

HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
AUGUST 25, 2015
MINUTES

PRESENT:

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

Also Present: Rayann Dionne – Conservation Coordinator
Mary-Louise Woolsey – Selectmen Representative
Keith Lessard – 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 MINUTES:

The minutes from the July 28, 2015 Conservation Commission Meeting had not been circulated to the commission yet, and there was no time to approve. The decision was to defer voting until next month's meeting.

Out of order

III) APPLICATIONS:

1) 18 Glade Path

Town Wetlands Permit

Owner: Joyce Simmers and Brenda Hayes

Replace roadside flower beds with a permeable paver patio. Install a boundary fence between 10 and 18 Glade Path. Replenish the crushed stone driveway and perimeter of house with additional stone.

Scott Simmers of 30 Kenoza Street, Haverhill Massachusetts, appeared before the Commission representing his mother Joyce. Their request to the Commission is to obtain a Town Wetlands permit for a permeable stone patio, a fence along the property line between 18 and 10 Glade Path, as well as approval to lay new gravel around the perimeter of the house and the driveway. Mr. Diener inquired if they are adding stone where there had not been stone previously. Mr. Simmers replied they are only adding stone where there was already existing stone.

Mr. Simmers went on to explain the reasons for this request is Joyce Simmers has some health issues. Ms. Simmers no longer feels safe going outside the home. He stated to the Commission there is currently random stones for a walkway and steps out the door. They would like to make

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the patio at the same level of the home. Also, their plan is to not have any steps on either side of the patio for future potential need for further handicap access.

Mr. Lessard inquired whether the patio will be level with the first floor of the home, or level with the garage door. If it will be level with the garage door, they may need a step into the front door. Mr. Simmers agrees, the patio will more than likely be level with the garage. They had hoped it would be level with the front door, but not likely, and will need a step into the front door, which Ms. Simmers has reluctantly agreed to.

Mr. Lessard also questioned whether there will be a stone wall, as noted on the drawing. Mr. Simmers responded that there will be a new wall around the patio. There is currently an existing railroad tie wall there, and that will be replaced with a stone wall. Ms. Dionne showed the Commission a detail of the split face blocks that will be used to build the wall. Mr. Lessard inquired whether they will be removing any trees, and Mr. Simmers confirmed they will be taking down possibly two of the four trees that are along the side of the driveway that are growing into the power lines. The other trees will remain.

Ms. Renaud inquired if the 300 square feet of permeable impact in the buffer zone is for the patio. Mrs. Dionne confirms that the 300 square feet accounts for the patio, and also noted it will not be a sealed surface, so it will not impact the buffer more than it is already impacted. Mr. Simmers adds that in addition they will be placing sand in between the permeable pavers.

Ms. Shaw asked whether the gravel is being defined as pea Stone. Mr. Simmers has supplied a spec on the gravel. There will be no dirt or clay, strictly pea Stone material. It is very similar to what is currently there. Ms. Shaw questions whether the pea stone is permeable. Mrs. Dionne provided a hand out to the Commission exhibiting the pea stone is 3/8" inch and it is permeable.

Mr. Diener requested Mr. Simmer provide more information regarding the proposed fence. Mr. Simmers explained it is 6' x 8' foot cedar fence with privacy panels, and it allows the breeze to flow through it. Mr. Diener stated he would like to see the fence raised 6" off the ground to allow water to flow under.

Mr. Simmers asked the Commission about the remaining stumps from the tree removals, noting that he understands they cannot be extracted. Mrs. Dionne confirmed the stumps cannot be removed, however they may be ground down to be flush with the surface.

PUBLIC COMMENT: No Public Comment.

MOTION: Ms. Shaw made the motion to recommend the approval of the Town wetlands permit for proposed patio and fence at 18 glade path.

SECOND: Ms. Renaud

VOTE: 4 in favor, 1 abstained (Mr. Diener)

MOTION PASSED

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2) 24 Tuttle Ave

Town Wetlands Permit

Owner: John Maciejewski and Jaqueline McCallum

Amended Permit to allow for the installation of an AC unit pad and the addition of a 10' x 4' chain-linked fence.

