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N.H. Regional Planning Comm.
Steven Gilt. Peter

OFFICIAL MINUTES OF THE MEETING OF THE HAMPTON CONSERVATION COMMITTEE
HELD THURSDAY, JULY 24, 1980 AT 7:00 PM.

Board members in attendance:

R. Nutter
E. Parr
N. Grant
I. Palmer
N. McPherson
Chairman Randall

Mr. Randall opened the meeting explaining that this was an informational meeting regarding the filling with sand and gravel (approximately 1000 cubic yards) of property at 561 Ocean Blvd. adjacent to the marsh. The reason for filling would be for construction of a motel/hotel/apartment type building.

Attorney Cassassa

Mr. Trays originally wished to fill to the Reef Motel. This proposal was rejected. Therefore, this present request is being submitted. Mr. Trays feels that the area in question can be made compatible with adjacent properties. Mr. Trays feels that this proposal will not be detrimental to the property, but it will straighten out the line and make use of owned land than cannot be used unless this proposal for fill is granted. Offstreet parking requirements make it necessary to fill. The land in question is marshland. The westerly side of Ashworth Avenue is all filled land. We feel (Cassassa and Trays) that this proposal is in line with previous projects and that a 90' by 90' area is a "tailored down approach". The State of N. H. has spoken and determined that the Reef Motel cannot be the line. The line must be inside the Reef Motel.

Mr. Grant

Would it be possible to obtain an affidavit from a surveyor that the filling conformed to the approved dimensions?

Attorney Cassassa

Mr. Durgin will put stakes out after the filling is complete.

Ms. Parr

When did Mr. Trays purchase the property?

Mr. Trays

Close to 1976.

Ms. Parr

When the property was purchased did you know that it was marshland that could not be built on as is?

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Attorney Cassassa

My client was aware of the state of N. H. statutes at the time of the purchase. They did not appear to be unseemly. The answer is yes.

Ms. Nutter

There is a particular grass that grows when the marsh is disturbed - the Fish and Game Department has determined this. I thought I noticed this.

Ms. Palmer

This is called fragmites - there was some growing where we were this evening.

Ms. Nutter

Would the filling case here in question result in filling too near the water and birds?

Attorney Cassassa

The parking requirements require that we fill this amount of land.

Ms. Nutter

The exact dimensions?

Attorney Cassassa

90' x 90'

Ms. Parr

It is actually 90' deep, however it is 154' along Ocean Blvd.. Can we cut the depth to 70'? At least 30' of the 90' was water.

Attorney Cassassa

Economic situations and economic hardships make it necessary to cut way back to fit the building on 90' feet of depth. This is already tailored to the minimum amount required for the building.

Ms. Parr

What type of building is going up?

Attorney Cassassa

We suspect a motel.

Ms. Parr

Two story?

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Attorney Cassassa

Typical Hampton Beach.

Mr. Randall

Parking underneath?

Ms. Palmer

So it would actually be three stories.

Ms. Parr

Two floors of motel, 1 of parking.

Attorney Cassassa

Yes.

Mr. McPherson

No massive filling in 20 years has taken place, however the nibbling has gone on. The nibbling has now turned to gobbling. Destroying the marsh is illegal. I am opposed to filling the marsh in any form.

Attorney Cassassa

Illegal filling is done by moonlighters. We are following the legalities. It is not illegal by due process of the law. It is not fair to say that it is illegal.

Mr. McPherson

I retract my statement. Things we have approved in the past have come out quite changed by the time they were done. I am skeptical.

Mr. Randall

What about the split rail fence and the fill line?

Attorney Cassassa

On the south side the fill line is the large rock - 90' mark.
On the north side the grass is cut adjacent to where the 90' would be.

Mr. Randall

How many motel units will be constructed?

Attorney Cassassa

That is not determined yet. I advise my clients to do a minimum of architecture until the permits are a sure thing. We cannot answer that.

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Mr. Randall

So you will fit the maximum onto the proposed 90' by 154' patch?

Attorney Cassassa

The planning board will determine this in site review, but the answer is yes.

Mr. Randall

But the Planning Board will not act until this is approved by the Conservation Committee? Are there any more questions?

Ms. Nutter

About the car parking - how many will be parked under the proposed building?

