

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
MINUTES
February 26, 2013

PRESENT: Jay Diener, Chair
Ellen Goethel, Co-Chair
Sharon Raymond
Barbara Renaud
Peter Tilton Jr.
Diane Shaw, alternate
Rayann Dionne, Conservation Commission Coordinator
Brendan McNamara, Planning Board Representative

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by the Chairman, Jay Diener, at the Hampton Town Office Meeting Room.

CONSIDERATION OF MINUTES

Mr. Diener stated that the November 2012 and January 2013 minutes were ready for approval while more time is needed to review the December 2012 minutes.

MOTION by Mr. Tilton to approve the November 27, 2012 minutes.

SECOND by Mrs. Goethel

VOTE: 6-0-0

MOTION by Ms. Renaud to approve the January 22, 2013 minutes following the incorporation of the edits provided.

SECOND BY Mrs. Goethel.

VOTE: 6-0-0

NHDES APPLICATIONS

A. Sewer Infrastructure Improvements - West side of Hampton Beach Area

Applicant: Town of Hampton - DPW

Agent: Brian Shea of Fay Spofford Thorndike Inc. – Design Engineers

Matt Cardin of Normandeau Associates - Wetland permitting

Mr. Shea shared that the proposed sewer infrastructure project was originally part of a larger sewer replacement project approved in 2004. Unfortunately, the scope of original project was truncated leaving out several streets on the west side of the Hampton Beach area. In 2006, there was a re-bid to complete the remaining work, but none of the bids were within budget. The approved permits in 2004 have now lapsed and a new NHDES permit must be obtained before the work can be completed.

The proposed work involves in-kind replacement of the existing sewer pipes. The current pipes are shallow, in poor condition, and let in lots of extraneous water. The sewer mains within the streets from the point of connection to the interceptor sewer out to the terminal ends will be replaced with newer materials. The lateral pipes from the sewer main to each property line will also be replaced.

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Mr. Cardin shared how the impacts to the salt marsh would be minimized throughout this project. All of the impacts to the salt marsh will be temporary (3,850 sq ft). The contractor will access the marsh using low impact tract vehicles or mats. The top 6" of peat above the sewer lines will be removed, labeled, and mapped. The peat will be maintained off-site until the sewer line trenches are backfilled. Then the peat will be reinstalled in its original location. This technique will allow the marsh to be restored to its original condition. Mr. Cardin noted that the portions of the upland tidal buffer zone that will be impacted are highly developed and already consists of asphalt or compacted dirt roads. Mr. Cardin also noted that the salt marsh delineation from 2004 was updated in the fall of 2012.

Mr. Diener asked what the proposed time line for this project is. Mr. Shea responded that a bid request will be released this summer and the contractor should begin work in mid-September (following the Seafood Festival) and be finished by the end of fall.

Mr. Diener asked which streets are involved. The project will cover Hobson Ave, Auburn Ave, Johnson Ave, Perkins Ave, Riverview Terrace, Fellows Ave, Tuttle Ave and Mooring Ave. Mr. Shea added that these streets will be prioritized in case there is insufficient funding.

Ms. Raymond stated that she will not be involved in the discussion or vote because she worked on this project in 2004. However, she did comment that the sewers in this area are in great need of replacement.

Mr. McNamara asked if there are more streets that need sewer replacement than the ones covered under this project. Mr. Shea responded that these are the remaining public streets that need attention. None of the sewer lines on private roads are eligible because the Town cannot work on private property.

Mrs. Goethel asked the distance between the sewer end and the edge of pavement on Riverview Terrace? Based on the plan it appears to be approximately 50'. Mrs. Goethel raised a concern about the weight of the snow that is being piled at the end of the street and its potential impact on the sewer pipe. The placement of the snow should be discussed with DPW. The weight was not perceived as an issue.

Mrs. Goethel questioned whether the new sewer lines were going to be the same size. Mr. Shea responded that the new sewer pipes are 8", while some of the existing pipes are 6". An 8" diameter is a NHDES requirement. Also, in most cases the sewer pipes will be slightly deeper to meet NHDES's minimum depth requirement.

