

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

PRESENT:

Jay Diener, Chair
Peter Tilton, Jr., Vice Chair
Barbara Renaud, Clerk
Sharon Raymond
Anthony Ciolfi, alternate
Diane Shaw, alternate
Lori Mattimore, alternate

Also Present: Rayann Dionne, Conservation Coordinator
Fran McMahon, Planning Board Representative
Nathan Page, alternate

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

CONSIDERATION OF MINUTES:

MOTION: Ms. Shaw moved to approve the June 24, 2014 minutes, as edited

SECOND: Mr. Tilton

VOTE: 6 in Favor 1 Abstain (Diener)

APPOINTMENTS:

1. Cindy Willis – Victory Garden Update

Ms. Willis reported that all the gardens are planted and are looking good. The Town DPW cleared the spaces on the left side and at the rear portion. She reported that the new plan will allow for ten plots. The overall garden is 112 x 128 feet and contains 40 gardens. The new space will be the same length and 28 feet wide where cleared. She also stated she would like to get the posts in for the fencing by October; however, will need to find someone with a tractor and it will be necessary to till and harrow in both areas. She asked for suggestions regarding someone who owns the proper equipment. She is hoping to be able to get this work done and, in the spring, would install the fence and water lines. They are moving along with ideas.

The costs for the posts would be approximately \$300 to \$400 and their purchase would depend on the funds they have available. She spoke of the cost of water and said she went to Aquarion, told them the Garden was a non-profit and they took the service charge off the bill, which saves a substantial amount of money.

Ms. Willis said that if they can conserve water, they may have enough funds at the end of the season for the posts. She asked for advice if they do not have funds, how to purchase the posts in order to move along with installation in the fall. There is some existing fencing behind the Blacksmith Shop that could be used. She also noted the cement would be an expense, but is included in the \$300 - \$400 figure.

Mr. Diener stated he would take a look at the Commission budget and see if funds could be reallocated to the Victory Garden. Mr. Tilton suggested a small vegetable stand to raise additional funding. Mr. Diener said he would look into the regulations regarding non-profits raising funds.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

Ms. Willis stated she did not want to charge an additional fee to the original owners of the 40 gardens in order to pay for the additional 10 gardens. Further, the 10 new gardens will bring in income, but those fees may be used to pay for water. She also stated that the cost of tilling has gone from \$6 to \$9 per plot, and garden fees were raised from \$15 to \$20 some years ago. Mr. Diener suggested raising fees next year to cover water costs.

Ms. Willis stated she will get a story in the local paper and advertise on Channel 22 for the 10 new spaces that will become available in the spring. She also commented that she would like to come before the Commission three times a year to report on progress and keep the Commissioners up to date. She suggested early spring, summer and fall reports.

NEW APPLICATIONS:

1. **48 Glade Path, Patrick and Julie Lactases. Construct a 130 Sq. ft. first floor addition with a second story screened porch. Reduce size of existing driveway by replacing with grass. This is a Town Special Permit and NHDES Standard Dredge and Fill Application.**

Present for this Application was John Scheele, father of Julie Lactases. He stated that Mr. and Mrs. Lactases would like to put a 130 sf addition on the first floor of their condominium. A portion of the addition will be underneath the existing second story deck. They would also like to enclose the second story deck to create a screened porch above the addition. They are willing to reduce their existing driveway by 241 sf and replace the gravel with grass. They are also proposing to add a fence section that will discourage future parking over the grassed area.

PUBLIC COMMENT: No Public Comment

MOTION: Ms. Renaud moved not to oppose the NHDES Standard Dredge and Fill Application, as described, for the property located at 48 Glade Path.

