showcase "mountains to sea" for NH and Maine, and we're investigating the Ft Rock trail system as a location to include in the route. Our event will involve 30-40 teams of 3-4 people, so 100-150 participants in total, using human power to navigate a 200+ mile course (biking, hiking, paddling). The proposed Newfields/Exeter would be near the end of the course we are proposing. The teams would be spread out over 24+ hours and it would not look at all like a "race" (no crowd of participants, no spectators, cars, etc) as they slowly trickled through the area. The racers would be navigating their way through the forest, very similar to the orienteering events that UNO holds here.

We would like to use the Ft Rock trail system - probably just the Northern/Oaklands side - for the final bike leg of our event.

I live locally (Kensington) and spend lots of time on the Henderson-Sawsey-Oaklands property, running, snowshoeing, biking. I am continually grateful that this resource exists - thank you!

We've been organizing events like these for over 10 years ([website](#)), but this will be our first in the coastal region. We held our most recent 4-day race in 2014. Typically, if we're able to come to agreement on a special use permit and schedule, any fee, etc, we would add a venue such as yours to our umbrella insurance policy (typically \$1 million excess liability) to protect the land owner in case of an injury to our participants or damage, etc. We are also very happy to support conservation groups such as yours by organizational donations.

I see an "Event Agreement" form on the Conservation Commission website: Should I complete and submit this form to initiate our use application?

Thanks so much for your time. Please feel free to contact me with any questions/clarifications or to arrange a conversation to discuss details.

Mason Holland  
Kensington, NH



**Exeter Conservation Commission  
Event Agreement**

***NOTE: This agreement is in addition to permits required by the Town of Exeter.  
Contact the Town Managers Office to determine any additional permit needs***

Event Name: \_\_\_\_\_ Event Date: \_\_\_\_\_

Point of Contact: \_\_\_\_\_

\_\_\_\_\_

Estimate of Participants: \_\_\_\_\_

Event Description: \_\_\_\_\_

\_\_\_\_\_

Please read, sign and initial below. A copy of the notice of Authorization will be provided to you upon signature by the Conservation Commission and should be in hand on the day of the event.

I, \_\_\_\_\_ agree to comply with the following terms for the above referenced event.

\_\_\_\_\_ Event related activities do not involve private property, unless authorized in writing by landowner, with such permission provided to the Conservation Commission 2 days prior to the event.

\_\_\_\_\_ Two (2) days prior to the event, the course conditions will be inspected. If trails are wet, the event will be cancelled or re-routed to avoid wet conditions.

\_\_\_\_\_ Inspection of trail conditions will be with the Conservation Commission's representative prior to and after the event. Trails will be returned to pre-event conditions within 7 days following the event.

\_\_\_\_\_ The event will be cancelled if rain occurs after the inspection or on the day of the race

\_\_\_\_\_ All litter will be removed within 24 hours following the event

\_\_\_\_\_ A map of the planned route is attached

\_\_\_\_\_ Trail markings shall be non-permanent

\_\_\_\_\_ Organizers are responsible for making arrangements for parking at Department of Public Works (if applicable), police and traffic control, and provisions for port-a-potties at their expense.

Date/Time of

Date/Time of

Pre-run Inspection \_\_\_\_\_

Post-run Inspection \_\_\_\_\_

\_\_\_\_\_

Event Point of Contact

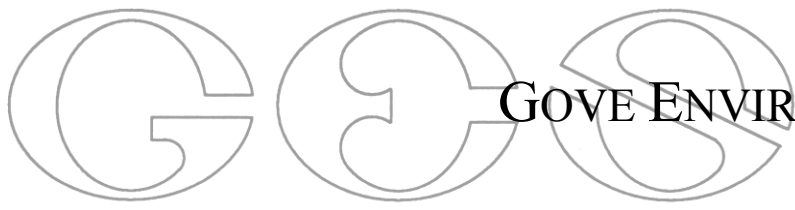
\_\_\_\_\_

Date

\_\_\_\_\_

Conservation Commission

Date



GOVE ENVIRONMENTAL SERVICES, INC.

NH DES WETLANDS BUREAU  
DREDGE & FILL APPLICATION

For

RAY FARM ACTIVE ADULT  
COMMUNITY

Epping Road

Exeter, NH

May 26, 2017

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Prepared By

Gove Environmental Services, Inc.  
8 Continental Dr Bldg 2 Unit H, Exeter, NH 03833-7526  
*Ph* (603) 778 0644 / *Fax* (603) 778 0654  
[info@gesinc.biz](mailto:info@gesinc.biz) / [www.gesinc.biz](http://www.gesinc.biz)

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# NH DES Dredge & Fill Application Form





# WETLANDS PERMIT APPLICATION

## Water Division/ Wetlands Bureau Land Resources Management



Check the status of your application: [www.des.nh.gov/onestop](http://www.des.nh.gov/onestop)

RSA/Rule: [RSA 482-A/ Env-Wt 100-900](#)

<i>Administrative Use Only</i>	<i>Administrative Use Only</i>	<i>Administrative Use Only</i>	File No.:
			Check No.:
			Amount:
			Initials:

**1. REVIEW TIME:** Indicate your Review Time below. To determine review time, refer to [Guidance Document A](#) for instructions.

Standard Review (Minimum, Minor or Major Impact)
  Expedited Review (Minimum Impact only)

**2. MITIGATION REQUIREMENT:**

If mitigation is required a Mitigation-Pre Application meeting must occur prior to submitting this Wetlands Permit Application. To determine if Mitigation is Required, please refer to the [Determine if Mitigation is Required Frequently Asked Question](#).

Mitigation Pre-Application Meeting Date: Month: \_\_\_ Day: \_\_\_ Year: \_\_\_\_

N/A - Mitigation is not required

**3. PROJECT LOCATION:**

Separate wetland permit applications must be submitted for each municipality that wetland impacts occur within.

ADDRESS: **Epping Road** TOWN/CITY: **Exeter**

TAX MAP: **47** BLOCK: \_\_\_\_\_ LOT: **8** UNIT: \_\_\_\_\_

USGS TOPO MAP WATERBODY NAME: **Watson Brook**  NA STREAM WATERSHED SIZE: **70 ac**  NA

LOCATION COORDINATES (If known): **1169848 E192298N**  Latitude/Longitude  UTM

**4. PROJECT DESCRIPTION:**

Provide a brief description of the project outlining the scope of work. Attach additional sheets as needed to provide a detailed explanation of your project. DO NOT reply "See Attached" in the space provided below.

**The proposed project involves the construction of a residential, Active Adult Community on 11.59 acres of lot 47-8 located off of Epping Road in Exeter, NH. The project will include 116 units located within four buildings, a clubhouse building and associated parking, access and drainage facilities. Total proposed wetland impact is 1,395 square feet and 36 linear feet of intermittent stream.**

**5. SHORELINE FRONTAGE:**

NA This does not have shoreline frontage. SHORELINE FRONTAGE: \_\_\_\_\_

Shoreline frontage is calculated by determining the average of the distances of the actual natural navigable shoreline frontage and a straight line drawn between the property lines, both of which are measured at the normal high water line.

**6. RELATED NHDES LAND RESOURCES MANAGEMENT PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT:**

Please indicate if any of the following permit applications are required and, if required, the status of the application. To determine if other Land Resources Management Permits are required, refer to the [Land Resources Management Web Page](#).

Permit Type	Permit Required	File Number	Permit Application Status
Alteration of Terrain Permit Per RSA 485-A:17	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Individual Sewerage Disposal per RSA 485-A:2	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Subdivision Approval Per RSA 485-A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED
Shoreland Permit Per RSA 483-B	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	<input type="checkbox"/> APPROVED <input type="checkbox"/> PENDING <input type="checkbox"/> DENIED

**7. NATURAL HERITAGE BUREAU & DESIGNATED RIVERS:**

See the Instructions & Required Attachments document for instructions to complete a & b below.

a. Natural Heritage Bureau File ID: NHB **16** \_\_\_ - **3697** \_\_\_.

b.  [Designated River](#) the project is in ¼ miles of: \_\_\_\_\_; and  
 date a copy of the application was sent to the [Local River Management Advisory Committee](#): Month: \_\_\_ Day: \_\_\_ Year: \_\_\_\_

N/A

<b>8. APPLICANT INFORMATION (Desired permit holder)</b>			
LAST NAME, FIRST NAME, M.I.: c/o Jonathan Shaftmaster			
TRUST / COMPANY NAME: <b>Wiley Creek Company</b>		MAILING ADDRESS: <b>158 Shattuck Way</b>	
TOWN/CITY: <b>Newington</b>		STATE: <b>NH</b>	ZIP CODE: <b>03801</b>
EMAIL or FAX: <b>jss@littlebaylobster.com</b>		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here: _____, I hereby authorize NHDES to communicate all matters relative to this application electronically			
<b>9. PROPERTY OWNER INFORMATION (If different than applicant)</b>			
LAST NAME, FIRST NAME, M.I.: c/o Jonathan Shaftmaster			
TRUST / COMPANY NAME: <b>CKT &amp; Associates</b>		MAILING ADDRESS: <b>158 Shattuck Way</b>	
TOWN/CITY: <b>Newington</b>		STATE: <b>NH</b>	ZIP CODE: <b>03801</b>
EMAIL or FAX: <b>jss@littlebaylobster.com</b>		PHONE:	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically			
<b>10. AUTHORIZED AGENT INFORMATION</b>			
LAST NAME, FIRST NAME, M.I.: <b>Brendan Quigley</b>		COMPANY NAME: <b>Gove Environmental Srvs. Inc.</b>	
MAILING ADDRESS: <b>8 Continental Drive Bldg 2 Unit H</b>			
TOWN/CITY: <b>Exeter</b>		STATE: <b>NH</b>	ZIP CODE: <b>03833</b>
EMAIL or FAX: <b>bquigley@gesinc.biz</b>		PHONE: <b>603-778-0644</b>	
ELECTRONIC COMMUNICATION: By initialing here _____, I hereby authorize NHDES to communicate all matters relative to this application electronically			
<b>11. PROPERTY OWNER SIGNATURE:</b>			
See the Instructions & Required Attachments document for clarification of the below statements			
By signing the application, I am certifying that:			
<ol style="list-style-type: none"> <li>1. I authorize the applicant and/or agent indicated on this form to act in my behalf in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.</li> <li>2. I have reviewed and submitted information &amp; attachments outlined in the Instructions and Required Attachment document.</li> <li>3. All abutters have been identified in accordance with RSA 482-A:3, I and Env-Wt 100-900.</li> <li>4. I have read and provided the required information outlined in Env-Wt 302.04 for the applicable project type.</li> <li>5. I have read and understand Env-Wt 302.03 and have chosen the least impacting alternative.</li> <li>6. Any structure that I am proposing to repair/replace was either previously permitted by the Wetlands Bureau or would be considered grandfathered per Env-Wt 101.47.</li> <li>7. I have submitted a Request for Project Review (RPR) Form (<a href="http://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a>) to the NH State Historic Preservation Officer (SHPO) at the NH Division of Historical Resources to identify the presence of historical/ archeological resources while coordinating with the lead federal agency for NHPA 106 compliance.</li> <li>8. I authorize NHDES and the municipal conservation commission to inspect the site of the proposed project.</li> <li>9. I have reviewed the information being submitted and that to the best of my knowledge the information is true and accurate.</li> <li>10. I understand that the willful submission of falsified or misrepresented information to the New Hampshire Department of Environmental Services is a criminal act, which may result in legal action.</li> <li>11. I am aware that the work I am proposing may require additional state, local or federal permits which I am responsible for obtaining.</li> <li>12. The mailing addresses I have provided are up to date and appropriate for receipt of NHDES correspondence. NHDES will not</li> </ol>			
 Property Owner Signature		JONATHAN S. SHAFMASTER Print name legibly	23 5/17 Date

[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov) or (603) 271-2147  
 NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095  
[www.des.nh.gov](http://www.des.nh.gov)




**MUNICIPAL SIGNATURES**

**12. CONSERVATION COMMISSION SIGNATURE**

The signature below certifies that the municipal conservation commission has reviewed this application, and:

1. Waives its right to intervene per RSA 482-A:11;
2. Believes that the application and submitted plans accurately represent the proposed project; and
3. Has no objection to permitting the proposed work.


	Print name legibly	Date
--	--------------------	------

**DIRECTIONS FOR CONSERVATION COMMISSION**

1. Expedited review ONLY requires that the conservation commission's signature is obtained in the space above.
2. Expedited review requires the Conservation Commission signature be obtained **prior** to the submittal of the original application to the Town/City Clerk for signature.
3. The Conservation Commission may refuse to sign. If the Conservation Commission does not sign this statement for any reason, the application is not eligible for expedited review and the application will reviewed in the standard review time frame.

**13. TOWN / CITY CLERK SIGNATURE**

As required by Chapter 482-A:3 (amended 2014), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.

	Andrea J. Kohler	Exeter	5/30/17
Town/City Clerk Signature	Print name legibly	Town/City	Date

**DIRECTIONS FOR TOWN/CITY CLERK:**

Per RSA 482-A:3,1

1. For applications where "Expedited Review" is checked on page 1, if the Conservation Commission signature is not present, NHDES will accept the permit application, but it will NOT receive the expedited review time.
2. IMMEDIATELY sign the original application form and four copies in the signature space provided above;
3. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
4. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board; and
5. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

**DIRECTIONS FOR APPLICANT:**

1. Submit the single, original permit application form bearing the signature of the Town/ City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery.

**14. IMPACT AREA:**

For each jurisdictional area that will be/has been impacted, provide square feet and, if applicable, linear feet of impact

*Permanent: impacts that will remain after the project is complete.*

*Temporary: impacts not intended to remain (and will be restored to pre-construction conditions) after the project is complete.*

JURISDICTIONAL AREA	PERMANENT Sq. Ft. / Lin. Ft.	TEMPORARY Sq. Ft. / Lin. Ft.
Forested wetland	995 <input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Scrub-shrub wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Emergent wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Wet meadow	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Intermittent stream	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Perennial Stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Intermittent stream	400 / 36 <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Perennial stream / River	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Bank - Lake / Pond	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Tidal water	/ <input type="checkbox"/> ATF	/ <input type="checkbox"/> ATF
Salt marsh	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Sand dune	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Prime wetland buffer	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Undeveloped Tidal Buffer Zone (TBZ)	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Previously-developed upland in TBZ	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Lake / Pond	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - River	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
Docking - Tidal Water	<input type="checkbox"/> ATF	<input type="checkbox"/> ATF
<b>TOTAL</b>	<b>1,395 / 36</b>	<b>/</b>

**15. APPLICATION FEE:** See the Instructions & Required Attachments document for further instruction

Minimum Impact Fee: Flat fee of \$ 200

Minor or Major Impact Fee: Calculate using the below table below

Permanent and Temporary (non-docking) 1,395 sq. ft. X \$0.20 = \$ 279.00

Temporary (seasonal) docking structure: \_\_\_\_\_ sq. ft. X \$1.00 = \$

Permanent docking structure: \_\_\_\_\_ sq. ft. X \$2.00 = \$

**Projects proposing shoreline structures (including docks) add \$200 = \$**

Total = \$ 279.00

The Application Fee is the above calculated Total or \$200, whichever is greater = \$ 279.00

[shoreland@des.nh.gov](mailto:shoreland@des.nh.gov) or (603) 271-2147

NHDES Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

[www.des.nh.gov](http://www.des.nh.gov)

# WETLANDS PERMIT APPLICATION – ATTACHMENT A MINOR AND MAJOR - 20 QUESTIONS

Water Division/ Wetlands Bureau/ Land Resources Management  
Check the Status of your application: [www.des.nh.gov/onestop](http://www.des.nh.gov/onestop)



**RSA/ Rule:** RSA 482-A, Env-Wt 100-900

**Env-Wt 302.04 Requirements for Application Evaluation** - For any major or minor project, the applicant shall demonstrate by plan and example that the following factors have been considered in the project's design in assessing the impact of the proposed project to areas and environments under the department's jurisdiction. Respond with statements demonstrating:

1. The need for the proposed impact.

The purpose of the proposed project is to construct a 4 building, 116 unit residential development targeted to active adults (Active Adult Community)

2. That the alternative proposed by the applicant is the one with the least impact to wetlands or surface waters on site.

The project has been designed to largely avoid wetland impacts. The majority of parking for the development is located under the buildings reducing the need for expansive parking areas and associated drainage. Stabilized boulder slopes have also been employed to avoid grading impacts. The two proposed direct wetland impacts required for access to upland areas, all other project elements are located outside wetland areas, and in fact, largely outside the Town of Exeter's wetland buffer as well.

The proposed impact areas have been minimized by locating them at the narrowest points of the wetland and stream. The stream crossing also makes use of an oversize, open bottom structure which greatly exceeds the requirements of a Tier I crossing.

The proposed alternative is therefore the least impacting alternative.

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3. The type and classification of the wetlands involved.

