

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

PRESENT:

Jay Diener, Chair
Peter Tilton, Jr., Vice Chair
Barbara Renaud
Sharon Raymond
Diane Shaw, alternate
Nathan Page, alternate and Acting Coordinator
Lori Mattimore, alternate

Also Present: Fran McMahon, Planning Board Representative

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairman, Jay Diener, at the Town Hall Selectman's Meeting Room.

Mr. Page will not be voting this evening.

CONSIDERATION OF MINUTES:

MOTION by Mr. Tilton to approve the January 7, 2014 minutes, with edits provided.

SECOND by Ms. Renaud

VOTE: 6 in favor 0 opposed

APPOINTMENTS

1. Carl McMorran, Aquarion – Development of an Advisory Council and the 2014 Rain Barrel sale.

Mr. McMorran explained that the Advisory Council is expanded and will deal with community relations for customers in the service area. This would be an information sharing group allowing the opportunity to get information directly. Participation is being expanded, and Aquarion is reaching out to groups and organizations for people to participate. The Council will also deal with utility issues such as water quality, environmental concerns, as well as community activities. He is requesting the Conservation Commission participate by having a member join the Council. Meetings are held three times a year with the first in late March or early April. The meetings will be in the evening. He encouraged a member to contact him if interested in becoming part of the Council.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

Further, Mr. McMorran spoke to the Rain Barrel program, stating that it will be the same as in previous years and the barrels will be offered for \$75.00. Some barrels will be painted/decorated by students at Hampton Academy and some will be auctioned to benefit the Conservation Commission. There will be publicity for the program and orders will be taken for unpainted barrels through the last week in May. The barrels will be available after Memorial Day. He also noted that, after painting by the students, the barrels will be coated with clear coat by Wayne's Auto Body and will also be auctioned at the Garden Club Auction on May 17th.

Mr. Diener commented that this is a good program which will involve the whole community.

Thirdly, Mr. McMorran announced there is a new Environmental Hampton's Program in which people are honored for contributing to better the environment. This is Aquarion's way to say "thank you" to the people in the community. There will be more details in a few weeks. Nominations will be taken on the Website. There are four categories, business, adult, student, and non-profit. The awards ceremony will be held on June 7th in conjunction with the Blue Ocean Society opening at Hampton Beach. The winners will give the award money to the charities of their choice. Mr. McMorran stated that they hope to get a lot of nominations once the publicity gets out to key groups.

Mr. Diener stated this is a good program with initiatives.

Prior to hearing the applications before the Commission, Mr. Diener explained a new procedure, which involves a special stipulation checklist for Special Permit Applications. This list, once completed at each Public Hearing, will be incorporated into the follow-up letters to the Planning Board and the applicants.

APPLICATIONS

1. 2 Nor-East Lane.

Applicant: Wendy Geier.

Application Type: Town Special Permit. After-the-Fact/Emergency repair and addition of riprap to existing seawall.

Mrs. Geier and Mr. Christopher Geier were present. Mr. Diener reviewed the background of this application, noting that an Authorization was given by NHDES to do the repair work in April 2013. The Town never received a copy of the Emergency Authorization in that it was approved in Concord. The Emergency Authorization specified resetting rip rap that has been displaced by recent heavy storms and wave action. Rip rap shall be reset to original dimensions with no expansion vertically or horizontally. Also, to remove cobbles from shore front to depth of original beach sand and truck cobbles off-site to an area outside DES jurisdiction. A review of the survey

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

plan, which depicts the wall pre-and post-repair shows that the width of the wall has encroached further eastward by 2-3 feet. It also appears that a staircase has been added within the foot print of the wall. A permit issued to the former owners, in 2002, for seawall reconstruction, there were no stairs designed into the wall. The 2010 storm aerials do not show any stone stairway. Further, nearly the entire seawall is located on Town Property.

Mr. Diener also stated his concerns in that the applicants did not come to the Town for permits before the work was done and in the Authorization it stated there would be no expansion vertically or horizontally.

Mr. Geier stated that the rocks move all the time and, with the storms this year, the rocks may or may not be in the same place. Mr. Geier said that the engineer did say that the wall is close to what it was prior to the storms. He further stated that boulders can be moved 2-3 feet on a good wave.

Mr. Diener stated that the rocks looked to be a uniform expansion onto the beach, and it does not look like boulders falling at random. Further, that the wall is uniformly expanded two feet beyond the foot print.

