

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
FEBRUARY 3, 2015
MINUTES**

PRESENT:

Jay Diener, Chair
Peter Tilton, Vice Chair
Diane Shaw
Sharon Raymond
Pat Swank, Alternate
Nathan Page, Alternate

Absent: Mr. Vinther and Ms. Renaud
Also Present: Rayann Dionne, Conservation Coordinator
Fran McMahon – Planning Board Representative
Mary-Louise Woolsey - Selectmen Representative

CALL TO ORDER:

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

CONSIDERATION OF MINUTES:

MOTION: Mr. Tilton moved to approve the December 18, 2014 minutes, as edited

SECOND: Ms. Shaw

VOTE: 5 in Favor, 1 Abstain (Mr. Diener)

MOTION PASSED

APPOINTMENTS:

1. Chet Riley – Discussion of potential conservation easement or land purchase north of Route 101 and North Hampton.

Mr. Riley of 641 Exeter Road, Hampton, stated he is before the Commission this evening as he is would like the Commission to take an interest in some parcels of land on the west end of town. He said he does not expect action this evening, but fostering an interest in protecting the land. The parcels extends from Route 111 to Route 95. He provided photographs showing the wetland and wildlife area. He reviewed the history of the parcel, noting that when the expressway came in and it was changed from Route 51 to Route 101, the land was split from owners and people were cut off from the land. The land on the north side was sold to various people. He provided a list of people who are owners of the north side pieces. Further, in the 1980’s the Wheelabrator Company proposed to build an incinerator there. Residents turned down the Zoning Amendment in 1988. Further, two lot owners on the western end wanted it rezoned from residential to industrial in 2001. The rezoning went on the Warrant and the Town voters voted in favor of the rezoning.

He noted that the maps show many of the parcels as poorly or very poorly drained soil and the middle section as the Great Swamp. He also noted that the North Hampton dump is part of the Great Swamp. The eastern portion is higher, but landlocked by route 101, 95 and 111 and the North Hampton line to the north. He pointed out this is not an ideal place for industrial development. Also, the GIS map shows some of the parcels as already owned by the towns of Hampton and North Hampton and so are “protected land”. Mr.

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Riley questioned if there is interest in pursuing this further and asked direction as to where to go next. He does not want this done improperly. He stated there is a high level of wildlife and behind the industrial park is the headwaters of the Winnicut River.

Mrs. Dionne stated there should be an understanding of priority parcels and, a recent data base search identified this area as a large tract worth protecting. Mrs. Dionne filtered the database for those parcels of more than five acres and sorting the list by people who do not live in Hampton.

Mr. Diener reported that the Southeast Land Trust ranks this parcel high as a wildlife habitat and it was suggested going to their management to introduce a project. Mr. Tilton stated the lot does not have development possibilities and that should get "people talking".

Mr. Riley reported, on question by Mr. Page, about the size of those parcel that have frontage of Route 111, that the one parcel is 6 acres, the other is 7 acres.

Ms. Raymond stated that just because it is zoned industrial does not mean it is buildable and the opportunity to develop is not there.

Mr. Diener asked the Commission if there is an interest in pursuing. The Commission reached a consensus that there is an interest and recommended Mrs. Dionne continue to work with Mr. Riley.

Ms. Woolsey thanked Mr. Riley for his persistence in this matter. Mr. Riley stated he is willing to do research and help out however he can.

Mr. Riley concluded by speaking to House Bill 208 regarding withdrawal from the RGGI. Mr. Riley will provide additional information to the Commission via Mrs. Dionne.

2. UNITIL. Nick Golon and Nathan Sherwood. Discussion of the easement location along Church Street.

Mr. Golon of TF Moran Inc. and Jake Gossling, UNITIL, were present to explain a change in the previous presentation by UNITIL on October 28, 2014 regarding relocation of UNITIL's existing overhead electrical service line 3353 from the 100' UNITIL ROW in the Hampton saltmarsh complex to the NHDOT ROW along Route 101E. The Commission, at that meeting, voted not to oppose the NHDES Standard Dredge and Fill Application and also voted in favor to recommend the Planning Board approve the Special Permit with stipulations.

Mr. Golon stated that, at the previous meeting in October, he would return to the Commission should any changes become necessary. He stated that there have been complications with the second service line with the spacing of poles and reliability of service. The easement location which was originally presented as 100', is now to be 50'. This is a change in route that does not require crossing to the other side of the tidal march and, further, a boat will not have to be used.

He stated he would like approval and comments by the Commission prior to going before the Board of Selectmen with regard to the easement request. He also commented that the land will go back to the Town if it is not used by UNITIL. He also explained, on question of Mr. Tilton, that the 3353 line will be moved by helicopters with one of the two lines being removed and the second line located closer to Route 101.

