

Tuesday, April 26, 2022

I. Call to Order: 7:00 pm

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

Staff Present:

Brianna O'Brien, Conservation Coordinator

II. Review Minutes

1. March 22, 2022

Ms. Swank noted a typo under 97 Drakeside, second line. She proposed that the word "regarding" be replaced with "regrading".

MOTION: Mr. Tilton Motioned to approve minutes as amended. SECOND by Mr. Fox. Vote: 2-0-4
 Abstained: Mr. Diener, Mr. Whalen, Ms. Raymond, Mr. Swank.

III. Applications

1. 88 Glade Path (22-016) [Town Wetlands Permit](#)

Applicant: Nick Kafejelis
 Agent: Nick Kafejelis
 Property Owner: Nick Kafejelis & Lisa Kazakis

This project proposes to construct a 16 x 8' deck 4' 11" off the ground within the buffer.

Mr. Kafejelis spoke on behalf of this application.

Mr. Diener asked what the height of the deck would be. Mr. Kafejelis stated that it would be 4' 11" off of the ground. Mr. Diener asked about other work that would be proposed for this project. Mr. Kafejelis stated that he would also install a railing, but no stairs would be needed. He noted that he would also like to add a slider door access from the house to the deck.

Mr. O'Brien noted that variances would be needed for expanding a non-conforming use.

Mr. Kafejelis explained that he began looking into this project in 2020. He noted that he met with Eben Lewis (NHDES) in 2020 regarding the state's portion of permits. Nothing has changed regarding planting, but he is willing to plant anything needed. Mr. Kafejelis will utilize flow-through decking to allow water to flow through and keep things growing. He is willing to do whatever is needed to lessen impact on environment,

Ms. O'Brien noted that the location of this residence at the end of Glade Path had no wetlands delineation, but Mr. Kafejelis had agreed to the assumed highest observable tideline (which was noted on a chart

provided in the meeting) and that the proposed work is within 50 ft of that line.

Mr. Fox asked for clarification on the rules regarding permeable and impermeable decking. Despite the proposed flow-through decking the current ordinances do not acknowledge a deck below 6' in height as permeable. Ms. O'Brien noted that the issue of permeable vs. impermeable decking below 6' in height only applies within the Wetland Conservation District.

Ms. Raymond asked for clarification on which side of the house the deck would be built on. Mr. Kafejelis confirmed that it would be on the southside of the house. Ms. Raymond asked about other licensing that would need to be acquired from the state. Mr. Diener was unsure if anything had been submitted to the state. Ms. Raymond noted that she would like to see the side by side because she is unsure if the proposed project would go anywhere with the state even if the Conservation Commission pushed it through.

Mr. Tilton felt that the lot is already so impacted, he doesn't see where a lot of mitigation would be possible and he does not feel the deck would be harmful. He noted that his only reservation is that the proposed project includes a deck that is technically prohibited according to the town ordinances.

Mr. Whalen asked for clarification on if the deck would be pervious or not. Ms. O'Brien explained that despite the deck being proposed to use pervious decking materials, the current town ordinance for decks within the Wetland Conservation District does not allow for decks under 6 feet in height to be considered permeable. Mr. Whalen stated that he agrees with Mr. Tilton's feelings and would be uncomfortable with making an exception to the ordinance in-place.

Ms. Swank echoed Mr. Tilton's concerns. She added that it would open the door for other people to ask for exceptions to the ordinance. She noted that if Mr. Lewis sees a way for it to work, she is open to it.

Ms. O'Brien also echoed Mr. Tilton's concerns, but noted that she feels every application should be evaluated on its own merits.

Mr. Diener stated that ordinances were amended this past year to define what height decks are permitted and where. Mr. Diener read the ordinance aloud. There are two issues, one, it doesn't meet criteria within Wetland Conservation District and it is an impervious encroachment towards the resources.

