

Hampton Conservation Commission
Draft Minutes
Tuesday, March 23, 2021
6:30 PM

1 **Present:** **Deborah Wrobel, Chair**
2 **Jay Diener, Vice-Chair**
3 **Pat Swank, Clerk**
4 **Pete Tilton**
5 **Sharon Raymond**
6 **Bob Fox, Alternate**
7 **Diane Shaw**
8

9 **Also Present:** **Planning Board Representative Alex Loiseau**
10

11 **Call to Order:**

12 By Roll Call, Jay Diener, Deb Wrobel, Pat Swank, Sharon Raymond, Pete Tilton, Bob Fox and
13 Diane Shaw were present. The meeting was called to order at 6:29 PM. Alternates Bob Fox and
14 Diane Shaw are active. All members indicated they were alone in the room.

15 The meeting preamble was read, relative to the Governor’s issuance of Emergency Order #12,
16 authorizing Towns to meet electronically with no physical location pursuant to Executive Order
17 #2020-04. The public notice was posted with instructions on the Town website
18 <https://hamptonnh.gov/> for the public to access the meeting

19 **Meeting Link**

20 Zoom
21 Meeting ID: 814 2997 6350

22 **Dial in Number Options**

23 +1 929 205 6099 US (New York)

24 If there are any problems with access to the meeting contact (410) 459-5175. In the event the
25 public cannot access the meeting it will be postponed.

26 **I. 2021 Elections**

27 **MOTION:** Ms. Swank nominated Jay Diener as Chair seconded by Pete Tilton. Mr. Diener
28 nominated Deb Wrobel as Chair.

29 **SECOND:** Ms. Swank withdrew her nomination of Mr. Diener and seconded the motion to
30 nominate Deb Wrobel as Chair.

31 **ROLL CALL VOTE:** 5-0-1 **MOTION PASSED**

32 Wrobel – abstain, Raymond – aye, Tilton – aye, Swank – aye, Fox – aye and Diener – aye.

33 **MOTION:** Ms. Swank nominated ay Diener as Vice-Chair.

34 **SECOND:** Chair Wrobel seconded the motion.

35 **ROLL CALL VOTE:** 5-0-1 **MOTION PASSED**

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36 Tilton – aye, Shaw – aye, Raymond – aye, Fox – aye, Swank – aye and Diener -abstained.
37 Wrobel-aye.

38 **MOTION:** Vice-Chair Diener nominated Pat Swank as Clerk.

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

40 **ROLL CALL VOTE:** 6-0-1

MOTION PASSED

41 Wrobel – aye, Tilton – aye, Shaw – aye, Raymond – aye, Fox – aye, Swank – abstain and Diener
42 – aye.

43 **II. Applications**

44 1. [72/74 Island Path](#)

Amended Town Wetlands Permit

45 Owner: Shannon Builders, LLC
46 Agent: Henry Boyd, Millennium Engineering
47 Construct a smaller home in a different location from that approved in the 2018 Town
48 Wetland Permit.

49
50 Henry Boyd of Millennium Engineering presented the application on behalf of the owner of
51 Unit 1. A site walk was done on Saturday. The State wetlands permits was previously
52 submitted to and recommended for approval by the HCC. The structure will go from being
53 884 SF to 660 SF with less pervious surface. The owner of Unit 2 will do replace impervious
54 pavement with pervious pavers in front of Unit 2.

55
56 Mr. Boyd noted the planting plan was approved but he had issues with it and would like to
57 plant nine Rigosa at the edge of the marsh and Rose of Virginiana, 14 Sweet Gale. The
58 Russian Olive is invasive and he would add two Northern Bayberry. There is a planting too
59 close to the corner which may obscure sight distance per Jen Hale of DPW.

60
61 Mr. Boyd indicated he will present the amended wetland plan at the Planning Board next
62 Tuesday.

63
64 Ms. Swank asked about the owner of Unit 2 rebuilding the driveway with pervious materials
65 and Mr. Boyd noted the owner of Unit 1 spoke with him and informed him it needs to happen.

66
67 Vice-Chair Diener recommended stipulating the applicant provide a planting plan approved
68 by the Chair or Conservation Coordinator, and to check to see if the concrete being used in
69 the foundation is salt water tolerant and to stipulate that the owner of Unit 2 must convert the
70 driveway to pervious materials.

