

Exeter Conservation Commission
February 11, 2025
Nowak Room
10 Front Street
7:00 PM
Draft Minutes

Call to Order

1. Introduction of Members Present (by Roll Call)

Present at tonight’s meeting were: Chair Dave Short, Vice-Chair Conor Madison, Andrew Koff, Trevor Mattera, Nick Champion, Keith Whitehouse, Valorie Fanger, Alternate Kyle Welch, Alternate Bill Campbell, Alternate Sean Torrez, Alternate Don Clement (remotely) and Select Board Representative Dan Chartrand

Staff Present: Kristen Murphy, Conservation and Sustainability Planner

Chair Short called the meeting to order at 7:00 PM and introduced the members.

2. Public Comment

Chair Short asked if there were any public comment, outside of agenda items.

Karishma of 6 Windemere Drive presented that there will be a petitioned warrant Article 37 concerning reaching out to state and federal representatives about environmental protection. She provided brochures and read the article out loud. She stated that the environment was in dire condition and flooding in Hampton, fires in California. She noted there is nothing to hold elected officials responsible to deal with climate change, sea level rise, drought, heat waves, heavy rain and financial loss. She noted residents in Hampton are forced to raise their homes on stilts at their own expense to avoid flooding. She encouraged residents to turn out and vote for Article #37.

Action Items

1. Review of Wetland Conditional Use Permit for a Mixed-Use Neighborhood Development project at 76 Portsmouth Ave (and Haven Ln.) at Tax Map 65, Lot 118. (Paige Libbey, Jones and Beach)

Chair Short read the Public Hearing Notice and noted that plans and supporting documents were submitted on January 31st.

Paige Libbey of Jones & Beach Engineers presented the plans which she noted were revised since the previous proposal. She noted the building near wetland B was moved to what was the previous greenspace and there will be some greenspace near the mail area. She noted that the overall buffer

44 impact was reduced. Buildings 2, 4 and 6 are closer to the road. Parking is across the road for the three
45 buildings. She referenced sheet EX3 for more information on CUP temporary and permanent impacts.

46
47 Ms. Murphy indicated at the last meeting she would like to have statements from John Hayes work
48 concerning presence of vernal pools because that could change the buffers. Ms. Libbey noted she
49 included both delineation dates, one done in the spring in April of 2024. She reported there were
50 discussions with the owners of the adjacent Thirsty Moose property concerning the culvert at 72
51 Portsmouth Ave and they are working to replace the culvert that was not working. Ms. Libbey noted
52 that Item #2 of the Conditional Use Permit (CUP) criteria was updated, concerning avoidance and
53 minimization. She noted the location of building 7 was shifted.

54
55 Mr. Madison asked if there were the same amount of buildings and Ms. Libbey indicated one building
56 was split into two but there is the same number of units. The crossing was shifted to allow the sidewalk
57 and reduce impact.

58
59 Mr. Campbell asked about the number of buildings and Ms. Libbey indicated there were 34 units, three-
60 bedroom townhouses.

61
62 Mr. Campbell asked about the mixed use and Ms. Libbey indicated the front of the building would be
63 commercial and is a MUND (Mixed Use Neighborhood Development) with 10% affordable housing,
64 phased 10% in the rear and 10% in the front of the parcel.

65
66 Ms. Fangor asked about conserved land and Ms. Libbey indicated a large portion of upland and buffer
67 will be undeveloped and undisturbed which is not very accessible due to steep slope.

68
69 Ms. Fangor asked if the conserved land would be with SELT (Southeast Land Trust) and Ms. Libbey
70 indicated no, it would be restricted in the condominium documents and could be a deed restriction. Ms.
71 Libbey indicated the area would not be disturbed but for trails for the residents to use.

72
73 Mr. Whitehouse asked why residents only and Ms. Libbey noted she could ask but out of liability
74 concerns to the association. Ms. Murphy noted there are state recreational use laws that protect
75 property owners.

76
77 Mr. Campbell asked about the garage and Ms. Libbey indicated there would be a two-car garage for
78 each unit.