Mr. Tilton suggested raising the deck with a step or two up. Mr. Diener noted that there would still be an encroachment issue. Mr. Whalen noted that on the south side of the house there would be a lot of sun for vegetation.

Public comment: none.

Ms. Raymond agreed with Mr. Tilton's thoughts on raising the deck. She noted that the project would need to be amended and brought back. Ms. O'Brien noted that the commission can approve a modified plan if the applicant agrees. Mr. Diener asked Mr. Kafejelis if he would consider amending the plan or if he would like to wait until next month.

Mr. Fox noted that if the application is continued to next month, it would give the homeowner time to get more feedback from the state.

Mr. Whalen asked if the applicant would still need a state permit if the deck is raised to 6 feet. Mr. Diener confirmed that he would. Ms. O'Brien specified that it would be required due to encroachments towards the resource.

Ms. O'Brien asked if the commission was in favor of a deck that is 6 ft off the ground and if the commission would still like to see plantings as mitigation. Mr. Diener noted the cement landing in front of the current deck. He voiced a desire to see that removed and replaced with vegetation. Mr. Whalen agreed that he would always like to see more vegetation.

Mr. Kafejelis asked for clarification regarding mitigation. Mr. Diener stated that taking the patio located in front of the landing could count as mitigation. Mr. Diener emphasized that this suggestion was his own opinion and not an official request of the Conservation Commission.

Ms. Raymond asked for clarification on the height of the deck and when it can and cannot count as impervious. Ms. O'Brien noted that at 6 ft there would still be impact on the ground via the support structures. Mr. Diener suggested that for now the commission can say that they are generally supportive of a deck that is 6ft or higher. Ms. Raymond added that at 6 feet she would still want to see mitigation for the posts holding it up.

Mr. Kafejelis asked if the project would pass if he adjusted the proposal for the height of the deck to 6 feet. Mr. Diener said that they would need a revised plan sent to Ms. O'Brien. With the adjustment, the Conservation Commission would likely recommend approval for the Town Wetlands permit. He would still need a variance from the ZBA for setbacks.

Mr. Kafejelis asked for more clarification. Mr. Diener explained that the final decision for the permit would come from the Planning Board, and the ZBA would have to decide on the setback variance, and the building requirements would come from the building inspector.

Ms. O'Brien raised a question about the impact of the state's decision on the commission's decision. The commission agreed that as long as the applicant doesn't drop the height of the deck under 6 feet their opinion would not change.

The Commission discussed how an adjustment to the proposed plan would affect approvals and variances. Continuing the discussion about this application next month would not affect any deadlines.

Mr. Diener would prefer to see the plan with a step up to the deck included.

Mr. Whalen wondered how much room there would be for a step up. Mr. Diener believed it would have to cut into the deck. Ms. Raymond noted that it would likely change the dimensions of the deck. Mr. Kafejelis would likely need to come back with changes anyways. Mr. Whalen wondered if adding steps would create a need for more support. Ms. Raymond said that is what Mr. Kafejelis needs to figure out and come back to the commission with.

Mr. Diener stated that they would like to have him come back next month with a new proposal showing the deck at 6ft with steps.

Mr. Kafejelis asked if the steps could come off the other side of the deck. Ms. Raymond confirmed that steps down to the ground would create more impact. Discussion of how to move forward. Mr. Diener emphasized that they are not there to advise on how he should design it. Mr. Kafejelis needs to propose what he feels would be best.

Mr. Diener advised Mr. Kafejelis to contact Ms. O'Brien with questions about the new design.

Ms. Raymond MOTIONED to continue the discussion on the application for 88 Glade Path to the May 24 Conservation Commission meeting. SECONDED by Mr. Tilton. Vote: 5-0-1. Mr. Diener Abstained.

2. 141 Island Path (22-015) [Town Wetlands Permit](#)

Applicant: Vincent Kennedy 7:40 PM

Property Owner: Vincent and Elizabeth Kennedy

This project proposes to put an addition on the house and replace an impervious patio with pervious pavers. This application is contingent upon the outcome of the ZBA meeting on April 21st.

