

CONSERVATION COMMISSION PUBLIC HEARING

May 22, 2007,

FINAL

The meeting was called to order at 7:04 p.m. by Ellen Goethel, Chairperson at the Hampton Town Office Meeting Room. Present were Commission Members Jay Diener, Dr. Ralph Falk, Sharon Raymond and Pete Tilton Jr.. Commission Member Dr. Ralph Falk was absent. Alternante Nathan Page and Barbara Renaud were present and was sitting in for Daniel Gangai. Bill Billodeau was representing the Planning Board. Dan Gangai joined the meeting at 8:05 p.m.

The site walk was held on Saturday, May 19, 2007 meeting at the Town Parking Lot at 9:00 a.m.

- A. 1054, 1056, 1058 and 1052 Ocean Blvd. (Sea Walls)
- B. 32 Nor'East Lane (Emergency Sea Wall Repair)
- C. 19, 23, 27 and 31 Dumas Ave.
- D. 419 Ocean Blvd. (Consultation)
- E. 40 Tide Mill Road (Wetlands Questions/Violation ?)
- F. 27 Fairfield Dr. (Demo Permit)
- G. 11 Fieldstone Circle (After the fact fill in buffer)
- H. 100 Mary Batchelder Road (Violation)

The Minutes of April 27, 2007 were reviewed and corrections noted.

NH WETLAND BUREAU APPLICATIONS

- A. 426 High Street  
Ken Sakurai

Joe Cornati from Jones & Beach and Luke Curley from Gove Environmental addressed the Commission. This is a minimum expedited application for reconstruction of a pond within the State Jurisdictional Wetland. After a lengthy discussion, Mr. Tilton motioned to oppose the granting of a wetlands permit for work to reconstruct the pond, as the Commission is not convinced that the change to the wetland is an improvement to the wetland. It appears that the wetland that is there now has a much higher value as a vegetated wetland than an open pond would have. The Commission would not be adverse to a pond being increased into the upland instead of digging inot and destroying the vegetated wetland. This pond is on the edge of a much larger wetland which flows off of the applicant's property and that the applicant has not shown that there will be no adverse implications to any of the abutters down stream. Ms. Raymond seconded. Mr. Page abstained and all were in favor.

- B. 1054 Ocean Blve  
George McGregor

This Application is to repair the sea wall within the State Jurisdictional Wetlands. (On Town owned land) The Hampton Board of Selectmen has given permission for this work to be done. Mr. Page motioned to have the Chairperson sign the application and write a letter. Mr. Deiner seconded the motion. All were in favor. Mr. Page amended the motion to allow removable wooden stairs be installed. Mr. Deiner seoned the motion. All were in favor.

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SPECIAL PERMITS

- A. 60 North Shore Road  
James Zavez

Enlarge garage within the Town Wetlands Conservation District. This was withdrawn from the Agenda.

- B. 8 Saphire Dr  
Thelma Van Walbeck

This Special Permit is for construction of a deck within the Town Wetlands Conservation District. Mr. Deiner motioned to not oppose granting the Wetlands Impact Special Permit for the construction of a deck with the following stipulations which the applicant has agreed to: (1) the plan clearly shows that the existing shed will be removed and a new smaller shed is placed outside of the Town Wetlands Conservation District (outside the 50' buffer); (2) stairway will be within the 12' x 14' deck footprint on the south side of the deck as shown on the plan; (3) extra existing footing (sauna tube) will be removed; (4) there will be no bulkhead; and (5) the usual stipulations. The Commission is appreciative of the fact that the old shed will be removed on the edge of the creek and area will be planted with grass. Mr. Page seconded the motion. All were in favor.

- C. 1054 Ocean Blvd  
George McGregor

Repair seawall within the Town Wetlands Conservation District. (On Town owned land) Mr. Page motioned to not oppose the granting of a Wetland Impact Special Permit for the repair of a seal wall at 1054 Ocean Blvd with the following stipulations: (1) repaired seawall will be no more than 20' from the property line onto Town owned land; (2) access to the beach will be from the property and/or through the Town land at the end of Ancient Highway; (3) applicant has obtained permission from the Selectmen for construction on Town land; (4) a Bond is held by the Town to insure that if there is damage on Town land, it will be rectified at the end of the construction; (5) applicant has an agreement for insurance with the Town for the stairs which will be removable and temporary; and (6) the usual stipulations. Mr. Tilton seconded the motion. All were in favor.