71

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72 Chair Wrobel opened the hearing to the public for comments and questions at 6:46 PM and
73 being none closed the hearing to the public for deliberations.

74

75 **MOTION:** Ms. Raymond motioned to recommend approval of the Amended Town Wetlands
76 Permit for 72/74 Island Path to construct a smaller home in the location approved in 2018 subject
77 to the following conditions:

78

79 1. Applicants to provide a planting plan which will be approved by the Conservation Chair or
80 Coordinator.

81

82 2. Owner of Unit 2 to construct a driveway using pervious materials; and

83

84 3. Standard Conditions of Approval read by Chair Wrobel (referenced below).

85

86 Vice-Chair Diener amended the motion to include reference to the February 25, 2021 plan. Ms.
87 Raymond accepted the amendment to her motion.

88

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

90

91 **ROLL CALL VOTE:** 7-0-0

MOTION PASSED

92

93 Tilton – aye, Shaw – aye, Raymond – aye, Fox – aye, Swank – aye, Diener – aye, and Wrobel –
94 aye.

95

96 Chair Wrobel indicated the additional stipulations of approval:

97

98 1. Wetlands Conservation District markers to be installed on both sides of the house.

99

100 2. Second floor deck to be open above and below and shall not be enclosed.

101

102 3. The application of fertilizer, pesticides, insecticides or herbicides is prohibited in any tidal or
103 inland wetland, area of poorly and very poorly drained soils, vernal pools, or their buffers.
104 However, the application of limestone is permitted within the buffer.

105 4. No storage of grass clippings or yard waste in the wetland or its buffer.

106 5. All proposed plantings shall have at least 75% success after two (2) growing seasons. Any
107 plants that do not survive shall be replanted or replaced with another suitable plant species.

108

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

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111
112 7. There shall be no additional structures or impervious surfaces in the buffer, other than those
113 shown on the approved plan. A new Wetlands Permit is required for the construction of any
114 additional structure(s) or impervious surface(s) in the buffer.

115
116 8. If the project requires an occupancy permit, the Conservation Coordinator shall not sign the
117 permit until all of the Wetland Permit conditions have been met. The Conservation Coordinator
118 shall be given a minimum of 72-hour notice to allow for file review.

119 9. Proper erosion control will be in place before construction begins and remain in place until
120 the area is stabilized and removed after construction is complete.

121
122 10. The Conservation Commission shall be notified in writing upon commencement and
123 completion of the project. A final inspection shall also be scheduled with the Conservation
124 Commission upon completion of the project.

125
126 11. An As-Built Plan to be provided to the Conservation Commission upon completion of the
127 project. (This might have been copied from another application – there is no wall for this
128 project.)

129
130 12. This permit will expire two years from the date that it is granted by the Planning Board.
131 Refer to Hampton Zoning Ordinance Section 2.3.5 or information on permit extensions.

132
133 2. [137 Landing Road](#) **Town Wetlands Permit**

134 Owner/Applicant: Casemo Realty (Tom Moulton)

135 Agent: Joseph Coronati, Jones & Beach Engineering

136 Demolition and reconstruction of a fish shack on piles in the same location; demolition and
137 relocation of a boat storage pole barn; connect to Town water and sewer.

138
139 Joe Coronati of Jones & Beach presented the application for a Town Wetlands Permit on
140 behalf of the owner, Tom Moulton. Mr. Coronati noted the applicant would like to rebuild the
141 fish shack which is currently dilapidated, seen on the site walk on Saturday. An old 12' pole
142 barn would be rebuilt in its current location to store a boat. Mr. Coronati indicated the pink
143 line shown on the plan presented is the 50' buffer from the highest observable tide line. The
144 pole barn has an enclosed storage compartment. There will be no heat. The new garage will
145 be outside of the 50' buffer and the extra 12.' There will be existing gravel on the right side
146 of the garage. A variance may be needed to build the garage to address there being too many
147 buildings on one lot.

148
149 Mr. Coronati noted Mr. Moulton would like to connect to Town water and sewer (on Landing
150 Road) which will have impacts to install the lines. There are tidal and freshwater wetlands

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151 and prime wetlands with prime wetland buffers. The State permit will include the prime
152 impacts. There will be a sewer pump system to allow pressure distribution to a common force
153 main.