Mr. Maciejewski & Ms. McCallum appeared before the Commission seeking approval to amend their town wetlands permit application. The first amendment is adding a 31.5" x 29" concrete pad for a central air condition unit that was not included in the initial part of application. The second amendment is to add a 10'x4' chain fence, from the existing fence gate to the house. The existing chain link fence previously abutted the shed, however, the shed has since been removed.

Ms. Renaud voiced concern whether the homeowners are still within the wetland requirements with the addition of the pad for the central air conditioning unit. Mrs. Dionne confirmed that the addition of the concrete pad still results in an overall reduction of impervious surface onsite.

Mr. Diener asked Mr. Maciejewski when he installs the fence, will the posts be set in cement or will he dig holes and place the posts in the ground. Mr. Maciejewski explained he has done fences both ways in the past, and he will accept whatever way the Commission would prefer. Mr. Diener stated the Commission would prefer the holes be dug and filled with pea stone after the installation of the post. Mr. Maciejewski will install the fence as suggested.

Mr. Diener also noted that their lawn appears well groomed and maintained. He reminded the homeowners of the restrictive use of fertilizers near the wetlands buffer. Mr. & Mrs. Maciejewski stated they are compliant with regards to their lawn care.

PUBLIC COMMENT: No Public Comment.

MOTION: Mr. Tilton moved to recommend for approval to amend the town special permit for air conditioning pad and fence.

SECOND: Ms. Swank

VOTE: 4 in favor, 1 abstained (Mr. Diener)

MOTION PASSED

IV) APPOINTMENTS:

1) 298 Exeter Rd. Seacoast Crossroads Realty Company LLC. Agent – Corey Colwell, MSC Engineering. Discuss wetland impacts associated with the construction of an Assisted Living Facility.

Corey Colwell, with MSC Engineers, along with Jim Gove of Gove Environmental, and Dave Udelsman, Architect from Udelsman Associates appeared before the Commission to provide an overview of the proposed project for an assisted living facility on the site. John Lorden first spoke and stated this is in the very early stages of planning, it is only a preliminary overview of the project. Mr. Gove commented that they would like to request that the Rockingham County Conservation District (RCCD) perform a wetland delineation verification prior to the permitting aspect. Mr. Lorden displayed a map of the site depicting 10 acres. Currently, it is partially

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developed. There is a driveway directly off of Route 27 that enters into the site. There is a building that remains as well as some tennis courts. The land slopes down in the south east direction. There are three areas of wetlands around the property. The one at the bottom of the south east slope partially extends into the Department of Transportation's right of way.

Dave Udelsman has worked with the developers of the proposed Cornerstone at Hampton Living Residence on other similar projects. This will be the third project he has worked with them on. The proposed plan for the Cornerstone Assisted Living is a one hundred unit building. The unit will divide up into two major components. Sixty of these units will be assisted living style apartments. Forty will be strictly memory support living facilities. The facility is split into two different design styles and assembled based on these two components and the needs of the residents. There will be two single story buildings with courtyards for the memory living wing. That will comprise 35,000 square feet. The assisted living side of the design will be three stories high comprising 20,000 square feet per floor. Mr. Udelsman continued to explain the layout of the memory living residents' wing. The residents will need access to outside natural spaces in a secured type of environment. The proposed design will allow residents to flow in and out courtyards safely. There will be a total of twenty units in each of the memory living wings, allowing up to fifty total residents. The plan is to attempt to keep each wing with 25 residents. The two wings will have separate dining areas and residence areas.

Mr. Udelsman further explained the assisted living plans. There will be common areas on the main first floor. The top floors will be comprised of residence units, dining rooms, a café, a pub, home theater, hair salon, as well as common areas. There will also be double loaded corridors to allow natural light into the living spaces. The main core space of the structure will be for a commercial kitchen and laundry, these will be in one central location for both sides.

The proposed plan is to utilize the existing entrance/driveway. Parking would be to the left as you enter down the driveway. The parking would be for the 50 or so staff members and visitors. There will be approximately eighty-five parking spaces total. Mr. Udelsman recognizes the Fire Department's need to have access all around the building, so they are accounting for a 12 foot fire lane to circle the entire facility. They will develop over the course of time two major courtyards with walkways, pathways, and plantings.

