

CONSERVATION COMMISSION PUBLIC HEARING

April 27, 2007,

CORRECTED

The meeting was called to order at 7:00 p.m. by Ellen Goethel, Chairperson at the Hampton Police Department Training Room. Present were Commission Members Jay Diener, Daniel Gangai, Sharon Raymond and Pete Tilton Jr.. Commission Member Dr. Ralph Falk was absent. Alternante Nathan Page was present and was sitting in for Dr. Ralph Falk. There was no representative from the Planning Board.

The site walk was held on Saturday, April 28, 2007 meeting at the Town Parking Lot at 9:00 a.m.

- A. 60 North Shore Road
- B. 192 North Shore Road
- C. 3 Willow Lane
- D. 1024 Ocean Blvd.
- E. 1032 Ocean Blvd.
- F. 1054 Ocean Blvd.
- G. 426 High Street
- H. 8 Sapphire
- I. 10 Thorwald
- J. 25 ½ Nudd Ave.
- K. 25 Hayden Circle

The Minutes of March 27, 2007 were tabled until the May 22, 2007 meeting.

NH WETLAND BUREAU APPLICATIONS

- A. 1024 Ocean Blvd.
Wayne & Paula Slattery

Mr. & Mrs. Slattery addressed the Commission for the repair of the seawall within the State Jurisdictional Wetlands to impact 100 sq. ft. of bank and rebuild the rock retaining wall. After a discussion, Mr. Tilton motioned to not sign the Minimum Impact Expedited Application because the project lies on land owned by the Town of Hampton. The applicant needs to get permission from the Selectmen before the Commission can sign off on the application. After that is obtained, the Commission does not oppose the granting of the permit with the following stipulations which the applicant has agreed to: (1) applicant needs to obtain a license or permission from the Board of Selectmen to repair the seawall and stair case on Town Property, for access of heavy equipment to cross Town land at the end of Ancient Highway and to store any heavy equipment in the adjacent Town Parking Lot during construction; Mr. Deiner amended the motion at this time to add the height of the seawall to be the same or close to the height of the abutter's walls and access to the beach for the heavy equipment will be from the end of Ancient Highway. Mr. Page seconded the amended motion. Mr. Tilton further stated as part of his motion that every precaution will be taken to protect the dunes in their original condition. If damage is done to the dunes or the beach from equipment, the applicant shall repair the dunes and/or beach to its original condition. The seawall will remain on its original footprint and not encroach any further onto the beach. Mr. Page seconded the motion. All were in favor of both motions.

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NH WETLAND BUREAU APPLICATIONS (Cont)

B. 1032 Ocean Blvd
David Brussard

This application is to reconstruct sea wall within State Jurisdictional Wetlands. Atty. Steve Ells addressed the Commission. This DES permit application was tabled at this time.

C. 8 Sapphire Road
Thelma Van Walback

This application is to construct a new deck (12'x 14') within the State Jurisdictional Wetlands. Mr. David Blyth addressed the Commission on Ms. Van Walback's behalf. After a discussion, Mr. Page motioned to table the application until the May 22, 2007 meeting. Mr. Diener seconded the motion. All were in favor.

D. 1054 Ocean Blvd

This application is for the repair of the seawall within the State Jurisdictional Wetlands. This was tabled until the May 22, 2007 meeting due to the incompleteness of the application.

SPECIAL PERMITS

A. 12 Gentian

The Commission recommends the granting of the amended Wetlands Impact Special Permit for demolition and construction of a single family home at 12 Gentian Rd. The stipulations for the original permit should be included. The application includes the footprint for the stairway on the side of the house and the removal of the cement pad in the back yard. The "mud room" depicted on the plan is 12 x 11 feet and does not include a bench or any internal doors. All were in favor.

B. 60 North Shore Road
James & Marcia Zavez

This Special Permit is for removing the existing 22 x 24 garage and construct a new 30 x 44 garage in the same location. The new structure will encompass the current garage footprint and will impact the buffer by an additional 8'. The existing driveway which currently extends beyond the current garage will remain unchanged. Since the applicant did not come back with a plan, it was agreed by the applicant and Commission to table the appointment until the May 22, 2007 meeting.

C. 8 Sapphire Road
Thelma Van Walback

Please see #C above (NH Wetland Bureau Applications)

D. 1024 Ocean Blvd

Repair Seawall with the Town Wetlands Conservation District. Mr. Page motioned to recommend the granting of the Special Permit with the usual stipulations and with the same motion as The DES NH Wetland Bureau Application #A. Mr. Diener seconded the motion. All were in favor.

