

**Hampton Conservation Commission**  
**Draft Minutes**  
**Tuesday, October 22, 2019**

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

10  
11 **Also Present: Rayann Dionne, Conservation Coordinator**

12  
13 **I.         Call to Order:**

14 The meeting was called to order by Chair Diener at 7:00 PM in the Town Hall Selectmen's  
15 Meeting Room. Chair Diener noted Ms. Wrobel and Mr. Fox would be inactive for this meeting.

16 **II.        Review Minutes**

17 **1.        September 24, 2019**

18 **MOTION:**   Ms. Shaw motioned to approve the September 24, 2019 minutes, as  
19                         amended.

20 **SECOND:**   Ms. Wrobel seconded the motion.

21 **VOTE:** 6-0-1 (Chair Diener abstained)

**MOTION PASSED**

22 **III.       Appointments**

23 1. Ann Carnaby, Vice-Chair of the Planning Board – Master Plan Survey

24 New Hampshire Law (RSA 674:1) states "Every planning board shall from time to time update  
25 and amend the adopted master plan with funds appropriated for that purpose by the local  
26 legislative body"

27 Ms. Carnaby provided a link to a survey for residents to take to assist with updating the Master  
28 Plan which she noted should be done by every municipality, every ten years.

29 [publicinput.com/HMPS1](http://publicinput.com/HMPS1)

30 Ms. Carnaby advised the Town of Hampton has been awarded \$35,000 in grant funds from the  
31 NH DES to assist with the development of the Coastal portion of the Master Plan and \$10,000 in  
32 grant funds to develop the Vision section of the Master Plan. Experts are needed to create data  
33 analysis. Ms. Carnaby explained the importance of including goals in the Master Plan and  
34 keeping current so that the federal government will consider the Town to be in the running for  
35 grants for all kinds of projects.

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36 Ms. Carnaby indicated Conservation member Sharon Raymond represents Conservation on the  
37 Master Plan Steering Committee.

#### 38 2. Felix Taracena – Proposed Eagle Scout Project

39 Mr. Taracena indicated he is 15 years old and working on his Chief Eagle Scout ranking and as  
40 part of that process proposed his Eagle Scout Project which would focus on a section of the  
41 White's Lane that routinely floods in the spring and fall and can be a bit mushy throughout the  
42 year. He would like to install bog bridges that will lay on top of the ground but are high enough  
43 to allow people to pass without getting wet.

44 Ms. Dionne indicated they had a site visit today with Eben Lewis from NHDES Wetland Bureau  
45 to go over the layout and permitting. This project at the state level will only trigger a trail  
46 notification permit. The Commission will need to decide if they want to endorse Mr. Taracena's  
47 project as it will also need BOS approval and whether the proposed trail work requires a Town  
48 Wetlands Permit.

49 Mr. Taracena noted the benefits of the bog bridges will be they are less impactful to the existing  
50 wetlands in the forested area and would narrow and direct traffic to avoid impacts in other areas.

51 Chair Diener noted that he liked the project and the idea of access without impact.

52 Vice-Chair Renaud asked how many sections there would be. Mr. Taracena indicated there  
53 would be 8-12 sections over a 100' area and would be designed as depicted in the photos he  
54 provided.

55 Vice-Chair Renaud asked about the timeline. Mr. Taracena noted this phase was the very  
56 beginning and there were quite a few steps to go through before the project begins in the spring.

57 Mr. Tilton asked how the bridges would be fastened. Mr. Tilton noted high water may require  
58 more than one bog bridge and to be staked to the ground and held in place. Mr. Taracena noted  
59 the bridges may need to be staked in some areas where water is running but observed about 6" of  
60 standing water. Ms. Dionne noted Mr. Tilton could go out and look at the proposed site with  
61 them.

62 Mr. Curro noted the project could help bring back vegetation.

63 The Commission deliberated on whether the project would require a wetland permit. Mr.  
64 Taracena noted there would be pressure treated timbers laid down, some staking, no digging, and  
65 the project would be supervised by Ms. Dionne. Mr. Tilton opined it was a positive impact and  
66 the project did not need a permit. All members agreed with Mr. Tilton.

