

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
MINUTES
June 25, 2013

PRESENT: Jay Diener, Chair
Peter Tilton Jr., Co-Chair
Barbara Renaud
Sharon Raymond
Gordon Vinther
Tony Ciolfi, alternate, left at 8:10
Rayann Dionne, Conservation Commission Coordinator

CALL TO ORDER:

The meeting was called to order at 7:05 p.m. by the Chairman, Jay Diener, at the Hampton Town Office Meeting Room.

CONSIDERATION OF MINUTES

MOTION by Mr. Tilton to approve the April 23, 2013 minutes with edits provided.

SECOND by Ms. Renaud

VOTE: 6-0-0

MOTION by Mr. Tilton to approve the May 28, 2013 minutes with edits provided.

SECOND by Mr. Ciolfi

VOTE: 6-0-0

APPOINTMENTS

A. **Grist Mill Dam** - Keith Noyes, DPW Director

Mr. Noyes requested this opportunity to update and discuss with the Commission how the Town is planning to address the Grist Mill Dam Letter of Deficiency from the NHDES Dam Bureau. This State mandate requires the Town to alleviate the hazard resulting from the dam's current state of disrepair. DPW has hired Stephen and Associates Engineering, the same firm retained to redesign the dam for Ice Pond, to conduct an engineering study and provide options that may involve repairing or removing the dam. Mr. Noyes is particularly interested in hearing how the Conservation Commission would view the removal of the dam from an environmental standpoint. Mr. Noyes asked representatives from NHDES Dam Bureau (Deborah Loiselle, River Restoration Coordinator), NH Fish and Game (Cheri Patterson, Marine Program Supervisor), NHDES Coastal Program (Kevin Lucey, Restoration Coordinator) to accompany him this evening to provide insight on the resources their agencies can offer as well as answer questions about the dam removal process. Mr. Noyes added that there will be a stake holder's meeting on July 18th to better understand the community's concerns. He also reiterated that the Town is only in the information collection phase and that even though tonight dam removal is being discussed, no specific option has been chosen yet.

Mr. Noyes invited Ms. Debra Loiselle, River Restoration Coordinator in the NH Dam Bureau to speak. She shared that her agency can provide guidance to the Town as they go through the

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

June 25, 2013

selection process but would not steer the Town towards one option over another. Her expertise is in river restoration through dam removal. This has been occurring throughout the State since 2001 and has been quite successful. She also added that there are many other Town's facing this same issue.

Mr. Diener asked about the pros and cons of dam removal for the freshwater ecosystem above the dam and potential impacts to the brackish/salt water system below. Ms. Patterson commented that this is a small warm water system. Based on Fish and Game's studies of Nilus Brook (feeds into Grist Mill Pond) this system only supports warm water fish species. Fish and Game is planning a system wide survey of Grist Mill Pond that will extend upstream to the Ice Pond and include connecting streams to get a better understanding of the current fish population. Ms. Patterson has seen eels trying to reach the Grist Mill Pond however it is difficult due to the perched culvert under High St (migrating fish must jump into the culvert in order to swim upstream.). The American eel is most likely the major diadromous fish species (migrate between the sea and fresh water) that would try to reach Grist Mill Pond. Replacing the culvert with a box culvert and conducting stream/river restoration would be a great avenue for restoring the natural migration pattern for these fish. She added that removal of the dam would also improve the health of the ecosystem upstream because there would no longer be poor water quality caused by low oxygen levels.

Mr. Tilton asked if there was any grant funding for replacing the culvert. Ms. Patterson stated that monies are available for stream/river restoration projects, but there is none for just culvert replacement.

Mr. Diener asked for clarification on the potential outcomes/impacts between dam reconstruction versus removal because this is not something that the Commission has looked at before. Mr. Noyes responded that this information is not available yet because they still need to study the system in order to understand all of the potential impacts.

