

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
DRAFT - MINUTES
March 26, 2013

PRESENT: Jay Diener, Chair
Ellen Goethel, Co-Chair
Gordon Vinther
Barbara Renaud
Peter Tilton Jr.
Diane Shaw, alternate
Jamie Bradley, alternate
Rayann Dionne, Conservation Commission Coordinator
Mark Olson, Planning Board Representative

CALL TO ORDER:

The meeting was called to order at 7:02 p.m. by the Chairman, Jay Diener, at the Hampton Town Hall lobby.

CONSIDERATION OF MINUTES

MOTION by Mr. Tilton to table the review of the minutes from December 18, 2012 and February 26, 2013 to the next meeting.

SECOND by Mrs. Goethel.

VOTE: 7-0-0

NHDES APPLICATIONS

- A. 115 Landing Rd
Applicant: Hampton River Boat Club
Agent: Henry Boyd of Millennium Engineering

Mr. Tilton and Ms. Shaw recused themselves from the discussion because Mr. Tilton is a member of the boat club and Ms. Shaw is an abutter.

Mr. Boyd shared that since the 1950's there has been maintenance of the roadway that has involved adding fill and the last time this type of work was performed was about 25 years ago. The proposed project involves adding fill to the traveled portion of the roadway and creating a more substantial crown along with elevating a portion of the parking area. There is one exception on the roadway closest to Landing Rd where there is a substantial dip slightly outside of the traveled way that will be filled. The improvements will not prevent flooding during storm and astronomical tides but will keep these areas dry during normal high tides. The existing driveway averages about a 7.0 elevation. The process of increasing to and carrying across elevation 7.5 will mean that some areas will require more fill than others. The thickest part of fill will be in an area of the parking, where almost 2 ft. of fill will be required. Mr. Boyd commented that a small elevation change over 50-60 feet area is almost imperceptible. All of the elevated areas will be graded to tie-into the existing surrounding slopes. Mr. Boyd also stated that Frank Richardson of NHDES insisted on some type of mitigation and the removal of an isolated stand of phragmites is proposed. The removal will involve removing the root system and the area loamed and seeded. Mrs. Goethel commented that she was surprised to see Mr. Richardson in favor of the

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approach versus other types of eradication efforts. Lastly Mr. Boyd shared the applicant's frustration with the extraordinary NHDES application fee which is solely based on impact and does not take into account existing conditions.

Mr. Vinther asked on average how many days a month does that the roadway and parking areas flood. Peter Tilton, Sr. replied that it is every lunar tide which is about 3-4 days a month.

Mrs. Goethel noted that the Jersey barrier have been in the parking area for many years. They will need to be removed for the addition of fill and grading and asked if club will re-install them. The club was not sure if they would re-install them and Mrs. Goethel recommended that a decision be made prior to NHDES's approval. Mr. Goethel asked when the club started to see the flooding getting worse. Peter McKinnon, club member, responded that it's been in the last 4-5 years and that Landing road has also been flooding.

Ms. Bradley asked how deep does the flood waters get in the roadway and parking area. Peter Tilton, Sr. replied that it's about 8-10 inches deep which reaches the underside of most vehicles. Frequently, club members head out at low tide for a day of boating and when they return they are unable to leave the Boat Club. Ms. Bradley also asked how the fill material will be compacted. Peter Tilton Sr. responded that the material compacts easily with the grader.

Mr. Diener asked if the water reaches a depth of 8-10 inches and the road is only being raised 6 inches, then how the proposed changes are going to fix the access issue. Mr. Boyd responded that by elevating the crown of the road there should be enough height to exit using the center of the roadway.

Mr. Boyd shared an interesting fact that the Boat Club has a post for marking the high tides. This is a great way to track local changes in sea-level.

PUBLIC COMMENT

Mr. Fred Clews, boat club member and coastal Fish and Game Commissioner shared that this facility has a launching agreement with Fish and Game for conservation officers to go out and monitor. The inaccessibility does interfere with their abilities to monitor and protect our area.

