

**Hampton Conservation Commission
Draft Meeting Minutes
Tuesday, May 24, 2022**

I. Call to Order: 7:00 pm

Pat Swank
Casey Whalen
Deb Wrobel
Bob Fox
Pete Tilton
Marc Hiller

Staff:

Brianna O'Brien, Conservation Coordinator

II. Review Minutes

Ms. Swank MOTIONED to accept the April 26th minutes. SECONDED by Mr. Tilton. Vote: 4-0-2
Abstained: Ms. Wrobel and Marc Hiller

III. Applications

1. **88 Glade Path (22-016) [Town Wetlands Permit](#)** Applicant: Nick Kafejelis

Agent: Nick Kafejelis

Property Owner: Nick Kafejelis & Lisa Kazakis

CONTINUED TOWN WETLANDS PERMIT APPLICATION: This project proposes to construct an 18x 8' deck 6' off the ground within the buffer.

Mr. David Lefebvre spoke on behalf of this application.

Ms. O'Brien added more information from the previous meeting.

- Mr. Kafejelis spoke at the previous meeting.
- The proposed deck was originally 4'11" off the ground with flow through decking.
- The commission previous decided that flow through decking was unnecessary.
- This is the updated proposal.

Ms. Wrobel asked if the only impact within the buffer would be the footer. Ms. O'Brien confirmed that this is correct. Mr. Lefebvre added that the current landing leaving the residence is about the same distance that the deck would be into the buffer.

Mr. Fox asked if the new proposal included steps from the landing up to the deck. Mr. Lefebvre confirmed that it would. Mr. Lefebvre stated that it would be easier to put in a one step landing to the current deck and use the stairs that already exist then to add new steps.

Mr. Whalen stated that he has no other concerns as long as the 6 foot issue was addressed. Mr. Tilton agreed with Mr. Whalen.

Ms. Wrobel noted that the flow through decking would not be required now that the deck is proposed at 6 feet off the ground. Ms. O'Brien added that Mr. Kafajelis had stated that he would not adjust the flow through decking until he heard back from the state.

Mr. Tilton MOTIONED to recommend the wetlands permit for 88 Glad Path. SECONDED by Mr. Whalen. Vote: Unanimous support.

No buffer markers will be used.

The stipulations were read:

1. The deck shall remain open above and below and shall not be enclosed.
2. 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.
3. No storage of grass clippings or yard waste is permitted in the wetland or its buffer.
4. 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.
5. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed.
6. 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.
7. 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.
8. 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.

2. 141 Island Path (22-015) [NHDES Standard Dredge and Fill](#) & [Town Wetlands Permit](#)

Applicant: Vincent Kennedy

Agent: Mark West, West Environmental

Property Owner: Vincent and Elizabeth Kennedy

CONTINUED TOWN WETLANDS PERMIT APPLICATION: This project proposes to put an addition on the house and replace an impervious patio with pervious pavers. New site plan and soil test pit report.

Mr. Henry Boyd, Millennium Engineering, gave an overview for this application:

- The proposal includes the addition of stone infiltration trenches.
- Fencing will be added along the true property line and a note about the area off of the property to the East.
- There is no water table to at least 38 inches adjacent to the proposed pervious pavers.

Ms. Wrobel asked how deep they would be digging to install the pavers. Mr. Boyd explained the detail provided for the pavers. He stated that it would be 14 inches in depth + the paver.

Mr. Boyd continued his overview:

- The pervious area is increased by the removal of the stairs, which was not previously calculated for.
- The vertical transition is 66 inches of height from the corner of the house to the door sill. Bob Gray and Jake Sullivan, (Gray Construction), sent along a 3 quarter view of the 9 stairs.
- The chain link fence in the proposal has 6 inches of space between the ground and the bottom of the fence in most places.

Ms. Swank noted the small reduction in impervious surface. She asked about maintenance for pervious stones. Mr. Boyd agreed that it needs to be maintained. He added that he gives notes, but he is unsure of how to make sure owners maintain it.