Ms. Raymond asked if their study would include a hydrologic and hydraulic evaluation. Drainage is a big issue for the Town, so understanding how this change may impact the watershed will be key. The agency representatives agreed that this study is very important. Ms. Loiselle added that the Dam Bureau also requires modeling. Ms. Loiselle also commented that every dam removal requires sediment sampling and water quality analysis to identify and quantify potential contaminants. Mr. Tilton added that fortunately, there has been no large agricultural or industrial practices in this watershed which should significantly reduce the likelihood of contamination.

Mr. Vinther asked what year the dam was built. Mr. Noyes searched his file and found a document that referenced the dam as far back as 1709. Mr. Noyes shared that the engineer will also be researching the historical significance of the dam. There is a lengthy discussion on the need to verify the dam's history and historic significance. It was noted that even with historical significance the removal of the dam could not be prevented but the loss would need to be mitigated.

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

June 25, 2013

There was also a discussion regarding the time frame for any potential action on the dam. Right now DPW is only in the study phase, to come is the option and design phase along with securing funding through a warrant article. It is estimated that the earliest any work could begin on this dam is in 2015.

Mr. Noyes reminded the Commission that the Town does not own the pond, only the small piece of land on which the Grist Mill sits along with the flowage rights. There is the no guarantee that the option ultimately chosen by the tax payers will be one that will please the abutters and legal ramifications could ensue. This is one of the major reasons for having a stake holders meeting on July 18th to begin a dialogue with those interested parties.

Mr. Ciolfi asked when the dam is removed if the water is released in a controlled manner. Ms. Loisel responded that the water is released in a slow and methodical manner.

Mrs. Dionne asked about the flood storage capacity of the pond currently; because it is known that a large portion of Hampton drains to this area. Ms. Loisel responded that the pond is quite full with sediment and organic material, therefore eliminating its storage capacity. Mrs. Dionne also asked about the common concern that once the dam is removed the pond area will become a mud pit prime for breeding mosquitos. Ms. Loisel shared that initially it will look bare but vegetation will re-establish quickly. River banks repair themselves quite easily but there could be areas that may need some replanting.

Mr. Vinther commented that if the dam is repaired it would be nice to see a fish passage included and the rest of Commission agreed.

Mr. Diener asked what additional information or input would Stephens and Associates bring to the July 18th meeting. Mr. Noyes said that there will be no new information at that time but the focus will be on listening to the community's concerns. Mr. Diener thanked Mr. Noyes and the agency representatives for giving the Commission an opportunity to be involved at this early stage. The Commission looks forward to learning more before rendering an opinion on dam repair versus removal.

B. Eaton Park Culvert – Chris Jacobs, Deputy Public Works Director

Mr. Jacobs briefly reminded the Commission of the NHDES Dredge and Fill wetlands permit that was brought forth by DPW last year to replace the culvert at Eaton Park with larger box culvert. At that meeting, DPW did not receive the Commission's support for the project. Mr. Diener further explained that the Commission did support the need to replace this culvert. However, the Commission was not convinced that a larger culvert was appropriate because no drainage study had been performed to ensure that the upgrade would not have any adverse impacts downstream. Ms. Raymond added that a common practice which has led to many of the Town's drainage issue is only doing a localized study and not properly evaluating the effects to the entire watershed. Mr. Jacob agreed that historically there were little to no analyses done to determine culvert sizes. He also noted that originally there was no culvert at this location and it

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

June 25, 2013

was just an open channel. He believes that by changing it from a corrugated metal culvert to a box culvert it will more closely match its original configuration. Mr. Jacobs noted that approximately 150' downstream is large box culvert that is 7' across, substantially larger than the one proposed for Eaton Park. Ms. Raymond pointed out that even if the next closest culvert will not be affected, it is not safe to assume that those further down will not be. This why the drainage analysis is so important, we want to make sure we are not pushing an issue further downstream. Mr. Jacobs commented that the width of the road that passes over the culvert at Eaton Park is limited by the culvert and as a result the narrowness is a safety issue. He also commented that DPW does not have the budget to conduct a \$10,000 drainage analysis. Ms. Raymond recommended checking to see if a UNH graduate student might be interested in collecting the necessary data to complete the analysis. Mr. Jacob thought that might be a plausible option. It was the consensus of the Commission that they are still uncomfortable supporting any culvert upgrade project without a drainage analysis showing there will be no adverse impacts.