67 **MOTION:** Vice-Chair Renaud motioned to support the project to the Board of Selectmen.

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

69 **VOTE:** 6-0-1 in favor (Chair Diener abstained)

**MOTION PASSED**

70

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71 3. Ellen Conklin – Victory Garden Update

72 Ms. Conklin introduced herself as the new coordinator of the Hampton Victory Garden which is  
73 a community garden with approximately 50 garden plots which opens in March with a long  
74 waiting list. Sign up is available on the Town webpage for full plots.

75 Ms. Conklin updated some of the activities and projects which happened this season which  
76 included working on the Blacksmith Shop. The Town removed the floorboards which were  
77 numbered for restoration and will be replaced. Some leveling was done.

78 The water has been shut off for the season, the last water bill paid of about \$15 and the lines  
79 winterized. They are not charged for water start and stop. Aqua Tech blew out the lines and  
80 only charged \$50 which Ms. Conklin was sure was a much lower rate.

81 Ms. Conklin noted a benefit to the food pantry who had some fresh vegetables to offer this year.

82 Ms. Conklin indicated a willingness to serve for another year. Mr. Curro thanked Ms. Conklin  
83 for being the guardian of this.

84 4. Amanda Stone – UNH Cooperative Extension – Natural Resource Inventory Guidance

85 Ms. Dionne noted Hampton was selected to receive technical assistance by the UNH Cooperative  
86 Extension for guidance on how to develop a Natural Resource Inventory. Hampton does not  
87 currently have such a document. The purpose of the document is to identify and describe  
88 naturally-occurring resources which provides the basis for land conservation planning and can be  
89 used to inform planning and zoning.

90 Ms. Stone indicated Hampton Conservation Commission had applied for assistance in getting the  
91 document up and running which would help the Master Plan to move forward. Ms. Stone noted  
92 a Natural Resources plan was done in 2009 and is really good although she did not know the  
93 author or if it was available in electronic format for editing. Ms. Stone indicated the document  
94 would need updating. Ms. Stone indicated the document could be a shorter version, a working  
95 document, an action plan.

96 Chair Diener asked about funding on the Town's end and preparing an RFP for consultants, what  
97 the ballpark cost might be? – Between \$10,000-\$12,000-\$15,000 depending on whether there is  
98 staff in-house at the Town, maps available. Rockingham Planning Commission has maps on its  
99 website available for each community from 2011 on.

100 Ms. Stone noted the component of providing the most efficient way to do land-use planning.  
101 Climate Adaptations and Flood Risk and Climate changes should appear in a Coastal Threat  
102 section. Most communities did not address those in that time period and Hampton did a good job  
103 of looking ahead. Look at your recommendations section. Check off what has been  
104 accomplished. Do some updating to the table of contents, rearrange what you would want to  
105 include and what you want to keep and not keep. Ms. Stone recommended looking at the NRI  
106 just done by Exeter, NH – it was nicely done.

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107 Ms. Stone recapped some of the steps, at look at the document, decide what you want to keep  
108 and not keep, tweak those sections.

109 Ms. Dionne asked if there was a list available of things that should be in the document. Ms.  
110 Stone noted the maps were 11x17 and get cut off, the online version is okay. Ms. Stone  
111 recommended printing some of those larger maps for a work session which could be scheduled  
112 ahead of a regular meeting. Ms. Stone will bring new resources that could be incorporated.  
113 Funding would be available at the end of June. The meeting could be after the first of the year.

114 5. 23 Robin Lane – proposed mitigation for garage construction

115 Mr. Curro recused himself and sat with the audience. Chair Diener noted this was an  
116 appointment.

117 Mark West presented on behalf of the owner, Ernie Underwood who lives at 19 Robin Lane.

118 Ms. Dionne noted she went out to inspect the project which is a one-car garage which will be  
119 located mostly within the 50' buffer and she has some mitigation ideas. The project has a shed,  
120 with a forest between the yard and wetland, a short driveway off a private road.

