

Hampton Conservation Commission
Draft Minutes
Tuesday, July 27, 2021
7:00 PM

1 **Present:** **Deborah Wrobel, Chair**
2 **Pat Swank, Clerk**
3 **Pete Tilton**
4 **Sharon Raymond**
5 **Bob Fox**
6 **Rayann Dionne, Alternate**

7
8 **Staff Present:** **Brianna O’Brien, Coordinator**

9
10 **Also Present:** **Planning Board Representative Fran McMahon**
11 **Jeremy Lougee, SELT**

12
13 **I. Call to Order: 7:00 PM**

14 **Welcome New Conservation Commission Member and Conservation Commission**
15 **Coordinator**

16
17 Chair Wrobel called the meeting to order at 6:59 PM. Alternate Rayann Dionne was activated.
18 Chair Wrobel welcomed Rayann Dionne as the Commission’s new Alternate Member and
19 welcomed the new Conservation Commission Coordinator, Brianna O’Brien.

20 **II. Public Hearing – Conservation Easement on North Shore Road**

21 Chair Wrobel announced that the Town has the opportunity to purchase a conservation easement
22 on 23 acres on North Shore Road from the Barkley family with a subsequent donation of the
23 encumbered property to the Town of Hampton. The house would be subdivided off from the
24 donation along with two acres. The Commission is working with the Southeast Land Trust
25 (SELT) who will hold the conservation easement. The total purchase price for establishing this
26 conservation easement will be up to \$132,000. The property is appraised at over \$1,000,000.
27 The Commission will raise funds to help with project costs and will revote in public to expend
28 up to \$80,000 of the Conservation Commission land funds. The homeowner would like to close
29 the deal by the end of the year so there is no plan to go to a warrant article in March 2022 for
30 additional funds for this project. Grant funds and a fund raising campaign will be used to pursue
31 funds for the remainder. The next steps are to finalize the purchase and sales agreement and
32 review the draft easement.

33 Chair Wrobel opened the hearing to the public at 7:02 PM for questions and comments.

34 Virginia Havey of Three Quinlan Lane asked if the house were included or only the parcel.
35 Chair Wrobel noted the house is excluded.

36 Maxine Wade of Seven Quinlan Lane noted the parcel is truly a wetlands and the wildlife use it.
37 She is delighted to see it conserved and it has a lot of support from the neighborhood.

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38 Laurel Bavendam of Five Quinlan Lane noted it is a wonderful opportunity and knows it was
39 Mr. Barkley's wish to recognize the beauty, value and importance of Nilus stream. Thank you to
40 the Barkley family.

41 Marcella Quandt of Four Quinlan Lane stated she knew the Barkleys and they care about saving
42 good land. Thank you to the Barkleys.

43 Bob Far of North Shore Road lives at the Barkley residence. He has regularly seen deer, cranes,
44 swans, geese, ducks, deer and heron. The Barkleys are generous people and the Town is lucky.

45 Roger Quandt of Four Quinlan Lane stated it was clearly Mr. Barkley's wish to donate the land
46 to Conservation. He was a great person.

47 Amanda Havey, the granddaughter of the owner of Three Quinlan Lane. He had a deep sense of
48 conservation and preservation in keeping spaces and protecting land. The parcel promotes peace,
49 calm and nature and is very special. Ms. Harvey thanked the Barkley family.

50 Ann Barkley (electronically) expressed that the family was overwhelmed by the generosity and
51 kindness and can't wait for it all to happen and thanked the Commission and SELT for all the
52 work they have put into this. Mrs. Barkley's comments were met by a round of applause from
53 the meeting room attendees and the Commission.

54 Chair Wrobel closed the hearing to the public at 7:11 PM.

55 **MOTION:** Mr. Tilton motioned to expend up to \$80,000 from the Conservation Commission
56 Fund for the project costs for the purchase of the Barkley Easement, 25 acres on North Shore
57 Road and to give the Chair and Vice-Chair of the Conservation Commission explicit authority to
58 negotiate the terms with Southeast Land Trust (SELT) and the Seller and to apply for grants and
59 proceed with fundraising to raise the additional funds for the purchase and project costs.

60 **SECOND:** Ms. Raymond seconded the motion.

61 **VOTE:** 7-0-0

MOTION PASSED

62 Chair Wrobel noted that she and Vice-Chair Diener met with the Select Board to request early
63 access of \$12,000 in unspent salary dollars specifically for this project, when the project is ready
64 to move forward.