- D. 426 High St  
Ken Sakurai

Minimum Expedited. Mr. Deiner motioned to not recommend the reconstruction of a pond as the Commission is not convinced that this change to the wetland type is an improvement to the wetland. It appears that the wetland that is there now has a much higher value as a vegetated wetland than the an open pond would have. The Commission would not be adverse to a pond being increased into the upland instead of digging into and destroying the vegetated wetland. However, Mr. Deiner motioned to recommend the approval for the removal of the cabins on the property with the following stipulations: (1) as per the Plan, 2 halves of one cabin will remain on site as a storage shed and placed outside the buffer; (2) grass planted in the disturbed buffer will be an annual to stabilize the soil; (3) natural vegetation will be placed in the buffer where the cabins and ruts are located; (4) erosion control will remain in place until the area is stabilized; and (5) all the usual stipulations. Ms. Raymond seconded. All were in favor.

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SPECIAL PERMITS (Cont)

- E. 11 Fieldstone Circle  
Frank Sestito

The Special Permit is for after-the-fact fill in the Town Wetlands Conservation District. Mr. Deiner motioned to table the application to the May 26, 2007 meeting. Ms. Raymond seconded. All were in favor. in favor.

PLANNING BOARD REFERRALS

- A. N/A

APPOINTMENTS

- A. 1062 Ocean Blvd  
Arthur Nadeau

Sea wall reconstruction within the Town Wetlands Conservation District. (On Town owned land) Mr. Nadeau gave a presentation on his plan for the reconstruction. The Commission instructed Mr. Nadeau on what was needed for the permits.

OLD BUSINESS

- A. Mrs. Goethel gave a brief update on Ice Pond and the Ice Pond Grant.
- B. The new Lap Top computer has been ordered
- C. The job description for the Conservation Coordinator is going out.
- D. There is a Dept of Safety Hearing on June 11, 2007 at 11:00 a.m. at the Town Hall for the jet skis.

NEW BUSINESS

- A. Mrs. Goethel mentioned the Sea wall permits, Winnacunnet HS detention pond and the property at 12 Shares.

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The next meeting will be held on Tuesday, May 29 2007, meeting at the Town Office Meeting Room at 7:00 p.m. The next site walk will be held on Saturday, May 26 2007 meeting at the Town Office Parking Lot at 9:00 am.

Mr. Page motioned to adjourn at 10:05 p.m., seconded by Mr. Deiner. All were in favor.

Respectfully submitted,



Sue Launi  
Secretary

May 29, 2007  
Hampton Conservation Commission Agenda

- I Call to Order: 7:00 pm
- II NH Wetland Bureau Applications
- III Special Permits
  - ✓ A. 1056 Ocean Blvd. Sea Wall repair. Within the Town Wetlands Conservation District. On Town owned land.
  - ✓ B. 1058 Ocean Blvd. Sea Wall repair. Within the Town Wetlands Conservation District. On Town owned land.
  - ✓ C. 192 North Shore Rd. Brian Shea. Demolish house and construct new single family home within the Town Wetlands Conservation District.
  - ✓ D. 23 Dumas Ave. Repair seawall within Town Wetlands Conservation District.
  - ✓ E. 27 Dumas Ave. Repair seawall within Town Wetlands Conservation District.
  - ✓ F. 31 Dumas Ave. Repair seawall within Town Wetlands Conservation District.
  - ✓ G. 19 Dumas Ave. Repair seawall within Town Wetlands Conservation District.
  - ✓ H. 11 Fieldstone Circle. After the fact retaining wall and fill within the Town Wetlands Conservation District. Continued from May 22.
- IV Planning Board Referrals
  - A.
- V Appointments
  - A.
- VI Planning Board Actions
- VII DES Actions
  - Emergency Action: Approval for emergency sea wall repair at the following addresses:
    - 23, 27, 31 Dumas Ave
    - ✓ 1056, 1058 Ocean Blvd.
- VIII Old Business
- IX New Business
- X Review Minutes
- XI Treasure's Report