SECOND: Ms. Raymond

VOTE: 6 in favor, 1 abstain (Diener)

MOTION: Ms. Renaud moved to recommend the Planning Board approve the Town Special Permit, as described, for the property located at 48 Glade Path with the following stipulations:

- **Installation of Wetlands Conservation District markers along the wetland buffer at the owner's expense.**
- **Lawn care must follow the guidelines set forth in the NHDES Shoreland Protection Act (Env-WQ 1400). No storage of grass clippings or yard waste in the wetland or its buffer;**
- **Removal of trees that are not dead, diseased, or unsafe must be performed in compliance with NHDES Shoreline Protection Act, Section Env-Wq 1403.05;**
- **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);**
- **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;**

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

- **There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface, etc. in the buffer, other than that shown on the approved plan. A new Special Permit is required for the erection of any additional structure(s) in the buffer;**
- **The Conservation Commission shall be notified in writing upon commencement and completion of the project and before an occupancy permit is issued. Schedule a final inspection with the Conservation Coordinator upon completion of the project and, a Certificate of Occupancy will not be signed until all requirements of the Special Permit have been met;**
- **An As-Built Plan shall be submitted following project completion; and,**
- **This permit will expire two years from the date that it is granted by the Planning Board. Refer to Hampton Zoning Ordinance, Section 2.3.5 for information on permit extensions.**

SECOND: Ms. Shaw

VOTE: 6 in Favor, 1 abstain (Diener)

2. **972 Ocean Boulevard, Roy and Lisa Urdanoff. Emergency repair of seawall – acceptance of As Built Plan. This is a Town Special Permit and NHDES Standard Dredge and Fill application.**

Present was Mrs. Urdanoff.

Mrs. Dionne stated that this property received emergency authorization by DES to do revetment work. The property line extends to the low mean tide and there is no Town beach in front of the home. The Urdanoff's are seeking approval of their as-built plan for the revetment. Mrs. Dionne also stated that the base of this seawall was not changed and did not go closer to the ocean, also, that the wall is wide and tight.

Mr. Diener noted that the property owners own to the tide line, so there is no Board of Selectmen approval required.

MOTION: It was moved by Mr. Tilton not to oppose the NHDES Standard Dredge and Fill Application for the property located at 972 Ocean Boulevard.

SECOND: Ms. Raymond

VOTE: 6 in favor, 1 abstain (Diener)

MOTION: Mr. Tilton moved to recommend the Planning Board approve the Town Special Permit for the property located at 972 Ocean Boulevard.

SECOND: Ms. Raymond

VOTE: 6 in favor, 1 abstain (Diener)

3. **377 Ocean Boulevard. Kelly Properties. Construct one 13-unit building and seven 1-unit buildings. This is a Town Special Permit and NHDES Standard Dredge and Fill Application.**

Present were Joe Coronati, Jones and Beach Engineering and Warren Kelly, property owner.

Mr. Coronati stated that this site is next to Ron's Landing and, on the other side, is a 9-unit development owned by Mr. Kelly. He reported that the site has a long history and was once highly developed with motels and cabins. In 2004 it was proposed for redevelopment and the cottages were removed or fell apart. In 2007, the site was used as a parking lot and material was taken off site. Currently the site is a large gravel area with no trees; however, some vegetation, and pavement are at the back of the site.

Mr. Coronati stated that the proposal is a low density development with 20 units proposed on over an acre. The site meets the requirements for a sealed surface, green space with a 13 unit condo building in the front and 7 cottages,

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

parking, pool area, and four garages as part of the development. Everyone gets 2 parking spaces as well as visitor spaces. There will be a hammerhead turnaround in the rear. Further, very little of the development is within the area of the 50 foot buffer; and, in the buffer, 762 feet of asphalt will be removed. He also stated that roof storm water will be kept on site and treated. Mr. Coronati said they tried to address any comments that were given at the PRC meeting.

Also, there will be a 3 foot by 3 foot transformer between the two back cottages, provided by Unitil, and there will be a barrier so people will not park in the buffer. He stated that the buffer area will be kept natural and not mowed. Mr. Coronati said the main concern at the PRC was the 50 foot buffer, and Mr. Kelly has tried to address that in a response letter written to the Planning Board.

