

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
TUESDAY, SEPTEMBER 22, 2015
DRAFT MINUTES**

PRESENT:

Jay Diener, Chair
Peter Tilton, Vice Chair
Barbara Renaud, Clerk
Diane Shaw
Gordon Vinther
Sharon Raymond

Also Present:

Rayann Dionne – Conservation Coordinator
Mary-Louise Woolsey-Selectmen 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:

(Ms. Renaud requested to move to Applications First) – Out of Order

MOTION: It was moved by Ms. Shaw to accept the minutes of the July 28, 2015 and the minutes of the August 25, 2015 meeting with edits as submitted

SECONDED: Mr. Tilton

VOTED: 3 in favor, 3 abstained (Mr. Vinther, Ms. Raymond and Mr. Diener) MOTION PASSED

III) APPOINTMENTS:

1) Cindy Willis – Victory Garden Update

Ms. Willis informed the group that this was a very good year for the Victory Garden. She also noted there were no major expenses or repairs. There was an extensive amount of produce that was donated to the seniors in town. They really worked hard to step up the program this year. Ms. Willis went on to say they did some fundraising in the middle of August, and started ten new gardens. Department of Public Works dug the ditch for the water line and poles were installed. She stated that Saturday, September 26th, they were having a fence raising party. This year they had enough fundraising money to complete their goals. She also informed the Commission that they did not have to purchase any new fencing. They used some old fencing materials that were available. They did have to purchase poles and gates. The community has been generous with donations and businesses as well, such as Middleton Supply who provided them with \$100 gift certificate and that helped pay for the water line. Ms. Willis was unaware that the Commission attends site walks, and next spring she would like to set up a site walk of the gardens.

Mr. Diener inquired whether they quantify how much produce they give away within the community. Ms. Willis stated they do not. She also went on to state they would like to find other areas in town they could possibly assist next year, as they feel the seniors were overwhelmed with how much they donated. Mr.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
TUESDAY, SEPTEMBER 22, 2015
DRAFT MINUTES**

Diener would like to get an idea of how much food is being donated in town on behalf of the group, as that would provide good publicity for the Garden

Ms. Woolsey suggested there is a community food bank at the Trinity Church on Saturdays, and they donate food to people in need. Perhaps the Victory Garden could inquire whether the church would accept perishable donations.

Ms. Willis expressed the group's interest in creating a cookbook. She inquired whether they could participate in Hampton Garden Club's plant sale, the same event where the Conservation Commission auctions off the painted rain barrels, as it would tie in with the same theme. She asked whether they would need permission from the Garden Club. Mr. Diener believes so, as it is their plant sale. Mrs. Dionne stated that it is best to get Select Board's permission for the fundraiser. The Commission could provide a letter of support. Mr. Diener cautioned on the cost to produce a cookbook.

Mr. Tilton inquired whether they could set up a farm stand and the moneys would go back to the group instead of the town. Ms. Willis stated there was an issue with selling produce from Town land. At this point in time, she didn't think she could not get enough volunteers that would commit to this idea.

Ms. Willis stated she has been keeping separate financial records for the new gardens and the old garden. She stated that the \$5 increase for the leased gardens received no opposition. She was happy to report that Aquarion does not charge a turn on fee for the water. She concluded by stating it has been a great year for the Victory Garden.

IV) APPLICATIONS:

1) 263 Drakeside Rd

Town Wetlands Permit

Owner: Valle Drakeside, LLC and Asset Title Holding, Inc.

Joe Coronati of Jones & Beach Engineers, Inc. appeared before the Commission representing Chinburg Builders, Inc. to request approval to remove an existing asphalt parking area and install a woodchip walking path. The asphalt is located in the southeast area of the property and extends to the property line. They have currently flagged one wetland on the property. They inspected for wetlands that are 10' from the setback and there is one located on the parcel to west. The removal of the asphalt and new wood chip path is within the 50' buffer of that off-site wetland. He went on to state the proposal has changed four times, and they are meeting with the PRC on Wednesday September 23rd with the latest plans. The current plan is to build 10 single family condominium style homes coming off of two common driveways. He understands that with condominium style ownership, they have to adhere to the back to the property line. The proposed dwellings closest to the wetlands have a 60' set back. The only issue affecting the buffer is the woodchip pathway. He noted they would be installing less asphalt with the new roads and homes than currently exists there today. He also displayed plans reflecting 2.7 acres of open land in the north east part of the property that will be designated as open space.