Mr. Geier questioned what was to be done when half the sea wall is lost to a big storm. Mr. Diener stated that they could bring it back if destroyed by applying to DES who would allow reclaiming of the rocks without expanding further onto the beach.

Mr. Geier stated the contractor was Thompson, who also did the North Beach Seawall and neighboring properties.

Ms. Raymond stated she is not convinced Mother Nature moved the rocks and, if it is falling apart and moves easily, it was not done right.

Mr. Tilton stated that he is concerned the contractor did not complete the repair correctly as there are not enough stones, etc. The owners are being granted permission to be on Town land, and the Town is concerned with less usage of the beach.

Mr. McMahon questioned whether plans were submitted. Mr. Geier stated that there is a survey plan submitted in 2010 by the former owners when they rebuilt the wall. Mr. Page stated that there is a plan from 2011 that shows the sea wall as an as-built. He further reported that when the owners asked for help from the contractor working at No Hampton State Beach, Senator Stiles walked the permit through DES. There were no plans and the contractor took the rocks and built the six seawalls after April 1, 2013.

Mrs. Geier stated there were small rocks in front of the properties and the contractor removed the small rocks. Further, the contractor received a copy of the Emergency Authorization letter.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

Mr. Diener stated that if the contractor has read the letter, he should have known not to exceed the original footprint.

Mr. Geier stated that he hired the contractor in good faith, and when the survey was done, it was not expected to be different. Further, this was the last of the six properties to be done and was concerned there would not be enough rocks. The project on his property was rushed in that the contractor only had one day left to be on the beach.

Mr. Page stated the contractor had 15 days to do six walls. Mr. McMahon commented that the contractor was aware of the time frame and footprint, but did not do the work in context.

Mr. Page stated that if the seawall is rebuilt again, it can be brought back the two feet; and, that the Geiers are aware that they cannot do any further projects on the seawall without coming to the Commission.

Ms. Renaud questioned the issue of the stairs. Mr. Geier stated that the stairs are shown on the 2011 plan. Ms. Renaud said the stairs do not appear in the photograph. Mr. Geier said they may have been covered by sand. It was pointed out the stairs were not in the photographs from 2005 or 2010.

PUBLIC COMMENT – There was no public comment.

MOTION: Mr. Tilton moved to recommend granting the Town Special Permit, 2 Nor’East Lane, based on the After-The-Fact Plan dated 1/9/14, signed and dated by the Chair with the stipulation that any future seawall work shall adhere to the 2011 seawall foot print as shown in the existing conditions section of the After-The-Fact Plan.

SECOND: Ms. Raymond

Discussion on the Motion: Ms. Raymond stated that the survey plan should have drill holes, control points, and the corners of the wall should be laid out. Any future work should have a Survey Scaled Plan. Mr. Diener stated he has a problem with the wall as there is nothing from DES regarding the wall as built. Mr. McMahon commented that the Geiers will have to go through this hearing process again with the Planning Board and the Board of Selectmen.

Mr. Diener requested that a letter be sent to Eban Lewis, DES, regarding the above seawall; that the usual stipulations do not apply given the work that has been completed; and, the signed 2011 plan is to be included with the file.

VOTE: 5 in favor 1 Opposed (Diener)

2. 1034 Ocean Blvd.

Applicant: John and Jeri Cerullo, Agent – John Chagnon of Ambit Engineering.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

Application Type: Town Special Permit and NHDES Minimum Impact Dredge and Fill application.

Tear down and rebuild seawall within the existing foot print.

Mr. Chagnon stated that the applicant is proposing to re-construct the sea wall using the existing foot print. The existing seawall stairs will remain in place. As pointed out during the site walk, the work on this property will be done in conjunction with the abutter to the north. That project was approved at the 1/7/14 meeting of the Conservation Commission. Mr. Chagnon referenced a new sheet (C1), which shows the toe of the wall being pulled back, as had been requested on the site walk. The contractor may bring in bigger stone and swap out with smaller stones. The pining will be epoxy coated rebar which will last as long as it needs to last with the forces of nature.

Mr. Page noted his concerns with the trade out of rocks which may be an issue given the property is owned by the Town. On question of Mr. Diener, Mr. Chagnon stated that the existing stairs stay in place with a temporary stair case, constructed of wood, to put in seasonally to complete the stairs.

