

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

January 22, 2013

PRESENT: Jay Diener, Chair
Ellen Goethel, Co-Chair
Sharon Raymond
Barbara Renaud
Peter Tilton Jr.
Gordon Vinther
Diane Shaw, alternate
Anthony Ciolfi, alternate
Rayann Dionne, Conservation Commission Coordinator
Fran McMahan, Planning Board Representative

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by the Chairman, Jay Diener, at the Hampton Town Office Meeting Room.

Mr. Diener requested that the Minutes from the November 27, 2012 and December 18, 2012 meetings be reviewed and voted on at the February meeting. All Commission members were in favor.

Mr. Diener recommended adjusting the agenda slightly by moving the discussion on 66-68 Island Path and 7 Susan Lane to end because no representatives for these projects were going to be present this evening. All Commission members were in favor.

SPECIAL PERMITS

A. 140 King's Highway #6 (Butternut Hollow)
Applicant – Jay and Barbara Taylor

This after-the-fact application is for the installation of an AC unit (24" x 24") on an elevated base at 140 King's Highway #6. Mr. Diener noted that most of the Commission members had been to this location. He reminded everyone that a neighbor recently received approval for a generator on a raised base in a similar location to where this AC unit is located. Mr. Diener asked the applicant how far off the ground was the AC unit. Mr. Taylor responded that it is approximately 22" above the ground. Mrs. Goethel asked whether any stone was placed under the unit and Mr. Taylor said there was no stone, just grass.

NO PUBLIC COMMENTS

MOTION by Mr. Tilton to recommend the installation of the AC unit on a raised base with the usual stipulations

SECOND by Mrs. Goethel

AMENDMENT by Mr. Diener requesting that the letter to the Planning Board include a statement that this is an after-the-fact application.

SECOND by Mrs. Goethel

VOTE: 7-0-0

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

January 22, 2013

B. 516 High St

Applicant: Mary Janet Young

This application is for the removal of an existing shed, construction of a new shed along the north side of the driveway and permission to fill in two low spots in the lawn. Ms. Young briefly explained that the current shed is in very poor condition and located right next to wetland. The new shed would be the same size or slightly smaller and located at the end of her driveway which is further from the wetland edge. The new shed would have a stone base and placed on cinder block supports. The two areas needing fill are located along the western edge of her property. These areas experience ponding and are difficult to mow.

Mr. Diener reminded the Commission that it was not possible to determine whether the neighbor's yard was lower than the applicant's due to the snow cover during the site walk. Although several members, at the site, did feel that the applicant's yard appeared to be slightly higher than the neighbor's. Mr. Diener asked the size of the areas requiring fill. Ms. Young responded that the first area next to the garden was approximately 13' by 12' and the second area by the driveway was 15' by 9'. Mr. Diener shared his concern that fill should not be permitted if it is going to cause water to be directed onto a neighbor's property. All stormwater needs to be treated on-site.

Mr. McMahon commented that the Planning Board would have the same concern. The applicant needs to demonstrate, perhaps through a drainage analysis, that the elevation change would keep storm water on their property and not direct it towards the neighbor.

Mr. Diener asked how much fill would need to be added to each of these areas. Ms. Young stated that she was not sure but that the goal is to bring the low areas up to the level of the lawn.

Mrs. Dionne recommended adding plantings to these areas instead of fill. Plants such *Rosa rugosa* or bayberry would provide a nice barrier between the neighbors and would help absorb some of the extra water.

Ms. Raymond stated that she could not support an application requesting fill that did not show the current and proposed elevations and did not quantify how much fill was going to be added. She did not feel that adding fill would solve the problem because these areas are going to continue to sink. However, she did support the idea of plantings instead of fill because plants can help absorb the excess water where fill cannot.

Mrs. Goethel commented that she also could not support the addition of an unknown quantity of fill. Ms. Young added that she anticipated that fill would be brought in a little at a time. Mrs. Goethel responded that the Commission has never supported a permit that allows the continued addition of fill on a property because it is impossible to monitor and enforce. However, Mrs. Goethel did support the addition of plantings and recommended that the property owner work with the Conservation Coordinator to develop a planting plan. She advised that salt tolerant plant/shrub would be best.

Ms. Young asked who is qualified to determine elevations and how much would it cost. Ms. Raymond responded that a land surveyor can shoot grades and place them on a plan. The cost

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

January 22, 2013

was not known, although Ms. Goethel commented that she had a land survey done several years back and it was not that expensive. Ms. Young seemed unsure what to do and asked if she wanted to add plantings would she need to file another Special Permit. It was explained to her that the option of installing plants could be added to this permit application as a recommendation by the Commission. It would be clearly stated that plantings would be an option not a permit requirement. Ms. Young agreed to have the planting added as an option.