**Intermittent Stream (R4SB2) and Red Maple dominated wetland (PFO1)**

4. The relationship of the proposed wetlands to be impacted relative to nearby wetlands and surface waters.

**The wetlands are associated with the upper reaches of Watson Brook**

5. The rarity of the wetland, surface water, sand dunes, or tidal buffer zone area.

**The wetlands associated with this project are not uncommon in this area or in NH.**

6. The surface area of the wetlands that will be impacted.

**The project proposes a total of 1,395 square feet of direct wetland impact and 36 linear feet of impact to an intermittent stream.**

7. The impact on plants, fish and wildlife including, but not limited to:
- a. Rare, special concern species;
  - b. State and federally listed threatened and endangered species;
  - c. Species at the extremities of their ranges;
  - d. Migratory fish and wildlife;
  - e. Exemplary natural communities identified by the DRED-NHB; and
  - f. Vernal pools.

**The New Hampshire Natural Heritage Bureau (NHB16-3697) has indicated there are two listed plant species located in the vicinity of the project site. These two wetland plant species are not expected to be present in the impact areas which are not typical habitat for these two plants. A review of the site will be conducted later in the growing season in order to facilitate identification and an update will be provided when available.**

**Additionally, the USFWS was contacted via the IPaC project review portal. This review indicated the project was within the range of the threatened Northern Long Eared Bat. Though forested, the project will commence this winter with all tree removal being conducted outside the time of year restriction specified in the 4d rule for this species. The IPaC report also identified Small Whorled Pagonia as potentially existing on the site. A survey for this speioces will be conducted and coordinated with USFWS through ACOE**

**A vernal pool survey was conducted on this site in 2015. No vernal pools were identified**

8. The impact of the proposed project on public commerce, navigation and recreation.

**The project will have net positive impact on public commerce through job creation, tax base, and the creation of housing. The property is entirely private and offers no right of public recreation. The property does not have any connectivity for waterway navigation.**

9. The extent to which a project interferes with the aesthetic interests of the general public. For example, where an applicant proposes the construction of a retaining wall on the bank of a lake, the applicant shall be required to indicate the type of material to be used and the effect of the construction of the wall on the view of other users of the lake.

**The site of the proposed project is wooded and generally not visible to the general public. Aesthetics are, however a very important consideration and efforts been made to maintain a natural aesthetic in the development. First, the Town of Exeter 40' or 50' wetland buffer has been maintained in an undisturbed state as much as possible. Where disturbance is proposed due to grading, natural restoration of these areas is proposed. Boulder stabilized slopes with plantings have been utilized to reduce grading and avoid vertical retaining walls. Landscaping overall will also be natural with limited maintained lawn. The proposed development should have no impact on the aesthetic intersts of the public .**

10. The extent to which a project interferes with or obstructs public rights of passage or access. For example, where the applicant proposes to construct a dock in a narrow channel, the applicant shall be required to document the extent to which the dock would block or interfere with the passage through this area.

**This site is private property with no current right of public passage. The project will be a private residential development. There will therefore be no change in public access.**

11. The impact upon abutting owners pursuant to RSA 482-A:11, II. For example, if an applicant is proposing to rip-rap a stream, the applicant shall be required to document the effect of such work on upstream and downstream abutting properties.

**Proposed impacts are completely contained on the site and will not affect abutters in any way. The oversized open bottom box crossing exceeds stream crossing standards and will not alter the flow of Watson Brook. Drainage from the proposed development will be handled on-site by a series of and bio-retention basins and infiltration galleries, therefore ensuring there will be no impact to abutting properties upstream or downstream from the site.**

12. The benefit of a project to the health, safety, and well being of the general public.

**The project seeks to create efficient residential options for an active lifestyle and will therefore benefit public health, safety and well being**



13. The impact of a proposed project on quantity or quality of surface and ground water. For example, where an applicant proposes to fill wetlands the applicant shall be required to document the impact of the proposed fill on the amount of drainage entering the site versus the amount of drainage exiting the site and the difference in the quality of water entering and exiting the site.

**The comprehensive stormwater management proposed for the development will ensure that there is no change to the quantity or quality of stormwater post development.**

14. The potential of a proposed project to cause or increase flooding, erosion, or sedimentation.

**These interests will be protected during the construction term through best management practices as specified in the plans. Post development the stormwater management system will ensure that erosion and sedimentation do not occur.**

15. The extent to which a project that is located in surface waters reflects or redirects current or wave energy which might cause damage or hazards.

**The proposed project does not involve elements of wave action or current.**

16. The cumulative impact that would result if all parties owning or abutting a portion of the affected wetland or wetland complex were also permitted alterations to the wetland proportional to the extent of their property rights. For example, an applicant who owns only a portion of a wetland shall document the applicant's percentage of ownership of that wetland and the percentage of that ownership that would be impacted.

**The size of the wetlands on site is very small in relation to the overall size of the wetland complex which lies extends off site. The proposed impacts are an even smaller portion of the this wetland and involve a crossing of a minimal size. If similar impacts were allowed to other owners net effects would be commensurately small.**

17. The impact of the proposed project on the values and functions of the total wetland or wetland complex.

**The permanent impact associated with the main access drive is to a finger-like projection of forested wetland which is only loosely associated with the pond. This will have no impact to the habitat value of the pond or its surrounding scrub shrub border. The potential wildlife impact from the proposed crossing of Watson Brook will be mitigated through the use of an open bottom box culvert with stream simulation. This type of crossing exceeds the state standards for this small stream and will ensure stream continuity for flow and wildlife passage. The crossing has also been located in a section of the stream where the channel is discrete with no adjacent vegetated wetland area. These design elements along with the restoration of grading within the buffer will avoid significant impact to the wetland specific wildlife habitat on the site.**

**The existing capacity of the wetlands to attenuate stormwater for quantity and quality will be unaltered as no significant changes are proposed to the wetlands. Changes in the charter of the runoff from the development will be mitigated by the incorporation of comprehensive stormwater management system designed to Alternation of Terrain program standards for both water quantity and quality.**

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18. The impact upon the value of the sites included in the latest published edition of the National Register of Natural Landmarks, or sites eligible for such publication.

**No such areas have been identified**

19. The impact upon the value of areas named in acts of congress or presidential proclamations as national rivers, national wilderness areas, national lakeshores, and such areas as may be established under federal, state, or municipal laws for similar and related purposes such as estuarine and marine sanctuaries.

**No such areas have been identified**

20. The degree to which a project redirects water from one watershed to another.

**The project does not redirect water**

Additional comments

**PLEASE SEE THE ATTACHED TEXT AND ATTACHMENTS FOR ADDITIONAL INFORMATION.**

## 1.0 Introduction

This Minor Impact Dredge and Fill Application is being submitted by Willey Creek Company for the construction of a 116 unit Active Adult Community in 4 buildings with a clubhouse, associated access, parking, and drainage. The site is located off of Epping Road just north of Continental Drive on lot 47-8 which is 22.04 acres in size. The proposed project will take place on an 11.59 acre portion of the lot which will be subdivided. Access to the project will be via a town owned road extending east from Epping Road that is to be constructed pursuant the Tax Increment Finance District approved by voters in 2015. The site is relatively undisturbed forest dominated by a mix oaks and white pine. The areas adjacent to the right-of-way extending into the site from Epping Road and in area of the proposed wetland impact have seen greater past disturbance. An existing a path remains at this location. Several recreational trails also run through the property. Topography is moderate and generally steeper in the northern part of the site, with numerous rock outcroppings and boulders visible on the surface. The character of the site is generally consistent with the land in this portion of Exeter.

The following sections and appendices provide details on the proposed project, the proposed impacts, and the requirements outlined in Env-Wt 300.

## 2.0 Wetland Resources

Wetlands on this site are associated with the uppermost intermittent portion of Watson Brook and a small semi-permanent pond located mostly off site to the southeast. The portion of Watson Brook on the project site is intermittent (R4SB2) with a contributing watershed of only 70 acres as calculated using the USGS Stream Stats web application. The proposed crossing has therefore been classified as a Tier I crossing.

The small, apparently natural pond is a shallow body of water bordered by dense buttonbush (PUB4 & PSS1). In most years this pond likely contains very little water and at such times becomes more of a scrub shrub wetland. Despite its appearance as ideal vernal pool breeding habitat, a survey of this area in 2015 failed to identify egg masses. Traps subsequently deployed in the pond indicated the presence of catfish, consistent with the semi-permanent nature of the waterbody and also prohibitive to vernal pool breeding. No other vernal pool resources were identified on the site

The wetlands extending out from the small pond and in broader areas adjacent to the stream are common forested wetland dominated by red maple and highbush blueberry (PFO1).

## **2.1 Wetland Function and Value**

Gove Environmental Services, Inc. conducted a functional assessment of the wetland resources on the site in order to evaluate the potential effects of the proposed impacts. The wetland resources on this site include forested wetland, an intermittent stream, and a scrub shrub/shallow pond. By virtue of their location in a relatively undisturbed block of forest, the principle function of these wetland areas is wildlife habitat. Wetland specific habitat is primarily derived from the pond area, its dense scrub shrub border, and the Watson Brook corridor. Other functions and values include water quality and flood flow alteration.

## **3.0 Project Description and Impacts**

The proposed project involves the construction of a residential, Active Adult Community on 11.59 acres portion of lot 47-8 which will be subdivided for the project. The community will include 116 units located within four buildings, a clubhouse building and associated parking, access and drainage facilities. All buildings are situated in upland areas of the property, wetland impacts are proposed to provide access to upland areas of the site. The impact areas consists of a crossing the channel of Watson Brook where there is no adjacent wetland and a finger of forested wetland extending from the shallow pond. Total proposed wetland impact is 1,395 square feet and 36 linear feet of intermittent stream.

### **3.1 Stream Crossing Standards**

Wasson Brook has a watershed size of 70 acres at the proposed crossing (see watershed map figure) and therefore qualifies as Tier 1 crossing. An oversized, open bottom box culvert has been proposed for this for this crossing, greatly exceeding the minimum requirements. The stream crossing standards at Env-Wt 904.01 are discussed below:

- (a) The proposed open bottom box culvert will span the entire existing channel and will not alter the grades within the stream. The proposed crossing will not therefore create a barrier to sediment transport
- (b) The proposed box culvert has the capacity to accommodate greater than a 500-year storm event so it will not restrict high flows. The existing channel will be recreated at the same grade in the open bottom box culvert therefore maintaining low flows.
- (c) The proposed oversize box culvert will not alter the grade of the channel and will span 12 feet, nearly 3.5 times bank-full-width. The openness ration for this crossing is 0.40m which exceeds the ratio required for Tier 2 and 3 crossings. The proposed crossing will not therefore obstruct wildlife passage.



- (d) The proposed box culvert has the capacity to handle storm events in excess of the 500 year storm and will cause an increase in the frequency of flooding or overtopping of banks.
- (e) The proposed crossing will utilize an open bottom box culvert intended to maintain watercourse connectivity (see C above).
- (f) Watercourse connectivity currently exists and will not be disrupted.
- (g) The channel will be spanned at 3.5 times the bank-full-width and grade of the stream bed will not be altered. Erosion, aggradation, and scouring will not be affected by the crossing
- (h) This small crossing utilizing oversized box culvert will not degrade water quality. Potential impacts from stormwater will be mitigated through a comprehensive stormwater management system, fully compliant with NH Alteration of Terrain standards.

### **3.2 Impacts on Functions and Values**

The small proposed direct wetland impacts will have a small overall impact on the principle functions and values of the wetland s on the site.

#### **Wildlife Habitat**

The permanent impact associated with the main access drive is to a finger-like projection of forested wetland which is only loosely associated with the pond. This will have no impact to the habitat value of the pond or its surrounding scrub shrub border. The potential wildlife impact from the proposed crossing of Watson Brook will be mitigated through the use of an open bottom box culvert with stream simulation. This type of crossing exceeds the state standards for this small stream and will ensure stream continuity for flow and wildlife passage. The crossing has also been located in a section of the stream where the channel is discrete with no adjacent vegetated wetland area. These design elements along with the restoration of grading within the buffer will avoid significant impact to the wetland specific wildlife habitat on the site.

#### **Water Quality & Flood Flow Alteration**

The existing capacity of the wetlands to attenuate stormwater for quantity and quality will be unaltered as no significant changes are proposed to the wetlands. Changes in the character of the runoff from the development will be mitigated by the incorporation of comprehensive stormwater management system designed to Alternation of Terrain program standards for both water quantity and quality.

### **3.3 Wt 302.01 Statement of Purpose**

The purpose of the proposed project is to construct a residential development targeted for active adults.

### **3.4 Wt 302.03 Avoidance & Minimization**

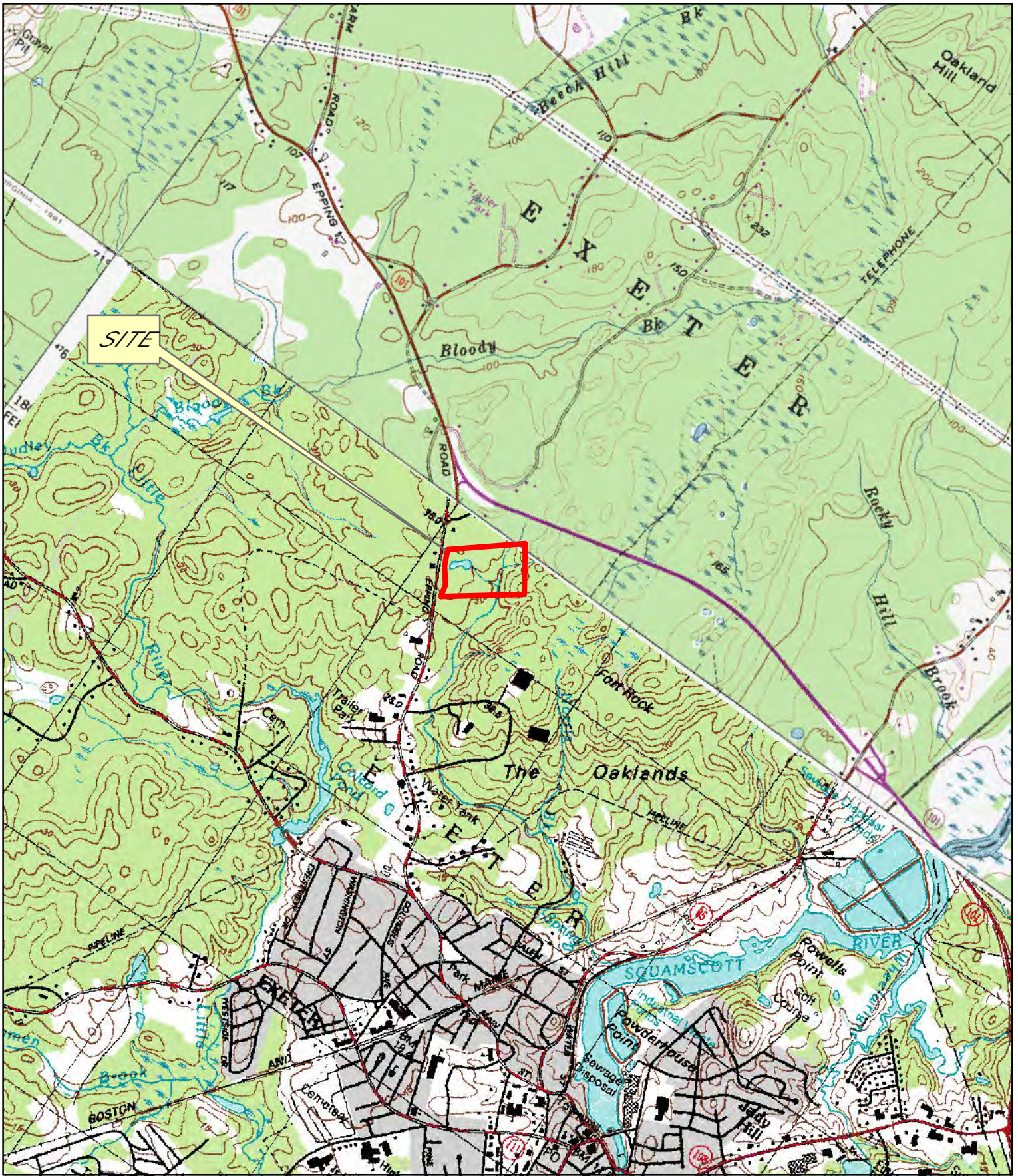
The project has been designed to largely avoid wetland impacts. The majority of parking for the development is located under the buildings reducing the need for expansive parking areas and associated drainage. Stabilized boulder slopes have also been employed to avoid grading impacts. The two proposed direct wetland impacts required for access to upland areas, all other project elements are located outside wetland areas, and in fact, largely outside the Town of Exeter's wetland buffer as well.

The proposed impact areas have been minimized by locating them at the narrowest points of the wetland and stream. The stream crossing also makes use of an oversize, open bottom structure which greatly exceeds the requirements of a Tier I crossing. The proposed alternative is therefore the least impacting alternative.