Mrs. Dionne noted that the 4 single garages next to the pool were not colored in on the plan. Mr. Diener questioned the impervious coverage, which is shown on Sheet C as 74% sealed.

Mr. Diener spoke to Section 1.3 of the Zoning Ordinance and Building Codes of the Town of Hampton, Expansion, Alteration, and Abandonment of Non-Conforming Uses, which states that *“Abandonment” shall be construed to include the visible or otherwise apparent intention by an owner to discontinue the use of a building or premises, or the substantial removal of the characteristic equipment or furnishings used.* He also reviewed the Impervious Surface section which states *“An impervious surface (otherwise referred to as ‘sealed surface’ or ‘lot coverage’) is any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs and, unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways parking area, and walkways”.*

Mr. Coronati questioned how one abandons asphalt as it is still a paved parking lot. Mr. Diener stated that the usage has been abandoned. It has not been removed, the intention of the owner is not to use it, but, rather, has a new plan for usage.

Mr. Kelly stated that the intent was never to abandon; that the property was permitted for another structure; and, was then taken over by the bank and used for parking. In 2011 he started negotiations, with no plans to abandon. The intent was always to develop. Mr. Kelly said he met with the State a year ago and the intent was not abandonment whereas the owner’s intent was to sell for development. The seller, he stated, was the person who financed the past developer. This lender took the land with the intention to sell for development. Further, in 2011, the parking was stopped as the bank would not allow parking on the land. He stated he was in negotiations at that time.

Mrs. Dionne said the asphalt has no purpose and the area is not large enough for much parking. Further, the back area was not used for parking.

Ms. Renaud questioned the water table. Mr. Coronati explained that two test pits were dug and the gravel was fine with six feet to the water table which was all gravel. The site is higher than the flood plain, other than the hole in the middle. With regard to elevation, he stated that the proposed finished grade will be 11 – 12, and is now 9.

Ms. Renaud also questioned how they planned to treat storm water runoff. Mr. Coronati stated the roof water goes into the stone drip edges that are 2 ½ feet, and the water is infiltrated with no run off out of the property.

Ms. Renaud said she likes the concept in that it works in creating a community; however, has difficulty with the 2 cabins at the back. Also, she could not recommend anything that would seal the buffer that close to the marsh.

Mr. Coronati provided an aerial photograph of the site, stating the site has a buffer and it will be enhanced.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

Mr. Tilton spoke to abandonment and stated, if a building is within a buffer, the ordinance allows replacement of a building; however, the developer is not replacing something that is not there. He questioned why they are asking to put buildings in the buffer. He said it is a nice plan but he will not going along with two buildings in the buffer.

Ms. Mattimore commented that buildings should not be built in the buffer in that there are no buildings there now, and there should not be any further building. The rest of the plan is promising, she commented.

Mr. Ciolfi said he does not agree with putting 2 new buildings located half in the buffer. With regard to the parking spaces for each unit, he suggested using a few of them for the two buildings proposed along the buffer.

With regard to elevations, Mr. Coronati stated all elevations are spelled out on the plans. Mr. Ciolfi stated it would be the responsibility of the association as to the inspections of storm drainage.

Mrs. Dionne commented that three of the cottages could be brought closer together which would be a way to gain space and not affect the object of the community-type set up. She also said that 74% is just below the threshold (75%), and she would like to see more green space.

Mr. McMahon stated that he likes the plan as it is not an over-intensification of the site. This is consistent with what the Planning Board is looking for at the beach.

Ms. Shaw commented that the concept is fine, but she cannot support the two cottages in the buffer zone.

Ms. Raymond stated that filling the flood plain is a problem. She likes the overall concept, but cannot support the two cottages in the buffer as she sees them as negatively impacting the buffer. She also stated that the grading plan is not complete. Mr. Coronati said if the grades are on the plan they would go straight to the property line. He pointed out spot grades flowing into the property, picking up and infiltrating. He also noted that the asphalt which is abandoned slopes into the wetlands now. Further, he suggested looking at what is in the buffer now.

