



# 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 Monthly Meeting

The Exeter Conservation Commission will meet in the Exeter Town Hall at 11 Front Street, Exeter on **Tuesday, October 11<sup>th</sup>, 2022 at 7:00 P.M.**

### **Call to Order:**

1. Introduction of Members Present
2. Public Comment

### **Action Items:**

1. NHACC Annual Meeting
2. Trail Committee Meeting Date TBD
3. Committee Reports
  - a. Property Management
    - i. Seasonal Closure of McDonnell Conservation Area Gate Effective: 10/28
    - ii. Conservation Land Mowing Update
    - iii. Stone Property Field Reclamation Update & Recommendations
  - b. Trails
  - c. Outreach Events
    - i. Overview of Kayak Program (Kyle)
4. Approval of Minutes: September 13<sup>th</sup>, 2022 Meeting
5. Correspondence
6. Other Business
7. Next Meeting: Date Scheduled (11/8/22), Submission Deadline (10/28/22)

*Andrew Koff*

*Exeter Conservation Commission*

*Posted October 7<sup>th</sup>, 2022 Exeter Town Website [www.exeternh.gov](http://www.exeternh.gov) and Town Office kiosk.*

**TOWN OF EXETER  
PLANNING DEPARTMENT MEMORANDUM**

---

Date: Oct 7<sup>th</sup>, 2022  
To: Conservation Commission Board Members  
From: Kristen Murphy, Natural Resource Planner  
Subject: October 11<sup>th</sup> Conservation Commission Meeting

NHACC Annual Meeting:

- The annual meeting is scheduled for Nov 5 in Pembroke NH. [Registration](#) is \$60. We have funds to cover 4 attendees. Please

**NHACC Registration:**

*\_\_\_\_\_ Authorize the expenditure of up to \$240 [if 4 people want to go] from the Education and Training budget line item for NHACC Annual Meeting registration.*

Seasonal Gate Closure:

- Historically we have closed the gate from the end of Oct – end of March. I suggest closing before Halloween to avoid any issues.
- Thank you to our gate stewards this year: Dianne Arnheim, Bruce White, Brian and Laura Mcsweeney, and Cheyne Venturini.

**Seasonal Gate Closure:**

*\_\_\_\_\_ To implement seasonal closure of the gate at the Linden St entrance to the McDonnell Conservation Easement, effective Oct 28- March 31.*

Mowing:

- David has made progress and should be done all parcels by the time of the meeting. He recommends mowing the full field at Morrissette in 2023 to reduce the woody growth that is occurring.
- We contracted with David O’Hearn to clear the Stone property off Powdermill Rd. He found significant woody growth and recommends 2 early cuts (June and Aug) in 2023 to prevent re-sprouting of woody veg, then back to mowing/haying in 2024. He would charge \$975 each cut. We will need to find funding for this either by modifying what we use the Town allocated budget for or use conservation funds.

Correspondence:

- Sneed: Feel free to drive Holland Way and inspect for yourself. I do not recommend herbicides in this area as it is within the watershed for the Town’s drinking water and adjacent to several wetlands and streams. Perhaps CC would form a work day? It does not appear to be an excessive amount of work for a group.
- Griset: NHDES did not have record of a wetland complaint for the RR Culvert replacement. In further correspondence, Brian Griset said his complaint was focused on RR ties. He asked I provide the attached information to the board. I did share views of the culvert before (from the NHDES ARM Mapper Site) and after (Grisets photos) and asked if a permit was issued (emergency or otherwise).

- Nelson Dr: An abutter asked about recent mowing on this property. I initially thought the barn was permitted by CUP but realized afterward that he removed that from his application and was issued a building permit for his home only. I sent him a letter clarifying what uses are permitted.
- Garrison Ln (not in packet, FYI): I have removed Private Land signs from the town-owned property boundary twice now. The most recent time I was notified of the sign by someone concerned about losing access to the area.

Exeter Conservation Commission  
September 13, 2022  
Nowak Room  
Exeter Town Offices  
10 Front Street  
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, Dave Short, Nick Campion, Alyson Eberhardt, Don Clement, Alternate, and Kyle Welch, Alternate

Staff Present: Kristen Murphy, Conservation & Sustainability Planner

Mr. Koff called the meeting to order at 7:00 PM and indicated Alternates Don Clement and Kyle Welch would be active.

2. Public Comment (7:00 PM)

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

**Action Items**

1. Management of Griset-Mendez Conservation Parcel (Tax Map 81/53) with regard to undersized railroad culvert, plans for water level management, no hunting posting (Brian Griset)

Brian Griset appeared before the Commission to give a history of the litigation and court order in 2008 relative to the Little River – Scanlon Brook area shown on the map. Railroad ties were dumped in the wetlands, including prime wetlands and the Court ordered NH DES to supervise cleanup.

Mr. Griset raised concerns over allegations he has had since that order which include temporary placement of railroad ties and more railroad tie replacement in 2019. Mr. Griset has since filed an email complaint with NH DES including email correspondence and photos shared with Ms. Murphy and has not had a response.

Mr. Griset alleged a stone box culvert was replaced without permit with a pitched drain and no retaining wall, created an elevation change of 2.5’ higher, changing the hydrology. He noted that while the Railroad is involved his research found that they must comply with local land use and environmental laws.