121 Mr. West indicated the septic was in the front of the house although the leach field is not the  
122 entire area of the lawn. The garage would be approximately 12x20. The driveway will be 10x12  
123 where only 10' now. Snow storage was questioned. The front setback may need a conversation  
124 with the Building Inspection about the right-of-way. Mr. Underwood noted he intends to sell the  
125 property.

126 Ms. Raymond noted concerns about the gravel in the buffer and the shed. The gravel was put in  
127 without a permit that is a violation and requires restoration. The applicant is so close to being  
128 out of the buffer – would like to see it completely out.

129 Vice-Chair Renaud indicated she would like to see the owner correct the violation.

130 Ms. Dionne would like to see a general indication of wetlands and uplands.

131 Ms. Shaw indicated she agrees the gravel should be removed, the shed moved and a deed  
132 restriction concerning future development.

133 The parking looks okay otherwise and the project could move forward if a few feet in.

134 6. 9 Merrill Industrial Drive – proposed mitigation for building an addition

135 Ms. Dionne noted the owners didn't realize they had wetland restrictions on their property as  
136 they started planning for an addition. They have prepared both existing and proposed conditions  
137 plans. They are able to locate the addition outside of the buffer with only minor grading in the  
138 buffer but are unable to meet the 12' primary building setback. They will need a variance for  
139 being in the 12' setback and having support from the Commission assuming the mitigation is  
140 sufficient will be helpful.

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141 Mr. Coronati of Jones & Beach noted the use will be a 4700 SF robotic storage, assembly, and  
142 switchgear facility. The rear setback is within 62' of the wetland setback and is outside the 50'  
143 setback. The former business was Snap-On Tools. The green area shown on the plan is paved.  
144 Yellow and blue are setbacks. A 500 SF area in green will be pavement being removed. The  
145 building which has a flat roof will be slab on grade and 40' tall. Grading will be returned to  
146 existing.

147 Mr. Tilton questioned vehicular access? – no.

148 Ms. Swank asked about drainage. Drainage will be internally drained through the center but not  
149 sure where the out drainage will go. A new bioswale is preferred.

150 Ms. Dionne indicated the applicant is looking for relief of the 62' setback and offers removal of  
151 the asphalt in the buffer. 660 SF total with 500 SF within the 50' wetlands setback. That will  
152 trigger a Town permit.

153 **IV. Applications**

154 **1. 6 Vrylena's Way (Map 209, Lot 112) Town Wetlands Permit**

155 **Owner:** Brent 16175 Parking Trust

156 **Agent:** Millenium Engineering

157

158 Construct a new home partially within the wetland buffer.

159

160 Ms. Dionne indicated this one application is a continuation from last month.

161

162 Attorney Scully from Norris Law Office and Sergio Bonilla of Mission Wetland and  
163 Environmental Services of Portsmouth presented the plan on behalf of the owner. Changes in  
164 the reduction of square footage since the last meeting were reviewed. They have revised the plan  
165 and reduced the square footage of the building's impact from 428 to 218 sq. ft. They moved the  
166 bulkhead out of the buffer and shifted the whole building 4' into the side setback. They have also  
167 decreased the lawn area to be within the silt sox area as shown on the revised plan.

168

	Original SF	September 24 SF	October 22 SF
Permanent buffer impact	712	428	213
Dwelling impact	568	328	186
Temporary	1711	906	1123

169

170 The dwelling will encroach on the neighbor and require a variance from the ZBA, the front  
171 setback as well.

172

173 Ms. Dionne noted she provided a copy of Mr. Bonilla's plan. Mr. Bonilla indicated the plan has  
174 been revised to push the mitigation area up to the silt sock, the species of grass has been changed  
175 to a zero maintenance Blue Stem variety, 8,309 area with 6,975 mitigation. The grass can be

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176 mowed but doesn't have to be. A small area will be a lawn area. Buffer markers will be large  
177 boulders. Three nesting box sites were recommended.

