

Hampton Conservation Commission  
October 16, 1973

The Hampton Conservation Commission was established by the Town of Hampton for the protection of natural resources and water shed resources. This meeting was held to determine the degree of environmental damage by the proposed development of Island Path by Dana Patterson, Inc. The meeting was called to order at 7:30 p.m.

Presentation of the proposal was made by Mr. Cote of Dana Patterson, Inc., Merrimack, N.H., involving 160,000 sq. ft. of land on the north side of Island Path. The project requires 24,000 tons of fill, approximately 18,000 to 19,000 yards, to slope back to the creek for drainage. After filling, they will present to the Town of Hampton Planning Board the complete plan project for the apartment unit. They also propose to bring town sewer and water up onto Island Path to the development. There will be two ways of access. It is now zoned for duplex seasonal; they plan to ask for variance for one cluster apartment building seasonal. They expect to own it in its entirety and thereby control its seasonability.

Mr. Peter Randall, member of the Commission, asked Mr. Cote if he knew the reason for the statute protecting wetlands. Mr. Cote stated he was aware; but in this instance, they don't consider it a complete titled marshland because there is gravel in the area. Where they plan to build their development on the north side, they have found 6' to 8' of gravel. The other side was strictly beach sand. Titled marshland, he stated, should be nothing but beach sand, completely unbuildable. They have had the soil inspected and have been told it is buildable and not to be considered titled marshland.

The Commission read the opinion of the site by the Soil Conservation Service in Exeter. On August 23, their survey on marsh soils 30 yds. north of Island Path substantiates that this tract is titled marsh and will be so classified. A complete soil profile is on file. The U.S. Department of Agriculture Soil Conservation Service also classified this area as titled marsh.

The Commission asked Mr. Cote what impact their filling would have on wetland resources. He had no answer.

The Commission also noted that the area has been listed in Flood Hazard Areas of New Hampshire, and asked Mr. Cote if they planned to warn prospective buyers that they would be in a flood hazard area. He replied that there would be no buyers, only renters.

Questioning was then opened to abutters, residents of the immediate area, and the general public.

Mr. Leroy Junkins, Representative of N.H. General Court, asked why someone from Water Resources was not in attendance as in previous hearings for filling and dredging. Mr. Randall stated that the law was changed at the latest session to require the applicant, Dana Patterson, Inc., to send the local committee involved three copies of their application. These were sent to the Town Selectmen, Planning Board, and Conservation Commission. If enough interest is shown in the environmental impact on the town, they can intervene. We have 30 days to investigate. This is not a special board and has no relation to the State Board. It is a local matter, and we are only fact-finding for the State Board.

A representative for Mr. Kyriagis, Manchester, abutter, made his statement to the Commission. He felt that ecologically, it seems to be unsound to ruin a marshland by bringing in concrete and asphalt. This will have to have an effect on marshland resources. If one were to build, there must be enough land in Hampton or surrounding areas for building without having to fill and dredge a marshland of this type and top it with concrete and asphalt. He stated they were concerned with questions of access, number of residents, and full season apartments.

Mr. Arthur McCue, 21 Bromfield Rd., Somerville, Ma., resident of Hampton Beach during summer months for 10 years in Island Path area, stated his opposition. Mr. McCue appeared before the Planning Board in opposition some days ago. At that time, he expressed his personal objection as a land owner and his official objection as attorney for the Island Path Betterment Association, a group of 24 residents banded together to improve property and have some mosquito control. His main objection is that Island Path is the most unlikely spot in Hampton to undertake an endeavor of this magnitude. From Brown Ave. to Island Path, there are from 55 to 60 dwelling units. To propose 60 dwelling apartments on the north side would double the number of dwelling units. It is a narrow, winding, dead end street, completely surrounded by water at high tide. Flooding at high tide on the north and south side of the area is another objection. The increase in automobile and pedestrian traffic during the summer months would be catastrophic. A fire hazard could be created because of its inaccessibility. He presented his argument for conservation that this marshland area constitutes a natural flood control system. When the Atlantic Ocean comes in at high tide, it has a place to go. If you fill in 24,000 tons of gravel, you are going to upset that natural balance of nature. The area is also a natural area for small game and birds. He suggested that New Hampshire has the smallest coastline in the United States, only 17 miles long. If we are going to fill the marshland area of this coast, this whole area will be covered by 60-unit apartments. The main problem is not only doubling the

buildings, but quadrupling the people, increasing the traffic, and interfering with natural flood control. He presented a petition to the Commission, consisting of 90% residents and the balance made up of clambers, sightseers, and visitors to the area. He stated that these people are opposed to the filling and dredging of the area now and in the future, and asked to have it included in the record to forward to the Water Resource Board.

Mr. Oscar D. Young, W. Deering, N.H., stated that in the area of conservation, because of the number of people, wildlife does not congregate there. He asked Mr. Cote how long Mr. Patterson had owned the land. Mr. Cote replied that it was purchased in early 1960 and designated at that time as 30 lots. He said they have been paying taxes on 30 lots, but has now been told it is only one lot. The Commission agreed that at the time of purchase it was designated as 30 lots, then asked Mr. Young if he hadn't sold the property to Patterson originally. He stated he had.

