

**Hampton Conservation Commission
Meeting Agenda
Tuesday, November 23, 2021**

Present:

Deborah Wrobel, Chair
Jay Diener Vice-Chair
Pat Swank
Pete Tilton
Bob Fox

Staff Present: Brian O'Brien, Conservation Coordinator

I. Call to Order: 7:00 pm

The meeting was called to order by Chair Wrobel at 6:58 PM in the town Hall Selectmen's Meeting Room.

II. Review Minutes

1. October 26th, 2021

Motion: Mr Tilton motioned to approve the October 26th, 2021 minutes as is.

Second: Ms. Swank seconded the motion.

Vote: 5-0-0

Motion Passed

III. Applications

1. 210 Woodland Road (21-049)

Mr. Diener recuses himself from this conversation because he is a neighbor to Mr. Fyrer.

Michael Fyrer, property owner, returned with an adjusted proposed plan for adding a shed to his property. He presented proposed plans to add a 8x16ft shed to his property on the side of his property opposite the wetlands. 19 feet from the wetland. He also presented his planting plan as mitigation for the shed.

The committee requested that the play structure in the marsh and the blue stones be removed.

Motion: Ms. Swank motioned to approve of the placement of the shed and the planting plan and removal of the play structure and stones.

Second: Mr. Fox seconded this motion.

Amendment: Mr. Tilton requested that the motion be amended to require that no

additional structures be added to Wetland Conservation District on the property in the future.

Vote: 4-0-0

Ms. O'Brien reads stipulations.

1. Remove the unpermitted wooden structure that is currently located in the wetlands behind the home.
2. Install 2 Wetlands Conservation District markers at the wetland buffer edge on either side of the house. Wetland markers can be purchased at the Hampton Planning Office.
3. There shall be no storage of fuels or oils in the shed.
4. No fill shall be brought in nor should grade changes be made.
5. The shed shall be elevated on blocks or similar material to allow for the flow of water underneath.
6. The application of fertilizer, pesticides, insecticides, or herbicides along with the storage of grass clippings and yard waste is prohibited in the Wetland Conservation District. However, the application of limestone is permitted.
7. Removal of dead, diseased, or unsafe trees is permitted. The stumps and root systems shall be left intact in the ground.
8. 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.
9. Proper erosion control shall be in place before construction begins, remain in place until the work is completed and the area is stabilized.
10. The buffer shall remain undisturbed to the degree possible during in the process of construction.
11. There shall be no additional structures such as sheds, swimming pools, gazeboes, patios or other sealed surface, etc. in the Wetland Conservation District, other than that shown on the approved plan. No additional structures in the Wetland Conservation District shall be allowed on this lot in perpetuity.
12. The Conservation Commission shall be notified in writing upon commencement and completion of the project and schedule a final inspection with the Conservation Coordinator.
13. Coordinator shall be given a minimum of 72-hour notice to allow for file review.
14. 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. Wrobel noted that the Committee will send a letter of support to the Planning Board.

2. 82 Island Path NHDES Standard Dredge & Fill

Kevin Shultz presented on behalf of property owner Norman Carpentier. Mr. Shultz presented a plan to replace existing structure on the property with a new single-family home with 2 garages underneath. It will be raised to meet FEMA elevations, and will conform with town zoning ordinances.

Ms. Swank asked if there would be any concrete pads on the property and Mr. Shultz explained that the plan for AC would not require concrete pads and would be mounted to the building itself.

Ms. Swank questioned the plan for erosion control. Mr. Shultz pointed to places where erosion control had been built into the plan. The goal is to reestablish and preserve as much as possible.

Ms. Swank inquired about the driveway and Mr. Shultz described the plan to pave with asphalt.

Ms. Swank asked about drainage and Mr. Shultz explained the direction of the runoff and the stone basing that will be established all the way around the exterior of the building.

Mr. Diener inquired about the percentage of impervious reductions. Mr Shultz said it is a 15.1% reduction.

Motion: Mr. Tilton Motions to not oppose the proposed plan for 82 Island Path.

Second: Mr Diener seconds the motion

Vote: 5-0-0

A letter will be sent to the state letting them know that the committee does not oppose the permit.

Bob asked if there are any proposed plantings planned for the bushes at the back along the edge of the wetland. Mr. Shultz said yes, it was discussed, but he does not have specifics. The committee agrees that when the town permit comes up that can be a discussion.