154
155 Chair Wrobel noted the pole barn was marked on the application to be moved but confirmed
156 that it will in fact stay in place as shown on the plan – yes, the approval will be based on the
157 plan.

158
159 Mr. Tilton recused himself from voting as he is a direct abutter.

160
161 Ms. Shaw asked about the frog pond or vernal pool viewed at the site walk on Saturday and
162 grading as well as about Conservation Commission’s recommendations.

163
164 Mr. Coronati indicated there were previously trees taken down but not by the present owner.
165 He was not familiar with any permits.

166
167 Vice-Chair Diener noted he had no issues with the fish shack or pole barn being rebuilt in the
168 current footprint as long as there was plenty of room for water to flow underneath. Vice-
169 Chair Diener asked if there would be digging in the existing driveway – yes. Vice-Chair
170 Diener asked about erosion control on both sides of the driveway as there are wetlands on
171 either side. Mr. Coronati agreed silt socks would be added to both sides.

172
173 Vice-Chair Diener indicated the gravel platform by the edge of the driveway for removing
174 trees, now completed, needs to be removed.

175
176 Chair Wrobel opened the hearing to the public for comments and questions at 7:06 PM.

177
178 Mr. Tilton asked about the proposed walkway to the dock and Mr. Coronati indicated it is not
179 part of the plan at this time, it would be separate and they would need to come back if that
180 was done.

181
182 Mr. Tilton asked about the minimum distance during excavation and Mr. Coronati noted 25’
183 is within State law.

184
185 Mr. Fox asked that there be no spoil piles and Mr. Coronati noted they would be replaced the
186 same day or perhaps overnight. There will be bedding stone and sand for utilities. Mr.
187 Coronati noted all spoil piles or staging would happen outside the 50’ buffer.

188
189 **MOTION:** Vice-Chair Diener motioned to recommend approval of the Town Wetlands Permit
190 for 137 Landing Road based on the plan dated March 3, 2021 that specifies a fish shack and pole
191 barn will be built in the same location and sewer and water connections along the driveway have

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192 erosion control on both sides, storage of material outside the Wetland Conservation District and
193 the gravel by the driveway to be removed as well as the stipulations read by the Chair (noted
194 below).

195 **SECOND:** Mr. Fox seconded the motion.

196

197 **ROLL CALL VOTE:** 5-0-2

MOTION PASSED

198

199 Shaw – abstain, Raymond – aye, Fox – aye, Swank – aye, Diener – aye, Wrobel – aye, Tilton –
200 recused.

201

202 **STIPULATIONS:**

203

204 1. WCD markers be placed on both sides of the pole barn at the edge of the 50 ft. Wetlands
205 buffer .

206 2. The application of fertilizer, pesticides, insecticides or herbicides is prohibited in any tidal or
207 inland wetland, area of poorly and very poorly drained soils, vernal pools, or their buffers.
208 However, the application of limestone is permitted within the buffer.

209 3. No storage of grass clippings or yard waste in the wetland or its buffer

210 4. Proper erosion control will be in place before construction begins and remain in place until
211 the area is stabilized and removed after construction is complete.

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

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

217 7. The Conservation Commission shall be notified in writing upon commencement and
218 completion of the project. A final inspection shall also be scheduled with the Conservation
219 Coordinator upon completion of the project.

220 8. This permit will expire two years from the date that it is granted by the Planning Board. Refer
221 to Hampton Zoning Ordinance Section 2.3.5 or information or permit extensions.

222 **III. Appointments**

223

224 1. [65 Lafayette Road](#)

225 Contact: Jim Kesseli. Seeking input on proposed site use changes.

226

227 Chair Wrobel indicated Mr. Kesseli was not present and will send him a note to see if he
228 would like to attend the next meeting.

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231 **IV. Review Minutes – February 23, 2021**

232

233 Chair Wrobel recommended an edit to Line 95 Sports “Barn”

234

235 **MOTION:** Mr. Tilton motioned to accept the February 23, 2021 minutes as amended.

236

237 **SECOND:** Mr. Fox seconded the motion.