Jim Gove of Gove of Gove Environmental approached the Commission to discuss the wetlands. The first area of Wetland is depicted as Wetland A. It a forested area, and it is poorly drained. The second forested area that abuts the existing tennis courts is labeled as Wetland B. This is also a poorly drained area. Drainage is coming from a yet undefined area and down at lower wetlands, labeled as Wetland C. Mr. Gove reiterated it is very poorly drained. The direct impacts as planned are less than 200 sq. ft. at Wetland A, approximately 14,000 sq. ft. at Wetland B, and 5,000 sq. ft. at Wetland C. There is no grading yet, so this is approximate and may be less than a half-acre of wetland impacts. For the buffer, there will be around or a little over 2 acres of buffer impacts. He stated the worst case scenario, is ½ acre of wetland impacts and 2.5 acres of buffer impacts. The current survey was done in 2013 and they went back and reflagged the poorly drained areas. They would like the RCCD to come out to the site and review this, just to make certain before they get into any kind of serious engineering and draining. Mr. Gove discussed mitigation. With over

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10,000 sq. ft. of impact, he understands the state would be looking for compensatory mitigation proposals. His understanding is that NHDES likes to see payment into the ARM (Aquatic Resource Mitigation) fund, but understands that does not do a lot for the local folks. They will be investigating possibilities of doing some preservation here in Hampton. They will be looking at some sites regarding that. He finished up with reiterating that they currently have an original delineation report that was completed in 2013, but they will need an updated report completed and reflecting the flags.

Mr. Tilton voiced some concern with the mitigation possibilities, but would prefer to wait and see what is proposed. He also articulated he would not be in favor of 2.5 acres of town wetlands disruption.

Mr. Lessard, representing the Planning Board's point of view, suggested the plan appears to be a good use of this parcel. However, he is also concerned with the impacts of the wetlands. Mr. Lessard inquired whether or not there would be partners, or couples residing in the living facilities as well. Mr. Lorden responded in many cases the residents are single, or have lost their spouse, however in some cases, there can be husbands and wives residing together. He went on to say that the average age of the memory residence will be about 60-70 years old. The assisted living portion of the facility will provide care for residents averaging around 85-90 years old that have issues managing daily activities such as bathing, administering their medications, etc. Mr. Lessard went on to inquire if the assisted living side will have all one-bedroom units. Mr. Lorden stated there are some two bedroom units that could be shared to help reduce cost for residents. Mr. Lessard also asked if they considered flipping the three story building with the single story, side, and perhaps that would have less impact. Mr. Udelsman replied he has attempted to design it every way possible, and each of these ways would still have impacts to the wetlands.

Ms. Renaud inquired who currently owns the property, and they responded that there is a purchase & sales agreement with the current owner. There was further discussion regarding the RCCD delineation review. Mr. Diener confirmed that the developer would pay for the delineation review, however, the Commission would arrange for it. Mr. Lessard was concerned the RCCD would use the flags from the plans. Mrs. Dionne confirmed the RCCD will go out and walk the site with the plans. Mr. Udelsman stated whatever the RCCD recommends, they will comply with. Mr. Diener inquired whether it was an oversight that the buffer was depicted on the plans of one of the wetland areas, however not the other two. The Architect confirmed they did not depict the buffer on the other two wetlands.

Discussion returned to mitigation. Mr. Gove stated they would like to see the town receive mitigation either in money or land. Mitigation, protocol calls for funds to go into the state fund. He went on to state they have gone down that road before with other projects, and it doesn't come back to the town, so if there is mitigation, he would like to see it in Hampton, either in money or land. If impacts are in town, mitigation should be in town. He inquired whether the town would accept a conservation easement. Mrs. Dionne replied that conservation land would be preferred. Mr. Diener continued stating once we accept it as conservation land, it is safe that it will be protected in perpetuity. The Conservation Commission accepts and manages it on behalf of the

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town. Mr. Gove, again is just concerned about protection for the long term. Mrs. Dionne explained he can add words to protect the land in the deed.

Ms. Woolsey expressed concern regarding the 12' wide access for the Fire Department, and whether that has been cleared by the FD, as that may have changed. She also inquired about laundry requirements and the impact on sewer. Their response was, they will be using residential laundry facilities, and have conferred with DPW regarding the daily demands of waste water.

Mr. Lessard expressed concern regarding the small burial site there. Mr. Colwell confirmed there is a 25 ft. buffer around that site. Also, there was discussion regarding snow removal for the facility. They will not be using salt, as it is corrosive, they will use products similar to ice melt.