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Mr. Diener commented that UNITIL is here as an appointment; therefore, cannot make recommendations to another Board. Mr. Page stated that UNITIL will have to be consistent with the procedures laid out in the prior approval. Mr. Golon stated they are not asking for modification of the permit in that both options were explained at the earlier meeting and they are before the Commission this evening to explain the change of option which will cause a lesser impact. Mr. Golon also stated that construction is weather dependent and all approvals have been granted including the Army Corps of Engineers.

Mrs. Dionne stated that the Town Manager has requested the Town Attorney to look into the matter of whether or not the Commission has the authority to recommend an easement for another entity on a property it owns. Further, the Deed is in the name of the Conservation Commission.

Mr. Tilton stated he is not in opposition.

Mr. Diener stated that the Commission could create a recommendation to the Board of Selectmen which would be held until an answer is provided from the Town Attorney as to whether the Commission can comment on an easement on property owned by the Conservation Commission. The Selectmen will make the ultimate decision.

MOTION: Mr. Tilton moved, pending authorization by the Town Attorney, to accept the recommendation to relocate the easement as proposed on the Plan dated 1/26/15 and to forward the recommendation to the Board of Selectmen with the stipulation that the final stamped plans are to be provided to the Board of Selectmen.

SECOND: Ms. Raymond

VOTE: 5 in Favor, 1 Abstain (Mr. Diener)

MOTION PASSED

NEW APPLICATIONS:

- 1. 1030 Ocean Boulevard – Norino and Joanne Mirra. Agent – Steven Riker of Ambit Engineering. Redevelopment of the site with 204 sq. ft. of permanent impact and 3,139 sq. ft. of temporary impact in 50’ buffer. Repair/replace the existing revetment. This is a town Special Permit and NHDES Expedited Minimum Impact application.**

Mr. Riker of Ambit Engineering and Robbie Woodburn, Landscape Architect, were present for the meeting. Mr. Riker explained that the existing house and garage on the property will be torn down and rebuilt. The existing detached garage and revetment are in bad shape. With regard to the walkway from the driveway on the southern side, the walkway will be a combination of pervious pavers and stone steps, and to the rear there will be a pervious paver patio with a small portion covered with a wood floor deck.

Further, the revetment would be repaired and replaced as shown on the C5 Plan. The work plan shows the work on the revetment. The existing stone will be utilized in the revetment rebuild, but the slope will be returned to what was originally there, with the top sloping downward. The lawn and house now there are curving toward the front. He noted that edits have been made to the plans; that the only fertilizer used will be that allowed by Shoreland; and 24” x 24” stone blocks will be placed at the top of the revetment, as a cap stone.

Mr. Diener questioned whether the wall will tie in with the walls next to it and be consistent. Mr. Ricker said that the existing wall is sloped and will adjoin the abutting walls.

Ms. Raymond questioned whether the stairs will integrate into the wall, and Mr. Page stated he would like the detail to see how the stairs are integrated and have this imposed as a stipulation.

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Ms. Woolsey questioned the railings; however, it was noted this is a Planning Board and/or Board of Selectmen responsibility.

Mr. Diener questioned the grading in light of FEMA regulations, and Mr. Riker stated that the areas around the house will not change and will tie into the existing grade. Mr. McMahon asked about the material abutting the State highway and would the State allow abutting with granite pavers. Ms. Woodburn said she would check with DOT.

Ms. Swank asked what caused the change in the impervious surface, and Mr. Riker stated that it was the top of the revetment which is a small area. Further the stone edge will be 18 inches high and sunk into the ground with the revetment meeting it as it provides something solid at the top.

The Commission agreed that the plan is incomplete in that details need to be provided for the curved stairs and a cross section of how they will be integrated into the wall. Height measurements are also requested.

The application for the redevelopment of the site at 1030 Ocean Boulevard will be CONTINUED to the February 24, 2015 meeting of the Conservation Commission to review the details as requested above.

NEW BUSINESS:

- a. Mrs. Dionne spoke about possible projects for 2015. She searched the assessing database and identified areas that may be worth pursuing including that section on the north side of 101 consisting of 100 acres that could be preserved. Further, there are 73 acres in Twelve Shares; and about 100 acres of parcels which are owned by people not living in Hampton. She also commented on the 72 acre parcel west of Hurd Farm. She will continue to work on this project and report to the Commission.
- b. Mr. Diener reported that Mrs. Dionne and Ms. Swank are putting a program together in order to install rain gardens at private residences as well as businesses. He said that DES has a program called "Soak up the Rain". This program will provide expertise, labor, support, and perhaps funding for materials. Mr. Diener will be going to the Board of Selectmen to seek approval to accept in kind or cash contributions toward the program. It is possible that DES may provide up to \$8500 in labor, materials and/or funding toward the program.
- c. Mr. Diener and Mrs. Dionne spoke about the Dune Restoration Project being conducted by the UNH Cooperative Extension. They are looking to restore the dunes on the harbor side of the bridge (west side), as well as some at the State Park. It is expected they will look into planting a beach grass garden to harvest for the restoration program. This is a 2015-2016 project.
- d. Mrs. Dionne provided the Commission with a quote and invoice from Infinite Imaging for five 12" x 18" signs as well as single sided circular signs in varying quantities. The Board of Selectmen has approved posting the 12" x 18" signs at designated points.

