

**Hampton Conservation Commission
Meeting Minutes
Tuesday, May 23rd, 2023**

Present:

Deborah Wrobel, Chair
Robert Fox
Pete Tilton
Pat Swank
Diane Shaw, Alternate
Jay Diener

Staff Present:

Brianna O'Brien, Conservation Coordinator

- I. Call to Order: 6:57 PM**
- II. Review Minutes 6:57 PM**

A. April 25, 2023

- Ms. Swank noted a typo under "New Business". Where it states "the town would not like to put together" it should say "the town would now like to put together".

Ms. Swank MOTIONED to accept the April 25, 2023 minutes with edits. SECONDED by Mr. Tilton. Vote: 4-0-1. Mr. Diener abstained.

III. Applications 6:59 PM

A. 82 Island Path (23-019): Town Wetlands Permit and Amended NHDES Minimum Expedited.

Applicant: Cybele Grier
Agent: N/A
Property Owner: Cybele Grier

- Ms. Grier presented this application
 - The project proposes adding a pervious walkway to the main entrance of the home and a patio in the northwest corner of the lot.
 - The applicant has also proposed adding plantings to buffer between the patio and the edge of the patio.
 - The property was purchased 2 months ago.
- Ms. O'Brien
 - Noted that this is the plan that the commission saw last year when the property was being developed. The planting plan was recommended by the commission and approved by the planning board and state.
- Ms. Swank
 - Asked if the suggestion of pulling the patio closer to the house was included on the final plan. Ms. O'Brien and Ms. Grier confirmed it was.
- Public comment closed at 7:02 PM.

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Mr. Tilton MOTIONED to recommend the Town Wetlands Permit. SECONDED by Ms. Swank. Mr. Diener proposed an AMENDMENT to the motion that additional plantings be approved by the Conservation Coordinator. Vote: Unanimous.

Ms. Swank MOTIONED for the Conservation Commission to write a letter stating that they do not oppose the NHDES Minimum Expedited Permit with the amendment. SECONDED by Mr. Diener. Vote: 6-0-0.

Ms. O'Brien Read the Standard Stipulations:

1. Permeable surface driveway, parking area, or patio shall be photo-documented during construction and submitted to the Conservation Coordinator prior to the final inspection. Permeable hardscapes shall be maintained as permeable. (Section 1.6)
2. The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in the Wetland Conservation District. However, the application of limestone is permitted within the buffer. (Section 2.3.4 B 4)
3. No storage of grass clippings or yard waste is permitted in the wetland or its buffer. (Section 2.3.4 B 5)
4. 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.
5. 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.
6. 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)
7. 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)
8. 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.
9. 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.
10. 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. Hiller arrived at 7:03 PM.

B. 77 Brown Ave. (23-021): ATF Town Wetlands Permit.

Applicant: Matthew Murtha and Dawn May

Agent: Henry Boyd, Millennium Engineering

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Property Owner: Matthew Murtha and Dawn May

- Ms. O'Brien gave details on the application.
 - This project has gone on for a while.
 - The architect and contractor they had did not go along with what they had originally set out to do and it was not built the way it had been proposed to the town.
 - Overall, the impervious calculation is a little less than what was originally proposed.
 - The front deck is also a little different than originally proposed.
 - The applicants have proposed mitigation by removing stone and adding more native plantings.
- Ms. May and Mr. Murtha gave an overview of the application.
 - This wetland permit application is to amend the original approval to allow the deck to remain at the rear of the house in its as-built footprint and remove the stone and rip rap and replace with vegetation.
- Ms. Swank
 - Asked about where the crushed rock would go.
 - The applicants said it would go under the house, and confirmed that they know the elevation must not change.
- Ms. Wrobel
 - Noted concern about growth of plantings given the flooding in the area. Ms. O'Brien stated that modifications may be made to the plantings plan if the plants do not survive.
 - Emphasized that the commission will not be looking for any mitigation outside of the property.
- Public comment closed at 7:12 PM.