Ms. Shaw stated that the concerns of the Commission have been well covered. Ms. Swank commented that now it is a piece of beautiful natural land, and there is concern for wildlife. She would like some kind of land swap as part of mitigation where it stays in Hampton. No wetlands will be left for animals or wildlife.

Mr. Diener confirmed that the action they are asking for is for the Commission to engage RCCD to go out and do a wetlands delineation.

MOTION: Ms. Renaud made the motion for the Conservation Commission to engage the services of an independent wetland review on this property.

SECOND: Motion was seconded by Mr. Tilton

VOTE: 4 in Favor, 1 abstained (Mr. Diener)

MOTION PASSED

V) OLD BUSINESS:

1) Review draft 2016 Warrant articles

Mr. Diener proposed that the Commission should go forward with the following three warrant articles that are not zoning-related: The Conservation Land Fund Warrant Article, 100% of Current Use Tax Warrant Article and the Tax Lien Parcels Warrant Article. The Commission agreed.

The Commission discussed the Buffer Definition Warrant Article and agreed to increase the size of the freshwater wetlands buffer from 50 feet to 100 feet.

The Commission has agreed to move forward with the Contiguous Area Warrant Article. Mr. Diener and Mrs. Dionne have recently met with the Building Inspector and he has no issues with this proposed Warrant Article.

The Commission discussed the proposed warrant article for the Impervious Surface Definition and decided not to move forward with this article. Mr. Diener & Mrs. Dionne have spoken with the Building Inspector, and he agrees it needs some work. The Commission decided there are other warrant articles that are more important for this coming year.

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The Commission reviewed the Septic Setback Warrant Article and agree the change from 75 ft. to 100 ft. setback is good, and all agree to move forward with this Article.

The Commission discussed the proposed Wetlands Delineation Warrant Article and agreed to not include this as a Warrant Article this year.

The Commission examined the proposed Warrant Article for the Current Use Tax. Mr. Lessard inquired what the amount is currently capped at, and Mr. Diener advised that it is currently at \$10,000. They agree to amend and move forward this Article to remove the \$10,000 cap which would allow 100% to go to the Conservation Land Fund.

Tax Lien Parcels Article- Ms. Swank stated it had been discussed previously if there is a building or a farm on the property, would the Commission want to be burdened with that. Mrs. Dionne replied that she and Mr. Diener spoke with the Town Manager, and Mr. Welch informed them if that were to happen they could have the building removed. She informed the Commission of an instance where a property on Glade Path had a dwelling on it had been obtained by a tax lien. The town and DPW removed the building. Mr. Tilton voiced concern of removing a building if it is saleable house. Mrs. Dionne responded that if the building on the property was saleable, the Board of Selectmen could still choose not to take it. The BOS do not take every property that has a 3 year tax lien, they review list and only end up taking a subset of those. Mr. Diener reminded the Commission that they would only be obtaining properties that are abutting the wetlands.

Conservation Fund Warrant Article - Ms. Shaw made a statement that it was previously discussed and decided to remove the word "Acquisition" from the Title, and noted it is still there. Mrs. Dionne will remove the word.

2) Review revisions to Wetlands Permit Application

The Commission moved forward to discuss changes to the Wetlands Permit Application. Mrs. Dionne stated there are a few things that have changed on the application. She noted the "50 foot wetland buffer" should just state "wetland buffer". The discussion moves to the section of Application Fees. Specifically the Amended Wetlands Permit Fee section. There is much discussion among the Commission whether there should be no fee, a fee of \$25, or a fee of \$50. Mr. Lessard inquired how much work would an amended wetlands permit generate. Mrs. Dionne replied there are administrative processes when there is an amendment to a wetlands permit, as well as the owner has to reappear before the Commission. Mrs. Woolsey suggests \$50 would be a good amount considering there is work generated by an amended wetlands permit. Mr. Tilton suggested if they are within their active two years of the permit, he does not necessarily feel there is a need to add an additional fee, and if there is a fee perhaps it should be based on the size of the project. Mrs. Dionne states if there is a fee, she suggests \$25. Ms. Shaw believes there should be a fee, as there is work generated from an amended application, there is an additional filing, putting together new packets and appearing before the Commission. This was discussed and a unanimous decision was made to assess an additional fee of \$50 to an Amended Wetlands Permit.

