

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
JULY 28, 2015
DRAFT MINUTES

PRESENT:

Jay Diener, Chair
Peter Tilton, Vice Chair
Barbara Renaud, Clerk
Diane Shaw
Gordon Vinther
Pat Swank

Also Present: Rayann Dionne - Conservation Coordinator
Mary-Louise Woolsey - Selectmen Representative
Frank McMahon – Planning Board Representative

I) 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.

II) REVIEW OF MINUTES:

MOTION: It was moved by Mr. Tilton to approve the June 23, 2015 Minutes.

SECONDED: Ms. Renaud

VOTE: 4 in favor, 2 abstained (Mr. Diener and Ms. Shaw)

MOTION PASSED

III) APPOINTMENTS:

1) Batchelder Pond, SAU 90. Agent – Keith Lessard. Restoration of 180 linear ft. of shoreline.

Mr. Keith Lessard was present and representing SAU 90 school district. Mr. Lessard presented the board with several photos of the area and discussed the goal of working to stop the shore line erosion. The photo depicted the area of most concern along the shoreline closest to the edge of Towle Farm Rd road and where the erosion is taking place. Mr. Lessard also discussed that animals are digging at the end of the embankment and contributing to the erosion problem. The proposal from Mr. Lessard is to restore 180 linear feet of shoreline by using BioLogs. He explained that the coconut logs will be secured to the ground with wooden stakes. Mr. Lessard also proposes to replant the edge of the shore line with three species of plants, including Fox Sedge, Painted Broom Sedge and Iris Versicolor. He will put down some soil and hydroseed the eroded area in September. Mr. Lessard is looking for some guidance from The Conservation Commission and what is the next step to proceed.

Mr. McMahon inquired what a coconut log is. Mr. Lessard stated that it is biodegradable. It is permanent, but rots away and becomes part of the soil. His hope is that the plantings will

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continue to grow along edge in the attempt to secure the shoreline. Mr. Lessard mentions a large problem is people feeding the ducks and the ground is becoming packed down. Also, the animals are undermining the soils along the edge while they consume the vegetation. Mr. Lessard states that 3 or 4 feet of lost shoreline has been lost in the past couple of years. Mrs. Dionne explained that the plants will not grow very tall and will not affect shoreline access for activities such as fishing. Also, Mr. Lessard points out they may put a flat rock at the edge for kids to stand on and fish. The goal is not to hinder people using the pond, rather preserve the shoreline for the future. Ms. Renaud clarifies that it is the right side of the culvert, the dam on the Exeter Road side. Mr. Diener would like to know what the next steps are. Mrs. Dionne reminds the Commission that Mr. Lessard does not need a NHDES Wetlands permit as long as he keeps the Conservation Commission oversees the projects. The consensus of the Commission was that they are in support of this project. Mr. Lessard thanks the Commission, and he will stay in touch.

2) 419 Ocean Blvd. J Hunter Properties, LLC Agent – Tony Fallon Architecture. Removal of three cottages within the 50’ buffer with future redevelopment of the properties beyond the 50’ buffer.

Attending the meeting are Tony Fallon, Architect, as well as Owners Jessica Lapa & Elliot Beals. Mr. Fallon begins by discussing the re-development of part of the property, which includes updates to smaller buildings on the lot. The existing home and office towards the rear they may redevelop in the future. Mr. Fallon informs the Commission the homeowners are looking at the possibility of buying some adjacent properties and combining the lots. He discusses the three older cottages in the back of the property that are in disrepair. The request of Mr. Fallon and the homeowners is to “bank” the impervious surface associated with the three cottages, a shed and deck for the future consideration (within the next two or three years) when they hope to purchase another lot and expand their project area. Mr. Fallon supplies the Commission with a Plan of impervious coverage to be removed from the property. The impervious removal proposed is 228 square feet for each of three cottages, the 144 square feet of the recently removed deck from the house and 125 square feet for the shed, totaling 953 total square feet. Their request is to bank the three cottages and the deck removed and a shed, take them down, and add parking with crushed stone. Then in the 2 to 3 years return to the Commission with a proposal to redo this lot. Elliot Beals has a purchase & sales for 5 units, and working on another 3 units. Hoping to take both parcels and combine as 1.