238

239 **ROLL CALL VOTE:** 5-0-2

MOTION PASSED

240

241 Tilton – aye, Shaw – abstain, Raymond – abstain, Fox – aye, Swank – aye, Diener – aye and
242 Wrobel – aye.

243

244 **V. New Business**

245

246 1. Ice Pond

247

248 Vice Chair Diener noted the beginning of a trail was created off Woodland Rd. in 2007 when
249 the property was purchased. An abutter has reported people are going onto their property.
250 The trail could be marked to White’s Lane.

251

252 Mr. Tilton noted there is a narrow strip that prevents connection, an easement may be needed
253 from the landowner.

254

255 Mr. Fox recommended the property owner post their property.

256

257 Vice-Chair Diener noted the owner wanted to know more about the trail and where it goes.

258

259 Ms. Swank asked about the creek and Mr. Diener noted there is a creek back there but it
260 doesn’t have to be crossed. Mr. Tilton identified a seasonal crossing to Whites and Munsey
261 past the culvert within 300-400 yards of wetlands. A bridge would be needed.

262

263 **VI. Old Business**

264

265 1. Update on Conservation Coordinator

266

267 Vice-Chair Diener introduced and welcomed Kara Campbell, the new Conservation
268 Commission Coordinator who will be starting on April 5th. Rayann Dionne has offered to
269 help with onboarding and orientation, for a total of ten hours.

270 **MOTION:** Mr. Tilton motioned to authorize the hiring of Rayann Dionne as a short-term
271 consultant part-time.

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

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273 **ROLL CALL VOTE: 7-0-0**

MOTION PASSED

274 Tilton – aye, Shaw – aye, Raymond – aye, Fox – aye, Swank – aye, Diener – aye and Wrobel –
275 aye.

276 2. Financial Update

277
278 Ms. Swank presented the quarterly financial report for the period ending December 31, 2020
279 with a beginning balance of \$120,019.62 with interest received of \$51.78 and an ending balance
280 of \$120,124.64.

281
282 Ms. Swank presented the yearly financial report for the period ending December 31, 2020 with a
283 beginning balance of \$120,085.94 with interest received of \$296.70, an unused budget of \$132
284 and the Ice Pond Kiosk expenditure of \$390 leaving an ending balance of \$120,124.64.

285
286 Vice-Chair Diener will ask what account payments to the minute taker come out of.

287
288 3. Town Forest

289
290 Mr. Fox noted trail markers came in. They are made of a composite material and the vendor
291 would like to know how the Commission likes them.

292
293 Vice-Chair Diener noted the NHACC recommends reviewing whether there is a Town policy
294 on e-bikes on Town-owned property. E-bikes are quiet and can travel 20 mph and may
295 present a safety issue and pose a safety concern to pedestrians. Vice-Chair Diener noted he
296 believed the Town already has a prohibition on motorized vehicles on Town-owned property.

297
298 Mr. Tilton noted an e-bike is a motorized vehicle. Mr. Fox agreed. Mr. Tilton noted e-bikes
299 can have quite a bit of torque, kicking up gravel and leaving trenches which is adverse to the
300 walking public.

301
302 Chair Wrobel noted there is a lot of regulation at the State level specific to NH Conservation
303 and Land Trust properties. Where motorized vehicles are prohibited e-bikes are also
304 prohibited.

305
306 Chair Wrobel recommended making the issue present on the agenda before voting.

307
308 Mr. Tilton noted if e-bikes are prohibited on Conservation land per RSA there is no
309 discussion, the Commission has to go by State law.

310
311 Chair Wrobel recommended the Commission consider its position on signage and verbiage.
312 There are many levels of e-bikes which could cause confusion. Mr. Fox noted there is no way
313 to enforce those regulations and recommends a general statement.

314

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315 Vice-Chair Diener recommended putting the vote off a month and to reference the prohibition
316 specifically in the Town Forest regulations.

317
318 Chair Wrobel will place the item on next month's agenda.

319
320 **VII. Conservation Coordinator and Chair update**

321
322 The next meeting will be January 26, 2021

323
324 **VIII. Adjourn.**

325 **MOTION:** Vice-Chair Diener motioned to adjourn at 7:36 PM.

326 **SECOND:** Ms. Wrobel seconded the motion.

327 **VOTE:** With all in favor, the motion passed unanimously

328
329 Respectfully submitted,

330
331 Nancy J. Hoijer,
332 Recording Secretary