

Hampton Conservation Commission
Draft Meeting Minutes
Tuesday, July 25, 2023

Present:

Deborah Wrobel, Chair

Robert Fox

Peter Tilton

Pat Swank

Katherine Desrochers, Alternate, voting member

John Croteau, Alternate, non-voting member

Staff:

Brianna O'Brien, Conservation Coordinator

I. Call to Order: 7:00 pm

II. Review Minutes

Ms. Swank MOTIONED to accept the June 27th minutes as edited. SECONDED by Mr. Tilton
VOTE: 5-0-0.

III. Applications

- a.** 10-14 Sapphire Ave ATF Town Wetlands Permit
Applicant: Nancy Walker-Keay, Trustee NHDES Standard Dredge & Fill
Agent: Joseph Coronati, Jones & Beach
Property Owner: Nancy Walker-Keay, Trustee
- Joe Coronati, Jones and Beach Engineers, and Brendan Walden, Gove Environmental, presented the proposed project for 10-14 Sapphire Ave.
 - Mr. Coronati explained the history of this project. In 2013, Jones and Beach permitted the project for this site for bank stabilization. The contractors installed rip rap, which was not what was permitted. It was re-permitted but that permit lapsed, so it is being permitted again to address the violation and install what was originally permitted. The wetland delineation had also expired so it was re-delineated and the new delineation showed that a lot of the lot is actually wetland. Because of this, there are permits required to access the bank and address the violation.
 - SumCo is the contractor that will be doing the site work. They have been on site to ensure this is work they can do and provide input. Some of the rip rap will stay, the lower portion. There will then be two coir logs and some rip rap on top. They

need space to access the bank and to store equipment and materials. They will be using Dura-Base to ensure they will not unnecessarily damage the vegetation on the lot.

- Ms. Wrobel commented that she was glad to see the Dura-Base because that was a concern of the Commission when this was originally permitted.
- It was discussed that the State is requiring that the rip rap be removed and the coir logs installed. The State recommends vegetative options as best practice, they do not encourage and often do not allow hardscapes and armoring, like rip rap, for bank stabilization.
- It was discussed that the majority of the lot is designated wetland because of soil type, some wetland vegetation and tidal inundation.
- Ms. O'Brien asked what type of equipment is going to be used and how. Mr. Coronati explained it would likely be smaller excavators, they will do the work in small sections, when they remove material, they will replace it within the same day before moving on to the next section. Ms. O'Brien asked about any of the work being done by hand. Mr. Coronati said that it was likely. The coir logs will need to be placed fairly exactly and pinned between the rip rap.
- Ms. O'Brien asked about where exactly the rip rap would be left. There is a visible color change on the rip rap and it was asked if that was the approximate elevation at which the rip rap will be left. Mr. Coronati explained that that was the goal.
- Ms. O'Brien asked about the planting plan. Mr. Walden answered that the details are not finalized, they are open to suggestions. The coir logs will be seeded so they can get established.
- Ms. O'Brien asked if the lot will continue to be mowed. The Town Wetland Permit from 2013 stipulated that there should be a 5 foot buffer from the edge of the bank. The Commission did not feel strongly about it being left unmowed.
- The Commission discussed how the coir logs would be monitored and what would happen if they failed. Ms. O'Brien explained that if the coir logs fail, then the bank will continue to slowly erode as it had been, at no real or immediate harm to any structure as the lot is an empty lot. No one is requiring the bank to be stabilized, it was a preference of the owner. The bank stabilization is not mitigation for development. This project is being permitted now primarily to address the violation of placing rip rap on the bank and whether or not the coir logs are effective long term, the violation will be remedied once the rip rap is removed.
- Mr. Fox asked about the Dura-Base killing any vegetation underneath. Mr. Walden explained that the construction sequence calls for the lot to be restored to existing condition after the work is completed.

- Ms. O'Brien asked if the small piece of wooden retaining wall next to 18 Sapphire will remain. It was stated that it will be.

Ms. Desrochers MOVED to recommend the After the Fact Town Wetland Permit application for 10-14 Sapphire. Mr. Fox SECONDED. Mr. Tilton ABSTAINED. VOTE 4-0-1

Ms. O'Brien read the standard stipulations:

- Install two Wetlands Conservation District markers on the existing fence of the property. The markers must be permanently affixed. Wetland markers can be purchased at the Hampton Planning Office.
- 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)
- No storage of grass clippings or yard waste is permitted in the wetland or its buffer. (Section 2.3.4 B 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.
- 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. Silt fence and hay bales (salt hay bales for tidal areas) unless another more stringent approach is proposed by the applicant.
- 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)
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surfaces, 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. 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)
- 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.
- 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.
- 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.

