

owners don't realize that they have endangered species on their properties.

Mr. Joyce said the commission is receiving more and more calls from landowners wanting to donate property.

Mr. Bunker & Mr. Clifford volunteered to be contacts from the commission who Mrs. Doyle could speak to before calling a landowner about the registry program. Mr. Joyce said the conservancy could also use the commission meetings to meet with landowners.

Mr. Spencer said the N.H. Fish and Game Department has no direct role in this, but works closely with the Audubon Society.

Gidley - Application to build within 100' of wetlands

Glen Gidley appeared on behalf of his mother, Phyllis Gidley. Mr. Gidley said in 1984, a 13-lot subdivision was done on the land. Seven duplexes (14 units) have since been constructed on the land. In 1984, the Wetlands Board didn't take jurisdiction on the upland area, so no permits were required at the time, but the jurisdiction was waived with the understanding that the property owners put a burm in, which they did. Mr. Gidley said the burm seems to be blending in with the environment, whereas some created wetlands that he's seen look manmade. He said they replaced some of the plants.

The burm seems to be serving its purpose, since he hasn't noticed any encroachment on the marsh areas. He said he wasn't aware of the 100' setback rule until he came in to renew his building permits. He proposed that the buildings will range from 5 feet to 20 feet from the burm.

The property is in the residential C seasonal zone. As part of the original subdivision, the sewer line was extended all the way to Glade Path. He said all the homes will have Town sewer and Town water.

Mr. Gidley said the foundations will be poured concrete with 4-foot frost walls. He said little fill will be required, since the lots are basically at grade. He said he has heard no complaints about flooding at high tides. He said the property was designed so that the streets flood but the homes don't.

Mr. Tilton said the property was previously filled with gravel. His concern had been that the homes have Town sewage. Other than that, he said he had no problem with the application.

Mr. Joyce said the commission looked at a proposal on Eel Ditch and opposed it because it was so close to Eel Ditch and would have been too much for the area. He said this is not a running creek but is salt marsh.

Mr. Tilton said there are houses on both sides. Mr. Gidley said the burm is 5 feet wide. He said right now, he's just doing the paperwork for the proposed new homes, since the last one sold in late 1988 or early 1989. The lots are approved, but the new setback rule took effect since the last home was sold, he said.

When questioned about the last lot, Mr. Gidley said that house was not etched in stone. Unless the general layout changes, he said he doesn't have a problem with meeting anything in the zoning ordinance.

Mr. Bunker asked how the commission would know if there were an intrusion to the marsh. Mr. Tilton said they would be able to see it. Mr. Gidley said the whole burm is visible from Route 51, and Mr. Tilton

someone would have to go through it in order to build on the other side.

Mr. Joyce said this is the kind of design he likes to see because the burm can't be moved.

Mr. Gidley said the lots have been approved as duplex lots, but there was an increase in the sales of single-family homes last year. He said they'd like the flexibility to have either type of home built on the lots. He said lot #12 would probably have a home more consistent to the other homes than what was shown on the plan. He said he's been in touch with Frank Richardson, who was involved in 1984. He said he's familiar with the property, and advised him how to proceed. He said garbage has been dumped on the empty lots, but they clean it up as well as they can.

Mr. Clifford said the burm is firmly entrenched and there are existing dwellings on the property.

Mr. Bunker said it disturbed him that the subdivision is already there, because it's a sensitive area. Mr. Clifford said the conservancy representatives had just addressed what they would like to do with that area.

Mr. Gidley said they've only owned the land since 1983. He said when they obtained the property, it contained buildable lots. Mr. Tilton said he would recommend that at least the Town ordinance be complied with. Mr. Gidley said he could live with any stipulation as far as setbacks are concerned.

Land Gift - Mr. Joyce said the Board of Selectmen voted to accept a gift of 2 pieces of land known as Hop Ground in the Little Neck Marsh. The land, which belonged to the estate of Homer Johnson, was given at no cost to the Town. An environmental assessment done by John Hangen showed the property appears to be marshland with no surface environmental degradation.

Mr. Bunker moved to accept the gift subject to John Hangen doing a visual inspection of the property. Mr. Tilton seconded the motion, which passed unanimously.

Carl Cutler - application to fill and excavate for an existing camp

When the applicant came before the commission a few months ago, they suggested that he remove 200 sq. ft. of impermeable surface from his driveway, which he didn't object to. The Wetlands Board wrote that stipulation in as part of their approval.

Leon Sicard - The Wetlands Board reported that Mr. Sicard is not complying in a timely manner to restoring property as he was ordered to.

Hemlock Haven - The owners were fined \$2000 at a Wetlands Board hearing.

Elizabeth Coakley and Perry Construction - Mrs. Coakley's \$1000 fine is still being decided upon.

Gary Bratsos - The commission had been concerned with the septic system on the site. The Wetlands Board approved pilings to be replaced contingent on N.H. WSPCD approval.