Pete Tilton Sr also shared that the Boat Club has an access agreement with Unitil allowing them to use the facility to launch and access their power lines that cross the salt marsh.

MOTION by Ms. Renaud to not to oppose the granting of the NHDES permit at 115 Landing Rd for the purpose of elevating the existing roadway and parking area.

SECOND by Mrs. Goethel with a friendly amendment that the Conservation Commission be notified at the beginning and end of the project.

VOTE: 4-0-1, Mr. Diener abstained.

B. 1042 Ocean Blvd
Applicant: Mark and Janet Gacek
Agent: Steve Ryker – Sandpiper Environmental

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The applicant has requested that the review of this application be postponed to the April 23, 2013 Conservation Commission meeting. Met onsite during the sitewalk, needed more information for the seawall.

SPECIAL PERMITS

A. 115 Landing Rd

Applicant: Hampton River Boat Club

Agent: Henry Boyd of Millennium Engineering

Please see the discussion under the NHDES permits.

MOTION by Ms. Renaud to recommend the granting of the Special Permit for the elevation of the roadway and parking lot along with the phragmites control at 115 Landing Road per the plan signed and signed and dated by the chair. Include the usual stipulations.

SECOND by Mrs. Goethel

VOTE: 6-0-1, Mr. Diener abstained

B. 16 Battcock Ave

Applicant: Terrence and Kelly Connor

Agent: Joe Coronati of Jones and Beach Engineering Inc.

Mr. Coronati presented the as-built plan and identified the following deviations from the originally approved plan:

1. The side deck is slightly smaller and was moved easterly to be centered on the building instead along the rear of the building.
2. An AC unit was added just west of the side deck, on top of plastic paver type pad.
3. Eco-pavers were installed in the Right-of-Way in place of pavement.

The proposed plantings have been installed, all of which are *Rosa rugosa*. Mr. Coronati recalculated the buffer impacts based on the above changes and there is one sq ft less of impervious surface because. There is a greater reduction in impervious surface in the 100ft NHDES wetland buffer because of the installation of the eco pavers and the front deck is smaller.

Mr. Diener asked if the Department of Public Works approved of the pavers and Mr. Coronati did not know if the owner got their permission.

NO PUBLIC COMMENT

MOTION by Mrs. Goethel to accept the amended special permit based on the as-built signed by the chair

SECOND by Mr. Tilton

VOTE: 6-0-1, Mr. Diener abstained

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C. 21 and 29 Hickory Lane

Applicant: Whiteside Family Trust

Agent: Henry Boyd of Millennium Engineering

The review of this application was continued from the Conservation Commission meeting in February. At this meeting several issues were raised about excessive amount of pavement and extensive engineering involved to address the sealed surface violation at 21 Hickory Lane, which consisted of paving 922 sq. ft. of parking area. Mr. Boyd began by explaining the revised proposal which involves removing 566 sq. ft. of the pavement from the driveway and parking area and 92 sq. ft. paved walkway and replacing it with permeable materials. The pavement in the driveway and parking area will be replaced with 12" of 1 1/2" angular crushed stone. The crushed stone will act as a reservoir due to the voids which compose approximately 40% of the area. The paved walkway will be reconstructed with permeable pavers. Storm water from the remaining portion of pavement will be directed towards the crushed stone using wooden curbing. Mr. Boyd then addressed some questions that were emailed to him by the Conservation Coordinator. He stated that the grades by the junipers and curbing will not be changed. Mr. Boyd indicated that he would add the square footage of the walkway to the plan. He stated that he was willing update the plan to include the existing and proposed sealed surface calculation for each area as opposed to the combine values currently shown. Mr. Body asked if the calculations for 21 Hickory Lane should strictly address the sealed surface violation or all sealed surface in the 50' buffer. The consensus of the Commission was to present two sets of numbers for 21 Hickory, one that accounted for all sealed surface existing and proposed in the 50' buffer and then a second set of numbers that quantify the violation and proposed corrections. Lastly, Mr. Boyd agreed with the concept of adding additional curbing along the east and south side of the crushed stone to help prevent migration. If curbing was used there would need to be an opening. Mr. Olson recommended the installation of geotextile fabric underneath stone which provide a decent separation between the native ground and rocks. This fabric will keep the stone from migrating down into the native soils. Commission members liked this recommendation as long as the fabric is permeable. The use of fabric would alleviate the need of the curbing along the junipers. Mr. Boyd like the recommendation and agreed to send a spec sheet for the geotextile fabric to Conservation coordinator prior to installation.