## Figures







1 inch = 2,000 feet

# Locus Map

Ray Farm Active Adult Community  
 Epping Rd  
 Exeter NH



Gove Environmental Services, Inc.  
 8 Continental Drive, Bldg 2 Unit H, Exeter NH 03833 603.778.0644





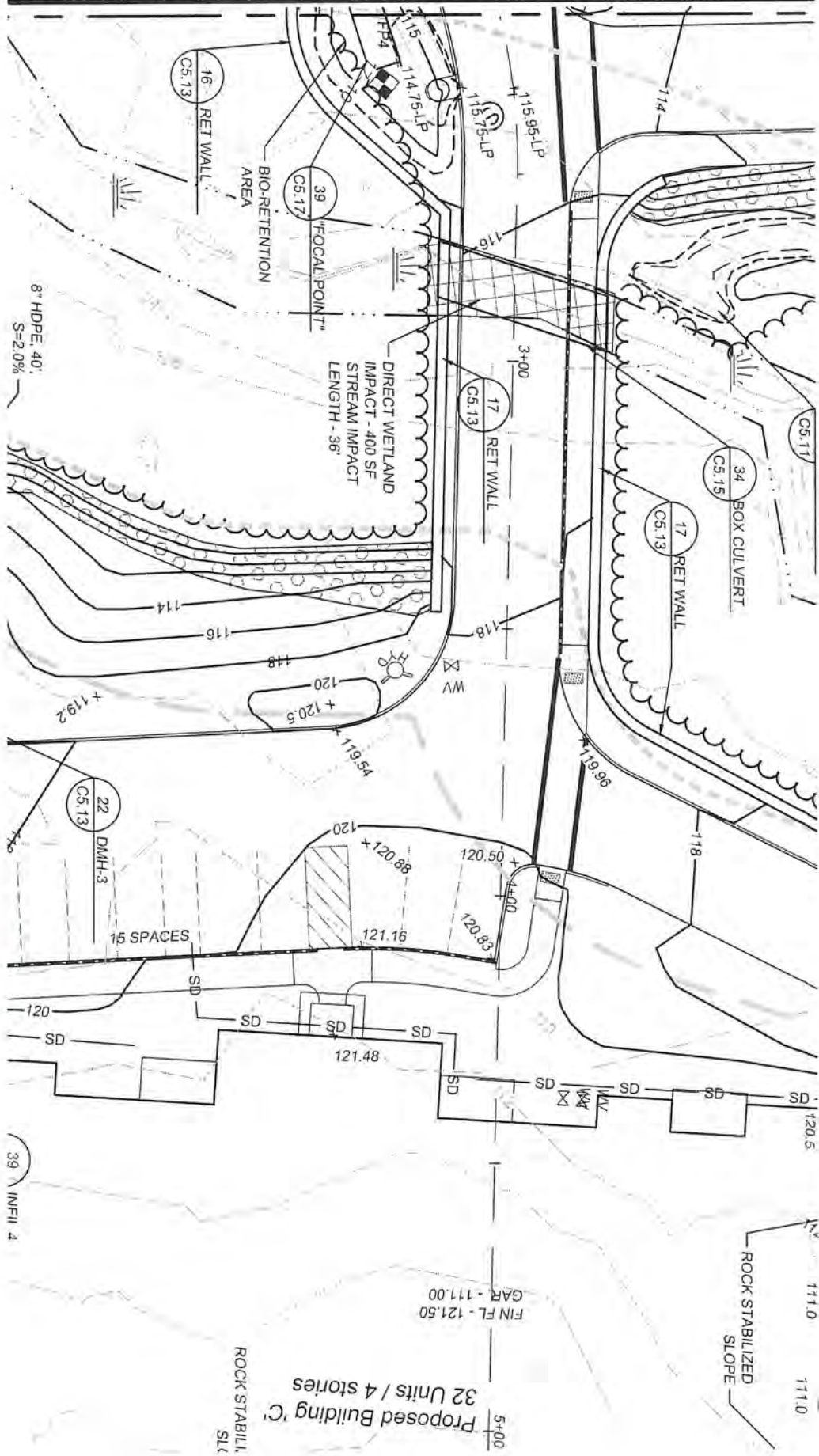




Impact Areas

Wetland Impact Detail Sheets

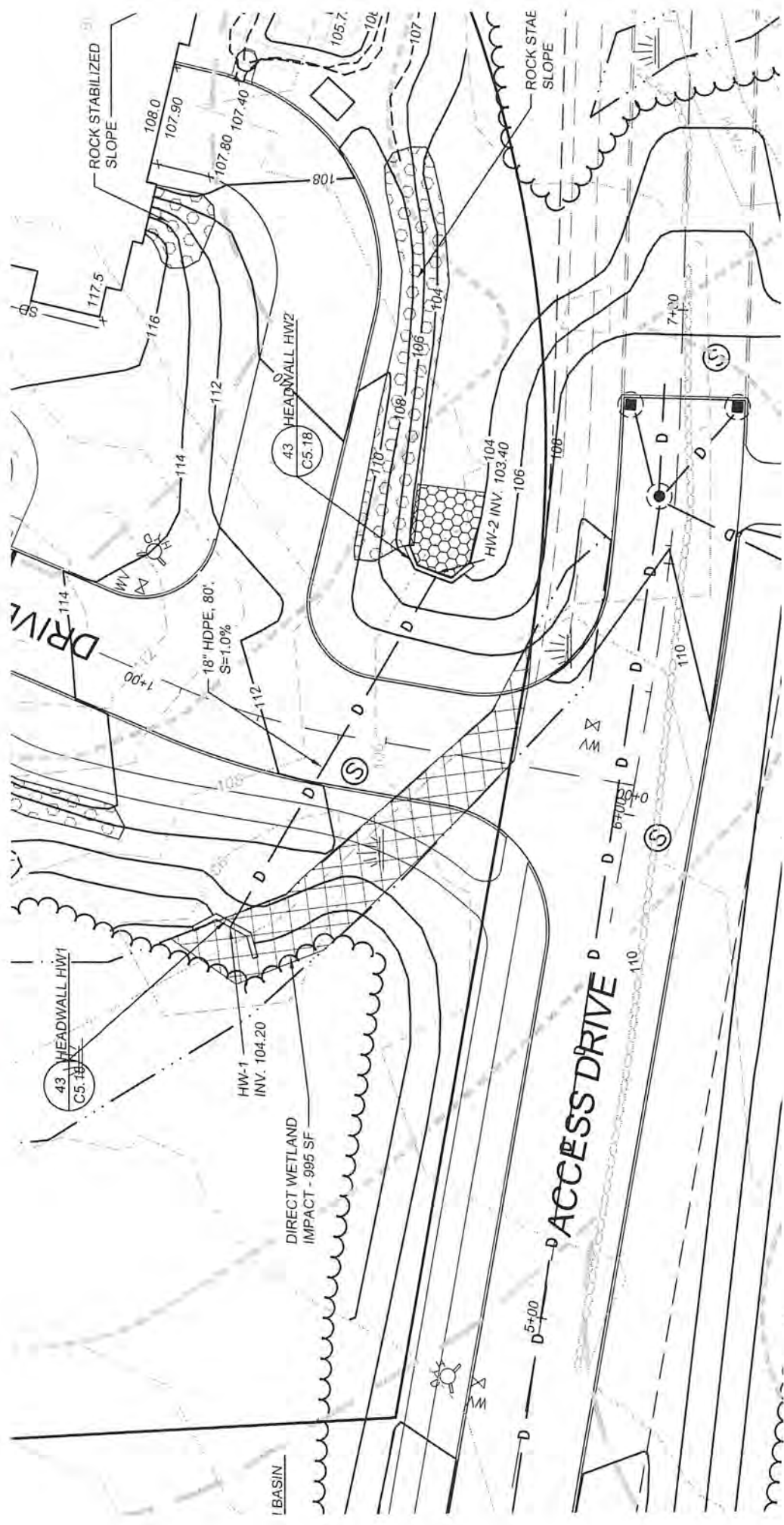
		297 ELM STREET, PHONE: (978) 388-2157 CONCORD, MA 01742 FAX: (978) 388-2158 WWW.SANTACONCORD.COM
Project Name: "Ray F Active Comm"		Epping, Essex, N.H., Rockingham
Client: Willey Creek 158 Shattuck Newington, N.H.		Designer: CRT & ASI 155 Shattuck Newington, N.H.
NO. DATE A 5.8.2011 TO P.L.A.	REVISED DE:	DRAWN BY:



1" = 20'



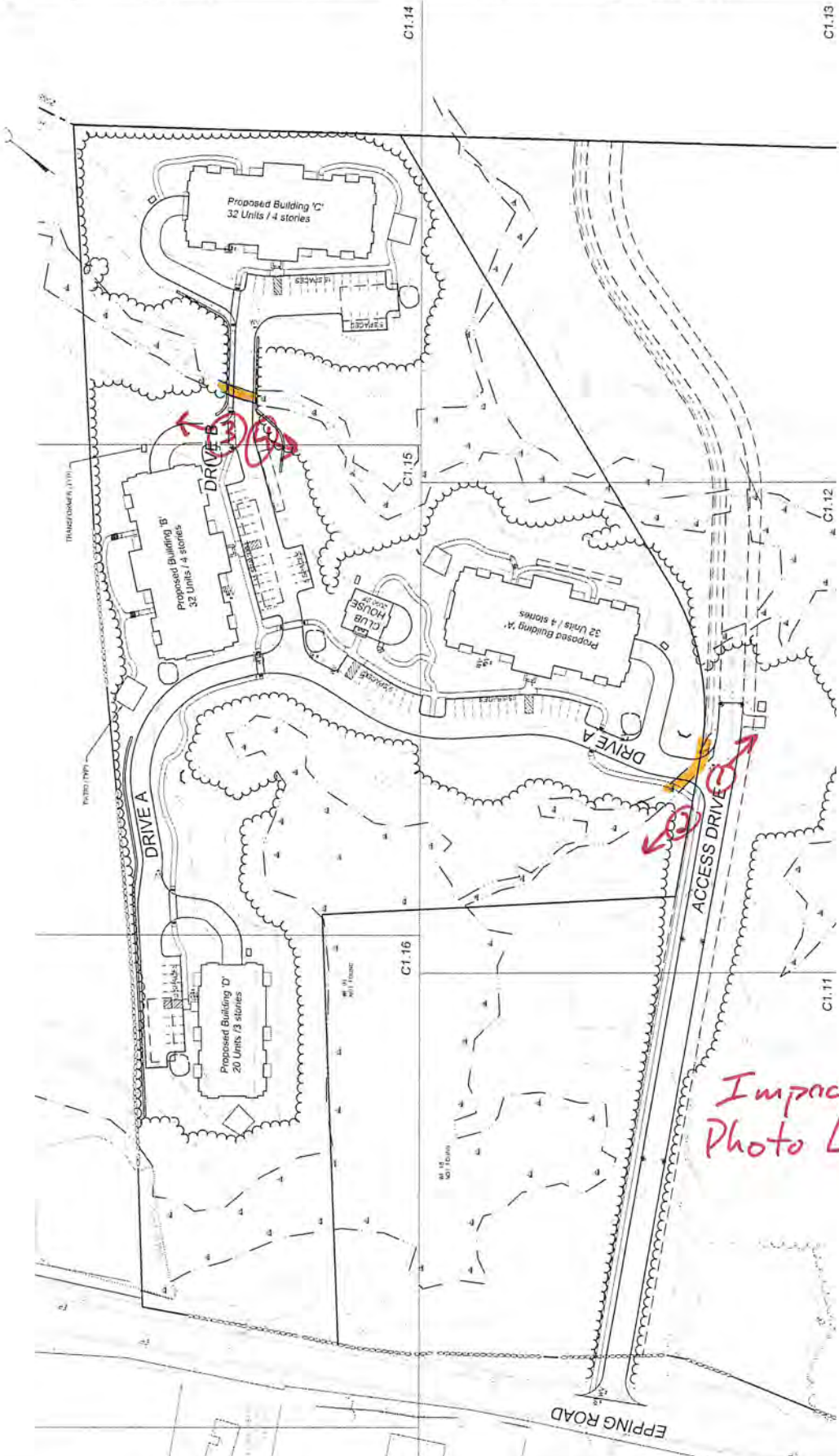
1' = 20'





**Appendix A**  
**Impact Area Photos**

NO	DATE	DES	REVISED TO PLAN
1	3.8.2017		



*Impact Area  
 Photo Locations*



**Impact Area Photos**  
**Ray Farm Active Adult Community**  
**Map 47 Lot 8**  
**Exeter, NH**



Photo 1 & 2: First impact area along access road to site





**Impact Area Photos  
Ray Farm Active Adult Community  
Map 47 Lot 8  
Exeter, NH**



Photo 3 and 4: looking upstream and downstream from the proposed stream crossing



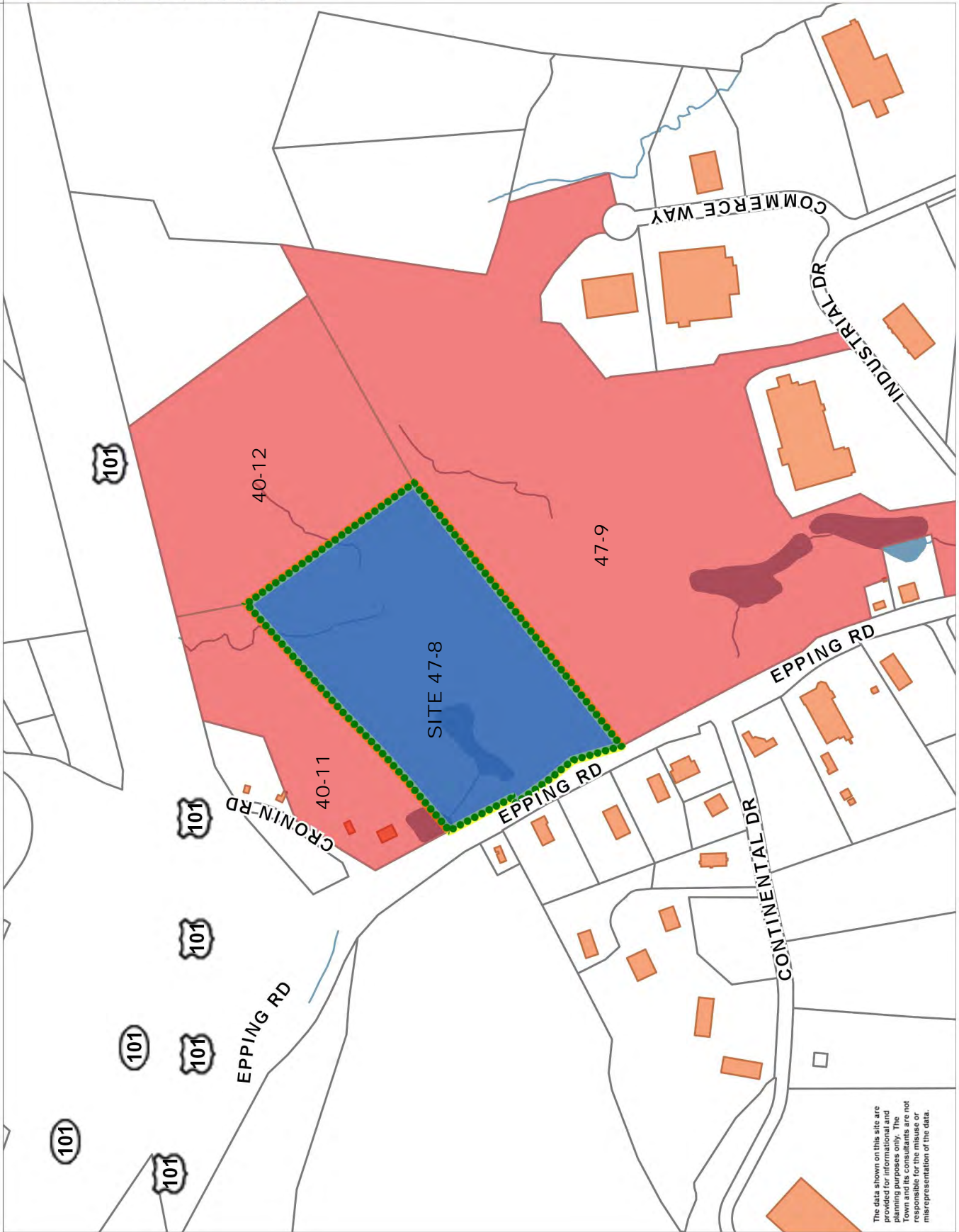
**Appendix B**  
**Abutter Information**



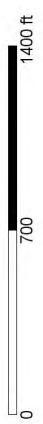




- Parcels
- NH Highways
- Interstate
- US Highway
- State Highway
- Town Boundary
- Abutting Towns
- Streets (Updated September 2017)
- Misc Streams
- Parcel Streams
- Open Water
- Buildings



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Printed on 05/22/2017 at 12:05 PM

## **DIRECT ABUTTERS LIST**

### **SUBJECT PARCEL**

47-8  
CKT & Associates  
158 Shattuck Way  
Newington, NH 03801

### **ABUTTERS:**

47-9  
CTK Associates  
158 Shattuck Way  
Newington, NH 03801

40-11  
Net Lease Realty I Inc ATTN: Ingrid Irving  
450 S Orange Ave SUITE 900  
Orlando, FL 32801

40-12  
Scott W. Carlisle III  
14 Cass Street  
Exeter, NH 03833

May 25, 2017

«Name»

«Street»

«TownStateZip»

Re: Epping Road  
Map 47 Lot 8  
Exeter, NH

Dear Abutter:

The purpose of this letter is to inform you Willey Creek Company. has submitted a Dredge and Fill Application to the NH Department of Environmental Services for an Active Adult Community residential development located at off of Epping Road in Exeter, NH, Tax Map 47 Lot 8. DES requires this notice for work within a wetland area. After filing, a copy of the final Application, including plans, will be made available for your review at the Exeter Town Hall and at the NH Department of Environmental Services Wetlands Bureau, 29 Hazen Drive, in Concord.