Land Gift - Elizabeth Hammond - Mr. Tilton moved to conditionally approve the land gift from Elizabeth Hammond as long as John Hangen

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walks the property and finds nothing visually objectionable. Mr. Bunker seconded the motion, which passed unanimously.

Mace Property - Mr. Bunker said he attempted to speak to Len Mercier regarding the Mace property, but Mr. Mercier is in the southwest and Roger Mace is in Florida.

Perkins Property - Mr. Bunker said he wrote the Perkins family a letter stating that the commission plans to close on the transaction. Mr. Joyce said he received a call from Town Counsel Seth Junkins, who said the closing would take place February 15. He said Atty. Junkins will take all the restrictions out of the deed unless the commission sees something they want to remain.

Mr. Bunker said he would try to attend the closing. He stated Mr. Perkins owes back taxes on his home, and an interpretation of N.H. law said that either the taxes should be paid outright, or the money should be taken out of the purchase and put in escrow. After discussion, the commission said members felt it was 2 separate transactions. Mr. Bunker said he would tell Atty. Junkins that the commission's feeling is that the deal should go through as planned, as long as the taxes have been paid up to date on the land the Town is acquiring.

Dune Grass - Mr. Joyce said he received a call that a resident is mowing dune grass like a regular lawn. Mr. Tilton said the Wetlands board is in charge of dune grass regulations.

Minutes - Mr. Tilton moved to accept the minutes of January 22, 1991 as corrected. Mrs. Marcotte seconded the motion, which passed unanimously.

Change in Meeting Day - The Chairman announced that commission meetings will now be held on the fourth Monday of the month rather than the fourth Tuesday. The next meeting was scheduled for March 25 in the Meeting Room of the Lane library.

Tree & Shrub Program - Mr. Bunker presented an article about a Tree and Shrub program in another Town. Mr. Joyce said there's already a shade tree commission in Hampton.

Hunting Regulation Meeting - Mr. Joyce said the Rye conservation commission had held a meeting February 4 to exchange information about how to police and regulate hunting on the seacoast. No Hampton conservation commission members attended, since they weren't notified in time.

Adjournment - The meeting adjourned at 9 p.m.

Maureen Cummings
Secretary

HAMPTON CONSERVATION COMMISSION
February 11, 1991

Members Present: Stephen Joyce, Chairman
A. Reid Bunker, Jr., Vice-Chairman
Peter Tilton, Jr.
James Clifford
Alternate Vivianne Marcotte

Nature Conservancy - Ed Spencer and Kathy Doyle were present to represent the N.H. Chapter of the Nature Conservancy, which is a non-profit organization that has programs in all 50 states. Mr. Spencer said the conservancy's purpose is to protect biological diversity, which they do by identifying which species are the most rare and where they occur. They try to manage the most threatened example so that they survive and thrive.

He said they work closely with the N.H. Inventory Program, which uses all the data from U.N.H., Dartmouth College and other sources to determine the full range of species in the state, and the location of those species that are most endangered. The conservancy is committed to acquiring, developing and protecting the land where they're found. They do that by acquiring property or informing the land owner that they are harboring rare species.

For land that's a habitat for rare species, they have established the registry program. They find out if the land owner will manage their property as in the past, or if they'll sell or transfer the property. He said they ask the land owners to inform the conservancy before selling or transferring their land. He said that helps the conservancy to get an idea of which properties will be threatened in the future.

An area suitable for registry protection is the Hampton Marsh area. Kathy Doyle is in charge of the marsh and other seacoast projects, Mr. Spencer said. He said they wanted to inform the commission about what they're doing, and find out if they have any information that would be helpful to the conservancy.

Mr. Bunker asked how the conservancy is funded. Mr. Spencer said it's funded by membership dues. He said when they're acquiring property, they raise the money through fund drives. It's totally a privately-funded organization, he said.

Mrs. Doyle said the commission, and past commissions have done a great job, pointing out the Hampton land they've acquired. She said the primary land boundary runs along Eel Ditch down to Tide Mill Creek. The Town owns most of the property in the primary area. Two unprotected sites are individually owned. He said they're looking at those as registry sites. Another site in the area is the Hobbs Estate. Mrs. Doyle said the reason the conservancy wants to protect that area is because it's one of only two areas in the state where the common turn has been identified. She also showed secondary sites that the conservancy would like to target.

Mr. Joyce asked who's responsible for taxes when a landowner enters an agreement. Mr. Spencer said the landowner is, adding that the agreement changes nothing legally.

Mr. Clifford asked if the land use changes for sportsmen. Mr. Spencer said it does not.

Mrs. Doyle said the turn was last seen in 1989, when the Audubon Society sighted many of the birds.

Mrs. Doyle said the conservancy gets a commitment from the landowner not to disturb the habitat in the area. Many times the land-