

**Hampton Conservation Commission**

**Minutes**

**Tuesday, February 23, 2016**

Present: Jay Diener, Chairman  
Peter Tilton, Jr., Vice Chairman  
Barbara Renaud, Clerk  
Sharon Raymond  
Diane Shaw

Also Present: Rayann Dionne – Conservation Coordinator

**I. Call to Order**

The Meeting was called to order by Mr. Diener at 7 p.m. in the Town Hall Selectmen’s Meeting Room.

**II. Review Minutes**

**MOTION:** It was moved by Ms. Raymond to approve the December 22, 2015 minutes with edits provided.

**SECONDED:** Mr. Tilton

**FAVOR:** 3 in favor, 2 abstained (Mr. Diener and Ms. Renaud) **MOTION PASSED**

**MOTION:** It was moved by Mr. Tilton to approve the January 26, 2016 minutes with edits provided. Mr. Tilton noted that references in those minutes to engineer Corey Colwell flip-flopped between Mr. Corey and Mr. Colwell.

**SECONDED:** Ms. Shaw

**FAVOR:** 2 in favor, 3 abstained (Mr. Diener, Sharon Raymond and Ms. Renaud)

**MOTION PASSED**

**III. Appointments - None**

**IV. Applications – None**

**V. New Business Item - Stolen Twelve Shares signage – sign replacement? (taken out of order)**

Charlie Gasperoni and his father came before the Commission to discuss the replacement options for the two signs recently stolen from the Town Forest trail heads on Barbour Rd. Charlie had installed the signs as part of his Eagle Scout project. Charlie shared with the Commission the various media coverage the theft has received and the outpouring of community support. He also thanked the Commission for helping with this project. His project is now complete and he needs to close out his project before he goes before the Eagle Review Board in March. He explained that he needed to close out the bank account associated with his project. There are still remaining funds (\$260.43) that he wants to donate to the Commission. This money could be put towards replacing the stolen signs. Each of the signs cost \$120, the u-channel posts were \$30 and \$5 for a bag of concrete mix. The remaining funds would basically cover the replacement, it is short by only \$17. Charlie also stated he wants to help reinstall the signs, if that was how the Commission decided to proceed. Mr. Diener read a letter received by the Commission from a former eagle scout with a \$50 donation towards the sign replacement.

There was a discussion on what might have been attractive and/or offensive about these signs. The intent was for them to be very visible from the road but it was agreed that the replacement signs would be placed a bit further away from the road and oriented more towards the trail head as opposed to the

## Hampton Conservation Commission

### Minutes

Tuesday, February 23, 2016

road. Mr. Tilton recommended using tamper resistant bolts. Mr. Tilton, also recommend placing rebar crisscross in the concrete. Mrs. Dionne asked about the timing of replacement and it was agreed to wait until spring when the ground thaws. Charlie also agreed and shared that his troop also talked about holding off on the replacement to let things settle in hopes that they wouldn't be stolen again. Mr. Gasperoni also shared that he had looked around White's Lane area to see if the signs had been dumped but none were found.

Mr. Diener shared his appreciation for Charlie's willingness to keep on with the project. The Commission all agreed that such a great job was done on this project and it is sad to see this happen in our Town.

Ms. Renaud explained that the Commission will need to keep these monies separated in our account for tracking purposes. Mr. Diener noted that when the Town Forest was established by Town Warrant Article last year, it included creating a Town Forest Maintenance Fund. This fund is only to be used for maintenance and improvements to the Town Forest. Any donation checks that Charlie might receive should be made out to the Hampton Conservation Commission and then deposited into a Town Forest Maintenance Fund that would be tracked/managed by the Town Treasures, Ellen Lavin,

Ms. Renaud suggested another press release, thanking all the people that contributed and to note that Charlie agreed to work on his own time to replace them. Mr. Gasperoni commented that the "no parking" sign was missing also at Jonty's Lane. Charlie is going to drop off the kiosk plan and extra QR codes that can be used on new signs. There is also a couple of extra trail markers. Mr. Diener asked where the trail markers were made wanting to know where we can get them in the future

**MOTION:** It was moved by Ms. Renaud to create a Town Forest Maintenance Fund specifically designated for The Town Forest and any income or expenses related to the maintenance or improvements of the Town Forest as per 2015 Warrant Article #33. The funds donated by the Eagle Scout for his project in the Town Forest will be the first deposited into this account plus donations related to the replacement of the signs.