PUBLIC COMMENT – There was no Public Comment

MOTION: Mr. Tilton moved not to oppose the NHDES Minimum Impact Dredge and Fill application of John and Jeri Cerullo, located at 1034 Ocean Boulevard.

SECOND: Ms. Raymond

VOTE: 5 in favor - 1 Abstain (Diener)

MOTION: by Mr. Tilton to recommend the Town Special Permit for property located at 1034 Ocean Boulevard, with the plan (including new sheet (C1) signed and dated by the Chair, and with the following stipulations:

- a. Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete. Silt fence and hay bales (salt hay bales for tidal areas)**
- b. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed No change in elevation is allowed**
- c. An As-Built Plan shall be submitted following project completion.**
- d. This permit will expire two years from the date that it is granted by the Planning Board.**

(Reference: Hampton Zoning Ordinance Section 2.3.5 for information on permit extensions.)

SECOND: Ms. Raymond

VOTE: 5 in favor – 1 Abstain (Diener)

3. 121 Landing Road.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

Applicant: David and Thomas Nudd.

**Application Type: This is a NHDES Standard Dredge and Fill application.
Replace in-kind 6 dock pilings.**

Mr. Tilton excused himself as he is an abutter to this property.

Justin Nudd stated that this request for the 6-piling replacement is due to rot and damage over the past 25 to 30 years. He stated a DES Permit is required. The work will all be done by barge and he is working with Pickering Marine. There will be no land impact issues. Photographs were provided which allowed the Commission to view the work area.

PUBLIC COMMENT

Peter Tilton, Sr. stated that the pilings need to be put back as there is no dock for the lobstermen who have been using the space. Boats are being kept at the Marina at great expense until repairs can be made.

MOTION: Ms. Renaud moved not to oppose the NHDES Standard Dredge and Fill application for 121 Landing Road to replace in-kind six pilings of deteriorating dock/pier.

SECOND: Ms. Raymond

VOTE: 4 in favor, 1 abstain (Diener) 0 opposed (Tilton excused.)

4. 43 Nudd Avenue.

Applicant: Ursula Dohn. Agent – Steve Riker, Sandpiper Environmental Services, LLC.

Application Type: This is a Town Special Permit and a NHDES Standard Dredge and Fill application. Redevelopment of the property including the construction of new dwelling with attached garage, pervious patio and pervious driveway. Current buffer impacts will decrease from 303 sf to 287 sf.

Mr. Riker explained that the current home is being torn down and the shed is being removed. The improvements will include a new dwelling, a garage, and have a pervious patio and driveway. The lot will become conforming in that there is currently a four foot setback. There will be a reduction in the size of the structure which is within the 50-foot wetland buffer. Mr. Riker stated a plan was created that satisfied the Town and State.

Mr. Diener questioned how the wetlands delineation was done. Mr. Riker stated he used the 1987 Army Corps manual and soil samples were taken. Mr. Page noted that there will be less impact with the shed out of the buffer. Mr. Riker also stated, on question of Ms. Renaud, that an application will be submitted for a Shoreland Permit. Mr. Page noted that the Town cannot stop the applicants from applying for the Standard Dredge and Fill application and Special Town Permit; however this Commission does not comment on Shoreland Permits, which are the responsibility of the applicant.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

PUBLIC COMMENT. There was no public comment.

MOTION; Ms. Renaud moved not to oppose the NHDES Standard Dredge and Fill Application for 43 Nudd Avenue to include redevelopment of the property including the construction of new dwelling with attached garage, pervious patio and driveway.

SECOND: Mr. Tilton

VOTE: 5 in favor, 1 abstain (Diener)

MOTION: Ms. Renaud moved to recommend approval by the Planning Board of the Town Special Permit for 43 Nudd Avenue as proposed on the Plan of EJ Cody dated 11/18/13 and as signed by the Chair, subject to stipulations as follow:

- a. Monumentation shall be placed at 50 foot intervals along the wetland boundaries.
- b. Installation of Wetlands Conservation District markers along the wetland buffer on either side of the structure, at the owner's expense.
- c. Permeable surface driveway.
- d. Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings and yard waste shall not be stored in the wetland or its buffer.
- e. Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete. Silt fence and hay bales (salt hay bales for tidal areas).
- f. Spot elevation grades shall be submitted pre and post construction.
- g. There are to be no additional structures such as sheds, swimming pools, gazeboes, patios or other sealed surface, in the buffer, other than that shown on the approved plan. A new Special Permit is required for erection of any additional structure(s) in the buffer.
- h. The Conservation Commission shall be notified in writing upon commencement and completion of the project and before an occupancy permit is issued. A final site inspection with the Conservation Coordinator shall be scheduled following completion of the project.
- i. An As-Built Plan shall be submitted following project completion.
- j. This permit will expire two years from the date that it is granted by the Planning Board. (Reference: Hampton Zoning Ordinance Section 2.3.5 for information on permit extensions.)

SECOND: Ms. Shaw

VOTE: 5 in favor, 1 abstain (Diener)

5. 1042 Ocean Blvd. Postponed

Applicant: Mark and Janet Gazek, Agent – Sandpiper Environmental Services, LLC.
Application Type: Amended Town Special Permit Application. Additional grading and construction of a retaining wall.

6. Stowecroft/Dalton Woods.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

Applicant: Lloyd Graves and Green & Co. Agent - Joe Coronati – Jones and Beach Engineering.

Application Type: This is a Town Special Permit and NHDES Standard Dredge and Fill application. Proposed 13 lot subdivision that will involve the construction of a proposed roadway, construction of a gravel wetland pond, and replanting trees around the wetland impact. There will be 680 ft of wetland impacts and 5,280 sf of buffer impacts.

Mr. Diener stated that this proposal has issues pertaining to other Boards in Town and this project is before the Commission to act on a Special Permit. He asked Mr. Coronati if he would like a vote on the Special Permit or to have this be an “Appointment” so the clock for the Special Permit would not yet start.

Mr. Coronati stated he would like input, up front, on the project as changes are being made. He would like to know what the Boards are looking for and whether they have to return to the Boards or leave with a recommendation. He asked that we handle this as a Special Permit application. Mr. Diener said, if changes are made, the applicant will have to come back before the Commission.

Mr. Coronati continued by stating that the project involves 13 acres in Hampton with some land in North Hampton. The subdivision on Stowcroft Drive has been there about 30 years, and Fieldstone Circle about 20 years. When the developer came before the town, he left parcels in three locations for future development. He left a stub at the end of Stowcroft Drive to the Town so he would be able to extend the road into the property under discussion. Mr. Green has a Purchase and Sale on the parcel that provides access into the property. This is the only access.

The reason they are before this Commission is that to the right side of the stone wall, there is a wetland in the middle of the field in line with access granted by a previous developer. The wetland is on the northwest side. They are not looking to impact wetlands in a larger area. The site has been a half field/half woods area for many years. For the 13-lot subdivision, the plans show a road layout, drainage system, and all draining utilities including detention ponds. The issue is the 50-foot wetland buffer as one comes into the property. It is too difficult to get a road to go around the wetland that would be safe. The only other impact is gravel in the wetland drainage pond on Lot 3. This is designed as a gravel wetland, similar to the subdivision off Juniper Road. The detention pond is located in a buffer, but designed to be a wetland, and would be for storm water treatment.

The wetland in the field has trees but most of it is a mowed field. Mr. Coronati stated that Mr. Graves mows the land to keep as a field. He also stated he has comments from the PRC meeting, making sure to have granite markings plaques at the 50 foot buffer and square footage of upland on each lot. Lots 3, 4, 5 and 6 are oversize in that they have wetlands within the lots.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

Mr. Diener questioned who will maintain the gravel wetland. Mr. Coronati stated the Homeowners Association will maintain with yearly visual inspections paid for by the homeowners. Mr. Diener stated the Town DPW said they do not have the ability to maintain this type of a drainage feature and would have to bring someone in from the outside.

Mr. Diener questioned the drainage. Mr. Coronati explained that there will be catch basins in the roads and all the pipes are headed in that direction. Drainage for individual houses and drives will be handled on their own lots. The pond handles the road and anything flowing. Mr. Coronati pointed to Sheet D2 of the plan, noting there will be simple perforated pipe imbedded in a stone bed.

Ms. Raymond stated she is concerned with the homeowners maintaining the gravel wetland as it is abuts a larger wetland. This is a difficult site she stated, with a huge wetland area and an area that is not disturbed other than by vegetation. The gravel wetland is not like a typical detention pond and putting the maintenance to a Homeowners' Association is concerning. Much of grading will go on, and the whole area will be changed.

