

**Hampton Conservation Commission
Draft Minutes
Tuesday, January 25th, 2022**

Present:

Deborah Wrobel, Chair
Jay Diener, Vice-Chair
Pat Swank, Clerk
Pete Tilton
Robert Fox
Sharon Raymond

Staff Present:

Brianna O'Brien, Conservation Coordinator

I. Call to Order: 7:00 pm

Ms. Wrobel notes that item 2 on the agenda for 132 Kings Hwy Town Wetland Permit has been removed at the applicant's request, and will likely come back next month after they go to zoning.

II. Approval of Minutes

Ms. Swank MOTIONED to accept the December minutes with corrections. SECONDED by Mr. Tilton.
Vote: 6-0-0.

III. Applications 7:02 PM

- 1. 571 Winnacunnet Rd (22-004) After-The-Fact Town Wetland Permit Applicant:**
Dennis Early, President Sandpiper Bay Condominium
Agent: Barry Fogel, Keegan Werlin LLP
Property Owner(s): Dennis Early, et. al

Peter Sienkiewicz, Owner and on the board of the Condominium association spoke to represent the board.

Mr. Sienkiewicz gave an overview of the reason for this application. Mr. Sienkiewicz stated that they are looking for an after-the-fact permit for work done to the marsh area to prevent some accelerated erosion. In the last 1-2 years the erosion began to encroach dangerously close to the condos on the property. The board held a zoom meeting with the town and they were instructed to start with NHDES and follow their direction.

Mr. Sienkiewicz explained that they hired an environmental scientist and a coastal engineer to make sure that the appropriate professionals were hired to do the emergency work to stop the erosion. Eben Lewis gave approval for the emergency work. Coir logs were put in place to prevent erosion and maintain the integrity and health of the marsh until a plan could be made for a permanent resolution that would meet state standards. Coir logs were put in with duckbill pins and aerospace wire. They are checked weekly and Mr. Sienkiewicz noted that they are holding up well. Now they are looking for approval for what they did and to move forward.

Mr. Diener notes that he is interested to see what the next phase will look like.

No public comment.

Mr. Tilton MOTIONED to recommend the After-the Fact permit to 571 Winnacunnet Road. SECONDED by Mr. Diener. Vote: 6-0-0.

Ms. Wrobel states that the Commission will write a letter of support to the Planning Board.

2. 132 Kings Hwy (21-043) Town Wetlands Permit

This item was removed from the agenda.

3. 968 Ocean Blvd NHDES Min Exp Permit

Applicant: Gegalis, Joan M. Revocable Trust
Agent: Mark West, West Environmental, Inc
Property Owner: Gegalis, Joan M.

Mark West of West Environmental spoke representing Bob Gegalis.

Mr. West gave an overview of the project. He reviewed a map of the property and noted that the project is within the footprint of the existing seawall. Mr. West pointed to the highest observable tideline on the map and noted that a lot of rocks have been pulled from the wall they wish to repair. In addition to repairing the wall, they wish to build steps out of stone down to the beach. Mr. West notes that the lot has an access point on the western side, and this is the proposed access point for the project. Mr. West notes that they will be back for the town permit at the next meeting.

Ms. Swank asks for further explanation of what is wrong with the existing wall.

Mr. West states that there are voids from rocks being pulled off the wall. With the conditions changing, like the recent storm, the owner wants the wall shored up. Mr. West also notes that with these permits we would also have the ability to maintain it. The steps are an addition, because the owner would like to get down to the beach safely.

Ms. Swank notes that when they walked the site they came through the adjacent lot.

Mr. West explains that that is an easement. Part of the local processing will include notifying the condo association that owns the easement.

Ms. Swank asks if anything can be done to keep the ocean from coming through the easement.

Mr. West states that that would need to be negotiated with the condo association.

Ms. Swank asks who owns the fixtures along the driveway.

Mr. West states that the easement owner actually lives on the other side of Ocean Blvd.

Mr. Tilton notes that it appears they have the room to work without selectmen approval.

Mr. West says that he believes they will touch base with the board of selectmen anyways to make sure they are aware of what is being done.

Mr. Diener asks if the wood stairs are going to remain.