*Time 9:40*

*Material to adjourn 11:00*

*Second Call*

**Main Identity**

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**From:** "Richard White" <RWhite@winnacunnet.org>  
**To:** <egoethel@comcast.net>  
**Cc:** "Randy Zito" <rzito@winnacunnet.org>; "James Gaylord" <jgaylord@sau21.k12.nh.us>  
**Sent:** Saturday, May 19, 2007 10:17 AM  
**Subject:** Winnacunnet High School - Retention / Irrigation Pond Rehabilitation

Ellen Goethel, Chairman  
Hampton Conservation Commission  
100 Winnacunnet Road  
Hampton, NH 03842

Good Morning Ellen

Thank you for calling me back and leaving a voice mail. As requested, I'm sending you this email outlining the issues concerning with our pond. As you know, WHS has a retention / irrigation pond for two purposes: 1) The pond is feed from storm water runoff and I'm sure ground water seepage, with the pond acting as a retention pond providing an additional means of filtering the storm water runoff. 2) The pond provides water to irrigate the athletic fields here at Winnacunnet, saving on the drinking water. Winnacunnet needs to muck out the pond as we have lost volume with organic material settling to the bottom and growth interferes with the irrigation pump. Additionally, we would like to construct a more formal spillway from the pond into the wetlands.

I would like to meet and plot a course of action for this work. Please let me know a date and time that is convenient for you to discuss this subject.

Thank you,

Dick

Richard H. White  
Director of Facilities  
Winnacunnet High School  
1 Alumni Drive  
Hampton, NH 03842  
P 603-926-3395 Ext. 276  
F 603-926-7824  
[rwhite@winnacunnet.org](mailto:rwhite@winnacunnet.org)  
[www.winnacunnet.org](http://www.winnacunnet.org)

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**Position Opening**  
**Town of Hampton**

**Title:** Conservation Coordinator

**Job Summary:** Part-time – 20 hours per week. Performs a variety of administrative and technical work associated with the enforcement of land use and conservation related regulations and co-ordinates activities and responsibilities among the Planning Board, Conservation Commission and Zoning Board of Adjustment.

**Supervision Received:** Works under the direct supervision of the Town Planner.

**Examples of Duties:**

1. Will be available to work with applicants and the general public to explain the intent and procedures associated with local wetlands regulations (special permit applications) and State DES wetlands regulations including the Shoreland Protection Act.
2. Responsible for maintenance of documents, procedures and files associated with the Conservation Commission. Will determine if Special Permit applications are complete and develop Agendas for the Conservation Commission meetings. Will also be responsible for contacting applicants about the monthly site walks and meetings.
3. Will have at least one day per week in the office to answer phone messages and set up meetings with applicants.
4. Assist where necessary in review of site plan and subdivision applications as they relate to the Conservation Commission and State wetlands laws. Assist the Conservation Commission with review, sign off and comment on State DES wetlands permits.
5. Conduct as required site visits and assessments associated with land use regulatory and conservation related violations. Will assist the Conservation Commission with site visits including special permit violations, wetlands violations, beginning and completion of construction notices and DES violation site visits.)
6. Attend Planning Board and Zoning Board of Adjustment meetings as necessary to provide information regarding wetlands impacts, conservation and State DES issues to assist the land use boards in making informed decisions.
7. May be required to perform other duties as assigned.

Candidate must have excellent written and communication skills and the ability to work independently. Candidate must have own transportation. Work hours will include some evening meetings.

THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF SAFETY  
NOTICE OF HEARING

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PURSUANT TO RSA 270:74-A, A PUBLIC HEARING ON A PETITION TO PROHIBIT AND/OR RESTRICT THE USE OF SKI CRAFT ON SALT MARSHES OF THE HAMPTON/SEABROOK ESTUARY, LOCATED IN THE TOWNS OF HAMPTON, HAMPTON FALLS AND SEABROOK, NEW HAMPSHIRE SHALL BE HELD. THE PUBLIC HEARING WILL BE CONDUCTED ON JUNE 11, 2007, AT 11:00 AM AT THE HAMPTON TOWN OFFICE, 100 WINNACUNNET ROAD, HAMPTON, NH. THE HEARING IS TO CONSIDER THE RESTRICTION OF ALL SKI CRAFT FROM THE SALT MARSHES OF THE HAMPTON/SEABROOK ESTUARY. PETITIONERS REQUEST THAT OPERATION OF SAID WATER CRAFT BE PROHIBITED WITHIN 300 FEET OF ANY SALT MARSH BANK, BERM, SALT POND, CREEK, OR RIVER THAT FLOWS THROUGH THE SALT MARSHES OF HAMPTON, HAMPTON FALLS, AND SEABROOK NEW HAMPSHIRE.

PURSUANT TO RSA 270:74-A, TESTIMONY WILL BE ALLOWED THAT IS RELEVANT TO THE FOLLOWING ISSUES:

- (A) THE IMPACT OF SKI CRAFT ON THE ENVIRONMENT, THE SHORELINE AND WILDLIFE;
- (B) THE SURFACE AREA OF THE LAKE, POND OR RIVER BEING CONSIDERED;
- (C) THE USE OR USES WHICH HAVE BEEN ESTABLISHED ON THE LAKE, POND RIVER;
- (D) THE DEPTH OF THE WATER;
- (E) THE AMOUNT OF WATER-BORNE TRAFFIC;
- (F) THE NECESSITY OF ENSURING ACCESS TO, AND USE OF, THE LAKE, POND OR RIVER FOR ALL INDIVIDUALS. AND THE RIGHT OF THOSE INDIVIDUALS TO APPROPRIATE USE OF THE PUBLIC WATERS;
- (G) WHETHER A DETERMINATION IS NECESSARY TO ENSURE THE SAFETY OF PERSONS AND PROPERTY.

PERSONS WISHING TO TESTIFY ARE URGED TO COORDINATE THEIR TESTIMONY TO AVOID UNNECESSARY DUPLICATION OR REPETITION OF TESTIMONY. THE DEPARTMENT WITHIN A PERIOD OF FIVE (5) DAYS SUBSEQUENT TO THE SCHEDULED HEARING MUST RECEIVE SUBMISSION OF WRITTEN MATERIAL.

AUTHORITY FOR HEARING: RSA 270:74-a, ADMINISTRATIVE RULE SAF-C 411

JOHN J. BARTHELMES, COMMISSIONER OF SAFETY

FOR INFORMATION CONTACT: C. N. DUCLOS, ADMINISTRATOR  
DEPARTMENT OF SAFETY, BUREAU OF HEARINGS,  
33 HAZEN DRIVE, CONCORD, NH 03305  
TEL # 603-271-3486  
SPEECH/HEARING IMPAIRED HELP LINE  
TTY/TDD RELAY: 1-800-735-2964

**Main Identity**

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**From:** "Rebecca Wright" <rtw10dww@yahoo.com>  
**To:** <egoethel@comcast.net>  
**Sent:** Thursday, May 17, 2007 12:41 PM  
**Subject:** Question on Wetlands

Hello,

My husband had left a message w/you and you had returned it stating you needed more information and that you could hardly hear him.

We live at 30 Exeter Road, Hampton and know that there are wetlands in our backyard. We would like to know where they start in the yard so when we make our yard bigger we do not interfere. If you could email us at [rtw10dww@yahoo.com](mailto:rtw10dww@yahoo.com) or call us at 603-601-2042 with the information you will need or how you can help us.

