

CONSERVATION COMMISSION PUBLIC HEARING

JANUARY 23, 1996

The meeting was called to order by Vivianne Marcotte, Chairperson at 7:00 p.m. In attendance were Betty Callanan, Dan Gangai, Bonnie Thimble, Peter Tilton, Jr., Alberta True and David Weber. Alternates attending were Ellen Goethel, Peter Kowalski and Irene Palmer.

The Minutes of December 26th, 1995 were reviewed. Ms. Thimble motioned to approve the Minutes, seconded by Ms. Callanan. All were in favor.

Wetland Applications:

State of New Hampshire, Dept. of Resources & Economic Dev.

The application states grading of wind-blown sand away from the sea walls. The filling of troughs created by aggressive rolling waves, and the returning of accumulated sand from parking areas and sidewalk, back to the beach. After a short discussion, Mr. Tilton motioned not to oppose this application, seconded by Mr. Gangai. All were in favor. A letter will be sent to the Wetlands Board not opposing.

Projects Reports:

a. Town Report

Ms. Marcotte handed out copies of the Hampton Conservation report which was submitted for publication in the Town Report. All were in approval of the report as written.

b. Land Acquisition

Ms. Marcotte reported that Natalie Bushold was donating a parcel of land to the Town. This is located at the Hampton/North Hampton line near the railroad tracks. Ms. Marcotte has a copy of the deed. Once the deed has been signed by both Ms. Bushold and her sister Ms. Hicks, an appointment will be scheduled with the Selectmen so that they may accept the parcel on behalf of the Town.

c. NH Estuaries Project

Ellen Goethel gave a brief report of her attendance at the NH Estuaries Public Hearing in Seabrook run by the Office of State Planning. One of the projects is water testing in the harbor.

Mr. Tilton will be attending an Estuaries Meeting on Friday, January 26, 1996.

Projects Reports (cont.)

d. Grant Application

Ms. Marcotte is applying for a grant for salt marsh restoration. Based on the study "Evaluation of Restorable Salt Marshes in New Hampshire" dated October 1994, the first area to be restored in Hampton is the Drakeside Road area. Of the 5 inlets feeding this area, 3 need restoration. Two will require dredge and the third will be the Drakeside Road culvert replacement. Ms. Marcotte has been working with John Hagen on this grant application. A short discussion ensued on the 3 sites in need of restoration. The deadline date on this application is Friday the 26th.

Wetland Applications (Cont.)

Besman

Atty. Michael ^{Donoghue} ~~Donovan~~ introduced Mr. & Mrs. Asadoorian, principal investors of Besman Development Corp., Mr. Emanuel from Emanuel Engineering, Inc., and Mark West, Wetland Scientist from Gove Environmental Services, to the Commission. Atty. Donovan then gave an overview of the application.

Mr. West then addressed the Commission. He gave a graphic description of the property showing exactly where they propose the wetlands crossing. Because concerns were raised regarding wetland values in relation with other wetlands, Mr. West did a functional assessment of the wetland on the site. This wetland assessment was done utilizing "the Highway Methodology Workbook Supplement: Wetland Functions and Values" issued by the US Army Corps of Engineers, New England division. The following eight scientific functions of these wetlands were addressed:

- Ground Water Recharge/Discharge
- Flood Flow Alteration
- Fish and Shellfish Habitat
- Sediment/Toxicent/Pathogen Retention
- Nutrient Removal/Retention/Transformation
- Production Export
- Sediment/Shoreline Stabilization
- Wildlife Habitat

A handout on this methodology was distributed, and Mr. West described each of these functions in detail. He then went on to show how this proposal was designed to minimize the impact on the wetlands by 1) having the crossing at a narrow point in the wetlands, 2) having a common driveway for both lots, 3) providing erosion control techniques approved by the Rockingham County Conservation District.

Besman (continue)

Pertaining to the impact on abutters, the proposal would look at a no cut zone on site, the remaining forested land left undisturbed and place 7.14 acres in conservation easement. The only impact other than the crossing would be the two houses and that would be secondary in nature. He stated that all was being done to minimize impact on the functional values of these wetlands; and that he would welcome an independent study of the area.

