

CONSERVATION COMMISSION PUBLIC HEARING
August 24, 2010

FINAL

The meeting was called to order at 7:00 p.m. by the Chairperson, Jay Diener, at the Hampton Town Office Meeting Room. Commission Members present were Ellen Goethel, Nathan Page, Barbara Renaud and Peter Tilton. Commission Members Sharon Raymond and Steve Scaturro were absent. Alternate Dr. Ralph Falk was absent. Rayann Dionne, Conservation Commission Coordinator, was present. Fran McMahon was present representing the Planning Board.

The Minutes of July 27, 2009 will be reviewed at the September 28, 2010 meeting.

The site walk was held on Saturday, August 21, 2010, at 9:00 a.m. meeting at the Town Office Parking Lot.

- A. 21 Vyrlena's Way
- B. 17 Vanderpool
- C. 86 Tide Mill Rd
- D. 20 Great Boar's Head Ave
- E. 15 Munsey Dr
- F. 105 Towle Farm Rd

NHDES APPLICATIONS

- A. 20 Great Boar's Head Ave.
Beverly Hollingsworth

This NHDES application is for the partially constructed retaining wall (42' long x 7' wide) located in front of the home at 20 Great Boar's Head Ave. The retaining wall is located within 50 ft of the Highest Observable Tide Line (HOTL). The Commission members reviewed the project before Mr. Diener opened the discussion to the public. Mr. Peter Hutchins of 24 Boar's Head Terrace spoke in opposition of the wall. Mr. Hutchins strongly opposed the idea of the Commission supporting an after-the-fact application. Mr. Hutchins also questioned whether a retaining wall was a permissible activity under the Wetland Conservation District Ordinance. Mr. Peter Tilton referenced Section 2.3.3 (Permitted Uses) #5 in the Wetland Conservation District Ordinance which states, "By special Permit only, fences, footbridges, catwalks, and wharves may be constructed on tidal wetlands and must be constructed on posts and pilings such as to permit the unobstructed flow of the tide and preserve the natural vegetation and contour of the marshes." The Commission members were unanimous in their position that a stone wall classifies as a stone fence which is permissible under the Ordinance. Ms. Kathy Hutchins, also from 24 Boar's Head Terrace, spoke in opposition of the application. She expressed concerns about the rocks becoming loose and causing damage to her property. As there were no other speakers from the public, Mr. Diener closed the public session and brought the discussion back to the Board. Mrs. Goethel motioned to close the public session, seconded by Mr. Page. All were in favor. Mrs. Goethel motioned not to oppose the granting of the wetlands permit for the construction of the stone wall for the following reasons:

1. The stone wall has been constructed by hand using the existing stones from the applicant's property.
2. The stones have been placed together without the use of concrete or mortar.
3. The wall does provide an additional level of protection to the existing foundation.
4. The stone wall does not impact the abutting property.
5. The stone wall has been constructed in a manner that results in a minimal impact to the resource.

Mr. Tilton seconded the motion. All were in favor. Mrs. Goethel amended the motion stating that the applicant be granted permission to make minor repairs in the future to the stone wall using existing materials and no mortar or cement. Mr. Tilton seconded the amended motion. All were in favor.

SPECIAL PERMITS

A. 20 Great Boar's Head Ave
Beverly Hollingsworth

This Special Permit is for the construction of a retaining wall within the 50 ft of the HOTL. After the discussions both from the Public session and the Board, Mr. Tilton motioned to recommend the granting of the Special Permit for the construction of the wall for the same reasons as the NHDES Wetlands Application (please see Page 1) seconded by Ms. Renaud. All were in favor.

B. 17 Vanderpool Dr
Robert Chatigny

This Special Permit is for the installation of a retaining wall, re-grading, installation of a sump pump and a reconfiguration of the driveway footprint. The Commission reviewed the application even though the applicant was absent. The initial review of the application by the Conservation Coordinator identified several deficiencies. Although the applicant was absent, the Commission would like to work with the applicant to develop a plan that reduces flooding and protects the wetland and 50 ft wetland buffer. Mr. Page motioned to not recommend the Special Permit as the plan is incomplete and to request that the applicant be sent back to the Conservation Commission. Ms. Renaud seconded the motion. All were in favor.

