

**Hampton Conservation Commission
Draft Minutes
Tuesday, June 22, 2021
7:00 PM**

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

9 **Also Present:** Planning Board Representative Ann Carnaby

10
11 **I. Call to Order: 7:00 PM**

12 Chair Wrobel called the meeting to order at 7:00 PM. Alternate Diane Shaw was activated.

13 **II. Review Minutes**

14 Ms. Swank recommended

15 **MOTION:**

16 **SECOND:**

17 **VOTE:** 6-0-1 (Ms. Shaw abstained)

MOTION PASSED

18 **III. Applications**

19 **1. 465, 467, 469 Ocean Boulevard**

Town Wetlands Permit

20 **NHDES Wetlands and Non-Site Specific Permit**

21 **Owners:** Elaine Ayotte & Frederick Ayotte (465), J. Hunter Properties (467), The Stephen
22 LaBranche Living Trust (469)

23 **Applicant:** RJS Consulting, LLC, Attn: Rick Smith

24 **Agent:** Joe Coronati, Jones and Beach Engineering

25 Town Wetland Permit: Replace existing asphalt behind 469 Ocean Boulevard with porous
26 Pavement

27 NHDES Permit: Convert property to condominium building; raise parking area from existing
28 ground and install a retaining wall to lessen impacts.

29
30 Joe Coronati of Jones & Beach Engineering presented the application on behalf of the three
31 parties. Mr. Coronati indicated there was a site walk over the weekend. There are three
32 adjacent properties involved, 465, 467 and 469 Ocean Boulevard. 465 and 467 are proposed
33 to be an eight-unit condominium development. The location requiring the wetland permit is
34 469 Ocean Boulevard which has a 50' setback. The Seabreeze Condominium parking lot is
35 located behind the property. There is a wetland between. The pavement behind will be

Hampton Conservation Commission
Draft Minutes
Tuesday, June 22, 2021
7:00 PM

36 removed and replaced with porous pavement. The shared access will be relocated. The new
37 easement is being reviewed by the Town attorney. The buffer impact will also require permits
38 from State Wetlands, Shoreland and Site Plan Review and DOT.

39 Mr. Tilton asked about the permanent impact and Mr. Coronati noted it will be less as the
40 asphalt is being taken out. The stormwater will be infiltrated where it wasn't before. There
41 will be a reduction in pervious.

42 Mr. Diener asked about grading and elevation changes and Mr. Coronati noted the grading
43 plan is shown on Sheet C-3. There is a need to lift the grade. There will be a two-foot-high
44 retaining wall in the right corner ½" higher than the pavement, 6" off the property line. The
45 grade will be the same at the back of 469 Ocean Boulevard. Mr. LaBranche noted it is
46 currently paved to the border of the Seabreeze Condominium. There used to be a fence there
47 but winds were an issue and the fence came down. People were walking through and so Mr.
48 LaBranche planted Rose Rugosa in holes made in the asphalt which grew to resemble a
49 hedge.

50 Mr. Diener asked if there were additional impacts to abutting properties and Mr. Coronati
51 noted there would be none behind but the grade does get lower along the property line, that is
52 a small change. Mr. Diener noted he does not want to see work done on one property affect
53 another. Ms. Shaw agreed.

54 Ms. Swank asked about the area behind 467 Ocean Boulevard, if it is lawn and Mr. Coronati
55 noted it is used as parking.

56 Ms. Swank asked about maintenance of the porous systems and whether it would be specified
57 in the condominium documents. Mr. Coronati noted the Town has an operations manual
58 maintenance regulation. The LaBranche property and condominium property would be
59 maintained separately. The Town sends out a letter asking for a yearly inspection report. The
60 condominium would be responsible for their report and Mr. LaBranche for his. Ms. Carnaby
61 will confirm that with the Planning Board. Ms. Swank gave examples of what happens when
62 the maintenance is not kept up and the porous system fails. Mr. Coronati noted there would
63 be signage for the eco pavers and the porous pavement. Mr. Fox asked about the porous rate
64 and how much rain water it could handle before flooding into neighbor's property and Mr.
65 Coronati indicated that is part of the Planning Board review and Public Works who review the
66 stormwater calculations. The Town requires a 100-year storm event and there is stormwater
67 analysis and test pits. Mr. Fox asked if the ground water is tidally influenced. Mr. Coronati
68 explained they look at the soils to determine that. Ms. Raymond asked the type of soils and
69 Mr. Coronati noted the groundwater tables were 24" and 28" with decent gravel soil. Mr. Fox
70 noted there should be good drainage. Mr. Diener asked if as part of the new NHDES
71 application the influence of groundwater rise was looked at and Mr. Coronati noted it was not
72 done yet.