65 Chair Wrobel noted that anyone interested in donating can send a note to Chair Wrobel at
66 DWrobel@Hamptonnh.gov

67 **III. Review Minutes**

68 Ms. Swank recommended edits.

69 **MOTION:** Ms. Swank motioned to approve the minutes of the June 22, 2021 meeting as
70 amended.

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71 **SECOND:** Mr. Tilton seconded the motion.

72 **VOTE:** 6-0-1 (Ms. Dionne abstained)

MOTION PASSED

73 **IV. Applications**

74 **1. 45 Nudd Avenue**

Town Wetlands Permit

75 **Applicant:** Darren Sturtevant

76 **Agent:** Tim Ferwerda, Ferwerda Mapping

77 **Property Owner:** David Cardilo and Christine Cardilo

78 Raise existing structure to a height of 10.2,' which is above the 100-year flood elevation.

79 House and deck will be in same location with same footprint. Structure will be raised with
80 helical piles and setting the structure on concrete piers. Extra stairs will be added to
81 accommodate increased height.

82

83 Norman Carpentier of Carpentier Construction presented the applicant on behalf of Darren
84 Sturtevant. Kevin Schultz noted he is the project manager.

85

86 Mr. Carpentier indicated that they appeared before the Commission last month for the
87 recommendation for the NH DES permit. Mr. Carpentier reviewed the existing and proposed
88 elevations. The foundation will be removed and helical piles set and set back down. They are
89 adding stairs. Total impervious impact in the buffer is 1,659 square feet.

90

91 Ms. Dionne recommended the applicant go back to Henry Boyd concerning the sealed surface
92 calculations. The wetland area can't be included but they can include the buffer. Mr.
93 Carpentier agreed to make those adjustments and get them to Ms. O'Brien.

94

95 Ms. Dionne asked the applicant about parking and the existing driveway. She recommended
96 a condition of approval be the installation of a boulders or a similar substantial barrier such as
97 planters, that can't easily be removed, 36 feet from the property boundary, to prevent cars
98 from parking close to the marsh, with the selection of the barrier to be reviewed and accepted
99 by the Conservation Coordinator prior to installation.

100

101 Ms. Swank asked the applicant about flood elevation in 2050.

102

103 Ms. Raymond noted the wetland should not be mowed as it is not allowed by the State. Chair
104 Wrobel noted the NHDES Shoreland Protection Act language is in the usual stipulations.

105

106 **MOTION:** Ms. Dionne motioned to recommend approval of the Town Wetland Permit for 45
107 Nudd Avenue with the usual stipulations of approval and in addition the condition that the
108 property owner will install a barrier 36 feet from the property line in the parking area.

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109 **SECOND:** Ms. Raymond seconded the motion.

110 **VOTE:** 7-0-0

MOTION PASSED

111 Chair Wrobel indicated the additional stipulations of approval:

112

113 1. Two Wetlands Conservation District markers to be installed in areas acceptable to the
114 Conservation Coordinator.

115

116 2. The buffer should remain undisturbed to the degree possible in the process of construction
117 and elevations not be changed. No additional fill is allowed.

118 3. There shall be no additional structures or impervious surfaces in the buffer, other than those
119 shown on the approved plan. A new Wetlands Permit is required for the construction of any
120 additional structure(s) or impervious surface(s) in the buffer.

121 4. If the project requires an occupancy permit, the Conservation Coordinator shall not sign the
122 permit until all of the Wetland Permit conditions have been met. The Conservation Coordinator
123 shall be given a minimum of 72-hour notice to allow for file review.

124 5. Proper erosion control will be in place before construction begins and remain in place until
125 the area is stabilized and removed after construction is complete.

126

127 6. The Conservation Commission shall be notified in writing upon commencement and
128 completion of the project. A final inspection shall also be scheduled with the Conservation
129 Commission upon completion of the project.

130

131 7. This permit will expire two years from the date that it is granted by the Planning Board.
132 Refer to Hampton Zoning Ordinance Section 2.3.5 or information on permit extensions.

133

134 8. The application of fertilizer, pesticides, insecticides or herbicides is prohibited in any tidal or
135 inland wetland, areas of poorly and very poorly drained soils, vernal pools, or their buffers.
136 However, the application of limestone is permitted within the buffer. Lawn care will follow the
137 guidelines set forth in the NHDES Shoreland Protection Act.

138

139 9. No storage of grass clippings or yard waste in the wetland or its buffer.

140

141

142 10. Any deck shall be open above and below and shall not be enclosed.

143

144

145 **2. 35 Park Avenue**

Town Wetlands Permit

146 **Owner:** Chelsie Portlock

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147 Add fill to yard to create gentle slope. Remove existing crushed stone. Install 4' chain link
148 fence around outer edge of backyard.