If you have any questions that we might be able to answer, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Brendan Quigley". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Brendan Quigley, CWS  
Gove Environmental Services, Inc.



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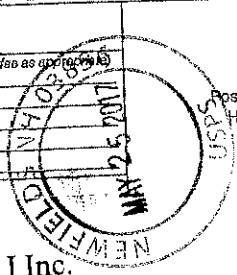
**OFFICIAL USE**

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postmark  
Here



Postage

40-11

Net Lease Realty I Inc.  
ATTN: Ingrid Irving  
450 S Orange Ave SUITE 900  
Orlando, FL 32801

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7016 0750 0001 1374 6961

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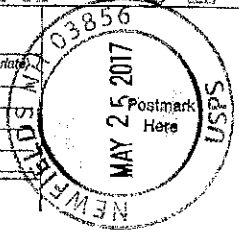
**OFFICIAL USE**

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

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- Adult Signature Restricted Delivery \$

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CTK Associates  
158 Shattuck Way  
Newington, NH 03801

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7016 0750 0001 1374 6985

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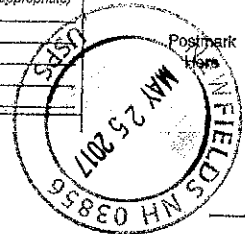
**OFFICIAL USE**

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postmark  
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Postage

40-12

Scott W. Carlisle III  
14 Cass Street  
Exeter, NH 03833

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7016 0750 0001 1374 6978

**Appendix C**

**New Hampshire Natural Heritage Inquiry**



# Memo



NH NATURAL HERITAGE BUREAU  
NHB DATACHECK RESULTS LETTER

**To:** Luke Hurley, Gove Environmental Services, Inc.  
8 Continental Drive  
Exeter, NH 03833

**From:** Amy Lamb, NH Natural Heritage Bureau

**Date:** 12/13/2016 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau

NHB File ID: NHB16-3697

Town: Exeter

Location: Tax Maps: 47-8

Description: Active adult residential development. 116 units in 4 buildings.

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

**Comments: Please send plans detailing the wetlands impacts, as well as any available photos of proposed wetland impact areas taken during the growing season.**

## Plant species

Plant species	State <sup>1</sup>	Federal	Notes
sharp-flowered manna grass ( <i>Glyceria acutiflora</i> )	E	--	Primarily vulnerable to changes to the hydrology of its habitat, especially alterations that change water levels. It may also be susceptible to increased pollutants and nutrients carried in stormwater runoff.

slender blue iris (*Iris prismatica*)\*

E	--	Since this plant grows at wetland edges (marshes, wet meadows, seashore), it would be threatened by changes in local water levels or shoreline development.
---	----	---

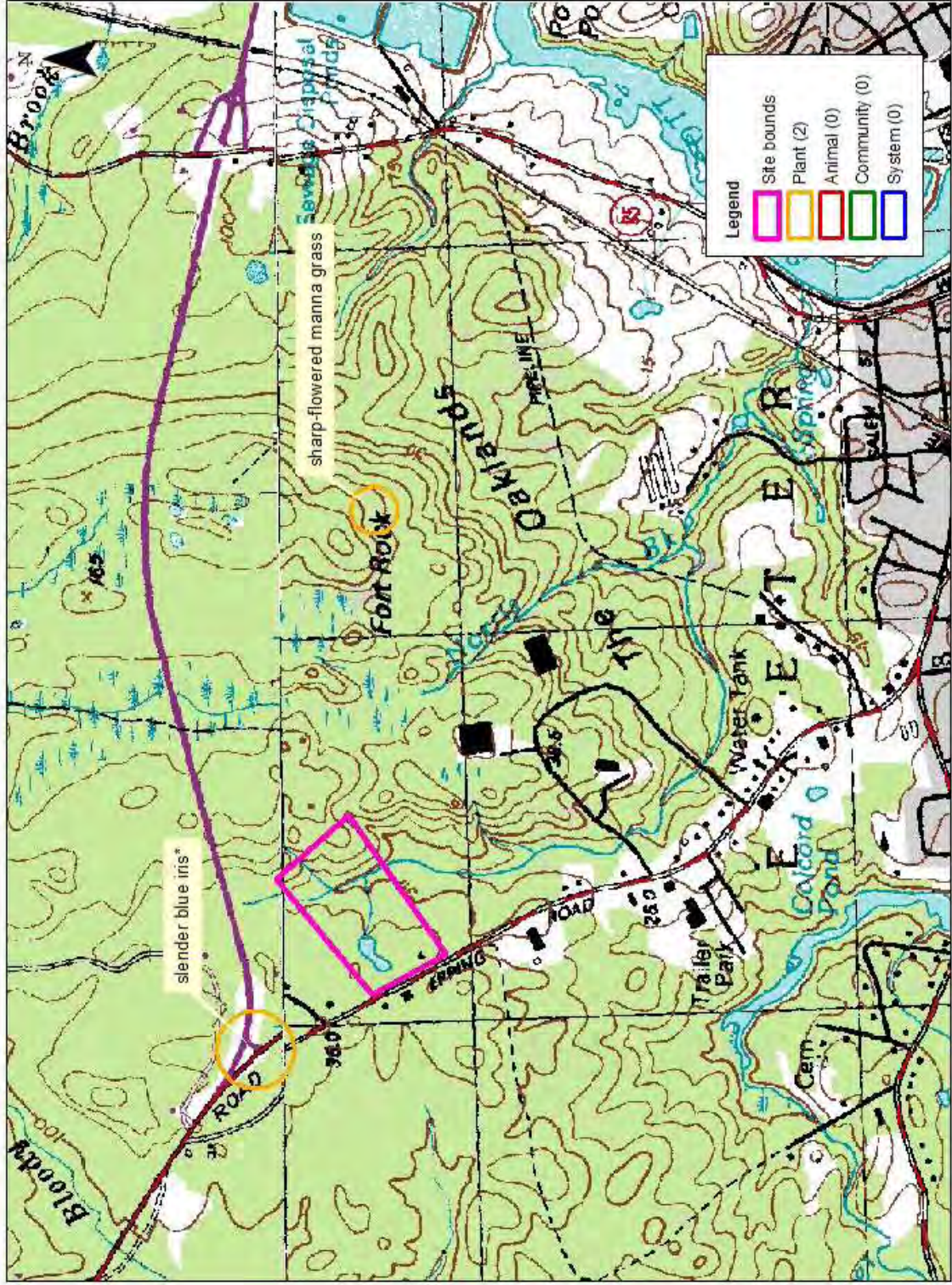
<sup>1</sup>Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (\*) indicates that the most recent report for that occurrence was more than 20 years ago.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

Department of Resources and Economic Development  
Division of Forests and Lands  
(603) 271-2214 fax: 271-6488

DRED/NHB  
172 Pembroke Rd.  
Concord, NH 03301

NHB16-3697



**Appendix D**  
**State Historic Preservation Office Inquiry**



Please mail the completed form and required material to:

New Hampshire Division of Historical Resources  
State Historic Preservation Office  
Attention: Review & Compliance  
19 Pillsbury Street, Concord, NH 03301-3570

DHR Use Only	
R&C #	_____
Log In Date	___ / ___ / ___
Response Date	___ / ___ / ___
Sent Date	___ / ___ / ___

## Request for Project Review by the New Hampshire Division of Historical Resources

- This is a new submittal  
 This is additional information relating to DHR Review & Compliance (R&C) #:

### GENERAL PROJECT INFORMATION

Project Title Ray Farm- Active Adult Community

Project Location Epping Road

City/Town Exeter Tax Map 47 Lot # 8

NH State Plane - Feet Geographic Coordinates: Easting 1169848 Northing 192298  
(See RPR Instructions and R&C FAQs for guidance.)

Lead Federal Agency and Contact (if applicable) Amry Corps of Engineers  
(Agency providing funds, licenses, or permits)  
Permit Type and Permit or Job Reference #

State Agency and Contact (if applicable)

Permit Type and Permit or Job Reference # wetland

### APPLICANT INFORMATION

Applicant Name Willey Creek Company

Mailing Address 158 Shattuck Way Phone Number

City Newington State NH Zip 03801 Email

### CONTACT PERSON TO RECEIVE RESPONSE

Name/Company Brenden Quigley

Mailing Address 8 Continental Drive, Bldg 2, Unit H Phone Number 6035804122

City Exeter State NH Zip 03833 Email bquigley@gesinc.biz

*This form is updated periodically. Please download the current form at [www.nh.gov/nhdhr/review](http://www.nh.gov/nhdhr/review). Please refer to the Request for Project Review Instructions for direction on completing this form. Submit one copy of this project review form for each project for which review is requested. Include a self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: [www.nh.gov/nhdhr/review](http://www.nh.gov/nhdhr/review) or contact the R&C Specialist at [christina.st.louis@dcr.nh.gov](mailto:christina.st.louis@dcr.nh.gov) or 603.271.3558.*

Project Boundaries and Description

- Attach the relevant portion of a 7.5' USGS Map (photocopied or computer-generated) **indicating the defined project**
- Attach a detailed narrative description of the proposed project.
- Attach a site plan. The site plan should include the project boundaries and areas of proposed excavation.
- Attach photos of the project area (overview of project location and area adjacent to project location, and specific areas)
- A DHR file review must be conducted to identify properties within or adjacent to the project area.  
Provide file review results in **Table 1**. (Blank table forms are available on the DHR website.)  
File review conducted on 05/22/2017.

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the project area?  
If no, skip to Archaeology section. If yes, submit all of the following information:

Approximate age(s): n/a

- Photographs of **each** resource or streetscape located within the project area, with captions, along with a mapped plan
- If the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures, provide

Archaeology

Does the proposed undertaking involve ground-disturbing activity?  Yes  No  
If yes, submit all of the following information:

- Description of current and previous land use and disturbances.
- Available information concerning known or suspected archaeological resources within the project area (such as

**Please note that for many projects**

**DHR Comment/Finding Recommendation** *This Space for Division of Historical Resources Use Only*

- Insufficient information to initiate review.**  Additional information is needed in order to complete review.
- No Potential to cause Effects  No Historic Properties Affected  No Adverse Effect  Adverse Effect

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources*

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix E**

**ACOE Supplemental Information Form**

**IPaC Report**







**US Army Corps  
of Engineers**  
New England District

**New Hampshire Programmatic General Permit (PGP)  
Appendix B - Corps Secondary Impacts Checklist  
(for inland wetland/waterway fill projects in New Hampshire)**

1. Attach any explanations to this checklist. Lack of information could delay a Corps permit determination.
2. All references to "work" include all work associated with the project construction and operation. Work includes filling, clearing, flooding, draining, excavation, dozing, stumping, etc.
3. See PGP, GC 5, regarding single and complete projects.
4. Contact the Corps at (978) 318-8832 with any questions.

<b>1. Impaired Waters</b>	Yes	No
1.1 Will any work occur within 1 mile upstream in the watershed of an impaired water? See <a href="http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm">http://des.nh.gov/organization/divisions/water/wmb/section401/impaired_waters.htm</a> to determine if there is an impaired water in the vicinity of your work area.*		X
<b>2. Wetlands</b>	Yes	No
2.1 Are there are streams, brooks, rivers, ponds, or lakes within 200 feet of any proposed work?	X	
2.2 Are there proposed impacts to SAS, shellfish beds, special wetlands and vernal pools (see PGP, GC 26 and Appendix A)? Applicants may obtain information from the NH Department of Resources and Economic Development Natural Heritage Bureau (NHB) website, <a href="http://www.nhnaturalheritage.org">www.nhnaturalheritage.org</a> , specifically the book <u>Natural Community Systems of New Hampshire</u> .		X
2.3 If wetland crossings are proposed, are they adequately designed to maintain hydrology, sediment transport & wildlife passage? <i>oversized open bottom box</i>	X	
2.4 Would the project remove <u>part</u> or all of a riparian buffer? (Riparian buffers are lands adjacent to streams where vegetation is strongly influenced by the presence of water. They are often thin lines of vegetation containing native grasses, flowers, shrubs and/or trees that line the stream banks. They are also called vegetated buffer zones.)	X	
2.5 The overall project site is more than 40 acres.		X
2.6 What is the size of the existing impervious surface area?	0	
2.7 What is the size of the proposed impervious surface area?	3.05 ac.	
2.8 What is the % of the impervious area (new and existing) to the overall project site?	26%	
<b>3. Wildlife</b>	Yes	No
3.1 Has the NHB determined that there are known occurrences of rare species, exemplary natural communities, Federal and State threatened and endangered species and habitat, in the vicinity of the proposed project? (All projects require a NHB determination.)	X	
3.2 Would work occur in any area identified as either "Highest Ranked Habitat in N.H." or " <u>Highest Ranked Habitat in Ecological Region</u> "? (These areas are colored magenta and green, respectively, on NH Fish and Game's map, "2010 Highest Ranked Wildlife Habitat by Ecological Condition.") Map information can be found at: <ul style="list-style-type: none"> <li>• PDF: <a href="http://www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm">www.wildlife.state.nh.us/Wildlife/Wildlife_Plan/highest_ranking_habitat.htm</a>.</li> <li>• Data Mapper: <a href="http://www.granit.unh.edu">www.granit.unh.edu</a>.</li> <li>• GIS: <a href="http://www.granit.unh.edu/data/downloadfreedata/category/databycategory.html">www.granit.unh.edu/data/downloadfreedata/category/databycategory.html</a>.</li> </ul>	X	

3.3 Would the project impact more than 20 acres of an undeveloped land block (upland, wetland/waterway) on the entire project site and/or on an adjoining property(s)?		<input checked="" type="checkbox"/>
3.4 Does the project propose more than a 10-lot residential subdivision, or a commercial or industrial development?		<input checked="" type="checkbox"/>
3.5 Are stream crossings designed in accordance with the PGP, GC 21?	<input checked="" type="checkbox"/>	
<b>4. Flooding/Floodplain Values</b>	Yes	No
4.1 Is the proposed project within the 100-year floodplain of an adjacent river or stream?		<input checked="" type="checkbox"/>
4.2 If 4.1 is yes, will compensatory flood storage be provided if the project results in a loss of flood storage?	<i>N/A</i>	
<b>5. Historic/Archaeological Resources</b>		
For a minor or major impact project - a copy of the Request for Project Review (RPR) Form ( <a href="http://www.nh.gov/nhdhr/review">www.nh.gov/nhdhr/review</a> ) shall be sent to the NH Division of Historical Resources as required on Page 5 of the PGP**	<input checked="" type="checkbox"/>	

\*Although this checklist utilizes state information, its submittal to the Corps is a Federal requirement.

\*\* If project is not within Federal jurisdiction, coordination with NH DHR is not required under Federal law..



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104  
<http://www.fws.gov/newengland>

In Reply Refer To:

May 24, 2017

Consultation Code: 05E1NE00-2017-SLI-1626

Event Code: 05E1NE00-2017-E-03287

Project Name: Ray Farm Active Adult Residential Community

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New England Ecological Services Field Office**

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

---

## Project Summary

Consultation Code: 05E1NE00-2017-SLI-1626

Event Code: 05E1NE00-2017-E-03287

Project Name: Ray Farm Active Adult Residential Community

Project Type: DEVELOPMENT

Project Description: A 116 unit Residential development in four buildings on approximately 11 acres of forested land off of Epping Road in Exeter, NH. Two wetland crossings are required totaling 1395 square feet and 36 linear feet of intermittent stream. Permitting is anticipated to be complete by late fall 2017 with tree clearing and site prep beginning in the winter of 2017/2018

### Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/42.998150297984324N70.97141428216149W>



Counties: Rockingham, NH

---

## Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area. Please contact the designated FWS office if you have questions.

