

CONSERVATION COMMISSION PUBLIC HEARING CORRECTED COPY
August 22, 2006

The meeting was called to order at 7:01 p.m. by Ellen Goethel, Chairperson. Present were Commission Members Jay Diener, Dr. Ralph Falk, Dan Gangai, Sharon Raymond, Bonnie Thimble and Peter Tilton Jr. Alternate Nathan Page was present. Alternate Pete MacKinnon was absent. Planning Board Member Keith Lessard represented the Planning Board at the meeting.

The Site Walk was held on Saturday, August 19, 2006 meeting at the Town Parking Lot at 9:00 a.m.:

- A. 515 Winnacunnet Rd
- B. 4 Smith Ave.
- C. 56 Beach Plum Way

Drive By:

- D. 56 Drakeside Rd
- E. Mooring Drive
- F. 16 Susan Lane

The Minutes of June 27, 2006 and July 25, 2006 will be reviewed along with the August 22, 2006 Minutes at the September 26, 2006 meeting.

NH WETLAND BUREAU APPLICATIONS

- A. 515 Winnacunnet Rd (#6)

Addition of a 10 x 18 screened in porch within the State jurisdictional wetlands.

Mrs. Clermont addressed the Commission. The proposed footage is 60 sq. ft and put on the westerly side. The Commission would rather see the deck in the front since it will be closed in. A discussion ensued on the parking spaces in relation to the deck. Mr. George Rawnsley of Unit #4 spoke from the Audience. Mr. Tilton motioned to oppose the DES application in its present form as an open deck might be acceptable in the front consistent with the other properties. Ms. Raymond seconded. With Mr. Gangai abstaining, all were in favor. The Commission would like to request a rehearing of the Zoning Board of Adjustments on the application for variance from the wetlands ordinance 2.3.4B at 515 Winnacunnet Rd #6 (Tax Map 222 Lot 118) for the following reasons: (1) The Planning Board typically will look at greater details than are provided to the Zoning Board of Adjustments; for instance in this case the applicant did not show to the Zoning Board of Adjustment the delineation of the 50 ft. buffer, the square footage of new impact or drainage issues; (2) the Conservation Commission and the Planning Board have been working with applicants on their special permit applications to help them develop plans that are environmentally friendly with less impact to the wetlands and buffer; (3) the approval of this application does not meet with the intent of Section 2.3.1 the Purpose of the Wetlands Conservation District. Decreasing the sealed surface decreases the filtration of runoff into the adjacent marsh and may increase runoff onto the adjacent property and change the drainage; and (4) the applicant has shown no evidence of hardship.

- B. 4 Smith Ave
Stuart Fanning

This after the fact application is to build access to the beach across stones within the State jurisdictional wetlands. After a brief discussion, Mr. Tilton motioned to recommend the application and have Mrs. Goethel sign the applications. With Mr. Page abstaining, Mr. Diener seconded the motion. All in favor.

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NH WETLAND BUREAU APPLICATIONS (Cont.)

C. 67 Mooring Dr.

Repair of retaining wall in State jurisdictional wetlands.

This is an after the fact application. Matthew Stemska and Barry Posters addressed the Commission. This proposal would prevent or limit the erosion of soil and storm water runoff and its pollutants from entering into Hampton River tributary. Thus protecting, preserving and preventing the unregulated alterations of the wetlands. Mr. Page motioned to not oppose the applications with the usual stipulations of the Shore Land Protection Act. Mr. Gangai seconded. With Dr. Falk abstaining, all were in favor.

D. 59 Mooring Drive

Ed & Patricia Othmer

Repair of retaining wall in State jurisdictional wetlands.

This application is a minimum impact expedited application to replace failing railroad tie retaining wall with a concrete wall. This will be 48" high and 42' ft long and 8" thick. An inspection was warranted on the property concerning the failing wall and at the time of inspection DES noted that the middle portion of the wall is not sound and failure is eminent. DES recommended replacing the wall as soon as possible. Mr. Tilton motioned to recommend the DES minimum impact application and have Mrs. Goethel sign the applications. Mr. Gangai amended the motion to add planting spartina along the edge of the wall inside of the marsh to protect from erosion. Dr. Falk seconded the amendment. With Mr. Page abstaining, all were in favor of both votes.