44 Mr. Griset cited issues with beaver management policies which Public Works have stopped. Mr.  
45 Griset noted he would like the Town to adopt a policy similar to GZA and UNH Merrimack Policy. He  
46 would like to see the policy extend to trail systems and drainage areas with flowing water. He noted  
47 people are building dams to raise water levels which is illegal and against state law. This  
48 information should be on the Town website. Mr. Clement noted any policy would have to go to the  
49 Select Board. Mr. Koff noted the beaver deceiver device on Town Forest property is not managed  
50 by the Commission. Ms. Murphy reviewed the oversight of the Commission which includes wetland  
51 permits and management of conservation land. Ms. Murphy acknowledged his allegation that the  
52 Town may have left silt fence behind.

53

54 Mr. Clement recommended that staff contact NH DES to find out the status of the complaint to see  
55 action and follow up.

56

57 Mr. Griset raised concerns about posting for no hunting with the season beginning in a couple of  
58 days. The signs out there now have his name on them and should be replaced with the  
59 Commission's contact information.

60

61 Mr. Griset raised concerns with the stipulations of the deed and signage rules and locations relevant  
62 to trails and trail buffers of 100.' He requested the trails being constructed have access blocked  
63 until signs can be put up.

64

65 Mr. Clement asked the status of the proposed legislation prohibiting Towns to ban discharge of  
66 firearms on Town property and Ms. Murphy indicated the bill died.

67

68 Mr. Koff noted the Commission would work on signage and posting and check out the trail.

69

70 2. Lamprey River Advisory Committee – Presentation and Request for Exeter Representative (Therese  
71 Thompson)

72

73 Therese Thompson appeared on behalf of the Lamprey River Advisory Committee. She noted there  
74 are 14 Towns on the watershed, and she is seeking representatives to serve on the Committee from  
75 each Town. Each Town can have up to four representatives. Ms. Thompson showed the LRAC  
76 website and talked about funding and grants. She noted they meet on the 3<sup>rd</sup> Tuesday at 7 PM in  
77 Lee at the public safety complex. There is a FAQ sheet on the website telling how to join.

78

79 Mr. Mattera asked the responsibilities of a member and Ms. Thompson indicated they review a lot  
80 of projects, fix trails and signs and can serve on subcommittees.

81

82 Mr. Clement noted the Exeter River Advisory Committee is also looking for members.

83

84 3. Committee Reports

85

86 a. Property Management

87

88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131

i. Haying cycle at Raynes Farm

Ms. Murphy asked the Commission if they would like to continue to adhere to the current haying cycle at Raynes Farm to allow for an early cut and delayed second cut to promote Bobolink nesting. The Commission agreed to continue without change.

ii. Raynes Repair Site Prep for contractor – Expenditure Request NTE \$910

Ms. Murphy reported on repairs at Raynes Barn and the need for asbestos testing on the west end ceiling and vegetation removal for scaffolding to be installed.

MOTION: Mr. Campion motioned to authorize the expenditure of up to \$910 from the Contractor Services budget line item for asbestos testing and vegetation clearing around the barn perimeter. Mr. Short seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

iii. Conservation Land Mowing – Expenditure Request \$1,575 or \$1,700

Mr. Murphy discussed the mowing cycle which is one-third of the property and concerns with woody vegetation creeping in which could use a bit more mowing.

MOTION: Mr. Campion motioned to authorize the expenditure of up to \$1,700 from the Roadside Mowing budget line item for field mowing on conservation lands. Mr. Short seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

Mr. Clement raised concerns about brush hogging the Stone property which is now overgrown. Mr. Murphy noted they attempted to have it done last year but it was too wet. Ms. Murphy will go out and take a look and get in touch with someone to do the work. Funds could be transferred from interns to roadside to contract out the work.

The Commission extended thanks to Mr. Campbell who has mowed White Meadow pass and the Garrison Lane path.

iv. Holland Way Pollinator Strip (5 mi) Expenditure Request NTE \$700

Ms. Murphy presented the proposal for a pollinator strip along the median on Holland Way. There would be rototilling and then a winter cover and seeding.

MOTION: Ms. Eberhardt motioned to authorize the expenditure of up to \$1,000 from the Conservation Land Administration budget line item for seed and supplies to convert the median strip along Holland Way to pollinator habitat. Mr. Clement seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175

b. Trails

Mr. Koff noted he would like to have a separate Trails Committee meeting sometime in October or November to discuss signage, density and maintenance.

c. Outreach Events – Expenditure Request \$125

MOTION: Mr. Koff motioned to authorize up to \$125 from Conservation Land Administration budget line item for outreach programming. Mr. Campion seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

i. Forest Bathing Program – 10/1

Ms. Murphy described the program as an immersion in nature. She has booked it for 9-10:30 at the Little River Conservation Area. Space is available for 12 and four have signed up so far. Mr. Koff recommended putting a broader explanation of the event on the website.

ii. SkyWatch at Raynes – 10/21 (Cloud Date 10/22)

Ms. Murphy reported she booked the SkyWatch event for October 21 at Raynes with the NH Ast. Society members. It will begin with a 30 minute presentation at the barn from 7:00-7:30 and then go out to viewing.

iii. Mushroom Walk

Ms. Murphy proposed a mushroom and foraging event. The Commission discussed properties and parking access.

MOTION: Mr. Campion motioned to approve the expenditure of up to \$200 for the mushroom/foraging event. Ms. Eberhardt seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.

iv. Kayak Tour

Ms. Murphy reported that Parks & Rec. have secured some kayaks and will be doing an event at the Town Boat Launch on September 25<sup>th</sup> from 10:00-11:45. There was a strong interest and possibly will have a second follow up event in October.

v. Fall/Winter Collaboration with Parks & Rec.