### Mammals

NAME	STATUS
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> )	Threatened
No critical habitat has been designated for this species.	
Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	

### Flowering Plants

NAME	STATUS
Small Whorled Pogonia ( <i>Isotria medeoloides</i> )	Threatened
No critical habitat has been designated for this species.	
Species profile: <a href="https://ecos.fws.gov/ecp/species/1890">https://ecos.fws.gov/ecp/species/1890</a>	

### Critical habitats

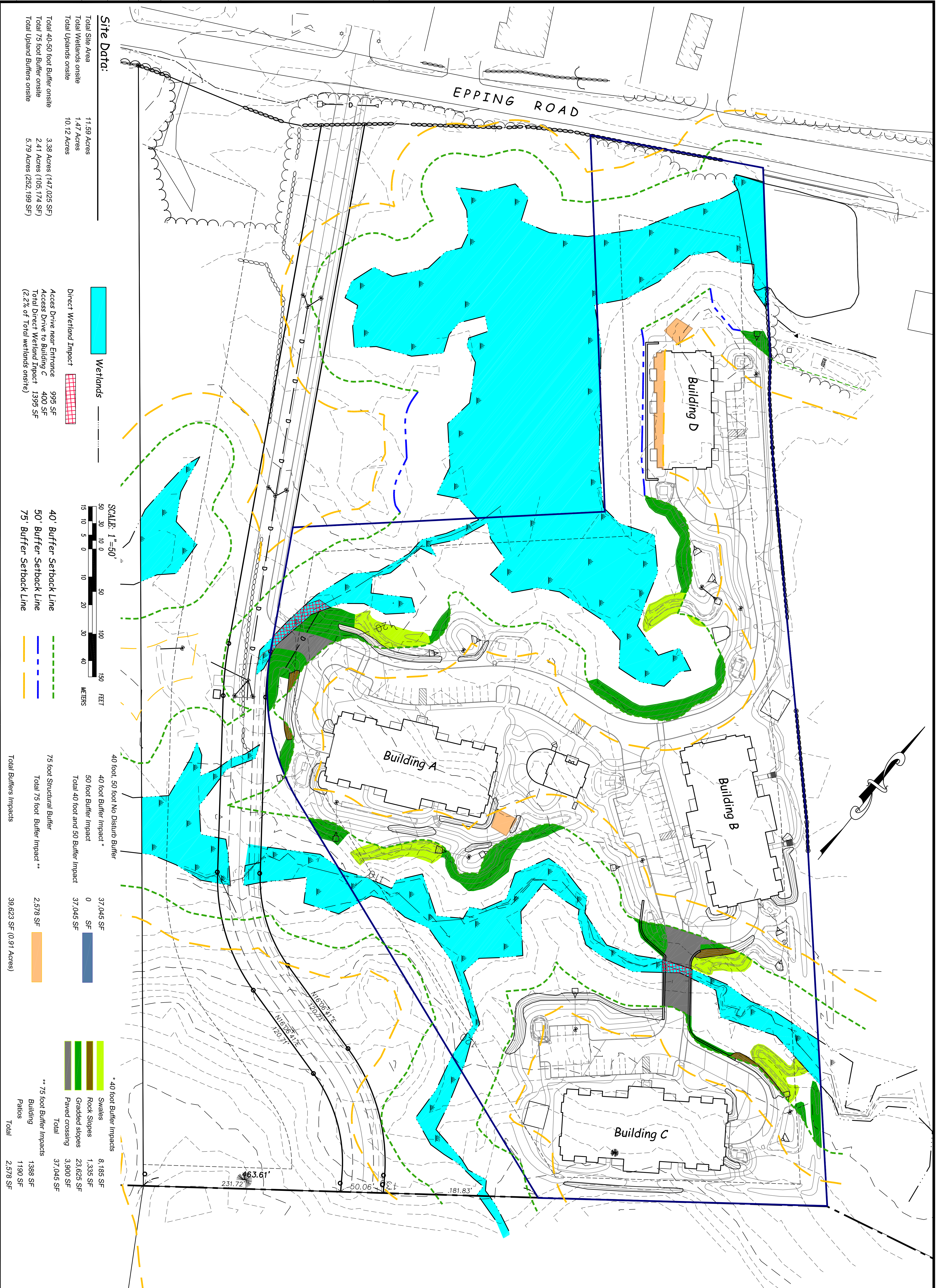
There are no critical habitats within your project area.

---

**Appendix F**  
**Site Plans**  
**(under separate cover)**







FOR REGISTRY USE ONLY

**GANNETT ENGINEERING**

297 ELM STREET, AMESBURY, MA.  
 Phone: (978) 388-2157 Fax: (978) 388-0428  
 CONSULTING ENGINEERS &  
 LAND SURVEYORS SINCE 1975  
 Visit us on the WEB at [www.gannett.com](http://www.gannett.com)

Sheet Title

**Wetland Buffer Impacts**

Project Title

**"Ray Farm" Active Adult Community**

Epping Road  
 Exeter, NH 03833  
 Rockingham County

Agent:

**Willey Creek Company**  
 158 Shattuck Way  
 Newington, NH 03801

Owner:

**CKT & Associates**  
 158 Shattuck Way  
 Newington, NH 03801

NO.	DATE	DESCRIPTION	BY
A	5.8.2017	TO PLANNING BOARD	DH
1	5.24.2017	Revise Impact Date	DH

PROJ MGR: R. BLANCHETTE  
 FIELD: M. MICHAUD / J. SALVAGGIO  
 DESIGN: R. BLANCHETTE  
 DRAWN: R. BLANCHETTE  
 CHECKED: W. CAMMETT  
 DATE: 3/26/16  
 FILE: 16042 GR COLOR.DWG  
 FRK:  
 JOB #: 16042

SHEET 1





CELEBRATING OVER 30 YEARS OF SERVICE TO OUR CLIENTS

HAND DELIVERED

MICHAEL J. DONAHUE  
CHARLES F. TUCKER  
ROBERT D. CIANDELLA  
ELIZABETH M. MACDONALD  
JOHN J. RAFIGAN  
DENISE A. POULOS  
ROBERT M. DEROSIER  
CHRISTOPHER L. BOLDT  
SHARON CUDDY SOMERS  
DOUGLAS M. MANSFIELD  
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JUSTIN L. PASAY  
HEIDI J. BARRETT-KITCHEN  
NICOLE L. TIBBETTS  
ERIC A. MAHER  
DANIELLE E. FLORY

OF COUNSEL  
NICHOLAS R. AESCHLIMAN

ROBERT A. BATTLES  
(1951-2010)

May 9, 2017

Kelly Bergeron, Chair  
Exeter Planning Board  
10 Front Street  
Exeter, NH 03833

Re: Application for Site Plan Review and Associated Minor  
Subdivision Application  
Willey Creek Co., LLC for Property of CKT Associates  
Epping Road/Tax Map 47, Lot 8

Dear Chair Bergeron and Board Members:

Enclosed please find Application for Site Plan Review along with associated Application for Subdivision (2 lots) along with supporting information for the above described property. Also enclosed is abutter list, labels and check in the amount of \$13,839.00 for filing fees.

The Applicant proposes to construct an active adult community on an 11.59 acre parcel with 4 buildings containing 116 units together with associated parking, drainage and utilities. The proposal also includes a 2,000 sq. ft. clubhouse for use by the residents.

In addition to the Application, we are submitting four (4) waiver requests in accordance with Section 13 of the Site Plan Review and Subdivision Regulations and the underlying specific subject matter waiver requirements of the Regulations as cited. The waiver(s) from the provisions of the Wetland Conservation District are submitted in accordance with Article 9.1.6.C of the Zoning Ordinance and Section 9.9.2 of the Regulations.

DONAHUE, TUCKER & CIANDELLA, PLLC  
225 Water Street, P.O. Box 630, Exeter, NH 03833  
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801  
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253  
83 Clinton Street, Concord, NH 03301

Kelly Bergeron, Chair  
Exeter Planning Board  
May 9, 2017  
Page 2

Also included, as a matter of openness with the Board, is a legal memorandum addressing why the Applicant's Site Plan has not depicted the location of the boundaries of the Town's Shoreland Protection District, as it has been determined that by its terms it is inapplicable to the perennial stream adjacent to this property as fully explained in the memorandum.

We appreciate the time and input we've received from Town Staff and the Board at the design review hearing on February 23, 2017. I believe the Board will find this proposal to be responsive to that input as well as the helpful comments we subsequently received from the Conservation Commission.

Very truly yours,  
DONAHUE, TUCKER & CIANDELLA, PLLC



Michael J. Donahue  
MJD/sac  
Enclosures

cc: Jonathan Shafmaster  
Steve Leonard, Owner's Construction Representatives &  
Consultants, LLC  
Denis Hamel, WC Cammett Engineering, Inc.  
James Gove, Gove Environmental Services, Inc.  
Doug Greiner, g2+1, LLC  
Carla Goodknight, CJ Architects  
Justin Pasay, Esq.

## WAIVER FOR WETLAND IMPACTS

The Applicant requests a waiver from the requirements of Section 9.9.2 of the Site Plan Review Regulations to allow the following buffer impacts as more specifically detailed on the Reduced Wetland Buffer Impact Spreadsheet attached hereto for:

- A. Stormwater Management;
- B. Stabilized Rock Slopes;
- C. Grading;
- D. Pavement for Access Drive; and
- E. A very small Section of Building D in the Structural Setback.

There is also a direct wetland impact for fill for the access road crossing of less than 1,400 sq. ft. for which NH DES approval will be sought.

### **SITE PLAN REVIEW REGULATIONS GENERAL WAIVER REQUIREMENTS:**

13.1.1 Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary expense would result from strict compliance with the foregoing regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations. The purpose of granting waivers under provisions of these regulation shall be to insure that an applicant is not unduly burdened, as opposed to merely inconvenienced, by said regulations. The Board shall not approve any waiver(s) unless a majority of those present shall find that:

13.1.2. The granting of the waiver will not be detrimental to the public safety, health and welfare or injurious to other property, and will promote the public interest.

Following consultation with the Planning Board and Conservation Commission, the site has been designed to minimize wetland and buffer impacts given the existing site conditions. Mitigation of the impacts is also a prominent feature of the design. To mitigate potential effects of grading impacts within the buffer, all such areas, including the laid back boulder stabilized slopes will be restored using native species in a naturalistic manner.

13.1.3 The waiver will not, in any manner, vary the provisions of the Exeter Zoning Ordinance, Exeter Master Plan, or official maps.

The Zoning Ordinance and Site Plan Review and Subdivision Regulations specifically allow reductions in wetland setbacks along with wetland impacts for access drives and drainage improvements, stabilization and grading. As shown on the attached Reduced Wetland Buffer Impacts Sheet dated May 9, 2017, Direct Wetland Impacts are minimal on this site and are limited to the access drive. Similar impacts in the 75 foot parking and structural setback are limited to a very small area of Building D of 1,388 sq. ft. and two small outdoor patio areas totaling 1,190 sq. ft. for residents' grilling. Allowing these will not violate the spirit of the Zoning Ordinance or Exeter Master Plan.

13.1.4 Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.

The specific reasons stated above and below confirm that granting this waiver would secure the objectives, standards and requirements of the Town's regulation as the wetlands will remain protected even with the buffer impacts and minimal fill required for access and the mitigation and best management practices proposed by the Applicant.

13.1.5 A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of the hardship shall include, but not be limited to: topography; existing site features; geographic location of the property; and size/magnitude of project being evaluated.

Given the site's existing topography and wetland locations the impacts are necessary to allow the development of a substantial amount of upland to proceed.

SITE PLAN REVIEW REGULATIONS SPECIFIC WETLAND WAIVER  
REQUIREMENTS

9.9.3 Wetland Waiver Guidelines: In accordance with Section 13, a request for waiver(s) from the setbacks defined in 9.9.2 shall be submitted in writing by the applicant along with application for Board review. In addition to the findings addressed under Section 1301 General, the Board should consider the following if relief is requested:

1. The relative "value" of the wetland, including its ecological sensitivity, as well as its functions within the greater hydrologic landscape shall be compared to the proposed impact.

The site is relatively undisturbed forest dominated by a mix of oaks and white pine. The areas adjacent to the right-of-way extending into the site from Epping Road and in area of the proposed wetland impact have seen greater past disturbance. An existing path remains at this location. Several recreational trails also run through the property. Topography is moderate and generally steeper in the northern part of the site, with numerous rock outcroppings and boulders visible on the surface. The character of the site is generally consistent with the land in this portion of Exeter, particularly land east of Epping Road.

Wetlands on this site are associated with the uppermost intermittent portion of Watson Brook and a small semi-permanent pond located mostly off site to the southeast. The wetlands associated with Watson Brook consist of red maple/highbush blueberry dominated forested wetland. This type of wetland is very common in the state and in this region and is not particularly sensitive to buffer impacts or to direct impacts along its edge. These type of forested wetlands often act as a buffer, in and of themselves, to typically larger more sensitive wetlands in downgradient areas and that is also the case on this site as well.

The small, apparently natural, pond is a shallow body of water bordered by dense buttonbush. In most years this pond likely contains very little water and at such times becomes more of a scrub shrub wetland. Despite its appearance as ideal vernal pool

breeding habitat, a survey of this area in 2015 failed to identify egg masses. Traps subsequently deployed in the pond indicated the presence of catfish (horned pout), consistent with the semi-permanent nature of the waterbody and also prohibitive to vernal pool breeding. No other vernal pool resources were identified on the site.

Despite the lack of vernal pool breeding habitat this area is comparatively less common than the other wetlands on the property and may be more ecologically significant. The pond lies mostly off the project site with only very limited encroachment (1,388 sq. ft.) to its buffer in the vicinity of Building D. The majority of the buffer impacts to wetlands associated with this pond are to common forested red maple/highbush blueberry wetland which extends well beyond the dense shrub edge of the pond.

The project proposes a total of 42,775 sq. ft. of disturbance within the no disturb buffer. A large portion of this impact (34,550 sq. ft.) is associated with grading and laid back boulder stabilized slopes, both of which will be restored using natural landscaping techniques. Given that most of these buffer impacts are within areas of buffer surrounding less sensitive resource areas, the overall scope of the impacts is consistent with the value of the resources on the site. The direct wetland impacts total 1,395 sq. ft. and are limited to a discrete stream crossing, which will make use of a box culvert, and a finger of forested wetland extending from the pond. These are small in comparison to the extensive wetland resources on the property and take into consideration avoidance and minimization as required under state law.

**2. A wetland scientist has conducted a functions and values study of the wetlands and deemed that the wetlands under consideration will not be negatively impacted by the development.**

Gove Environmental Services, Inc. has conducted a functional assessment of the wetland resources on the site in order to evaluate the potential effects of the proposed impacts and buffer encroachment. The wetland resources on this site include forested wetland, an intermittent stream, and a scrub shrub/shallow pond. By virtue of their location in a relatively undisturbed block of forest, the principle function of these

wetland areas is wildlife habitat. Other functions and values include water quality and flood flow alteration.

#### Wildlife Habitat

The development of this site will likely have a modest impact on the habitat value of the site as a whole through the development of the uplands in between wetland areas. Wetland specific habitat, is however, primarily derived from the pond area, its dense scrub shrub border, and the wetland directly adjacent to Watson Brook. Disturbance to areas closest to the pond have been avoided. Impact to the 40 foot no-disturbance buffer across the site has been limited to grading and stormwater management, except where permanent wetland impact is proposed for access. The permanent impact associated with the main access drive is to a finger-like projection of forested wetland which is only loosely associated with the pond. This will have no impact to the habitat value of the pond. The potential wildlife impact from the proposed crossing of Watson Brook will be mitigated through the use of a buried box culvert with stream simulation. This type of crossing exceeds the state standards for this small stream and will ensure stream continuity for flow and wildlife passage. The crossing has also been located in a section of the stream where the channel is discrete with no adjacent vegetated wetland area.

These design elements along with the restoration of grading within the buffer will avoid significant impact to the wetland specific wildlife habitat on the site.

#### Water Quality & Flood Flow Alteration

The existing capacity of the wetlands to attenuate stormwater for quantity and quality will be unaltered as no significant changes are proposed to the wetlands. Changes in the character of the runoff from the development will be mitigated by the incorporation of comprehensive stormwater management system designed to Alteration of Terrain program standards for both water quantity and quality. By design, this system must drain to the low areas of the site which are also occupied by wetland resources. Buffer impacts are, therefore, necessary in order to implement this system. The benefits derived from stormwater management are comparatively greater than the minor proposed disturbance, especially considering these areas will be vegetated post construction.

3. The Applicant has demonstrated that the use cannot be reasonably carried out on a portion or portions of the lot which are outside the buffer.



The wetland resources on this site surround and separate three main areas of upland. Site layout is further constrained by grades and the existing ROW destined to become a public road under the TIF proposal adopted by the Town in 2015 extending from Epping Road, which will provide access to this site and other lands in this area. This arrangement makes it impossible to relocate the proposed use entirely outside the buffer.

