

# **TOWN OF EXETER, NEW HAMPSHIRE**

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

#### **PUBLIC NOTICE** EXETER CONSERVATION COMMISSION **Monthly Meeting**

The Exeter Conservation Commission will meet virtually (see connection info below\* and details attached) on Tuesday, September 8<sup>th</sup>, 2020 at 7:00 P.M.

#### Call to Order:

- Introduction of Members Present 1.
- 2. Public Comment

#### **Action Items**

6.

- 1. Wetland Conditional Use Permit application for a 40'x60' single family home with 38' x 38' detached barn on an existing lot of record on Nelson Drive (Tax Map 83/Lot 56).
- Shoreland Conditional Use Permit Application for subdivision at 10 John West Road for impacts within 2. the Exeter Shoreland Protection District associated with Perkins Brook, a perennial brook within the Exeter River watershed (Tax map 114/1).
- 3. Discussion of e-bike use in Town Forest
- 4. Letter of Support: ESRLAC Watershed Plan Update
- 5. Committee Reports
  - a. Property Management
  - b. Trails
  - c. Outreach Events
  - Approval of Minutes: August 11<sup>th</sup>, 2020
- Correspondence 7.
  - a. Stone Leighton Mowing
- 8. Other Business
- 9. Next Meeting: Date Scheduled (10/13/20), Submission Deadline (10/2/20)

## Exeter Conservation Commission

Posted Sept 3<sup>rd</sup>, 2020 Exeter Town Website www.exeternh.gov and Town Office entryway.

#### **\*ZOOM MEETING INFORMATION:**

Virtual Meetings can be watched on Channel 22 and on Exeter TV's Facebook and YouTube pages.

To participate in public comment, click this link: https://exeternh.zoom.us/j/87899194671

To participate via telephone, call: +1 646 558 8656 and enter the Webinar ID: 878 9919 4671

Please join the meeting with your full name if you want to speak.

Use the "Raise Hand" button to alert the chair you wish to speak. On the phone, press \*9.

More instructions for how to participate can be found here: https://www.exeternh.gov/townmanager/virtual-town-meetings

Contact us at extvg@exeternh.gov or 603-418-6425 with any technical issues.

# TOWN OF EXETER PLANNING DEPARTMENT MEMORANDUM

Date:	Sept 3, 2020
To:	Conservation Commission Board Members
From:	Kristen Murphy, Natural Resource Planner
Subject:	Sept 8 <sup>th</sup> Conservation Commission Meeting

1. Nelson Dr Wetland Conditional Use Permit application.

At the April 14<sup>th</sup> Conservation Commission meeting you reviewed the State Shoreland application for this project. The memo to NHDES is included in this packet. There have been some changes in design from that submission, including the removal of directional drilling for the sewer connection.

Suggested Motion for Wetland Conditional Use Permit:

- We reviewed this application and feel the need to **table the application to a date certain** due to insufficient information on criteria necessary for the Commission to make a recommendation to the planning board as noted below: We recommend the required information be submitted by the next meeting submission deadline of \_\_\_\_\_ to be heard at the \_\_\_\_\_ conservation commission meeting date.
- *We have reviewed this application and have no objection to the approval of the conditional use permit as proposed.*
- *We have reviewed this application and recommend that the wetland conditional use permit be (approved with conditions) (denied) as noted below:*

#### 2. Shoreland CUP John West Road (Lyons Subdivision)

Suggested Motion for Wetland Conditional Use Permit:

\_\_\_\_\_ We reviewed this application and feel the need to table the application to a date certain due to insufficient information on criteria necessary for the Commission to make a recommendation to the planning board as noted below: We recommend the required information be submitted by the next meeting submission deadline of \_\_\_\_\_ to be heard at the \_\_\_\_\_ conservation commission meeting date.

\_\_\_\_\_ We have reviewed this application and have no objection to the approval of the conditional use permit as proposed.

*\_\_\_\_\_ We have reviewed this application and recommend that the wetland conditional use permit* 

be (approved with conditions) (denied) as noted below:

3. <u>E-bike policy</u>:

I have had several inquiries about whether there is a specific policy on use of e-bikes on conservation land. These are electric bikes that have an integrated electric motor that provides pedal assistance. They look more like a bike than say a scooter or motorbike. To date I have responded to requests saying it is my interpretation that it would fall under the category of a motorized vehicles which are prohibited on conservation lands. As you know our conservation lands are comprised of a number of different parcels, each with their own specific deed. Some deeds are clear on the issue while others are silent. An example would be the Henderson Deed which states: *"there will be an absolute prohibition against the use of snowmobiles or snow travelling vehicles or other motor propelled pleasure vehicles on any part of the described premises"*. My recommendation would be to have a consistent policy based on the more restrictive deed to minimize risk of deed violation.

#### 4. Letter of Support: ESRLAC Watershed Plan Update:

The ESRLAC is applying to NH Department of Environmental Services for grant funds to update their 2012 Watershed Management Plan. In addition to their role in review of development applications to the State along our designated rivers, ESRLAC has provided support for a variety of river-based outreach and education activities such fish ladder tours and the Alewife Festival. Their watershed management plan overlaps with many actions identified as a priority in our Master Plan.