Mr. Diener understands the cottages are in bad shape. He is concerned there is no delineation of the wetlands. The cottages are grandfathered meaning the foot prints can be maintained. If they are in the wetlands buffer and they want to re-build in the future, he feels it would have to be in the same footprint. He also states the Commission has never in the past “banked” parcels or square footages to be banked in the future. Mr. Diener is uncomfortable with not knowing where or when or how the land it is to be used. Without seeing a plan, Mr. Diener is very reluctant to support banking impervious surface square footages for some undetermined time frame. He suggests when demoing the cottages the owners keep the

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pillars in place and possibly the floor. Then when they are ready, come back to the Commission with a plan.

Mr. Tilton is somewhat opened to the idea if it is specified that it is going to be a contiguous property. When the wetlands are delineated, then we will know what they will trade. We should document what is there and the square footage now for future plans.

Mr. Vinther agrees with both Mr. Diener and Mr. Tilton. He understands, however, it is a safety issue the owners are most concerned about addressing as opposed to waiting until their plans are fully developed.. Mr. Diener suggests leaving the posts there, and Mr. Vinther agrees this is a good solution.

Mr. McMahon states his perspective is different, and he can't comment until there is a more detailed and specific plan. Ms. Renaud is looking for feedback. She agrees with Mr. Vinther with the safety issue concerns. She would prefer to see the shed and the cottages gone and have it well documented. It is stated that 953 square feet will be removed. When looking for mitigation, the Commission asks for a 3 to 1 ratio. Banking will not gain a lot. Also if used as mitigation, we ask that it remain in its natural vegetated state. So if you're increasing parking it will not work. Even if the demolition is well documented, Boards change over time, so there would have to be some sort of a time limit. Permits are good for 2 years, so trying to go beyond that is pushing it. Mrs. Dionne discusses a zoning section that talks about abandonment, so if you take it down and don't use it within 2 years, you cannot claim it anymore. She feels it would be worthwhile to have a conversation with NHDES and inquire whether they are comfortable with the banking request. Their jurisdiction extends 250 ft from the wetland's edge. Typically they like to keep the footprint intact, as Mr. Diener had suggested, keeping a couple of feet for the footings of the cottages. If the Commission is okay with it, NHDES needs to be as well.

Ms. Shaw expresses this is a catch 22 without the wetlands delineations. Banking, what will transpire between now & future with FEMA etc. is complicated. Ms. Shaw is ok with a visible footprint that cannot be changed. Emptying it out and possible usage for something else in the future she is not comfortable with. Ms. Swank states concern with the wording of banking. She prefers the idea of documenting in the minutes that the cottages were a particular size, but banking is an odd term to use and documenting would be a better record. Mr. Tilton explains that documenting is better so they are not penalized. The Commission is not promising anything, but documenting everything.

Mr. Fallon explained that the owners' intent is not to redevelop where the three cottages currently are, but towards the ocean. Everything to left of the cottages on the plan towards Boars Head is all salt marsh, so that is wet there. He wants it in the records so it can be bought forward with documentation in the future.

Mrs. Lapa discussed taking the buildings down and replacing with a three family home where the office and house are. The building department has stated they will lose those units. The owners request and goal is to receive credit for the units that were there. Ms. Renaud explains that is not the decision of this Commission. Mr. Diener continues that from a conservation standpoint, it is where the cottages are, what is the square footage. If you want

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to rebuild something in that same footprint the Commission would consider grandfathering. However, if you want to do something different, we are not in a position to tell you at this stage of the game whether it going to be approved.

Mrs. Dionne s asked the Commission how they would feel about expansion of the gravel parking area at the rear of the property where the cottages are located by 953 square feet? They would be using the proposed “banked” of impervious surface in a different way than it is currently used on-site. Mr. Diener explains traditionally in a buffer, the Conservation Commission will allow the homeowner to rebuild in the same footprint. He goes on to say speaking as myself, I do not feel comfortable saying someone can take that footprint and do something different. Mr. Tilton goes on to say that the Commission has done this before in other areas, where a homeowner has expanded a deck, but then taken out a shed. In theory this is something we have done before. Mr. Diener is very uncomfortable saying yes or no to any potential scenarios without a plan. Mr. Tilton is not saying yes or no but he is keeping an opened mind.

Mrs. Dionne suggests if they want to use the 953 square feet in the future, then they maintain the footings for the future. Mr. Tilton would prefer proof versus hearsay.

Mr. Fallon and the owners are comfortable with that and at this time are not asking for anything more. Mrs. Dionne suggest that they prepare a packet with some photos and noting square feet etc. that would suffice as documentation. She asks the Commission if this discussion is their response or are they generating a more formal letter. Mr. Diener says it will in the record and in the minutes. Ms. Renaud suggests having it documented in the minutes and also requests aerial photos.

