

HAMPTON CONSERVATION COMMISSION
December 17, 1991

Members Present: Jim Clifford, Co-Chairman
A. Reid Bunker, Jr.
Peter Tilton, Jr.
Vivianne Marcotte
Alberta True

Mr. Clifford called the meeting to order at 7:15 p.m. He said Miss Petillo would not be present because she has the flu.

Martin Gunther - proposed house lot - Dick Parker of Parker Survey representing Mr. Gunther, said Mr. Gunther has two lots at the end of Roberts Drive behind the old state police headquarters. He said Mr. Gunther asked the ZBA to lift the restriction that the lots are non-developable. He said they were considered to be that way because of drainage problems. He said the drainage problems can be resolved by bringing the sewage into the Town of Exeter. The Planning Board said they are substandard lots, so Mr. Gunther agreed to combine the two lots. They need a variance from the Board of Adjustment because they're asking to infringe on the 50-foot buffer zone.

A very small portion of the lot is left as developable, and Mr. Gunther is requesting to infringe on the wetlands buffer by 800 sq. ft. Mr. Parker proposed that a 26' x 38' house might be reasonable.

Mr. Parker said he felt this was reasonable because the 50-ft. buffer is already infringed upon. He said if the commission approved and the ZBA granted the variance, any infringement to the buffer zone would be cleaning the damage already done. Some of the mess there now can be cleaned up, he said. The small encroachment may help in the long run, he said, adding that Mr. Gunther is trying to do the best he can with the property, while causing the minimum effect to the land.

Mr. Tilton said it seems like the whole Roberts Drive area will be draining on that corner if he makes a bigger lot by adding more wetland.

Mr. Parker said Mr. Gunther has been paying taxes, and would like guidance as to what he can do on the property.

Mr. Clifford asked who did the previous damage that left the mess. Mr. Parker said someone put in a catch basin, and channeled it. He said they think the Town did it, but are not sure. He said Mr. Gunther would be willing to clean it up.

Mr. Clifford stated that two wrongs don't make a right, and the second wrong would be going into the buffer zone. The statement that the situation would be improved by doing so is hypothetical.

Mr. Parker said Mr. Gunther wasn't aware he owned the land when the damage was done, and he probably hasn't walked down to see it.

Mr. Tilton said Ash Brook goes through there. Mr. Parker said what was done may not have been illegal at the time, since the wetlands buffer zone was enacted within the last 5 years.

Mr. Parker said the tax map says that the lots were not

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to be built upon. The records indicate that the concern was about resolving the drainage issue. This has been dealt with, since the town of Exeter agreed to take the sewage. He said they can deal with storm drainage by making less of a ditch. They could also put in stones and spread it out.

Mr. Clifford asked what Mr. Gunther would do if the person who put the drainage pipe in objects to these plans. Mr. Clifford read statements in the ZBA minutes from abutters who said they objected if the water was going where it wasn't supposed to.

Mr. Parker said the installation of the catch basin caused the mess. He said Mr. Gunther wouldn't take it out unless he was asked to, and unless he could improve the property using some other means. Mr. Clifford said the ZBA minutes included abutters' statements that back up already occurs when there is precipitation.

Mr. Parker said the water goes into the catch basin, but is blocked off because of debris. He said their proposal would create a better position to keep it open.

Mr. Tilton said from what he could see, sheet flow is now going across the lot. Fill would be needed in order to make a house lot, which would result in the water being diverted and a bad situation on the corner.

Mr. Parker said the water could be redirected. He said they could put growth in to slow it down. The increase in water from the sealed area would be small. He said the property would be regraded to eliminate the slope. They would clean it up and put in shrubbery. He said they would have a swailing area instead of the ditch, and could put in a triangular series of stones.

Mr. Bunker said it troubles him to see a house being built there. He said standing water is there now and it would be encroaching on abutters. Sloping will happen, and will even find its way back into the wet areas, creating its own hazard. He said he thinks that area is too sensitive and said it was agreed years ago that the lots were undevelopable.

Mr. Parker said they weren't buildable until the situation was dealt with (which they have done). He said if the Planning Board didn't mean for them to be lots at some point, the lot lines wouldn't be on the subdivision. He said Mr. Gunther feels he owns land that he has a right to do something with.

Mr. Bunker said with the soft economy, Mr. Gunther might consider donating the land to the commission and in return getting a tax advantage.

Mr. Clifford added that since Mr. Gunther is not in a hurry, Mr. Parker could ask him if the commission could have the land abutting the brook. He said there have been too many ambiguous statements, and there is nothing in writing validating what actually took place.

