

CONSERVATION COMMISSION PUBLIC HEARING CORRECTED COPY
November 28, 2006

The meeting was called to order at 7:00 p.m. by Ellen Goethel, Chairperson. Present were Commission Members Jay Diener, Dr. Ralph Falk, Sharon Raymond and Pete Tilton Jr.. Commission Members Dan Gangai and Bonnie Thimble were absent. Alternante Nathan Page was present and was sitting in for Bonnie Thimble. Planning Board member Tracey Emerick represented the Planning Board at this meeting.

The site walk was held on Saturday, November 25, 2006 meeting at the Town Parking Lot at 9:00 a.m.

- A. 23 Glade Path
- B. 16 Ross Ave
- C. 10 Hemlock
- D. 7 Pearl St.
- E. 47 Nudd Ave
- F. 56 Beach Plum Way

The Minutes of October 24, 2006 will be reviewed along with the November 28, 2006 Minutes at the December 26, 2006 meeting.

PUBLIC HEARING

A Public Hearing was called to order at 7:00 p.m. to expend funds for the purchase of Lot 3 Ice Pond Property as per RSA 675:7. Mrs. Goethel opened the meeting up to the public for comment. As there were no speakers, the public hearing was closed to the public. At this time a vote was taken. Mr. Page motioned to expend the funds for the purchase of Lot 3 Ice Pond Property, seconded by Mr. Tilton. All were in favor.

NH WETLAND BUREAU APPLICATIONS

- A. 23 Glade Path
Jerry Sayers

This application is to raise the existing house and place it on steel pilings on the existing footprint within the State Jurisdictional Wetlands. Mr. Page motioned to not oppose the granting of a wetlands permit for work at 23 Glad Path with the following stipulations: (1) there will be no impact temporary or permanent outside of the existing building footprint other than the proposed ramp to the garage as specified in the DPW driveway permit #6015; (2) all construction materials are stored outside of the wetland and the area around the existing house is cleaned up and remain clean; and (3) the Commission is notified in writing at the beginning and end of project. This was seconded by Mr. Diener. All were in favor

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NH WETLAND BUREAU APPLICATIONS (cont)

B. 56 Beach Plum Way
AM & G Realty Trust

This application is for the repairing and replacing of existing retaining wall and fence within the same footprint within the State Jurisdictional Wetlands. Mr. Tilton motioned to not sign the minimum expedited Dredge and Fill Permit Application for DES for work at 56 Beach Plum Way to replace an existing non conforming fence and retaining wall. There appears to be a deed restriction on this property and the Commission did not feel that they could in good conscience sign this application until these issues are resolved by the Planning Board and the Board of Selectmen. The abutters have forwarded a letter to the Commission of concerns. The applicant has agreed to the following stipulations: (1) the fence will be less than 3 feet and made of plastic with space between the slats to allow for wind to pass through without affecting the fence or abutting property; (2) there will be no intrusion onto the abutter's property during construction; (3) the final product will conform to the statues; and (4) this is an after the fact permit application to replace a previously existing non-permitted structure. This was seconded by Ms. Raymond. All were in agreement.

C. 122 Kings Highway
Stephen Callahan

This is a minimum expedited application to rebuild a retaining wall and build a stone patio within the State Jurisdictional Wetlands 100 ft. buffer. After a discussion, Mr. Page motioned to not oppose the minimum expedited application with the Shoreland Protection Act and written notification at beginning and end of project. Mr. Tilton seconded the motion. All were in favor..

SPECIAL PERMITS

A. 23 Glade Path
Jerry Sayers

Mr. Tilton motioned to not oppose the granting of a wetlands permit for work at 23 Glade Path with the following stipulations: (1) there will be no impact temporary or permanent outside of the existing building footprint other than the proposed ramp to the garage as specified in the DPW driveway permit #6015; (2) all construction materials are stored outside of the wetland and the area around the existing house is cleaned up and remains clean; and (3) the Commission be notified in writing as the beginning and end of the project. Ms. Raymond seconded the motion. All were in favor.

B. 7 Pearl Street
Shawn & Shawna Pelletier

The applicants at 7 Pearl Street after meeting with the Conservation Commission have agreed to withdraw their application for a shed until they can submit an application for an after the fact deck which is a violation of their last Special Permit. (Planning Board letter dated Feb. 6, 2004) The deck was built after the Building Dept signed off on the special permit. The applicants agreed that the deck was built after the final inspection of the house and that they did not file for a building permit for the deck. The applicants were also asked to clean up the yard waste which is infringing on the wetland and buffer and to move the large storage container that is sitting directly adjacent to the wetland. If the applicant does not give notice to the Town Planner before the Planning Board Meeting, the Commission asks the Planning Board to deny this application request and proceed with action against the violation.