APPLICATIONS

A. 68 Mooring Drive

Applicant: Paul and Catherine Murray

Application Type: Special Permit – After-the-Fact

This project is for the replacement of the existing deck with new footings and composite decking material. Mr. Murray explained that he had not been aware that a permit was required when replacing an existing structure. Although, now he understands that any alteration of the surface configuration, which in this project occurred when installing new footings, requires a Special Permit. The scope of the project was straight forward and none of the Commission members had any questions.

NO PUBLIC COMMENT

MOTION by Mr. Tilton to recommend the granting of the Special Permit for the reconstruction of the existing deck with new sonotube footings at 68 Mooring Drive per the plan signed and dated by the Chair with the usual stipulations.

SECOND by Mr. Vinther

AMENDED by Mr. Diener to include in the recommendation that this project is after-the-fact.

SECOND by Ms. Renaud

VOTE: 4-0-1, Mr. Diener abstained.

B. 10 & 14 Sapphire Ave

Applicant: Lucille Walker Revocable Trust

Agent: Chris Albert of Jones and Beach

Application Type: NHDES Dredge and Fill and Special Permit applications

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

June 25, 2013

This project involves stabilizing the embankment of a 0.017 acre parcel that abuts Eel Creek. Mr. Albert pointed out that substantial erosion has occurred over the years and the property owners would like to simply prevent additional future loss. During the survey work, an old well was identified and they are seeking permission to remove and fill in well.

The bank stabilization involves installing 2-courses of 160 linear ft of coir logs. The logs would be embedded with oak stakes at the base of the creek bank. The property owner has also agreed to have a 5ft no mowing strip along the shoreline which will encourage a thick root system and help to hold the bank. The installation of the logs and removal of the well will be done with rubber tire equipment that will not leave ruts. No track machines will be used. The property owner would like to begin work in the fall.

Ms. Raymond commented that photo documentation of the project would be very beneficial to understanding the installation process and show its progress. Mrs. Dionne added that perhaps the Commission could also visit the site next spring.

NO PUBLIC COMMENT

MOTION by Mr. Tilton to not oppose the NHDES Standard Dredge and Fill application for the stabilization of the embankment at 10 & 14 Sapphire Ave. The agent has agreed to provide photo documentation of the current conditions, the installation process, and 6 months following completion. The letter will also include the stipulation that the Commission be notified at the beginning and end of the project.

SECOND by Ms. Raymond

VOTE: 4-0-1, Mr. Diener abstained.

MOTION by Ms. Renaud to recommend the granting of the Special Permit at 68 Mooring Drive for stabilization of the embankment along Eel Creek per the plan signed and dated by the Chair with the usual stipulations. The agent has agreed to provide photo documentation of the current conditions, the installation process, and 6 months following completion.

SECOND by Mr. Tilton

VOTE: 4-0-1, Mr. Diener abstained.

C. 8 Ballard St

Applicant: Sonja Starmer

This project involves installing 80 linear ft of chain-linked fencing along the property boundary. Unfortunately, the property owner was not present to discuss the application. However, the Commission members felt comfortable providing a recommendation due to the project's simplicity.

NO PUBLIC COMMENT

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

June 25, 2013

MOTION by Mr. Tilton to recommend the granting of the Special Permit for installation of perimeter chain-linked fencing at 8 Ballard St per the plan signed and dated by the Chair with the usual stipulations and the following stipulations:

1. The post holes for the fence shall be dug by hand and the spoils deposited outside of the 50' buffer.
2. The bottom of the fence shall be at least 6" off of the ground.

SECOND by Ms. Renaud

VOTE: 4-0-1, Mr. Diener abstained.