Ms. Murphy reported there will be some opportunities for collaborations with Parks & Recreation coming up in fall/early winter.

176 4. Approval of Minutes  
177  
178 a. August 9, 2022 Meeting  
179  
180 Ms. Murphy recommended edits.  
181  
182 **Mr. Koff motioned to approve the August 9, 2022 minutes as amended. Ms. Eberhardt**  
183 **seconded the motion. A vote was taken, all were in favor, the motion passed 7-0-0.**  
184

185 5. Correspondence  
186  
187 Ms. Murphy reported an email stating that the preconstruction meeting for Rose Farm will be  
188 September 20<sup>th</sup> and all permits are in place. They can start remediation efforts anytime now.  
189  
190 Ms. Murphy reported Charter Street cleanup is underway in the prime wetland. Mr. Koff noted he  
191 would like to see the before and after.  
192

193 6. Other Business  
194  
195 a. Climate Resilience Technical Assistance – Floodplain and Flood Advisory Area Zoning  
196  
197 Ms. Murphy discussed the Planning Board and RPC technical assistance proposal for flood area  
198 with the increase for flood elevation from 1’ of freeboard to 2’ in special flood hazard area.  
199 After review and recommendations it would go to the Select Board, have hearings and present  
200 to Town Meeting in 3/2023. She noted Durham did a advisory program.  
201  
202 b. Invest NH Grant – Incentivize zoning near existing infrastructure, minimizing resource  
203 impacts, and Bike Pedestrian Master Plan  
204  
205 Ms. Murphy reported that Town Planner Dave Sharples applied for and was awarded a \$45,000  
206 Invest NH Grant and this will be used to consult on rezoning with the MPOC.  
207  
208 c. Other Committee Updates (SAC, EC, Tree, Pollinator)  
209  
210 Ms. Murphy reported the single use plastics Town Ordinance is proposed for Town property and  
211 events and would have three public hearings. There would be exemption for Firer & Safety and  
212 non-profits like Meals on Wheels. Information can be viewed in the Sustainability Committee’s  
213 packet for their meeting last Monday.  
214  
215 Ms. Murphy reported the Energy Committee received its first credit for hydro net metering  
216 which is part of fossil fuel collaboration with the hydro power plant. This could become a  
217 budget revenue to offset other programs.  
218  
219 Ms. Murphy reported an electric vehicle showcase scheduled for September 25<sup>th</sup>.



220

221 7. Next Meeting: Date Scheduled (10/11/22), Submission Deadline (9/30/22)

222

223 Ms. Murphy noted the meeting will take place at Town Hall and a reminder will be sent.

224

225

226 8. Adjournment

227

228 MOTION: Mr. Koff moved to adjourn the meeting at 9:00 PM seconded by Mr. Madison. A vote was  
229 taken, all were in favor, the motion passed unanimously.

230

231 Respectfully submitted,

232

233 Daniel Hoijer, Recording Secretary

234 Via Exeter TV

235

236 This meeting was also offered via Zoom 886 8896 9737



Kristen Murphy <kmurphy@exeternh.gov>

---

## Holland Way

1 message

---

**Gwen Sneed** <gsneeden@gmail.com>  
To: Kristen Murphy <kmurphy@exeternh.gov>

Fri, Sep 16, 2022 at 5:48 PM

Hi Kristin,

I am writing with a concern for both the Conservation Commission and the Tree Committee. Like many people, I walk Holland Way and have come to really enjoy the incredible diversity of tree life on that 1.7 mile stretch (in spite of the fast traffic, it's a beautiful walk!). My concern is that many of the trees originally planted are being choked out (some are native) by bittersweet. I have already reached out to the state because I know they have invasive species controls, but they directed me to the Conservation Commission. Is there any plan to either manually remove (a royal pain, having done it myself) it or use glyphosate to eradicate it? It would be a shame to see all those trees overcome by bittersweet.

Thanks,

Gwen Sneed  
38 Acadia Lane



Kristen Murphy <kmurphy@exeternh.gov>

---

## Railroad violation evidence

1 message

---

**Brian Griset** <grisetandsons@comcast.net>  
To: Kristen Murphy <kmurphy@exeternh.gov>

Mon, Oct 3, 2022 at 7:50 PM

Please forward the prior emails to the Conservation Committee members so they can see what we discussed. I have all of the documentation for the original culvert and railroad bed dating back to 1841. The Committee might be interested to know that there are railroad issues with the old stone culvert between the prime wetlands at the end of Charter Street and the cemetery. I am sure Public Works and their consultants would be interested as it is one of the major factors causing infiltration of the sewer system on Westside Drive. Any questions the Committee might have I'll be glad to answer.  
Sent from my iPhone



Kristen Murphy <kmurphy@exeternh.gov>

# Original Wetlands Complaint of 1/23/21

1 message

Brian Grisct <grisctandsons@comcast.net>

Mon, Oct 3, 2022 at 6:22 PM

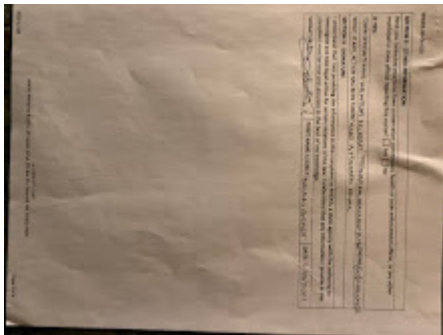
To: Brian Grisct <grisctandsons@comcast.net>, Kristen Murphy <kmurphy@exeternh.gov>