Mr. Tilton stated that it is a complicated issue and the biggest red flag is that something is not draining right, and it may not bother the homeowners enough to do something about it. The idea is to take the impact from the road and put into the gravel wetland before it impacts the swamp. If it is not maintained, it will impact the swamp, and the sponge will become fuller for those people around the swamp.

Mr. Coronati said that there would be yearly inspections required by the Town, and a house nearby has an easement for the pond. Ms. Raymond said that is right next to the pond and sediments degrade the wetlands.

Mr. Diener pointed out it is a wetlands, yet not a wetlands from a wildlife habitat perspective.

Mr. Page stated he is not comfortable with a vote this evening.

Ms. Mattimore noted that this is a significant modification that would manipulate the soil and drainage, and would have a high impact and changes to the wetlands and buffer. She is not comfortable with the density. Further, the HO Association may lose sight of their responsibilities.

Mr. Coronati stated that maintenance would be out of the individual homeowners' control and would be better to have the homeowners group responsible. He also stated that the lots all meet frontage and zoning requirements in this area and it is not denser than is required.

Ms. Raymond noted that the impact, because of the density of the development, makes her uncomfortable. Further, the problem is that it is adjacent to the wetland.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

Mr. Diener commented he is looking at potential impacts on water, drainage, and surrounding properties.

Mr. Page asked if there were another place that could handle the drainage.

Mr. Coronati stated that the water drains to the corner and nothing can be put on the upper side lots. Lots 9, 8,7,6,5 have wetlands in their backyards. One location was chosen for the pond, rather than impact individual lots.

Mr. McMahon stated there are many other issues to deal with and he can see what is going on with the site but cannot tell what is going on in North Hampton. There are issues with people on Falcone Circle and can see there is flowing from the west, and continues to the west. There is one big drainage system and this is only a piece of it. He further stated he would like a bigger picture to see surrounding properties that may be affected.

Mr. Coronati stated that the project does not impact North Hampton. Further, he will provide an aerial.

Mr. Page, using the plan, stated that the water flows towards the Rt 95 Toll Plaza to the Taylor River down the hill toward Timber Swamp Road. He asked if there were another option for a retention pond/system out of the gravel wetland to slow down the water and get further away from the buffer.

Mr. Green noted that the gravel wetland is installed on Lot 3 and is friendly to everyone concerned.

Mr. Coronati said that Lot 1 flows to the neighbor to the south and that Lot 1 is flat. Lot 3 would be ideal; however, it did not go with the wet pond, and there would be resistance to standing water. Gravel wetlands, he said, are the best treatment for all pollutants that are out there. Further, if the location is the sole issue, they could look at other options. He stated the Town has regulations that says ponds have to be on one lot.

Ms. Raymond said she wants to see separation from the wetlands and, further, has concerns that it will not be maintained.

Ms. Shaw questioned the flood zone line. Mr. Coronati said that the flood zone is random with no designated elevation, and engineers are required to take the map and put it on the land as shown. He noted the significant elevation change with 28-30 feet of elevation in the flood plain. He also stated he is not sure how FEMA came up with the line.

Ms. Shaw also stated she is looking at problems in the future with sheds, etc., being built on the wetlands.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

Ms. Renaud asked for a figure on the impervious footprint that will go on the lot. Mr. Coronati stated it would be 2500 to 3000 sf of impervious. He also pointed out the plan shows the building setbacks for each lot.

Ms. Renaud, with regard to the buffer line, asked if the lots would be back to that line and is concerned that buffer lines are not respected. Further, she does not have a sense on how it the project relates to the neighborhood and would like to walk the site.

Mr. Diener is concerned with Lots 2 and 3 and their impact on abutting properties. He noted vegetation will change and questioned the impact with excessive flow to other properties.

Mr. Coronati stated that on Lot 2, part of the mound will be removed. The house is higher than the road and the driveway slopes down toward the road. The house will have a gutter drain system. Further, that Lot 1 will want privacy, and Lot 3 drains into the gravel wetland to be treated.

There are a few options including digging out Lot 13 or land at the back of the lots could be Deed restricted for mitigation. He noted it is easier to plant trees.