MOTION: Mr. Page moved to purchase 500 single sided Wetlands Buffer discs – 5" in diameter, including the prep and purchase of five single sided 12" x 18" signs as designed and

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approved by the Coordinator. The charge to purchasers of the discs will be rounded up to the next dollar above our cost. **MOTION PASSED**

SECOND: Ms. Raymond

VOTE: 5 in favor, 1 abstain (Diener)

- e. Mr. Diener reported that \$120.00 was taken from the proposed Budget by the Budget Committee. The amount was for the Recorder's pay increase. There was an amendment at the Deliberative Session to restore the budget which was approved, so the budget, is once again, whole. The \$120 remains in the proposed budget that will go to the voters on March 10.
- f. Mr. Diener reported that his wife (Carolyn Fetter) is developing a Web Site which lists the Warrant Articles. This will include what people have said in favor and in opposition of each Article.
- g. The Ice Pond Warrant Article will appear on the Ballot. However, Mr. Diener noted that both the Board of Selectmen and the Budget Committee were unanimous in their opposition to the article. A Web Site is also being developed for the Ice Pond Article. Mrs. Dionne reported she has spoken with Stevens Associates, the engineers for the project and they said that recent project estimates are increasing. The original estimate was \$130,000 and now it could be as much as \$165,000.
- h. How to act on appointments – vote versus consensus. Appointments are advisory and do not require votes. With regard to a past Agenda Appointment, the applicant is appealing the Conservation Commission's decision about whether a Special Permit would be required for the property in that it involves wetlands. There was no proof or consensus that the property does not have wetlands. Mr. Diener stated he is comfortable not having to take a vote on an appointment. He further questioned whether, procedurally, should there be a vote or a consensus of the Commission.

Mrs. Dionne referenced the Unitil presentation tonight and said if the applicant has come before the Commission, the second appearance would be a "re-discussion".

Mr. Tilton suggested taking a vote if someone feels strongly, and if people are just looking for advice, the Commission can provide a consensus.

CONSERVATION COORDINATOR AND CHAIR UPDATE.

Mr. Diener stated that some people have questioned how the Land Acquisition Fund can be used for other projects, i.e. the Ice Pond Dam repairs. Discussion was held on the title of the Fund as it may be misleading. The Statute stated that the Fund may be used for maintenance as well as acquisition.

Consensus was reached that the title will be amended to be The Conservation Land Fund in order to avoid any confusion.

Mr. Diener reported that next month (March) there will be an election of officers. Those to be elected are the Chair, Vice Chair and Clerk. Also, the terms of the members listed below will be expiring. Mr. Diener requested those who wish to be reappointed speak with Mrs. Dionne who will then prepare a letter to the Board of Selectmen requesting reappointments. Those whose terms are expiring are Ms. Raymond, Mr. Diener, Mr. Vinther, Mr. Page, Mr. Cioffi, and Mr. O'Connor.

Mrs. Dionne reported that the Library informed her they have a limited amount of contact information for the Conservation Commission members. She will provide them with updates.

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Mr. McMahon and Ms. Woolsey left the meeting at 8:50 p.m.

On MOTION of Mr. Page, SECONDED by Ms. Raymond, the Hampton Conservation Commission voted by ROLL CALL: In Favor: Mr. Tilton, Mr. Page, Ms. Raymond, Mr. Diener, Ms. Shaw, and Ms. Swank, 0 Opposed to enter into a Non-Public Meeting under Chapter RSA 91 A:3. II (d).

The Conservation Commission Public Hearing was suspended to enter into a Non-Public Meeting at 8:52 p.m.

The Conservation Commission's Non-Public Meeting was adjourned to return to the Public Hearing at 9:10 pm.

The next regularly scheduled Public Hearing of the Conservation Commission will take place on FEBRUARY 24, 2015.

MOTION TO ADJOURN: It was moved by Mr. Tilton to adjourn the meeting at 9:15 p.m.

SECOND: Ms. Raymond

VOTE: 6 in Favor, 0 Opposed, 0 Abstain

MOTION PASSED

Respectfully Submitted:
Anne Marchand, Recorder