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SPECIAL PERMITS (cont)

C. 56 Beach Plum Way
M & G Realty Trust

Mr. Tilton motioned to grant the the after the fact wetlands impact special permit for work within the wetlands conservation district at 56 Beach Plum Way for an after the fact 2001 repair and a new repair of a fence and retaining wall. The applicants have agreed to the following stipulations: (1) the fence will be less than 3 feet and made of plastic with space between the slats to allow for wind to pass through without affecting the fence or abutting property; (2) there will be no intrusion onto the abutter's property during construction; and (3) the final product will conform to the statutes. It is noted that this property is under a deed restriction which dates back to the sale of these properties as leased land from the Town of Hampton. Mr. Diener seconded the motion. All were in favor.

D. 47 Nudd Ave

After the fact fence within the Town Wetlands Conservation District. After a brief discussion, Mr. Diener opposed the granting of a special permit for work within the wetlands conservation district for the after the fact permit application for construction of a picket fence within the Town wetlands Conservation District. The Building Inspector noticed that the fence was in the wetlands conservation district and requested the applicant to apply for an after the fact special permit. The Commission recommends that the fence be relocated to the footprint of the pre-existing fence. Roughly 60 ft from the front of the property and 40 ft from the rear lot line; (2) not opposed to leaving the fence posts to delineate her property lines; (3) no fertilizer except limestone, can be used within 25' of the reference line; and (4) the buffer area behind the original fence should remain in its natural vegetative state. Mr. Page seconded. All were in agreement.

PLANNING BOARD REFERRALS

A. 31 Park Ave
Tom Burness

Construction of new driveway through the Town Wetlands Conservation District. Mr. Diener motioned to recommend the granting of a Wetlands Impact Special Permit for work within the Wetlands Conservation District to build a driveway and culvert within the Town Wetlands Conservation District to access an upland building site at 31 Park Ave. (ref. Plan dated 10/12/06) The Commission would also like the Planning Board to work on the wording for the utility easement within the Wetland. To guarantee that it is used only to deed restrict the grading of the driveway to protect the wetland and the usual stipulations and also the following: No fertilizer, except limestone, can be used within 25' of the referenced line.

B. 13 Seaview Ave.
Withdrawn

OLD BUSINESS

A. NROC Application

The application was sent in.

B. Discuss use of Conservation Commission funds for match to cover match which will lapse on Dec. 30, 2006 for Dept of Ag grant. Dr. Falk motioned to use the land conservation fund to fall back to maintain our match for Dept of Agriculture grant for Landing Rd and Drakeside Rd. Mr. Tilton seconded. All were in favor.

C. 1019 Ocean Blvd.

It has come to the attention of the commission that Mr. Palmieri has not only filled the buffer but he has also put in a wood frame to retain gravel that he filled around his foundation. It also appears that he has some damage to the wetlands itself. There are no hay bales visible protecting the wetland. Mr. Diener motioned to request the Building Inspector work with the property owner to conform to specific delineation of the special permit. Mr. Page seconded. Mr. Page amended the motion to allow Mrs. Goethel to do whatever is necessary. Mr. Tilton seconded the amendment. All were in favor of both motions.

NEW BUSINESS

A. Petition to ban jet ski's in Hampton Harbor regarding Seabrook Conservation Commission.

Mr. Tilton motioned to support the petition from Seabrook Conservation Commission to ban jet ski's from the salt marsh. Mr. Diener seconded the motion. All were in favor.

B. Check Contact Information for Town Report

C. Discuss hiring a secretary for a few hours to organize Conservation Commission files.

Mr. Page motioned to hire a secretary up to 10 hours for organizing the files. Mr. Diener seconded the motion. All were in favor.

D. Prime Wetlands Ordinance

This will not be put on the Warrant this year.

E. Revolving attendance at Planning and Zoning Board Meetings.

A schedule will be prepared.

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NEW BUSINESS (cont)

F. Discuss purchase of computer program to record meeting and make it available on line.

Mr. Page motioned to decline, seconded by Ms. Raymond. Three in favor, 2 abstained.

G. Scheduling Extra Meetings

The first business meeting will be on January 9, 2007.

H. Discuss and vote to send recommendation letter to Selectmen in regards to easement for Town Turn around at Tax Map 150 lot 2 and 2-1.

Dr. Falk motioned that the Board of Selectmen does not accept the turnaround Easement located at the northeasterly ends of Mill Pond Land and Glen Road on Tax Map 150, Lots 2 and 2-1. The Conservation Commission requests that the area have delineation by a NH Certified Soil Scientist to determine the wetland boundaries and Town Wetlands Conservation District. There is concern that the increased impervious surface will create additional runoff from snow/rain and it will have a negative impact on the abuter's properties as well as the adjacent wetlands. Ms. Raymond seconded. All were in favor.

TREASURER'S REPORT

Not available for this meeting.

The next meeting will be held on Tuesday, December 26, 2006 meeting in the Town Office Meeting Room as 7:00 p.m. The next site walk will be held on Saturday, December 23, 2006 meeting at the Town Office Parking Lot at 9:00 am.

Ms. Raymond motioned to adjourn at 10:30 pm, seconded by Mr. Diener. All were in favor.

Respectfully submitted,



Sue Launi
Secretary