

**Hampton Conservation Commission**  
**Draft Meeting Minutes**  
**Monday July 31, 2023**

**Present:**

Deborah Wrobel, Chair  
Robert Fox  
Peter Tilton  
Pat Swank  
Marc Hiller  
Katherine Desrochers, Alternate, voting member  
John Croteau, Alternate, voting member

**Staff:**

Brianna O'Brien, Conservation Coordinator

**I. Call to Order: 4:30pm**

**II. Applications**

a. **I95 Northbound Liquor Store**

Applicant: New Hampshire Liquor Commission  
Agent: Christopher Danforth  
Property Owner: New Hampshire Liquor Commission

Ms. O'Brien gave an overview of this project for the Commission.

The New Hampshire State Liquor Commission has been proceeding with a plan to sell State owned land around the North and South Bound State Liquor stores in Hampton for redevelopment. The vision includes new State Liquor facilities and additional highway services on both sides of Route 95.

As a part of that ongoing process, the Town has been involved in discussions and has provided input to the project since 2021. Presentations to the Board of Selectman and Planning Board resulted in a new overlay district with approved specific uses to accommodate this project. The voters approved the overlay district in March of 2022.

As the project continued forward, the Hampton Conservation Commission has diligently worked to minimize the impacts to the surrounding wetlands and conservation land. First, the HCC was involved in reviewing the proposed updated prime wetland delineation in January 2023. The HCC hired a wetland scientist, and the delineation was verified and then accepted by DES. The updated delineation showed additional developable upland acres. Then, last month, the NHLC filed for an amendment to their NHDES permit from 1993 that they had received when they originally developed the land. A stipulation of that permit stated that whatever land remained undeveloped at that time would be put into conservation. The land was protected via Conservation Covenants. The 2023 permit amendment proposes to modify that stipulation and take 11.21 acres of upland on the NB side out of conservation. To mitigate

this impact, NHLC proposes to put the same number of acres on the SB side into conservation and all new and remaining protected land will be put into a formal conservation easement which will be held by the HCC. The terms of the easement will be discussed with the town of Hampton and the HCC.

Additionally, as the HCC expressed concerns about the 1:1 ratio of conserved land being insufficient to effectively mitigate the proposed impacts to the land in this area, the NHLC has agreed to make a donation to the Conservation Fund to allow the HCC to continue its work to pursue conservation and restoration projects in Hampton in order to better protect and re-capture the lost ecological functions and values of the land on the north bound side of 95.

The HCC does not currently have any shovel ready restoration projects or willing sellers of undeveloped land. Conservation and restoration work take time to be ready to execute. These additional resources from the NHLC will allow the Commission to be ready to move forward quickly and efficiently with this type of work as it arises. As a reminder, the Conservation Fund is defined by RSA 36-A and there are strict parameters around how the funds can be used- mainly it is only for the procurement and protection and maintenance of conservation land in Hampton, so the spending of these dollars is carefully stipulated.

As a part of this agreement, the Commission would agree to not oppose the permit filed by the NH State Liquor Commission to the Department of Environmental Services for the modification and replacement of conservation covenant.

Last month, the HCC reviewed this permit amendment but did not have enough information to make a decision. Since then, the NHLC has come forward with the details of this agreement and this afternoon, the HCC is being asked to send a letter to NHDES to not oppose permit 2023-01612

Ms. O'Brien then read the conditions of the agreement in principle from the Liquor Commission.

1. The Town of Hampton Conservation Commission will agree to hold a replacement conservation easement as applicable to a modified area of the northbound property and a newly-restricted area of the southbound property. The protected areas would be shown on a recorded plan, but it will be the same as depicted in the NHLC application submitted to NHDES (the so-called 1:1 ratio plan).
2. The HCC, along with NHDES, will review and approve the final form of the conservation easement.
3. Upon recording of the final easement, the NHLC will make a one-time payment to the Town of Hampton Conservation Fund in the amount of \$300,000.
4. Neither the Town nor its HCC will oppose the pending NHDES application (NHDES File No. 2023-01612) submitted by NHLC, nor file any appeal of an approval thereof. [NHLC understands that this agreement relates only to File No. 2023-01612 and does not bind the HCC regarding other or future NHDES applications relating to the properties.]

The HCC discussed the proposal and the agreement.

It was clarified that any future development may require Town or State Wetlands permits and the HCC would have opportunities to comment through the normal review process.

The boundaries of the wetlands and uplands on both the north and southbound properties were reviewed, and it was clarified which areas would be taken out of conservation on the northbound side and which areas would be protected on the southbound side.

The Liquor Commission will retain ownership of ramps and a footprint for a liquor store on each property.

It was clarified that the \$300,000 donation to the Conservation Fund would be used in accordance with RSA-36A and is fully controlled by the Conservation Commission.

The Commission discussed if the conduit that goes under the highway between the properties is navigable by kayak or canoe. It is not.

Mr. Tilton MOVED to send a letter to NHDES not opposing the NHLC's permit number 2023-01612. Ms. Swank SECONDED. Mr. Fox OPPOSED. VOTE: 6-1

### **III. Adjourn**

Ms. Swank MOVED to adjourn at 4:44pm. Mr. Croteau SECONDED. VOTE: Unanimous.