Mr. Coronati stated that this site was originally approved for 50-60 condos and now 20 units are proposed with 42 parking spaces, as required. If the developer has to move the site out of the buffer, he might go back to proposing one big building with asphalt in the middle.

Mr. Kelly stated that, as a developer, he has to make money. He is proposing a community setting with low impact that reflects the vision of a New England seacoast community with open space and not just one giant building. He stated he cannot make the figures work if he eliminates the two buildings. Further, he is asking for a total of 400 additional square feet of sealed surface and, in return, Hampton is getting open space with a community feel, while improving conditions as they are today. He said there is a tradeoff.

Mr. Diener commented that if the Commission compromised with builders, there would not be a marsh. He stated he likes the concept of the plan and when the project appears at the Planning Board, they will look at the whole picture. This Commission's responsibility is what happens in the wetlands.

Mr. Tilton suggested moving parking to under the buildings. Mr. Kelly said this is cost prohibitive.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

Ms. Raymond said she likes the project, except for the two back cottages which amounts to adding right to the edge of the buffer.

PUBLIC COMMENT: There were no public comments.

Mr. Coronati stated that they will be creating an enhancement to the buffer with natural bushes such as blueberry and Rosa Ragosa which are not to be moved.

MOTION: Mr. Tilton moved not to recommend the NHDES Standard Dredge and Fill Application for the property located at 377 Ocean Boulevard due to excessive and additional impacts within the first 50' from the wetland edge.

SECOND: Ms. Renaud

VOTE: 6 in favor, 1 abstain (Diener)

MOTION: Mr. Tilton moved to recommend the Planning Board deny the Town Special Permit for the property located at 377 Ocean Boulevard, due to additional negative impact to the 50 foot buffer at the edge of the salt marsh and impact on the flood plain; and, based on Article 1.3 "Expansion, Alteration, and Abandonment of Non-Conforming Uses", in the Zoning Ordinance and Building Codes of the Town of Hampton, that the existing asphalt, with respect to the sealed surface described in the plans, is to be considered abandoned.

SECOND: Ms. Renaud

VOTE: 6 in favor, 1 abstain (Diener)

8:30 Ms. Mattimore recused herself.

8:30 Mr. Page joined the Commission.

CONTINUED APPLICATIONS.

- 1. Stowcroft/Dalton Woods. Lloyd Graves and Green & Co Agent – Jones and Beach Engineering. 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 sf of wetland impacts and 5,280 sf of buffer impacts. This is a Town Special Permit and NHDES Standard Dredge and Fill application.**

Present were: Jim Gove, Gove Environmental Services; Joe Coronati, Jones and Beach; and, Michael Green, Green & Company. Also, Michael Cuomo, RCCD; Richard Green, Green & Company; and, Attorney Stephen Ells for the developer.

Mr. Diener briefly summarized the process used to map the poorly drained soils on the site. He also reviewed the RCCD approach vs. that of Gove Environmental Services.

Mr. Gove (GES) stated he respects the work of the RCCD and wants to make it clear that RCCD does an exemplary job. He provided the Commission with a memo dated July 22, 2014, regarding very poorly drained and poorly drained soils along with a copy of the New England Hydric Soils Technical Committee meeting of April 24, 2014.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

Mr. Gove read from the memo referencing indicators and standards used by both RCCD and GES. The memo is on file with the Conservation Coordinator and a brief summary follows:

Mr. Gove provided the definitions for very poorly drained soils, poorly drained soils, and hydric soils. He stated that RCCD used the Site Specific Soil while GES used the Field Indicators of Hydric Soils in the US mapping Standards for New Hampshire and Vermont to determine the “poorly and very poorly drained soils”. He also noted that the Field Indicators of Hydric Soil in the US has replaced the Field Indicators for Identifying Hydric Soils in New England. Lastly, he stated the Standards do not agree with the current hydric soil field indicators, thus the updated hydric soil indicators take precedence over the Standards.