OLD BUSINESS

Hurd Farm Signage

Mrs. Goethel was not present to provide an update. Ms. Renaud shared her desire to see more signage at places like Island Path and other Conservation easements or on Town owned land once there is an agreed upon design/layout.

NEW BUSINESS

A. NH Association of Conservation Commission Dues for 2013

Mrs. Dionne shared that the Commission's yearly membership fee is due. Since this item is part of the yearly budget there was no need to vote on sending the funds.

B. Acceptance of marsh parcels along Elkins Rd

There are several parcels being offered as a donation to the Town that are located in the marsh along an extension of Elkins Rd that was never built. Based on current Town and State regulations this road could never be constructed and these lots are considered unbuildable.

MOTION by Ms. Renaud to accept the donation of the parcels along Elkins Rd

SECOND by Ms. Raymond

VOTE: 4-0-1, Mr. Diener abstained

CONSERVATION COORDINATOR AND CHAIRMAN UPDATE

A. Change July site walk date

Mrs. Dionne shared that at the last meeting they decided to have the site walks on the Tuesday before the schedule Conservation Commission meeting instead of on Saturdays. Unfortunately, in July the application deadline is one day after revised site walk meeting date. The Commission decided to move the site walk date to July 17 at 6:30.

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

June 25, 2013

B. End of Walnut Ave

Mrs. Dionne shared that she had a resident contact her about having a 1-2 ft path to the water's edge at the end of Walnut Ave. The roadway actually extends to the edge of Eel Creek but the road was never built out to this extent. Mrs. Dionne recommended speaking to DPW and the Town Manager since the pathway would be on Town property. These two parties provided feedback but wanted to know how the Conservation Commission felt about the project along with NHDES. The Commission discussed the idea of having an access point. Overall the Commission supported the idea of providing an opportunity for the public to enjoy passive recreational activities along Eel Creek and into Meadow Pond as long as there are no liability issues. The area would also need to be monitored to make sure the embankment is not eroding or becoming unstable.

C. Sealed Surface Warrant Article

Mrs. Dionne shared that the Commission had not been awarded the Green Infrastructure grant. It was hoped that technical support would be available through this grant to help with drafting a warrant article for reducing the maximum allowable sealed surface in zones outside of the Aquifer Protection Zone. The Green Infrastructure committee did encourage Hampton to resubmit for the second round in the fall. However this particular piece of the project would not be included in the second round for warrant article timing purposes. Therefore, the Commission needs to schedule another work session to start working again on this warrant article. It was decided that a few potential dates after July 8th should be emailed to Commission members to determine availability.

D. Phragmite cutting along Landing and Drakeside Roads

Mrs. Dionne shared that this is the last year that phragmite cutting will be funded under the NRCS WHIP grant. She had recently spoken with Tracy Degnan of RCCD who has been overseeing the phragmite cutting at these two locations. She is going to put together an herbicide based approach for this summer. Her review of the sites has shown that the phragmites are not advancing and the biomass is significantly less. It is the plan to discuss her recommendation at the July meeting.

E. 2014 Conservation Commission Budget

Mr. Diener shared that the budget for 2014, is the same with the exception of increase of coordinator salary. He shared that based on some potential administrative changes there is a good chance that the coordinator hours will need to be less than 30hrs a week next year. As of right now, the coordinator is also acting as the meeting secretary. The hours used to draft the meeting minutes will count towards the 30 hour total. Commission members would prefer not to lose coordinator hours for secretarial tasks. Therefore, it may be necessary to find a new secretary.

NO TREASURER'S REPORT

Ms. Renaud did not have a report this month. There will be a quarterly report in July.

VICTORY GARDEN

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING

MINUTES

June 25, 2013

Ms. Renaud wanted to share with the Commission that she had been informed that the Cooper shop located next to the Victory Garden is in poor shape. There is the possibility that it will need to be torn down, however no official plan has been put together yet.

MOTION to Adjourn by Ms. Raymond at 9:20

SECOND by Ms. Renaud

VOTE: 4-0-1, Mr. Diener abstained