Sent from my iPhone

## 4 attachments



**IMG\_0570.jpg**  
116K



**IMG\_0571.jpg**  
80K

**IMG\_0572.jpg**  
62K



# LAND RESOURCES MANAGEMENT PROGRAM COMPLAINT FORM

Water Division / Land Resources Management



RSA/Rule: RSA 485-A:17, RSA 483-B, RSA 485-A, RSA 482-A

This complaint form is a means for the general public to report violations of New Hampshire environmental laws falling under the jurisdiction of the New Hampshire Department of Environmental Services' Land Resources Management Program (LRMP), which includes Alteration of Terrain, Shoreland, Subsurface, and Wetlands. Due to the vast amount of complaints submitted, LRMP relies on the public to provide thorough and accurate information. Before completing this form, please read page 4: "Frequently Asked Questions Relative to Submitting and Following Up on a Complaint." Please type or print neatly and answer all questions as completely as possible; incomplete forms and anonymous complaints are not investigated.

## SECTION 1 - LOCATION OF ALLEGED VIOLATION

ADDRESS: B & M Railroad Right of Way		MUNICIPALITY: Exeter	
WATERBODY: Little River and adjacent wetlands		TAX MAP: 73	LOT NUMBER: 47

## SECTION 2 - ALLEGED VIOLATOR CONTACT INFORMATION

Who is responsible for the alleged violation(s)?

Property Owner  Contractor  Forester  Logger  Designer  Installer  Other: Constructive Nuisance - Children

CONTACT NAME:		COMPANY NAME: Boston & Maine Railroad Corp	
ADDRESS: 1700 Iron Horse Park		CITY: North Billerica	STATE: MA ZIP: 01862
PHONE:		EMAIL:	

## SECTION 3 - PROPERTY OWNER CONTACT INFORMATION (IF DIFFERENT FROM ALLEGED VIOLATOR)

NAME:		PHONE:	EMAIL:
ADDRESS:		CITY:	STATE: ZIP:

## SECTION 4 - COMPLAINANT CONTACT INFORMATION

(You must complete this information)

NAME: Mendez Trust - Brian Grisct			
ADDRESS: 26 Cullen Way		CITY: Exeter	STATE: NH ZIP: 03833
TAX MAP: 81	LOT NUMBER: 53	PHONE: 603-696-1139	EMAIL: grisctandsons@comcast.net

## SECTION 5 - IMPACTED RESOURCE

Lake/Pond  River/Stream  Non-Tidal Wetland  Saltmarsh

Tidal Buffer Zone  Sand Dunes  Protected Shoreland (Disturbance within 250 feet of a public waterbody)

Septic System  Upland (Land disturbance of  $\geq 100,000\text{ft}^2$  or  $\geq 50,000\text{ft}^2$  if within the Protected Shoreland)

**SECTION 8 - OTHER INFORMATION**

Have you contacted your local town conservation commission, health or code enforcement officer, or any other municipal or state official regarding this matter?  Yes  No

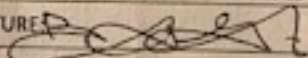
IF YES:

TOWN OFFICIAL'S NAME: WYSTEN MURPHY TITLE: NATURAL RESOURCE PLUM PHONE: (603) 418-6452

WHAT, IF ANY, ACTION HAS BEEN TAKEN? SEE ATTACHED EMAIL

**SECTION 9 - SIGNATURE**

I understand that I am providing the information in this complaint to NHDES, a state agency with the authority to investigate and take legal action for certain violations of the law. I understand that any information I provide in this complaint must be true and accurate to the best of my knowledge.

SIGNATURE:  PRINT NAME LEGIBLY: BRIAN GRISSETT DATE: 1/22/2021



From: Kristen Murphy  
Sent: Monday, December 21, 2020 8:29 AM  
To: Brian Griset  
Subject: RR ties and wetland compliant form

Hi Brian,

You can add my name to the wetland complaint form. I did not inspect the entire right of way and found less ties than I was expecting but given the history it seems like once some start being left, the pile grows.

Town Officials Name: Kristen Murphy

Title: Natural Resource Planner

Phone: 603-418-6452

Action Taken: Inspected the site near the Little River behind the Linden Commons development and the Powdermill Road intersection.

--

Kristen Murphy  
Natural Resource Planner  
Town of Exeter  
10 Front Street, Exeter, NH 03833  
(603) 418-6452

NIA DES WETLANDS

~~559-1500~~

1513

NEIL ~~PRO~~

BILODCAU

REGIONAL INSPECTOR

LEWIS LEWIS

559-1515





Kristen Murphy <kmurphy@exeternh.gov>

---

## FW: Railroad ties 11/29 - 1

1 message

---

**Brian Griset** <grisetandsons@comcast.net>  
To: Kristen Murphy <kmurphy@exeternh.gov>

Mon, Oct 3, 2022 at 6:29 PM

Brian Griset

[grisetandsons@comcast.net](mailto:grisetandsons@comcast.net)  
603.686.1139

---

**From:** Price, David  
**Sent:** Monday, November 30, 2020 3:38 PM  
**To:** 'Brian Griset'  
**Cc:** Lewis, Eben; Bilodeau, Neil  
**Subject:** FW: Railroad ties 11/29 - 1

Mr. Griset,

I'm forwarding your information to the DES inspectors that cover Exeter, cc'd in this email. Please coordinate with them directly.