Henry Boyd of Millenium Engineering spoke on behalf of the application.

The reason for the variance is for expansion of a nonconforming use. Mr. Boyd showed where the expansion would be on a plan he brought with him. He noted that in the plan he presented the pink area is the existing structure and the yellow is the proposed addition.

The issue is that the construction is within the existing buffer. Mr. Boyd noted that the Zoning Board said we shouldn't penalize the applicant for what previous owners did. They just want to reconfigure this area.

Mr. Boyd noted discussion from the Zoning board about expansion towards the resource. He noted that the ground is already sealed, so he does not feel it is actually getting closer towards the resource. The applicant wants to remove some existing sealed surface and replace with pervious materials. He noted new grout that acts as pervious and will forward spec sheets to the commission. This can be hosed off and washed off and nothing will go down between it.

Mr. Boyd does not feel that the proposed plan would be adding any impervious surface. Hoping for a favorable recommendation on this. Asked Ms. O'Brien if she had seen any of the NHDES permit information from Mark West. She had not. Mr. Boyd is unsure of what he had suggested for mitigation.

Mr. Diener emphasized that decisions would be made on the merit of the project.

Mr. Diener asked if the stairs shown going down to the driveway would remain. Mr. Boyd confirmed that the stairs shown are a mistake and will be removed. He added that this would be an opportunity to add more pervious area. Mr. Diener asked if that area could be planted. Mr. Boyd said it could.

Mr. Diener asked if the building extensions where the stairs are currently would be elevated or at ground level. Mr. Boyd confirmed that these would be on piles. Mr. Diener asked for clarification on how it would be different from the stairs currently shown. Mr. Boyd explained that the replacement stairs would be inside the current footprint of the building.

Ms. Raymond asked about mitigation. Mr. Boyd stated that 306 square feet of blue stone pervious pavers would replace the flagstone patio and the stairs that Mr. Diener asked about previously would be removed. Mr. Boyd noted that he does not currently have a calculation, but he would be happy to add plantings.

Mr. Tilton said he did not see a negative about the proposed work.

Mr. Whalen asks for clarification on the grout mentioned earlier. Mr Boyd clarified that he would not use that grout on this project. This project will use traditional pavers and stone.

Mr. Boyd noted that the entire lot is within the 100 foot tidal buffer zone. He noted a 5% reduction of impervious surface within the 50 ft wetland buffer.

Mr. Whalen asked for clarification on the roof extension. Mr. Boyd clarified the plans he presented. Mr. Boyd noted that they can also add a true infiltration trench instead of the pavers. Mr. Whalen stated that he would like to see anything that could reduce water moving towards the beach area. Mr. Tilton agreed.

Ms. Swank had no questions, but stated she was in favor of a stone trench.

Ms. O'Brien agreed that the homeowner should not be punished for what previous owners did, but she was also hesitant to accept the fact that there is no new impervious surface when the existing impervious surface was never permitted in the first place. She felt it would not be fair to other applicants that have always done it right and had to modify their projects. Ms. O'Brien also noted some confusion on the stairs. Mr. Boyd clarified where the stairs would be and stated that the entrance would be from the same direction. Mr. Boyd stated that he would add additional detail to the plan to show it more clearly.

Ms. O'Brien asked what the current elevation of the home was and if the proposed project would match the elevation. Mr. Boyd said yes, where the stairs come up it will match the current elevation.

Ms. O'Brien asked how far the addition would be from the existing garage. Mr. Boyd was unsure, but estimated 4 feet. Ms. O'Brien stated that the ordinance requires 7 feet.

Ms. O'Brien asked if the white fence around the back was permitted. Ms. Kennedy said yes. Ms. O'Brien asked if they acquired a wetlands permit. Ms. Kennedy was unsure. Ms. O'Brien voiced concerns about the parcel.

