

**Hampton Conservation Commission
Meeting Minutes
Tuesday, April 25th, 2023**

Present:

Deborah Wrobel, Chair
Robert Fox
Pete Tilton
Sharon Raymond
Pat Swank
Marc Hiller
Diane Shaw, Alternate

Staff Present:

Brianna O'Brien, Conservation Coordinator

I. Call to Order: 6:58 PM

II. Election of Officers 6:59 PM

A. Chair

Ms. Swank MOTIONED to nominate Ms. Wrobel as Chairperson. SECONDED by Ms. Raymond. Vote: Unanimous.

B. Vice Chair

Ms. Swank MOTIONED to nominate Mr. Diener as Vice-chair. SECONDED by Mr. Tilton. Vote: Unanimous.

C. Clerk

Ms. Wrobel MOTIONED to nominate Ms. Swank as clerk. SECONDED by Mr. Hiller. Vote: Unanimous.

III. Approval of Minutes 7:00 PM

A. March 28, 2023

Mr. Hiller MOTIONED to approve the March minutes with edits. SECONDED by Ms. Raymond. Vote: 5-0-2. Abstained: Ms. Swank, Ms. Shaw.

IV. Applications 7:01 PM

A. 1064 Ocean Blvd (23-012)

ATF Town Wetlands Permit and NHDES Minimum Expedited

Applicant: Kathleen Eberle

Agent: N/A

Property Owner: 1064 Ocean Blvd Realty Trust

Ms. Eberle presented an overview of this application:

- This application is a follow up to an Emergency Authorization that was issued by NHDES last year to move large rocks back into the rip rap seawall in order to maintain access to the beach.
- No new rocks will be added

Conservation Commission 2

Public comment closed at 7:01 PM

Ms. Swank MOTIONED to recommend approval of the After the Fact Town Wetlands Permit for two additional extensions done in coordination with the Conservation Coordinator. SECONDED by Mr. Hiller. Vote: Unanimous.

Ms. O'Brien read the Standard Stipulations:

1. The Conservation Commission supports having the ability to perform repairs/maintenance on the seawall as needed as long as the work only involves existing stones/material and does not expand beyond the existing footprint. Maintenance shall be allowed for 6 years as long as permit extension requests are submitted and approved.
2. The buffer should remain undisturbed to the degree possible in the process of construction. Only those temporary impacts described in the permit are allowed. Elevations shall not be changed. No additional fill is allowed. (Section 2.3.4 B 2)
3. There are to be no additional structures or sealed surface in the buffer, other than that shown on the approved plan. A new Wetlands Permit is required for the erection of any additional structure(s) or impervious surface in the buffer. The applicant must come back before the Commission should any of their approved plans change. (Section 2.3.4 B 2 and (Section 2.3.4 B 3)
4. The Conservation Coordinator shall be notified in writing upon commencement and completion of the project. A final inspection shall also be scheduled with the Conservation Coordinator upon completion of the project.
5. A favorable decision from the Planning Board does not eliminate the need for any other regulatory processes. Where applicable you must still seek deed restriction relief, approval from the Department of Public Works, State approval, Federal (FEMA) approval, a building permit from the Town, etc.
6. This permit will expire two years from the date that it is granted by the Planning Board. Refer to Hampton Zoning Ordinance Section 2.3.5 for information on permit extensions

Mr. Tilton MOTIONED for the chairperson to sign the application for the NHDES Minimum Expedited Impact. SECONDED by Ms. Raymond. Vote: Unanimous.

B. NH Route 1A over Hampton Harbor Inlet

NHDES Standard Dredge and Fill

Applicant: NHDOT

Agent: Daniel Hageman, FHI Studio

Property Owner: State of NH

Ms. Wrobel gave an overview of this project:

- This project involves the replacement of the Neil R. Underwood Bridge (Bridge No. 235/025) that carries NH Route 1A over the Hampton River at the inlet to Hampton Harbor.
- The proposed bridge consists of a 1,300 foot long, seven span, structural steel, fixed bridge located approximately 75 feet west of the existing

Conservation Commission 3

bascule bridge.

- The proposed bridge will provide 150-foot navigational channel opening (inclusive of bridge fenders) and vertical waterway clearance of 48 feet.
- The two abutments will consist of concrete cantilever types and the six piers will consist of reinforced concrete hammerhead pier caps over a concrete column on pier footing supported on deep foundations consisting of drilled shafts.
- The approach roadway reconstruction will begin approximately 900 feet south of the new bridge and end approximately 800 feet north of the new bridge at a point approximately 200 feet northerly of the State Park Road.
- Both temporary and permanent impacts are anticipated within the tidal wetlands and buffer zone, to dune habitat and to Federal and state-listed species.
- Compensatory mitigation will be undertaken by the NHDOT.
- Ms. Wrobel, Ms. O'Brien, and Mr. Diener attended a meeting where they discovered that impacts to upland cannot be compensated for by paying into the ARM fund.
- DES is interested in ensuring the mitigation that occurs will take place in similar ecosystems that the impact would affect.