Mr. Tilton stated that he is not concerned about the height of the fence off the ground.

Mr. Whalen asked about the dredging application. Mr. Boyd explained that that is for anything within 100 ft of the resource. Mr. Whalen noted the question marks on the application and asked if it would be possible to fill these in with information. Mr. Boyd said that he is unsure. A lot of the work was done previously without approval or record. Mr. Boyd discussed methods the town could take to find this answer, but is unsure that the applicants could accomplish the work.

Public comment: None.

Ms. O'Brien asked who built the retaining wall. Mr. Boyd said that the property is essentially the same as when they bought it. Mr. Boyd also noted some plantings that are within the buffer, but added that removing them would result in more impact than improvement.

Ms. Swank MOTIONED to recommend the Town Wetlands Permit for 141 Island Path. SECONDED by Mr. Tilton. Vote: Unanimous support.

It was decided that conservation district markers will be used at this property.

The stipulations were read:

1. Install two Wetland Conservation District markers in the locations identified on the plan signed and dated 5/25/2022 by the Conservation Coordinator
2. Permeable surfaces shall be maintained as permeable according to the maintenance note on the site plan dated 5/13/2022.
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. 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 and elevations not be changed. No additional fill is allowed.
7. There are to be no additional structures such as sheds, swimming pools, gazebos, 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.
8. 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.
9. 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 to not oppose the NHDES standard dredge and fill. SECONDED by Mr. Fox. Vote: Unanimous,

Mr. Tilton MOTIONED not to oppose the Prime Wetlands Waiver. SECONDED by Ms. Swank. Vote: Unanimous.

3. **80 Kings Hwy (22-022) [Town Wetlands Permit](#)** Applicant: Christina Langone-Eberhart
Agent: Same
Property Owner: Christina Langone- Eberhart

After the fact Town Wetlands Permit Application: Remove old, rotten wood picket fence and replace it with 4' black chain link fence for pets' safety.

Christina Langone- Eberhart spoke on behalf of this application:

Mr. Whalen asked if the fence needs to have space off the ground for water flow. Ms. Eberhart confirmed the height varies between 4 and 6 inches. Ms. Wrobel stated that they do not believe this type of fence would impede the flow of water.

Mr. Tilton suggested that she contact the tax assessor to get the contact info for the neighbor.

No public comment.

Mr. Tilton MOTIONED to recommend the Town Wetlands Permit. SECONDED by Mr. Fox. Vote: Unanimous.

It was decided markers would be placed to indicate the buffer.

Ms. Eberhart asked about restrictions on plantings. There are restrictions in the wetlands. There are no

impervious surfaces allowed in the buffer and there are rules regarding fertilizer in the buffer.

1. Install two Wetland Conservation District markers along the back corners of the fence.
2. 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.
3. No storage of grass clippings or yard waste is permitted in the wetland or its buffer.
4. Removal of dead, diseased, or unsafe trees is permitted in the WCD. The stumps and root systems shall be left intact in the ground.
5. There are to be no additional structures such as sheds, swimming pools, gazebos, 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.
6. 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.
7. 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.

4. **4. 124 Kings Hwy (22-025) [Town Wetlands Permit](#)** Applicant: Patrick Carey
 Agent: Same
 Property Owner: Hunterlogan Realty Trust

Install 6' vinyl fence on north and south property lines. The existing trees will remain undisturbed.

No one spoke on behalf of this permit. Ms. O'Brien spoke with Mr. Carry on the phone and sent an email, but is unsure of what happened.

Ms. Swank

- Noted a tree that raised concerns and they wanted to ensure that the proposed fence would not go into the wetland.

Mr. Fox:

- Voiced concern that the fence could be constructed in the wrong place. He would like to ensure that the fence is on the property and not going into the wetlands.
- Noted that the application stated that the fence would be installed to preserve the trees.
- He would like to invite the applicant back with a more comprehensive site plan.