Thank you,

David Price

Wetlands Bureau, Land Resources Management

Water Division, NH Department of Environmental Service

222 International Drive – Suite 175

Portsmouth, NH 03801

Phone: (603) 559-1514 office (603) 419-0502 cell

Email: [david.price@des.nh.gov](mailto:david.price@des.nh.gov)

 [Follow us on Twitter!](#)

 [Like us on Facebook!](#)

**We greatly appreciate your feedback, please take a moment to fill out our NHDES-LRM customer satisfaction survey**

**From:** Brian Griset <[griselandsons@comcast.net](mailto:griselandsons@comcast.net)>  
**Sent:** Monday, November 30, 2020 3:28 PM  
**To:** Price, David <[DAVID.A.PRICE@des.nh.gov](mailto:DAVID.A.PRICE@des.nh.gov)>  
**Subject:** FW: Railroad ties 11/29 - 1

**EXTERNAL:** Do not open attachments or click on links unless you recognize and trust the sender.

I left a message on your cell phone regarding this matter.

### **Wetlands and Solid Waste Violations**

On November 29, 2020 witnessed a group of adolescents throwing railroad ties from the railroad bridge into the Little River in Exeter, NH. I was able to hear the kids talking about their action and captured photos of the children and the railroad ties in the river.

#### **History:**

The Railroad replaced a substantial number of railroad ties approximately six months ago (May/June) but has failed to collect them from the less densely populated area from the Exeter/E. Kingston Town line up to almost Front Street. In Town they did remove them from trackside.

It appears that Pan Am Railways replaced ties, on average, every 10 feet, this time so approximately 1,000 ties need to be removed from the trackside.

This is in addition to a smaller number of ties that were replaced and left trackside approximately 5-6 years ago. The piles of old verses the recent ties can be documented by Google Maps. From the current satellite photo taken before the recent replacement you can identify their locations (from Little River first 2,000 feet 5-6 piles) from the other numerous new piles from the latest replacement.

You can also tell the difference as the Railroad identified the most recent removals with a spray-painted blue dot on the new ties.

This failure to remove is in violation of a Complaint Resolution (ENF 2004-2598) and a Court order from 2006 that ties could only be stored trackside for not longer than six months and not within 100 feet of the Little River or wetlands adjacent to the railbed as they constituted an attractive nuisance to children.

Many of these ties are adjacent to large wetlands and both the Little and Exeter Rivers.

#### **Yesterday's Incident:**

In yesterday's incident a total of three were thrown into the river. I was able to temporarily secure two of them onto the riverbanks, but one is still stuck under the railroad bridge.

The following are the current approximate GPS coordinates utilizing Google Maps.

- 42.973069, - 70.965228
- 42.973006, - 70.966129
- 42.973250, - 70.966311

They had been left within 20 feet of the Little River Bridge with one hanging over the side. There are still two additional ties on the railbed within 50 feet of the Little River/Railroad Bridge. Those locations are;

- 42.973188, - 70.966355
- 42.973195, - 70.966354

#### **Metals and Ballast Violations:**

In addition to the ties you can visually see that tie plates and ballast have once again been deposited into the Little River at the RR Bridge location for additional violations.

**Additional Tie Wetland Violation Locations:**

In addition to the above tie locations I have identified additional violation locations where ties, tie pieces and bridge timbers have previously been thrown in the river and are now in the Little River, wetlands and floodplain. Some have been pulled from the river, but others remain in the river channel. Approximate locations are as follows;

42.973108, – 70.962492

42.973156, – 70.962395

42.973226, – 70.962749

42.973179, – 70.962814

42.973101, – 70.965196

42.973116, – 70.965196

42.973038, – 70.965196

42.973093, – 70.965142

I have additional photos if you would like them.

Brian Griset

[grisetandsons@comcast.net](mailto:grisetandsons@comcast.net)

603.686.1139

---

**From:** [Brian Griset](#)

**Sent:** Monday, November 30, 2020 11:37 AM

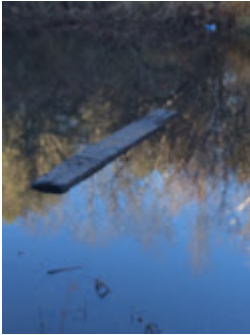
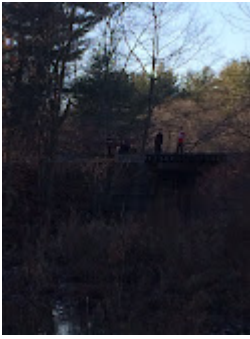
**To:** [grisetandsons@comcast.net](mailto:grisetandsons@comcast.net)

**Subject:** Railroad ties 11/29 - 1

---

**5 attachments**

**IMG\_1234.JPG**  
423K



**IMG\_1235.JPG**  
333K



**IMG\_1244.JPG**  
503K

 **image001.gif**  
2K

 **image002.gif**  
2K



Kristen Murphy <kmurphy@exeternh.gov>

---

## FW: Railroad ties now in wetlands

1 message

---

**Brian Griset** <grisetandsons@comcast.net>  
To: Kristen Murphy <kmurphy@exeternh.gov>

Mon, Oct 3, 2022 at 6:31 PM

Brian Griset

[grisetandsons@comcast.net](mailto:grisetandsons@comcast.net)  
603.686.1139

---

**From:** [Brian Griset](#)  
**Sent:** Thursday, April 1, 2021 8:15 PM  
**To:** [Lewis, Eben](#)  
**Subject:** FW: Railroad ties now in wetlands

Brian Griset

[grisetandsons@comcast.net](mailto:grisetandsons@comcast.net)  
603.686.1139

---

**From:** [Brian Griset](#)  
**Sent:** Thursday, April 1, 2021 8:13 PM  
**To:** [grisetandsons@comcast.net](mailto:grisetandsons@comcast.net)  
**Subject:** Railroad ties now in wetlands

Even,

Haven't heard anything on my complaint. Thought you should know over past week most railroad ties stacked along RR ROW pushed over side. Some already in delineated wetlands others still on side slopes ready to go in.