Mr. Tilton asked who owns the land involved in the project.

- It is mostly state owned land for the temporary impacts, and entirely state owned land for the permanent impacts.

Ms. Wrobel noted that she would like to make reference to how important the dune mitigation is and the hope that the Conservation Commission will be included in future discussion.

Ms. Raymond shared concerns regarding the ARM fund not being specifically for Hampton, while all of the impacts will be in Hampton.

- Ms. O'Brien emphasized that the Army Corps of Engineers have a say over how ARM funds are spent, and they have voiced that mitigation needs to be where the impacts take place.
- Ms. Wrobel noted that she felt support from a broad group with influence over where the ARM funds are spent.

Mr. Tilton noted that ARM funds require a shovel ready project.

- Ms. O'Brien stated the DES can apply for the ARM fund grant and they have thoughts on shovel ready projects.

Public Comment:

Ms. O'Brien read a letter from Kate Bashline:

Dear Brianna and Members of the Hampton Conservation Commission,

As a lifelong and year-round resident of Hampton and abutter to the Neil Underwood Bridge Replacement Construction Project 15904 by NH DOT there

Conservation Commission 4

are neighborhood concerns we ask your assistance to address which include:

- (1) What is NH DOT doing to address and prevent any flooding and erosion impacts during the 15904 Project?
- (2) There is need for more clarity on how they are going to avoid negative impacts to property during the construction period including flooding and erosion.
- (3) If there is environmental mitigation for this project location, how is it ensured that the location impacted will receive the benefits of mitigation efforts?

Please include these issues in your correspondence with NH DOT and NHDES

Thank you for your attention and assistance,

Kathleen Bashline

Ms. Bashline also attended the meeting and asked the Conservation Commission to clarify who she should contact with uncertainties.

- Ms. Wrobel explained that the Conservation Commission will include any thoughts or concerns in a note to DES.
- Ms. O'Brien suggested that Kate contact DES with any questions or concerns and copy NHDOT. Ms. O'Brien will follow up with Kate with a contact at DES.

Kate asked who to approach in the town of Hampton with an environmental shoreline concern.

- Ms. Wrobel directed her to submit concerns to the Conservation Coordinator.
- Ms. O'Brien added that the Wetland Conservation District Ordinances dictate what is allowed and not allowed.

Kate asked about unspent monies that were discussed in previous meetings.

- Ms. O'Brien will follow up with her.

Public comment closed at 7:27 PM.

Mr. Tilton MOTIONED to not oppose the NHDES Standard Dredge and Fill.
SECONDED by Ms. Shaw. Vote: 6-0-1. Abstained: Mr. Fox.

C. 10-14 Sapphire Ave (23-013)

ATF Town Wetlands Permit

Applicant: Nancy Keay, Trustee, Lucielle Walker Rev. Trust

Agent: Joe Coronati, Jones and Beach

Property Owner: Nancy KEay, Lucille Walker Rev. Trust

This application has been deferred to next month.

D. 978 Ocean Blvd (23-014)

ATF Town Wetlands Permit

Applicant: Robert Moses, Trustee

Agent: N/A

Property Owner: Gena Cohen Moses and Robert Moses, Trustees, Gena Cohen Moses Trust

Mr. Moses gave an overview of the application:

- This application is a follow-up from an Emergency Authorization issued by NHDES in January of 2023 when some repairs to the rip rap seawall were done.
- The proposed work is to complete the work to fix the rip rap seawall in-kind and to replace the existing steps to the beach with an additional handrail for safety.
- Mr. Moses would also like to raise the riprap slightly and replace the steps down to the beach.

Ms. Wrobel noted that this application is only for a town permit, and an application for the State Permit should be coming.

Public comment closes at 7:31 PM.

Mr. Hiller MOTIONED to not oppose the After the Fact Town Wetlands Permit. SECONDED by Mr. Tilton. Vote: Unanimous.

Ms. O'Brien read the Standard Stipulations:

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

E. 974 Ocean Blvd.

NHDES Minimum Expedited

Applicant: Michael W. Desmarais

Agent: Boudreau Land Surveying

Property Owner: Michael Desmarais

Scott Boudreau, Boudreau Land Surveying, called into the meeting and gave an overview of the application:

- This project proposes a new garage, and the driveway will be replaced with pervious pavers.
- The permanent impact area will be 1,709 square feet within the 50 to 100 foot tidal buffer in the previously developed Tidal Buffer Zone.
- Temporary impacts will be 130 sq ft in the same 50 to 100 foot buffer zone.
- They will also replace a deck.
- The shoreline application has been submitted, but is pending this application.