C. 21 Vrylena's Way
Dan & Eliza Sciacca

This Special Permit application is for the construction of a 26' x 30' deck between 5' - 7' off of the ground. After a brief discussion, Ms. Renaud motioned to recommend the granting of this Special Permit with the following stipulations:

1. Addition of a vegetated screen (made of native evergreen trees and shrubs) along the wooded edge that is perpendicular to the portion of the deck that extends furthest into the buffer.
2. Applicant must supply the Conservation Commission Coordinator with a planting plan prior to installation. Plants that do not survive the first two growing seasons must be replaced.
3. Deck is to remain open above and below with the exception of a hot tub not to exceed a 100 sq. ft.

This was seconded by Mrs. Goethel. All were in favor.

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SPECIAL PERMITS (Cont)

D. 15 Munsey Drive
Albert Fleury

This after-the-fact Special Permit application is for re-grading and addition of fill in the wetland conservation district (50 ft buffer). The application provided the Commission a plan with spot elevations taken by the property owner. After a brief discussion, Mr. Page motioned to recommend the Special Permit to allow restoration of the disturbed area with the following stipulations and the usual stipulations:

1. The added fill to the portion of the disturbed area in the 50 ft buffer must be removed.
2. Applicant is required to submit a plan showing the proposed grades (post fill removal) for the entire disturbed area (inside & outside of the 50 ft buffer) and approved by the Conservation Chairman.
3. Conservation Commission does not oppose the use of a small excavator or bobcat to remove the added fill from the 50 ft buffer.
4. Patio stones/blocks currently stored in the 50 ft buffer need to be removed outside of the buffer.
5. Build up of fill around several trees within the disturbed area must be removed using had tools and placed outside of the 50 ft buffer.
6. Granite markers shall be placed at the wetland buffer edge as shown on the plan signed and dated by the Chairman.
7. Wetland conservation discs shall be placed on at least three trees that lie along the 50 ft wetland buffer edge.

PLANING BOARD REFERRALS

A. 105 Towle Farm Rd
Smuttynose Brewery

The Commission reviewed the Amended site Plan (dated 07-21-10) as requested by the Planning Board. The Commission does not have any issues or concerns regarding this amended site plan in relation to the Wetland Conservation District.

BOARD OF SELECTMEN REFERRALS

None

APPOINTMENTS

Ted Vrettos
86 Tide Mill Rd

The is a pre-application discussion and consultation for building project.

PLANNING BOARD ACTIONS

1. 124 Landing Rd
2-Lot Subdivision. Continued 09-01-2010.
2. 22 Meadow Pond Rd.
Demolition of a one-story structure and re-building a two-story structure. Approved with the Conservation Commission stipulations.

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ZONING BOARD ACTIONS - DECISIONS

None

DES ACTIONS

A. 43 Dumas Ave.

Impact 200 sq. ft. for the construction of a 20' x 30' deck on existing house. Approved.

OLD BUSINESS

A. Proposed changes to the Town Special Permit application. Ms. Dionne will re-send this for comments.

B. Vote on the violation notice form. Mrs. Goethel motioned to start using the form. This was seconded by Mr. Page. All were in favor.

C. Letter to new home owners that have 50' buffers on their property.

D. Quit Claim Deed - Pauline Langley

The Conservation Commission voted unanimously the August 24, 2010 Conservation Commission meeting to accept the task of drafting a quick-claim deed for the donation of a 5+ acre parcel of land located in meadow pond adjacent to High St. The property is currently owned by Pauline Langley. The Commission would like the aid of the Town Attorney in drafting a quick-claim deed for this parcel. The Commission would like to present a draft copy of the quick-claim deed to the property owner no later than 09-21-10 and hopes to perform a final review and vote to accept the deed and donation at the Conservation Commission meeting on 09-28-10.

NEW BUSINESS

A. Phragmites Control - vote to pay invoice.

Tracey Degnan completed the project in the amount of \$6,791.00. Mr. Page motioned to release the funds for payment, seconded by Mr. Tilton. All were in favor.

B. 165 Island Path - removal of plastic liner. This is under the gravel. Will ask for the Town Attorney's input.

C. Creating an off-site mitigation fund. After a short discussion, this was tabled until Mr. Page is present. Mr. Scaturro will be writing the pros and cons when the discussion commences.

TREASURER'S REPORT

Ms. Renaud gave an update on the expenses.

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The next meeting of the Conservation Commission Public Hearing will be held on Tuesday, September 28, 2010, meeting in the Town Office Meeting Room. The site walk will be announced and will start at the Town Office Parking Lot.

Mr. Page motioned to adjourn at 10:30 p.m. seconded by Mrs. Goethel All were in favor.

Respectfully submitted,



Sue Launi
Secretary