Mr. West explains that the wooden stairs will be repaired, and then large stones will be added for beach access.

Mr. Diener asks if the property owner owns the right of way and references a yellow line through the easement on the map provided.

Mr. West states that there is enough room, but they have already spoken to both neighbors about the projects. They will need to get the abutter sign off from both abutters.

Ms. Wrobel asks if there will be any changes in the slope of the beach as a result of the work.

Mr. West states that they will not be taking anything out and they will be using stone onsite.

No public comment.

Mr. Diener MOTIONED to have chair Wrobel sign the permit. SECONDED by Mr. Tilton. Vote: 6-0-0

4. 43 Harbor Rd. NHDES Wetlands PBN 7:20

Applicant: James P. and Nancy M. Hurrell

Agent: Steve Riker, CWS, Ambit Engineering

Property Owner: James P. and Nancy M. Hurrell

Steve Riker spoke on behalf of 43 Harbor Road via telephone.

Ms. O'Brien gave some background on the permit. There are many different options for Permit by Notification from the state to expedite the process. In this case, it can go right to the state without a signature from the chair, and it will be processed in 25 days. If it goes to the state with a signature from the chair, it will be processed in 10 days.

Mr. Riker gives background on the project. This is an application for the repair and replacement of an existing title docking structure. Mr. Riker points out C2 NHDES permit plan and states it serves to call out the areas of the dock that are to be repaired and replaced. Mr. Riker notes that the pier section is 18'x18'. There is a shed, a gangway (4'x28') which leads to a 12 ½' x 14' slope. The proposed project calls for replacing wood piles that support the pier. There is a photo showing the piles under the pier. They have eroded as they get closer to the water. With this application, it allows for replacing the entire structure and the permit would be good for 5 years. If something were to happen to the pier within that time frame, this would mean they would have the permit to do any of that replacement that is already called out on the plan, but the current intent is just to drive new piles.

Mr. Riker notes that Riverside and Pickering Marine based out of Newington will do the work. He

explains that all work will be done from a crane barge. They will use prefabricated pieces that are brought to the site via the barge. In this case, they will take away the fasteners and use the crane to take sections off and then they will use vibratory hammers to drive the piles. The hammers are low frequency and it will take 10 minutes to drive each pile.

Mr. Riker points to the “shellfish map” and states that there are no shellfish in the area.

Ms. O’Brien asks for clarification on how many piles they wish to replace.

Mr. Riker states that they intend to replace every pile, which is a total of 38.

Mr. Tilton MOTIONED for the Conservation Commission to support the signing of this permit. SECONDED by Ms. Raymond. Vote: 6-0-0

IV. New Business

1. Deborah Fallon-Romvos and Janice Fallon - Quinlan Lane Property Abutting Barkley Property.

Ms. Fallon-Romvos explained that Ms. Fallon’s property abuts the Barkley property. They came before the Conservation Commission to voice their concerns regarding the conservation easement that acts as a boundary between the Barkley property and their property. Ms. Fallon-Romvos noted that they have had issues with illegal hunting, fishing, and trapping at the rear of their property. Ms. Fallon-Romvos explained that they are concerned that the addition of trails would exacerbate the issue.

Ms. Fallon-Romvos asks where the trails will begin and end and wants to know how the town plans to ensure that visitors understand where the boundaries are between public and private property. Ms. Fallon-Romvos also notes that she would like to know what hours the commission will have the trail open to the public.

Ms. Wrobel explains that SELT will hold the conservation easement on the Barkley property. The easement will be protective of the land and it will minimize parking. Ms. Wrobel also notes that she would be happy to add public discussion about mapping trails to the agenda when they get to that point.

Mr. Diener notes that the conservation easement will also limit the kinds of activities that are permitted on the property and the Conservation Commission will also impose restrictions on permitted and prohibited activities on the property as appropriate. Mr. Diener adds that the commission generally does not allow camping or fires, and access hours are usually from dawn to dusk. Mr. Diener also states that trails on this type of land are usually looping, visitors will enter in the same place they leave.

Ms. Wrobel states that nothing motorized should be on the trail and they do not expect crowds larger than the occasional school bus of students who are touring the area. Ms. Wrobel asks the rest of the committee to take some time to reflect on other places where public and private land are side by side.