**4. The Applicant has made a substantial effort to minimize the impacts to the buffer.**

Following design review with Town of Exeter, a number of adjustments have been made to the design in order to reduce the overall buffer impact, particularly within the no-disturb wetland buffer. These changes include reduced parking, adjustments to site layout, and by employing boulder stabilized slopes to reduce grading impacts. In total these changes have resulted in a reduction of buffer impact by 18,597 sq. ft.

**5. Consideration of waivers requested for constructed drainage facilities within the no-disturbance buffer should be determined by all of the following:**

a) Assurance that the drainage facility has the most current water quality features that would provide measured reductions in potential pollutants typical to the proposed development.

The Stormwater Management System has been designed to be in compliance with Env-Wq 1500 Alteration of Terrain regulations and includes a bio-retention systems known as "Focal Point" that will treat the Water Quality Volume from paved areas onsite. The system also includes subsurface infiltration chambers, sediment forebays, detention basins, grass treatment swales, level spreaders, and rip-rap outlet protection. The Stormwater Management System outlets to the onsite wetland system.

The Design Objectives for the Stormwater Management System include; safe control of release of stormwater, treat and infiltrate stormwater, and maintain, to the extent practical the Site's existing hydrology. The Stormwater Management System was designed to attenuate the increase in runoff as a result of development.

An analysis was performed on the pre-developed and post-developed conditions to estimate the effects of the development on stormwater runoff rates. Stormwater runoff rates have been calculated for the 1, 2, 10, 50 and 100 year 24-hour Type III storm events. The calculations were performed using HydroCAD™, a computerized stormwater modeling system that combines SCS hydrology techniques with standard hydraulic equations.

The Site hydrology will remain essentially unchanged due to development as a result of implementing the Stormwater Management System. Stormwater runoff will continue to drain to the wetland area and stream at the southern boundary of the Site. Peak discharge rates are slightly lower due to post-developed conditions through the use of the Stormwater Management System. The Stormwater Management System allows the 100 year, 24-hour storm event to safely pass through without causing downstream detrimental effects.

**b) That a reasonable effort has been made to keep the disturbance to a minimum.**

As described in 5.a above, all reasonable efforts have been made to keep the drainage facilities from impacting the no-disturbance buffer which covers a significant portion of the upland area on the site. Subsurface infiltration chambers have been used so as to minimize disturbances. As indicated below, only 18% of the drainage facilities are located within the buffer with impacts limited to portions of the buffer protecting the lower value wetlands.

**c) Not more than 50% of the drainage structures are within the required buffer.**

Of the 19,755 SF of proposed drainage structures only 4,325 SF are located within the no-disturbance buffer representing approximately 18% of the total.

**6. Recommendations from Exeter Conservation Commission should be reviewed and considered.**

The project was discussed with the conservation commission on March 21, 2017. Their initial comments were taken into consideration for the current design which yields an 18,597 sq. ft. reduction in impacts within the no-disturb wetland buffer.

**7. The applicant has prepared a mitigation proposal, including revegetating any disturbed area within the buffer to mimic**

preconstruction conditions or better. The Applicant may also propose an increase in wetland buffers elsewhere on the site that surround a wetland of equal or greater size, and of equal or greater functional value than the impacted wetland.

Mitigation of the proposed buffer impacts is proposed in the form of restoration landscaping. All areas within the buffer where grading is proposed will be planted with a combination of conservation seed mix and native shrub and tree species. The goal of this planting will be to restore lost function for screening, aesthetics, and water quality. The laid back boulder stabilized slopes include terraces of soil and large spaces between boulders. These areas will also be planted with native species to mimic many such natural features currently existing in this landscape.

Respectfully submitted,  
WILLEY CREEK CO., LLC  
By its Attorneys,  
Donahue, Tucker & Ciandella



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Michael J. Donahue, Esq.

REDUCED WETLAND BUFFER IMPACTS FOR SITE PLAN SUBMISSION

May 9, 2017

Project: Active Adult Housing off Epping Road, Exeter, NH

Owner: CKT Associates

Applicant: Willey Creek Co., LLC

A 40'/50' NO DISTURB BUFFER ZONE					
		In Buffer (sq. ft.)	Outside Buffer (sq. ft.)	% in Buffer	Total Area (sq. ft.)
1	Stormwater Management Areas	4325	19755	18%	24080
2	Stabilized Rock Slopes:	1335	8235	14%	9570
a	Driveway	1335	3475	28%	4810
b	Parking	0	525	0%	525
c	Building	0	4235	0%	4235
3	Grading:	33215	268465	11%	301680
a	Driveway	24145	114960	17%	139105
b	Parking	0	22505	0%	22505
c	Building	9070	13100	41%	22170
4	Pavement:	3900	52775	7%	56675
a	Access Drives	3900	39245	9%	43145
b	Parking Areas	0	13530	0%	13530
5	Buildings	0	58188	0%	58188
	<b>Total 40'/50' Buffer Disturbance</b>	<b>42775</b>	<b>407418</b>	<b>10%</b>	<b>450193</b>

B 75' STRUCTURAL SETBACK					
		In Buffer (sq. ft.)	Outside Buffer (sq. ft.)	% in Buffer	Total Area (sq. ft.)
1	Buildings	1388	56800	2%	58188
2	Parking Areas	0	13530	0%	13530
3	Patios ( 2 are in buffer)	1190	1190	50%	2380
	<b>TOTAL 75' STRUCTURAL SETBACK IMPACT</b>	<b>2578</b>	<b>71520</b>	<b>3%</b>	<b>74098</b>

C DIRECT WETLAND IMPACTS		
		In Buffer (sq. ft.)
1	Access Drive Near Entrance	995
2	Access Drive to Building C	400
	<b>TOTAL DIRECT WETLAND IMPACT</b>	<b>1395</b>

WAIVER FOR PARKING SETBACKS FROM BUILDING

The Applicant requests a waiver from the requirements of Section 11.3.1.2 of the Site Plan Review and Subdivision Regulations to allow less than 25 feet between the buildings and the driveway as follows:

	Closest Distance	Furthest Distance	Average Distance
Building A	17.4 ft.	54 ft.	35.7 ft.
Building B	15.8 ft.	32.5 ft.	24.2 ft.
Building C	14.1 ft.	28.8 ft.	21.5 ft.
Building D	13.8 ft.	20.9 ft.	17.4 ft.

SITE PLAN REVIEW REGULATIONS WAIVER REQUIREMENTS:

13.1.1 Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary expense would result from strict compliance with the foregoing regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations. The purpose of granting waivers under provisions of these regulation shall be to insure that an applicant is not unduly burdened, as opposed to merely inconvenienced, by said regulations. The Board shall not approve any waiver(s) unless a majority of those present shall find that:

13.1.2. The granting of the waiver will not be detrimental to the public safety, health and welfare or injurious to other property, and will promote the public interest.

The site has been designed to allow for safe pedestrian and vehicular traffic. Allowing the reduced building/parking setback allows less impact to the wetland buffers on the site. There is a substantial amount of landscaping proposed for the areas between the buildings and the parking and/or access drives which will achieve the objective of the regulation.

13.1.3 The waiver will not, in any manner, vary the provisions of the Exeter Zoning Ordinance, Exeter Master Plan, or official maps.

Allowing the reduced setbacks tailored to each building will not violate the spirit of the Zoning Ordinance or Exeter Master Plan and will allow less impact in the wetland buffer.

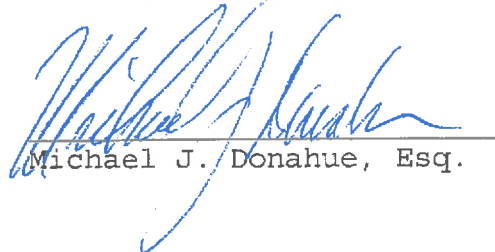
13.1.4 Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.

Granting this waiver for these relatively minor deviations would secure the objectives, standards and requirements of the Town's regulation by reducing impacts on the wetland buffer without impacting public safety or the aesthetics of the project which will be thoroughly landscaped.

13.1.5 A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of the hardship shall include, but not be limited to: topography; existing site features; geographic location of the property; and size/magnitude of project being evaluated.

Given the site's existing topography and wetlands, granting this waiver offers greater protection to allow more of the site to remain in its nature state and further protects the wetlands.

Respectfully submitted,  
WILLEY CREEK CO., LLC  
By its Attorneys,  
Donahue, Tucker & Ciandella



Michael J. Donahue, Esq.

**To:** Chairwoman Bergeron and Members of the Exeter Planning Board

**From:** Michael J. Donahue, Esq. and Justin L. Pasay, Esq.

**Date:** May 9, 2017

**Re:** Application of the Shoreland Protection District Ordinance to CKT & Associates Epping Road Development Proposal

### **Introduction**

As CKT & Associates proceeded through the design stages for its proposed Active Adult Community ("AAC") plan for the northern portion of Tax Map 47, Lot 8 (the "property"), it analyzed the application of the Shoreland Protection District Ordinance (Article 9.3 of the Exeter Zoning Ordinance) (the "Ordinance"). This memorandum discusses the results and conclusions of that analysis and confirms that the Ordinance does not apply to the property.

### **Analysis**

#### **1) Relevant Ordinance Provisions**

Critical to an understanding of this issue is an appreciation for the delineated boundaries of the Shoreland Protection District (the "district") in the Ordinance.

The Ordinance currently articulates three specific river watersheds to which it applies: 1) the Exeter River (fresh); 2) the Fresh River (fresh); and 3) the Squamscott River (salt). So initially, it is important to note that we are analyzing the Squamscott River (salt) watershed because the streams, brooks and creeks which are on or are closest to the property are all tributaries of the Squamscott River. Accordingly, the first conclusion is that the delineated boundaries of the district as pertaining to the Squamscott River (salt) are at issue.

Within the Squamscott River watershed, the district boundaries include:

- 1) The area of land within 300 feet horizontal distance of the shoreline of the salt water Squamscott River, and the seasonal high water level of its fresh water major tributaries. Major tributaries of the



Squamscott River within the Town of Exeter are defined to be the following: Norris Brook to its confluence with Watson Brook, Wheelwright Creek, Parkman Brook, and Rocky Hill Brook, and Dearborn Brook and Water Works Pond, due to their importance to the public water

- 2) The area of land within 150 feet horizontal distance of the mean high water level of all perennial brooks, streams and creeks within the Squamscott River watershed. (Underlining added).
- 3) The area of land within 150 feet horizontal distance of the upland extent of any tidal marsh adjacent to the Squamscott River.

Zoning Ordinance, Articles 9.3.3(A) - (C).

In addition to the area of the three river watersheds, there are several setbacks referenced that are set forth in Article 9.3.4(C). There is:

- 1) a no building setback within 300 feet from the shoreline of the Squamscott River, Dearborn Brook, Waterworks Pond, and Fresh River;
- 2) a 150 foot no building setback from the shoreline of the Exeter River or the major tributaries of the Squamscott River and Exeter River;
- 3) a 150 foot building setback upland from tidal marshes adjacent to the Squamscott River; and
- 4) a 100 foot no building setback from the shoreline of perennial brooks and streams located within the Exeter Shoreland Protection District.

Zoning Ordinance, Article 9.3.4(C).

Importantly, pursuant to Section 9.3.2 of the Zoning Ordinance, in measuring any distances for setbacks "mean high water" applies by definition to salt water and "seasonal high water level" applies to fresh water.

## 2) Analysis of Boundary Delineation and Ordinance Application to Property

The applicability of the Ordinance can be determined by analyzing each defined boundary category individually.

First, the property is not within 300 feet of the Squamscott River. Further, the property is not within 300 feet of the seasonal high water level of Norris Brook at its confluence with Watson Brook, which is the closest "major tributary" of the Squamscott River. In fact, Norris Brook's confluence with Watson Brook is significantly further than 300 feet away from the property. Accordingly, the property does not fall within the Squamscott River watershed district boundaries as defined by Section 9.3.3(C)(1).

Secondly, the property does not fall within the boundaries articulated in Section 9.3.3(C)(2) because it is not within 150 feet of the mean high water level of any perennial brook, stream or creek within the Squamscott River watershed. As mentioned above, "mean high water" level relates to salt water. There are no salt water brooks, streams or creeks on or around the property. Accordingly, the property is not within the Squamscott River watershed district boundaries pursuant to Section 9.3.3(C)(2) of the Zoning Ordinance.

Finally, the property does not fall within the district boundaries as articulated in Section 9.3.3(C)(3) of the Zoning Ordinance because it is not within 150 feet of the upland extent of any tidal marsh adjacent to the Squamscott River. Accordingly, the property is not within the district pursuant to Section 9.3.3(C)(3) of the Zoning Ordinance.

Furthermore, the setbacks articulated in Section 9.3.4(C) of the Ordinance do not apply to the property. First, the 300 foot no building setback does not apply because the property is not within 300 feet of the Squamscott River, Dearborn Brook, Waterworks Pond, or Fresh River. The 150 foot no building setbacks do not apply because the property is not within 150 feet of the Exeter River, any major tributary of the Squamscott or Exeter River, or any tidal marsh adjacent to the Squamscott River (see above). Finally, the 100 foot no building setback does not apply because the property is not within 100 feet of any perennial brook or stream "located within the Exeter Shoreland Protection District." As described above, the closest water asset within the district is Norris Brook at its

confluence with Watson Brook which is not within 100, 150, or 300 feet of the property.

To summarize, the Ordinance clearly defines the Squamscott River watershed district boundaries and the property is not located within any of the defined boundaries. Further, as described above, the corresponding setbacks do not apply.

### 3) Final Considerations

Finally, consideration of the articulated purpose of the Ordinance which was first adopted in 1989 lends additional credence to the arguments above. The first stated purpose of the Ordinance is to "[p]rotect, maintain and enhance the water quality of the Exeter River, and to ensure the continued availability of a safe public water supply." Zoning Ordinance, Article 9.3.1(A). In fact, the minutes from the 19 January 1989 Planning Board meeting that discussed the proposed new Shoreland Protection District Ordinance reflect conversations referencing the stated purpose of the new Ordinance was to replace the existing Land Conservation District which had been a problem for the ZBA, Conservation Commission and developers with a more workable and better defined ordinance. The conversation also reflected the notion that the Ordinance was adopted to protect drinking water which Exeter draws from the Exeter River.

This Ordinance, at its inception, was about preservation of drinking water. Because the fresh water brooks that run through what was then the Exeter Industrial Park were not tributaries of the Exeter River, it appears the drafters and the citizens who passed the Ordinance struck a proper balance. They avoided the detrimental affect on the developability of property in the area of the Industrial Park and other commercially zoned land, by providing that the district and the resultant setbacks applied only to the tidal areas adjoining the Squamscott and Dearborn Brook and Water Works Pond because, though they are freshwater bodies in the Squamscott River watershed, they are identified and protected as part of Exeter's public water supply system.

### Conclusion

We would be happy to answer any questions you may have regarding the above at the Planning Board Hearing on June 8<sup>th</sup>.



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## New England Wildflower Society/Seeds of Success Permissions

1 message

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**Karis Kang** <kkang@newenglandwild.org>

Tue, Jun 6, 2017 at 4:01 PM

To: kmurphy@exeternh.gov

Cc: Michael Piantedosi <mpiantedosi@newenglandwild.org>

Good afternoon,

For the past two years the New England Wild Flower Society has been collaborating with the Bureau of Land Management to implement Seeds of Success (SOS), a seedbank project that has collected the seeds of native plants throughout New England for use in local habitat restoration work and coastal resiliency.

I am writing you with the hope of securing permission to conduct similar work this year on the properties under the conservation commission's care, particularly the Little River Conservation Area; however, we would be grateful for any other locations you are willing to let us work with. Attached below are documents detailing our fieldwork procedures and guidelines - we collect conservative portions of the total seed yield produced by large, healthy plant communities. You may also learn more about SOS through the BLM's webpage [here](#).

By allowing us to collect seeds you are enabling us to rehabilitate damaged habitat with native plants and preserve New England's natural heritage. If you'd like the opportunity for a more detailed discussion our work we'd be happy to set up a time that works for you.

Thank you for your consideration - please feel free to contact me if you have any further questions.

---

Karis Kang

Seeds of Success Intern

New England Wild Flower Society

180 Hemenway Road

Framingham, MA 01701

[kkang@newenglandwild.org](mailto:kkang@newenglandwild.org)

[www.newenglandwild.org](http://www.newenglandwild.org)

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### 2 attachments



**Seeds of Success\_brief.pdf**

78K



**SOS Seed Collection Protocol.pdf**

63K



Seeds of Success (SOS) is the national native seed collection program, led by the [Bureau of Land Management](#) (BLM) in partnership with a variety of federal agencies and non-federal organizations. SOS's mission is to collect wildland native seed for research, development, germplasm conservation, and ecosystem restoration. The long-term conservation outcome of the SOS program is to support BLM's Native Plant Materials Development Program, whose mission is to increase the quality and quantity of native plant materials available for restoring and supporting resilient ecosystems. Healthy ecosystems provide the essential ecological services upon which all life depends, including our own. Native plant communities provide the foundation for fish and wildlife habitat such as the sage grouse.