Their goals for this update is to include new information from municipal and regional climate vulnerability assessments, MS4 Stormwater Permit activities in the watershed, and recently completed aquatic connectivity

reports. Through this effort, Rockingham Planning Commission will also assist with a GIS inventory of stateowned lands in the watershed and a description of the importance of these lands to river characteristics.

ESRLAC has always been a great partner to the Town and is one of the few local committees that include representatives from all towns in the watershed. As we learned through the 2015 Watershed Integration Plan for Exeter (WISE) report which provided nitrogen control recommendations for our wastewater and stormwater permits, 50% of the nitrogen loading in the Exeter/Squamscott River comes from upstream, unpermitted communities. I believe the management plan update has the potential to identify actions and further partnerships throughout the watershed and therefore request your consideration in signing the attached letter of support for their grant application.

#### 5. Approval of Minutes: August 11th, 2020

#### 6. Correspondence:

Stone/Leighton: Carlos Julie and I walked the property and can provide some perspective at the meeting on what we saw. There are several choices for next steps and I will need Commission input on preferred approach:

- Leave beaver dam as is. Remove woody material by hand, do not mow this year. Through the winter determine if the Marston's are interested in retaining the option to mow a smaller portion of the field next year and establish a leash agreement similar to Raynes Farm. Should they not be interested, seek alternate party and follow same approach.
- Obtain an estimate to have the dry portion of field mowed this year through alternate party at the Commission's expense. Return in October to approve contract and funding. Given limited budget amounts, the Conservation Fund would need to be utilized for this expense.

PR Case # 20-10



# Town of Exeter Planning Board Application

**Conditional Use Permit: Wetland Conservation Overlay District** In accordance with Zoning Ordinance Article: 9.1

AUG J 2020

pd. 8/3/2

RECEIVED

#### SUBMITTAL REQUIREMENTS:

- 1. Fifteen (15) copies of the Application
- EXETER PLANNING OFFICE 2. Fifteen (15) 11"x17" and three (3) full sized copies of the plan which must include: **Existing Conditions** 
  - a. Property Boundaries
  - b. Edge of Wetland and associated Buffer (Wetlands Conservation Overlay District WCOD) --Prime wetland: 100' --Very Poorly Drained: 50' --Vernal Pool (>200 SF): 75' --Poorly Drained: 40'
    - --Exemplary Wetland: 50'
- --Inland Stream: 25'
- c. Structures, roads/access ways, parking, drainage systems, utilities, wells and wastewater disposal systems and other site improvements

Proposed Conditions

- a. Edge of Wetlands and Wetland Buffers and distances to the following:
  - i. **Edge of Disturbance**
  - ii. Structures, roads/access ways, parking, drainage systems, utilities, wells and wastewater disposal systems and other site improvements
- b. Name and phone number of all individuals whose professional seal appears on the plan
- 3. If applicant and/or agent is not the owner, a letter of authorization must accompany this application
- 4. Supporting documents i.e. Letters from the Department of Environmental Services, Standard Dredge and Fill Application and Photos of the property
- 5. A Town of Exeter Assessors list of names and mailing addresses of all abutters

Required Fees:		
Planning Board Fee: <b>\$50.00</b>	Abutter Fee: <b>\$10.00</b>	Recording Fee (if applicable): <b>\$25.</b> 00

The Planning Office must receive the completed application, plans and fees on the day indicated on the Planning Board Schedule of Deadlines and Public Hearings.

APPLICANT	Name: THOMAS J SCANLON
	Address: 87 SOUTH R.D NORTH HAMPTON NH
	Email Address: thomas - scanlon @ Concast. Net
	Phone: 603 - 234 - 8765
PROPOSAL	Address: 2 NELSON DR
	Tax Map #_ 83 - Lot# 56 Zoning District: R-2 Single Family
	Owner of Record: THOMAS J SCANLON (
Person/Business	Name: THOMAS J SCANLON
performing work	Address: 87 SOUTH RD NORTH HAMPTON NH
outlined in proposal	Phone: 603-234-8765
Professional that	Name: COVE ENVIRONMENTAL SERVICES
delineated wetlands	Address: 8 CONTINENTAL DE UNITH EXETER NH
	Phone: 603-778-0644

Powerod 02/2017 CUD

# Town of Exeter Planning Board Application Conditional Use Permit: Wetland Conservation Overlay District

Detailed Proposal including intent, project description, and use of property: (Use additional sheet as needed)				
Intent: The proposed project is to build a single family home with a detached barn.				
Description: The home will be constructed on a 40'x 60' foundation. The detached barn will be constructed on a 38'x 38' foundation.				
Phoperty use: Th	e home and barr	n are	intended for ne	sidential use.
Wetland Conservation	Overlay District Impact	(in square	footage):	
Temporary Impact	Wetland:	(SQ FT.)	Buffer:	(SO FT )
r y r	Prime Wetlands		Prime Wetlands	(SQ FT.) 963
	Exemplary Wetlands		Exemplary Wetlands	
	Vernal Pools (>200SF)		Vernal Pools (>200SF)	
	U VPD		U VPD	
	🗆 PD		D PD	2712
	Inland Stream	·	Inland Stream	
Permanent Impact	Wetland:		Buffer:	
	Prime Wetlands		Prime Wetlands	670
	Exemplary Wetlands		Exemplary Wetlands	:
	Vernal Pools (>200SF)		📋 Vernal Pools (>200SF)	
	🔲 VPD		🔲 VPD	
	🔲 PD		🗋 PD	3160
	🔲 Inland Stream		🔲 Inland Stream	
List any variances/special exceptions granted by Zoning Board of Adjustment including dates:				
NONE				