Thank you,

Rebecca

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Moody friends. Drama queens. Your life? Nope! - their life, your story.  
[Play Sims Stories at Yahoo! Games.](#)

## Main Identity

**From:** "Richardson, Frank" <frichardson@des.state.nh.us>  
**To:** "Ellen Goethel" <egoethel@comcast.net>  
**Cc:** "Tilton, Mary Ann" <mtilton@des.state.nh.us>; "Adams, Collis" <cadams@des.state.nh.us>;  
"Lewis, Eben M" <elewis@des.state.nh.us>  
**Sent:** Tuesday, May 15, 2007 4:10 PM  
**Subject:** RE: Sea Wall rebuilds

Hi Ellen,

When Governor Lynch declared a 'state of emergency', DES Commissioner Tom Burack directed the DES staff involved with flood and/or ocean storm damage associated with the April 16 nor'easter to assist persons in need with Emergency Authorization Verifications (EAV). Some of the most severe damage in the seacoast was collapsed seawalls in the North Beach area of Hampton near the North Hampton town line. In cases where an EAV was issued, it has been left up to the best professional judgement of the staff as to whether to require a follow-up wetlands permit application as we have routinely done in the past. Therefore, in many instances we will simply keep a record which includes the EAV notice, photographs before and after repairs and any other pertinent information, but **not** require follow-up a wetlands permit application.

Both the Governor and Commissioner wanted, as in your words below, "not to make this any more complicated than needs to be" for those who sustained property damage and losses. In some cases, large stone rip-rap armor is the only viable option to protect these frontages from damage in future storms. I realize that some of these repairs, most of which have resulted in better shoreline protection than previously in place, may have encroached upon Town of Hampton property in some locations. I do not think, under the circumstances, that the DES would pursue any enforcement action against the affected property owners unless the encroachment was excessive and beyond the scope of work authorized under the EAVs.

If the Hampton Conservation Commission or other municipal entities feel that Town land has unnecessarily or recklessly been encroached upon, then the DES will have to assess that on a case by case basis. Under the conditions that existed during the storm, the focus was on saving peoples' homes; not on property boundaries. However, we can request corrective action from the property owners in consort with the interests of the Town of Hampton if an assessment of the work done under the EAV was excessive or found to be inappropriate to restore pre-storm conditions.

Because, the poured concrete seawalls that failed could not be replaced in-kind during the storm, large stone rip-rap was used as well as 'Jersey Barriers' and many large interlocking concrete blocks (of the type used to create storage bins for landscaping materials) along with all available rock supplied by NH DOT and others. In some cases, land owners will want to remove the materials used during the emergency repairs and reconstruct concrete seawalls. It has always been my recommendation to put large stone rip-rap in front of a seawall wherever possible to prevent undermining of the footings, which is exactly what caused many of these walls to fail. In addition, the lack of 'weep holes' and/or proper tie-back anchors or buttresses also contributed to the failure of these walls when subjected to ocean overwash.

I hope this is helpful. Sorry I couldn't have responded to your inquiry before the Selectman's meeting last night, but I had left the office prior to receipt of your 5:57 PM e-mail. Eben is on leave this week; he'll be back on Monday May 21<sup>st</sup>.

Frank

Frank D. Richardson, Ph.D.  
Senior Wetlands Inspector  
Southeast Region Supervisor  
NH DES Wetlands Bureau  
Pease Field Office  
50 International Drive  
Portsmouth, NH 03801

Tel. (603) 559-1513  
Fax (603) 559-1510

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-----Original Message-----

**From:** Ellen Goethel [mailto:egoethel@comcast.net]

**Sent:** Monday, May 14, 2007 5:57 PM

**To:** Lewis, Eben M; Richardson, Frank

**Subject:** Sea Wall rebuilds

Hi Eben and Frank.

We are hearing from some of the applicants for seawall rebuilds on Ocean Blvd that you are not requiring any DES Dredge and fill permits. I need some confirmation as to what is going on so that we do not make this more complicated than it needs to be. I am also a little concerned at how much larger many of these seawalls are going to be than they were. Their footprints are way bigger than the originals. I know that you two are very busy, a quick email to let me know what you want us to do would be greatly appreciated! I am going to the Selectmen's meeting tonight and they will be discussing 2 more of the seawalls on Town land. We need to get a procedure together so this goes smoothly and fairly.

Thanks,

Ellen