Ms. Thimble then asked when the Gove Environmental Scientist did their study. Mr. West said it took place over the course of early 1995 into late Spring 1995. Ms. Thimble then asked when they were last on the site, because she had been there in Nov. & Dec. and the area was wet. Mr. West said he had visited the site in Nov., specifically to look at the flow in the stream and had taken pictures which he proceeded to distribute. Mr. West said that the drainage issues would be addressed by the engineers, and that both the size and number of culverts needed for proper drainage would be designed.

Mr. Tilton asked for the elevations at the wetlands crossing and the proposed house lots. Mr. West responded: 60 at the crossing and 62-64 at the lot sites. There was further discussion on elevations.

Ms. Sheila Nudd, an Exeter Rd. abutter, then addressed the Commission. She read a letter from Mrs. Nicklejohn, who lives west of the proposed subdivision. Mrs. Nicklejohn expressed her concerns with the septic systems and wells because of the high water table and many springs in this area. She also noted that her property had been adversely impacted by the Arluwade development and fears that more development here would compound the problem.

Ms. Nudd proceeded to give a history of the on-going water problems in this area and shared her own, as well as abutters' pictures of the water problems. She said that the information offered by the experts were incomplete; that the people living there throughout the 4 seasons, year after year, have a better picture of the conditions. These residents are not against development, but are opposed to inappropriate development. A copy of Ms. Nudd's presentation was given to be included in the records.

Mr. Robert Nudd, westerly abutter, then addressed the Commission. His presentation included the reading of part of a letter submitted to the Board in August '95 asking to look at the "bigger picture". He showed how this area was an integral part of a wetland system. He traced the waters through this property - from where they come and where they go. He then proceeded to point out test pit data and elevations in both wetlands and alleged uplands. He distributed pictures of the upland area taken Nov. 15, 1995. Mr. Nudd then read a letter from N.H. Soil Consultants commenting on test pit data interpretation. He then expressed his concerns with the perk test data and septic system locations. He went on to express other concerns. Mr. Nudd then asked the Board to deny this application for all these reasons or he would at least want an independent study of the entire area.

Mr. Gangai then asked when the pictures were taken. The reply was, Nov. '95. discussion ensued on the dates the test pits were performed. There were some discrepancies. Mr. Gangai questioned those discrepancies. Mr. Nudd said that there were discrepancies in the interpretation of the data. Mr. Gangai then asked Mr. Nudd to point out what he considered uplands. He replied - areas at 64 elevation and pointed at the area on the map.

Mr. Tilton asked if it made a difference if test pits were done at different times. Mr. Emanuel stated that it's the modeling of the soil that determines the high water table.

Ms. Niemczyk of Huntington Place said that she recalled Commissioners were there for an on-site inspection two days after the rainfall. she also asked for an independent study.

Mr. ~~Donovan~~^{Donoghue} said he had no objection to an independent study and also wanted to know how many of the Commissioners did an on-site inspection because he wanted to know that they were operating on a level playing field.

Ms. Thimble said she walked the property on Dec. 2nd. Mr. Donovan asked who invited the individual Commissioners on the site and when they visited the area. He continued this interrogation. He said he needed to know where the Commissioners acquired their decision-making information. The cross-examination continued. Then Mr. Donovan proceeded to remind the Commissioners of their responsibilities and that they shouldn't be swayed by abutters, but strictly focus on the wetlands crossing.

Ms. Callanan and Ms. Palmer voiced their displeasure with Mr. ~~Donovan's~~^{Donoghue's} tactics.

Mr. West responded to both Sheila and Robert Nudd's presentation. He said that all their concerns could be met. Mr. West said the change in test pit data was because Jim Gove was on-site, retested and made adjustments to Mr. Emanuel's data. Again he said they welcomed independent study.

Mr. Emanuel pointed out why this proposal does not impend drainage. both he and Mr. donovan again stated the reasons for the common driveway.

Mr. ~~Donovan~~^{Donoghue} continued stating that he had never received such a cold reception especially considering the fact that they were proposing the placing of over 7 acres in conservation easement. He proceeded to tell the commissioners what should be considered in their decision-making. This went on until Ms. Palmer said the Commissioners should not be put to task like this. Ms. Goethel said she was distressed; that she felt she had been personally insulted.