178

179 Mr. Tilton asked how the edge of buffer will be delineated.

180

181 Ms. Swank recommended extended the planting plant to beyond the standard two years because  
182 of the invasive knotweed to perhaps 4-5 years with the condition that the homeowner not mow  
183 beyond the silt fence.

184

185 Ms. Wrobel noted she was happy to see the lawn area reduced however new construction in the  
186 wetland buffer was a concern.

187

188 Mr. Fox agreed not to set a precedent by allowing new construction in the buffer. Mr. Fox  
189 would like to see the documentation of the Blue Stem variety benefits and if it works to reduce or  
190 control the adjacent knotweed due to competition of the species, perhaps it could become a  
191 recommendation with other projects.

192

193 Ms. Raymond indicated she was in favor of more than just wetland placards at the buffer edge  
194 and would prefer something that won't allow lawnmower can't go between and to preclude  
195 maintenance vehicles. Perhaps a line of shrubs or boulders.

196

197 Chair Diener noted with Huckleberry they put in a stone wall.

198

199 Vice-Chair Renaud noted historically she has voted against any new construction in the wetland  
200 conservation district and makes an effort to be consistent. The Blue Steam is an interesting idea  
201 and we will see how it battles the knotweed. Agree with the boulders and defining the edge to  
202 discourage any creeping into the buffer area. The FloodIQ results show a flood risk today.

203

204 Mr. Curro noted boulders that are large, 4-5' and can't be rolled along the buffer edge. Mr.  
205 Curro agreed he did not want to set a precedent with building in this district.

206

207 Ms. Shaw noted she had the same building concerns in the district encroaching on wetlands.  
208 Boulders would provide a physical and visual barrier.

209

210 Ms. Dionne appreciated the effort to move the building into the side setback allowing more to be  
211 outside of the buffer. However, there is still 186 sq ft of house and deck in the buffer and would  
212 like to see more creativity to make the house fit into the lot's buildable area. The buffer  
213 enhancements are positive but not as mitigation to offset the permanent impacts.

214

215 Chair Diener opened the hearing to the public for comments and questions at 8:44 PM and being  
216 none closed the hearing to public comment for deliberations.

217

218 The driveway area was discussed, a 9x18 legal parking space is required.

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219

220 **MOTION:** Mr. Tilton motioned not to support the project because of the proposed permanent  
221 impacts to the Wetland Conservation District associated with construction a new home at 6  
222 Vrylena's Way.

223

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

225 **VOTE:** 6-0-1 (Chair Diener abstained)

**MOTION PASSED**

226 **2. 431-435 Ocean Boulevard** (Math 266 Lot 27&47)

**Town Wetlands Permit**

227 **Owner:** Michael Napier, Keir Family Entrepreneurs, Inc.

228 **Agent:** East Coast Development, LLC

229

230 Remove existing buildings, pavement & concrete in the buffer. Create a permeable parking area  
231 and install high marsh buffer plantings

232 Ms. Dionne noted this one was discussed last month but as an appointment. This month the  
233 Commission can make a recommendation about whether to support the ZBA's requirement that  
234 the building cannot be moved 4' forward or whether the applicant has to find a compromise that  
235 is acceptable to all three boards - ZBA, Planning, and Conservation.

236 Mr. Coronati of Jones & Beach presented the plan on behalf of the owner. Bob Pace was present  
237 from East Coast Development. Mr. Coronati noted the project ran into difficulty after it was  
238 revised in August to move the building forward and eliminate the pool as Conservation noted.  
239 The Planning Board was okay with the plan but the ZBA ruled any change and it has to come  
240 back to the ZBA and when it did they were not in favor of the height variance needed to move  
241 the building forward and did not want to eliminate the pool as an amenity. Mr. Coronati stated  
242 they had ZBA approval with a pool and Planning Board approval without the pool. The ZBA  
243 noted the height would be an issue if the building were moved forward due to site lines. This  
244 moves the parking lot back further into the restoration area or about 10' of parking still in the  
245 buffer.