Using a map, he pointed out that the isolated area, indicated as a problem area, is also an agricultural area. The utilization is justifiable; however, in the wooded area that is isolated, the National Indicators should be used. He also believes that the boundary is accurate. Regarding the Vernal Pool, he stated it is a non-functional Vernal Pool; however, if it had been a wetter spring, the Vernal Pool might function. He pointed out that GES stated it was non-functioning. Mr. Gove stated he has been using the National Standards indicators since 2012.

Mr. Gove stated he located the bearings of the RCCD and does not agree with the adjustments.

Mr. Cuomo (RCCD) disagreed with Mr Gove and stated the focus should be on the area of the “proposed gravel wetland”. He felt that it is a poorly drained area by definition and is comfortable noting that it is poorly drained. He stated this is not a regulated wetland in terms of DES jurisdiction, but is still protected under the Town’s Wetland Conservation District.

Mr. Coronati stated that plans have been updated.

Mr. Tilton asked Mr. Cuomo about the Vernal Pool, noting there had been a dry spell from April to June, and whether if there had been average rainfall would the Vernal Pool function every year or two. Mr. Cuomo stated this is not a classic Vernal Pool; however, meets the NHDES definition as a Vernal Pool. He also noted that Vernal Pools are not sustaining every year.

Mr. Diener and Ms. Renaud questioned placing a created wetland over a functioning wetland. Mr. Cuomo stated it is not classified as a wetland, but, rather, a poorly drained soil area.

Ms. Raymond pointed out that, as far as the Town Special Permit is concerned, it matters that it is in the Wetlands Conservation District.

Mr. Gove stated that, with regard to the isolated area, National Indicators would not consider this as poorly drained soil. It supersedes the New England Indicator which was used to map poorly drained soils. He also noted it should not be shown on the map. The area where the testing was done showed wooden debris with lots of slash from forest operations. There was rust, but no indication that there had been a wood fall in the problem area.

Mr. Tilton asked if there is an authority that says what standards are to be used. And, which expert opinion does one take as they each have their own opinions. Mr. Diener said that DES has not commented.

Mrs. Dionne stated that the opinions are not drastically different. It appears that the applicant is willing to accept the RCCD suggestions, with the exception of the poorly drained area by the gravel wetland. The question then becomes would the Commission be comfortable with recommending a gravel wetland in this area.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

Mr. Diener stated that an accommodation has been reached on what is acceptable with the exception of the gravel wetland area. He recommended moving from the work the RCCD and GES did, and move along to other issues. Mr. Page stated that appropriate changes were made to the plan with regards to Lots 9 and 10.

Mrs. Dionne stated that a recommendation has to be provided to the Planning Board as to which delineation the Commission is going to accept.

Mr. Diener stated he had concerns when he went out to view the property in March, as it was very wet all over the field. He noted that the wetland delineation issues have been discussed, but there needs to be discussion on what impact there would be on these properties as well as neighboring properties, if developed. Further, he does not know the grades of houses to be built on these lots, how it will change, and where the water go. He questioned the potential impact to neighboring properties whether in or out of the development if the grades change. Further, he said nothing has been done to speak to the adjacent properties on the north side of the field, which may be affected if the grades change.

Mr. Diener stated that the water will continue to run from the NE corner down to the gravel wetlands only if the grades do not change. This property is wet and stays wet, not draining quickly. He questioned whether there would be a problem for potential homeowners. He also said he is not comfortable that these issues have not been addressed. Also, he is aware of drainage problems and wants to ensure the applicants will make sure it does not become worse. With regard to gravel wetland, if in an industrial area, engineers can be hired to maintain as needed. But, with a homeowners association, it is a legitimate concern that they will have the capability and finances to inspect, maintain and to know what would happen if it fails.

Ms. Raymond agrees with Mr. Diener's concerns and understands the concept that a group of homeowners, if responsible, may not be able to tell when there is a failure. Further, she noted that being on the edge of a wetland, the wetland buffer is an issue. Further, she expressed concern with the Vernal Pool and having a road/driveway/house next to the pool.