Mr. Tilton MOTIONED to recommend approval of the After the Fact Town Wetlands Permit. SECONDED by Mr. Diener. Vote: Unanimous.

Ms. O'Brien read the Standard 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. Decks between 3' and 6' high shall not be enclosed below.
3. The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in the Wetland Conservation District. However, the application of limestone is permitted within the buffer. (Section 2.3.4 B 4)
4. No storage of grass clippings or yard waste is permitted in the wetland or its buffer. (Section 2.3.4 B 5)
5. 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.

6. The buffer should remain undisturbed to the degree possible in the process of restoration. 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)
7. 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)
8. 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.
9. 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.
10. 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.

C. 696 Lafayette Rd. - Conditional Use Permit

- Ms. O'Brien gave an overview
 - A new ordinance asks for the commission's comments on projects that trigger conditional use permits involving The Groundwater Protection District.
 - This is an After the Fact permit. All the work has been completed. Nothing in the exterior has changed.
 - The parking requirements have not changed.
- Mr. Fox
 - Asked if the property is on septic or sewer.
 - The property is on sewer.

Mr. Hiller MOTIONED for the commission to write a letter stating that the commission has no concerns about this application. SECONDED by Mr. Fox. Vote: Unanimous.

D. 853 Lafayette Road: WHYM - Conditional Use Permit

- Ms. O'Brien gave an overview of this application.
 - WHYM is proposing to remove the pavement in the front of the building and replace it with pervious pavers for a patio.
- Mr. Fox
 - Noted winter-time maintenance as a potential issue.

Mr. Diener MOTIONED for the commission to write a letter stating that we do not oppose this application, but we would like to see a maintenance plan and the impervious calculation form.

IV. New Business

A. 77 Brown Ave

- Mr. Fox presented this item.
 - The survey of this property is incorrect and does not display the back bulkhead accurately.
 - Suggested sending a letter to the property owners to make them aware that their bulkhead may be on town property and could affect future projects. This would also make residents aware that they may be putting things in the wetlands.
- Ms. O'Brien will follow up with Jen Hale, from the Department of Public Works about the trash that is on town property behind Brown Ave.

V. Old Business 7:33 PM

A. Rain Barrel Auction

- Ms. Wrobel thanked the members of the commission for their efforts.
 - Over \$600 were raised.
 - Ms. Wrobel will send a letter to the Winnacunnet Art teacher to let the students know how pleased they were.
- The commission discussed historical donations made to groups that have helped with the rain barrels.

B. Financial Update

- Ms. O'Brien presented this item
 - Ms. O'Brien has studied the fund histories using a document started by Rayanne Dionne in 2016.
 - The auditing system changed in 2001, so the Conservation Commission's records are not consistent.
 - Discovered that the conservation fund was established correctly according to the RSA. It has also been used correctly since its creation.
 - Noted the questions that exist in relation to the names of the accounts.
 - The Town Forest Fund is currently being reported incorrectly and needs to be adjusted to be its own fund according to the RSA.
 - Ms. O'Brien has spoken with the finance director and the president of the New Hampshire Conservation Commissions, and they have confirmed that this money (excluding the Town Forest Fund) can be moved around however the Conservation Commission sees fit unless there are legally established conditions attached to the accounts or use of the money.
 - Ms. O'Brien proposed eliminating all of the accounts and creating a conservation fund and a Town Forest Fund.
 - Ms. Swank noted that it might be easier for reporting to do this at the start of a new year.
 - Mr. Tilton asked that Ms. O'Brien look into when the Land Fund was started and find out what happened to it.
 - The commission discussed the value of separating funds that are dedicated to specific projects via warrant articles from money that can be used more flexibly.
 - The commission reviewed RSA 36-A:5.

- The commission reviewed the email from the Director of the New Hampshire Association of Conservation Commissions.
- Mr. Diener asked that Ms. O'Brien review the procedures for keeping the monies with the Conservation Commission with the Director of the New Hampshire Association of Conservation Commissions, because it seems to conflict with what the RSA says regarding the need for a town meeting vote each year.
- Ms. O'Brien will send out information to be reviewed by the Conservation Commission before decisions are made.