Ms. Kennedy asked how they would have known to get a wetlands permit. Ms. O'Brien confirmed that they should have been told and the building inspector should be a reliable source.

Mr. Diener asked about the stairs leading to the driveway. Mr. Boyd pointed out a switchback in the stairs.

Mr. Diener asked about the ground water table in regard to the permeable pavers. Mr. Boyd confirmed that a ground water estimate has not been done in the area. Mr. Diener voiced concern about filtration.

No public comment.

Mr. Diener asked if the stairs coming off the back of the deck would be necessary. Mr. Boyd stated that they would be necessary to exit the deck.

Ms. O'Brien asked where the entrance to the deck from the house would be. Ms. Kennedy pointed the location of the existing slider door out on the plan. Ms. Kennedy noted that the slider is the only way into the backyard currently.

Ms. Swank asked if there needed to be stairs from the deck. Ms. O'Brien stated that she believed they need them for egress.

Mr. Fox: I think that with the confusion, we should continue this to the next meeting until we get updates on drawings and water tables.

Ms. Raymond asked if the current fence has a gap above the ground. Ms. O'Brien said that it does, but she is unsure of how high. Ms. Raymond noted that she would like this to be considered for mitigation.

Mr. Tilton asked if there would be a reduction or addition of impervious surfaces. Mr. Boyd said there would be a reduction of about 300 ft.

Mr. Diener noted that removing some pervious coverage that was not previously permitted could still be considered an addition of impervious surface. Mr. Tilton disagreed because it is at least an improvement on what is actually there.

Ms. O'Brien asked how high the addition is off of the ground. Mr. Boyd was unsure, but they will match the existing grade. Mr. Boyd also noted that they would include the fence if the commission would like them to. Mr. Boyd asked what height it would need to be. Ms. O'Brien stated that it would need to be 6 inches off the ground. Ms. Raymond stated that if it is not 6 inches then she would want to think more about mitigation.

Ms. Raymond stated that she is uncomfortable with the amount of unanswered questions and confusion. Mr. Boyd stated that he would be happy to come back with answers.

Mr. Fox MOTIONED to continue the discussion about 141 Island Path in the next meeting. Discussion will include existing vinyl fencing, the stair access under the new addition, a re-drawing of the stair removal at the north east corner, a ground water trench and water table, and elevations, and distance between the addition and the garage.

Mr. Diener noted concern about a part of the lawn next to the marsh along the driveway that looks like it has been cared for more than it should be given the location. Mr. Boyd stated that the piece of land is actually not on the applicant's property, so a fence could be helpful. Ms. Raymond suggested plants. Mr. Boyd noted that it would be too close to the driveway for plantings without going beyond the property line and they would likely die of heat affect. Mr. Diener stated that he would be fine with a fence on the 141 side of the property line, and that the owners not do anything on property they don't own – just leave the vegetation alone.

Motion SECONDED by Mr. Whalen. Vote: Unanimous.

Mr. Boyd asked when the next meeting would be. Mr. Diener confirmed that it would be May 24th.

3. 28 Nor'East Lane (22-014) [Town Wetlands Permit](#)

Applicant: Sweet Nectar, LLC (Michael Kettenbach)

Agent: Sergio Bonilla, PWS, CWS, CESSWI

Property Owner: Sweet Nectar, LLC (Michael Kettenbach)

Sergio Bonilla presented on behalf of this property. This project proposes to pull the structure back one foot from the resource at the highest observable tide.

Mr. Bonilla noted that there is a proposed reduction of impermeable surface on the parcel. He also noted the environmental improvements given the robust planting plan. They will be adding completely pervious pavers. Mr. Bonilla noted that the client is cooperative to improve the infiltration capacity.

Ms. Raymond stated that she had no questions, but liked the proposed reduction.