---

**4 attachments**

**IMG\_1348.JPG**  
153K



**IMG\_1350.JPG**  
143K



**IMG\_1369.JPG**  
147K



**IMG\_1376.JPG**  
199K



Kristen Murphy <kmurphy@exeternh.gov>

---

## 2019 tree brush in river/ties in row

1 message

---

**Brian Grisct** <grisctandsons@comcast.net>

Mon, Oct 3, 2022 at 6:41 PM

To: Brian Grisct <grisctandsons@comcast.net>, Kristen Murphy <kmurphy@exeternh.gov>

Documented first of recent complaints reported to DES

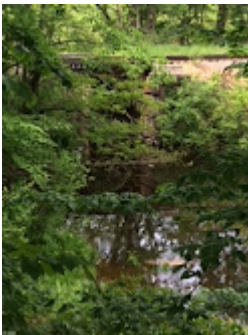
Sent from my iPhone

---

### 4 attachments



**IMG\_0066.JPG**  
57K



**IMG\_0074.JPG**  
57K

**IMG\_0076.JPG**  
58K



**IMG\_0078.JPG**  
60K





Kristen Murphy <kmurphy@exeternh.gov>

---

## Ties in Little River/pulled ties near wetlands

1 message

---

**Brian Griset** <grisetandsons@comcast.net>

Mon, Oct 3, 2022 at 6:50 PM

To: Brian Griset <grisetandsons@comcast.net>, Kristen Murphy <kmurphy@exeternh.gov>

12/01/20

Sent from my iPhone

---

### 3 attachments



**IMG\_1264.JPG**  
114K



**IMG\_1269.JPG**  
212K



**IMG\_1270.JPG**  
149K





Kristen Murphy <kmurphy@exeternh.gov>

---

## Located ties/dumped ties next to wetlands

1 message

---

**Brian Grisct** <grisctandsons@comcast.net>

Mon, Oct 3, 2022 at 6:57 PM

To: Brian Grisct <grisctandsons@comcast.net>, Kristen Murphy <kmurphy@exeternh.gov>

12/12/20

Located down stream in Little River

Stored ties adjacent to wetlands as pink wetlands flagging is in photograph

Sent from my iPhone

---

### 4 attachments



**IMG\_1291.JPG**  
139K



**IMG\_1292.JPG**  
143K

**IMG\_1293.JPG**  
143K



**IMG\_1297.JPG**  
193K



Kristen Murphy <kmurphy@exeternh.gov>

---

## 2021: Ties now pushed over bank of ROW

1 message

---

**Brian Griset** <grisetandsons@comcast.net>

Mon, Oct 3, 2022 at 7:00 PM

To: Brian Griset <grisetandsons@comcast.net>, Kristen Murphy <kmurphy@exeternh.gov>

3/29/22

Sent from my iPhone

---

### 2 attachments



**IMG\_1375.JPG**  
194K



**IMG\_1378.JPG**  
184K



Kristen Murphy <kmurphy@exeternh.gov>

---

## Find new higher, smaller culvert installed 7/24/22

1 message

---

**Brian Griset** <grisetandsons@comcast.net>

Mon, Oct 3, 2022 at 7:20 PM

To: Brian Griset <grisetandsons@comcast.net>, Kristen Murphy <kmurphy@exeternh.gov>

In spring Railroad crew had been working for a month trying to clear latest beaver blockage of old 3x4 foot culvert located where the tracks cross the Prime Wetlands.

7/24/21 found culvert replaced with smaller 3 foot round concrete culvert, at 2 foot higher discharge elevation and another 2 feet higher at intake.

Old stone retaining wall removed, no silt fenced used, gravels and stone washed into Prime wetlands.

Retaining wall stone and trees cut down thrown into prime wetland.

Ties pushed more into wetlands.

I checked NHDES website for any permit. None requested or issued.

Crew back next day. Said "emergency " permit issued. Not true. I told them since culvert had been problem for over 2 years, that they had already illegally pumped the water backed up and had removed the obstruction couldn't claim emergency, nor under Emergency rules must be same size and elevation.

They were pissed they got caught in the lie and said "we told him to file for the proper permits as we know you keep an eye on the property".

Sent from my iPhone



IMG\_1534.JPG  
182K



Kristen Murphy <kmurphy@exeternh.gov>

---

## 12/7/21 more ties located in Little River channel

1 message

---

**Brian Griset** <grisetandsons@comcast.net>

Mon, Oct 3, 2022 at 7:27 PM

To: Brian Griset <grisetandsons@comcast.net>, Kristen Murphy <kmurphy@exeternh.gov>

Sent from my iPhone



**IMG\_0003.jpg**  
188K





Kristen Murphy <kmurphy@exeternh.gov>

---

## Little River bridge crossing 1/18/22

1 message

---

**Brian Griset** <grisetandsons@comcast.net>

Mon, Oct 3, 2022 at 7:35 PM

To: Brian Griset <grisetandsons@comcast.net>, Kristen Murphy <kmurphy@exeternh.gov>

Zoom in and you clearly see Ties dumped/stored over edge of bank right next to Little River against restraining order. Also surplus concrete culvert from illegal replacement now stored here.