SOS was established in 2001 by the BLM in partnership with the [Royal Botanic Gardens, Kew Millennium Seed Bank](#) (MSB) to collect, conserve, and develop native plant materials for stabilizing, rehabilitating and restoring lands in the United States. The initial partnership between BLM and MSB quickly grew to include many additional partners, such as botanic gardens, arboreta, zoos, and municipalities. These [SOS teams](#) share a common protocol and coordinate seed collecting and species targeting efforts. SOS is a vital part of the Native Plant Materials Development Program.

In June of 2008, a [Memorandum of Understanding](#) was signed by the Bureau of Land Management, Chicago Botanic Garden, Lady Bird Johnson Wildflower Center, New England Wild Flower Society, New York City Department of Parks and Recreation, North Carolina Botanical Garden, and the Zoological Society of San Diego. The MOU ratifies Seeds of Success as a national native seed collection program in the United States coordinated by BLM.

To date, SOS has over [14,000 native seed collections](#) in its National Collection. This material is being used for research such as germination trials, common garden studies, and protocol establishment. Portions of each collection are also being held in long-term storage facilities for conservation.

If you have questions about the Seeds of Success Program, contact [Megan Haidet](#).

Seeds of Success
Partners
Protocol for Collection
Forms and Training
Outreach
Email List
Photos
MOU
Contacts







# Quick Guide to the Seeds of Success Protocol

**Program Goals:** The goal of SOS is to establish high quality, accurately identified, genetically representative and well documented native plant seed collections. This material will be used to support the development of geographically appropriate native plant materials for restoration and emergency fire rehabilitation.

**Targeted Species:** Today, the collection focus of the SOS program is on species needed for restoration and rehabilitation projects, also called the “restoration list.” Species from both lists may be collected as long as they contribute to SOS programmatic goals. Teams may make multiple collections of species on their restoration target list as long as they are capturing unique populations in each collection. Collecting teams are encouraged to work with local federal land managers and the National Coordinating Office to develop and execute priority target lists.

## **Sampling Protocol**

- Only collect from wild populations
- Sample from at least 50 individuals, document the number of individuals sampled on the SOS Field Data Form
- Material collected on multiple dates can be added to the same accession throughout an entire growing season, so long as no more than 20% of the ripe seed is collected from the population on a single day
- An ideal collection is 10,000+ seed
- Different populations are kept as separate accessions
- Materials collected from the same population during multiple growing seasons should be kept as separate accessions

## **Field Documentation**

### **The SOS Field Data Form**

Use the Field Data Form (*Appendix 2*) for each seed collection and fill out all data fields. Keep one copy of the completed forms for your records and send it whenever you ship seed or vouchers associated with the collection. Also, email or send one copy to the SOS National Coordinating Office as soon as possible after the collection has been made to document collection of the species.

### **Photographs**

Three digital photographs for each collection shall be sent to the National Coordinating Office. They should be of the material collected (seed), the individual plant, and the plant population (landscape level). These can be sent along with the collection forms or all on a single CD or DVD at the end of the collection season. Naming convention: PLANTS Code\_Collection Number\_Picture Number. Example: NSNWR’s collection of *Symphyotrichum lanceolatum* (PLANTS Code = SYLA6)

SYLA6\_NSNWR-419\_A.jpg

SYLA6\_NSNWR-419\_B.jpg

SYLA6\_NSNWR-419\_C.jpg

### **Herbarium Vouchers**

Three shall be collected as a record.

1. U.S. National Herbarium (see Contacts for address)
2. One to a regional herbarium (see *Appendix 6* for list)
3. One to keep at your field office

### **Shipping and Cleaning**

Most federal SOS partners send their seed to the Bend Seed Extractory (see Contacts for address) for cleaning. Please notify the Bend Seed Extractory that seeds will be shipped and always send the seeds overnight mail or with FedEx. Include a copy of the completed field data forms documenting the collection with all shipments of seed; material will not be cleaned without this documentation.

### **Long-term Storage and Distribution**

Accessions are sub-divided for -20°C back-up storage at the Western Regional Plant Introduction Station in Pullman, WA and the National Center for Genetic Resources Preservation in Fort Collins, CO (Table 1). If seed quantity is sufficient, a distribution component is included in the 4°C working collection as outlined below.

*Table 1. Seeds of Success (SOS) germplasm proportioning for long-term back-up and working collection samples.*

SOS accession seed quantity	Ratio to long-term storage at NCGRP - 20°C	Ratio to long-term storage at WRPIS - 20°C	Ratio to working collection 4°C
<6000	1/2	1/2	0
6000-7500	2/5	2/5	1/5
7500 - 30000	1/3	1/3	1/3
30000 +	2/5	2/5	1/5

### **Training and Resources**

**Seeds of Success Website:** [www.blm.gov/sos](http://www.blm.gov/sos)

**Seeds of Success Listserv:** Registrations are available on the SOS website

**Training Course:** “Seed Collection for Restoration and Conservation” is offered annually. Please contact the National Coordinating Office for more information.

**Collectors Call:** On the first Tuesday of every month, collectors are invited to participate in the Collectors’ Call, a conference call for all SOS Partners. This is a forum for discussion with other collectors and raising issues and questions.

#### *Collectors’ Call Times*

11 am – EST	9 am – MST
10 am – CST	8 am – PST
7 am – AKST	

## **Contacts**

Megan Haidet  
National Collection Curator  
Seeds of Success  
Bureau of Land Management  
(202) 912-7233  
[mahaidet@blm.gov](mailto:mahaidet@blm.gov)

USDA USFS - Bend Seed Extractory  
63095 Deschutes Market Road  
Bend, OR 97701  
(541) 383-5481  
(541) 383-5498 Fax  
Contact: Kayla Herriman  
[kherriman@fs.fed.us](mailto:kherriman@fs.fed.us)

Smithsonian Institution  
10th and Constitution Ave., NW  
MRC-166  
Washington, DC, 20560  
(202) 633-0904,  
Contact: Meghann Toner  
[tonerm@si.edu](mailto:tonerm@si.edu)

## RAYNES FARM LEASE

This Lease Agreement made the \_\_\_ day of \_\_\_\_\_ 2017 by and between the Town of Exeter, a municipal corporation duly organized and existing in the County of Rockingham with a place of business at 10 Front Street, in said Exeter, acting by and through its Board of Selectmen (hereinafter referred to as "Exeter"), and Little Brook Farm, existing in Exeter, New Hampshire with a mailing address of 58 Oaklands Road, in said Exeter, acting by and through its member/manager, Darren Davis, (hereinafter referred to as "Little Brook Farm").

### WITNESSETH

**WHEREAS**, Exeter is the owner of the Raynes Farm pursuant to deed dated May 1, 2002 and recorded in the Rockingham County Registry of Deeds at Book 3764, Page 2337, and

**WHEREAS**, A Raynes Farm Long Range Development Plan has been adopted by Exeter, acting by and through the Exeter Conservation Commission on November 3, 2007, and as amended and

**WHEREAS**, Little Brook Farm has demonstrated that it possesses the knowledge, skills and equipment necessary to effectively implement a conservation plan for Raynes Farm,

**NOW THEREFORE**, the parties agree as follows:

1. Specifications And Conservation Plan. In consideration of the covenants and agreements hereinafter set forth, Exeter and Little Brook Farm hereby agree that Little Brook Farm shall lease from Exeter the Raynes Farm and shall implement thereon the Conservation Plan dated \_\_\_\_\_, which Conservation Plan is attached hereto and made a part of this Lease. The Conservation Plan shall be consistent with the Raynes Farm Management Plan.
2. The Land Subject To This Lease. The land subject to this Lease shall be fields 1, 2, 3 and 4 referred to in the Conservation Plan and as shown on the aerial photograph attached to such plan. Such lands consist of 29.00 acres, more or less, in accordance with such photographs.
3. Management Of Crops. Little Brook Farm is authorized and permitted by Exeter to plant the crops and the implement the crop rotation referred to in the Conservation Plan. In accordance with the Conservation Plan, Little Brook Farm shall plant a cover crop, maintain the grassed waterways, and apply the nutrient management, chemical fertilizers, compost and/or manure using the best agricultural management practices. In addition, in order to encourage grassland bird nesting and fledging of young, Little Brook Farm agrees to delay the first seasons cut until after July 15<sup>th</sup>.
4. Annual Reporting. Each fall Little Brook Farm will provide the Conservation Commission, through the Raynes Farm Stewardship Committee, an annual report on farming activities and land management. This report will summarize the annual crop yield, soil testing results and nutrient application timing and rates. In addition, it will identify any specific Best Management Practices implemented or improvements made to further protect the quality of the land and adjacent Squamscott River and prime wetland.
5. Lease Review. The Raynes Farm Stewardship Committee and Exeter Conservation Commission in collaboration with Little Brook Farm shall review the terms of this Lease and the farming activities report annually for conformance with the Conservation Plan, the Raynes Farm Long Range Development Plan and any amendments thereto, as well as any significant changes in the

unless such injuries are caused solely by the negligent acts or omissions of Exeter, its employees, agents, licensees, or invitees.

13. Safety Provisions. Little Brook Farm shall exercise and maintain all reasonable safeguards and shall utilize best management practices to protect the safety of its employees, agents, members or managers and the general public. Little Brook Farm shall provide to Exeter a certificate of insurance confirming it has a policy of liability insurance providing for minimum coverage in the sum of \$500,000. The Town of Exeter shall be named as an additional insured on such policy.
14. State And Local Laws And Regulations. Little Brook Farm shall comply with all applicable State of New Hampshire and Town of Exeter laws, ordinances, rules, regulations and the zoning ordinances which may be applied to the Raynes Farm in conjunction with the implementation or exercise of this Lease. Failure to comply or conform to such laws and regulations shall constitute a default hereunder and may result in the termination of this Lease by Exeter.
15. Inspection Of Premises. Little Brook Farm agrees that Exeter, acting through a duly authorized agent or representative may, at any time, inspect and examine the property to confirm Little Brook Farms performance of this Lease, the Raynes Farm Management Plan and the Conservation Plan.
16. Termination For Just Cause. Either party may terminate this lease for just cause upon thirty days notice to the other party. For the purposes of this provision “just cause” shall mean any violation or nonperformance of the terms and provisions of the Raynes Farm Management Plan, the warranty deed of executor interest, the conservation plan, or this Lease.
17. Assignment. This Lease may not be assigned by Little Brook Farm without the express written consent of Exeter.
18. Jurisdiction. This Lease shall be construed in accordance with the laws of the State of New Hampshire.

USDA Manual of Best Management Practices for Agriculture in NH. Should either party feel changes are necessary during the course of the 5 year term, a lease modification will be drafted by all parties and recommended for approval by the Board of Selectmen.

6. Term Of Agreement. This Lease shall be effective for a term of five (5) years commencing upon the date of execution by all of the parties. This Lease may be renewed for an additional five (5) years upon mutual consent ninety (90) days prior to the expiration of this Lease.
7. Interest Of The State Of New Hampshire. The parties acknowledge that the State of New Hampshire acting through the Land and Community Heritage Investment Program Authority (LCHIP) has an interest in management practices exercised over the Raynes Farm pursuant to Warranty Deed of Executory Interest from the Town of Exeter to the Land and Community Heritage Investment Program Authority, dated May 1, 2002 and recorded in the Rockingham County Registry of Deeds at Book 3764, Page 2342. Portions of such deed are attached to this Lease and made part hereof by reference.
8. Pedestrian Access and Public Use. Pedestrian Access and public use shall be permitted in a manner consistent with the Objectives of the Raynes Farm Long Range Development Plan and with the terms and provisions of the Warranty Deed of Executory Interest from the Town of Exeter referred to in paragraph 7 above. Such pedestrian access and public use shall be protective of the agricultural crops and plantings that are part of the Conservation Plan.
9. Use Of Barn. Little Brook Farm may utilize the barn for storage of hay and equipment on an emergency basis, for example storage during storm event. Should longer storage be necessary, Little Brook Farm it must present such request in writing to Exeter. Upon approval, Little Brook Farm will be responsible for maintaining adequate insurance coverage for the materials they store onsite. The Town of Exeter is responsible for maintaining adequate insurance coverage for the structure itself. Little Brook Farm is aware that the town has an agreement with the Exeter Historical Society to store items at the Raynes Barn with the understanding that the goal is to accommodate the storage needs of the Historical Society without impairing the intended purpose of the barn.
10. Keeping Of Animals. Little Brook Farm acknowledges that it has no intention to place or keep animals on the property. Should Little Brook Farm be desirous of introducing animals to the property during the term of this Lease, it must present such request in writing to Exeter. Any such request must be consistent with the Raynes Farm Management Plan and the Warranty Deed of Executory Interest from the Town of Exeter to the Land and Community Heritage Investment Program Authority. The request must also be consistent with a revised conservation plan.
11. Community Gardens. Little Brook Farm is willing to allow the Town of Exeter to retain an area up to one (1) acre in size for the location of a community garden. The specific site will be determined through mutual written agreement by both parties with the goal of maximizing public access and minimizing impact to the farming activities.
12. Liability. Little Brook Farm agrees to indemnify and hold harmless Exeter and its agents, officers, and employees from any and all claims, demands, damages, expenses or costs of every kind and nature arising out of damages or injuries claimed by any persons including employees, agents, members, managers or representatives of Little Brook Farm and members of the public utilizing the property arising out of, resulting from, incident to, or connected with the implementation of this Lease, the Raynes Farm Management Plan, or the Conservation Plan,



IN WITNESS WHEREOF, the parties have hereunto caused their names to be set and their signatures affixed as of the day and date first above-written.

TOWN OF EXETER  
BY ITS SELECTMEN

\_\_\_\_\_  
Donald Clement, Chair

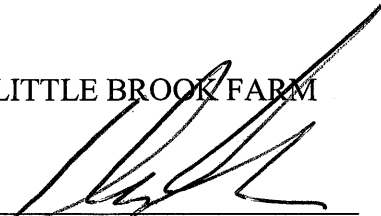
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Dan Chartrand

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Anne Surman, Vice-Chair

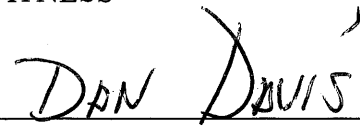
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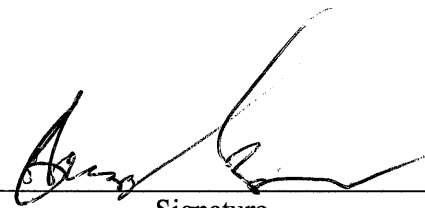
\_\_\_\_\_  
Kathy Corson, Clerk

LITTLE BROOK FARM

  
\_\_\_\_\_  
Darren Davis

WITNESS

  
\_\_\_\_\_  
Printed Name

  
\_\_\_\_\_  
Signature

Draft minutes

Raynes Farm Stewardship Committee  
April 12, 2017

Vice Chairman of Exeter Conservation Commission, Bill Campbell commenced the meeting at 5:35 pm in the Wheelwright Room of the Exeter Town Office building. Members present were Kathy Norton, Don Briselden and Ginny Raub. Also in attendance: Dave O'Hearn.

Mr. Campbell outlined the membership paragraph as stated in the By Laws; the committee shall consist of at least 5 members including representatives from the Commission, a member of the Exeter Heritage Commission (Mr. Peter Smith who was unable to attend), a member of the Public Works Department (Kevin Smart) and private citizens Don Briselden, Kathy Norton and Ben Anderson who was also unable to attend.

Mr. Campbell noted there recently has been an increase in the physical activity at the Raynes property but has not interfered with the agricultural functions. He expressed his feeling that it helped to boost support for the property. And he hoped that would continue to create a more positive view as we head toward extensive (barn) renovations.

He reported Ben Anderson had received approval at the March Conservation Commission meeting for a small musical concert on May 7 using the barn as a backdrop for the band and the concert goers would be seated on hill/lawn facing the barn. There was some discussion on several items regarding liability and parking to be checked further and was unsure where the program was today. Ms. Norton noted it was being advertised on line and admission was being charged. Discussion ensued if this was a commercial event and was such a venue is compatible with the original LCHIP agreement signed at the acquisition of property. Mr. O'Hearn referencing the 2011 Long Range Development Plan outlined some of the uses permitted and went further to research and discussed passive recreation activities compatible with the agreement.

Mr. Campbell re-iterated if it did not interfere with the agricultural component of the property it was a good thing. Ms. Raub noted when Mr. Anderson appeared to initially ask for approval for the concert, it was noted the LRMP does allow the Commission to evaluate each proposal and by approving a proposal, pending certain conditions, it did not necessarily set a precedent for others making a request.