IV) APPLICATIONS:

1) 263 Drakeside Rd.

Town Wetland Permit

Owner – Vale Drakeside LLC and Asset Title Holding Inc.

Agent – Chinburg Builders Inc. and Jones and Beach Engineering, Inc.

10-unit condominium development with the removal of existing asphalt and installation of a woodchip walking path.

Mrs. Dionne announces that this application will be continued. The PRC (Plan Review Committee) review is still ongoing.

2) 155, 165, and 175 Island Path

Town Wetland Permit

Owner – Aaron Brown, Robert Dudely and Peter Martin

Agent – Jones and Beach Engineering, Inc.

Complete mitigation work on 155, 165, and 175 Island Path and construct a duplex on 155 Island Path.

Aaron Brown, owner of an approved subdivided lot known as 155 Island Path appears before the Commission with authorization to speak on behalf of owner Robert Dudley of 165 Island Path and owner Peter Martin of 175 Island Path. Mr. Brown notes his special permit with NHDES went into effect 2.5 years ago. He continues to further discuss that he has spent

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about 2 years under appeal for a cease and desist order by an abutter, Mr. Berlanger. The appeal was finalized by the Wetland Council, and now Mr. Brown has an active NHDES Wetlands permit but the Town Wetland permit has expired. He is here tonight to get a new Town Wetlands permit. Mr. Brown shared that the plastic liner needed to be removed, as well as a controversial stone wall. As their part, they agreed to not begin construction on lot 155 until the mitigation on lots 155, 165 and 175 is complete. The majority of the remaining mitigation work is at 175 Island Path. Grass, substantial plantings, paving, etc.

Mr. Brown relays to the Commission a few questions on behalf of Peter Martin, owner of 175 Island Path. The first question was in regards to the plan showing three cedar posts marking the wetlands buffer, essentially at the line along the peninsula scaled is about 50' or little more. Peter feels it is too small of a space for three cedar posts. Also on Peter Martins property, the plantings that are depicted, he is asking for clarification that when the plantings are done, can he have walking paths so he can access the land by foot. Lastly, the stone wall needs to be capped on each end where the large section of wall was removed. The plans shows each end with a 4x4x5 stone planter. Is there a possibility to make that a low end profile because Owner does not want high pillars that will interfere/distract from with the view. Mr. Brown further discusses that the Commission formerly asked we moved the sewer line, we previous agreed to move it and we still agree to move it.

Mr. Diener thanks Mr. Brown. He goes on to say that with concern to wetland buffer markers, and planters, we recommend people come in with a planting plan for Mrs. Dionne to review and approve. Mrs. Dionne noted as we discussed at the site, the buffer is not off limits, it can be walked through, but just cannot be mowed on a regular basis. It seems reasonable that plants could be arranged to provide a walking area. Mr. Tilton remarks that the caps are to make the edge of the wetlands visible. Mr. Diener adds they also correspond as a buffer edge. Mr. Brown would like to end it along the wall and keep it the same height, maybe a couple of feet high, not 4 feet high. Mr. Tilton recommends installing at the very end put a granite post with a wetland marker on it. Mrs. Dionne suggests maybe 3 feet high. Mr. Brown is concerned with the esthetics for the homeowner as he has to live there. Does not want to disrupt the view and also have something match the wall. Mr. Diener likes the granite post as does Mr. Tilton and Mr. Vinther to mark the end of the wall. Mr. Brown's concerned with how to anchor it and cap it. Mr. Diener suggest they set the granite post in the ground high enough for a marker. Mrs. Dionne further suggests securing a granite cube at the top of the post. Mr. Tilton remarks something that is not liable to get broken off. Mrs. Dionne suggests Mr. Brown come up with several different options and Mr. Tilton adds it should be something that will last and serve the purpose.

Mr. Diener discusses the overall plan is to do what you planned under the last permit. Mr. Brown states the only thing that has changed is that I am the sole owner of the duplex lot and the other gentlemen own 165 & 175. The plans have not changed. Mr. Diener goes on to say that the wetlands permit stated that the mitigation must be complete prior to any construction and building started. Mr. Brown requests to have both the mitigation and the building of the duplex to run concurrently. Mr. Diener explains that needs to be discussed with the Planning Board as well. Mr. McMahon of the Planning Board replies that mitigation needs to be completed first as was stated in the January 2013 decision. He states that the Planning Board's position is clear and the mitigation needs to be done first.