Mrs. Dionne shared that initially there were plans for the open space to be developed. She is happy to see the developer decided not to build on that portion of the land.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
TUESDAY, SEPTEMBER 22, 2015
DRAFT MINUTES**

Mr. Coronati stated the initial plans contained 10 lots with 6 driveways. Now the current plans contain 10 lots with 2 common driveways.

A couple of members expressed concern for the Walker property just south of this property. They expressed concern that grading does not create any future water issues for the Walkers.

Mr. Diener asked Mr. Coronati to confirm whether the wetland edge on the bottom of Plan C2 is wetlands or a buffer. It is confirmed that this is wetland. Mr. Diener also inquired whether they delineated poorly drained soils as well. Mr. Coronati stated there are no poorly drained soils in this area based on the certified Wetland Scientists review. He indicated that no Soil Scientist had been hired. Mr. Diener inquired how the lawn care will be managed. Mr. Coronati replied at this stage of the planning it is not yet known. Either the association will care for the lawn, or individual homeowners will. Mr. Diener is concerned, as there will be a great temptation to dump grass clippings in the back area where the open land space is outlined. He suggested there should be some specifications within the condominium documents regarding restrictions and/or put signs up along the wetlands buffer. Mr. Tilton questioned whether this should be part of a stipulation for the Planning Board. After a small discussion, everyone agreed it should be written in the condominium documents, or even in the individual deeds.

Mrs. Dionne inquired whether there is plan for a proposed fence. Mr. Coronati stated there is no plan for any fencing.

Mr. Diener inquired if the open space land is going to be maintained and mowed, or will it be left as wild vegetation. Mr. Coronati stated most of it is lawn now and woods, but he isn't certain what the future maintenance will be. Mrs. Dionne asked if they were envisioning placing picnic tables out in the open space. Mr. Coronati confirmed that he believes that is something they are planning on. If so, only a couple of picnic tables at most he stated. It will not be a high recreation area. Mr. Dionne stated that there are some wetlands back there and would like to see something that would mandate that it stays in its current state. Mr. Tilton voiced that he would not mind seeing the open area mowed once a year. He went on to say there is a shortage of grassy open areas for birds and other wildlife. Mr. Diener said that would not be a problem as long as it isn't in the wetlands.

Mr. Vinther inquired who will actually own the open piece of land, and will it be developed within the next 10 years or so. Mr. Tilton also asked could that lot be subdivided and sold in the future. Mr. Coronati conveyed that the land is going to be owned by the condo association as common space. Each owner will have 1/10 ownership. Mrs. Dionne expressed concern with the common area and issues with abuse by motorbikes. Mr. Coronati stated you could put that in your stipulations. There will be a whole section of restriction in the condominium documents and it could be added no motorized vehicles.

Mrs. Dionne pointed out to Mr. Coronati that on first set of plans there was a wetlands scientist signature and date. The latest plans do not have one. She went on to say that once they have the final set, they will need to make certain they are signed. She also pointed out that the notes and drawings have some conflicting information that needs to be corrected. On exhibit CS1 there are notes talking about 62' from Wetland Conservation District (WCD), but on the plan it is drawn that it is 12' from WCD. This should be

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
TUESDAY, SEPTEMBER 22, 2015
DRAFT MINUTES**

worded the same, and non-conflicting. Also discussion about some exhibits being labeled as limited common area and some notes referring to LCA-B. These should be consistent and more clarified.

Discussion moves to the woodchip path. Mrs. Dionne inquired whether there would be an edging material along the path. Mr. Coronati stated there would not be.

Ms. Renaud clarified that this permit is only for the removal of the asphalt and a woodchip trail going into the wetland conservation district. Mr. Coronati confirmed that is the request for this meeting. She goes on to say she is okay with the plan, however wants to state that the permeable paver driveway that exists there has been there for 30 years or more and when it was mowed, it was kept beautiful. She made one other comment regarding the motion that the Commission make a request to review any documents to ensure adequate protection for the open space pertaining to the WCD area.