PUBLIC COMMENT

Louise Drolet – 34 Stowcroft Drive stated she has lived in her home for six years and her front lawn has always been wet; that water flows right through her property even in the summer. The water coming from the field goes half way across the road; and with lots 1 and 2 right at her backyard those homes will have flooded basements because there is nowhere for the water to go. She is not opposed to the project, but does not want more flooding. She stated, with tree cutting, more water will find its way to Stowcroft.

Mr. Diener asked if there has been a permit to cut trees, and Mr. Page stated there was an application issued for tree cutting.

Robert Kupka, 33 Stowcroft Drive, stated that his driveway goes onto the cul de sac, and he has had water for ten years in the spring. He said he cannot use his backyard because it is mud with water coming from the field. With new development, the water will build up, draining through his yard to the driveway. There are certain times of the year ice or flowing water comes from the field. With pushing this new development toward Stowcroft, he has concerns where the water will go when the development is in place.

Mr. Coronati asked the Commission what they see as a good alternative to wetland mitigation. Mr. Tilton stated he would like to view the property. Mr. Diener said he has concerns with the gravel wetlands in size and location. He is concerned about post construction impact to properties outside the development area. Water, in the parcel's undeveloped state, is already a neighborhood problem which should not be worsened through development.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

Mr. Coronati said concerns would be addressed. After discussion of a site visit, Mr. Green said he would like someone from Jones and Beach to be present at the visit.

The Town Special Permit and NHDES Standard Dredge and Fill application for Stowe/Croft/Dalton Woods has been TABLED until the February 25, 2015 Conservation Commission Public Hearing. A site walk will be held on Saturday, February 22, 2014, with a representative of Jones and Beach Engineering present for additional input.

7. 426 and 430 High Street

Applicant: Tracey Dewhurst and Chateau Sylvia LLC. Agent – Jones and Beach Engineering. Application Type: Construct a gravel driveway to a newly created lot involving the filling of 1370 sf of wetlands and 4000 sf of impact to the buffer. This is a Town Special Permit and NHDES Standard Dredge and Fill application.

Mr. Coronati, Jones and Beach Engineering, provided plans for the Victoria Inn Property. He stated that Ms. Dewhurst is the new owner of the property located to the west of the Grist Mill Condominiums. The property consists of 6.2 acres, is a strange shape, and contains a large wetland and pieces of upland. The property is developed as the Victoria Inn. The proposal would be worked to have a driveway with adequate frontage for a house lot. To gain access to the rear, one would have to involve the wetland that bisects the property.

Ms. Dewhurst, he stated, has worked an agreement with a neighbor to have a lot line adjustment in order to come around the wetland to get to the rear of the parcel. This would be for a single 12 foot wide gravel driveway. Mr. Coronati stated this one-lot subdivision is proper use for land RA zoned in the front and RB zoned in the back. Also, looking at the one-house lot, there would be 1400 sf of wetland impact. The lot meets the required amount of uplands. A NHDES Wetland Permit has not yet been filed. Ms. Dewhurst does not wish to build up front.

Mr. Diener commented that, with regards to mitigation, there are areas that are not wooded in the buffer that it is planned to cross so additional plantings would not contribute much. Mr. Coronati stated that Zoning Approval has been given for the parking lot; however, the access to that section would be the 12 foot wide gravel drive. He also noted that some trees would have to be removed.

Ms. Renaud noted that the elevation drops off behind the Pavilion. Mr. Coronati stated that there is a 3-4 foot drop, but fill would be brought in to feather the driveway. Plans, he stated, have been submitted to the Planning Board; however, the Building Inspector thinks the applicant may have to go back for an additional variance, given the variances were granted for the Inn.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

Mr. Diener noted that, in front, there is an access easement and the driveway goes on to the Inn property; therefore, another easement may be required.

Ms. Renaud spoke of her issues with the wetland area and the impact the long driveway would have on drainage and flow of water. She stated that with wetland on either side, there would be impact and trees would not help.

Ms. Shaw noted the drainage impacts and stated that during the site walk there appeared to be yard debris, etc. She cannot see the plan working in that there are a lot of wetlands that would be impacted.

Mr. Page stated he is not comfortable allowing the permit to go through as submitted. Mr. Coronati reported that the wetlands have been delineated and borings have been taken.

