

CONSERVATION COMMISSION PUBLIC HEARING

April 28, 2009

FINAL

The meeting was called to order at 7:00 p.m. by Chairperson Nathan Page at the Hampton Town Office Meeting Room. Present were Commission Members Jay Diener, Ellen Goethel, Barbara Renaud, and Peter Tilton Jr. Commission Members Dr. Ralph Falk and Sharon Raymond were absent. Alternate Steve Scaturro was present, sitting in for Sharon Raymond. Rayann Richard, Conservation Commission Coordinator, was present. Fran McMahon represented the Planning Board.

The Minutes of January 27, 2009, February 24, 2009 and March 24, 2009 were reviewed and accepted with corrections noted.

The site walk was held on Saturday, April 25, 2009 meeting at the Town Hall Parking Lot at 9:00 a.m. The following sites were visited:

- A. 24 Harbor Rd
- B. 47 Hobson Ave
- C. 35 Park Ave
- D. 86 Drakeside

If time permits, a site walk along the access road to the trestle bridge at 101/1 interchange.

NH WETLAND BUREAU APPLICATIONS

A. Seaview at Hampton LLC

Mr. Vincent Iacozzi and Atty Emile Bussiere

This after-the-fact application is related to the original Wetland and Non-specific #2005-00134 for an existing ramp and float system. After a discussion, Mr. Diener motioned to oppose the granting of the after-the-fact wetlands permit for the existing ramp and float system, which was previously permitted under Permit #2005-00134 which is currently under litigation. A letter accompanied the 2009 Dredge & Fill application for this project. The Conservation Commission Members found the tone of the letter threatening because it implied that if the Commission did not endorse this new permit application and NHDES denied the permit, then the donation agreement between the applicant and the Town of Hampton would be rescinded. All the permits required from the Town of Hampton to complete the projects at Seaview at Hampton have been granted. Therefore the Town has fulfilled their obligations with regards to the donation agreement and will not be held responsible for those permitting decisions, which are under their control. It was agreed to resubmit the original letter opposing permit #2005-00134, because it appears that the original concerns have not been adequately addressed. Mr. Tilton seconded the motion. The applicant agreed to put back signage for public viewing spot and one town parking spot. All were in favor.

B. 120 Glade Path

Cynthia Perrault

Sherie Trefrey, New Hampshire Soil Consultant

The proposed project includes the replacement of an existing wooden retaining wall with stone rip rap and the construction of a tidal dock. The project requires 2,625 sq. ft. of impact (1,228 permanent and 1,397 temp). Property is 0.368 acres. There being no public comment, the Commission was happy with the plan. Mr. Tilton motioned to not oppose the granting of a wetlands permit for the replacement of the existing retaining wall and the construction of a pier, ramp and float system (dock) with the following concerns:

1. The applicant needs to determine if a utility exists on the property .
2. The applicant needs to determine if there are any Town restrictions associated with an original portion of Glade Path which runs along the waterfront between their home and Tide Mill Creek.

NH WETLAND APPLICATIONS (Cont)

120 Glade Path

Mrs. Goethel seconded the motion. Discussion ensued. Mrs. Goethel then motioned to use crushed stone instead of sand as a backfill material for the retaining wall. Ms. Renaud Seconded the motion. The following recommendations were made.

1. The use of crushed stone be used instead of sand for backfilling material for the retaining wall.
2. The installation of additional pilings be used to secure the float.
3. The float be stored on the upland side of the retaining wall during the off-season.

All were in favor.

SPECIAL PERMIT

- A. 92 Ashworth Ave
Mr. Moe Blondeau
Seakamp Environment Consulting Inc.

The proposed work involves the construction of a concrete block seawall just east of the wetland delineation and removal of a chain-linked fence in the wetland. Mr. Diener motioned to recommend the granting of the Special Permit for the construction of a concrete block wall on the upland side of the existing earthen berm as per the plan dated April 15, 2009 and signed by the Chair. The commissioners were very pleased about the rain garden planting plan presented by Seakamp Environmental Consulting Inc. dated April 8, 2009. Mr. Page opened the discussion up to the Public. Mr. Larry Royal of 94 Esker Road was concerned with potential changes in drainage associated with the construction of the concrete block wall. The Commission suggested he consult with an independent engineer or hydrologist and present the findings at the Planning Board meeting when this project will be discussed. Since there were no other speakers, Mr. Page closed the Public comments and brought the discussion back to the Board. The following stipulations were included in the motion:

1. The concrete block wall must be placed on the landward side of the existing berm and not to exceed 48 inches. The berm may be used as a support for the wall, by cutting into the landward side of the berm between the base and the shoulder.
2. All excavation spoils must be placed and stored on the landward side of the berm. These soils can be used to backfill the wall, but any remaining soils at the end of the project must be disposed of off-site.
3. No fill shall be brought onto the site.
4. There will be no changes in the elevation of the parking lot.
5. The v-notch at the south end of the berm will be repaired.
6. There will be no gate in the concrete block wall.
7. The chain-linked fence will be removed by placing the appropriate motorized equipment on the landward side of the berm and lifting the fence straight up and out of the wetland.
8. Small stone or gravel will be used as mulch around the plantings in the rain garden.
9. Commission requests spot elevations to be submitted prior to construction and upon completion.

Mr. Scaturro seconded the motion. All were in favor.