Mr. Whalen asked if this application was continued from a previous meeting. Mr. Bonilla stated that it is not.

Mr. Boyd noted that the side and front setbacks are met without the need for any variance. Since the project is still within the 50 ft line, they will need variances. They will need a variance for the garage which is located at the edge of the sand dune. He noted that wherever something can be made better, they would.

Ms. O'Brien explained that the Conservation Commission reviewed the state permit for this project last month.

Mr. Whalen noted that the proposed project will increase the amount of vegetative and pervious area. He asked if the planting plan offers habitat and biodiversity. Mr. Bonilla said that it is dense and has a robust mitigation program.

Mr. Bonilla denoted specific points on the planting plan. He ensured that they are not making it any worse.

Mr. Diener asked if there is any reason why the dune grass could not be moved closer to the patio. Mr. Bonilla specified that it will be and will highlight in plan. Ms. O'Brien added that this plan was submitted before that request was made during the discussion of the NHDES permit. Mr. Diener asked for that information to be included on the plan. Mr. Bonilla points that information on sheet 3 of the plan.

Ms. Swank asked about the plan for maintenance in regard to the grass planting plan. She emphasized that this type of plant requires intense watering and often does not survive. Mr. Bonilla noted that he has included care in the stipulations and they will use Organic fertilizer and frequent watering.

Public: none.

Mr. Tilton MOTIONED for the Conservation Commission to recommend the granting of the wetlands permit for 28 Nor'East Lane. SECONDED by Ms. Raymond. Vote: 5-0-1 Mr. Diener abstained

Ms. O'Brien reviewed the stipulations:

1. Install Wetlands Conservation District markers at the wetland buffer edge on either side of the home. The markers must be permanently affixed to a structure such as a dwelling, fence or a post cemented into the ground. Wetland markers can be purchased at the Hampton Planning Office.
2. Permeable surface driveway, parking area, or patio shall be maintained as permeable. Driveway work requires a permit from the Hampton Department of Public Works.
3. The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in any tidal or inland wetland, areas of poorly and very poorly drained soils, vernal pools, or their buffers. However, the application of limestone is permitted within the buffer.
4. No storage of grass clippings or yard waste is permitted in the wetland or its buffer.
5. Removal of dead, diseased, or unsafe trees in the WCD is permitted. The stumps and root systems shall be left intact in ground.

6. All proposed plantings shall have at least 75% success after two (2) growing seasons. Any plants that do not survive shall be replanted or replaced with another suitable plant species.
7. Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete.
8. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed.
9. There are to be no additional structures such as sheds, swimming pools, gazeboes, patios or other sealed surface, etc. 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) in the buffer.
10. The Conservation Commission 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.
11. The Conservation Coordinator shall not sign the occupancy permit until all of the Town Wetlands Permit conditions have been met. The Conservation Coordinator shall be given a minimum of 72-hour notice to allow for file review.
12. 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.

IV. Appointments

1. Owen Pallatrini - North Hampton Boy Scout

Mr. Pallareini met with the Conservation Commission to seek advice regarding his Eagle Scout project. He would like to build a few wooden benches and rebuild the woodchip pathway at the Ice Pond. He is looking for a member of the Conservation Commission to help him with the logistical aspects of the project.

Mr. Diener asked if he had any details on how he would like to rehab the walking path. Mr. Pallareini noted that fabric was originally used to deter weeds from growing, but that is almost completely gone now. He would like to remove the old mulch, bring in more woodchips, and maybe add layers of fabric and stone. Mr. Tilton suggested stone or a raised walkway. Mr. Whalen agreed with Mr. Tilton and added that it would likely be the most permanent with the least required maintenance.

Mr. Whalen recommended using wood chips that have not been stained in any way. He also suggested that the barrier should not have plastic fibers. Mr. Diener asked if these suggestions would fit within the proposed budget and scope of work. Mr. Pallareini stated that the wood would probably at least double the cost of the project.