Describe how the proposal meets conditions in Article 9.1.6.B of the Zoning Ordinance (attached for reference):

Please see a Hacked:

#### **Owner: Thomas J. Scanlon**

Property: 2 Nelson Drive Exeter, NH

Conditions in Article 9.1.6.B

- 1- The proposed use for a single family residence and detached barn is permitted in R2 Single Family zoning district.
- 2- The submitted plan indicates the best feasible locations for both buildings.
- 3- Please see attached documentation from Gove Environmental Services.
- 4- The site plan provides the least impact of fill required to access the property. The foundation placements are the best for solar gain to reduce the carbon footprint.
- 5- No hazardous impact will be created to individual or public health.
- 6- There are no plans to increase wetland buffer elsewhere on the site.
- 7- Front of foundations will be sloping to the street and grassed in. The sides of the foundations will have natural rock retaining with mulch beds. The back of the foundations will be at existing grades with seeded grass.
- 8- Please see attached Shore land Impact permit.

#### 9.1.6 B. Conditions:

- 1. That the proposed use is permitted in the underlying zoning district;
- 2. That the use for which the permit is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Wetlands Conservation Overlay District;
- 3. The proposed impact has been evaluated in the context of the relative "value" of the wetland, including its ecological sensitivity, as well as its function within the greater hydrologic system. To the extent feasible, the proposed impact is not detrimental to the value and function of the wetland(s).
- 4. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland or wetland buffer and that no alternative design which does not impact a wetland or wetland buffer or which has less detrimental impact on the wetland or wetland buffer is feasible;
- 5. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, that the landowner agrees to restore the site as nearly as possible to its original grade and condition following construction;
- 6. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons;
- That all required permits shall be obtained from the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division under NH RSA §485-A: 17, the New Hampshire Wetlands Board under NH RSA §483-A, and the United States Army Corps of Engineers under Section 404 of the Clean Water Act.



# The State of New Hampshire Department of Environmental Services

#### **Robert R. Scott, Commissioner**



#### SHORELAND IMPACT PERMIT 2020-00649

#### **NOTE CONDITIONS**

PERMITTEE:	THOMAS SCANLON
	87 SOUTH RD
	N HAMPTON NH 03862

PROJECT LOCATION: NELSON DR, EXETER TAX MAP #83, LOT #56

WATERBODY: LITTLE RIVER

APPROVAL DATE: APRIL 24, 2020

EXPIRATION DATE: APRIL 24, 2025

Based upon review of the above referenced application, in accordance with RSA 483-B, a Shoreland Impact Permit was issued by the New Hampshire Department of Environmental Services (NHDES). This permit shall not be considered valid unless signed as specified below.

**PERMIT DESCRIPTION:** Impact 12,825 square feet of protected shoreland in order to construct a primary structure, a detached barn, and 2 driveways, and a retaining wall.

## THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

- 1. All work shall be in accordance with plans by Emanuel Engineering dated February 11, 2020 and received by the NH Department of Environmental Services (NHDES) on March 30, 2020.
- 2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved.
- 3. No more than 4.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from NHDES.
- Native vegetation within an area of at least 18,286 square feet within the Woodland Buffer located between 50 and 150 feet landward of the reference line shall be retained in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
- 5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
- 6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
- 7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wg 1700.
- 8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- 9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 10. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

File #2020-00649 April 24, 2020 Page 2 of 2

- 11. This permit shall not be interpreted as acceptance or approval of any impact that will occur within wetlands jurisdiction regulated under RSA 482-A including all wetlands, surface waters and their banks, the tidal-buffer zone, and sand dunes. The owner is responsible for maintaining compliance with RSA 482-A and Administrative Rules Env-Wt 100 900 and obtaining any Wetland Impact Permit that may be required prior to construction, excavation or fill that will occur within Wetlands jurisdiction.
- 12. This permit shall not preclude NHDES from taking any enforcement or revocation action if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

#### **GENERAL CONDITIONS THAT APPLY TO ALL NHDES SHORELAND IMPACT PERMITS:**

- 1. A copy of this permit shall be posted on site during construction in a prominent location visible to inspecting personnel;
- 2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others;
- 3. The NHDES Wetlands Bureau shall be notified upon completion of work;
- 4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits, and/or consult with other agencies as may be required (including US EPA, US Army Corps of Engineers, NH Department of Transportation, NH Division of Historical Resources (NH Department of Cultural Resources), NHDES Alteration of Terrain, etc.);
- 5. Transfer of this permit to a new owner shall require notification to and approval by NHDES;
- 6. This project has been screened for potential impacts to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have only received cursory inventories, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species.