Mrs. Goethel asked whether or not 6" was a sufficient depth to keep the peat alive during the storage period. Mr. Cardin stated that the depth is approximately 6" because the objective is to capture the peat's root system. The storage and replanting of peat has not been conducted in Hampton and several members were concerned about the likelihood of its success. Mr. Cardin understood the reservations and shared that similar work has been performed in New Castle with great success. In New Castle the peat was stored in a nearby marsh area, but for this project the peat will be stored on pallets covered with plastic and kept moist with freshwater. There was

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some uneasiness about the use of freshwater, but Mr. Cardin assured everyone that the peat will respond positively.

NO PUBLIC COMMENT

Mrs. Goethel recommended that the Conservation Coordinator be allowed to monitor the peat storage since it's a new technique and document its success with log/photos. This will enable the Commission to understand the process and know what to expect if this work is proposed in the future.

MOTION by Mr. Tilton to not oppose the granting of the NHDES permit for the sewer infrastructure work on the west side of Hampton Beach. Request that the Conservation Coordinator be contacted at the beginning and end of work.

SECOND by Mrs. Goethel with a friendly amendment that the Conservation Coordinator be appropriately notified so she can also monitor the storage and replanting of the peat. The replanted areas should also be checked the following growing season.

VOTE: 4-0-2, Ms. Raymond and Mr. Diener abstained.

SPECIAL PERMITS

A. 21 and 29 Hickory Lane

Applicant: Whiteside Family Trust

Agent: Henry Boyd of Millennium Engineering

Mr. Boyd gave a brief over view of the site which is slightly over 9 acres in size and located along the Taylor River. This property is unusual because it contains multiple dwellings. This permit application covers work that is proposed on two of the dwellings identified as 21 Hickory and 29 Hickory Lane.

The plan for 21 Hickory Lane is to address the unpermitted asphalt driveway/parking area and fence. These violations were discovered during the Conservation Coordinator's final inspection of the 2009 Special permit for the replacement of the roof. Mr. Boyd shared that the pavement was installed because the parking area was experiencing erosion and the soils were being washed into the river. The plan proposes to retain the asphalt foot print and treat the runoff using curbing to direct water into a rain garden via a buried 12" pipe.

During the site walk in January, several Conservation members raised concerns about the rain garden feeling that it was too far from the driveway, would involve substantial excavation and grading near the tip of peninsula, and questioned if there was enough separation from the water table.

Mr. Diener asked about removing all of the pavement and installing permeable pavers. Mr. Boyd felt that would be cost prohibitive.

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Mrs. Goethel was not comfortable with this proposal because it involves too much excavation and sealed surface within a very small section of the property. She did not feel that these violations were an innocent mistake given that the property owner had recently gone through the Special Permit process. Mrs. Goethel was also worried about damage to the roots of the mature trees during the rain garden installation. The loss of those root systems could compromise the integrity of the peninsula's tip. Lastly, Mrs. Goethel asked if any test pits were taken on-site and Mr. Boyd responded that hand cores could be taken.

Mrs. Dionne asked it if might be feasible to cut back the perimeter of the asphalt and replace it with permeable pavers and provide treatment closer to the source. Mr. Boyd appeared willing to consider this type of alternative.

Ms. Raymond would only support the complete removal of all of pavement because she believes that if the property owner had filed for a Special permit application prior to starting the work, the Commission would have required a permeable alternative to address the erosion and siltation. Violations should be completely addressed before any additional work is permitted.

Mr. Diener read one of the stipulations from the 2009 Special Permit which specifically stated that no additional sealed surface be allowed without a new Special Permit. This reiterates that the property owners were well aware of the limitations of working within the Wetland Conservation District.

Further discussion on this portion of the application produced the following concerns: 1) it is important that additional vegetation be installed along the steep slopes to stabilize the banks, 2) the engineer's stamp is missing from the plans, 3) test pit information should be added to the plan, and 4) the submission and approval of revised plans must occur within 6 months or the pavement shall be completely removed, and 5) the remaining stipulations from the 2009 Special permit fulfilled.