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SPECIAL PERMITS (Cont)

E. 192 North Shore Road
Brian & Lisa Shea

The Special Permit is to demolish existing home and construct a new home. Basically it is the same impact long term with an additional 100 sq. ft. in the buffer but can make adjustment to the plan to have the exact same impact if required. An existing shed is to be removed that is in the set back. Total impact will be a couple feet less than it is now. This was also tabled until the May 22, 2007 meeting.

F. 426 High Street

Ken Sakurai and Luke Hurley from Gove addressed the Commission. This Special Permit is to increase the size of the existing pond. This is the least impacting alternative by dredging only in the area of poorly drained soils and only the specified 2,930 sq. ft. and to increase the storage capacity of the pond for periods of flooding due to heavy rains and to increase the amount of open water. At this time, the public was invited to speak. Abutter Mr. John Nyhan from the Victoria Inn gave his concerns. As there were no other speakers, the public session was closed. At this time Mr. Sakurai stated he would be tabling his application until he can come back with additional information for the Commission at the May 22, 2007 meeting.

G. 1032 Ocean Blvd
David Brussard

Mr. Page motioned to not recommend the granting of the Wetlands Impact Special Permit for the seawall repair and stone stairway for the following reasons: (1) the as built plans do not match the actual structure and the jetty should not be allowed under any circumstances; (2) the structure as built encroached into the Town Public land so that access across the beach is blocked at high tide by the rip rap wall; (3) the structure as built is considerably larger than the original sea wall and does not conform to the stipulations on the State DES permit (plan dated 2/21/06) which require that the structure remain in the original footprint and have wooden stairs; (4) the wall is not in the same scale as the adjacent walls; (5) no permit can be granted until the applicant receives a license and or approval by the Board of Selectmen; (6) base should be pulled back so that the toe is in the line with the abutter's walls; (7) wall should have been on the applicant's property; (8) the Commission would not have recommended the granting of this wall as built if the applicant had come to the Commission prior to construction; and (9) the top of the sea wall has a flat patio which appears to be about 6' wide and entirely on public land. Mr. Tilton seconded the motion. All were in favor.

H. 25 1/2 Nudd Ave
John McLean

This Special Permit Application is to demolish and reconstruct a home. Mr. Gangai motioned the granting of a Wetlands Impact Special Permit for the demolition and construction of a single family house with less sealed surface than the original dwelling. The applicant has agreed to the following stipulations: (1) rear deck is built such that the bottom elevation is at least four feet above the ground, open above and below, allowing for vegetation to grow beneath; (2) exposed sewer connection could be a potential environmental hazard and request that the existing surface connection is corrected; and (3) existing shed is removed.

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SPECIAL PERMITS (Cont)

I. 1054 Ocean Blvd.

Repair Seawall. This application was tabled due to incomplete application.

PLANNING BOARD REFERRALS

A. 7 Pearl Street
Mr. & Mrs. Pelletier

After the fact deck within the Town Wetlands Conservation District, mitigation proposal. Atty. Craig Salomon and Sherry Davis NHSC, addressed the Commission. Ms. Davis did a comparison study between the deck and the Conservation Hampton Ordinance. Mr. Tilton disagreed with certain areas. Atty. Salomon suggested the removal of part of the deck and more plantings and the use of pea stone under the remaining deck. After a discussion, Mr. Diener motioned to to recommend the granting of the Special Permit with the Plan dated 4/20/2007, the use of plantings 3' in from the wetland boundaries, pea stone under the remaining deck with the understanding that when the deck is removed the area under the remaining deck be restored to grass, and the stairs off the dining room will be removed. Mr. Gangai seconded the motion. A short discussion ensued on the plantings. Ms. Raymond suggested 11 shrubbery be planted 3' apart and 3' out from facing the deck. The motion also included the usual stipulations. With Mr. Tilton opposed, the rest were in favor.

APPOINTMENTS

A. 76 Kings Highway
Randall Radkay

Opinion on possible plan change for increased buffer impact. Atty. Steve Ells addressed the Commission and gave a presentation on the proposed parking. The Commission would like to let the Planning Board know that they do not recommend the new plan and will keep the recommendation for the first plan as per their earlier letter of recommendation.

OLD BUSINESS

N/A

NEW BUSINESS

N/A

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The next meeting will be held on Tuesday, May 22, 2007, meeting at the Town Office Meeting Room at 7:00 p.m. The next site walk will be held on Saturday, May 19, 2007 meeting at the Town Office Parking Lot at 9:00 am.

Mr. Diener motioned to adjourn at 11:45 pm , seconded by Mr. Page. All were in favor.

Respectfully submitted,



Sue Launi
Secretary