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Mrs. Dionne reviews that the first year was to do the mitigation, the second year the building was to start at 155 Island Path. Mr. Brown reminds the board that he could not operate with appeals by the abutter. The Planning Board was not willing to extend the permit. Mr. Brown replies that last fall he did ask for an extension on the Wetlands Permit and was denied. Mrs. Dionne confirms she did go before the Planning Board and they did not extend the permit only the mitigation time period. Ms. Woolsey replies that this is rather a unique situation and inquires who created the problem requiring the mitigation. Mr. Diener responds that the applicant had taken responsibility so that becomes a moot point.

Mr. Tilton is sympathetic to Mr. Brown's problem, but he also asks the question what happens if construction begins and the mitigation problem has not been taken care of, what is to stop the problem for not being addressed. Mr. Diener & Mrs. Dionne concur that an occupancy permit (C/O) should not be permitted until all the mitigation is complete.

Mr. McMahon states they have been through this several times, noting a 2007 permit expired in 2009, and Mr. Brown did not come back in until 2012. He clearly states the mitigation needs to be completed. Mr. Tilton is concerned with a C/O being issued without mitigation being complete. He suggests holding up construction until this problem has been solved.

Ms. Renaud asks Mr. Brown what has been done and not done thus far. He replies he has taken down the large section of stonewall. They have removed 80 percent of the plastic from under the crushed stone. They have pulled up asphalt installed by the former owner Mr. Hangen in front of the garage area at 165 Island Path. What is left to be done is mostly on Peter Martin's property, removing asphalt, putting impervious pavers, grass and the plantings along the peninsula. Percentage wise, he is not sure. The stonewall was the biggest controversy, and that has been gone a couple of years ago. Ms. Renaud asks if the plastic at 165 Island Path is gone, and he responds that is where most of it was and we have 80 percent of it gone. Mrs. Renaud inquires whether there is still plastic to be removed between 165 and 175 Island Path and Mr. Brown confirms there are sections there that still have more to be removed. Ms. Renaud is torn, she understands both sides stating this has gone on a long time, but also a lot of the work is done.

Mr. Vinther says there is a lot to be done at 165 Island Path, noting that pavers have to be put down and grass has to be planted. Mr. Brown would like flexibility to work on construction schedule and mobilize excavation equipment at one time. He wants to make good with the new owners and he is not trying to get out of the mitigation, as they have a NHDES permit. Tying the completion of the mitigation to an occupancy permit on the duplex seems a way to make sure it gets done properly. He feels he is not asking for a lot of flexibility, looking for clarification. Mrs. Dionne asks the Commission what if we allow the site work to pour the slab for the duplex at 155, but state they cannot frame and complete construction until the rest of the mitigation work is done. She goes on to say her understanding is Mr. Brown does not want to bring out the excavation equipment there twice. Mrs. Dionne is looking to giving him permission to do some work on the duplex and site work across three properties, then finish mitigation and then complete the duplex. However she is concerned that it sounds like Mr. Brown really wants to build 155 first and then do the site work afterwards. Ms. Shaw states that the Commission's hands are tied because prior conditions have not been met. She cannot

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see that we can come forth with any real vote on it in favor until the conditions have been met. We have to ensure all underlying plastic is up. Ms. Swank adds she likes Mrs. Dionne's compromise, but she needs a mental picture of the timeline. She sees equipment in at 175 trying to get the mitigation done, and an opportunity to get 155 started. So you cannot put grass down, but you can be pulling up plastic and working on the shell, but she reiterates no more construction until the mitigation is done. That is a compromise she would consider to get the plastic removal moved up and get it started and finished.

Mr. Diener notes that we do not know how the Building or Planning Boards will respond to this. Mr. McMahon firmly states that in January 2013 the Planning Board and the applicant, Mr. Brown, came to an agreement and that agreement is still in place. He has heard all of this before and the Planning Board's position is not changing. Mr. Diener expresses that technically he does not know if the agreement is still in place because the permit has expired. Mr. McMahon responds that we would look to this board for a recommendation and if you want to change it we will deal with that. Mr. Tilton expresses that in interest of moving mitigation forward, Mrs. Dionne's idea is not a bad thing. He also states that he has been dealing with this longer than anyone on this board.

Mrs. Dionne moves onto other questions regarding the cedar posts. She recommends the applicant bring her a planting plan for review. Add caps with granite posts for the markers on each end and one cedar post in the center.