Ms. Shaw stated there are too many issues to support this plan as submitted.

Mrs. Dionne stated she would support the RCCD Report as it is not appropriate to build a gravel wetland in the area of poorly drained soils.

Mr. Ciolfi suggested moving the gravel wetland up further.

Mr. Page stated that with regard to homeowners not paying attention, they may take care of a gravel wetland and asked if there is a better way to put the gravel wetland someplace else. He asked if there is a grading plan. He also said to let it be developed, and he is in favor of the project with better management. He also suggested another way to leach water into the ground on the way down to the gravel wetland.

Ms. Raymond noted there are many more appropriate technologies to be considered.

Mr. Tilton said this is a maintenance issue and, if having a gravel wetland, it has to be in a place where it can be seen, such as near the cul-de-sac. He also stated the neighborhood should not be in charge of maintenance whether it is poorly drained soil or not. He also noted that water has to go somewhere when grades change. He stated that he is concerned with people not knowing they are responsible for maintenance.

Ms. Renaud referenced the 5000 sf lots and stated that people are going to want bigger homes with amenities with homeowners' sprawl. She commented on people being angry at this Commission because they cannot have a pool

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

or patio within the small buildable area. Further, she said that the flow of water will go down under Exeter Road and impact something down the line.

Mr. Gove explained that the proposed plantings will create a wetland mitigation area next to the Vernal Pool for purposes of maintenance. He stated that Dr. Richardson has said that plantings are more valuable than a forested area. He also noted it is important to look at the Ordinance, section 3.2.1. and questioned what function is being protected.

Mrs. Dionne read from the Intentions Section of the Ordinance.

Mr. Coronati spoke to the future maintenance of the pond and the requirement that the pond has to have a yearly inspection and a report by a professional engineer, which will be required as part of the Operations and Maintenance (O & M) Manual.

Ms. Shaw said this would be creating a burden on the Town to make sure this is done, including getting all reports in on a timely basis.

Ms. Raymond stated that the maintenance is a piece of the project, but the biggest concern for her is the location. She said the issue is in the buffer and, if out of sight when it fails, it is too late.

Mr. Coronati stated that with the design and spillway, the use of a gravel wetland is a good one. He noted that a culvert, manhole, and a riprap overflow has been added to allow draining out through the riprap. The Town has Regulations which limit ponds. Mr. Coronati stated the option of a wet pond was considered; however, gravel was chosen because it is in the buffer. Plantings would be around the berm and around the gravel wetland itself which will be an enhancement. He also noted that the Board recommended the Special Permit the first time.

Mr. Coronati also stated that the site is uniform as the stormwater would be heading west, sloping down to the gravel wetland. He also noted that water drains down from Fieldstone Circle, and they are draining on this property.

Mr. Diener commented that the catch basin is 5 – 6 feet from the Vernal Pool and asked if the grading on each house lot will cause that to change.

Ms. Raymond commented that water running off the lot cannot be increased and that water leaves at a faster rate over impervious surfaces. Further, any site requires a Stormwater Management Plan.

PUBLIC COMMENT:

Mary Louise Woolsey, 148 Little River Road, stated that not every property is suitable to be built on, and she hears many complaints about water and drainage. People talk about conserving land and the marsh etc, yet there is continued building which impacts the lives of existing neighborhoods. She said it is a quality of life and financial issue and once there is building, one cannot go back. Protecting existing property owners from damage is the obligation of a community. There is no right to allow building in one area that will impact those already there. Existing property owners take precedence and some areas should never be built. Wetlands are a top priority. The Board of Selectmen has no responsibility for maintaining drainage issues. She questioned who is going to do yearly inspections and who is going to pay.