Hampton Conservation Commission
Draft Minutes
Tuesday, June 22, 2021
7:00 PM

73 Mr. Diener asked whether the small, vegetated area on 469 Ocean Boulevard will be kept and
74 Mr. Coronati noted it is being removed.

75 Chair Wrobel opened the hearing to the public for comments and questions at 7:30 PM and
76 being none closed the hearing to the public for deliberations.

77 **MOTION:** Mr. Tilton motioned to support the application for a Town Wetlands Permit for 465,
78 467 and 469 Ocean Boulevard.

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

80 **VOTE:** 7-0-0 **MOTION PASSED**

81 Chair Wrobel asked about suggestions for placement of WCD markers and Mr. Diener
82 recommended on the wall being constructed which Mr. Coronati agreed would be suitable on
83 posts or the shed. Mr. LaBranche noted he had no problem with the shed. Chair Wrobel
84 indicated the additional stipulations of approval:

- 85
- 86 1. Two Wetlands Conservation District markers to be installed on the wall and shed.
- 87
- 88 2. The buffer should remain undisturbed to the degree possible in the process of construction
89 and elevations not be changed. No additional fill is allowed.
- 90
- 91 3. There shall be no additional structures or impervious surfaces in the buffer, other than those
92 shown on the approved plan. A new Wetlands Permit is required for the construction of any
93 additional structure(s) or impervious surface(s) in the buffer.
- 94
- 95 4. If the project requires an occupancy permit, the Conservation Coordinator shall not sign the
96 permit until all of the Wetland Permit conditions have been met. The Conservation Coordinator
97 shall be given a minimum of 72-hour notice to allow for file review.
- 98
- 99 5. Proper erosion control will be in place before construction begins and remain in place until
100 the area is stabilized and removed after construction is complete.
- 101
- 102 6. The Conservation Commission shall be notified in writing upon commencement and
103 completion of the project. A final inspection shall also be scheduled with the Conservation
104 Commission upon completion of the project.
- 105
- 106 7. This permit will expire two years from the date that it is granted by the Planning Board.
107 Refer to Hampton Zoning Ordinance Section 2.3.5 or information on permit extensions.

108 Chair Wrobel asked Mr. Coronati if there was anything substantially different about the NHDES
109 permit application and Mr. Coronati noted the setback and upland tidal buffer one. Mr. Coronati
110 displayed the plan showing the finger wetland between the two lots.

Hampton Conservation Commission
Draft Minutes
Tuesday, June 22, 2021
7:00 PM

109

110 Chair Wrobel asked if there were any questions from the public and there were none.

111 **MOTION:** Mr. Tilton motioned to not oppose the NHDES permit.

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

113 **VOTE:** 7-0-0

MOTION PASSED

114 Chair Wrobel noted a letter will go out directly to the State.

115

116 **2. 35 Park Avenue**

Town Wetlands Permit

117 **Owner:** Chelsie Portlock

118 Add fill to yard to create gentle slope. Remove existing crushed stone. Install 4' chain link
119 fence around outer edge of backyard.

120

121 Chelsie Portlock presented the application for a Town Wetlands Permit for 35 Park Avenue.
122 She indicated she wanted to put up a fence in the backyard for her dogs and brought in fill
123 because there was an unsafe drop off. The former owner had proposed a retaining wall and
124 didn't do it. Before the fill was delivered she contacted the Town and was told by the
125 Building Inspector to fill out a building permit, draw a picture and submit it and proceeded.
126 Then Ms. Campbell showed up and told her she needed a wetland permit.

127

128 Mr. Diener reviewed the history of the property's violation years ago. A plan had been put
129 together and not implemented. There was a delineation the Building Inspector was not aware
130 of and so she did not get accurate information. The backyard is almost completely in the
131 buffer. A big chunk of the fence would be in the wetlands.

132

133 Ms. Raymond asked if the fill went to the edge of the wetland and felt the fence should be
134 above, the fill vegetated and restored. Owners have had to remove fill before. GIS should not
135 be relied on for wetland delineation. The restored area should not be touched and not lawn.

136 Ms. Raymond noted she had an issue that it goes right up to the wetland edge. The fill
137 shouldn't be there.

138

139 Mr. Tilton agreed and noted it is not the owner's fault, but the disturbed area should be seeded
140 and allowed to just be and not be lawn. Ms. Raymond noted the buffer goes almost all the
141 way to the house and should not be lawn because it is buffer.

142

143 Ms. Shaw agreed the owner should work with pulling the fence back and vegetating the slope
144 and not maintain it as lawn. Ms. Swank questioned the distance from the wetland line to the
145 creek. Ms. Raymond noted the creek is outside the property line.

Hampton Conservation Commission
Draft Minutes
Tuesday, June 22, 2021
7:00 PM

146
147 Chair Wrobel asked the homeowner if she had plans to revegetate and she indicated she did,
148 with blueberry bushes.