MOTION by Mrs. Goethel to recommend the granting of the Special Permit for only the removal of the existing shed and construction of a new shed. No fill shall be added to the low areas located along the western property boundary. However, the Commission recommends granting the applicant the option of developing a planting plan for these areas. If chosen, the planting plan must be approved by the Conservation Coordinator prior to installation. The development of a planting plan is not a permit requirement. Along with the usual stipulations.

Second by Mr. Vinther

Amendment by Mr. Ciolfi to include permission to install a stone path from the end of the driveway to the new shed. Mrs. Dionne asked if there should be a width limitation, and a width no greater than 3 ft was agreed upon. It was also clarified that crushed stone should be used not gravel, because gravel becomes compacted and impervious over time.

Second by Mr. Vinther

Vote: 7-0-0

C. 21 & 29 Hickory Lane

Applicant: Whiteside Family Trust

Agent: Henry Boyd – Millennium Engineering

There was no one present for this application.

MOTION by Sharon Raymond to table this discussion until the next meeting and to write a letter to the Planning Board requesting that they postpone their review until their first meeting in March.

SECOND by Mr. Vinther

Vote: 7-0-0

NHDES APPLICATIONS

A. 7 Susan Lane

Applicant: Mary Stephens Living Trust

Agent: Jones and Beach Engineering

This is a Standard Dredge & Fill application for the removal of the existing asphalt, replanting of lawn, and reconstruction of the retaining wall at 7 Susan Lane. Mrs. Dionne commented that the Commission reviewed the Special Permit application for this project last month, but the NHDES permit had not been filed in time. Mrs. Dionne read aloud the stipulations from the Special Permit recommendation letter to the Planning Board. The stipulations were as follows:

1. The areas of “new stone” shall consist of either stone with a minimum of $\frac{3}{4}$ ” uniform diameter or eco pavers with the appropriate base. If stone is used, an edging shall be placed at the edge of the lawn to prevent stone migration into the 50ft buffer.

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

January 22, 2013

2. The new fence shall be a minimum of 6-8" off of the ground and all of the postholes shall be dug by hand. Spoils shall be disposed of outside of the buffer.
3. A construction detail for the retaining wall shall be submitted prior to any work on the wall. Motorized equipment shall utilize planks when entering the buffer to protect the existing vegetation. The Conservation Commission would prefer the work to occur outside of the growing season (fall through early spring).

NO PUBLIC COMMENTS

MOTION by Mrs. Goethel to not oppose the granting of the NHDES wetland permit including the stipulations agreed upon at the previous meeting.

SECONDED by Ms. Shaw

VOTE: 7-0-0

APPOINTMENT

66-68 Island Path

Property owner - Thomas Glavin

Mr. Diener reminded that the Commission visited this property during the site walk to look over the installation of snow fencing along the marsh. The property owner would like the fencing to remain between the months of November to April to help keep marsh hay and debris from entering his yard. Mr. Glavin would like to know if the Commission would support a Special Permit application for maintaining this snow fencing for that time period. There was a lengthy discussion on the potential issues with the installation of snow fencing in this area. Commission members were not comfortable with the current location of the fence because it is either at the wetland edge along the toe of the slope or partially in the marsh. However, relocation of the snow fencing to the top of the slope would defeat the property owner's objective of keep his yard clean. Some members were not convinced that the snow fencing would be taken out. The debris that would accumulate along the fencing, if not removed in a timely manner, would kill the existing vegetation and increase the potential of erosion. There was also a common concern that the fencing is extremely vulnerable to storm and ice damage and because the property is not occupied year round, routine or emergency maintenance would be challenging. The Commission was unanimous in its position that the snow fencing was not appropriate and the property owner shall be required to remove it within the next two weeks.

OLD BUSINESS

A. Hurd Farm Signage

Mrs. Goethel stated that she would have more information for the February meeting.

B. Ice Pond Dam update

Mrs. Dionne stated that a draft letter for extending the deliverable deadlines has been sent to Stephens Associates. They have reviewed the letter with only minor comments. Once a signed copy has been received, a meeting will be scheduled to discuss resuming the development of a design without using the railroad blocks from Drakeside Road.