Ms. Raymond notes that the Conservation Commission will not have a ranger monitoring the trail, but at similar sites the commission gets calls from the police from citizens when there are issues.

Mr. Tilton asks Ms. Fallon-Romvos and Ms. Fallon if they have posted “No Trespassing” signs on their property. Ms. Fallon-Romvos confirms that they have. Mr. Tilton suggests that they call NH Fish and Game when they have an issue.

Ms. Wrobel explains that the commission will make people aware of the boundaries of the property by having language on the website to the effect of “be mindful of private land”. Ms. Wrobel also states that she believes they can put signs up to denote boundaries. The commission discusses what language can be

used on the signs. The commission confirms that it is the responsibility of the resident to post “No Trespassing” signs, but the commission can post boundary markers.

Ms. Wrobel states that the commission would also like to be notified if there are any activities related to fires or tents.

Mr. Tilton notes that the addition of trails will likely deter illegal activities.

2. Eagle Scout Project: Carbone Property - Jack Demirbas

Mr. Demirbas proposes a project to develop a trail on the Car Barn Property as his Eagle Scout project.

Ms. Wrobel asked for clarification of the timeline for this project.

Mr. Demirbas reviews the steps it would take within his organization to get this project started. He notes that the project would be started this year.

Ms. Wrobel states a few of her thoughts on what could be done on the property. She notes a potential loop trail that is a little less than 1 mile. Ms. Wrobel notes potential ecological points of interest and the potential addition of a kiosk.

Ms. O’Brien notes that coordinating with the town to add crosswalk would also be a potential option.

Mr. Diener notes a gully at the entrance to the property that may require a small bridge to be constructed.

Mr. Demirbas asks if the kiosk would need to be built or if it would just be placed on the property.

Ms. Wrobel states that it would need to be built and says that if he needs any help with labor the commission could work with him. She also notes that the Conservation Commission would provide the markers for the trail.

Mr. Demirbas states that he would like to walk the property to get a better understanding of the land.

The commission agrees to plan a time to walk the property after the incoming storm.

Mr. Fox notes that the entire property can be seen on tax map 66.

The commission discusses the site.

Mr. Demirbas states that he will construct the project proposal and bring it back to the commission.

3. CHAT Update 8:10 PM

Ms. O’Brien reviews information from the Rockingham Planning Commission regarding the impacts of different flood model projects on different roads in the area and what different levels of flooding mean for road closures. There were suggestions for raising certain roads and adding culverts based on flooding impacts. Ms. O’Brien notes that she feels the information is informative, but not thorough. There were no evacuation routes, and everything was based on “business as usual”.

Ms. Raymond: “Raising the roads does not make a lot of sense because you basically have a dam and everything is dumped back on the property.”

Mr. Denier: “It is an incomplete study and all they were looking at was what does it take to make that road passable. There was no information on the consequences of the changes to the properties on either side of the roads.”

Mr. Fox notes that these fixes will work in the short term, but years later, when they fail is when the real problems will begin.

The commission continues to discuss the pitfalls of temporary fixes in response to climate change.

Ms. O'Brien gives a suggestion for making citizens more aware of flooding hazards by adding signs that say "this location is prone to flooding...for more info... etc".

Mr. Tilton suggests adding an LED element that could light up when the road is flooded to warn drivers.

The commission continues to discuss signage in regard to flooding.

Ms. O'Brien states that she feels it is currently most important to better prepare people for the flooding, and not so much about alerting them about when it floods. This will reduce calls to the DPW and the town hall in the event of flooding.

4. Master Plan Update 8:28 PM

Ms. Raymond gives a review of what is going on with the Master Plan Steering Committee. Things are moving slowly right now, but she anticipates a speed up when a full draft is submitted and they start going through actual paragraphs.

Ms. Wrobel asks how far away we are from documents.

Ms. Raymond thought they would have something by March, but that may not happen. They're trying to merge phase one visioning and data currently. Ms. Raymond notes upcoming community discussion groups coming up. Ms. O'Brien will send the link out with more information.

Mr. Diener notes that dates can also be found on the town website.