Mr. Diener is concerned about the 12 foot setback being a factor. Mr. Brown would need to obtain a variance for 155 Island Path. Ms. Renaud thinks they have a 12 foot setback, and Mrs. Dionne confirms they do not.

Mr. Brown informs the Commission that his engineer is not familiar with the 12 foot setback and how to obtain a variance. Mrs. Dionne states it came into effect over the last year section 2.3.7 c(4) has to do with newly created lots, undeveloped lots or increasing a number of units. Cannot be approved under a wetlands permit, he would have to go to the ZBA. Mr. Brown asks are we able to be heard at the Planning Board without that in place because we are on the agenda for next Wednesday. Mr. McMahon suggests he get that in place first with the ZBA first, before meeting with the Planning Board. Mr. Tilton believes there are variances listed on the plan. Item 13. Mrs. Dionne explains there was some discussion when you created lot 155, that there was not enough to have a buildable lot, but a variance was granted. She states variances are only good for two years and where you did create the lot, you may have fulfilled and completed that.

PUBLIC COMMENT: No Comment.

MOTION: It was moved by Mr. Tilton that, subject to the necessary variance being granted by the ZBA, to allow the site work to include foundation construction to occur concurrently with the mitigation work, but that would be it for construction until the mitigation work is complete. If this is not feasible according to the Building Inspector, then the Commission would adhere to the original agreement that all the mitigation work being completed before a building permit can be secured. The original plan of three cedar posts

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can be adjusted to 1, if there are two granite posts with markers on either end of the stone wall. Any planting plans will be reviewed by the Conservation Coordinator and earth moving site work includes utilities to be complete as well. Removal of the non-functioning sewer line must be completed.

SECOND: Ms. Swank

VOTE: 4 in Favor, Mr. Vinther Opposed, 1 Abstain (Mr. Diener) MOTION PASSED

3) 958 Ocean Blvd. Town Wetlands Permit and NHDES Minimum Expedited

Owner – Lance and Patricia Cramer

Agent – MSC Engineering, TF Moran Inc.

Construct a second story on the existing dwelling and two additions, balcony, attached deck, permeable walkway, and patio. Relocate and adjust a few boulders along the walkway used to access the beach.

Patricia & Lance Cramer appear before the Commission. They are asking for two small additions, a patio and a deck. Mrs. Cramer shares that there is an existing garage that we want to convert to a master bedroom. They also want to add a second floor with a balcony.

Mrs. Dionne explains to the Commission they need two permits, a Town Wetlands permit and a NHDES permit. For the town permit, only a small portion is in the 50 foot wetland buffer. There is a very large well established rosa rugosa patch where patio will extend into the 50 foot buffer. Mrs. Cramer states the roses are growing out of the walkway and taking it over. Mrs. Dionne thinks its fine to retain less in width of the rosa rugosa up to the pavers. She explains the roses have a great root system to hold up the soils, so she recommends maintaining some of them and the Commission to decide how wide they should be. Mr. Diener suggests the area of the patio in the 50 foot buffer to retain the rosa rugosa. Other work in the 50' buffer, includes a small section on the north side deck going to connect to the front deck, a small section is on the 50' buffer. A little bit of new sealed surface in the buffer associated with the deck. Ms. Dionne states at the site Corey talked about installing crushed stone underneath the deck extending out slightly past the deck and having 1/4" spacing in the deck boards. She explains that Corey completed a project in Rye where he had a deck & stone infiltration past the deck because during a light rain, majority of water would go through the deck, but a heavy rain, the stone would absorb that water coming off the deck. She conveys to the Commission, so it is up to you if you are on board with that design or not.

Mrs. Cramer continues describing the plans on that side. There is a small bedroom there now and it will become a dining room, and we want to put a door over there, so that is the reason for the deck to get down to the beach. Ms. Woolsey confirms this is the north side of the building.

Ms. Swank is concerned with keeping a boarder of rosa rugosa along edge of the pervious pavers that extended into the 50' buffer. Ms. Shaw agrees with maintaining the roses. Mrs. Dionne suggests offsetting the new sealed surface by making the deck as permeable as

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possible, and if the NHDES has approved this before, she believes it is a permeable option. Ms. Renaud asks if they leave the rosa rugosa boarder, then how much patio is in the 50' buffer. Mr. Diener suggests if they follow the 50' buffer line with the rosa rugosa then none of the patio would be in the 50' buffer. Ms. Renaud, so it would be only the deck extending the 50' buffer. Mr. Diener confirms the deck is 94 sq. ft. Ms. Renaud suggests there should be flow through decking. Questions if there would be steps from the deck to the ground. Mrs. Dionne responds there will be no stairs, moving the mill stone, so no. Ms. Renaud states if you feel NHDES is ok with decking material then we should we then be ok with it. Mrs. Dionne notes it would be nice to have another option.