149
150 Chelsie Portlock presented the application for a Town Wetlands Permit for 35 Park Avenue at
151 the Commission's last meeting. Vice-Chair Diener requested to continue the hearing to
152 research the previous owner's approved application, conditions of approval and plans.

153
154 Ms. Portlock indicated at the last meeting that she wanted to put up a fence in the backyard
155 for her dogs and brought in fill because there was an unsafe drop off. The former owner had
156 proposed a retaining wall and the project went unfinished. The Commission agreed the new
157 fence would be located in the same area and questioned how the buffer should be maintained
158 from the fence to the home. Previously it was lawn which is not allowed in the buffer. Chair
159 Wrobel reported that Vice-Chair Diener was able to determine the owner had been allowed to
160 have the area between the wall to the house seeded. Ms. Raymond noted that would be
161 consistent with the previous lawn inside the fence.

162
163 Ms. Dionne requested that the fenced area be clarified on the plan and that the plan be dated
164 and signed.

165
166 Chair Wrobel opened the hearing to the public for comments and questions at 8:08 PM and
167 being none closed the hearing for deliberations.

168
169 **MOTION:** Ms. Dionne motioned to recommend approval of the Town Wetlands Permit for 35
170 Park Avenue with the modified plan with the area of the house ward side of the fence to be
171 seeded and that the fence be shown on the plan and the plan signed and dated. Streamside
172 should be naturally vegetated.

173 **SECOND:** Ms. Swank seconded the motion

174 **VOTE:** 7-0-0

MOTION PASSED

175 **3. 20 Susan Lane Town Wetlands Permit and NHDES Minimum Expedited Permit**

176 **Applicant/Agent:** Norman Carpentier, Norman Carpentier Construction

177 **Owner:** Brian Ronan and Kathy Ronan

178 Raze existing home and construct a new home. New foundation will sit on helical piles and
179 first floor elevation will be above the flood elevation.

180
181 Norman Carpentier presented the applications on behalf of the owners. The existing dwelling
182 will be torn down and a new structure built on helical piles above flood elevation. The sealed
183 surface existing calculations are 2,639.4 or 71.6%. Almost all is paved from front to street
184 and side. The carport, shed and old foundation will be removed. The new sealed surface

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185 calculations will be 1,883.3 down from 71% to 51%. Water will flow freely under the house.
186 There will be retaining walls all around. The tide will come up to the retaining walls.

187

188 Ms. Dionne asked if the existing HVAC system will continue and noted she did not see it on
189 the plan. Mr. Carpentier noted it would be wall mounted on the exterior.

190

191 Mr. Fox asked about the gravel on three sides of the house and parking in addition to the front
192 paved area. Mr. Carpentier noted the westerly side where the deck is will be crushed stone.

193

194 Ms. Dionne recommended considering salt tolerant plants and shrubs. Mr. Carpentier noted
195 there is a chain link fence and he imagines they will want to plant in front of it.

196

197 Ms. Swank asked the purpose of the remaining crushed stone and Mr. Carpentier noted it will
198 be used for runoff and washout. There will be a stone drip edge and also under the house. He
199 is using 1 ½ inch stone so it will be permeable. Ms. Dionne noted the area under the deck
200 could become infiltration.

201

202 Chair Wrobel opened the hearing to the public for comments and questions at 7:56 PM and
203 being none closed the hearing for deliberations.

204

205 **MOTION:** Ms. Dionne motioned to recommend approval of the Town Wetland Permit for 20
206 Susan Lane to raze the existing home and construct the new home with the usual stipulations of
207 approval and in addition the condition that the property plant salt tolerant plantings on the region
208 on the westside of the marsh rather than maintaining it as lawn.

209 **SECOND:** Mr. Tilton seconded the motion.

210 **VOTE:** 7-0-0

MOTION PASSED

211

212 **MOTION:** Mr. Tilton motioned to give permission for the Chair of the Commission to sign the
213 NHDES permit for 20 Susan Lane.

214 **SECOND:** Ms. Raymond seconded the motion.

215 **VOTE:** 7-0-0

MOTION PASSED

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217 **4. 23 Thornton Street** **NHDES Minimum Expedited Permit**

218 **Applicant:** TF Moran

219 **Owner:** John Woelfel and Sheila Woelfel

220 Impacts 1429 square feet o previously developed tidal upland buffer to remove a concrete
221 apron, perform general landscape activities and add plantings.