Mr. Diener stated that 4000 SF of permanent wetlands impact is a lot for a driveway to access just one lot. He noted there is one culvert, but the driveway is functionally a dam, and water will go nowhere. It is hard to justify that much impact for that little gain.

Mr. Coronati stated that this would create the least impact for the 12-foot gravel drive, which is the only access to the end of the site.

Mr. Diener also noted that the site is all wetlands and buffer beyond the pavilion. Mr. McMahon stated the concern of the Planning Board is the way to access developable land.

Mr. Tilton noted that the natural dam could back up affecting the people upstream. He cannot support this project as proposed.

Ms. Raymond said there is no grading on the plans and, as drawn, she cannot support. Further, there are many negative impacts to the wetland.

Mr. McMahon noted that, with the provision for dual use, the applicant would have to go the Zoning Board. The Planning Board is currently waiting for an opinion.

Mr. Diener asked the applicant and agent if they wanted to table and come back to the Commission or, tonight, have the Commission vote on the proposal. If they were to table, the Commission would have to see a different plan, which may not be feasible.

Ms. Dewhurst asked, if when the snow melts, the Commission would entertain another Site Walk.

Mr. Diener noted that seeing what is in front of the Commission, opinions will not change in that a wetland is a wetland. Another Site Walk would probably not change the consensus of the Commission.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

Ms. Dewhurst questioned whether building a cabin or developing some other use, which could be associated with the Inn, would be something that the Commission might consider; or, the cabin to the rear of the Inn with foot paths and landscaping.

Mr. Diener stated that type of plan would have the potential to be more acceptable.

After discussion with Ms. Dewhurst, Mr. Coronati stated the applicant would like to **WITHDRAW** this application for a Town Special Permit and NHDES Standard Dredge and Fill Application to construct gravel driveway to a newly created lot involving the filling of 1370 sf of wetlands and 4000 sf of impact to the buffer at 426-430 High Street.

OLD BUSINESS

NEW BUSINESS

- a. Community Forest – Continued to the February meeting.
- b. Warrant Article #16 – Meadow Pond
- c. RCCD support to work on property, Map 151, Lot , Phragmites work at Mill pond

The DPW is requesting letters of support to decommission the Mill Pond Dam and to replace the culvert. Further, they are applying for a Grant for more Phragmites work and request letters of support for this, as well. Ms. Raymond stated that she cannot support a letter regarding the culvert replacement by the DPW.

MOTION: Ms. Renaud moved to send a letter of support to decommission the Mill Pond Dam.

SECOND: Mr. Tilton

VOTE: 4 in favor, 2 Abstain (Diener & Mattimore)

MOTION

PASSED

MOTION: Mr. Tilton moved to send a letter of support to replace the culvert at Meadow Pond **SECOND: Ms. Renaud**

VOTE: 3 in favor, 1 opposed (Raymond) 2 abstain (Diener & Mattimore)

MOTION PASSED

MOTION: Mr. Tilton moved to send a letter of support for Phragmites work at Mill Pond.

SECOND: Ms. Renaud

VOTE: 5 in favor, 0 opposed 1 abstain

MOTION

PASSED

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JANUARY 28, 2014
MINUTES**

CONSERVATION COORDINATOR AND CHAIRMAN UPDATE

Mr. Diener reported there are four members of the Conservation Commission whose appointments will be expiring. Ms. Shaw and Mr. Page have submitted letters requesting to be reappointed. He suggested that Ms. Renaud, and Mr. Loopley also submit letters to the Selectmen requesting reappointment for an additional term.

MOTION: Mr. Tilton moved to recommend the Commission send a letter to the Board of Selectmen to support the reappointments of Mr. Page, Ms. Renaud, Ms. Shaw, and Mr. Loopley (if he requests reappointment) to the Conservation Commission.

SECOND: Ms. Shaw

VOTE: 4 in favor, 0 opposed, 2 abstain (Renaud, and Shaw)

FINANCIAL REPORT – Barbara Renaud

No report this month

FEBRUARY MEETING

The next Hampton Conservation Commission Public Hearing will be held on **Tuesday, February 25, 2014**. A Site Visit will be held on **Saturday February 22, 2014**.

ADJOURN:

MOTION to ADJOURN by Mr. Tilton at 10:30 p.m.

SECOND by Ms. Renaud

VOTE-6 in favor 0 opposed

Respectfully submitted, Anne Marchand, Recorder