5. Review "Standards and Stipulations" 8:34 PM

Ms. Wrobel asks that everyone review a copy of the current standards and stipulations and the commission will review a few at each of the upcoming meetings. The commission will discuss additions, clarifications, and updates.

V. Old Business

1. Barkley Property 8:35 PM

Ms. Wrobel describes grants that the commission has applied for:

- Hannaford for \$10,000
- Kennebunk Bank for \$10,000. They have followed up with an email for more information.
- Fields Pond for \$20,000. This group has written requests for more information from the conservation commission 3 times.
- Cornell Douglas for \$20,000

The Conservation Commission is advertising everywhere they can think of, and SELT is going to post some marketing on their Facebook page. SELT will allow people to use a credit card to donate directly on their website.

Ms. Swank has coordinated a potential news article about the fundraiser with Karen Raynes of the Historical Society to be posted in the Hampton Union. Either Ms. Wrobel or Ms. O'Brien will follow up with her.

Ms. Wrobel states that the Conservation Commission has received about \$700 in donations via checks. She also notes that the commission has received the conservation appraisal within the past few days. The 7 parcels were appraised for 1.4 million dollars.

Ms. Swank asks about the status of the voting signs. Ms. Wrobel states that they will discuss that in the next meeting.

The commission discusses marketing strategies to inform voters of why they need the warrant article and the fundraising.

Ms. Wrobel asks the commission if they would like to commit the \$12,000 they saved by not having a Conservation Coordinator in the previous year to the Barkley project.

The commission discusses pros and cons of committing these funds and begins talking about potentially establishing a maintenance fund.

Ms. O'Brien suggests that she schedule maintenance reminders in March of each year on the Conservation Commission calendar to ensure they dedicate time and money to maintenance each year.

Mr. Diener notes that there were \$16,000 in unexpended funds from the previous year.

The commission decides to table this conversation until next month's meeting.

Ms. Wrobel notes that two tours of the Barkley Property have been scheduled. One was moved due to the recent storm. One will take place in February and one will take place in March before the vote. Ms. Wrobel suggests inviting the man that wrote the first article about the property.

Mr. Diener suggests giving the editor of the Hampton Union a tour on his own.

The commission discusses marketing for the property tours. Facebook, Selectmen's meetings, the news article, and eblasts will be included.

Ms. O'Brien notes that she reached out to Middleton Lumber about a donation. They had not set their 2022 marketing budget, but said to reach back out in the spring. Ms. O'Brien has also been attempting to get in-touch with Planet Fitness with no success. Ms. O'Brien also found a grant through Westinghouse Electric Company.

VI. Conservation Coordinator and Chair Update 8:59 PM

Ms. Wrobel states that the Hampton Garden Club will auction the rain barrels at their May 14th Garden Club Plant Sale at Center School.

Mr. Diener suggests that the Conservation Commission add something to the logo that references the fact that the Commission is a member of the NH Association of Conservation Commissions.

The committee agrees to change the logo.

HB307: This bill has passed the house and the senate in NH and is going to the governor's desk. It would take the ability to regulate gun use on town property away from municipalities. Within state ordinances, people would be able to go hunt, target shoot, and/or discharge firearms on public lands. This would take the decision entirely out of the town's hands. Mr. Diener asks for the commission's permission to write a letter to the governor asking him to veto this bill.

Ms. Swank asks if this bill would mean that hunting would be allowed on the Barkley property. Mr. Diener says it would and states that he believes the only way to prevent that would be by placing 'No Trespassing' signs on the property.

The commission discusses the bill.

Ms. Swank MOTIONED to recommend that a letter be drafted and sent from the commission to the governor to veto HB307. SECONDED by Mr. Diener. Vote: 5-0-1 Abstained: Mr. Tilton

Ms. O'Brien states that she has a meeting on February 1 about the redevelopment of Liberty Lane. It will be a proposal to redevelop the entirety of Liberty Lane industrial park. No permits have been started.

Ms. Swank: "I was supposed to give the quarterly and yearly report today, but I didn't get the last quarter. Hopefully that will come in the next week or so."

VII. Adjourn

Mr. Diener MOTIONED to adjourn. SECONDED by Mr. Tilton. Vote: 6-0-0.

DRAFT