79
80 Mr. Campbell asked about the recreational space. Ms. Libbey noted there is some green area behind
81 the mail house and around each of the buildings which would also have decks.

82
83 Ms. Fangor asked whether porous pavement would be the same and Ms. Libbey indicated yes, although
84 moved around the same square footage.

85
86 Ms. Fangor asked about the reduction in square footage and Ms. Libbey indicated 67%, the amount
87 previously proposed was 18,800 SF on 1/13 and was reduced now to 6,350.

88
89 Ms. Fangor asked about permanent buffer square feet and Ms. Libbey noted the impacts to limited use
90 buffer are 5,100 SF and parking and structure setback 2,900 SF. Mr. Koff noted some of the impact was
91 existing. Ms. Libbey elaborated that 3,000 SF was previously disturbed impervious surfaces and she was
92 unclear if porous pavement for parking should be included but that is 2,000 SF.
93
94 Mr. Madison asked what the space where the old building will be razed, will be used for and Ms. Libbey
95 indicated it will be a lawn area.
96
97 Mr. Campbell expressed concerns with the number of residents and lack of room behind their units for
98 grills and sandboxes.
99
100 Mr. Koff asked about the mail house and Ms. Libbey described it as a small structure with a roof.
101
102 Mr. Whitehouse asked about the neighborhood's drainage concerns and Ms. Libbey indicated they are
103 required to comply with town and state AoT requirements for stormwater and drainage analysis which
104 is reviewed by the town engineer and state engineer. She noted that upgrading the culvert on the
105 Thirsty Moose property will help.
106
107 Chair Short indicated he received a letter from an abutter concerned that the hardship component of
108 the CUP was self-imposed. Ms. Libbey noted hardship is not a CUP criteria, not like a variance. She
109 noted that utilizing the uplands would have more impact.
110
111 Ms. Fangor expressed concerns with the amount of water viewed at the site walk. Mr. Mattera
112 indicated a lot of the standing water had to do with the non-functional culvert. It will still be a low point
113 but not have water habitually there, when it is replaced. Ms. Libbey noted she had pictures of the area
114 when it was empty after being cleaned out in September.
115
116 Ms. Fangor asked the percentage impact of permanent impact to the wetland buffer and Ms. Libbey
117 indicated 3.4% for the limited use buffer and 33.8% for parking and structure setback, total 38.2% and
118 some is existing. There is 3,000 SF in previous impact and 2,000 will be porous pavement.
119
120 Mr. Koff indicated they did a good job with the modified design but were not encroaching on the
121 neighborhood more rather than the buffer which is a trade-off the Commission doesn't comment on.
122 He did not see how to reduce the impact other than the overall size or number of units and scope of the
123 townhomes. Ms. Libbey indicated that originally, they talked about 124 units and lowered the number
124 to 70 units to make the project work.
125
126 Mr. Campbell opined there were a lot of houses jammed into one spot, and it would mean addition of
127 about 400 people. Mr. Koff noted that density and design are the purview of the Planning Board. Mr.
128 Campbell clarified that in relation to being shoved into the wetland buffer.
129
130 Michael Green commented that he has heard reduce, reduce, reduce and has been trying to work with
131 the town and keep the project economically viable. The alternative is the large 50' building.

132

133 Chair Short opened the hearing to the public for comments and questions at 7:34 PM.

134

135 Susan Taylor indicated concerns with the access on Portsmouth Avenue being gone and all traffic
136 coming via Bonny Lane and Haven. She expressed concerns with additional traffic of 34 units each with
137 two cars, and delivery vehicles. Chair Short noted that traffic concerns were the purview of the Planning
138 Board. Ms. Libbey noted there had been concerns expressed about it becoming a cut through and
139 would be a substantial wetland crossing.

140

141 Ryan O'Brien expressed concerns with the significant impact to buffers. He asked about retaining walls
142 and their purpose. Ms. Libbey noted the retaining wall's highest elevation is 4' and the purpose is to
143 avoid further impact. Mr. O'Brien read a letter out loud stating he opposed the CUP because there was
144 no hardship to put units in the buffer. He opined that an alternative design is to have less units and that
145 this was a calculated and systematic disregard of the setbacks by choice.