Mrs. Goethel asked how the curbing in the areas proposed will be secured. Mr. Boyd stated that he would recommend securing them with rebar and would add curbing detail to the plan.

Ms. Renaud asked what is a Virginia Rose and Mr. Boyd responded that it was a native plant to NH. She also asked if there was any concerns about the use of pressure treated wood and the leaching of contaminants. Mrs. Goethel stated that copper is harmful to invertebrates. Mr. Boyd was relatively certain that it was pressure treated wood was no longer treated with copper and arsenic but would confirm this. The Commission would only be okay with its use if the curbing does not include copper or arsenic.

The Commission then turned there review over to the proposed redevelopment of 29 Hickory Lane. Mrs. Dionne asked if there is an existing foundation under the dwelling to be removed and Mr. Boyd stated that it was pilings. Mr. Tilton asked if there is an existing septic system and Mr. Boyd responded that there was and it was being replaced.

PUBLIC COMMENT

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Mr. Marc DeFeo, owner of 8 Hickory Lane and the son of the property owners commented that they had had trouble planting the junipers proposed under the 2010 Special permit because the soils are very compacted. He also gave his apologies for the violation.

MOTION by Mrs. Goethel to recommend the granting of Special permit for 21 and 29 Hickory Lane for the correction of a violation at 21 Hickory and the redevelopment of 29 Hickory. The applicant has agreed to provide a revised plan before the Planning Board's meeting on April 3rd which must be reviewed and approved by Chair and Conservation Coordinator. The updates to the plan are as follows:

1. The applicant has agreed to update the 50' buffer existing and proposed impacts by showing an individual calculation for 21 and 29 Hickory Lane as opposed to the combined calculation currently shown. There will also be a calculation showing the size of the violation and the post-remediation size for 21 Hickory Lane.
2. The applicant has agreed to update the plan to include the square footage of the proposed permeable paver walkway.
3. The applicant has agreed to add a curbing detail that will include a geotextile material underneath the crushed stone which will prevent the spread and migration of the stone.
4. The applicant has agreed to consider an alternative curbing material to pressure treated wood, if the chemical treatment includes copper and arsenic.

SECOND by Ms. Renaud

VOTE: 5-0-1 Mr. Diener abstained.

OLD BUSINESS

A. Hurd Farm Signage

Mrs. Goethel provide a brief update. She has called and emailed several different sign places but in order to get an accurate quote the Commission must decide on a specific sign size, sign material, text size and color and what graphic are to be included. The Commission liked a carved wood sign with brown or dark green sign with yellow or white lettering. It was agreed that the sign of the size will be dependent on the amount of letters and size. Mrs. Goethel commented that she needed to get in touch with Mr. Keith Lessard to find out which sign material the schools have had poor luck with. Mrs. Dionne asked about including a holder for flyers or maps but there were concerns about those needing to be maintained and being vulnerable to vandalism. Ms. Bradley recommended the use of a QR code which is read by smart phones and could be linked to a flyer or maps. Ms. Renaud commented that she would also like to see some signs made up for Island Path. Ms. Bradley asked about whether or not High School shop students could make the signs and there was interest and finding out more about this possibility.