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

January 22, 2013

NEW BUSINESS

A. Working definition for “temporary”

Mrs. Dionne commented that it would be helpful to have a working definition of “temporary” because it is a term that comes up from time to time as property owner’s try to advocate for short-term yet repeated activities in the buffer. The Commission discussed what criteria must be met for a specific activity to be classified as temporary. There was consensus that a one-time activity that does not require any restoration meaning that it does not have a negative impact would qualify as temporary.

B. Recording approved Special Permits at the Registry of Deeds

Mrs. Dionne noted that NHDES has required some permits, typically permits requiring restoration activities, to be recorded at the Registry of Deeds. It is common occurrence that property owners are unaware that their property is subject to the Wetland Conservation District or had previous work done under a Special permit. The recording of a Special permit might help to notify future property owners of the restrictions and work that has been done on the property. The Coordinator agreed to check with the Registry of Deeds to see what is allowed.

CONSERVATION COORDINATOR UPDATE

Mrs. Dionne shared the following

1. Reminded everyone that next month they would revisit the sealed surface warrant article and try to develop a strategy for completing this warrant article for 2014. Mr. Diener asked if people would rather hold a work session or discuss it during regularly scheduled meetings. There was a consensus that a work session on a week night would be preferable.
2. Commented that Sue Launi would be receiving a recognition award for her years of service with the Commission from the Board of Selectmen on January 28th. She encouraged members to attend if possible and would verify that the presentation was at the beginning of the Board of Selectmen meeting.
3. Gave a brief update on the Village Corridor Study that encompasses the general downtown area. The Committee is made up of various town officials, business owners, and residents. One of the major goals of the study is to identify ways to make the downtown area more pedestrian friendly. This does include trying to find ways to best incorporate the railroad corridor assuming that area is purchased by the State. Fran McMahan reminded members that some of the previously discussed potential uses for railroad corridor, such as a bike path, have been a sensitive topic.
4. Indicated that there will be a need to reorder wetland buffer markers and asked whether the Commission would also like to add any new markers. Right now there is a marker for the wetland buffer, conservation easement, or conservation land. There is the potential to have a marker for the wetland edge. Commission members were in favor of discussing this further at a future meeting.
5. Shared information about a new partnership between state and non-profit agencies offering municipalities aid in creating more “Green Infrastructures” in their towns. This may be a great opportunity to get some help with designing rain gardens at the beach and uptown fire stations. Mrs. Dionne has been in contact with the Fire Chief and he seems open to the idea. However, it will be important to develop a well thought out and comprehensive plan so that it is easy for them to incorporate into their current design.

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

January 22, 2013

6. Summarized the temporary hearing for the violations at 51 Lafayette Rd. Mr. Lyons did not dispute the violations on-site and stated that Gove Environmental has been hired to put together a restoration plan. The judge has given 30 days for a restoration plan to be developed and submitted to the Town. Mrs. Dionne is hopeful that a restoration plan could be reviewed at the February Conservation Commission meeting.

Mr. Diener provided the following updates

1. Shared that Mrs. Dionne would be taking on the responsibility of meeting minutes. This task would be separate from her work as the Conservation Coordinator. If at some point Ms. Dionne decides that doing the minutes does not work then they would look for an outside secretary.
2. Shared that the Southeast Land Trust appeared to have the issues with the Batchelder property Right-of-Way (ROW) deed language cleared up and are hopeful that the last easement will be finalized soon. This last easement parcel was originally land-locked but the concept of a ROW came about when a lot line encroachment was discovered during the surveying process. The Batchelders agreed to a lot-line adjustment in exchange for access to the land-locked parcel. There were some neighborhood concerns over the ROW that appear to have been put at ease through the recent language changes.
3. Development of a non-governmental group for Hampton Seabrook Estuary. This would be similar to the "friends groups" that help with various issues in and around Great Bay. The group would be able to take on or assist with projects that may be outside the purview of the Conservation Commission, such as water-quality monitoring. We will try to involve people from Seabrook and Hampton Falls, since the estuary extends to both those towns. HCC members are welcome to join, if interested.

TREASURER'S REPORT

None

The next meeting of the Conservation Commission Public Hearing will be held on Tuesday, February 26, 2013, meeting in the Town Office Meeting Room. The site walk will be announced and will meet at the Town Office Parking Lot at 9:00 a.m.

ADJOURNMENT

MOTION by Mrs. Goethel to adjourn at 8:55 p.m.

SECONDED by Mr. Tilton

VOTE: All in favor

Respectfully submitted,

Rayann Dionne
Conservation Coordinator