146

147 Michael Hauck and Danielle Frank expressed concerns with the impact to their homes, values and the
148 environment, the wetland buffers, the scope and height of the buildings and were against the CUP.

149

150 Ms. Frank expressed further concerns with filtration, heat, water, noise, light, and wildlife. She noted a
151 bald eagle was seen two weeks ago and the area is ecologically important. She noted wetlands have
152 protection to stay intact and the proposal was detrimental to the ecology and neighborhood, and she
153 was not in favor of the CUP.

154

155 Steve Taylor commented on the trail loop and asked if it was already present or would be man-made.
156 Ms. Libbey indicated it would be man-made and located behind one of the homes on the property. He
157 expressed concerns with there being no buffer, if the trees were taken down, for noise.

158

159 Mr. Francheski was concerned with the impact of CO2 from the units and cars, surface oil, chemicals and
160 drainage.

161

162 Mr. Clement expressed environmental concerns and water draining to Wheelwright Creek which goes to
163 Squamscott River and into Great Bay which are important natural resources. He expressed concerns
164 with the dense development and acceleration of pollutants, impacts to the function of the remaining
165 buffers and indicated if he were voting as an alternate he would vote no.

166

167 Chair Short reviewed the criteria of the CUP:

168

169 #1 permitted zone – yes

170

171 #2 no alternate design which is less detrimental is feasible.

172

173 The Commission discussed #2 and Chair Short referenced the contrary statute that Mr. Gove discussed
174 at the last meeting. Mr. Koff agreed the two minor wetlands in the middle could not be filled although
175 they are not significant per the state's avoidance and minimization criteria.

176
177 Mr. Koff noted a significant buffer reduction on wetland B and that the only further option for reduction
178 was to further reduce the scope of the project which is not on the Commission's table.
179
180 Mr. Torrez questioned the meaning of feasible. Ms. Libbey noted the design was felt to be a better fit
181 than the larger building.
182
183 Mr. Koff continued that another option was to cross wetland B and build in the upland, but a significant
184 portion is being kept in its natural state.
185
186 Chair Short indicated that the choice is to keep the residential scale or do a large dormitory building.
187 Mr. Green indicated the larger building would be on the scale of the Chinburg building and have less
188 impact to the buffer. Ms. Libbey indicated the property is commercially zoned and so an alternative is
189 commercial property, and she felt this was a good transition with residential. She noted the seven acres
190 of density is similar to the Jady Hill neighborhood.
191
192 Ryan O'Brian indicated he did not want there to be a cut through from Portsmouth Avenue to Haven
193 and prefers one larger building adjacent to the Thirsty Moose property with access on Portsmouth
194 Avenue. Chair Short indicated this was working away from what the Commission can address.
195
196 #3 functions and values
197
198 Mr. Madison noted that per the Gove reporting the principal function is not compromised.
199
200 Mr. Torrez discussed the function of water storage and questioned whether the improved drainage
201 would eliminate some of that storage. The more drainage, the less wetland they would have. Ms.
202 Libbey noted they would be repairing a culvert that was already there. She discussed peak flows and
203 volumes of stormwater runoff and the goal to make sure they are not increasing and provide treatment
204 which is reviewed by the town engineering. Chair Short indicated that while the neighbors want better
205 drainage that unfortunately doesn't square.
206
207 Public Health, Safety, Welfare, Contamination of Groundwater. Mr. Koff indicated the impacts are
208 minor and the answer seems fair.
209
210 Tammy Hamm of 8 Woodlawn Road commented that the little strip at the Foss property was impacted.
211 Chair Short explained this was not a drainage issue and the concern was with protecting the reservoir,
212 the drinking water. Mr. Koff noted that property was above grade and this property is below and drains
213 to the Squamscott River which is important as well, but not a drinking water source.
214
215 #6 Provide, Conserve elsewhere on the site. Chair Short noted the upland piece will remain untouched.
216 Mr. Koff noted it will be permanently conserved as green space. Ms. Fangor noted protected in the
217 deed.
218
219

220 #7 Restoration

221

222 Chair Short indicated this has been stated.

223

224 Tammy Hamm asked what the obligation of the owner is after the fact if the water issue needs to be
225 fixed. Chair Short noted the town oversees the construction process and engineering is reviewed and
226 faith needs to be put in the engineers.