The Conservation Commission, Planning Board, and Town have critical decisions to make. She suggested taking a heartfelt look and give serious thought and understand the potential impact to the future.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

Steven Ells, Attorney for Green and Company, stated that there are property rights; that the Graves owned the 13 acres for many years and have rights to use their property. He noted that there have been some subdivisions put in that have created problems. The standard of review is not like 40 years ago as there are now many review levels, including the state and federal. All landowners have a right to develop their properties by the rules and regulations. He said it is interesting that at the first hearing, in February, the Commission was in favor; however, there has been opposition from the abutters, who do have a right to have their say. However, looking at the wetlands, the engineers have agreed where the line is and there is substantial consensus. He also stated he is not sure where the Commission had a change of heart; that the permitting process is extraordinary; that the Conservation Commission has a limited role; and, this is a Planning Board function. He noted the Commission has come 180 degrees from their original decision.

Mr. Diener stated that the Commission has tried to balance the property owners' rights and this property cannot be used if there is a potential to harm other people. With regard to the gravel wetland, he said that part of the Commission's responsibility is to ensure the drainage feature will be maintained, the property is inspected and maintained; and, it is not a question of not trusting people, but a question of being realistic and ensuring the requirements are being met. Further, he noted situations when requirements are not being met and, having been burnt, is why he may seem cynical. The Commission asked to take another look at this proposed development after February because of a different wetlands delineation that surfaced, because a second visit to the site when it was not snow-covered revealed drainage issues not seen previously, and because the Town has made firm its position about not taking back-up responsibility for drainage features on private property.

Ms. Marcia Curtis of 6 Fieldstone Circle, speaking for residents of the Stowecroft, Westridge, and Fieldstone Circle neighborhoods read from a letter which is on file with the Conservation Coordinator.

The letter had questions in regards to the new plan submitted by Jones and Beach including:
Why the isolated poorly drained soil area identified by RCCD in the southeast corner does not appear on the newest plan by Jones and Beach and can the new area be added to the plan; and, explanation on how the pond can expect to function if the water level in the area is already high. Further they ask that the areas defined in items 4, 5, and 6 of the RCCD letter be clearly shown on the plan. They also asked that item 6 be identified more clearly. With regards to the Vernal Pool, they believe it is functional and active and asked why a more thorough review and inspection is not done to determine the true boundary.

Louise Doulet, 34 Stowecroft Drive, stated that the major concern are the swales and asked the Commission to give the neighborhood a 100% guarantee there will be no water damage to any properties. She also noted a concern with blasting, and if there is water under the ground, where will it go. She also questioned where the money will come from for the inspections.

Richard Green, Green & Company, stated that there are subdivisions that have wetlands and homeowners have a manual with rules, inspections will be done every year, and every time there is some sort of a drainage structure. He said that drainage and flow of water has been inspected by the Town's engineer. Further, they have gone to great lengths in this process.

Ralph Tapia, 29 Fieldstone Circle, commented that the water from Fieldstone Circle drains into this area and can look out the window and see the water going down the hill and into the wetlands, or near #27. Homes have had water in their basements. He said the Town has backed out of their responsibility and that people will ignore the yearly inspections. He stated that the solution is to have Green & Co. responsible, making sure reports are filed.

Mrs. Raymond stated that she is not sure the gravel wetland is in the appropriate location or the proper stormwater management plan is in place. She also is concerned with the location in the buffer and would like to see the

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

management more decentralized. Furthermore, small drainage devices make for more manageable systems and are easier to maintain and less costly. Also, she is uncomfortable with the project

Mr. Ciolfi commented that gravel has more maintenance than a wet pond.

Mr. Page said a catch basin cannot be used in this setting. He also said people have a right to build and if the water is managed correctly, it would not destroy a neighborhood.

Mr. Diener stated that having the road so close to the vernal pool will effectively destroy the pool. Mr. Coronati stated he looked at the layout of the road to be further from the vernal pool and drew a plan which would not meet design or safety requirements.

MOTION: Mr. Tilton moved not to recommend the NHDES Standard Dredge and Fill application for Stowcroft/Dalton Woods as the proposed gravel wetland is too close to the natural wetland and damage would ensue.