**APPROVED:** 

Rosemacy auce

Rosemary Aures Shoreland Inspector Land Resources Management, Water Division

BY SIGNING BELOW, I HEREBY CERTIFY THAT I HAVE FULLY READ THIS PERMIT AND AGREE TO ABIDE BY ALL PERMIT CONDITIONS.

Rife

**OWNER'S SIGNATURE (required)** 

CONTRACTOR'S SIGNATURE (required)

July 30, 2020

Tom Scanlon 87 South Road North Hampton, NH 03862

Subject:Nelson DriveRe:Wetland Functions and Values

Dear Mr. Scanlon:

As requested, I have put together a functions and values assessment for the above-referenced project. Overall, due to the size of the parcel and extent of the wetland, seasonal characteristics, and surrounding use of residential homes, road and parking lot, the wetland has limited wildlife habitat and functional value and does not possess any unique or heritage value or rare, threatened or endangered species. The wetland does provide some sediment/toxicant retention and nutrient removal for stormwater, as it is located directly adjacent to the road. Based on the proposed project, portions of the existing buffer will be maintained. It is not anticipated that the existing wetland functional value will be impacted based on the extent of wetlands on the property and the limit of proposed work. Construction Best Management Practices (BMPs) should be used to limit impacts during construction.

Please let me know if you have any questions

Sincerely,

Luke D. Hurley, CWS, CSS Vice President Gove Environmental Services, Inc.



Functions and values assessment for the work proposed as part of the construction of a singlefamily home and detached barn

Flood flow Alteration

Flood flow attenuation of the wetland will not be impacted, as all work is proposed in the upland area and will maintain a vegetated buffer. Any surface runoff or high water from the adjacent stream will not be impacted by the proposed project.

Fish and Shellfish Habitat No such habitat exist within this wetland.

#### Sediment/Toxicant Retention

Sediment/toxicant retention will not change within the wetland. The surrounding area is developed with single-family homes and roadway; however, a vegetated buffer is to remain between the construction area and the wetlands.

#### Nutrient Removal

Nutrient removal, like sediment and toxicant retention will not change within the wetland. A vegetated area will remain after the construction is complete.

#### **Production Export**

Production export is relatively low to almost non-existent within this wetland due to the nature of low numbers of fruit bearing shrubs and high number of invasive species.

Sediment/Shoreline Stabilization

This will not be effected. Any drainage through this wetland is along the Little River.

#### Wildlife Habitat

The location of the wetland and the limited area for clearing and construction, along with the overall remaining wetland on the parcel, should have minimal effect on any wildlife. The site and the wetland were significantly overgrown with invasive shrubs and vines and the area that was not cleared, will remain as such. This will continue to provide ample area for small wildlife species of mammals and birds to remain in the area. No large wildlife would be expected to travel through this area directly with any regularity, as it is significantly overgrown and difficult to travel through.

#### Recreation

This area is on private land and provides no potential for recreation in the wetlands on the parcel. Any potential recreation on the river will not change.

Educational/Scientific Value



Educational/scientific value will not change in the wetland or the buffer. This wetland and buffer on the parcel itself are extremely overgrown with invasive species and provides little education or scientific value.

Uniqueness/Heritage This wetland is not unique, nor does it possess any heritage value.

Visual Quality/Aesthetics

The work proposed is entirely with an area of similar land use with single-family homes and a parking lot for the neighboring church. This will not change the visual quality or aesthetics in the area.

Endangered Species Habitat

No endangered species are present within this area.

#### ABUTTERS: PLEASE LIST ALL PERSONS WHOSE PROPERTY IS LOCATED IN NEW HAMPSHIRE AND ADJOINS OR IS DIRECTLY ACROSS THE STREET OR STREAM FROM THE LAND UNDER CONSIDERATION BY THE BOARD. THIS LIST SHALL BE COMPILED FROM THE EXETER TAX ASSESSOR'S RECORDS.

TAX MAP <u>83-55</u>	TAXMAP <u>83-59</u>
NAME <u>NORTH COURT STREET COND</u> O	NAME <u>ELIZABETH A HEWSON TRUST</u> & JAMEST
ADDRESS <u>95 COURT ST</u>	ADDRESS <u>HEWSON TRUST</u>
EXETER NH	<u>45 PINE ST EXETER N</u> H
TAX MAP <u>83-60</u>	TAX MAP <u>83-57</u>
NAME <u>CHRIST CHURH OF EXETE</u> R	NAME <u>MARSHALL &amp; M. REBECCA</u> MOORE
ADDRESS <u>43 PINE ST</u>	ADDRESS <u>5 NELSON DRIVE</u>
EXETER NH	EXETER NH
TAX MAP <u>S2-3</u>	TAXMAP <u>82 - 2</u>
NAME <u>STEPHANIE MARSHALL</u>	NAME <u>ANDREW SWINERTON + KATHLEEN MCDO</u>
ADDRESS <u>7 NELSON DRIVE</u>	ADDRESS <u>10 NELSONS DRIVE</u>
EXETER NH	EXETER NH
TAX MAP <u>82-1</u> NAME <u>ERIC DOWNER + DAWN JELLEY</u> ADDRESS <u>4 NELSON DRIVE</u> EXETER NH	TAX MAP NAME ADDRESS
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# **Town of Exeter**