Sent from my iPhone



**IMG\_0160.jpg**  
167K





Kristen Murphy <kmurphy@exeternh.gov>

---

## 8/17/22 Illegal culvert

1 message

---

**Brian Grisct** <grisctandsons@comcast.net>

Mon, Oct 3, 2022 at 7:43 PM

To: Brian Grisct <grisctandsons@comcast.net>, Kristen Murphy <kmurphy@exeternh.gov>

First picture shows discharge end high and dry. Even above water impounded downstream by spoils and erosion of bank shown in second picture. Third picture is looking up pipe to intake end which is supercharged and impounding approximately 3-4 feet of water on that side's prime wetlands.

Sent from my iPhone

---

### 3 attachments



**IMG\_0478.jpg**  
168K



**IMG\_0479.jpg**  
193K

**IMG\_0480.jpg**  
77K





Kristen Murphy <[kmurphy@exeternh.gov](mailto:kmurphy@exeternh.gov)>

---

## Fwd: FW: Railroad ties 11/29 - 1

1 message

---

Kristen Murphy <[kmurphy@exeternh.gov](mailto:kmurphy@exeternh.gov)>

Tue, Oct 4, 2022 at 8:12 AM

To: "Bilodeau, Neil" <[Neil.Bilodeau@des.nh.gov](mailto:Neil.Bilodeau@des.nh.gov)>, "Lewis, Eben M" <[Eben.Lewis@des.nh.gov](mailto:Eben.Lewis@des.nh.gov)>

Good morning,

I am sending this information along. Eben, I shared this with Neil but Brian Griset attended the Exeter Conservation Commission meeting in September with concerns of installation of an undersized culvert and dumping of railroad ties in the river by the railroad. It looks from the correspondence that was shared with me the wetland complaint only involved the railroad ties. I will forward the complaint he submitted. The Conservation Commission asked me to follow up with you all to get a status update. I will not send along all 19 emails but will forward the one that had a copy of the original complaint following this email. If you would like all for the record, please let me know.

Kristen

----- Forwarded message -----

From: **Brian Griset** <[grisetandsons@comcast.net](mailto:grisetandsons@comcast.net)>

Date: Mon, Oct 3, 2022 at 6:29 PM

Subject: FW: Railroad ties 11/29 - 1

To: Kristen Murphy <[kmurphy@exeternh.gov](mailto:kmurphy@exeternh.gov)>

Brian Griset

[grisetandsons@comcast.net](mailto:grisetandsons@comcast.net)

603.686.1139

---

**From:** Price, David

**Sent:** Monday, November 30, 2020 3:38 PM

**To:** 'Brian Griset'

**Cc:** Lewis, Eben; Bilodeau, Neil

**Subject:** FW: Railroad ties 11/29 - 1

Mr. Griset,

I'm forwarding your information to the DES inspectors that cover Exeter, cc'd in this email. Please coordinate with them directly.

Thank you,

David Price

Wetlands Bureau, Land Resources Management

Water Division, NH Department of Environmental Service

222 International Drive – Suite 175

Portsmouth, NH 03801

Phone: (603) 559-1514 office (603) 419-0502 cell

Email: [david.price@des.nh.gov](mailto:david.price@des.nh.gov)

 [Twitter Image](#) Follow us on Twitter!

 [Facebook Image](#) Like us on Facebook!

**We greatly appreciate your feedback, please take a moment to fill out our NHDES-LRM customer satisfaction survey**

---

**From:** Brian Griset <[griselandsons@comcast.net](mailto:griselandsons@comcast.net)>  
**Sent:** Monday, November 30, 2020 3:28 PM  
**To:** Price, David <[DAVID.A.PRICE@des.nh.gov](mailto:DAVID.A.PRICE@des.nh.gov)>  
**Subject:** FW: Railroad ties 11/29 - 1

**EXTERNAL:** Do not open attachments or click on links unless you recognize and trust the sender.

I left a message on your cell phone regarding this matter.

### **Wetlands and Solid Waste Violations**

On November 29, 2020 witnessed a group of adolescents throwing railroad ties from the railroad bridge into the Little River in Exeter, NH. I was able to hear the kids talking about their action and captured photos of the children and the railroad ties in the river.

#### **History:**

The Railroad replaced a substantial number of railroad ties approximately six months ago (May/June) but has failed to collect them from the less densely populated area from the Exeter/E. Kingston Town line up to almost Front Street. In Town they did remove them from trackside.

It appears that Pan Am Railways replaced ties, on average, every 10 feet, this time so approximately 1,000 ties need to be removed from the trackside.

This is in addition to a smaller number of ties that were replaced and left trackside approximately 5-6 years ago. The piles of old verses the recent ties can be documented by Google Maps. From the current satellite photo taken before the recent replacement you can identify their locations (from Little River first 2,000 feet 5-6 piles) from the other numerous new piles from the latest replacement.

You can also tell the difference as the Railroad identified the most recent removals with a spray-painted blue dot on the new ties.

This failure to remove is in violation of a Complaint Resolution (ENF 2004-2598) and a Court order from 2006 that ties could only be stored trackside for not longer than six months and not within 100 feet of the Little River or wetlands adjacent to the railbed as they constituted an attractive nuisance to children.

Many of these ties are adjacent to large wetlands and both the Little and Exeter Rivers.