Mr. Whalen noted that materials could be donated by businesses in exchange for names on benches. Ms. O'Brien added that Lowes and Home Depot have a quota for donations each month.

Ms. Swank asked about the anticipated maintenance associated with a wooden walkway. She also noted the Knot Weed in the area.

Discussion about how to deal with Knotweed continues.

Mr. Pallareini stated that he was considering adding a square cement footing around the bench to reduce growth. He noted the possibility of using plastic buckets to stabilize the bench feet underground. Mr. Whalen recommended against bury plastic.

Mr. Whalen noted that when you create an area for people to enter the area you also need to think about erosion. He suggested that Mr. Pallareini focus the entryway to the Ice Pond.

Mr. Diener asked Mr. Pallareini what type of benches he was thinking of. Mr. Pallareini stated that he has considered pressure treated 2x4s with weatherproof staining, along with metal framing.

Mr. Tilton suggested that Mr. Pallareini concentrate on the longevity of the benches over the number.

Ms. Swank asked if he plans on replacing the bench that is already there. Mr. Pallareini stated that he has considered replacing it.

Mr. Diener added that there is a picture post at the Ice Pond which has a little platform that a visitor can put their phone on to take picture around the compass, and it needs to be rebuilt. He offered to send Mr. Pallareini all of the information he would need to build a new one, if that might fit within his project.

Mr. Diener asked for clarification on the timeline for this project. Mr. Pallareini explained that he will first present to the Eagle Board in late May and then he would have the rest of the month to build.

Ms. Swank noted some nesting geese in the area and asked when they would be in the water. Mr. Tilton estimated that they would be gone in the next 3 weeks.

It is suggested that it would be helpful if a Commission member could guide Mr. Pallareini as he puts this project together to make sure it is acceptable to the Conservation Commission before he presents it to the Eagle Board. Ms. O'Brien will be the point of contact for Mr. Pallareini.

Mr. Diener asked if it would be helpful if the commission offered a letter of support. Mr. Pallareini confirms that it would be.

Ms. Raymond MOTIONED to send a letter of support for Mr. Pallareini's project to the Eagle Board. SECOND Mr. Tilton. Vote: unanimous.

Mr. Fox noted that he would like to help with this project.

V. New Business 9:15 PM

1. CHAT Update

This agenda item will be moved to the next meeting due to time constraints.

2. Regional Conservation Commission Meeting with SHEA Presentation

- SHEA presented a few years ago to acquire or place conservation easements on properties adjacent to the estuaries.
- There is a new program to prioritize salt marshes based on their ability to migrate. The data is being used to rank salt marshes. SHEA would like to make a presentation to commissions related to the process so that we can prioritize parcels. Ms. O'Brien would like to do one presentation to all three commissions - tentatively one evening in June. Looking for commission opinions.
- Liberty Lane project will be coming back and a way to handle mitigation for that project would be acquisition and this could tie in.

Mr. Whalen asked if the entire commission would need to attend the presentation. Mr. Diener said that they would like to get as many people involved as possible. Mr. Whalen expressed interest in participating. Ms.

Raymond noted that June would be a bad month for her. Mr. Diener said that if they do the presentation virtually, they can tape it and make it available for viewing later.

Ms. Swank asked for clarification on acquiring the wetland and marsh properties. Mr. Diener explained that the properties are all privately owned. Some are undeveloped and some are partially developed.

The commission agrees on a general willingness to participate.

VI. Old Business

1. Barkley Property

- Survey work is being done.
- On track to close by the end of September.
- One big stumbling block has been figuring out a way to offer access to Grist Mill Pond.

Mr. Whalen asked if the Grist Mill could be accessed via High Street. Mr. Tilton explained that the property around it is all privately owned. Mr. Diener asked Ms. O'Brien to look into how much land the town owns in that area. Ms. O'Brien agreed to look into it. Ms. O'Brien noted that they have received calls from private residents in the area who wish not to be disturbed.