Mr. Briselden in thinking ahead, it was the goal of the Commission if the activities can be accommodated to hold events to build a support base for when funds are to be requested for future renovation projects.

Mr. Campbell added there have been recent discussions with Darren Davis who was interested in taking on the lease for haying. Mr. Campbell had hoped he would be at this meeting to answer any questions. But in talking with Mr. Davis even with anticipating two cuts, the first would not occur until mid-July. (Mr. Campbell was pleased with that as it allows for the grassland birds to complete their nesting activities). So in this particular instance, a musical event would not be interfering with haying.

When Mr. Campbell asked for comments on the proposed signage as designed by Mr. Anderson Ms. Norton felt any signage should be over the door as was the custom for “when the cattle returned home”. Although no formal motion was made and no vote taken, Mr. O’Hearn asked it be on record he was opposed to any signage and Ms. Norton opposed to present designs. Mr. Campbell and Ms. Raub expressed their support and Mr. Briselden abstained.

Also, Mr. O’Hearn and Ms. Norton also expressed their opinions that any future events of such a nature that is not in simpatico with the LCHIP agreement not be held.

With no further business, the meeting was adjourned at 7:50 pm.

Ginny Raub  
Clerk Exeter Conservation Commission







**CONSERVATION COMMISSION**  
**MAY 9, 2017**  
**DRAFT MINUTES**

**Call to Order:**

Chair Carlos Guindon called the session to order at 7:05 pm.

1. Members present were Anne Surman, Selectmen's Representative; Ginny Raub, Clerk; Andrw Koff, Treasurer; Carlos Guindon, Chair; Bill Campbell, Vice Chair; Todd Piskovitz; David O'Hearn; and Marie Richey, Alternate Member.

Staff present were Kristen Murphy, Natural Resources Planner; and David Pancoast, Recording Secretary. Members of the public, applicants and consultants were present as well.

2. Public comment:

Mark William Damsel, 10 Newfields Road, Exeter, said he had been to the Commission January 10, 2017, about dog waste. He had asked Commission as steward of the land to take action. It is abused and unhealthy/destructive. Dog waste is a large problem, need to resolve it. [Passed out photos to Commission].

Mr. Guindon said he would look into it and report back. Commissioner (Bill) Campbell said he was out to the same area today and it wasn't bad, but if Mr. Damsel had sign ideas, please send them along.

**Action Items:**

- 1. Election of Officers**

Mr. Guindon proposed to step down as Chair as it is very hard for him to act as Chair due to working out of the country part of the year.

Ms. Raub nominated Bill Campbell as Chair, Mr. Piskovitz seconded and it was unanimously approved.



Mr. Piskovitz nominated Mr. Guindon as Vice Chair, seconded by Mr. O'Hearn, and it was unanimously approved.

Ms. Raub nominated Mr. Koff to continue as treasurer, seconded by Mr. O'Hearn, and unanimously approved.

Mr. Campbell nominated Ms. Raub as Clerk, seconded by Mr. O'Hearn, and it was unanimously approved.

**2. Exeter Department of Public Works: Lincoln street Watershed Improvement Project (Jen Mates, Exeter Public Works and Rob Roseen, Waterstone Engineering)**

Mr. Paul Vlasich, Town Engineer said the new stormwater (MS4) permit is effective next year and there is also a new wastewater treatment permit with controls over nitrogen/nutrients. The Town received a grant that was awarded for the WISE Project (Water Integration for the Squamscott and Exeter Rivers), for effluent and nutrient control measures on the new treatment facility. Administrative Order of Consent with State ("AOC") was made which has a nitrogen control plan to become effective in September 2018-requires removal of nitrogen from the storm water system as well. Town got another "319" grant for \$72,000 to implement the WISE report.

Mr. Robert Roseen, Waterstone Engineering, said he is reporting interim results from WISE grant and will be back with an update. Slide presentation was for nutrient control strategies within the local watershed. Regional concept-in 2009 NH DES listed Great Bay as an impaired water body which triggered many things. New wastewater plant and MS4 Permit coming into play. 2012: 3mg/liter is the new target with the AOC nitrogen control plan. Must identify nitrogen controls (wastewater plant is largest, but many smaller ones). This project builds on earlier efforts. This is all about Best Management Practices ("BMPs") and performance metrics for prioritizing:

including unit cost, flood mapping and a set of final designs that can be part of future capital projects phased to get them done. He then reviewed in-depth the five tasks which the project is designed to accomplish [not set out here for brevity of minutes]. The watershed is the Lincoln Street Watershed. Largest in town at 188 acres, generates 1200+/- lbs of nitrogen annually. It all drains to a single undersized pipe, then to Phillips Exeter Academy (“PEA”), then to the PEA boathouse where it drains in to the river.

There is flooding at the drainage structure which is undersized. Very costly to enlarge it due to the area and railroad there, so need to reduce stresses there with low impact development practices like tree planters, porous pavement, rain gardens, green roofs, and such. Such improvements would add in features upstream that would reduce floodwater-adding “sponge” factor to the watershed and retaining water upstream. They have identified BMP locations, one at the corner of Front and Winter Streets, another at Columbus, Railroad Ave and Winter Streets, a third at Lincoln Street area. A last one is on Front St, an area of greatest concern. For the watershed modeling component-ran a flood model. Some areas backed up in 10 year storm event (just under 5” rain in 24 hours). This will be the basis for present baseline studies. Some early recommendations are on Winter Street. There is a small pocket park there-would pull infrastructure out, get some beach sand into it and allow the water to infiltrate into the ground.

Lincoln St is being redesigned in near future and the new BMPs would be incorporated into that project such as tree planters and right-of-way (“ROW”) infiltrators near street. Those would be subsurface infiltrators, that provide water storage and they act like salad spinners to get trash out. There is good sand and soils there. Tree planters would go in paved areas. Mr. Guindon asked about the BMPs reducing the natural flow of water, Mr. Roseen said yes, but the other side of the coin is to dramatically enhance water quality function. Soils allow for infiltration. The general trajectory in municipal planning exceeds a four year interval-things don’t change quickly. He will come back and update ConCom on the Phase II element of project.

**3. Wetland and Shoreland Conditional Use Permit for a Wireless Communications Facility at 8 Kingston Road, Map/Lot 81/49 (Francis Parice, Varsity Wireless Investors, LLC).**

Francis Parice presented. They submitted Planning Board and Zoning Board of Adjustment for a special exception applications. Planning Board wants the Commission's input. This is for a cell tower for wireless services. From a wetlands perspective it's benign with a fence of 60' x 60' and a couple of concrete foundations for the tower, couple hundred sq ft total with minimal impact on the environment. Property abuts Little River-wetlands buffers there but not encroached upon. Wetlands biologist Tom Liddy, Certified Wetlands Scientist, of Luke Environmental, said they reviewed property for wetlands. There is a 25 ft setback, a 50 ft waterfront buffer, 50-100 ft natural woodland buffer and the 250 ft shoreland buffer and also the local 300 ft shoreland buffer. They will apply to NHDES for shoreline permit and expect to get it due to minimal nature of impacts for project.

Technical review with Planning Board is coming. Low impacts due to all lawn mostly. Construction impact 70' x 70' and final 60' x 60' impact area. Erosion control plan will be forthcoming. Most trees will not be coming down in this project because it's lawn for existing single family house, but some trees in low areas do need to come down.

Mr. Campbell said the Commission needs to forward a recommendation to the Planning Board. Ms. Raub said any Technical Review Committee ("TRC") conditions might influence the Commission's comments. Mr. Parice said if any greater impacts arose, they would have to come back. Mr. Koff said the impact near the buffer zone should be moved back away from the buffer zone a few feet. Mr. Parice agreed. Ms. Raub said the Commission should say it has no objection rather than make any recommendation on it. The Board agreed with that. Mr. Guindon moved the Commission submit the form with no objection, pending any TRC

changes that affect wetlands, and to move the detention pond as much farther away from the wetlands as feasible. Mr. Piskovitz seconded and it as unanimously approved.

**4. Request for indication of intent to accept 12.9 acres of undeveloped land in accordance with density bonus requirements under Open Space zoning regulations 7.71.A. Properties are associated with the Rose Farm conceptual open space subdivision at Map 54, Lots 5, 6 and 7 and Map 63, Lot 205. (Keith Pattison, Exeter Rose Farm LLC)**

Mr. Piskovitz recused himself from this matter.

Keith Pattison of Exeter Rose Farm LLC, under contract to purchase 50 acres of land. With him are Brenda Palver (?) of MSC Engineering, and Tim Stone of Stonehill Environmental. Worked on this for a few years. Believe this is compliant with open space regulations. The Planning Board suggested they come to the Commission for a possible decision on accepting this land. There is an existing public interest in this land, due to the spring. Discussion occurred on what is being deeded and areas of open space. They are proposing some portion be designated to public use.

Ms. Surman asked if the number of units was approved by Planning Board. Mr. Pattison said Planning Board accepted the yield-members of the public disagreed with that statement. No final plan is approved yet.

Public Comments:

Doug Flockhart of 62 Park Court said he recommends very strongly that the Commission walk the entire site-many issues out there, pollution. Green areas proposal to go to the Town is insulting. One piece is 2.9 acres surrounded by paved road. The largest portion is isolated and anyone would have to slog through wet areas and over Norris Brook to get to it.

Any land contribution of any real value there should be 12.9 acres adjacent to the Town Forest.

Mora Fay, 13 Forest Street in Exeter. This plan hasn't gone to Planning Board at this time, Commission shouldn't act yet, but should do a site walk before any decisions. One acre parcel around the spring is questionable. If build all the houses near the spring, it might not continue or even exist due to impacts.

Caroline Piper of 8 Forest St said she is a stickler for details. These three small discontinuous parcels don't meet the open space regulations of the Commission and should be denied tonight. She cited specific regulations. Per regs, not an opportunity to set aside small areas and then cram as many houses into the rest of the area as they can. Goal is to preserve areas at highest ecological value, but this does not do that. Questions quality of the entering tributary. Regulations should be for continuous open space but it doesn't exist here. Large portion of the vegetated buffer would be protected anyway. She asked the Commission to deny this tonight at least until formal plan is submitted. There was discussion on failure to connect the dots on the overview of environmental issues for this project.

Irene Flockhart, 62 Park Court, spoke on the spring area issues. Wadleigh Street was supposed to be the sole access. Now, the new development may be restricted and/or gated. That is a horrible condition not planned on. How folks get in and out needs to be looked at.

[End of public comments.]

Mr. Campbell said there are two issues here-to accept these parcels as open space depending on where they are located and the spring issue as well. Mr. Pattison said spring has been around a long time, but was relocated from its original location. It's just a natural flow out of the ground through a pipe. Discussion was on potable nature of the water, Mr.

Pattison was unsure but thought folks used the water to drink. Mr. Campbell said he would be very hesitant for the Town to take on that responsibility, Town should not have to do that. It can't monitor that feature. Commission also probably wouldn't want to do that. Mr. Pattison said the water has been recently tested.

Mr. Koff said Town shouldn't take it either, may be issues with drinking that water, there are many possible problems and issues on that use. Unsanctioned drinking water sources can be big problems. Signs should say it's not necessarily a potable water source and to be used at users own risk. Site activities for this project might affect water quantity and quality.

Mr. Campbell said a site walk seems to be a good idea. The Commission has been reluctant to just accept pieces of land, due to need to monitor them and take care of them and such. Commission now has about 2300 acres that it can't adequately monitored now. Unless really valuable, like abutting the Town Forest, it will be tough to convince the Commission to do it. Would there be access to public? Mr. Pattison said there might be a pocket park created around the spring area. There was discussion on a site walk and whether to await formal plans. Mr. Koff said fragmented nature of these properties harder to monitor, there is too much perimeter for three parcels. Mr. Campbell said not sure what this would be preserved for. Ms. Raub said she wouldn't want to pick up trash and such and more and more of the protected land would be impacted due to abutter activities. This proposed land is right up against the houses. A site walk would be good.

Ms. Piper suggested the Commission go on a site walk with the Planning Board and thus full information behind it. There was discussion on the way to go about review of this. Ms. Murphy said a site walk wouldn't hurt but if the parcel layouts change, the Commission might want to go back. Mr. Campbell said he will consult with the Planning Board.



Don Clement of the Board of Selectmen said a combination site walk would be great idea since the boards would be cooperating and there would be better input, decisions and communication. Mr. Campbell said the Commission will be back in touch with Mr. Pattison on this.

Ms. Richey said that as the Commission is a board of conservation, getting caught up on bureaucratic side of things but the public views are valuable. The Spring is a big cultural matter for Town consideration. Ms. Murphy asked if the recommendation to Planning Board is for formal site walk together. Mr. Campbell said he would contact the Board Chair.

[Mr. Piskovitz stepped back in at 8:32 pm]

## **5. Committee Reports:**

### **a. Property Management**

Summary of Raynes Farm Stewardship Committee will be presented next time.

Ms. Murphy said there is an interns budget for property monitoring. Do Members want to assist in interviewing candidates?. Mr. Guindon and Mr. Campbell said they would assist.

### **b. Trails**

Letter to Editor was submitted by Mr. Campbell, thanking Comcast Cares and NEMBA and Bob Kelly and Jim Clark for all their efforts in the recent trails improvement project. Go to Oakland, 1/4 mile in, and it's amazing results. He will send thank you notes to the parties. sMr. Guindon said some new materials pulled out there is next to the trails and will have to be removed. Pressure treated remnants should be removed from site. Mr. Campbell will contact Mr. Kelly to do that. There was discussion on aspects of the situation.

Mr. Campbell said Mr. Kelly was here recently and went over a lot of projects, but it needs a site walk with him to discuss and review the areas of proposed work. A weekday at 5 pm is best for most, but Mr. Guindon wants to do a Tuesdays at 5 pm. Mr. Campbell will tell him. Ms. Murphy will do a Doodle Poll on that. Mr. Anderson wants to also do trail work. Ms. Murphy said funding for the project was substantial and it should be acknowledged. Comcast put in \$1300 for materials. Jackson Lumber contributed \$500, NEMBA gave \$500 and the Commission put in \$300 too. There were 50 Comcast folks and 20 trail workers. There was a big lunch and a lift to take the sections into the woods after they were built at DPW with Jim Clark's efforts. There was discussion on how the project unfolded and how well it went. Ms. Raub said importance of trails to Town and to the users was evident on all that.

Mr. Guindon went to see the Little River Trail, it was good and beautiful, highly recommends it. Blazing is still in place.

Mr. Raub went to McDonalds this weekend and the blazed trail that was moved there were logs and trees down that need removal. Discussion on that.

**c. Outreach**

Mr. O'Hearn reported the woodcock walk went well. He gave a description of the woodcock dance and singing that occurred. He is trying to get a Fish & Game funding application for mowing the field and pruning the apple trees. Have to allow hunting to get the grant. It would be for wildlife habitat improvement funding and looks like this might be considered if they apply for it. Discussion on mowing the field was to do half of it each year, not all of it every year.

Ms. Murphy said there was a Climate Action Day at PEA, with almost 20 kids. They got into erosion issues at the river landing and the kids got branches and put them on the erosion as attachments for seeds.

Ms. Murphy said there was a Vernal Pool Workshop for Forest Ridge residents, Mr. Guindon and Ms. Murphy attended. The residents were very interested and the Commission should continue it every year. The active vernal pool there would be protected very well. NH Fish and Game said there should be a night-time walk there next year with Brandon Clifford to view adult vernal pool activities.

Ms. Raub said the school packed trees-gave out 200 of them, 26<sup>th</sup> year they did it. Mr. Campbell will send a note of thanks to him.

Rain Barrel program was successful but some issues with links. Delivery this week at DPW, Mr. O'Hearn will have list and color of barrel ordered. Discussion on publication of program in newspaper.

**6. Approval of Minutes April 11, 2017:**

Ms. Raub said she had some minor changes and would email them to the Recorder. Mr. Piskovitz moved approval subject to Ms. Raub's corrections, Mr. Koff seconded, and they were unanimously approved.

**7. Correspondence:**

Ms. Murphy reported that NHACC annual dues are \$629. Mr. Koff moved approval of the expenditure, seconded by Mr. Guindon, unanimously approved.

LCHIP gave town \$400 as recognition of ConCom's monitoring efforts, for Commission's conservation fund.

Timber Harvest on Connor Farm Property by NH Fish and Game. Mr. Guindon asked about invasive species. Ms. Murphy said the Town needs

three estimates, walked it with three contractors and time is of essence to get it moving and get commitment by the successful contractor.

**8. Other Business:**

Mr. Campbell said he will not be present at the next session-June 13th, Mr. Guindon will chair it.

**9. Next Meeting:** Date Scheduled (6/13/17), Submission Deadline (6/2/17)

**10. Adjournment:**

There being no further business before the Commission, Ms. Raub moved to adjourn, seconded by Mr. Piskovitz and it was unanimously approved. The Chair adjourned the session at 9:06 pm.

Respectfully submitted by David Pancoast, Recording Secretary.