# Planning Board Application for <u>Conditional Use Permit</u>:

# **Shoreland Protection District**

February 2017



AUG 2 8 2020

**EXETER PLANNING OFFICE** 



Conditional Use Permit: Shoreland Protection District In accordance with Zoning Ordinance Article: 9.3

# SUBMITTAL REQUIREMENTS:

# (see Conservation Commission and Planning Board meeting dates and submission deadlines)

- 1. One (1) electronic copy of full application, including plans (color copy if available)
- 2. Fifteen (15) copies of the Application
- 3. Fifteen (15) 11"x17" and three (3) full sized copies of the plan which must include:
  - **Existing Conditions** 
    - a. Property Boundaries
    - b. Edge of Shoreland and associated Buffer (Shoreland Protection District SPD)
    - c. Structures, roads/access ways, parking, drainage systems, utilities, wells and wastewater disposal systems and other site improvements

## Proposed Conditions

- a. Edge of Shoreland and Shoreland Buffers and distances to the following:
  - i. Edge of Disturbance
  - ii. Structures, roads/access ways, parking, drainage systems, utilities, wells and wastewater disposal systems and other site improvements
- b. Name and phone number of all individuals whose professional seal appears on the plan
- 4. If applicant and/or agent is not the owner, a letter of authorization must accompany this application
- 5. Supporting documents i.e. Letters from the Department of Environmental Services, Standard Dredge and Fill Application and Photos of the property
- 6. A Town of Exeter Assessors list of names and mailing addresses of all abutters

Required Fees:	¥ 4	1
Planning Board Fee: <b>\$50.</b> 00	Abutter Fee: <b>\$10.</b> 00	Recording Fee (if applicable): <b>\$25.</b> 00

The Planning Office must receive the completed application, plans and fees on the day indicated on the Planning Board Schedule of Deadlines and Public Hearings.

APPLICANT	Name: Justin Lyons (agent')
	Address: 52 Willow Road, East Kingston, NH 0382
	Email Address:
	Phone:
PROPOSAL	Address: 10 John West Read.
	Tax Map #4 Lot# Zoning District:
	Owner of Record: J&J Properties, LLC
Person/Business	Name: Dennis Quintal, PE, CWS
performing work	Address: P.O. Box 475, Newton, NH 03868
outlined in proposal	Phone: 603-382-7650
Professional that	Name: Dennis Quintal, CWS#107
delineated wetlands	Address: Same as above
	Phone:

# Town of Exeter Planning Board Application Conditional Use Permit: Shoreland Protection District

Detailed Proposal including intent, project description, and use of property: (Use additional sheet as needed) Subdivide the parcel at 10 John West Road into two buildable lots. The proposal includes driveway access and septic system access easements.

Shoreland Protection District Impact (in square footage):				
Water Body				
Temporary Impact	300 Foot SPD		Lot 1	Lot 1-1 2753
	<ul> <li>ISO foot SPD</li> <li>SPD Building Setback</li> </ul>		5400	2803
	75 Vegetative Buffer		360	NIA
Permanent Impact	300 Foot SPD			
	□ 150 foot SPD			
	SPD Building Setback			
	75 Vegetative Buffer		125 12	
Impervious Lot Coverage	SF of Lot within District	108,700	Lot 1 74,737	Lot 1-1 33,963
	SF of Impervious within District	<u> </u>	42	0
	% of Impervious within District	21%	21%	21%

List any variances/special exceptions granted by Zoning Board of Adjustment including dates:

Describe how your proposal meets the conditions of Article 9.3.4.G.2 of the Zoning Ordinance (attached for reference):

# <u>MEMO</u>

To: Kristen Murphy Natural Resource Planner Town of Exeter 10 Front Street Exeter, NH 03833

From: Dennis Quintal, PE

Subject: 10 John West Road

Date: September 1, 2020

Please attach this to the Application for answer to the question: "Describe how your proposal meets the conditions of Article 9.3.4.G."

- a. The proposed use will not detrimentally affect the surface water quality of the adjacent brook. A state approved residential sanitary waste designs will be required for each the existing and proposed lot. These systems meet minimum state setbacks from wetlands including the requirement for nitrate setbacks.
- b. The proposed use will discharge only domestic wastewater and no hazardous or toxic wastes will be stored on-site.
- c. Sediment control devices will be utilized down slope from any construction work to prevent migration of sediment. Surface disturbance typically is completed within 60 days. These sediment control devices will be removed once the site is stabilized and natural vegetation is completely reestablished.
- d. The proposed use complies with the regulations as these are residential subsurface disposal systems which are not a prohibited use. See 9.3.4.F.3.
- e. This design and proposed use is consistent with the intent of the purposes set forth in the Ordinance as the proposed disposal systems will be greater than 75 feet from the wetlands on-site. A majority of the proposed construction will occur greater than 100 feet from the edge of the brook. The proposed use is placed in the only available location because of the existing soil conditions on the site.

