

**Conservation Commission Meeting
Public Minutes
April 10, 2024**

Members Present: Becky Dunham (Chair), Andy Laroche, Lise McNaughton, Brian Silva, Matt Lipinski (Secretary), Paul Kleinman (Selectboard Rep), Doug Cowie (Alternate), Michelle Siudut (Alternate), Rob Wofchuck (Alternate), Patrick Marcoux (Alternate). Absent: Bob Stephens (Vice Chair)

Chairman Dunham called the meeting to order at 6:31pm. Motion by Dunham, second by Laroche, to designate Cowie a voting member for this meeting. Unanimously approved.

Agenda Items

1. **Minutes Review:** Review of the draft Minutes from the March 13, 2024 Commission meeting. One correction was noted by Wofchuck. Motion by Cowie and second by McNaughton to approve minutes as corrected. The motion was approved 5-0 with Silva and Kleinman abstaining.
2. **Bills & Reimbursements:** None.
3. **Correspondence & Notices:** Dunham advised that a DES notice to approve the Prescott on 27 project mitigation plan was received. Planning Board has conditionally approved. Kleinman suggested bringing in the project engineer to present project information if we so desired, and reported the Planning Board was positively impressed with that presentation. Dunham will contact Planning Board and invite the engineer to our May meeting. Conservation Commission approval deadline is May 20, 2024.

The presenters of the Lambert site on 125 lot review plan have requested a continuance in order to comply with Planning Board requirements. The next meeting is on April 16, 2024.

Dunham reported that the Housing Survey is available and the Planning Board will schedule a public meeting to review.

The Highway Department assessment on South Road at 125 has been completed and the results do not appear to support installation of a traffic signal there. The assessment will be reviewed at the April 16, 2024 Selectboard meeting. Options such as turn lanes, a roundabout, and traffic signal will be discussed.

4. Old Business

- a. **Pickpocket Dam Removal:** The letter recommended by Conservation Commission at our last meeting was sent by the Town Administrator on March 27, 2024, a copy of

which is affixed to these minutes as Attachment 1. No response has been received to date.

- b. **Exeter River Dam on Mill Road in Brentwood:** The dam was cited as hazardous in 2017. Some progress has been made in addressing issue, as shown in reply to DES Dam Bureau which is affixed to these minutes as Attachment 2.
- c. **Perambulations – Exeter:** Vice Chair Stephens is working with Exeter to complete.
- d. **Conservation Manual Review:** Lipinski reported that comments received from recent draft review have been incorporated into an updated draft. Some open questions remain. Lipinski will work with Wofchuck, Siudut, and Dunham to complete. Work group meeting to be scheduled by Lipinski.
- e. **Forest Management Capital Reserve Fund:** A meeting on the issue will take place on May 21, 2024.
- f. **Property Reviews/Update Status (nonpublic as needed under the law):**
 - i. **Fuller Property:** Conservation efforts are moving forward. Karen Clement and Joyce Gallant are completing the bond funding application, which is due on April 26, 2024. Dunham met with Gallant to review the current draft.
 - ii. **Spead Property:** No response has been received to the letter sent to the property owner in February 2024.
 - iii. **Swasey Property:** The Swaseys continue to consider their various options. Conservation efforts are currently on hold.
- g. **Annual Spring Cleanup:** Scheduled for April 20, 2024 from 8:00-10:30AM (rain date is April 27). Posters have been placed in various town locations and postings have been made on the Commission website. Bags will be provided for trash pickup. Volunteers are advised not to pick up any hypodermic needles they may find, but to leave them where they are and alert the Brentwood PD.
- h. **Conservation Commission Facebook Page:** Dunham thanked Marcoux for serving as lead administrator. All are encouraged to check out the new site, “like” it, and send postings to Marcoux.
- i. **Stevens Property:** Tract abuts Split Rock Trail. The Woodman family, as lessees, previously grazed cattle there but that has stopped and fields have not been mowed. There is a proposal to add a new trail and alternate mowings between it and the existing trail. Deb Briscoe will present a management plan at the May meeting. Dunham will check on status of letter to lessee regarding the fence.

- j. **ConComm Member Photos:** Have been received from all Commissioners but one (Nishina).