PUBLIC COMMENTS: No Public Comments

MOTION: Ms. Renaud moved to recommend approval of the Town Wetlands Permit for 263 Drakeside Rd for the impacts to the Wetlands Conservation District through the removal of asphalt and installation of a woodchip walking path with the following conditions:

- 1. That the notes referenced by the conservation coordinator be corrected to be consistent in their wording.**
- 2. That the Conservation Commission be given the opportunity to review or be apprised of any documents or wording in the finalization of this project that will ensure that any Wetlands Conservation District that exists within the open space land, will remain protected and open in its natural vegetated state.**
- 3. Also, have written in the condominium documents, no lawn clippings may be dumped in WCD. There should be signs stating this on the property as well.**

SECONDED: Ms. Raymond

VOTED: 5 in favor, 1 abstained (Mr. Diener)

MOTION PASSED

2) 463 Exeter Rd

Town Wetlands Permit

Owner: Christopher Empey and Maureen McDermott

Maureen McDermott approached the Commission with a request to install a 480 feet long privacy fence. A portion of the proposed fence is in the wetland buffer. Mr. Diener inquired how much would be in the buffer, and Mrs. Dionne responded a little under half of it. She went on to say there is a little peninsula of wetlands in the back of the house. The section right along the driveway closest to the eastern side of the property is closer to the wetlands buffer. There is a drainage easement that comes back along the abutter to the east. There are pipes that come under her driveway to that area. There is one section that may pond at times, so she may be benefited by a rain garden. There is a drain under the house that drains the water from the front to the back per homeowner.

Mrs. Dionne stated that it has been consistent in the past that the Commission request the fence be 6" off the ground for water to flow. Ms. McDermott had voiced some concerns regarding this height during the walkthrough that she did not want her dog to go out and dig under there and be able to exit the

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
TUESDAY, SEPTEMBER 22, 2015
DRAFT MINUTES**

enclosed property. Mrs. Dionne had suggested that adding some plantings along the fence would alleviate some of her concerns. Mr. Diener inquired how the fence will be installed. Ms. McDermott confirms for the Commission that the posts will not be cemented. An issue that did come up is the slope of the area, and a fence cannot be up exactly 6" all around, but she will make certain it will be close to 6" as possible. Mr. Diener suggested they can be flexible, the critical point is that water is able to flow beneath the fence. Mr. Tilton suggested that a 6" opening was probably more than what is necessary, and that perhaps a 3" minimum opening would suffice. Ms. Dionne noted that the homeowner will be meeting with the Planning Board on October 7th for their approval.

PUBLIC COMMENTS: No public comments.

MOTION: Ms. Renaud moved to recommend approval of the wetlands permit for 463 Exeter Rd to construct 480 ft. of fencing within the wetland buffer, with the following stipulation:

- 1. That to the extent possible that the fence be at a minimum of 3" off the ground in the buffer zone to allow water flow through.**

SECONDED: Mr. Tilton

VOTED: 5 approve, 1 abstained (Mr. Diener)

MOTION PASSED

V. OLD BUSINESS

1. Review draft 2016 Warrant articles

Contiguous Area – Mr. Diener began the discussion by stating he and Mrs. Dionne met with the Planning Board last week, and some questions arose. The Commission has been looking to better define the contiguous area. [The way we proposed to have it defined was no less than 75% of the required road frontage in the appropriate zone.] Once you hit the narrow point, you couldn't include what was beyond it. The Planning Board feels this is restricting the development potential of properties. Ms. Raymond stated the hope is to have people make better decisions with planning. Mr. Diener commented that the Planning Board had a problem with the formula as it caused undo burden on property owners. We talked about agreeing on a set number rather than a formula. Also there was discussion regarding temporary WCD impacts. Mrs. Dionne stated that currently we don't define in the ordinances what is temporary and permanent. After a group discussion, a decision is made to add the following sentence to 2.3.7 Special Provisions C-1 & C-2 "The proposed development within the contiguous area shall not result in any permanent and/or temporary impacts to the WCD."

100' freshwater Buffer – There is discussion about increasing the buffer from 50' to 100' for fresh water wetlands. When presenting it to the Planning Board, they did not have the PREPA (Piscataqua Region Environmental Planning Assessment) report, discussing 1st through 4th order streams. The Planning Board is concerned with the impact on existing properties. They are nervous particularly by applying 100' buffer to all fresh water, and that would be effecting a large portion of our community. Mr. Diener pointed out that our ordinances have 3 categories: Tidal, fresh, and poorly drained areas. He went on to state the 1st – 4th order streams/rivers comprise the bulk of fresh water bodies in Hampton. Some areas do fall outside these specific water bodies. Mrs. Dionne is concerned because not all of the town's areas are saturated, some of them are pretty dry. She states that adding examples to the definitions would broaden the

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
TUESDAY, SEPTEMBER 22, 2015
DRAFT MINUTES**

umbrella a bit, also noting that it is not our objective to prevent development. After further discussion it is decided to add to Amend Article II, Section 2.3.2B definitions “Examples include, but are not limited to ponds, rivers and streams.” Also, to add to Section 2.3.2 E “the boundary line of areas of poorly and very poorly drained soils and/or 3) one hundred feet (100 ft.) from the Ashbrook, Drakes River, Little River, Nilus Brook, Old River, Taylor River, Winnicut River, and their headwaters and tributaries.”