Mr. Roland Soucy, corner of Manchester and Ashworth Sts., Hampton, said that every time there is a high tide, it comes in on his place and into his house. He felt that if they are allowed to fill, the water is going to be in his house and every other place on Manchester Street. He stated that he is against the proposal.

Mr. Reihler, Portsmouth, N.H., abuttor, felt there was not enough information on the ecological thrust. He wanted to know what compensation is made for land owners who are denied the right to build, or are they expected to pay taxes continually. Mr. Randall told him that the state law had ruled that if you are denied the right to build on titled wetlands, you are being denied your rights and may apply to the state courts for compensation.

Mr. James Rush stated that whenever you mention environmental impact, it is mythical because you cannot tell how many fish are going to live there or how many birds will fly over. Yet filling requires concrete evidence of results. He said that apartments do not bother him; he is neither in favor nor against the proposal. However, he felt that the Constitution should give him a right to better the land. Further, the Conservation Commission has 100% control with no investments; anything we want to do has to come out of our pockets.

Mr. Neil McPherson, Hampton, as a clam digger wanted to corroborate testimony about the plentiful birds. As a representative for the Seacoast Anti-Pollution League, an organization of 1,000 members to demonstrate their interest in questions such as this, said that they feel private land is no more the sole trust of the individual. On behalf of the Seacoast Anti-Pollution League, he registered their opposition to this proposal.

Tudor Richards of the N.H. Audubon Society goes on record for that society that they are opposed to filling the Island Path wetlands.

Mrs. Kennedy, Hampton Beach, stated we should keep the wetlands wetlands.

Mr. Lamott, Island Path, Hampton, said that the land may breed mosquitos, but it is certainly a wildlife refuge.

Mr. James Ball, Somerville, Ma., Island Path cottage owner, asked again where the water will go that the gravel is displacing.

Questioning returned then to the Commission for the project's specifics.

Mrs. Nutter asked how many buildings and how high would they be. Mr. Cote stated there would be one 60-unit building, three stories high. Mr. McGue interrupted to offer a copy of the original proposal to the Planning Board that read 60 duplex apartments. Mr. Cote assured him he had misunderstood; he had told the Board that the way it was zoned, he could put up 60 duplex apartments. That is not what we are planning to do. Our proposal will be for 60 apartments.

Mr. Cote addressed himself to the concern for flooding. He stated that if we fill with gravel, the water will dissipate as well as it does now. We will use topsoil of humus which is vegetation for the birds and fish. We propose one 60-unit apartment building, 40,000 sq. ft. We will fill 160,000 sq. ft., pave 60,000 sq. ft., leaving 100,000 sq. ft. of nothing but gravel covered with humus. If we get a permit to fill, and anyone wants to sell because of this, we will pay the assessed value plus 10%. We are going to leave plenty of room for the birds and the bees; we are going to clean it up and control the mosquitos. Aside from that, we are not going to ruin the property.

Miss Stimson asked Mr. Cote to clarify if they plan to build one three-story building which will take up 40,000 sq. ft. and will consist of 60 apartments or 60 duplex apartments. He answered 60 residential units; there would not be room for 60 duplex apartments.

Miss Stimson asked 24,000 cubic yards of fill. Mr. Cote corrected that to read 24,000 tons. Miss Stimson asked if he knew the effect of 24,000 tons of fill. Mr. Cote stated he didn't know the effect of the fill. He told the Commission that their engineer told them that by sloping back to the creek, the water would flow back to the creek and not flood any other areas.

Miss Stimson asked the size of the Patterson investment. Mr. Cote replied \$1,200,000, meaning \$47-\$52,000 a year in taxes to the town.

Miss Stimson asked Mr. Cote if Mr. Patterson had noticed any change in the attitude of the general public on filling marshlands since the land was acquired. He replied that he could not answer for Mr. Patterson's thoughts.

Miss Stimson asked if there would be children to be educated. Mr. Cote said there would be none allowed. Miss Stimson asked if they were to be seasonal. Mr. Cote replied that there would be no heating system installed. Miss Stimson asked if any federal funds were involved. Mr. Cote replied no.

Mrs. Nutter asked if the apartments will be furnished. Mr. Cote said no. Mr. Randall asked if they expected people to move their furniture in for a three or four month period. Mr. Cote explained that many people have second homes or summer homes.

Miss Stimson asked if they expected to have the road plowed or install hydrants, street lights, or sidewalks. Mr. Cote replied they didn't expect plowing, lights, or sidewalks. He added that there is a hydrant at the roadline entering the property, which they would bring up for public use.

Mr. Reihler of Portsmouth asked if in the Board's consideration of impact, is it only the impact of this particular project or some of these other future conjectural projects? Mr. Randall replied that under the law, the Commission is charged with concern for the total natural resources in the Town of Hampton. He felt we have to look at what is going to happen in a particular piece of land and consider the effect. What we present to the Special Board is what we personally feel about it and what information we get from you people. They can ignore us or you as they see fit. Evidence of our meeting will be put in the records. Mr. Cote will make his presentation to the Board. They can ask questions, make their own interpretations on land and effect, etc. This group is purely advisory. I believe we are the first conservation group to utilize this law.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Nelson Grant, Chairman  
Peter Randall  
Ruth Stimson, Treasurer  
Ruth Nutter, Secretary  
Stillman Hobbs  
Irene Palmer  
Ednaparl Parr