**SECONDED:** Mr. Tilton

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

**MOTION PASSED**

## VI. Old Business

### 1. Land between Route 101 and North Hampton – Update.

Mrs. Dionne gave brief update on the Fitzgerald donation in both White's Lane and between Route 101 and North Hampton. She noted when reading through the deeds that each parcel contains land that extends into North Hampton. She contacted the landowner to ask how they wanted to handle the portions in North Hampton and is awaiting a response. Based on Mrs. Dionne's recent conversation with the Town Assessor, Ed Tinker, the issue regarding North Hampton owning land in Hampton and having to pay taxes was resolved. North Hampton does not have to pay Hampton property taxes. However, a conversation Mrs. Dionne had with the Town Manager this afternoon suggested that perhaps it was not completely resolved. He commented that only under very specific circumstance can a Town own land in another Town without being required to pay property taxes. Mr. Diener asked Mrs. Dionne to continue following up on this issue. If no taxes need to be paid to North Hampton, then accepting the Hampton parcels plus the portions in North Hampton would be the most convenient. Otherwise we have to look into how to give each portion of the parcels to the respective Towns. Mrs. Dionne will give an update in March on how this is progressing.

## Hampton Conservation Commission

### Minutes

Tuesday, February 23, 2016

#### 2. Ice Pond Dam Update

Mr. Diener shared that the beavers are still working and doing a good job of maintaining the pond's water level. There had been some discussion awhile back about bringing some beavers to the pond if there were none active. Ms. Raymond commented that we should not move any in because there's no guarantee they will do what you want. Mr. Diener reminded the Commission that a long-term solution has not yet been identified. Ms. Raymond believes that the Commission was unsuccessful in securing a reconstruction contract because the bid documents had some technical/specification issues which maybe the reason the bids were so skewed from the construction estimate and from each other. Ms. Raymond did note that she did not have time when the bid was being developed to look it over due to her work schedule. She also commented that going out to bid in December as opposed to the spring might have caused fewer contractors to bid. In the spring, contractors are looking to fill their schedule which results in greater competition. Mr. Tilton does not want to spend any more money on the reconstruction design/bid process if the cost of reconstruction is going to be unfeasible. It has already been a costly effort and we have made no progress. Ms. Renaud asked Ms. Raymond how the Commission gets any issues in the bid document resolved. The discussion then shifted to the status of the 2015 Town appropriation of \$90,000 towards the reconstruction of the Ice Pond Dam. Ms. Raymond commented that we lost the money. Ms. Tilton wants the public to know that the Commission doesn't have the money any more. It goes back into the general fund. There was a discussion about where the funds go when they are not spent. The unused funds were placed in the Town's undesignated fund. - make it clear that we didn't spend the funds and that it went back to the Town.

#### 3. Dune restoration at Plaice Cove

Mrs. Dionne read a letter drafted by Ms. Swank to the Board of Selectmen which explained why Plaice Cove is experiencing erosion and the steps to be taken to stabilize the sand and improve safety. Ms. Swank has been working with Alyson Eberhardt from UNH Cooperative Extension and Sea Grant to evaluate the erosion issues and come up with feasible solutions. The Commission members thought the letter was very well written.

**MOTION:** It was moved by Mr. Tilton to support the restoration activities at Plaice Cove as well as approving Ms. Swank to speak on behalf of the Commission on this project.

**SECONDED:** Ms. Renaud

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

**MOTION PASSED**

Mr. Tilton noted that he had observed some serious erosion near the bridge as you drive over the Hampton Harbor towards Seabrook. He saw some people checking out the area experiencing erosion and thought they could have been DPW workers. Mrs. Dionne commented that she would follow-up with DPW and check-in with the Town Manager to see if they are aware of the issue.