Mr. Diener's only concern is the plan does not reflect or show detail on the deck or the stone underneath. Mr. Denier explains that Corey is proposing something different with the spacing and the crushed stone. He wants to see measurements of the deck how far the spacing is between and the boards. As well as spacing of the rocks under by the August 5th Planning Board meeting.

Mr. Diener asks the homeowners if they are ok with expanding the rosa rugosa to the 50' buffer line. He proposes they leave the rosa rugosa but can cut it back. Homeowners review the plans and agree.

Mr. Denier concludes as Mrs. Dionne had initially stated, there is a town wetlands permit and a NHDES permit.

PUBLIC COMMENT: No Public Comment

MOTION: Ms. Renaud moves to recommend approval of the wetlands permit with the following conditions: that the patio area will not extend beyond the 50 buffer line and existing rosa rugosa or root system will remain and that area will remain vegetated and that the plans will be updated to include detailed documentation of the decking material and the material to be placed under the deck. Decking material and spacing and depth of the material under the deck. Also the following stipulations:

- 1. The permeable patio shall not extend into the 50' buffer. The area between the edge of the patio and top of the riprap seawall shall remain vegetated with the existing *Rosa rugosa*. If the property owner decides to select a different plant, the planting plan shall be reviewed and approved by the Conservation Coordinator prior to installation.**
- 2. The applicant shall provide a revised plan that describes the type of decking material, board spacing and the width and depth of the crushed stone to be placed underneath the deck. This plan will be submitted for review by the Conservation Coordinator and Chair prior to the Planning Board's meeting on August 5, 2015.**
- 3. Install Wetlands Conservation District markers at buffer edge's on the north and south sides of the permeable patio and at the buffer edge next to the north side deck. Wetland markers can be purchased at the Hampton Planning Office.**

SECOND: Ms. Shaw

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VOTE: 5 in Favor, 0 Opposed, 1 Abstained (Mr. Diener)

MOTION PASSED

MOTION FOR NHDES: Ms. Shaw moves to approve the NHDES wetland permit for the construction of 958 Ocean Boulevard per conditions outlined in the towns special Permit. Ms. Renaud suggests sending a letter to the NHDES stating the Commission approves the permit with the outlined changes.

SECOND: Ms. Renaud

VOTE: 5 in Favor, 0 Opposed, 1 Abstained (Mr. Diener)

MOTION PASSED

**4) 22 Meadow Pond Rd
Wetland Permit**

Town

Owner – Steven Davis and Lee Houghton

Replace existing crush stone driveway (504 sq. ft.) with a permeable paver driveway.

Owners not in attendance. Mr. Diener suggest they proceed without the owners here, as it is straightforward project.

Mrs. Dionne explains the proposed project is to take an existing stone driveway and swap it out with permeable pavers up until the row that is paved per DPW. 12” stone then the pavers with the voids. Looks similar to what we have seen with other pavers. She informs the Commission that she has not yet seen the actual pavers. Pavers are designed for permeable.

PUBLIC COMMENT: No Public Comment

MOTION: Ms. Swank moves to recommend the installation of permeable pavers at 22 Meadow Pond Road with the understanding that the pavers are designed to be a permeable paver with the following stipulation:

- 1. The applicant shall provide the manufacture’s specifications for the permeable paver that is selected prior to installation. This will ensure that the paver selected is designed for a permeable application.**

SECOND: Mr. Tilton

VOTE: 5 in Favor, 0 Opposed, 1 Abstain (Mr. Diener)

MOTION PASSED

V) NEW BUSINESS: (This is out of order)

1) RSA 41:14-a – Acceptance Parcel on Fellow’s Ave:

Mrs. Dionne explains this is a small lot, on Fellow’s Ave to be deeded to the town. Conservation and Planning give the Board of Selectmen a recommendation on whether to accept it under this RSA. Mr. Tilton thinks it sounds like a land-locked parcel. Mr.