Mr. Randall

And on the fill - how high will it be? to road level?

Attorney Cassassa

We do not know at this point about the particulars of the parking.

Mr. Trays

On the north side the fill will be 11' deep, on the south side 12' deep.

Mr. Randall

What about the drop to slope?

Mr. Trays

It is a 3 to 1 slope of 9 feet.

Ms. Parr

So the building will be 9 feet in from the 90' line?

Attorney Cassassa

The building will go back to 81', the last 9' are unusable.

Mr. Grant

What about consideration to the abutters? How will the edges of the fill be secured? What about the proposed damage to others in the area?

Ms. Parr

They can't ever secure the edges of the fill very well.

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Attorney Cassassa

We do not intend to drain water onto the neighbors.

Mr. Grant

Does the planning board take care of this if the Conservation Commission approves?

Attorney Cassassa

Yes.

Mr. Grant

Will this impose on the neighbors to have to fill also?

Attorney Cassassa

I assume not.

Mr. Randall

What about the Burns/Witham case? Is not the Stone House/Trays/Reef Motel case the same thing?

Ms. Parr

That much fill without flooding?

Attorney Cassassa

Anything can be done if you spend enough money.

Ms. Parr

We have a flood problem when we have hightide and rain or a freeze and rain.

Attorney Cassassa

Or an Act of God.

Ms. Palmer

What about the question of how many units?

Attorney Cassassa

The total package depends on the Planning Board's decision.

Ms. Palmer

So the actual area of building is 154' by 81'. If it is raised on piling the second story will be higher than normal.

Attorney Cassassa

That matter is not relative to the fill problem - how many units is irrelevant. Mr. Trays may build anything as soon as he gets the permit. The Planning Board must decide on the development aspect.

Ms. Palmer

It is true that all existing state and local ordinances will be met?

Ms. Parr

Can Mr. Trays lower the amount of fill required?

Attorney Cassassa

We want to go back 90', we do not want to address any other proposal.

Mr. Randall

Some land can be filled without permit, some requires permit. This is the reason for this meeting. We have an applicant proposal. This is an informational meeting.

Mrs. Doyle (planning board member)

The Planning Board has voted against Mr. Trays proposal (letter presented). We wish no virgin marshland to be filled.

Dorothy Bowen

The Hampton Union Newspaper did print the correct time. We must preserve the virgin marshland that we have. Too much irreversible damage has already been done.

Mrs. Doyle (speaking as a citizen)

I am personally opposed to this proposal to fill virgin marshland.

1. Conservation reasons
2. No architectural specifics have been given
3. Filling an area always involves the abutters - this particular area has been designated a flood plain by the drainage study presented to the Board of Selectmen on January 24, 1980.
4. This is a flyover stop for wildlife, no need to disturb nature.
5. Previous petitions have been turned down, the letters are in the Wetlands Commission file.
6. Snowballing of filling is going to be the end of the marsh and this will sure result (filling by all abutters).

It is time to think about the little man.

Mr. Randall

Letter presented: Mr. Hubert Reedy from 563 Hampton Beach (the gray house -north). Mr. Reedy is an abutter and he states his objection to the filling.

Letter presented: Mr. Morneault from 555 Ocean Blvd. (south adjacent property). Mr. Morneault is an abutter and he states his objection to the filling.

Reasons:

1. Flooding of both properties.
2. The National Flood Ins. Program has designated this area a flood plain and therefore "water" becomes "our" problem.
3. A pond designated as "Trays Pond" would be filled, however it is partially on Mr. Morneault's property.
4. This is a flyover point for wildlife.
5. Mr. Trays purchased this property in 1976 and was fully aware of the laws governing the land which he purchased.

Attorney Cassassa

Approximately 60-70 feet of land can be filled without permit. Approximately 20 feet of marshland must require the appropriate permit.

Ms. Palmer

Even though the mowed "grass" was designating where would be filled, it is a little different than lawn. It is a different type of grass.

Ms. Parr

Marsh grass was what was growing where the mowed area was.

Mr. Randall

Our next meeting will be on Monday, July 28, 1980. We will submit our report to the Wetlands Board. Action on this proposal will be ~~taken at a public meeting~~ held in Concord, New Hampshire at a future date. Our recommendation will be an item presented at this meeting.