The commission feels uncomfortable discussing this site plan without the applicant present.

Ms. O'Brien noted that the commission can add stipulations to the permit, but agrees that it is unclear,

Ms. Wrobel will email the applicant and let them know they would like to invite them back to discuss the

plan. The commission will send the questions that were raised and ask that the applicant bring a more comprehensive site plan. She noted that the applicant is responsible for contacting the planning board to let them know that the application will not move forward next week.

IV. Appointments

No appointments.

V. New Business

1. Financial Report

Ms. Swank:

- \$20,000 that showed up was actually from a previous warrant article. Ms. O'Brien let finance know that it was put into the wrong fund and should actually be deposited into the conservation fund.
- Unspent money for 2021.
 - Mr. Whalen asked how unspent money works. The commission stated that it rolls over.

Mr. Fox asked if the rain barrel money goes into the budget. Ms. Wrobel noted that \$640 was raised from the 7 rain barrels sold. Ms. Wrobel noted that the money will be placed into the operating budget. Ms. O'Brien will write thank you notes to give to the partners.

Marc Hiller added that he would like to get an article about the rain barrels in the paper. Ms. Wrobel added that it would be good to add this to the newsletter. She will communicate with Ms. O'Brien regarding that. Ms. O'Brien suggested contacting those who purchased them and asking for photos.

2. CHAT Update

Ms. O'Brien:

- Public Outreach: They will form a subcommittee to focus on strategizing and outreach.
- The group is considering involving Winnacunnet High School. Ms. O'Brien has reached out about adding an elective or an after school club that focuses on coastal hazards.
 - Ms. Wrobel recommended investigating the potential for an earth science class to add a module.
- Ms. O'Brien will start sending out the monthly publication.
- CHAT meetings are open to the public. A notice of zoom meetings will be sent out to the commission prior to the meetings.

3. Turtle Signage

Ms. Swank

- Focusing on an awareness campaign for the turtles on Woodland Road near the ice pond this summer.
- 4 signs from staples costs less than \$100. Ms. Swank would like to put these in the ground May-August.

- Ms. Swank will work with Ms. O'Brien on a \$100 budget to get something put up temporarily.
- Ms. Swank is considering the new ordinance about signage. She is looking for 1-2 spots to place signs.

Ms. O'Brien: noted that the BOS needs to approve all signs. They have a meeting in two weeks which Ms. O'Brien will attend. Mr. Fox asked about getting a permanent sign. Ms. O'Brien will word her proposal to the BOS as "We are looking to place temporary signs this year and get a permanent sign next year." She will see if the request can be added to the consent agenda.

Motion to approve up to \$250 to acquire signs with the condition of coming back to this commission if more funds are needed to install a permanent sign. Approved unanimously.

4. Aquifer Protection Zone Ordinance Updates

Ms. Wrobel:

- 16 pages and maps that the commission can read over and discuss.
- Ms. Wrobel would like for everyone to take the time to read it and digest before discussion. She would then like to write a letter for Planning Board with the commission's thoughts.
- Want to accomplish this over the next 2 months.
- Would like to send Jason Bachand a note to ask how much this may change before they are able to comment. Ms. O'Brien suggested attending or watching the planning board meetings.

Ms. O'Brien explained the format of the document.

Ms. Wrobel stated that any thoughts or questions can be sent to Ms. O'Brien. If it seems they won't have enough time for a thoughtful discussion, Ms. Wrobel may call for a subcommittee.

Mr. Whalen asked if the overarching goal is to increase protections. Ms. Wrobel confirmed that it is.

Mr. Fox noted that he didn't see any changes in the document regarding sea-level rise and he feels that is important to aquifer protection. He wondered how many changes they will need to go through as sea-level rises.

VI. Old Business

1. Standard Stipulations

This year the Conservation Commission will review the Standard Stipulations and discuss what they would like to add, remove, or change.

Ms. Wrobel proposed an additional stipulation should be added to clarify that materials, staging, and parking cannot happen in the buffer beyond what is approved in a permit. The commission discussed this, but did not have anything written and will not make any decisions yet.