#### 4. Mitigation Ratio Guidance

Mr. Diener gave a brief recap on the recently approved project at 298 Exeter Rd that prompted the idea of developing this type of wetland and buffer mitigation guidance. The intent is to quantify how much preservation is needed/required for permanent wetland/buffer impacts. Mrs. Dionne researched wetland mitigation ratios at both a state and federal agency level. She drafted a two page handout. The front page summarized mitigation ratio ranges for both wetland and buffer impacts while the back page referenced the supporting document. Mr. Diener thanked her for her work. He added that having something like this gives the Commission a framework to determine whether the mitigation being offered is reasonable and appropriate. Most importantly it allows the Commission to be consistent. The guidance is not intended to be part of the Wetland ordinance. The Commission sees this guidance only being utilized in very rare circumstances. Mrs. Dionne wants to make sure the Commission is

## Hampton Conservation Commission

### Minutes

Tuesday, February 23, 2016

comfortable with this guideline so that it can be available should a project require it in future. The West side of Hampton has great development potential where this guideline could be applied. Mr. Tilton suggested that they vote to approve the guideline and keep it in the Commission's "tool box". Ms. Shaw asked if there's a point where we don't have any land left to offer for mitigation. Mr. Diener responded that then this guideline becomes null and void. Ms. Raymond also responded that if there is not mitigation then there is no building. Ms. Raymond requested that the guideline state that the top preference for off-site mitigation is within the same watershed and the second would be in a watershed with similar stresses. Ms. Renaud asked about the size of watersheds. Mrs. Dionne responded that watersheds range in size. Mrs. Dionne asked the Commission's opinion on buffer mitigation ratios since that is new territory. She was not able to find mitigation ratios for buffers in her research. Commission members did not have any objections to the proposed ratios. Ms. Raymond recalled that in Massachusetts there are Towns that have "no disturb" zones, with 2:1 or 5:1 mitigation ratios. Mrs. Dionne would take a look at some Towns in MA to see if there are other ratios for buffers available. The Commission agreed to continue this discussion at the next month's meeting.

### VII. New Business

#### 1. Town Property Management Agreement – revisit

Mrs. Dionne passed around a copy of the proposed Board of Selectmen agreement with the Conservation Commission to manage undeveloped Town owned land. The intent of the agreement is to give Commission oversight on lands that are not directly owned by the Commission. This agreement was reviewed back in September of 2013 and Mrs. Dionne read the minutes from the meeting where the Commission opted not to sign the agreement. The two major concerns at that time were concerns regarding monitoring costs and potential consequences if monitoring is delayed. Mr. Tilton commented on agreement #3 which stated that any funds from timber harvesting should go into to the General Fund. This contradicts the Town Forest Warrant article that states that monies from the cutting in the Town forest should go into the Town Forest Fund. The Commission agreed this should be revised. Mr. Diener addressed the original concern about monitoring the lands. He shared that this year we received a grant from the Davis Foundation to hire a summer intern to do conservation land monitoring. He also recommended that once the Commission has an idea of how much it costs to do some annual monitoring, it could be incorporated into the annual budget. It is understood that not all the parcels can be monitored each year but at least a decent chunk can be done. Mr. Diener is not opposed to the agreement with the proposed edit and to adding to the Commission's budget funding to monitor. As the Commission reviewed the long list of parcels referenced in the agreement there was confusion as to whether parcels under the Conservation Commission's control were included. It was requested that Mrs. Dionne review the list presented in the agreement to ensure that it only includes parcels owned by the Town.

#### 2. Full-time members and alternates

There is one full-time member position open. The Commission reviewed the current list of alternates. It was agreed that if Pat Swank, who is up for re-appointment, accepts another term that it should be as a full member. Mr. Diener shared that both Mr. Tilton and Ms. Shaw are up for re-appointment this year.

**MOTION:** Ms. Renaud moved to appoint Ms. Swank as full member.

**SECONDED:** Mr. Tilton

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

**MOTION PASSED**

#### 3. DPW update on sewer line breach in salt marsh

## Hampton Conservation Commission

### Minutes

Tuesday, February 23, 2016

Mr. Diener shared that both the DPW Director and Deputy Director wanted to come before the Commission to provide an update on the sewer line breach in salt marsh, however they both had prior commitments for this evening. There was a discussion based on the information that was presented at the Board of Selectmen meeting the night before. Mr. Tilton shared that there was a second sewer issue on Route 1. The BOS were concerned about keeping the beach open this summer and fixing or finding an alternative option is a high priority. There was also mention of an article on this matter in the Hampton Union. It seems there's a great need to develop a plan for ongoing maintenance. Ms. Raymond spoke about an enterprise fund that is used for routine and going maintenance. This would be funded through a sewer use fee. Mr. Diener commented that one of the potential alternatives for the salt marsh line is to move it along Route 101 and all the Commission members supported this idea not only from an ecological/habitat perspective but also because it would be easier for DPW to access/maintain.