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McMahon explains the Planning Department did it as part of a site plan many years ago and it was basically to have access for fire through that parcel, there was going to be a locked gate there. Mr. Tilton inquires if this the lot that goes into the Marina and Mr. McMahon confirms it is. He states the Planning Board required the developer to turn over a small piece of land to the town so we could access it.

MOTION: Mr. Tilton moves to recommend that the Board of Selectmen accept the parcel on Fellow's Ave.

SECOND: Mr. Vinther

VOTE: 5 in Favor, 0 Opposed, 1 Abstain (Mr. Diener)

MOTION PASSED

- 2) **Conservation Coordinator Salary Increase:** Mrs. Woolsey inquires whether there is money in the budget: Mr. Diener replies yes. He goes on to give some background stating that Mrs. Dionne has not had a raise since 2013. The budget was not approved last year and the budget has only been approved 4 times in 17 years. Non-union employees who do not report to the selectmen do not get a raise if the budget is not passed. Mr. Diener has talked to DRA, looked at warrant articles, non-union raises, all options, and there is no perfect solution. Mr. Diener is proposing that we go to the selectman requesting we implement a 3 % mid-year raise bringing Mrs. Dionne's hour wage from 18.54 to 19.10. That is an increase \$0.56 an hour. The increase for the balance of the year as of Sept. 1 will be \$292.34 and an annual salary differentiation next year of \$844. Ms. Woolsey confirms that Mrs. Dionne is currently working 29 hours a week. She states the selectmen have agreed to increase non-union employees a 1.5% raise for April 1st of this year. Mr. Diener is asking for the support of the Commission to formerly request from the selectmen an increase for Mrs. Dionne. He feels it is warranted, as she has expanded her role immensely and she works well with the planning board. The consensus of the Commission was to support this mid-year raise request.
- 3) **Historical Society's Marsh walk on Island Path:** Ellen Goethel wants to get our blessing to go out into the marsh at the end of Island Path to do an educational walk. Ms. Renaud suggests they should carpool. It is on Aug 22nd at 9:30 for anyone is interested.

MOTION: It was moved by Ms. Renaud to allow the Historic Society's Marsh walk on Island Path.

SECOND: Mr. Tilton

VOTE: 5 in Favor, 0 Opposed, 1 Abstain (Mr. Diener)

MOTION PASSED

VI) OLD BUSINESS:

- 1) **Review Draft 2016 Warrant Articles**
 - i) **Buffer Definition**

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Mr. Diener notes copies were emailed to everybody. Ms. Woolsey inquires Buffer definitions vary for fresh and tidal and why not 100 feet on both. Mr. Diener points out it does state that it is 100 for fresh water buffers only. At the state level there is 100' protection already for tidal wetlands however there is no state buffer for freshwater wetlands unless they are of a substantial size, greater than 10 acres. The ocean is not the only bodies of water, rivers, etc. Mr. Denier feels -100 feet is good for both. Mr. Tilton remembers when it was 10 feet for the beach, so he is happy with the 50 feet for tidal wetlands. Ms. Woolsey comments as those waters come up we will lose a lot of that land. Mr. MacMahon said there may be some opposition to extending to 100 ft. for freshwater wetlands at the Planning Board. Mr. Diener explains the ponds and streams getting more vegetation, and that is from fertilizers. Extending it to 100' will extend protection from that. The consensus of the Commission was to move forward with this proposed warrant article.

ii) Conservation Fund

Conservation Funds: The conservation fund warrant article was \$10,000, and the new warrant proposal for the amount to be for \$20,000. Mrs. Woolsey would like it to be \$50,000. Mr. Tilton thinks \$30,000 is good. Mr. Diener states as we acquire more land, we are responsible for more land. Per Mr. Diener, recommends taking out the work "Acquisition" from the "Hampton Conservation Commission Land Acquisition Fund". The Commission is moving ahead with the \$20,000.

iii) Impervious Surface

Impervious Surface definition – Mrs. Dionne tells the Commission they have two options. We could add on to the current impervious surface definition or make a new definition called "impervious coverage". Either way, it is the same. The language comes from our section of creating new lots where you cannot use open bodies of water in the calculation. You can use wetland buffer but not open water. Mrs. Woolsey would prefer it be more restrictive, right now there are no restrictions.