Mr. Whalen asked if the Grist Mill is on the property that is being acquired. The Grist Mill is not on the Barkley Property. It is already owned by the town, but there is no access for parking.

2. Maintenance update

- Ms. O'Brien reviews the list that was created last month:
 - Jonty's Lane gate will be fixed by the Department of Public Works.
 - Park and Recreation maintenance worker may take down some dead trees at the Victory Garden. The Department of Public Works will turn the compost pile.
 - The town has received phone calls regarding the Japanese Knotweed everywhere. Someone called and said they saw a landscaper turn Japanese Knotweed into mulch. Ms. O'Brien has thought about sending letters out to landscapers in the area. She has also considered using Channel 22 and sending out a blast and sending out a Facebook post to let people know about the harms of this plant.

Mr. Whalen noted that the Knotweed issues are also an issue inflamed by homeowners, not just landscapers.

3. Standard Stipulations

This agenda item will be pushed to the next meeting due to time constraints.

VII. Conservation Coordinator and Chair Update 9:27 PM

1. 2023 Warrant Articles

- Trying to get things organized so that by the time we need to get warrant articles moving, we will be ready and prepared.
- Want to revisit the previous paver conversation. Ms. O'Brien would like to talk about turning that into a vegetative space minimum required by zoning district.
- Mr. Diener
 - Spoke about looking into groundwater and height of ground water table below pervious pavers and does it need to be a minimum depth to be truly pervious.

Ms. Raymond agreed that it needs to be evaluated because so many people come in with no

info on the high water table.

Ms. O'Brien agreed. She noted that she has seen several contracts with a driveway permit, with no obligation to the Commission, asking what the town's requirement is for permeable pavement or pavers. Projects that are not coming through the Conservation Commission are utilizing permeable pavers and counting it as pervious for their calculations. Ms. O'Brien noted that they can't enforce it, but they can change the language. She suggested that they write a new ordinance that will require information ahead of time, which will make it more difficult.

Ms. Raymond noted that someone has to be the enforcement arm. Ms. O'Brien stated that the building inspector would be. Ms. Raymond stated that if someone is taking credit for something being pervious and not building it to those specs, they should be held accountable. Ms. O'Brien agrees and says that this would make it enforceable.

Ms. Raymond stated that she feels the commission is holding people to the standard, but that only the inspector can hold them accountable. Mr. Whalen asked if it is possible to propose that the inspector holds people accountable. Ms. O'Brien said yes and emphasized that that would be the goal.

Ms. Raymond stated that she felt the issue had more to do with the building department not having the resources to enforce. Ms. O'Brien stated that her proposal is that it should be easier to enforce. She goes on to say that she thinks it is currently ambiguous.

Discussion continues regarding the oversight process.

Mr. Diener stated that the only goal is to make the ordinance more clear so that it can be better understood and enforced.

Ms. Raymond stated that she feels that this suggestion is an overreach and would oversimplify a town-wide ordinance.

Ms. O'Brien emphasized that she does not have anything drafted yet. She agreed with Ms. Raymond's concerns, but she also felt that it is a conversation that needs to be had because she has run into numerous issues with it.

2. Victory Garden Spring Update

- Already have all lots leased, moving forward, interesting a subcommittee
- They have projects in mind
- Will keep everyone updated

3. ARM Project Update

Skipping due to the length of the meeting. Ms. O'Brien will send info via email as appropriate.

The Rain Barrel Auction will be May 14th. Volunteers are needed 9 AM - noon.. Anyone interested in volunteering should contact Ms. O'Brien.

Through summer, starting next month Ms. Wrobel, Chair, would like to change site visits to start at 8 AM.

VIII. Adjourn 9:45 PM

Mr. Tilton MOTIONED to adjourn the meeting. SECONDED by Ms. Swank. Vote: Unanimous