Mrs. Dionne articulated to the Commission that in the past they attached the wetlands ordinance on the back of the Wetlands Permit Application, and she has found that it is not always helpful to

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the applicants. She went on to state she has found a town in New York that developed Wetland Application Guidelines and were adopted by their Conservation Commission. These guidelines were attached to the application, and she feels for Hampton, this would be more helpful to future applicants.

The Commission agrees, and they review the Wetland Application Guidelines. The first section is regarding fences. Ms. Swank suggested they change "the fence must be at least 4 inches off the ground" to the "fence must be at least 6 inches off the ground". The Commission agrees to this change, as it had been something they have discussed in the past.

Mrs. Dionne move onto the section regarding guidelines for decks. Mr. Lessard states the spacing of the decking material is often discussed when an applicant appears before the Commission, and feels it should be added to the guidelines. After much discussion of building permit requirements for decks, the Commission has decided to add the spacing between deck boards to these guidelines.

Next section of the Wetland Application Guidelines discussed is Subdivision, Site Plans, or Tear down/Rebuilds. Ms. Renaud suggested on #1, we remove the "50' wetland buffer" and have it just say "wetland buffer".

Next section is Guidelines for Swimming Pools. No change was recommended.

Next Section is Guidelines for Wetlands Delineations Reports. Mrs. Dionne comments that one of the changes in this section, #8, a & b regarding adopting the wetland delineation should be for three years rather than five years. Mr. Lessard inquired if it has ever been written that the report was good for five years, and Mr. Diener stated it has not been, however since these are guidelines it will be good to have it state they are good for only three years, as things do change. The Commission agrees to have it written that any wetland delineation must have been prepared not more than three years prior to the submission of an application.

Ms. Swank commented that on #17 of the Wetland Application Guidelines there needs to be a "d" after propose. She also made an editorial comment, that all of these guidelines should start with verbs or all with sentences. The guidelines should be consistent throughout. Ms. Renaud agrees, if there is an ability to rephrase these so they are all consistent, then they should. Ms. Renaud is going to work on editing these.

Guidelines on Wetlands reports. Ms. Swank inquired why "vernal pools" was taken out. Mr. Diener explained you cannot use animals to define wetlands. There are better ways to define wetlands.

3) Land Between Route 101 and North Hampton - Strategy

Mr. Diener articulated there are maybe 10 parcels at the most where the parcel encompasses two towns, Hampton and North Hampton. He stated they have talked about sending letters to the property owners to inquire whether they would be interested in donating their properties or give the town of Hampton a conservation easement. Ms. Woolsey suggested they inquire with the Tax Collector whether there are tax liens on any of the properties. Mr. Diener reiterated that they are

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trying to find ways to protect that area along the border of North Hampton between 95 and north side of Route 101 with either acquisition or conservation easement. Mrs. Dionne suggested that they contact owners via a letter and proceed with what can be done to protect those properties. The Commission all agreed this is the way to proceed.

4) Update on Wetlands Permit Notes on Tax Cards

Mr. Diener informed the Commission that Ms. Renaud & Ms. Swank have offered to help Mrs. Dionne with creating a list to provide the assessor's office with properties that have received wetlands permit in the past, so it will be noted on the tax card. They are doing this so in the future if someone is interested in a property near wetlands, they will be able to see if there was a special permit. Assessing is scanning wetland permits into online Geographic Information Systems (GIS) so people can view those there as well. Mr. Diener explained that all of this is part of our ongoing effort to try to help people understand when there are wetlands on their property prior to the purchase and they can then learn what that means for them as homeowners.

VI) NEW BUSINESS:

1) Conservation Coordinator Tasks

Mr. Diener reviewed with the Commission that the Conservation Coordinator's job has changed dramatically since Mrs. Dionne was hired. He went on to say this is in large part because we have become a more activist commission. The initial job was primarily to work with applicants, to determine if they need town or state permits, and if so what needed to be done and how to assist these homeowners. The job also included tracking expiration of permits and notifications and reminders. Secondary activities now include many more tasks, and a lot of it has to do with public outreach which is what we are trying to do to find various programs that will help residents understand how to help protect land and water resources. In addition to all of this, there are administration responsibilities. Mr. Diener wants everyone to understand how dramatically the position has changed, and also noted that Mrs. Dionne is now working with the Town Planner on the FEMA Community Rating System project. Mr. Lessard suggested perhaps the Conservation Coordinator position should be full time. Mr. Diener believes this is so, but not yet. He stated the majority of all these responsibilities fall on Mrs. Dionne's shoulders, and suggested the Commission pitch in and take on some of these tasks. He mentioned how Ms. Renaud and Ms. Swank are managing the project of wetlands permits being noted on the property tax cards, and there are other things the Commission can do to help with the responsibilities. Ms. Swank suggested there are a lot of behind the scenes duties, such as binders, letters to owners, etc. and other things she sees that if Mrs. Dionne were to post items she could use help with, Ms. Swank would be more than happy to assist, especially in the winter. The Commission agrees, they will take a more active role in some of the responsibilities to help continue with public outreach and education.

Ms. Renaud inquired about what the Conservation Commission has been studying at Taylor River. Mrs. Dionne informed the Commission that Plymouth State College now has an environmental school. Candice Dolan who is with the Hampton Falls Conservation has been working with the college as well. Plymouth State has set up a data logger that is in the Taylor River. The data

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logger collects data every 15 minutes in the winter months, and every 5 minutes, the remainder of the year. The data monitors pH levels, conductivity, depth of water, barometric pressure etc. It does not measure actual chemicals in the water. Ms. Renaud inquired what role Mrs. Dionne has with this. Mrs. Dionne replied that she goes out to the site about three times a year and downloads the data, then uploads it onto the computer and sends it to Plymouth State College.

2) Mapping Invasive – Not Discussed

VII) CONSERVATION COORDINATOR AND CHAIR UPDATE:

Mrs. Dionne informed the commission that a letter was sent out to about 1,400 people concerning flood risk. The letter that was sent out was a decision that was made by Beach Village Precinct along with the Board of Selectmen. The letter informed homeowners of the updated FEMA maps and suggests to homeowners to inquire with their home insurance provider if their flood risk coverage needed to be adjusted. The outreach letters also suggests they view the FEMA maps and see if you need to speak with their insurance provider.

Mr. Diener informed the Commission that Monday, August 24th, the Board of Selectmen voted to approve the increase that was requested for The Conservation Coordinator, Mrs. Dionne. He goes on to say he is disappointed, hoping there would have been further discussion about how going forward non-union employees that do not report to the Board of Selectmen request a payroll adjustment. He stated right now, this is the only option we have, and it is not fair to the employee year after year. On the other hand it is not fair to the town employees when the budget does not pass. The budget has only passed 4 times in last 17 years. He stated this is a long time for non-union employees to go without a raise. Ms. Woolsey suggested whatever the town vote is, that on April 1st, submit a memo to the Board of Selectmen requesting that the Coordinator receive X% raise starting April 1st this year. Mr. Diener replied that this process goes around budget and town meeting process, and not fair to voters. Also, he stated the money has to come out of the Conservation Commission budget if the town budget does not pass. Mr. Lessard stated the Board of Selectmen have some monies at their discretion to reward employees with, and should the Conservation Commission have that as well. Mr. Diener feels there should be a better process. He goes onto say it is not a question of timing, but a question of the process. Ms. Shaw wondered whether you could put in a warrant article for an X% increase for non-union employees. Mr. Diener informed the Commission there cannot be a warrant article for a % of pay increase. He concluded that this still is a problem going forward, however, he is very thankful that Mrs. Dionne received her compensation.

Mr. Diener informed the commission that an architectural historian was hired to review Ice Pond. A report was submitted to the NH Division of Historical Resources (DHA) however it was rejected stating Ice Pond does not belong on the historic registry. The DHA is drafting a Memorandum of Agreement (MOA) that the Commission should have in the next day or two. It will include that Ice Pond and Dam are eligible for placement on the National Register of Historic Places. The architectural historian conveyed that the Town has to make the decision whether they want to be on national register. It would not put any limitations on any future changes. They may require the town to put a sign up stating the history of the Pond and Dam. Mr. Lessard questioned whether

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the town would have to drain and mow the pond so it looks like an ice pond. Mr. Diener confirmed it would need to be dredged, and we do have some money for that. The next step would be to get our bids in and a signed contract by the end of the year. The \$90,000 we have set aside is protected for just this year, and that is why we need a contract signed. He went on to say the project with DRA has been challenging. Mr. Lessard inquired when the budget was developed was it enough to build the dam. Mr. Diener conveyed at that time it was, however that was a number of years ago, and will not know if it is enough until we go out there.