The commission discussed the process of enforcement and consequences. Ms. O'Brien will speak with the

Town Planner about the process and bring information back to the Conservation Commission.

Mr. Tilton stated that he feels stipulation #1 is redundant with #2. Ms. O'Brien and Ms. Wrobel agreed.

Mr. Tilton noted stipulation #3. He said that the stipulation that an applicant would need another permit for a driveway is standard knowledge and shouldn't be included. Ms. O'Brien felt it is important that applicants understand that the wetlands permit does not excuse them from any other permits. This stipulation will be left alone.

The commission discussed whether stipulations need to be backed up for ordinances. Debate ensues over redundancy versus necessity.

Ms. Wrobel suggested that Stipulation #15 be removed.

Ms. O'Brien asked if there is merit to referencing the ordinance related to the stipulations.

Mr. Fox noted that Stipulations #15 and #16 are worded as questions. Ms. Wrobel suggested rephrasing those.

Stipulation #5

- Ms. Wrobel suggested saying "these are prohibited in the wetland conservation district"
- Ms. O'Brien will get more information on products that can be used.

Stipulation #10

- Ms. Wrobel would like to attempt to re-write this one. She will bring it back to the commission.

Ms. Swank asked about stipulation #3 and maintenance of permeable area. She asked who gives people all the information on how to maintain it. Ms. O'Brien noted that there is no way to enforce those things currently.

Mr. Tilton asked for clarification on stipulation #3. Ms. Wrobel suggested rephrasing this one to say "a driveway permit will also be required".

Ms. Wrobel will reach out to Ms. O'Brien to review stipulation #4.

VII. Conservation Coordinator and Chair Update

1. Conservation Award

- Ms. Wrobel organizes giving the Conservation Award winner at Hampton Academy a gift.
- Hampton Academy graduation is June 16th.
- Ms. O'Brien will attend the graduation to give a short speech and present the award to the winner.

2. 2023 Warrant Articles

- Impervious/Pervious Coverage
 - Ms. O'Brien is still working on creating limitations for hardscapes.

- Any other interest or concern for ordinances, let Ms. O'Brien know.

3. ARM Project Update

- Preapp due Friday (May 27th).
- Aquatic Resources Mitigation Fund has a grant opportunity.
 - Ms. O'Brien has been in communication with Laurie Summers.
 - The Conservation Commission does not currently have any projects that fit the requirements, but Ms. O'Brien will be putting an application together. It will likely be focused on Marsh Migrations. She will give another update next month.

4. Conservation Coordinator Trainings

- Two Options:
 - Certified Floodplain manager offered through FEMA: this is an in-person class in Maryland (July 25th-28th).
 - United Council of Green Building : Lead Certified Professional.
- Either of these would be paid for through the Town Manager's budget. Ms. O'Brien needs commission approval to proceed with both.

Mr. Whalen MOTIONED to approve the proposed professional development courses for Ms. O'Brien. SECONDED by Ms. Swank. Vote: Unanimous approval.

5. Seagrass Plantings Along Plaice Cove

- Private property owners have pointed out that the plantings have eroded away and asked for more dune grass to be planted.
- Ms. O'Brien has reached out to Ms. Eberhart about coordinating plantings.
- Ms. O'Brien would like to coordinate an event to get something planted on the town side of the property.

6. Invasives Removal Event(s)

- Ms. O'Brien would like to get the public involved to teach them how to identify invasives.
- Ms. O'Brien would like to plan for two weekend events for clean up.
- Ms. O'Brien suggested waiting until fall or late summer.
- Ms. O'Brien will pick dates and places prior to the next letter.

Ms. O'Brien noted that the proposal for the Eagle Scout project at Ice Pond was accepted and Owen, the boy scout, is in the fundraising phase.

VIII. Adjourn

Ms. Swank MOTIONED Mr. Tilton SECONDED. Vote: Unanimous.