Ms. Marcotte closed the meeting to the public despite Mr. Donovan's & Mr. Asadoorian's request to speak.

Ms. Marcotte asked for the Commissioner's input.

Ms. Goethel - wanted an independent study because of the apparent discrepancies.

Mr. Gangai - liked common driveway concept - wanted independent study because of apparent discrepancies - said he hadn't walked the site but wants to do so with a soil scientist.

Mr. Weber - was surprised to see the applicant back so soon after the last request for subdivision.

Mr. Kowalski - had concerns with septic system located on lot 4 - needs further study.

Ms. Thimble - wants independent study.

Ms. Callanan - interested in having the entire area re-studied and she plans to revisit at that time.

Ms. Palmer - sees many discrepancies - feels a new study is in order.

Ms. True - new study and site walk needed.

Mr. Tilton - concurred with Ms. True and added he will always listen to abutters along with the professionals.

Ms. Marcotte noted that all seven Commissioners were in attendance and only they were to vote. The three alternates were to abstain.

Having no further discussion, Mr. Tilton motioned to schedule a site walk and an independent study for either at the end of March or beginning of April. Mr. Weber seconded. The vote was unanimous in support of motion.

Ms. Marcotte said she would hire an independent soil scientist and would organize a site walk at the appropriate time. She would notify the Wetlands Board of this decision.

Mr. ^{Densgrave} ~~Dennis~~ asked whether the Commission would prefer having the land given to Town for conservation or placing it in conservation easement. The Board said a conservation easement would probably be in the best interest of both the Town and the applicant.

Presentation:

Michael Morrisson, B.S. Entomology
Municipal Pest Management Services, York ME

Mr. Morrisson addressed the Commissioners regarding the misquitos in the marshes. Mr. Morrisson also talked about grants and gave a detailed description of the marshes. He would be interested in monitoring the Drakeside Road Project. Ms. Marcotte thanked Mr. Morrisson for his time and presentation.

Other Conservation Business:

Correspondence:

Ms. Marcotte received a letter from Marjorie Swope regarding Arlene Legere. An after-the-fact application hearing was held in October and Ms. Legere must restore and move the fence, and remove the fill and restore to its original state.

Workshops and Bulletins were highlighted.

Legislature Alert: "A Bill has been introduced that will repeal the requirement that Soil Scientists be certified by the State of New Hampshire. We feel the certification process gives credibility to the soil scientist profession. There is confidence in the fact that there is a set of standards that soil scientists must meet in order to become certified by the State. Rockingham County Conservation District recommends the defeat of HV1618. Ms. Marcotte asked everyone to contact their representatives to voice their concern and ask for a vote against this bill. Mr. Gangai motioned not to appeal this Bill, seconded by Ms. Thimble. All were in favor. Mr. Gangai will oversee this issue for the Commission.

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Ms. Marcotte attended the Zoning Board of Adjustments Meeting and voiced her concern with the proposed septic system on the Salt Water Realty Lot.

Membership:

Mr. Kowalski has been approved by the Selectmen as Alternate on the Conservation Commission and should now get sworn in.

Ms. Marcotte sent a letter to Mr. Stern thanking him for his interest in becoming an Alternate and was sorry that the Selectmen did not vote on this issue.

The Selectmen, at their last meeting, presented Mr. Jim Clifford and Mr. Reid Bunker certificates of appreciation for their years of service and commitment on the Hampton Conservation Commission.

Treasurer's Report:

Ms. Launi gave the Treasurer's Report. There is \$14,965.44 in the Conservation Account. The Conservation Dues, \$541.00, will have to be paid this month.

The last order of business is the Wetlands Ordinance. Ms. Launi excused herself from the meeting at 10:15 p.m.

The next regular scheduled meeting will be on Tuesday, February 27, 1996 at 7:00 p.m. in the Town Selectmen's Room. Ms. Marcotte will call if there is to be a site walk.

Respectfully submitted,

Sue Launi

Sue Launi
Secretary