SECOND: Ms. Raymond

VOTE: 4 in favor, 0 opposed, 3 abstain (Diener, Page, and Renaud)

MOTION: Ms. Raymond moved to recommend the Planning Board deny the Town Special Permit for Stowcroft/Dalton Woods due to the impact on the buffer by the gravel wetland and due to concerns that the gravel wetlands will be the sole system for stormwater management which has a high risk of failure and impacts the nearby wetlands. Further, concerns about the Vernal Pool and encroachment to development around the Vernal Pool, as well as overall concerns about development of the 13 lots, grading issues, and the impact on the overall site stormwater management.

SECOND: Ms. Shaw

VOTE: 5 in favor, 0 opposed, 2 abstain (Renaud and Page)

MOTION: It was moved by Mr. Tilton to accept the findings of the Rockingham County Conservation District (RCCD) Plan, as submitted on May 23, 2014, with site visit on May 19, 2014 which was attended by Leonard Lord, RCCD, Michael Cuomo, RCCD, James Gove, Gove Environmental Services; Mark West, West Environmental Services; Michael Green, Green & Co., and Conservation Coordinator, Rayann Dionne.

SECOND: Ms. Raymond

VOTE: 7 in favor, 0 opposed, 0 abstain

Ms. Renaud left the meeting at 10:45 p.m.

Ms. Mattimore returned, serving as Alternate.

OLD BUSINESS: To be discussed at the August meeting.

- a. 2015 Warrant Articles
- b. Open Space Committee
- c. Eco/Green tips
- d. Green Infrastructure Subcommittee

CONSERVATION COORDINATOR AND CHAIR UPDATE:

Mr. Diener reported that he had discussed and confirmed with the Town Attorney that the following matter may be discussed and voted upon at this meeting without it being on tonight's Agenda.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 22, 2014**

1042 Ocean Boulevard

Mr. Diener reported that the Commission was requested to sign off on a Certificate of Occupancy for 1042 Ocean Boulevard. The Special Permit for the property included both the seawall and work above the seawall work. The Selectmen are requiring the property owner build the seawall according to the specifications that were approved. The work cannot be done until September. This is a tear down and replace project. The property owners asked that the Special Permit be “split” with the work that has been done above the seawall inspected and, if meeting the specifications, Ms. Dionne could sign the Certificate. The Selectmen are taking responsibility for the seawall in that another as-built has to be prepared and an additional inspection made.

Mr. Page stated that the property owners have ignored the specifications and have done what they wanted to do, not necessarily according to the approved plans. The Planning Board reviewed and sent this application to the Selectmen.

Mrs. Dionne stated that nearly the entire seawall is on Town property. Ms. Raymond said she is not in favor of splitting the Special Permit. A Certificate of Occupancy is confirming that all the Special Permit conditions have been met, she stated. Mr. Diener stated that one has to look at the best interests of the Town .

MOTION: Mr. Page moved that the Conservation Commission deny the Special Permit split and deny authorization for the Conservation Coordinator to sign the Certificate of Occupancy for the property located at 1042 Ocean Boulevard unless all terms and stipulations of the Special Permit have been met.

SECOND: Ms. Raymond

VOTE: 6 in favor, 1 abstain (Diener)

Resignation of Ellen Goethel:

Mr. Diener reported that Ellen Goethel will be resigning from the Conservation Commission. He said the Board of Selectmen will be recognizing her service to the Commission at their August 11, 2014 meeting. He asked that members who are available attend the meeting.

TREASURER’s REPORT. Ms. Renaud provided a copy of the Quarterly Report to the Commission which will be discussed at the August meeting.

ADJOURNMENT:

MOTION: Mr. Tilton moved to adjourn the meeting at 11:02 p.m.

SECOND: Ms. Raymond

VOTE: 7 in Favor, 0 opposed

The meeting was adjourned at 11:02 p.m.

The next Conservation Commission Public Hearing will be held on AUGUST 26, 2014.

**Respectfully Submitted,
Anne Marchand , Recorder**