There was a consensus of the members, that they would consider a revised plan which removes most of the pavement and any remaining pavement is surrounded or replaced with permeable pavers so that the runoff from the pavement could be handled there, as opposed to elsewhere on the property. It was also recommended that some the asphalt area be returned to grass and plantings, for better on-site storm water management/absorption.

Mr. Boyd asked if there were any obvious concerns or issues with the proposal for 29 Hickory Lane. The Commission saw none.

MOTION by Mrs. Goethel to send a letter to the Planning Board stating that the applicant's agent has agreed to postpone their meeting with the Planning Board and come back to the Commission with revised plans in March.

AMENDED by Mr. Diener that if a revised plan and Special permit are not approved by the Planning Board within the next 6 months (by August 26, 2013), then the pavement must be removed entirely and the additional stipulations from the 2009 Special permit must be fulfilled

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immediately. Lastly, the violation at 21 Hickory Lane must be rectified before any work can be authorized on 29 Hickory Lane.

SECOND by Mr. Tilton.

VOTE: 5-0-1, Mr. Diener abstained.

OLD BUSINESS

A. Hurd Farm Signage

Mrs. Goethel stated that she would have more information at the March meeting. Ms. Renaud asked if there should be other signage discussed and the concept of having a uniform sign design. Commission members were on board with having one type/style of signage for easement parcels, Conservation land, and for educational purposes. Other locations for signs would be discussed in March.

B. Ice Pond Dam update

Mrs. Dionne shared that she is trying to schedule a meeting with the Engineering firm to discuss resuming the design work without using the railroad blocks from Drakeside Rd.

C. Tax Cards

Mrs. Dionne presented a generic tax card with the proposed language that would be added to those properties who have had an approved Special permit or based on arials are located within Wetland Conservation District. Mr. Diener and Mrs. Dionne met with the Tax Assessor and he was onboard with adding a "Wetland Restrict" notification to the appropriate tax cards.

NEW BUSINESS

D. Schedule sealed surface work session

Mrs. Dionne shared that she has had success finding several maps having do with water quality. The only challenge is being able to print maps of similar scales for review purposes. She felt she had sufficient information for the next work session to be schedule. Mr. Diener volunteered to email the doodle meeting scheduler.

CONSERVATION COORDINATOR AND CHAIRMAN UPDATE

Mrs. Dionne shared the following:

1. The Building Department has drafted a new Certificate of Occupancy (C/O) form that will require signatures from varying departments before the certificate can be authorized. This will be great for Special Permit projects because a final inspection can be done before the C/O is issued increasing the chances of ensuring all stipulations are met.
2. No restoration plan or Special permit was filed by the court deadline for 51 Lafayette Rd. The next steps are being handled by the Legal Department.
3. The abutter to 437 Winnacunnet Rd is filing a suit against the Planning Board regarding the approval of the Special Permit for installing a new drainage swale.
4. Presented a copy of the proposed lot-line adjustment application for 434 Esker Rd which will

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be discussed by the Planning Board in March.

5. Received a request from Tracy Degan of the Rockingham County Conservation District for a letter with Commission member signatures granting the Chair signature authority.
6. Update that snow is being pushed into the 50ft buffer at 434 High St. The approved plan had all snow storage outside of the 50 ft with the exception of the fire truck turn-around lane.
7. Reschedule Sue's luncheon for after the site walk in March.

Mr. Diener shared the following:

1. Brief summary of the numerous emails received from an abutter to the 155-175 Island Path project. The abutter has several concerns ranging from issues with the work that had been approved and to allegations that proper procedures have been circumvented. The abutter's request to conduct a file review has been encouraged, but to date no appointment has been scheduled.

TREASURER'S REPORT

Ms. Renaud presented a spreadsheet showing the current status of the various accounts as of November 2012. She did not have a copy of the statements for December. Mrs. Dionne will check her files and send over any missing reports.

Motion to Adjourn by Mr. Raymond at 9:35

Second by Mrs. Goethel

Vote: 6-0-0