227

228 Greg Boudreau asked what if he gets water in his basement, who is responsible. Chair Short indicated
229 this was outside the Commission's purview.

230

231 Danielle Frank asked about a landscaping plan. Chair Short noted this would be specified by the
232 Planning Board. Ms. Murphy noted the Commission could recommend buffer planting but because the
233 concern is screening it is in the purview of the Planning Board.

234

235 Permits

236

237 Ms. Libbey indicated the applicable permits have been or will be applied for.

238

239 Mr. Campbell expressed concerns with not treating the buffers too cavalierly.

240

241 Mr. Mattera thanked the abutters for their comments and indicated he appreciated their comments and
242 civic engagement here. He thanked the developer for being responsive to the feedback at these
243 meetings, especially with wetland B, and for hearing what the Commission had to say and coming back
244 with changes. He noted wetlands and buffers are what surround the CUP application and the wetland
245 that was really bothering him was wetland B which he saw had the most value. Man-made wetlands
246 artificially held back by a non-functional culvert and buffers around that questionable value were not
247 and there was minimal filling and disturbance.

248

249 Chair Short agreed and noted Ms. Libbey did an outstanding job.

250

251 MOTION: Mr. Koff motioned after reviewing the CUP the Commission has no objection to the
252 application as proposed with the condition that the eastern portion of the property not disturbed be
253 permanently conserved with a deed restriction or equivalent and that the culvert problem be addressed
254 to the satisfaction of the Planning Board.

255

256 Ms. Fangor asked a time frame. Ms. Murphy recommended stating "prior to the issuance of a certificate
257 of occupancy").

258

259 Ms. Libbey asked about the trail.

260

261 Mr. Koff agreed to amend the motion that after reviewing the CUP the Commission has no objection to
262 the application as proposed . Ms. Murphy provided proposed condition language which Mr. Koff agreed
263 to amend the motion with, for the undisturbed area: that prior to the certificate of occupancy being

264 issued a deed restriction be executed indicating the east side presented in the 1/30 plans be
265 permanently protected in perpetuity with the exception of a passive recreational trail as discussed at
266 this meeting.

267
268 Mr. Koff noted to keep the condition in his motion that the culvert replacement be upgraded as
269 discussed.

270
271 Mr. Koff reread the motion.

272
273 Mr. Madison seconded the motion. A vote was taken, Mr. Champion voted no, the motion passed 6-1-0.
274

275 3. Committee Reports
276

277 a. Property Management
278

279 Raynes Stewardship Committee. Mr. Champion reported they met two weeks ago on January 29th
280 and recapped the solstice event. There were 42 attendees. They discussed work on the barn which
281 will resume in April, work on the east side and staircase and removal of the cement floor. Fire
282 suppression was discussed as well as mowing and a crushed drainpipe and deteriorating rock wall.
283 They discussed past and future events and using a google form.

284
285 Mr. Whitehouse asked about funding the staircase. Ms. Murphy indicated it was originally in the
286 scope of work but when costs rose after COVID the scope was modified.

287
288 Mr. Champion had asked about Ben collecting ticket site donations and Ms. Murphy expressed
289 concerns with tax statements and write offs with someone else collecting money for the town. She
290 recommended setting up a non-profit "Friends of Raynes Fund." She noted the budget this year was
291 level funded, and the conservation fund has a small amount, \$4,000-\$6,000. She noted the stairs
292 were not found to be the priority and the fire suppression system was funded. Stewardship funds
293 are used for boundary disputes and such.