**Yesterday's Incident:**

In yesterday's incident a total of three were thrown into the river. I was able to temporarily secure two of them onto the riverbanks, but one is still stuck under the railroad bridge.

The following are the current approximate GPS coordinates utilizing Google Maps.

- 42.973069, - 70.965228
- 42.973006, - 70.966129
- 42.973250, - 70.966311

They had been left within 20 feet of the Little River Bridge with one hanging over the side. There are still two additional ties on the railbed within 50 feet of the Little River/Railroad Bridge. Those locations are;

- 42.973188, - 70.966355
- 42.973195, - 70.966354

**Metals and Ballast Violations:**

In addition to the ties you can visually see that tie plates and ballast have once again been deposited into the Little River at the RR Bridge location for additional violations.

**Additional Tie Wetland Violation Locations:**

In addition to the above tie locations I have identified additional violation locations where ties, tie pieces and bridge timbers have previously been thrown in the river and are now in the Little River, wetlands and floodplain. Some have been pulled from the river, but others remain in the river channel. Approximate locations are as follows;

42.973108, – 70.962492

42.973156, – 70.962395

42.973226, – 70.962749

42.973179, – 70.962814

42.973101, – 70.965196

42.973116, – 70.965196

42.973038, – 70.965196

42.973093, – 70.965142

I have additional photos if you would like them.

Brian Griset

[grisetandsons@comcast.net](mailto:grisetandsons@comcast.net)  
603.686.1139

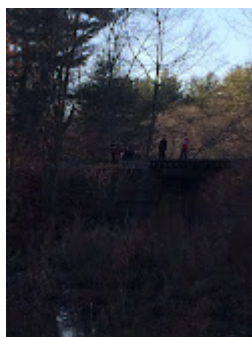
---

**From:** Brian Griset  
**Sent:** Monday, November 30, 2020 11:37 AM  
**To:** [grisetandsons@comcast.net](mailto:grisetandsons@comcast.net)  
**Subject:** Railroad ties 11/29 - 1

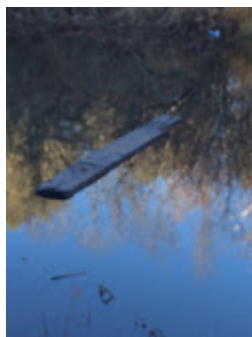
--  
Kristen Murphy  
Conservation and Sustainability Planner  
Town of Exeter  
10 Front Street, Exeter, NH 03833  
(603) 418-6452

---

**5 attachments**



**IMG\_1234.JPG**  
423K



**IMG\_1235.JPG**  
333K



**IMG\_1244.JPG**  
503K





Kristen Murphy <[kmurphy@exeternh.gov](mailto:kmurphy@exeternh.gov)>

---

## Re: Questions on wetland buffer activities

1 message

---

**Kristen Murphy** <[kmurphy@exeternh.gov](mailto:kmurphy@exeternh.gov)>  
To: Stephanie Marshall <[jstephanie.marshall@gmail.com](mailto:jstephanie.marshall@gmail.com)>

Thu, Oct 6, 2022 at 10:41 AM

My apologies Stephanie,

After a reminder about the barn being removed from the proposal, I have now realized I erred in my conclusion. The Conservation Commission recommended denial of the CUP due to the barn. Before the project went to the Planning Board for final decision, he withdrew the barn component from his project and received a building permit for the house only. It was confusing to me because his state shoreland permit includes both the house and barn.

I intend to notify the owner of the restriction on mowing/modifying the buffer on his parcel without a CUP.

Kristen

On Tue, Oct 4, 2022 at 3:22 PM Kristen Murphy <[kmurphy@exeternh.gov](mailto:kmurphy@exeternh.gov)> wrote:

Any change within a prime wetland requires a state permit. Any change within a prime wetland buffer requires a town conditional use permit.

On Tue, Oct 4, 2022 at 2:21 PM Stephanie Marshall <[jstephanie.marshall@gmail.com](mailto:jstephanie.marshall@gmail.com)> wrote:

Thanks for checking. Is it permissible to make a lawn in a prime wetland area as well?

On Tue, Oct 4, 2022 at 11:31 AM Kristen Murphy <[kmurphy@exeternh.gov](mailto:kmurphy@exeternh.gov)> wrote:

Good morning Stephanie,

I went out and measured the clearing area. Its 91' east of the waterline connection which aligns with their proposed clearing area around their barn site. It does not appear to me that they exceeded what was granted in their conditional use permit and state shoreland district.

Kristen

On Tue, Oct 4, 2022 at 10:38 AM <[jstephanie.marshall@gmail.com](mailto:jstephanie.marshall@gmail.com)> wrote:

Good morning Kristen,

I have a question what is allowed to be done in Prime Wetlands and the buffers. #2 Nelson Drive, the site of so much discussion about building site, has just mowed the vegetation in the Prime wetland and buffer zone. Is this within the allowable activities to do? I thought that it was not supposed to be altered.

Thanks,

Stephanie Marshall

7 Nelson Drive

Sent from [Mail](#) for Windows

--

Kristen Murphy  
Conservation and Sustainability Planner  
Town of Exeter  
10 Front Street, Exeter, NH 03833  
(603) 418-6452

--

Kristen Murphy  
Conservation and Sustainability Planner  
Town of Exeter  
10 Front Street, Exeter, NH 03833  
(603) 418-6452

--

Kristen Murphy  
Conservation and Sustainability Planner  
Town of Exeter  
10 Front Street, Exeter, NH 03833  
(603) 418-6452