5. New Business

- a. **Guest Speakers:** Glenn Greenwood is speaking at the Planning Board meeting on May 2, 2024, which the Conservation Commission has been invited to attend. Wofchuck reviewed a list of potential speakers for future Commission meetings. He will arrange for the next speaker at our June meeting.
- b. **Open Space Committee:** Dunham noted that during the previous bond era, an Open Space Subcommittee helped the Commission with property conservations. McNaughton recommended recreating this work group now. A proposal has been drafted and is included with these minutes as Attachment 3. Lipinski moved to create this subcommittee, empower the Chair to appoint members to it, and advise the Selectboard of this action. Cowie seconded and the motion was unanimously approved.
- c. **RCCD:** Dunham reported that the Rockingham County Conservation District (RCCD) had a work group session on April 3, 2024, where they discussed priorities, concerns, and how to move forward on pending matters. Dunham also advised the RCCD is offering live trout to anyone with a trout pond. Orders must be placed by April 16, 2024, with fish to be delivered on April 20, 2024. Cost is \$3 per fish.
- d. **Planning Board:** Dunham reminded the Commissioners of the upcoming Planning Board meeting on May 2, 2024 at 6:00pm. All Conservation Commissioners have been invited to attend.
- e. **New Easement Inquiries:** None.
- f. **Other Business:** Dunham will meet with the Town Clerk regarding Commissioner terms and expiration dates, as there is some uncertainty which needs to be discussed and clarified. Wofchuck asked whether any current Commissioners may have passed their term expiration dates. Dunham was uncertain and advised she will confirm all dates and expirations. Wofchuck also suggested we should formally elect Dunham as chair for the new Town year which started in March. Lipinski then moved to reelect Becky Dunham as Commission Chair for the current year (through March 2025). Cowie seconded and the motion was unanimously approved. Dunham expressed her thanks.
- g. **Next Meeting:** Dunham advised that the next Commission meeting will be on May 8, 2024, and again reminded Commissioners to attend the Planning Board meeting on May 2, 2024.

Upon motion by Cowie, second by Laroche, and unanimously approved, the meeting was adjourned at 7:42pm.



TOWN OF BRENTWOOD
Brentwood, New Hampshire 03833

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1 DALTON ROAD

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March 27, 2024

Russell Dean
Town of Exeter
10 Front Street
Exeter, NH 03833

Mr. Dean,

Last fall Brentwood asked what Exeter's intent was and requested a collaborative approach to Brentwood and its residents. You have been sending updates and agenda notices, which we appreciate and would hope to continue.

We have reviewed the final Exeter River Study report by VHB, that was posted on Exeter's website on February 20, 2024. It has become clear that potential damage to properties in Brentwood due to dam removal will be significant. Specifically, we refer to the sections of the report that outline the loss of wetlands, wildlife habitat and corridors, recreation, changes to fifteen (15) conservation easements, as well as private properties along the river up to Haigh Road.

We understand decisions will be announced by July 1, 2024. Representatives from the Brentwood Selectboard, Brentwood Conservation Commission, or any other stakeholders in Brentwood would like to be included in all current and future ongoing discussions prior to any notice from NOAA regarding whether the grant will be approved. If the grant is awarded to Exeter, Brentwood would like to be an integral part of any deliberation process and planning before a decision is made to accept the grant.

We appreciate your efforts in working together to determine the best outcome with the least impact to our environment and residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Clement", is written over a horizontal line.

Karen Clement

Town Administrator

From: "Doyon, Steve" <STEVE.N.DOYON@des.nh.gov>
Date: March 18, 2024 at 6:31:14 PM EDT

To: kstave@ns210@comcast.net

Cc: "Clark, Corey" <Corey.J.Clark@des.nh.gov>

Subject: FW: Brentwood's "Mill Road" dam on the Exeter River - a request for a status update on its required removal.

ATTACHMENT 2

Mr. Stevens,

Corey asked that I provide you with an update on DES's efforts to develop a permanent solution for the issues surrounding the Exeter River Dam.

You are accurate in your recollection of the meeting held in Portsmouth (7/14/17) at the offices of Brentwood Dam Ventures' (owner) legal representative to discuss the current condition (at that time) and possible resolutions moving forward to comply with the dam safety needs imposed by us. Ultimately, as you likely know, the local support to find a cooperative resolution with the owner didn't find traction as the costs of rehabilitating the dam to current dam safety standards are substantial. Neither the dam owner nor those with a local interest were in a position to make such an investment. Also, it appears that many of the owners concerned about water well vitality, recreation and property value issues have either addressed their issues or have accepted things as they have become.