Perkins' Equipment - Ansell Palmer, President of the Hampton Historical Society, said townspeople have asked if some of the equipment on the former Perkins property could be donated to to the Historical Society. He said the Town recently boarded up the windows and moved some of the Perkins' equipment into

the blacksmith shop.

Mr. Clifford said he's not sure Mr. Perkins remembers that these artifacts are there. He said he would ask Mr. Perkins if he wants anything that remained on the property. Mr. Tilton asked if there are any plans to refurbish the blacksmith shop at some point. Mr. Palmer said there are not so far. He said about a year ago, the Town loaded up equipment and brought it to the Historical Society. He said it needs to be determined who the equipment belongs to.

Gunther Proposal - Vote - Mr. Tilton said the debris on the property was vegetable garden garbage and items from a dump stop. There is no hazardous waste on the site. He said the property is a good deer habitat and Ash Brook had native trout up to up to a few years ago. Mr. Clifford said he had heard smelt also lived in the brook.

Richard True, ZBA member, said his board needs a vote or some other factual input in writing.

Mr. Clifford said he was in total agreement that the area is too sensitive. Mr. Tilton moved that the conservation commission is not in favor of this lot, or pair of lots, being developed as house lots for the following reasons:

1) It would not help the drainage situation in the neighborhood, 2) He said it would be a severe impact on the wildlife habitat along Ash Brook, 3) Future encroachment on the buffer zone beyond 800 sq. ft. could likely occur. Mr. Bunker seconded the motion, which passed unanimously.

Mr. True said he questioned some of Mr. Parker's statements, such as when he said trespassers on the property put the drain in.

Commission Guidelines - Mr. Clifford read guidelines Miss Petillo had listed for members' information. Site walks should be scheduled with other commission members. Letters requesting the commission's intervention in wetlands board applications should be sent within 40 days to Delbert Downing. Plans for construction can be picked up at the Town Office, and returned after site walks are completed. When writing to Mr. Downing to intervene, tax maps and the lot numbers of properties in question should be included.

Announcements - Mr. Clifford read a memo for Department of Environmental Services, which said as of January 1, 1992, a U.S. Coast Guard map will be required with all wetland applications.

Mr. Clifford read a statement about the marsh area, that said the stockpiling of materials in the water is in violation unless it's specifically permitted.

Reginald Jacques - Mr. Tilton said Dori Wiggin inspected the Jacques property and stated that everything on it was permitted by the state except the shed; which was built without permission.

Mr. Bunker moved that the commission not object to the action taken by Mr. Jacques. He stated that the commission is aware that the shed was built before permission was asked for, and disapprove of it being constructed in that manner. However, he said the construction was not so disruptive that the commission recommends the removal of the structure. Mrs.

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Marcotte seconded the motion, which passed unanimously.

Commission Re-Organization - Mr. Clifford said that Miss Petillo will remain a commission member, although she resigned as co-chairman. Mr. Clifford said he will need help for the commission to be run by co-chairmen. Mr. Tilton said he will help with the paperwork for applications. Mr. Bunker said he will pick up mail. Mrs. Marcotte said she will start frequenting Selectmen meetings and will keep tabs on the budget process. (Mr. Bunker mentioned that the commission now has \$4728.70 in its account). Mr. Bunker told Mrs. Marcotte that Ellen Lavin, Town treasurer, has information on the commission's running expenses.

Mr. Bunker said he will also pursue land gifts to the Town. Mr. Clifford said after Mr. Tilton shows him how to take care of interventions, he will handle them.

Alternates - Mr. Bunker said the commission has recommended to the Selectmen that Sheila Nudd and Nathan Edgar be commission alternates.

Minutes - Mr. Tilton moved to accept the minutes of November 26 as corrected. Mr. Bunker seconded the motion, which passed unanimously.

Keys to Gated Properties - Mr. Bunker suggested that when keys are passed out, the user signs a form stating that they respect ecology by not lending the keys to anyone else and not dumping on the property.

Mr. Tilton said security locks should be placed on the gates so that no copies are made. He said it costs about \$2 per key for a security lock, and that they may get a good price to have a larger volume of keys made. Mr. Tilton said he would speak to the Department of Public Works about getting the security locks and will find out if the Town will pay for it.

Next Meeting - The next meeting was scheduled for January 28, 1992.

Adjournment - The meeting adjourned at 9 p.m.

Maureen Cummings
Secretary