

CONSERVATION COMMISSION PUBLIC HEARING

November 23, 2004

The meeting was called to order at 7:05 p.m. by Ellen Goethel, Chairperson. Present were Commission members Jay Diener, Daniel Gangai, Charlie Preston, Bonnie Thimble and Peter Tilton Jr. Commissioner absent was Dr. Ralph Falk. Alternate Nathan Page was sitting in for Dr. Falk. Alternates Heather Day, Fred Palazzolo and Peter MacKinnon were absent. Mr. Tracey Emerick was representing the Planning Board.

A site walk was held on Saturday, November 20, 2004 at 9:00 a.m. Commissioners met at the Town Hall Parking Lot. On the agenda were as follows:

- A. Winnacunnet Cooperative High School
Parking Lot within the Jurisdictional Wetland
- B. 10 Patricia St
Single family house construction within the Jurisdictional Wetland
- C. 0 Post Rd
Construction of a two unit condo within the wetlands conservation district.

The Minutes of August 24, 2004, September 28, 2004 and October 26, 2004 were reviewed. All were in agreement to accept the Minutes with corrections as noted.

NH WETLAND BUREAU APPLICATIONS

- A. Winnacunnet Cooperative High School
Parking lot within the Jurisdictional Wetland.

John Heavisides, RE, Sr Project Manager from Meridian Land Services Inc and Leonard Lord PHD, Wetland Scientist, from Carex EcoSciences LLC addressed the Commission. This application is for the construction of a new 58 space parking lot adjacent to the new tennis courts which are being relocated to allow for the construction of a new gym building. The gym is part of a major renovation of the existing high school building. Install an erosion control rip rap apron at the outlet of the existing closed drainage system which is being upgraded as part of this project. The parking has been relocated in an area that will only impact 4 small isolated forested wetlands. The impact for the upgrade of the drainage system involves minor grading for the installation of a rip rap apron from the culvert outlet to the edge of an irrigation pond within a large wetland, with 20 sq. ft. of wetland disturbance and 500 sq. ft. of disturbance within the upland portion of the tidal buffer zone.

After a discussion, Mr. Tilton motioned to not oppose the granting of a wetlands permit for work within the State Jurisdictional wetlands with the following stipulations:

1. The applicant delays any work on the proposed parking lot and tennis court until the project is reviewed by inspectors from DES to determine the extent of infringement on the wetlands and the applicant rectifies this to the satisfaction of DES.
2. The applicant removes debris along the banks of the stream within the wetland along the perimeter of the tennis court. This should be done with hand rakes carefully removing the debris without impacting the fragile banks of the stream and the adjacent wetlands. The applicant has offered to do this as quickly as possible to protect the fragile plant life along the banks of the stream.
3. Hay bales are placed on the outside of the silt fencing to protect the stream and adjacent wetland.

CONSERVATION COMMISSION PUBLIC HEARING

November 23, 2004

Page 2

NH WETLAND BUREAU APPLICATIONS (cont)

A. Winnacunnet Cooperative High School (cont.)

4. The parking lot is a permeable surface such as Grass Pave II or similar. The Commission realizes that this will add an expense to the project but the Commission is extremely concerned about the drainage in this area and runoff into the adjacent wetland including the fragile salt marsh.
5. Irrigation and fertilizer used in the fields are to be in accordance with the Shore Land Protection Act.
6. The Commission would like the DES to look carefully at the engineering of the retention pond. There is a serious breach in the pond which flows with fresh water drainage directly into the marsh. This according to the wetlands delineation is just 20 ft. from the highest observable tide and the Commission believes that it is the cause of a large stand of fragmites growing adjacent to the pond. The flow should be curtailed to protect the salt marsh environment. The Commission would like the DES to determine if there is a better way to handle the discharge to protect the tidal area.

Mr. Gangai seconded the motion. All were in favor.

B. 10 Patricia Street

Kevin Blayne and Amanda Barker, NH Soils Consultants Inc. addressed the Commission. This application is to construct a single family house and associated driveway access. There will be 1,444 sq. ft. of permeable impact for the proposed building and driveway and 1,266 sq. ft. of temporary impact for heavy equipment access during construction.

The proposed house has been located as far away from the edge of the salt marsh as the dimensions of the lot allows in order to minimize impacts to the tidal buffer zone. The proposed impacts are necessary in order to develop the building uplands on this property.

After a brief discussion, Mr. Page motioned to not oppose the State application with the following stipulations: silt fencing and hay bales be used, no deck or structure outside, plantings be used, Conservation markers be put in along the boundary and written notification at beginning and end of project. Mr Diener seconded the motion. All were in favor.

Mr. Page then motioned to not oppose the Town Special Permit with the same stipulations. Mr. Gangai seconded. All were in favor.

SPECIAL PERMITS

A. 10 Patricia Street

Kevin Blayne

Please see above.

SPECIAL PERMITS (Cont)

B. Post Rd

Mr. Brian Hayes addressed the Commission. This is to construct a two unit residential condo on 5 acres which shall be located within the wetland conservation district. After a brief discussion, Mr. Tilton motioned to oppose the Special Permit as presented but would be more receptive to a smaller building (single family dwelling which has less impact on the buffer). A paved driveway within the buffer is inappropriate. Mr. Tilton would not be opposed to another 8ft. Mr. Page seconded the motion. All were in favor.

C. Hampton Marina

Mrs. Goethel had an amended letter to share with the Commission. Mr. Diener motioned the applicant needs to return to the Commission based on the applicant's letter to address the new issue of rip rap location and structure and further clarification of snow storage location directly adjacent to the salt marsh on the northeast side of the project. Also, Clarification of the new Shore Land Protection Act. Mr. Tilton seconded the motion. All were in favor.

PLANNING BOARD REFERRALS

- A. 18-22 K Street
Construction of 4 story condos.

Since there is no jurisdiction for the Conservation Commission, Mrs. Goethel will write a letter to the Planning Board.

WETLAND BUREAU ACTIONS

- A. Town of Hampton Beach Sewer Project.

Approved.

PLANNING BOARD ACTIONS

- A. Kings Highway. Cheryl Williams.

Received zoning variance that the Conservation Commission asked for to keep her non-conforming setback from the road to protect the wetland to the rear of her property.

OLD BUSINESS

- A. Prime Wetlands Grant

There is a meeting on December 1, 2004 at 5:30 to 6:30 at the Town Office.

CONSERVATION COMMISSION PUBLIC HEARING

November 23, 2004

Page 4

OLD BUSINESS (Cont)

B. \$12,000 Marsh Restoration Fund

Ms. Thimble motioned to allow the Chair, Mrs. Goethel, to negotiate with the RCCD i.e. Tracey Degnan to come up with a plan for the \$12,000 (Priority List). Mr. Tilton seconded. All were in favor.

NEW BUSINESS

A. Attorney Gen. new ruling on Shore Land Protection Act

Mrs. Goethel reviewed the ruling.

B. Latest State Legislation pertaining to wetlands definition.

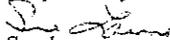
TREASURER'S REPORT

The Treasurer's Report was not available for this meeting.

Mrs. Goethel will inform the Commission of the December meeting if it is scheduled.

Mr. Page motioned to adjourn at 9:40 p.m., seconded by Mr. Diener. All were in favor.

Respectfully submitted,


Sue Launi
Secretary