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SPECIAL PERMITS (Cont)

B. 120 Glade Path

Cynthia Perrault

Sherie Trefrey, NH Soil Consultant

Replace a 90 ft. existing retaining wall and construct a 150 ft. long dock which includes a 118 ft pier, a 24 ft. long ramp, and 10' x 20' float. Please see page 1. Mrs. Goethel motioned to send a letter to the Planning Board seconded by Mr. Diener. All were in favor.

C. 47 Hobson Ave

Albert McCullum, Property Owner

Tom Skinner, Contractor

This Special Permit is to remove a 6' fence and replace with a 6 ft. cedar privacy fence with 12" open lattice work at top. Post to be placed 8 ft. on center or closer, in existing footprint or slightly inwards resulting in no destruction of natural wetland. Fence to be built inside of plot line. Ms. Renaud motioned to recommend the granting of a Wetlands Impact Special Permit for the replacement of the existing perimeter fence. It was noted on the site walk that there were two existing structures, a shed and a patio, which had not been installed under a Town Special Permit. The applicant did not oppose the idea of providing some mitigation for these two structures. The Commission would like to see the applicant add rain barrels to the downspouts on the marsh side of the house and add 40 sq. ft. of plantings along the marsh side of the property which need to be approved the Conservation Coordinator before installation. If the ran barrels are not installed, the applicant will be required to come back to the Commission to discuss other mitigation options. Mr. Diener seconded the motion. All were in favor.

At this time (9:00) in Scaturro left the meeting.

D. 35 Park Ave

Brian Kent

Mark West

This Special Permit is for the installation of a retaining wall on the wetland edge and add fill within the 50 ft. wetland buffer. After a short discussion, the applicant has agreed to continue their application to the May 26, 2009 meeting in order to provide more detailed information. The Commission has also allowed the applicant to add the installation of a perimeter fence to this application. Mr. Tilton motioned to continue this application, seconded by Ms. Renaud. All were in favor. A list of additional information needed for that meeting is:

1. Applicant needs to determine if there any Town restrictions associated with an original portion of Parsonage Lane.
2. Applicant needs to provide the temporary and permanent impacts to the wetland and wetland buffer zone as well as a calculation of the existing sq ft of sealed surface in the wetland buffer zone.
3. Applicant needs to indicate on the Plat of Land the original location (near the stream) of the dirt piles and approximate amount.
4. Applicant needs to add the dimension of the existing patio to the Plat of Land.
5. Applicant needs to calculate the amount of fill needed to regrade the portion of the backyard adjacent to the proposed retaining wall.
6. Applicant needs to provide a planting plan for the top of the retaining wall.
7. Applicant needs to show the proposed location of the shed which is currently adjacent to the western side of the house.
8. The sump pump discharge pipe needs to be relocated further away from the stream.
9. Correct the wall cross section on the Plat of Land to accurately reflect the desired design.

APPOINTMENTS

A. 86 Drakeside

Not present.

B. Chris Steinkamp
City Year/Seacoast Youth Services

Chris Steinkamp spoke regarding potential ice pond projects. Several tasks that were mentioned were building wheel chair accessibility, bird houses and cutting down knotweed.

C. Witch Island Way

A discussion on the revised plan. The Commission is pleased to see more of the building footprints outside of the 50 ft buffer zone and supports the applicant's request for set back waivers. However, the Commission still believes very strongly that all of the building footprints should be outside the 50 ft buffer zone. There are still concerns for the drainage on the property and impacts to the wetlands and adjacent properties. As there are no drainage plans developed, the Commission's ability to evaluate the true effects of this development on the wetlands and adjacent properties is limited. Mr. Diener motioned to send a letter to the Zoning Board of Adjustment regarding the Commission's opinion on the revised plan and additional concerns. Mr. Tilton seconded. All were in favor.

PLANNING BOARD ACTIONS - DECEMBER DECISIONS

1. 160 Lafayette Rd - Subdivision of Tidewater Campground

Conditions that they provide the Conservation Commission with a letter of intent addressing wetland issues and a follow up visit by Conservation Commission to ensure concerns have been satisfied.

2. 62 Ashworth Ave

Construct a concrete block wall and removal of chain-link fence. Continued: May 6, 2009

3. 4 Chase St

Removal of existing structure and reconstruction of a new dwelling. Continued: April 16, 2009

ZONING BOARD ACTIONS - DECEMBER DECISIONS

1. Witch Island Way

12-Unit condo consisting of 5 2-Unit and 2 1Unit buildings. Continued: May 21, 2009

DES ACTIONS

1. 4 Chase St

Remove existing 2 family and reconstruct a new 2 family dwelling. Approved: April 11, 2009

OLD BUSINESS

A. Discussion on the wording of a letter to the Board of Selectmen regarding the seawall stairs and additional small rocks in the rip rap at Dory Inn. Mrs. Goethel motioned to have Ms. Richards write the letter. Mr. Diener seconded. All were in favor.

NEW BUSINESS

A. Large amounts of trash being dumped along the access road to the trestle bridge off of Rt 1/101 interchange. (Not discussed)

TREASURER'S REPORT

Ms. Renaud stated that the report will be given quarterly.

The next meeting of the Conservation Commission Public Hearing will be held on Tuesday, May 26, 2009 at 7:00 p.m. meeting in the Town Office Meeting Room. The next site walk will be announced and will meet at the Town Office Parking Lot.

Mr. Tilton motioned to adjourn at 11:00 p.m., seconded by Mr. Diener. All were in favor.

Respectfully submitted,



Sue Launi
Secretary