

*Amended
4/27/94*

CONSERVATION COMMISSION MEETING
SPECIAL PUBLIC MEETING

April 19, 1994

The meeting was called to order by Chairman A. Reid Bunker at 7:00 p.m. Also in attendance were James Clifford, Vivianne Marcotte, Sheila Nudd, Peter Tilton, Alberta True and Dave Weber. Alternates attending the meeting were Peg Lawrence, sitting in for Alberta True, Irene Palmer and Bonnie Thimble.

Mr. Bunker stated that there was a posting in the Newspaper regarding this Special Public Meeting and also posted it in the Town Office. This is a one topic agenda and a decision to be made regarding a request by Michael Donovan, Esq. representing the Hampton Residents for Responsible Development (HRRD) asking the Commission to invalidate the February 10th 1994, decision not to oppose the Oakes of Hampton Application for a State Wetlands Permit. The basis for that request was that the February 10th Meeting, according to Attorney Donovan, the Hampton Conservation Commission violated New Hampshire's Right To Know Statues 1 and 2; and the Chairman of the Hampton Conservation Commission may have had a conflict of interest. The letter was submitted to the Town Manager, Hunter Reiseberg and he sought Council from Attorney Peter Loughlin who reviewed the letter and he responded to that letter. Mr. Bunker stated that the letter from Attorney Loughlin said the Commission could make its own decision either way. Mr. Bunker received a letter from Brian Lacey, John Callahan and Jane Cameron regarding the Oakes, who could not be present at this Hearing, and asked if the Commission invalidate the decision. Another letter which was received from HRRD, Chairman Daniel Gangai, was read by Mr. Bunker.

Open for discussion.

Mr. Bunker stated that the request before the Commission is to invalidate our decision of February 10th and re-opening a Hearing regarding that Application again. Ms. Nudd questioned if a Commissioner was against the February 10th vote could they make a motion to re-open the Hearing. Ms. Marcotte stated it was somewhere in the Regulations.

Ms. Nudd stated she was uncomfortable with the Executive Session and receiving last minute notification of meetings and with the vote that night. Ms. Lawrence asked Ms. Nudd to give suggestions for correcting her feelings. Ms. Nudd then gave her insight into her comments.

Ms. Marcotte was concerned that the Commission did not have all the alternate ways to get across the wetland area. Ms. Marcotte stated that this is a very sensitive area.

Ms. Lawrence stated there is very little land left in Hampton left undeveloped and there are wetlands on every parcel. Police and Fire Departments gave approval for the crossing. Ms. Marcotte stated that it was not a wetlands concern what the Fire and Police Departments approved.

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Ms. Marcotte stated there should be three prerequisites: 1. show the need to go through the wetland area; 2. that there is no other way; 3. there is minimal impact to the wetlands.

Mr. Tilton stated the alternative has been presented but there has been no reaction from the Applicant. A discussion ensued.

The Wetlands Board has not made a decision as yet.

Mr. Clifford was concerned that the Commission does not set a precedence so this does not happen over and over again. Mr. Clifford does not want to see infraction of the rules just to get a project done.

A discussion ensued.

Mr. Weber stated that this project had less impact on the wetlands than previous proposals and he was satisfied with the February 10th vote.

Ms. Lawrence has not changed her mind about her vote and thought the Applicant did a great job cutting down from the original Application and was quite agreeable.

Mr. Bunker asked if there were comments from the Alternates. Ms. Palmer stated she is still concerned about the wetlands crossing. She feels that the crossing is not necessary and there are other accesses.

Ms. True stated she is having Ms. Lawrence sit in for you as she was not there for the February 10th meeting.

Ms. Thimble agreed with Ms. Lawrence regarding the undeveloped wetland and we should protect it. She also stated that there should be alternate plans.

Mr. Tilton stated that apparently no one is in a hurry for this decision pro or con. After six months of discussion it was time to make a decision and not be the career of the Commission. The Commission is not getting any help from either side.

Mr. Tilton motioned to open discussion to re-consider but feels uncomfortable invalidating the decision. Ms. Nudd seconded the motion.

A discussion ensued.

Member voted: Five in favor with one opposed. Re-consideration of the Application will be made. This will be presented at the regularly scheduled meeting on May 24, 1994 as the Applicant cannot be present at our April 26, 1994 meeting.

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The next regular scheduled meeting will be Tuesday, April 26, 1994 at the Town Office at 7:00 p.m. The site walk will be Saturday, April 23, 1994 at 9:00 p.m. meeting at the Town Office parking lot.

Motion to adjourn by Mr. Weber, seconded by Mr. Tilton. All in favor. Adjourned at 7:50 p.m.

Respectfully submitted,


Sue Launi
Secretary