C. Updated Town Wetland Application, Impervious Coverage Form, and Pervious Hardscape Addendum

- Ms. O'Brien noted that she sent this out and did not receive any comments.
- Mr. Diener:
 - Under Wetland Application Guidelines:
 - Page 4 - asked what a Wetland Report is.
 - (a) Ms. O'Brien stated that it is a report that wetland scientists will write in addition to a delineation.
 - Page 4 - Item 4 - "Planning Board and Conservation Commission may review"
 - (a) Suggested adding "review the plan submitted by the applicant and/or conduct a site walk".
- Ms. Swank
 - Noted that "should" is used a lot. Asked if that means "must" or if it is just a suggestion.
 - "Should" is suggestive. Ms. O'Brien will review to make sure it is used appropriately throughout the document.
- Ms. O'Brien will make changes and send it to the Planning Board.
- Ms. O'Brien will see where she can have the Pervious Hardscape addendum added.

D. Purple Martin Birdhouse

- Mr. Fox presented this item.
 - When Mr. Fox visited the bird house it had no activity for the entire 20 minutes he was there.
 - The birdhouse in the marsh that the New Hampshire Audubon put up was very busy.
 - Mr. Fox suggested topping the trees surrounding the Commission's birdhouse before moving it.
 - Ms. Wrobel noted that the commission previously opted to not top the trees because they are a good food source.
 - Mr. Tilton suggested getting the permit to put the birdhouse in an appropriate spot.
 - Ms. O'Brien will follow up with details of what would be required for permitting.
 - The commission will give the birdhouse a year before considering moving it.

E. NRI Update

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- The NRI is now fully funded via a PREPA grant.
- As soon as the money is received, the work can begin quickly.
- Ms. O'Brien is waiting to hear back from PREP about if the financing will be reimbursement or not.

Mr. Tilton MOTIONED to approve the expenditure of up to \$25,000 on the NRI project knowing that it will be reimbursed through the PREP grant. SECONDED by Mr. Fox.

Vote: Unanimous.

F. Other Comments

- Ms. Swank
 - Asked if the bark mulch for the ice pond could be dumped by the DPW this year.
- Mr. Tilton
 - Asked Ms. O'Brien to look into a source for Marsh Elder. Suggested it would be a good candidate for salty spots on the application for plantings.

VI. Conservation Coordinator and Chair Update: 8:18 PM

A. Summer Site Walks at 8 AM

- Ms. Wrobel reminded the Commission that summer site walks will be at 8 AM.

B. Other Updates

- Mr. Diener
 - New rule updates from DES.
 - Minimum Expedited Permits will now have a 21 day period for review. This could result in the Conservation Commission not having a meeting to discuss an application before the 21 day period is up.
 - (a) Mr. Tilton noted that those applications will likely also apply for town permitting where the Commission will have input.
 - (b) Ms. O'Brien suggested keeping the current language the same in the permit review procedure.
 - (c) Ms. Wrobel suggested that the commission call a special meeting in the event that a noteworthy application comes in.
 - Mr. Diener noted that there would be other various changes to rules.
 - Ms. O'Brien
 - ARM Fund Mitigation will be in-lieu of a fee.
 - (a) The ARM applications try to outline projects for resources that have been lost as the most desirable.
 - She will be submitting for the Dune Restoration project.

Mr. Diener Motioned for the commission to write a letter of support for the Dune Restoration Project. SECONDED by Ms. Wrobel. Vote: Unanimous.

- Ms. Wrobel
 - The Plaice Cove Dune measuring project starts in June.
- Ms. O'Brien

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- Japanese Knotweed
 - (a) Ms. O'Brien put a poster together for the plant sale and the rain barrel auction.
 - (b) She has received many calls regarding knotweed.
 - (c) Looking into putting together an eradication demonstration for channel 22.
- The Eagle Scout project at Car Barn Pond is complete.
 - (a) The trail head is full of poison ivy.

VII. Adjourn

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