Prime Wetland Designation – Taylor River – Mrs. Dionne stated that one of the things that came out of the PREPA report is that If we have the ability to designate more wetlands as prime, we should. In 2009, we received support to designate the large saltmarsh as prime. This provided us with 100’ buffer at the state level. The Planning Board supported it for the saltmarsh complex. If Taylor River is designated as prime wetland it would allow for additional protections under State law that comes with this designation.

8:45 Ms. Raymond exits the meeting.

2. Land between Route 101 and North Hampton – Strategy – Nothing new

3. Update on Wetlands Permit notes on tax card – No update

4. Ice Pond Dam Update – Mr. Diener informed the Commission they are waiting for bid documents to put out for bid and hopefully they will have a contract signed by the end of the year. He also stated there is discussion that the Town Manager and the Town Attorney may draft another warrant article so that if we do not receive the bid in time, it will be non-lapsing.

VI. NEW BUSINESS:

1. Prime Wetlands designation – This was discussed with the warrant articles

2. Mapping Invasive –Mrs. Dionne explained there is a software that allows you to log in the location of invasives, but the fee to support the software was quite large. She went on to state it is an interesting concept, and if it becomes more cost effective in the future it may be something to look at. Mr. Denier suggested they could develop a roster in the future.

3. Beach Grass Garden Flyer – Ms. Renaud created a sand dunes with beach grass piece by using the Conservation Commission notes. There is a community meeting on this on September 30th. Mr. Diener inquired what would the Commission do with this, and Ms. Renaud suggested it be added to the town website with an area for frequently asked questions. Mr. Diener would like to spend more time on this and also review the FAQs. Mrs. Dionne passed out the draft to the Commission and suggested they review it and if they have any comments or feedback to let her know.

4. Hampton member for SWA (Southeast Watershed Alliance) – Mr. Diener informed the Commission that there is a seat at the SWA for Hampton, and that is not currently occupied. He went on to say that the SWA would welcome a Hampton representative. Mrs. Dionne informed everyone that the SWA is comprised of all New Hampshire communities that lie along the watershed. Their primary concern is water quality. Meetings are held quarterly. She has a flyer that lists the participating towns in the alliance from August, 2015. Ms. Renaud inquired whether they put out a newsletter. Mr. Diener does not believe so but will check. Mrs. Dionne said it is a means for communities to address water supplies, conservation, land use, etc. Whoever would like to participate in this would have to go before the Board of Selectmen to receive permission to sit on the alliance. Mr. Tilton inquired if it could be any citizen in town, and if so perhaps it should be publicized.

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
TUESDAY, SEPTEMBER 22, 2015
DRAFT MINUTES**

Ms. Woolsey departs the meeting at 8:55 p.m.

VII. CONSERVATION CORRINATOR AND CHAIR UPDATE (OUT OF ORDER)

Mrs. Dionne submitted a couple of bills to Ms. Renaud, including a manifest for the September for the Ice Pond Meadow. Mrs. Dionne also submitted a manifest to Ms. Renaud for the recording fees of a deed donated to the Conservation Commission for a piece of land along Meadow Pond.

Ms. Renaud presented the Commission with an article from the newspaper regarding curbing flood insurance costs. She commended Mrs. Dionne as well as the Town Planner on a great article and the combined work they are doing with CRS. Mrs. Dionne responded that there are a lot of things that still have to happen. It will be great when we get there, but it will not happen right away.

VIII. ADJOURN

MOTION: Mr. Tilton made a motion at 9:00 p.m. to adjourn

SECONDED: Ms. Shaw

VOTED: 4 Approved, 1 Abstained (Mr. Diener)

MOTION PASSED

The next meeting of the conservation commission will be held on October 27, 2015.

Respectfully submitted,
Cheryl Hildreth, recorder