246 Ms. Dionne indicated some confusion over why recreation relief would be an issue when it is not  
247 being asked for and the ocean is across the street and provides recreation. Ms. Dionne did not  
248 agree the pool and cabana are necessary given the intrusion they will create into the restoration  
249 area and buffer. Pete Tilton agreed, we are trying to protect the wetlands and they are talking  
250 about a pool? Ms. Raymond agreed, she did not understand the necessity of a pool with the  
251 ocean right there. PRC will review this tomorrow.

252 Ms. Shaw noted there were too many issues with encroachment now and won't approve it.

253 Chair Diener noted it is not Conservation's job to tell them how to do it.

254 Ms. Swank agreed the parking lot should not go any further.

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255 Ms. Wrobel noted she was against the proposal, to begin with, but cannot support a parking lot  
256 which will likely flood and is opposed.

257 Mr. Fox asked for more information about the required site line of less than 300.’ The road is a  
258 State DOT road, is it for aesthetics, height clearance for Fire trucks?

259 Ms. Dionne noted they could build a building that meets the height requirements.

260 Vice-Chair Renaud noted the pool is not our problem, the parking is in the buffer and they could  
261 do a smaller pool. FloodIQ says it will flood, cars can be totaled from this.

262 Ms. Raymond noted Conservation drew a line at the last meeting, protecting what is our  
263 resource. Ms. Shaw agreed, our job begins at the buffer line.

264 Chair Diener opened the hearing to the public for comments and questions at 9:30 PM and being  
265 none closed the public portion of the hearing for deliberations.

266 **MOTION:** Mr. Tilton motioned to recommend the Town wetlands permit for 431-435 Ocean  
267 Boulevard as previously approved (August 28, 2019) provided the improvements do not intrude  
268 further into the buffer of the wetlands and maintain a distance between the wetland and parking.

269 **SECOND:** Vice-Chair Renaud seconded the motion

270 **VOTE – 6-0-1 (Chair Diener abstained)**

**MOTION PASSED**

271 Chair Diener recommended also sending a letter to the ZBA.

272

273 **3. 67 Hobson Ave** (Map 289 Lot 11)

**NHDES Wetlands Permit**

274 **Owner:** Kristine Wall & Timothy Bowman

275

276 Construction of 8’x10’ shed in the back, southwest corner of the property.

277 Ms. Dionne noted the owners were not planning to be present and didn’t need to be.

278 Conservation saw this application last month as a Town Wetlands Permit for the installation of

279 the 7' x 7' shed. Now they are applying for their NHDES permit. The property owner has

280 requested that the Commission review this application in their absence since its the same plan the

281 Commission reviewed last month.

282 **MOTION:** Vice-Chair Renaud motioned to not oppose approval of the DES Wetlands Permit  
283 for 67 Hobson Ave for a 7’x’7’ shed with the additional conversion of a portion of the asphalt  
284 driveway to permeable pavers.

285 **SECOND:** Ms. Shaw seconded the motion.

286 Ms. Dionne read out loud the conditions:

287 1. Installation of at least two Wetlands Conservation District markers along the wetland  
288 buffer edge on both sides. The markers must be permanently affixed to a structure such as a  
289 dwelling, fence or a post cemented into the ground. Wetland markers can be purchased at the



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290 Hampton Planning Office.

291 2. The permeable driveway surface must be routinely maintained to ensure the system  
292 continues to function as designed. Driveway work that extends into the Right-of-Way  
293 requires a permit from the Hampton Department of Public Works.

294 3. The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in any  
295 tidal or inland wetland, areas of poorly and very poorly drained soils, vernal pools, or their  
296 buffers. However, the application of limestone is permitted within the buffer.

297 4. No storage of grass clippings or yard waste in the wetland or its buffer.