149
150 Chair Wrobel opened the hearing to the public for comments and questions at 7:55 PM and
151 being none closed the hearing for deliberations.

152
153 **MOTION:** Mr. Diener motioned to recommend approval of the Town Wetlands Permit with the
154 modified plan subject to:

155 The fence be pulled back to the toe of the slope and everything streamside of the fence be
156 naturally vegetated and everything within the buffer on the house side of fence be maintained as
157 a vegetated area.

158 **AMENDMENT:** Mr. Diener amended his motion to include that the fence should go where the
159 retaining wall (proposed by the previous owners) was. House side of the fence should be lawn.
160 Streamside should be naturally vegetated. Ms. Raymond added and no fertilizer.

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

162 **VOTE:** No action taken on motion. **MOTION FAILED**

163 Mr. Tilton questioned the lawn area house ward of the fence and whether the violation should be
164 restored. Mr. Diener noted it was not addressed with the previous owner who was supposed to
165 put in a retaining wall.

166
167 Mr. Tilton asked about slope change and Mr. Diener noted it was closer to the stream than the
168 retaining wall was supposed to be by about 5-10.'

169
170 Ms. Raymond noted there is a surveyed plan and measurements should be available. The fill
171 area should not be lawn. The buffer should stay natural, and she does not agree house side of the
172 fence should be lawn. A manicured lawn does not offer the same protection and is not permitted
173 in this area.

174
175 Mr. Diener noted it was lawn before and the owners were allowed to maintain. Ms. Raymond
176 noted the fill is considered a violation. In other cases the Commission has made owners remove
177 violations. Ms. Raymond noted she would not have okayed this. Mr. Diener noted he would
178 have to go back and look at the record that was approved before. Mr. Tilton agreed and noted it
179 made sense to go back and look at records and not compound the problem that records were
180 inaccurately relayed to the homeowner already.

181
182 Mr. Fox asked if the matter could be continued, and the homeowner agreed. Chair Wrobel noted
183 she will look up the records to demonstrate consistency in the area between the house and fence

Hampton Conservation Commission
Draft Minutes
Tuesday, June 22, 2021
7:00 PM

184 and bring the applicant back. The fence will be where the retaining wall would have been. Mr.
185 Tilton added that the Commission is not asking the homeowner to remove the fill.

186

187 **3. 45 Nudd Avenue NHDES Expedited Minimum Impact Wetlands Permit Application**

188 **Owner: David Cardilo & Christine Cardilo**

189 **Applicant: Darren Sturtevant**

190 **Agent: Tim Ferwerda, Ferwerda Mapping**

191

192 Norman Carpentier indicated he represented the applicant, Mr. Sturtevant who is purchasing the
193 property. The proposal is to raise and elevate the dwelling out of the flood zone in the same
194 location. The existing foundation will be removed. Helical piles will be installed on concrete
195 piers. Three steps will be added. Elevation will be at 10.2. It will be FEMA compliant with the
196 additional 1' of freeboard allowed by the Town to eliminate flooding. Water will flow
197 underneath. There will be stone under.

198 Ms. Raymond noted it was a good idea to raise it. Mr. Fox noted FEMA may change its
199 regulations again and recommend further raising. Mr. Carpentier noted the added stairs create
200 sealed surface. The failsafe is already built in, in this case. The Town has been proactive. In
201 January it went from AE9 to AE8, 2.2' above base flood with 2' of freeboard.

202 Ms. Carnaby who was on the site walk asked if the home were sound enough to raise. Mr.
203 Carpentier noted the porch will be rebuilt. The bank will not finance the property if in the flood
204 zone.

205 Chair Wrobel opened the hearing to the public for comments and questions at 8:20 PM and being
206 none closed the hearing for deliberations.

207 **MOTION:** Mr. Diener motioned to approve the Chair signing the permit.

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

209 **VOTE:** 7-0-0

MOTION PASSED

210 Chair Wrobel noted the Town Clerk will also need to sign. The appointment to discuss the Town
211 Wetland Permit was cancelled as the deadline was the first Tuesday of the month and the
212 paperwork was received yesterday.

213

Hampton Conservation Commission
Draft Minutes
Tuesday, June 22, 2021
7:00 PM

214 **IV. Appointments**

215

216 **V. New Business**

217

218 1. Donation of Conservation Land Update (previously approved February 2020)

219

220 Chair Wrobel noted on February 25, 2020, the Commission voted to accept three small parcels.

221 The titles went to the Town attorney for research, and it was recommended the vote be

222 reaffirmed to accept pending probate approval. The descriptions were recommended to include

223 reference to tax map and lot numbers.

224

225 **MOTION:** Mr. Diener motioned to reaffirm the Commission's February 25, 2020 vote pending
226 probate approval.