Since DES issued its administrative order against the owner in September 2018, and subsequently performed work on its own accord to remove the low-level gate panel and turbine (to augment discharge at the dam), the impoundment has fluctuated between empty and full, based on the accumulation of debris and prevalent flow conditions. With the help of the Attorney General's Office, we have continued to encourage the owner to find a solution - preferably complete dam removal to eliminate the obligation related to future regulation and site upkeep. Most recently, DES met with the owner and an engineering consultant hired to develop dam removal proposals. This is encouraging, as the owner appears to be more committed to bringing the dam-related issues to a mutually agreeable conclusion. Cooperative work with DES's River Restoration Coordinator has begun, and is likely to include enlisting the support of other federal, state and non-governmental organizations to study the needs and costs associated with either full removal or substantial modification that allows the dam to be removed from Dam Bureau jurisdiction. With the fairly recent removal of the Great Dam in Exeter, along with the potential removal of Pickpocket Dam, removal of the Exeter River Dam could play a significant part in the restoration of fish and benefits to other aquatic species.

Unfortunately, more time than hoped has passed in finding resolution, but recent events provide some optimism. I encourage you to stay involved in the discussions related to Pickpocket Dam and to contact me in a few months' time for an update on activities at the Exeter River Dam, as we're optimistic that momentum will continue to build for the project.

Steve

Steve N. Doyon, P.E.
Chief Dam Safety Engineer
Dam Safety & Inspection Section

NH Dept. of Environmental Services
Water Division – Dam Bureau
P.O. Box 95
Concord, NH 03302-0095
Telephone:

3/30/24; edited 4/9/24 RBD

DRAFT:

TITLE/NAME:

Open Space Conservation Sub-Committee or Open Space Work Group

The Open Space Conservation Sub-Committee, or Work Group, is being formed to advise the Conservation Commission on the best and most prudent ways to preserve open space and the rural nature of Brentwood. In light of the \$3 million conservation bond, approved at town meeting in March 2022, it is a way to extend the reach of the Commission, educate and work with landowners interested in preserving their properties through conservation easements, and maximize the value of the bond.

Meetings involving priority properties, discussions with interested landowners, and/or the purchase price of a property will be held in non-public sessions (RSA 91-A: 3). Using a ranked priority property list as a guide, the Sub-Committee will reach out to landowners who are, or who may be, considering transferring their development rights as part of a conservation easement. They may also work with landowners wishing to sell or donate their land in-order to permanently protect it.

In its role as an advisory sub-committee, it will provide information to landowners about the various easement options, including the Town and land trusts, that serve Brentwood. It will also help identify potential grant opportunities to expand the financial value of the conservation bond issue. Easement or acquisition recommendations by the sub-committee will be presented to the Conservation Commission; only Conservation Commission members may vote on the recommendations.

During this process, consultants may be hired as needed to assist with an easement development; all expenses must first be approved by the Conservation Commission.

Membership: ideally, 5 – 7 members. Membership will include Conservation Commission members, alternates, and volunteers; other individuals may be enlisted to assist with a specific parcel or negotiation.

Source: Barbara Richter, Executive Director, New Hampshire Association of Conservation Commissions

RE: Creation of conservation sub-committees, working groups, or project teams.

Examples of Conservation sub-committees or working groups: Land Protection, Energy, Trails, Wetlands Permits, Outings, Natural Resource Inventory, Education and Research.

Per NHACC:

Conservation commission subcommittees are allowed under RSA 36-A:2, and are a great way to supplement the work of a busy commission. It's also a great way to involve people who have a specific conservation interest.

RSA 36-A:2 specifies that a conservation commission may appoint subcommittees. The open space committee is a great way to work with the community beyond the appointed members of the commission, but keep in mind that the open space committee must follow RSA 36-A:2. Open space members may contribute as advisory members to the commission, but they are not voting members and they do not have access to the conservation fund without the conservation commission approval.

RSA 91-A:1-a defines "public proceedings" as "... the transaction of any functions affecting any or all citizens of the state by ... [a]ny board, commission, agency or authority, of any county, town, municipal corporation, school district, or other political subdivision, or any committee, subcommittee or subordinate body thereof, or advisory committee thereto." All meetings of a conservation commission, its committees, sub-committees, and advisory bodies must be open to the public with a few specific exceptions described in RSA 91-A:3. Commission votes must be taken in open meeting; secret ballots are not allowed.

Per NHACC:

Nonpublic sessions

When conservation commissions discuss purchase or acquisition of property they can enter into nonpublic sessions. Specific exceptions to requirements for public meetings allowed by RSA 91-A:3 are nonpublic sessions to consider the "acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community." Discussing the purchase price of a property should be held in nonpublic sessions.