Denne Printal

ABUTTERS: PLEASE LIST ALL PERSONS WHOSE PROPERTY IS LOCATED IN NEW HAMPSHIRE AND ADJOINS OR IS DIRECTLY ACROSS THE STREET OR STREAM FROM THE LAND UNDER CONSIDERATION BY THE BOARD. THIS LIST SHALL BE COMPILED FROM THE EXETER TAX ASSESSOR'S RECORDS.

TAX MAP Map 114, Lot 2	ТАХМАР
ADDRESS 18 John West Road	NAME
ADDRESS 18 John West Road	ADDRESS
Exeter, NH 03833	
TAXMAP Map 114, Lot 3	ТАХ МАР
NAME David & Nancy Howanic	
ADDRESS 24 John West Road.	ADDRESS
Exeter, NH 03833	
TAXMAP Map 101, Lot 6	TAVMAD
NAME Debas & El	
ADDRESS 240 Route 125	
Brentwood, NH 03833	ADDRESS
TAX MAP Map 101, Lot 8-1	ТАХ МАР
NAME Helen M. Stone	NAME
ADDRESS 59 Daver Read	ADDRESS
Eliot, ME 03903.	U
ταχ μαρ	TAY MAD
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ADDRESS	ADDRESS
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Please attach additional sheets if needed

#### Conditional Use Permit Criteria Shoreland Protection District

9.3.4 G Conditional Uses:

P - 6

2. The Planning Board may grant a Conditional Use Permit for those uses listed above only after written findings of fact are made which have been reviewed by technical experts from the Rockingham Conservation District, if required by the Planning Board, at the cost of the developer, provided that all of the following are true:

a. The proposed use will not detrimentally affect the surface water quality of the adjacent river or tributary, or otherwise result in unhealthful conditions.

b. The proposed use will discharge no waste water on site other than that normally discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of hazardous or toxic wastes as herein defined.

c. The proposed use will not result in undue damage to spawning grounds and other wildlife habitat.

d. The proposed use complies with the use regulations identified in Article 9.3.4 Exeter Shoreland Protection District Ordinance – Use Regulations and all other applicable sections of this article.

e. The design and construction of the proposed use will be consistent with the intent of the purposes set forth in Article 9.3.1 Exeter Shoreland Protection District Ordinance – Authority and Purpose.





# **TOWN OF EXETER, NEW HAMPSHIRE**

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

September 8<sup>th</sup>, 2020

Katherine Zink, Watershed Specialist, Watershed Assistance Section NH Department of Environmental Services 29 Hazen Drive Concord, NH 03302 Katherine.zink@des.nh.gov

Dear Ms. Zink,

The Exeter Conservation Commission supports the application submitted by the Rockingham Planning Commission (RPC) for 604(b) Water Quality Planning grant funds to assist the Exeter-Squamscott River Local Advisory Committee (ESRLAC) with an important update to the 2012 Exeter-Squamscott River Watershed Management Plan.

As identified in their application, these funds will allow ESRLAC to update the 2012 Watershed Management Plan, to include new information from municipal and regional climate vulnerability assessments, MS4 Stormwater Permit activities in the watershed, and recently completed aquatic connectivity reports. In addition, the RPC will work with ESRLAC to revise the Plan's goals and objectives which will be used to create an action-oriented work plan for ESRLAC to address water quality concerns in the watershed.

ESRLAC has always been a great partner to the Town and is one of the few local committees that include representatives from all towns in the watershed. With as much as 50% of the nitrogen loading in the Exeter/Squamscott River resulting from activities in upstream, unpermitted communities, we believe this management plan update will work to solidify relationships and improve unified management among the Exeter watershed communities

On behalf of the Exeter Conservation Commission I am submitting our letter of support and request DES consider funding the Rockingham Planning Commission's request for 604(b) Water Quality Planning funds.

Sincerely,

Andrew Koff Chair, Exeter Conservation Commission

# Exeter Conservation Commission August 11, 2020 Virtual Meeting Draft Minutes

# Call to Order

1. Introduction of Members Present (by Roll Call)

Present at tonight's meeting were by roll call, Chair Andrew Koff, Vice-Chair Trevor Mattera Sally Ward, Clerk, Bill Campbell, Carlos Guindon, Ginny Raub, Julie Gilman (Select Board Liaison), Donald Clement, (Alternate) and Kristen Murphy, Natural Resource Planner.

Members present indicated there was no one else present in the room with them during this meeting.

Absent: Dave Short, Treasurer, Alyson Eberthardt, Lindsey White (Alternate), Nick Campion (Alternate), and Kristen Osterwood (Alternate), Daryl Browne, Select Board Alternate Liaison

Mr. Koff called the meeting to order at 7 PM.

Mr. Koff read the meeting preamble indicated that an emergency exists and the provisions of RSA 91-A:2 III (b) are being invoked. As federal, state and local officials have determined gatherings of ten or more people pose a substantial risk to the community and the meeting imperative to the continued operation of Town and government and services which are vital to public, health, safety and confidence. This meeting will be conducted without a quorum physically present in the same location and welcome members of the public accessing the meeting remotely.