Mr. Tilton discussed the Unitil power lines extending down Route 101. Unitil is attempting to cross conservation land to access the power station. They suggested looking at having the Conservation Commission turn the land over the town, because the town would have the ability to grant Unitil an easement, the Conservation Commission does not. He also, suggested there would need to be further discussion regarding mitigation.

Mr. Diener reported he attended the State Association of Conservation Commission Workshop. He mentioned one of the things that he inquired was whether or not soil scientists during delineations keep field notes. He was told absolutely they do all the time. They do not always comprise a report, because the contractor may not want to pay for a report. He informed the Commission that they are well within their rights to request a field report. A discussion about flag placement also came up, and GIS is not accurate enough for accurate flag placement.

Mrs. Dionne announced to the Commission that Mr. Diener received an award from the New Hampshire Climate Adaptation Community Champions. The purpose of this award is to recognize individuals in the coastal region, often in conjunction with CAW members, to put climate-related research and outreach to work. The award celebrates some of the work he has done on behalf of the Conservation Commission over the years. In 2014 Mr. Diener worked along-side other community members and participated in the Climate Change program, he also served as a Steering Committee leader to guide workshop series in Hampton, Hampton Falls and Seabrook. Mr. Diener is the founder of the Seabrook-Hampton Estuary Alliance, a three-town working group that unites the estuary's towns on watershed challenges like climate change. The award also recognizes that he served on the board as a chair for the Great Bay Stewards, and he also have served on a climate panel convened by Senator Jeanne Shaheen. The Commission congratulated Mr. Diener on this prestigious recognition.

Mrs. Dionne updated the Commission that Community Rating System (CRS) is coming along. They are waiting for information from PREP (Piscataqua Regional Estuary Partnership). She and the Town Planner are continuing along.

Ms. Woolsey exits the meeting at 9:30 p.m.

Mrs. Dionne mentioned a site on Campbell Dr. There were no wetlands on the property when it was developed. However, a drainage feature does run through it. The only water it collects is from the street. There is an 8 ft. drop from the house to the drainage swale. The homeowner's property has a dip, and he would like to level out the grade. Mrs. Dionne went on to state this is a man-made drainage feature that was established to deal with the road run off. It doesn't appear it

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is wetland or have wetland characteristics. The homeowner does mow and maintain this area. A change in this elevation would not change direction of flow of water. She stated the homeowner feels he should be able to come in with fill and level the dip out. Mr. Lessard inquired what Mrs. Dionne's thoughts are on this. She stated he wants to make grade changes and not change the direction of the flow. Also she noted it would be vegetated. She does not have an issue with this. Mr. Tilton said if it is not interfering with the flow, he also has no issues with this. Mr. Diener spoke and said he does not have any issues if it does not impact the swale. Mr. Lessard asked Mrs. Dionne what the impact would be, and she stated from possibly 6 inches to 2 or 2.5 feet. Ms. Shaw questioned if he could be a candidate for a rain garden. Mrs. Dionne confirmed the homeowner does not want that. Mr. Diener suggested the homeowner needs to contact Mrs. Dionne once the site work is completed. The Commission agreed.

Mr. Diener notified the Commission that 500 Exeter Rd is all cleaned up. He states they were very cooperative.

Ms. Renaud spoke to the Commission stating that tomorrow evening she would be attending the Planning Board Zoning Review Subcommittee representing the Conservation Commission, and it looks like they are wrapping things up. She expressed concern about mitigation, in the Liberty Lane area. There is the possibility of a hotel or future office buildings, and there are other wetlands areas that may be affected. She suggested when this proposal comes to the Conservation Commission, we should have clear ideas regarding mitigation.

VIII) ADJOURN

MOTION: Mr. Tilton made the motion to adjourn at 9:40 p.m.

SECONDED: Ms. Shaw

Vote: 4 in Favor 1 Abstain (Mr. Diener)

MOTION PASSED

The next meeting of the Conservation Commission will be held on September 22, 2015.

Respectfully submitted,
Cheryl Hildreth, recorder