222
223 Corey Coldwell from TF Moran presented the application on behalf of the owners. He noted the
224 Commission visited the property in 2019. An additional floor was added to the home. In
225 wrapping up construction the owners decided they would like to remove the concrete apron on
226 the left, right and rear because it is unsightly. This will reduce impervious coverage by 43%. It
227 will be replaced with planters. There will be a small patio in the back with stepping stones. The
228 concrete apron is within the 100' tidal buffer zone. The permanent impacts are 1,429 square
229 feet.

230
231 Ms. Swank asked about lawns and there will be grass with stepping stones

232
233 Chair Wrobel opened the hearing to the public for comments and questions and being none
234 closed the hearing to the public for deliberations.

235
236 **MOTION:** Ms. Swank motioned to authorize the Chair of the Commission to sign the
237 NHDEWS Minimum Expedited Permit for 23 Thornton Street for removal of the concrete apron,
238 additional plantings and general landscaping.

239 **SECOND:** Mr. Tilton seconded the motion.

240 **VOTE:** 7-0-0

MOTION PASSED

241 **V. Appointments**

242

243 **VI. New Business**

244

245 1. 449 Ocean Boulevard Stormwater Management

246

247 Chair Wrobel reported that the Sea Spiral Hotel is being converted to condominiums with no
248 change in footprint and while they don't need to come before the Commission under the current
249 proposal, exceeding 50% of the project costs could trigger them to put in a stormwater
250 management system. She asked if the Commission would want to write a letter to the Planning
251 Board encouraging that to happen. After discussion, the Commission asked Chair Wrobel to
252 draft a memo to the Town Planner that the Commission is interested in reviewing this further if
253 the project costs end up exceeding the 50% threshold. Mr. McMahon indicated they will be
254 coming back to the Planning Board with further documents and probably will not be approved in
255 a single meeting. Ms. Dionne noted the Town Planner could add it to his memo that we would
256 like to review the storm water management plan and stay in the loop.

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VII. Old Business

1. Financial Report.

Ms. Swank delivered the Quarterly Financial Report. As of June 30, 2021:

\$148,812.07	beginning balance
41.22	interest
695.54	donation from Boy Scout project in April excess funds
\$149,548.83	ending balance

There were no payments made. Mr. Fox noted he had been paid for the trail markers from the operating budget.

Ms. O'Brien will assist Ms. Swank with getting the financial reports and bank statements she needs.

VIII. Conservation Coordinator and Chair update

Chair Wrobel congratulated Rayann Dionne for being awarded the 2021 C Advocacy Champion at the Climate Summit in May. Congressman Chris Pappas presented the proclamation at the Great Bay Discovery Center.

Ms. O'Brien reported a property owner on Boar's Head may be seeking an after-the-fact emergency permit for slope failure and erosion under the pool foundation. The problem has worsened since 2008. The recent rain storms have put the property in further danger at this point. The homeowner has found someone to do the plan so they can spring into action. The State is reviewing the situation for possible emergency repair and will let the Commission know next week the status of the request.

Chair Wrobel announced that Jen Hale has been working with Alison Eberhardt for the NHDES Coastal Resilience Grant. \$120,000 is available to communities and Hampton is pursuing the grant to assist with dune improvements at Northside Park. They will put in a walkway, sand, coir logs and dune grasses and may create a photo monitoring area. The path would be mobymat. They will know in mid-August if any of the work can be supported by the grant. Chair Wrobel thanked Ms. Swank for her work.

Chair Wrobel announced that the Planning Board received the PREPA grant to look at our own ordinances and regulations. The Commission had sent a letter of support. The review and possible changes would come before the Commission as a review process. She and Vice-Chair Diener sit on the Committee. It is anticipated that in October and November they will look at results of this review. Any Warrant Article as a result of this review process would be in 2023.

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300 Mr. McMahon explained how the Planning Board determines the warrants to put forth and
301 having everything ready by December of the previous year.

302

303 Ms. O'Brien noted she will share the video guidance provided by Vice-Chair Diener.

304

305 Ms. Dionne noted the State wetland application has become complex with the coastal risk
306 assessment lengthening the application. Previously the applicant could do it themselves and not
307 they need a professional.

308

309 Ms. Raymond noted there will be a forum on September 29th concerning the Master Plan update.

310

311 Ms. Swank noted that the Victory Garden update should be coming in. Usually they visit the
312 Commission in spring or fall. She will need monthly bank statements.

313

314 **IX. Adjourn.**

315 **MOTION:** Ms. Raymond motioned to adjourn.

316 **SECOND:** Ms. Dionne seconded the motion.

317 **VOTE: 7-0-0**

MOTION PASSED

318

319 Respectfully submitted,

320

321 Nancy J. Hoijer,

322 Recording Secretary