Mr. Fox asked how the homeowners will be made aware of the maintenance necessary to keep the pavers pervious.

- Mr. Boudreau noted that this is something he addressed in the Shoreline Application. The state asked for a manual maintenance plan.

Mr. Tilton asked what the net change in impervious surface would be.

- Mr. Boudreau stated that impervious surfaces will drop from 40% to 32%.

Ms. Raymond asked if the state will receive an annual report regarding the maintenance plan.

- Mr. Boudreau is unaware of any annual reporting required by the state.

Mr. Fox MOTIONED to not oppose the NHDES Minimum Expedited Impact. SECONDED by Ms. Swank. Vote: 5-0-2. Abstained: Mr. Tilton and Ms. Shaw.

V. Appointments

VI. New Business 7:45 PM

A. Master Plan Implementation Committee - Ms. Wrobel presented.

- The new Master Plan has been passed and adopted. The town would now like to put together an implementation committee. They are looking for someone who would be interested in serving for 6 evenings per year. Mr. Diener had expressed interest in joining the committee.
- Mr. Diener will join the committee and Ms. Raymond will be an alternate.

B. NHACC Dues

- Ms. Wrobel asked for a vote in-favor of spending \$250 on NHACC dues. The

commission voted unanimously in-favor.

C. Quarterly Financial Report Presented by Ms. Swank

- \$422.31 was earned in interest this quarter.
- Total receipts equal \$5400
 - \$5000 came from an unknown source.
 - The hats brought in \$400.
- There is a variance of .01 due to an accounting error.
- 4 new signs have been ordered for the turtle cause.
 - 2 signs are up at the Ice Pond
 - 2 will be for the Barkley Property
 - 2 extra signs - suggestions were made to place them at Timber Swamp and Exeter Road.
- Ms. O'Brien noted that she is still working through the names of the different accounts.
- Ms. O'Brien discussed the default budget and the rate of pay for the intern.

Ms. Swank MOTIONED to pay the intern \$14.00 per hour. SECONDED by Mr. Hiller. Vote: Unanimous.

VII. Old Business

VIII. Conservation Coordinator and Chair Update 7:58 PM

A. Prime Wetland Updates

- The adjustment to the prime wetland along I-95 North has been accepted. Next the New Hampshire Liquor Commission will be trying to work around the Conservation Covenant. They will meet with the town prior to submitting a request to DES. Once they submit the request the town has 90 days to respond.
 - Ms. Swank asked if the covenant can be removed and placed somewhere else.
 - Ms. Wrobel stated that there are possibly several different ways to address the covenant. More information will be discovered as the process moves along.
 - Mr. Tilton stated that the Commission needs to make sure that the project is to the town's benefit.
 - Ms. Wrobel noted that she felt very supported by town officials in protecting Hampton's natural resources to the greatest extent possible.

B. NRI Update

- Ms. O'Brien announced that they received two bids to write the NRI and the project was awarded to FB Environmental.
- The project will be submitted to the PREPA grant on Thursday.
- Work will start in June.
- A decision should be made regarding the PREPA grant in the next couple of months.
- If we do not receive the funding, the project will still be completed.

C. Conservation Coordinator Updates

- The rain barrel silent auction will be on May 20th. The site walks that were

Conservation Commission 8

planned for that day will be moved.

- Exeter applied for a grant through the Pollinator Pathways to offer surrounding towns free pollinator kits. 5 were available and 5 people applied and they were each awarded with a kit.
- The updated Town Wetlands Permit Packet was sent out after the last meeting. Ms. O'Brien would like to move to the Planning Board for a vote.
 - Ms. Wrobel asked for it to be brought back to the commission in May for discussion.
 - Ms. O'Brien will send out another copy.

D. Chair Updates

- Casey Whalen, Alternate on the Conservation Commission, got a temporary job in the Virgin Islands. He is away temporarily. Keep him in-mind if there is anything he can do to support the commission.

E. Other Discussion

- Mr. Tilton asked for an update on the Porta Potty for the garden.
 - The ADA Porta Potty will be delivered on Monday.
- Mr. Tilton asked about the project on Boars Head and if the materials were being pinned in place.
 - Mr. Fox stated that he recalled from the permit application the materials would be pinned together.
 - Ms. Wrobel noted that the applicant looked for permission to use a different stone, but the state turned them down.

IX. Adjournment 8:17 PM

Ms. Wrobel MOTIONED to adjourn at 8:17 PM. SECONDED by Ms. Raymond.
Vote: Unanimous.