SPECIAL PERMITS

A. 515 Winnacunnet Rd. #6

Addition of a screened porch within the Town Wetlands Conservation District.

Mr. Diener motioned to oppose the granting of a Special Permit for work within the Wetlands Conservation District to build a 10 x 18 ft screened in porch within the Town Wetlands Conservation District for the following reasons: The Commission is very concerned with the drainage and flooding the Town has experienced within the last year. The applicant has been asked to move the proposed porch footprint to the front of the home which would have less of an impact on the viability of the buffer and runoff onto the marsh. The applicant has received a variance from the Zoning Board of Adjustment to build within the 50' buffer. The Conservation Commission has made a formal request to the Zoning Board of Adjustment for a re-hearing on the variance granted for building within the Town Wetlands Conservation District. If the Planning Board does grant the applicant a permit we request the Planning Board include all of the Conservation Commission's stipulations. The applicant has also replaced a cement block patio within 25 ft of the salt marsh and would need an after-the-fact permit for this work also. Dr. Falk seconded the motion. With Mr. Page abstaining, all were in favor.

B. 67 Mooring Drive

Repair of retaining wall in the Town wetlands conservation district.

Mr. Gangai motioned to recommend the Special Permit with the usual stipulations and grass planted to stop erosion. Mr. Page seconded the motion. All in favor.

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SPECIAL PERMIT (cont)

C. 59 Mooring Drive

Repair of retaining wall in the Town wetlands conservation district. Dr. Falk motioned to recommend the Special Permit with the usual stipulation and the planting of the spartina. Mr. Gangai scolded the motion. With Mr. Page abstaining, all were in favor.

D. 56 Drakeside Road

New Condo construction with drainage within the Town wetlands conservation district. Dr. Falk motioned to recommend the granting of a Special Permit for work within the wetlands conservation district on the plan dated August 22, 2006 for the following reasons: (1) the applicant has come back to the Commission and greatly reduced the amount of square footage within the wetlands conservation district from the original request after input from the Conservation Commission in July; (2) all snow storage will be outside of the wetlands conservation district including the detention ponds; (3) The applicant has agreed to an annual cleaning of the detention ponds with an annual report with photographs to be filed with the Town Planner and a copy sent to the Conservation Commission; (4) mitigate the wetlands conservation impacts by removing the barn and any other impacts decreased if possible; and (5) the usual stipulations. Mr. Diener seconded the motion. All were in favor.

DES ACTIONS

A. 31 Harbor Rd.
Jane Gallagher

Amendment to raise bulding to 3 stories. Approved. #2004-01909

OLD BUSINESS

A. Ice Pond Update

Mrs. Goethel stated that she and Mr. Diener met with the attorney and negotiations are continuing and waiting for assessment.

NEW BUSINESS

A. Budget

Mrs. Goethel is working on the budget which will be due in September.

B. Conservation Coordinator request via Planning Dept.

Mrs. Goethel stated that the Commission could use a Conservation Coordinator (part time) to help with all the issues.

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NEW BUSINESS (cont)

C. Victory Garden

Ms. Thimble has stepped down and Cindy Willis is now the Coordinator of the Victory Garden.

D. Mrs. Goether gave an update on the High School Football Field.

TREASURER'S REPORT

The Treasurer's Report was presented for review.

The next meeting will be held on Tuesday, September 26, 2006 meeting in the Town Office Meeting Room at 7:00 p.m. The next site walk will be held on Saturday, September 23, 2006 at 9:00 a.m. meeting at the Town Office Parking Lot.

Mr. Diener motioned to adjourn at 9:30 a.m., seconded by Ms. Raymond. All were in favor.

Respectfully submitted,



Sue Launi
Secretary