#### 4. RSA 41:14A – Drainage Easement and Turn-Around Easement on Leavitt Rd

The Commission reviewed the memo from the BOS requesting a recommendation on whether to accept the drainage easement and turn-around easement at 88 Leavitt Rd. There were no concerns raised by either easement.

**MOTION:** Ms. Raymond moved to recommend accepting the drainage and turn-around easements at 88 Leavitt Rd.

**SECONDED:** Mr. Tilton

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

**MOTION PASSED**

#### 5. 2016 Rain Barrel and Rain Garden programs

Mrs. Dionne gave a brief update on both programs. The Rain barrel program is underway. Aquarion donated 8 rain barrels this year and both Wicked Awesome Paints and Wayne's' Auto body are providing supplies and services. The barrels have been delivered to Hampton Academy. Mrs. Dionne has submitted the paint order and plans to pick it up and deliver it to the school next week. The barrels will be auctioned off during this year's Garden Club Plant sale which will be held on May 21<sup>st</sup>. Mrs. Dionne also commented that the Rain Garden program is still in the planning stages. She passed around a copy of the application for members to review and comment on. One of the major goals this year is to get a business to apply for the cost-share grant. Mr. Diener shared that he and Mrs. Dionne spoke with John Nyan of Experience Hampton and he agreed to pass along our program information. Mrs. Dionne will provide him with a copy of this year's flyer when it is ready. Mrs. Dionne asked members to keep their eyes open for businesses they think might be a good fit for a rain garden. Ms. Renaud recommended QA Technologies located on Towle Farm Rd. Mr. Tilton asked about Smuttynose, but their redevelopment plan included rain gardens.

#### 6. Soil Testing Program – outline/timeline review

Mrs. Dionne shared that this program is still in the planning stages. She has reached out to a few people at UNH Cooperative Extension based contacts Mr. Diener found, about how they could help us get this program off the ground. The idea is to have a soil testing informational session prior to the Garden Club's Plant sale and then at the sale have people drop off samples for testing. Mr. Diener thought as an incentive the Commission could offset the cost of a certain number of soil tests or offer a certain number for free. The Commission will discuss this further once more information from the UNH Cooperative Extension is received.

**Hampton Conservation Commission**

**Minutes**

**Tuesday, February 23, 2016**

**VIII. Conservation Coordinator and Chair update**

Mrs. Dionne had a quick question for the Commission regarding repositioning rocks on revetments. She had a resident in Sun Valley that could access the revetment from their property and wanted to bring in a small backhoe to reposition some rocks that had shifted. The machine would operate from an existing patch of lawn. Does this type of work require a Town Wetlands Permit since no new rocks are being added? The Commission was very uncomfortable allowing any work on a revetment that involves large equipment. There is the potential for temporary impacts plus without a plan it's possible that additional work such as adding new rocks or material could happen.

Mr. Diener gave in update on the Stowecroft abutter's appeal to the NHDES Wetlands Permit. Mr. Diener was subpoenaed as a witness for the abutter's and spent almost entire day at the hearing. Ultimately, the appeal was denied. However, Mr. Diener found the testimony regarding gravel wetlands by Tom Ballasteros from the UNH Stormwater center very intriguing. He reviewed the Jones and Beach design and found that it was under sized. It was requested at the hearing to verify whether this report from Mr. Ballestero was included in the DES review. It seems like it might be appropriate to try to a consultation/review by Mr. Ballestero whenever a project proposes a gravel wetland to ensure that the design is appropriate and adequate. The Commission was in agreement

Lastly, Mr. Diener shared that the Town's annual report is available online and the hard copy will be ready at the end of the month.

**IX. Non-Public Session – RSA 91-A:3, II(d) – Consideration of acquisition, sale or lease of property.**

The Conservation Commission entered Non-Public Session at 8:45 by roll call vote and then reconvened the public session by roll call vote at 8:59

**X. Adjourn**

**MOTION:** Ms. Shaw made the motion to adjourn at 9:05 p.m.

**SECONDED:** Mr. Tilton

**FAVOR:** 5 In favor, 0 abstained

**MOTION PASSED**

The next meeting of the Conservation Commission will be held on March 22, 2016.

Respectfully Submitted,  
Rayann Dionne