2. Public Comment

None.

#### **Action Items**

1. Wetland Conditional Use Permit application from Phillips Exeter Academy to construct a new dormitory in the approximate location of the existing Fisher Theater (Tax Map 72/209).

Mark Leighton presented the proposal which includes demolishing the Fisher Theater which he indicated was being used for storage, to build a dormitory. PEA needs a new dormitory. PEA will keep the same number of students but as dorms are improved, code upgrades have caused a reduction in number of available beds. They also plan to convert the smaller dormitories to other uses. After looking at many locations on campus, a location adjacent to two other dormitories seems to make a good community. PEA is doing some fundraising.

Mr. Campbell asked what makes up a dormitory? Mr. Leighton indicated they are planning for doubles but have other options they are looking at.

Corey Belden noted Fisher Theater is currently setback into the wetland buffer area. Plan to follow a similar footprint, not encroaching into the wetland more. The proposed plan is slightly increasing the building area within the setback.

Mr. Belden indicated there will be three stormwater galleries for infiltration, collecting roof runoff and all stormwater for pretreatment and treatment for impervious areas. Using coarse materials for walkway. 1,075' of reduced impervious surface in buffer as result of this project.

Mr. Belden reviewed the criteria for the CUP application. The property is in the R-2 zoning district. They are going to the ZBA to confirm special exception for non-conforming use. Utilities service where the existing building is. Just replacing that building and will not encroach further. Wetland scientist did functional value assessment and determined it would not have its functional value changed. Improving current conditions. No direct impacts to wetlands on site. Treatment will be provided. Will be additional plantings in buffer. All required permits will be obtained. No permits required by DES. Only pollution prevention plan required. Had discussions on snow removal on parking lot. Will comply with snow disposal guidelines. Use salt and de-icing to manage parking areas. PEA typically uses environmentally sensitive de-icing agent. In large scale storms snow will be dropped over a retaining wall. Will not be completely untreated.

Jeff Clifford stated part of the guidelines is to do post melt cleanup. Going to talk to DES about expanding on their guidelines some more.

Mr. Belden noted a 2-3' separation from property line from the retaining wall. Don't anticipate anyone using that for walking.

Mr. Campbell asked if work was done in the wetland area when the science building was in? The area is overgrown and seeing some invasives. Mr. Leighton noted the area has been cleaned up quite a bit. Agreeable to doing more in that area.

Mr. Campbell asked about the three maples on the front side, whether they will be removed? Kyle Zick indicated an arborist looked at them. Two of three have rot and structural issues so we can't keep them.

Mr. Guidon noted he agreed the invasives should be removed. Like what was done around science building when it went in.

Mr. Clement indicated a study was done in this area on watershed and drainage. Don't want to accelerate drainage problems. Effective in eliminating nitrogen?

Mr. Clifford indicated infiltrating water is effective in removing nitrogen. Observations show its not a large watershed. Are much bigger watersheds that contribute to problem. Able to reduce peak runoff rate. Vast improvement of what's there now.

Mr. Campbell asked how the building would be heated? Mr. Leighton indicated it would be geothermal. Steam as a backup source. Air conditioning in academic space. Ms. Taylor noted it would go out front.

Mr. Koff asked for comments about the invasive species. Mr. Hurley indicated there are a lot of invasives along the stream area. Looked at some Bittersweet and Buckthorn. Think a lot of it can be removed. Management plan has to be in place after removal. Ms. Ward noted working on invasives was important. Is a big improvement on what's already there. Mr. Leighton noted they can include that process in the project.

Vice-Chair Mattera indicated he was pleased to see the reduction in impervious surface. Is a proponent of redevelopment sites.

Mr. Koff noted maintenance will be key in this with snow storage. Believe stream restoration is out of our purview here.

Mr. Leighton indicated there will probably be a requirement for Site Plan Review with the Planning Board. Mr. Clifford added the they recently submitted to the Planning Board and covers the management plans. Mr. Clement indicated he would like to reference invasive removal management plan as a condition.

MOTION: Mr. Campbell motioned to recommend approval of the Conditional Use Permit with the condition that the invasive removal management plan be referenced. Ms. Ward seconded the motion. A roll call vote was taken Koff – aye, Ward – aye, Campbell – aye, Guindon – aye, Raub – aye, Clement – aye, and Mattera - aye Motion passed 7-0-0.

2. Garrison Ln Gravel Pull Out on REDC Conservation Parcel

Ms. Murphy indicated Public Works is responsible for plowing Garrison Lane. In the past they would take advantage of the driveway at the end. Reached out about putting in a gravel drive. There are three living trees and one dying which would be removed. Area is in Conservation Land. Nothing prohibits gravel trail/lot. Did not appear to be wetlands there. Public Works would handle labor and funding.

Mr. Campbell noted it would be a great addition.

Ms. Ward noted tree removal is not a big problem. The only issue may be the one house down there.

Ms. Murphy indicated they have staked out how deep the gravel would go.

Mr. Koff noted there has been a lot of activity there lately. At some point the bridge will need work. There is a chain up but people try to drive through. The trailhead could use a bit more work. Mr. Guindon agreed and noted the entrance to the trailhead is a wetland. It is possible to put a few boulders at the entrance of that road so people don't drive all the way through.