294
295 Mr. Whitehouse asked about funding a porta potty year-round which he estimated to cost \$2,000.
296 Mr. Chartrand indicated the timing was right to discuss for the 2026 budget and they should
297 consider their work plan in May or June and have estimates. Mr. Whitehouse expressed concerns
298 with having to wait a year, but Mr. Chartrand explained this is the form of government we have.
299 Mr. Whitehouse will get a price for the porta potty and Ms. Murphy will bring balances to the next
300 meeting. She noted their budget is for \$9,100 and includes NHACC dues, monitoring,
301 administration, education and training mowing, and \$50 items for postage, etc.

302
303

304 b. Outreach Events

305

306 i. Full Moon Snowshoe February Hike – February 12

307

308 Mr. Koff noted he will lead the hike. Mr. Whitehouse will take care of setup, snacks, tea, cocoa,
309 possibly cookies and the warming fire. DPW has plowed an area for parking. Ms. Murphy
310 indicated ExeterTV will do some filming. Mr. Welch indicated 9 people signed up and 150 were
311 interested.

312

313 iii. Hike Exeter Challenge – Kyle Welch

314

315 Mr. Welch reported that the Facebook page has 143 members and started a month ago. Travel
316 & Nature store has assisted and offered discounts to hikers who get their sticker. This week the
317 5th of 6 hikes was released at Gilman Park along the river. Ms. Murphy noted there was
318 information on the Hike Exeter section on the town website and a link to Alltrails.

319

320 c. Other Committee Reports (River Study, Sustainability, Energy/CPAC, Tree, CC Roundtable)

321

322 Ms. Murphy noted that the Tree Committee would like to come into a meeting when the agenda is
323 light and give an update. The Stewardship Committee discussed potential tree planting at Raynes.
324 Mr. Whitehouse noted that mowing will be expanded around the barn. Mr. Koff recommended
325 giving the farmer a head's up.

326 Mr. Torrez asked about the trails subcommittee. He noted Fort Rock needs attention and the
327 Oaklands parking lot. Ms. Murphy recommended planning a budget for materials. Chair Short
328 noted they hadn't needed to purchase wood for a long time, they just let the bikers know what they
329 need and they find it. Mr. Chartrand recommended planning at a meeting when there are no
330 applications to deliberate. Chair Short encouraged members to make a list whether physically or
331 mentally of work that needs to be done.

332 Mr. Koff noted he participated at the Energy Commission's Window Dresser's event. Mr. Short
333 noted he went one afternoon. Ms. Murphy indicated they will do it again next year and need
334 volunteers to organize.

335 4. Approval of Minutes

336 January 14, 2025 Minutes

337

338 MOTION: Chair Short motioned to approve the January 14, 2025 minutes. Mr. Whitehouse seconded
339 the motion. A vote was taken, Mr. Campion abstained, the motion passed 6-0-1.

340

341 January 9, 2025 Site Walk Minutes

342

343 MOTION: Mr. Mattera motioned to approve the January 9, 2025 Site Walk Minutes. Mr. Whitehouse
344 seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

345

346 5. Correspondence

347

348 a. Email from S. Mattie re: No Dogs sign at McDonnell Conservation Area

349

350 Ms. Murphy addressed the email concerning no dog signs at the McDonnell Conservation Area. The
351 Commission agreed to discuss it at the next meeting.

352

353 b. Request from student at Great Bay Charter School for pollinator garden on town property.

354

355 Ms. Murphy indicated the Morrisette property, below the kiosk, would be a good fit for the project if
356 the Commission was in favor. The Commission indicated they would like to hear more. She will ask
357 the student to come in and present her proposal.

358

359 Mr. O'Brien read a letter of appreciation for the trails and town forest, which he walks with his dog.

360

361 **Other Business**

362

363 Next Meeting: 3/11/25, Submission Deadline: 2/28/25

364

365 **6. Adjournment**

366

367 Chair Short adjourned the meeting at 9:37 PM.

368

369 Respectfully submitted,

370 Daniel Hoijer, Recording Secretary

371 Via Exeter TV

372

373 Zoom Webinar ID: 895 6368 5313