B. Ice Pond Dam update

Mrs. Dionne shared that a meeting had been held with Bob Stephens, an engineer from Stephen Associations. Mr. Diener and Mr. Tilton also attended this meeting. It was decided to put the design on hold for a bit longer until the plans for Mill Pond dam have been determined. Since

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with two areas are hydrologically connected it makes sense to make sure their designs are compatible.

NEW BUSINESS

A. Review proposed changes to HCC rules and procedures

Mrs. Dionne presented copies of the proposed updates to the Commission's rules and procedures. A few minor adjustments were made. It was noted that the position of "Treasurer" was not defined and Mrs. Dionne agreed to add this section.

B. Election of 2013 Officers

MOTION by Mrs. Goethel nominate Mr. Diener for Chair.

SECOND by Mr. Vinther

VOTE: 6-1-0

MOTION by Mrs. Goethel to nominate Mr. Tilton for Vice Chair.

SECOND by Ms. Shaw

VOTE: 7-0-0

MOTION by Mrs. Goethel to nominate Ms. Renaud for Treasurer.

SECOND by Mr. Tilton

VOTE: 7-0-0

C. Review BOS request under RSA 41:14-a - Acquisition or Sale of Land, Buildings, or Both

Mrs. Dionne shared that this referral pertains to an abandoned Right-Of-Way from the United States to provide access to two Harbor lots that are currently under water. The BOS are asking the Commission's opinion on releasing the ROW and deeding over the two lots to the Conservation Commission

MOTION by Mr. Tilton to not oppose the release of the ROW and acceptance of the two parcel.

SECOND by Mrs. Goethel

VOTE: 5-0-1, Ms. Renaud abstained.

CONSERVATION COORDINATOR AND CHAIRMAN UPDATE

Mrs. Dionne shared the following:

1. Mr. Diener, Mr. Steffen, Town Planner, and Mrs. Dionne met with Julie LaBranche of the Rockingham Planning Commission to talk about doing a presentation to the Board of Selectmen on the finding from the Coastal Sea-Level Rise Modeling. As part of this meeting, they also talked about the upcoming Green Infrastructure Project which is aimed at helping municipalities with implementing and promoting Green Infrastructure. Ms. LaBranche felt that the sealed surface warrant article would be a great candidate and they could provide help with the mapping and language. Commission was on board with waiting to hear more about the project proposal deadlines and award time frame. Mrs. Dionne also shared that she is trying to process the installation of rain gardens at each of the fire stations which could also be a Green Infrastructure project, but has been getting some resistance from

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- a cost perspective.
2. The property owners at 52 Tide Mill Rd have been able to contact the original developer and have draft a revised deed that will remove the deed restriction which requires the 50ft buffer to be in a naturally vegetated state. The property owners will be revising their current Special Permit application to include permission to maintain a portion of the 50ft buffer as lawn. The Commission should be reviewing this application at the April meeting.
 3. The Legal Department has still not received a response from 51 Lafayette Rd and the court-ordered deadline for submitting a restoration plan has lapsed. The Legal Department will be filing a motion of default and will seek fines and legal cost. Most likely these fines will be administered as a lien on the property.
 4. The 2013 Rain Barrel Project is underway and the students at Hampton Academy are in the process of the painting the barrels. The barrels will be auctioned off at the Garden Club's plant sale on May 18th.

The Commission briefly talked about an article in the Hampton Union about the potential of opening a marine educational center in the Seashell.

TREASURER'S REPORT

Ms. Renaud did a summary of the Victory's Garden bank statements and their year-end left them with \$200 which is the level the account should be at. Mrs. Dionne commented that she had sent the Victory Garden lead an email requesting that they come to a Commission meeting in the next couple of months to give an update.

MOTION to Adjourn by Mr. Tilton at 9:55

SECOND by Mr. Vinther

VOTE: 7-0-0