298 5. Proper erosion control will be in place before construction begins and remain in place  
299 until the area is stabilized and removed after construction is complete.

300 6. The buffer should remain undisturbed to the degree possible in the process of  
301 construction.

302 7. There are to be no additional structures such as sheds, swimming pools, gazebos, patios  
303 or other sealed surfaces, etc. in the buffer, other than that shown on the approved plan. A new  
304 Wetlands Permit is required for the erection of any additional structure(s) in the buffer.

305 8. The Conservation Commission shall be notified in writing upon commencement and  
306 completion of the project. A final inspection shall also be scheduled with the Conservation  
307 Coordinator upon completion of the project.

308 9. This permit will expire two years from the date that it is granted by the Planning Board.  
309 Refer to Hampton Zoning Ordinance Section 2.3.5 for information on permit extensions.

310

311 **VOTE:** 6-0-1 (Chair Diener abstained)

**MOTION PASSED**

312 **V. New Business**

313 **1.** 4 Second St – RSA 41:14-a proceeding – release deed restriction #4

314

315 Ms. Dionne noted this release of deed restriction concerns the number of bedrooms which  
316 required not more than 4 and will be 5. This is not in the wetland district.

317

318 **MOTION:** Mr. Tilton motioned to not oppose the release of deed restriction #4 for 4 Second  
319 Street.

320

321 **SECOND:** Ms. Shaw seconded the motion

322

323 **VOTE:** 6-0-1 (Chair Diener abstained)

**MOTION PASSED**

324

325 **2.** 907 Ocean Boulevard – RSA 41:14-a proceeding – release deed restriction #4

326

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327 Ms. Dionne noted this release of deed restriction concerns the 7’ setback. The owner noted a  
328 five-bedroom pre-existing non-conforming is under contract. The property has 2’ to the rear and  
329 5’ to the front. The property cannot be sold with the restriction in the deed.

330

331 **MOTION:** Ms. Raymond motioned to not oppose the release of deed restriction #4 for 907  
332 Ocean Boulevard.

333

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

335

336 **VOTE:** 6-0-1 (Chair Diener abstained)

**MOTION PASSED**

337

338 **VI. Old Business**

339 1. 2020 Warrant Articles

340 Ms. Dionne noted the Planning Board is supportive of the proposed Warrant Article presented by  
341 Conservation. The Planning Board hearing is in December.

342 Ms. Dionne noted some wordsmithing to the language concerning the existing structure not  
343 extending further into the buffer. “Legally approved” would be revised to “Properly permitted or  
344 pre-dating ordinances.”

345 Ms. Dionne discussed the flood plan requirements with Jen Gilbert at OSI and the 2015 Building  
346 Code requirements for breakaway walls and flood vents.

347 Ms. Dionne updated the FloodIQ recommendation which the Planning Board is not in favor of  
348 requiring (reading guidelines) but would recommend visiting FloodIQ.com.

349 **MOTION:** Vice-Chair Renaud motioned to approve the language.

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

351 **VOTE:** 6-0-1 (Chair Diener abstained)

**MOTION PASSED**

352 2. Ice Pond Kiosk construction

353 Ms. Dionne noted the DPW needs holes dug for the kiosk posts, two 4’ post holes. Mr. Curro  
354 asked if they were spray painted. Chair Diener noted they were. Chair Diener and Mr. Curro  
355 will get together possibly this Friday to dig the post holes.

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

357 Ms. Dionne discussed the December meeting is on the Christmas holiday and agreed to schedule  
358 the meeting for December, the week before which is December 18, 2019.

359 Ms. Dionne advised the Brady property was sold to someone else.

360 **VIII. Adjourn**

361

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362 **MOTION:** Chair Diener motioned to adjourn the meeting at 9:40 PM.

363 **SECOND:** Ms. Shaw seconded the motion.

364

365 **VOTE:** 6-0-1 (Chair Diener abstained)

**MOTION PASSED**

366

367 Respectfully submitted,

368

369 Nancy J. Hoijer,

370 Recording Secretary