Ms. Swank MOVED to write a letter to NHDES not opposing the wetlands permit for 10-14 Sapphire Ave. Ms. Desrochers SECONDED. Mr. Tilton ABSTAINED. VOTE 4-0-1

IV. Appointments

V. New Business

a. Quarterly Treasurer Reports

- Ms. Swank reviewed the quarterly treasurer report. They look a little different because the Town Forest Fund is being reported as its own fund now and not an account in the Conservation Fund. The only receipt for this quarter was in April for \$690. It was carried over from the 2022 budget. The report is attached.
 - Ms. O'Brien reminded the Commission that in January 2024 the accounts within the Conservation Fund will be slightly reorganized. The Conservation account is where the dollars from the annual warrant articles go. The warrant article language is specific to the purchase and maintenance of Conservation land. It was discussed that this account should be renamed Land. The Green Infrastructure account and Operating account will be combined and renamed Conservation. This account will still be used according to RSA 36A but does not have to be used as specifically as the Land account.
 - Ms. O'Brien also reminded the Commission that the current interpretation of the RSA is that Conservation Commissions have to put forth an annual warrant article to move their unspent budget dollars to their Conservation Fund. Many Commission's including the HCC put one warrant article forth for a Town Vote many years ago thinking that would cover this action in perpetuity. Many Commission's still move the money without an annual warrant, the current interpretation is that Commissions should have an annual vote. The HCC should decide if it would like to ask the Finance Department to continue moving the unspent budget dollars without an annual vote.
 - Ms. O'Brien will review the 2024 Budget at the August meeting.

b. Flood Risk Disclosure Questions

- The Coastal Hazard Adaptation Team (CHAT) is in the process of proposing legislation to require flood risk disclosures to be added to the real estate disclosure form. Mr. Diener, on behalf of CHAT, sent out a request to all NH Conservation Commissions to review CHAT's proposal and provide feedback.
 - Ms. Wrobel read Mr. Diener's email:

Currently, there are no such [flood disclosure] requirements: Some forms ask if a property is in a Flood Zone, but the owner can answer "unknown" and that is sufficient. While the details are not yet known, the type of questions that might be asked are:

Is the property in a FEMA Flood Zone?

Has this property/structure been damaged by flooding?

If so, how many times in the last 5 years?

Does this property have flood insurance?

We are currently looking at such disclosure requirements that other states (Texas, Louisiana, Hawaii, etc) already have on the books so that we don't have to reinvent the wheel regarding such requirements.

Do you think your Commission and/or your town would support such requirements in the interest in making sure they have informed purchasers? If so, what questions would you like to see included on such disclosure forms? If you don't think the support is there, what would you say the concerns are?

- Several perspectives were shared. Some properties are large and may be partially within a flood zone but the home itself is at no real risk of flooding and that could be misleading to some buyers. The harm of not knowing the flood risk for a particular property was also discussed as well as the problem of properties dropping in value because of flood risk, making them affordable for a demographic of people who would not be able to afford repairs or other negative impacts of flooding.
 - The Commission discussed this proposal and was asked to send comments to Ms. O'Brien within the next few weeks. The hope is to bring this to the September legislative session, otherwise the next opportunity to introduce legislation will be in December 2024.
- c. Review scope of work for Grist Mill and Ice Pond RFP
- Ms. O'Brien gave an overview of the warrant article that passed this Spring, giving the Commission \$100,000 to study the current ecological condition of both Ice Pond and Grist Mill Pond. Both of these ponds are owned and managed in majority by the Conservation Commission. They are both in various states of eutrophication, meadowing, and being taken over by invasive species. Studies are difficult to fund via grants and can eat up substantial amounts of the HCC's fund. The warrant article was put forth in hopes to hire a consultant to report on the conditions of the ponds, identify the sources of the problems, recommend solutions and help prepare the Commission to move forward with permitting and implementation of a remediation option. Getting these projects shovel ready will help the Commission be prepared to apply for grants, such as the ARM Fund Grant, to fund the implementation.
 - Ms. O'Brien reviewed the draft RFP scope of work and asked for the Commission's input. Ms. O'Brien made several edits based on the feedback.

- The hope is to get a consultant hired and started on this work this year while the vegetation is still growing.

VI. Old Business

a. Town Forest Subcommittee

- Ms. O'Brien explained that this past winter the Town Forest subcommittee met and had a very productive meeting. Casey, a Commission alternate, was on the subcommittee and there were a number of very enthusiastic residents. Ms. O'Brien will continue to be fully involved with this subcommittee and can pick up where everything left off this winter, but a subcommittee cannot be run without at least one Commission member. She asked if everyone could consider whether this is something they could take on.

VII. Conservation Coordinator and Chair Update

- Ms. Wrobel mentioned that there was some advancement with the Liquor Commission's project. The Conservation Commission may need to take a vote on their next steps in an emergency meeting in the next couple weeks.
- Ms. O'Brien reported that FBE will begin on the Natural Resources Inventory as soon as PREP sends the Town the PREPA contract.

VIII. Adjourn

Mr. Tilton MOVED to adjourn at 8:23pm. Ms. Wrobel SECONDED. VOTE: Unanimous.