The Commission discusses whether they further want to define water bodies. What it excludes is a fresh water wetland, they could use a fresh water wetland in their calculation. Mr. Tilton says you could simplify it by saying the wetland conservation district buffer may be used in the calculation. Wetlands excluding the buffer and water bodies. Ms. Renaud and Mr. Vinther are in favor of adding a new definition for impervious coverage. Not amending existing definition for impervious surface There was a lengthy discussion on how to reword the warrant article such that buffer could be used in the impervious surface coverage calculation but not wetlands or water bodies. It was agreed to table this discussion until the next meeting where some additional wording options could be reviewed.

iv) 100% of Current Use Tax

Discussion to remove the \$10,000 cap from 1995 and have 100% of Current Use Penalty fees. Also change the wording that Current Use Penalty fees collected by the Town to be

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“placed into” (not turned over) the Conservation Commission for use in purchasing conservation land. The consensus of the Commission was to move this warrant article forward.

v) Septic Setback

Septic Setback- change 75’ to 100’. Mr. McMahon is concerned about this with properties in the general zone. Mrs. Woolsey feels they should not be allowed on tiny cramped lots. Non-conforming lots are a concern. Mr. Diener comments that we have to put out warrant articles that going to be approved. There is tremendous potential for pollution. Mr. Tilton states there is nothing wrong with a well-designed septic system on a large enough lot are better for the environment. Mrs. Woolsey feels it is too vague, Mr. Tilton, Ms. Renaud, Ms. Shaw and Ms. Swank all agreed with 100 foot setback.

vi) Tax Lien Parcels

Tax Lien Parcels – talks about properties that are adjacent to wetlands. Mr. Tilton feels it should state undevelopable properties, not ones with buildings. He wants the town Attorney to decide whether it should read developed or undeveloped. Mrs. Dionne thought that there could be circumstances where the building(s) could be torn down at minimal cost and the land preserved. Mrs. Dionne suggested that alternative could be that the Board of Selectmen have to offer those adjacent to a wetland to the Commission for their opinion of whether it should be taken or not.

vii) Wetlands Delineation

Wetlands delineation - establishes a basis of what a wetland delineation is. Mr. Diener points out there is nothing in the ordinances that specifies a time frame for how long a delineation is good/valid. Every ones is ok with this. Ms. Renaud points out the “I” needs to be removed from Section 2.3.2.

viii) Contiguous Area within the Wetland Conservation District

Contiguous Area-Mr. McMahon states much of the beach lots are 50’ feet. Mr. Diener states you want to scale it to the lot the size. Mr. Vinther asks can one use the road frontage to scale it. Mrs. Dionne states some towns use 80% of road frontage to determine the circle you would draw. Ms. Swank inquires if you need a variance in Hampton to widen (reduce?) the road frontage. Mr. Diener thinks this needs some work. He feels it is important to consult with the Building Inspector as it would be important to receive his input. Where the length and width begin and end is the challenge, and wetland buffers are never a straight line. Mr. Diener states we are not trying to define a building area, we are trying to make sure that we can minimize impacts to wetlands that may be on the lot to ensure there will be enough building area to be able to build. 30,000 square feet defines that. Mrs. Dionne s explains the challenge is that 30,000 square feet can be spread out and very narrow. Mr. Tilton suggests maybe set up a minimum dimension there is no point in a contiguous area that is less than 50’ wide. Mr. Diener explains the problem is coming up with a calculation that works on all size lots. Mr.

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Tilton states you have to do it different in different zoning areas. Mr. Vinther suggests any dimension can't be less than "X" amount of feet. Mrs. Dionne suggests, where the two property lines become closest to each other, draw a perpendicular line, now you have two halves, the area that is the smallest cannot be used to derive your 30,000 sq. ft. Mr. Diener likes Mr. Vinther's suggestion where you draw a line anywhere and it cannot be less than "X", but then we need come up with a definition of "X". He suggests they table the discussion and needs more work.

9:47 pm Mrs. Woolsey exits the meeting.

2) Draft Education slides for Chanel 22

Mrs. Dionne went through the draft slides for Channel 22. There is a total of four going up on the website. She took everyone's advice and approval and she will come up with another set and move forward.

VII) CONSERVATION COORDINATOR AND CHAIR UPDATE –

TREASURER'S REPORT – Ms. Renaud reports that \$954 was made on the rain barrel and interest and \$150 was spent on signs.

VIII) ADJOURN

MOTION: MR. Tilton moved to adjourn the meeting at 10:00 p.m.

SECOND: Ms. Swank

VOTE: 7 in Favor

MOTION PASSED

The next meeting of the Conservation Commission will be held on August 18, 2015.

Respectfully submitted,
Cheryl Hildreth, Recorder