227

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

229

230 **VOTE:** 7-0-0

MOTION PASSED

231

232 **VI. Old Business**

233

234 1. CHAT Update

235

236 Mr. Diener noted at the last meeting the Board recommended their favorite CHAT items to bring

237 forward. #3 was to compel the Planning Board, Conservation Commission and ZBA not to take

238 action before going through the Planning Review Committee but the Town has no ability to

239 compel the ZBA to do that. Mr. Diener noted he met with the ZBA to see if there was a way that

240 all three boards could understand flood risk. #5 was public education and outreach and the

241 Commission should consider who will take on that responsibility and manage that effort.

242

243 Ms. Raymond recommended picking the top five violations and finding a way to educate the

244 public. Pictures are very helpful, a PowerPoint could be easily put together and posted on

245 Channel 22, the Town website and Facebook page. One example is maintenance of porous

246 pavers, maintenance and OEM reports filed annually. Mr. Diener added the Town Forest clean

247 up and dune planting.

248

249 Mr. Diener noted recommendations #10 and #11 concern Special Flood Hazard area and the

250 Town does not have a Special Flood Hazard area. The Commission could work with the

251 Planning Board to define and establish one and look at ordinance overlays to proceed with.

252

253 Mr. Diener recommended working on Conservation parcels to acquire adjacent to salt marsh and

254 flood storage areas. Two years ago SHEA made a presentation on target parcels to approach for

255 easements.

256

257

Hampton Conservation Commission
Draft Minutes
Tuesday, June 22, 2021
7:00 PM

258 Mr. Diener recapped the recommendations prioritized by the Commission this year:

259

- 260 • #5 public education and awareness
- 261 • #10 working with the Planning Board to establish a Special Flood Hazard area; and
- 262 • Conserve/purchase flood storage land adjacent to the salt marsh

263

264 **VII. Conservation Coordinator and Chair update**

265

266 Chair Wrobel provided the handout prepared by Mr. Diener for the kiosk at the Car Barn Pond.
267 The Commission will memorialize Barbara Renaud who passed away and was a Conservation
268 Commission member. A trail is being developed. A lot of information was obtained from the
269 Historical Society. Ms. Swank noted there was a lot of good information but questioned whether
270 the trend should be followed to put less text on kiosks and use QR codes where more information
271 might be wanted. The photos are really good. Mr. Fox recommended adding a map of the
272 former trolley line.

273

274 Chair Wrobel discussed the dune restoration project at Ancient Highway. She met with Eben
275 Lewis from NHDES and Jen Hale from DPW. In the fall the existing boardwalk can be replaced
276 with the matting system and ropes installed to protect the dune plantings. Signage will be redone
277 to educate visitors on the value of dunes. On the left side storms had washed out the sand and the
278 project will include rebuilding that and revegetating. Mr. Lewis recommended working with
279 UNH Ext. and noted there may be grants available or even a way to simplify the permit process.
280 Alison Eberhardt will work with the Commission on planting. Plants will be planted to hold the
281 dune in place. Ms. Swank asked about coir logs because the plants did not take without them.
282 Chair Wrobel noted the dune grass had a more extensive root system than the Rugosa Rose. The
283 Commission unanimously approved moving forward with the grant application.

284

285 **VIII. Non-Public Session**

286

287 **MOTION:** Mr. Tilton motioned to go into non-public session pursuant to RSA 91-A:3(II) (b)
288 and (d) hiring of a public employee and consideration of the acquisition, sale or lease of real or
289 personal property which, if discussed in public, would likely benefit a party or parties whose interests are
290 adverse to those of the general community

291 **SECOND:** Mr. Diener seconded the motion

MOTION PASSED

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

293 Raymond – aye, Fox – aye, Tilton – aye, Diener – aye, Wrobel – aye, Shaw – aye and Swank –
294 aye.

295 The meeting was closed to the public at 8:54 PM.

296 **MOTION:** Mr. Diener motioned to come out of non-public session.

297 **SECOND:** Ms. Raymond seconded the motion.

MOTION PASSED

Hampton Conservation Commission
Draft Minutes
Tuesday, June 22, 2021
7:00 PM

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

299 Raymond – aye, Fox – aye, Tilton – aye, Diener – aye, Wrobel – aye, Shaw – aye and Swank –
300 aye.

301 The meeting was reopened to the public at 9:35 PM.

302 **MOTION:** Mr. Tilton motioned to seal the minutes of the non-public sessions.

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

MOTION PASSED

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

305 Raymond – aye, Fox – aye, Tilton – aye, Diener – aye, Wrobel – aye, Shaw – aye and Swank –
306 aye.

307

308 **IX. Adjourn.**

309 **MOTION:** Ms. Raymond motioned to adjourn.

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

311 **VOTE: 7-0-0**

MOTION PASSED

312

313 Respectfully submitted,

314

315 Nancy J. Hoijer,

316 Recording Secretary