Mr. Clement noted he sees it more of a turnaround than promoted parking. Still exists as a Class VI road. Take a look at it before try to close it off. Mr. Campbell agreed should check.

Ms. Murphy indicated it was abandoned by Town Meeting a few years ago. Still used as an access way for maintenance. Not sure if should do boulders. Gate would be a bigger expense.

MOTION: Ms. Ward motioned to not object to a gravel area as proposed. Mr. Campbell seconded the motion. A roll call vote was taken Koff – aye, Ward – aye, Campbell – aye, Guindon – aye, Raub – aye, Clement – aye, and Mattera - aye Motion passed 7-0-0.

Mr. Campbell asked if the grassy area was clear. Mr. Koff noted it is fairly dry at the moment. Not sure it needs to be cleared.

#### 3. 2021 Budget Submission

Ms. Murphy noted last year the amount was increased for education and training. The budget is due at the end of the month. Adjustments need to be made before then, if any.

Mr. Campbell asked if there was any reduction due to the pandemic this year? Ms. Murphy noted yes, \$10,639 is what's proposed as were asked to present level funded budget.

Mr. Koff asked if anything should change from 2020? Ms. Murphy noted decreased community services. Anticipate using more educational opportunities? Ms. Ward indicated she didn't think so. Submit what had for 2020. Ms. Murphy noted she only filled in for minutes and interns for now. The rest must be decided on.

Mr. Clement noted the bottom line is what is approved. Can change amounts after budget as long as don't exceed. May need more for maintenance of trails? Mr. Koff recommended shifting some from training into trail maintenance.

Ms. Gilman noted it was still preliminary. There is still time to reconsider. No limit set yet by Select Board.

Vice-Chair Mattera was in favor of shifting the training and education to trail maintenance and leaving the remainder the same. Mr. Guindon agreed.

#### 4. Committee Reports

a. Property Management

Ms. Ward not a few things at Raynes Farm. Looked at cutting a break around the perimeter. Had been cut around cemetery already. Stewardship meeting is in September. Will discuss intention to apply for LCHIP.

Mr. Guindon went out and discovered rogue trails that extended to easement. Worked on getting those closed. Moved encroachment of abutter. Spoke with owner and he will work will us on removing material from boundary. Designed new discs for easement. Indicates that it is an easement. Smith Page is having a loop trail. A volunteer is working on something. Trail looks great. Can access through Academy woods.

Mr. Campbell noted there are two areas that need bridges but not right now because it is so dry.

b. Trails

c. Outreach Events

Ms. Murphy noted the Sky watch event is still in October.

Ms. Ward noted the Tree Committee is working with a group to plant three memorial trees at Park Street Common. Funds have been donated.

Vice-Chair Mattera there is a virtual workshop in Concord on climate resources.

5. Approval of Minutes: July 14, 2020

Edits were recommended.

**MOTION:** Mr. Campbell motioned to accept the July 14, 2020 minutes as amended. Ms. Ward seconded the motion. A roll call vote was taken Koff – aye, Ward – aye, Campbell – aye, Guindon – aye, Raub – aye, Clement – aye, Mattera (abstain). Motion passed 6-0-1.

6. Correspondence

#### a. Stone Leighton Mowing

Ms. Murphy indicated she heard back from Marstons. Said property was too wet. Field flooded and is a beaver dam. Ms. Murphy indicated neither of the locations she walked were wet but she didn't walk the whole thing. If the Marstons don't want to hay anymore would you want to open it up to someone else or put it off a year?

Mr. Clement noted he didn't see how the field could be too wet. Needs to be managed. Would support trying to find somebody to mow this year.

Ms. Raub asked about the language used on that property. Looked at a community garden there before. Mrs. Marson claims was told she should mow the property. Thin it needs to be mowed this year. Mentioned getting lease agreement.

Ms. Murphy noted the handshake agreement that allowed the Stone family to mow every year, then stopped mowing. Think a lease agreement should be signed. Mr. Guindon noted it didn't look that bad, could go either way on it.

Ms. Ward agreed. Surprised someone said it was too wet because its always been dry.

Mr. Campbell and Mr. Koff agreed it should get mowed. Mr. Clement would like to have someone evaluate the field's condition first. Ms. Murphy indicated she made it clear to the Marstons that if they didn't hay it would get someone else. They said it was dammed up.

Ms. Ward indicated they could be given the opportunity to do again if they're interested and then make the call. Ms. Murphy will reach back out and asked if she could look for others if the Marstons aren't interested.

Ms. Gilman noted there could be a site walk.

Mr. Koff noted forest encroachment on the borders may become an issue in the future.

7. Other Business

8. Next Meeting: Date Scheduled: September 8, 2020, Submission Deadline: August 28, 2020.

## **Adjournment**

**MOTION:** Mr. Campbell moved to adjourn at 9:13 PM. Ms. Ward seconded the motion. A roll call vote was taken, all were in favor, the motion passed unanimously.

Respectfully submitted,

Daniel Hoijer, Recording Secretary