IV. Appointments

607 Ocean Boulevard, Property Owner: Rene Theroux. Seeking input on modification of a wetland permit condition.

Ms. O'Brien summarizes the situation. She went out to inspect Mr. Theroux's wetland permit, which was granted in March 2021. The permit allowed Mr. Theroux to elevate the house and renovate his deck, while leaving impervious coverage the same. There was a stipulation that the back deck could not be enclosed above or below. When Ms. O'Brien arrived to inspect there was a vinyl apron around the back of the deck with a door on one side . The goal of this appointment was to figure out the most appropriate way to move forward in this situation.

Mr. Theroux acknowledged that the skirt was totally missing on the site plan, and that he missed that the deck was supposed to be kept open below. He is looking for thoughts on how he can keep the skirt

Ms. Wrobel asked how high the deck was elevated. Mr. Theroux replied that it is elevated 6 feet above the ground and is reflected on the certificate of elevation. Ms. Wrobel noted that previous minutes reflected 3 feet, not 6.

Ms. Wrobel inquired about Mr. Theroux's intent with the door under the deck. Mr. Theroux described it as being purely for aesthetics. He said that he cannot store anything in there, it just offers access to the basement.

Mr. Fox asked Mr. Theroux to describe the deck surface. Mr. Theroux noted that the treks are 5/4 x 6 with quarter inch spacers. Runoff still occurs.

Mr. Tilton noted that it seems like less water would flow through during a driving rainstorm than with the previous lattice work.

The committee considered the potential for the hidden area under the deck to act as storage with no mitigation. The committee felt that this seemed contrary to the committee's intention for the buffer zone.

The committee noted that the deck is considered impervious. The committee observed that the vinyl curtain with gravel underneath is not likely to allow for much vegetation growth and water can get under the structure.

The committee recommended moving forward with this change as a field modification.

Motion: Mr. Tilton motioned that the committee support the field modification.

Second: Mr. Fox seconded this motion.

Vote: 4-1-0

IV. New Business

1. SHEA Estuary Management Plan update

Mr. Diener explained two grants that the Seabrook-Hampton Estuary Alliance received for an estuary management plan that will be distributed to and approved by Hampton, Seabrook, and Hampton Falls. It was designed to be an addendum to their master plans because there is currently no coordinated effort between Hampton, Seabrook, and Hampton Falls to protect or preserve the estuary. Theoretically the communities will coordinate more in the future via this management plan.

FB environmental has been hired to create an estuary management plan. SHEA has completed audits of all three communities' ordinances and master plans in regard to the estuary.

They have put together an advisory committee. This will provide guidance and scientific input from town planners from all towns, DES coastal program, NH Fish and Game, US Fish and Wildlife, etc.

FB Environmental is working on a review all relevant documents related to the estuary and development of maps related to estuary. This is slated to be finished in December or January. The entire project is slated to be completed by December of 2022, although the grant extends

in the first quarter of 2023.

2. CHAT update

Ms. O'Brien updated the commission on the DPW flood studies on Kings Highway and Ashworth Ave. Designs for this project should be completed late November or early December. They should be finalized in January, and application for a permit should be completed in May or June.

The work will be done in two phases. Phase one will include improving drainage on Kings Highway. They will be looking for funding and holding public hearings in spring.

Currently CHAT is looking to move forward on the original goal recommendations, which includes: Investigating opportunities to improve local flood warning operations, establishing a capital reserve account, lowering the tide height level, and putting together an economic impact assessment (sea level for 2050).

V. Old Business

1. PREPA Grant

There will be a public input session held in January. No changes or concerns were brought up at this point.

2. Warrant Article Updates

The first reviewed warrant article is in regard to establishing a full-time Conservation Coordinator Position. Mr. Diener has finished a draft for attorney review.

The second reviewed warrant article is in regard to the Conservation Coordinator being granted authority to enforce codes for wetland related violations. Mr. Diener noted that the planning board does not have enforcement capabilities and therefore cannot grant anyone authority to enforce ordinances. This authority would need to be negotiated with the building inspector, town manager, and select board. If there is an issue with wetlands ordinances being enforced this would likely be resolved through additional work within the building department rather than from someone outside. The committee agrees that this is not something they should move forward with at this time.

Ms. O'Brien noted that the building inspectors have been communicative with her about violations and they are quick to answer calls when anything comes up. Mr. Tilton expressed a desire to steer responses to violation assessments to being more objective rather than subjective. Ms. Wrobel suggested that when the new building inspector starts, they could attend a Conservation Commission meeting to better understand the expectations.

3. NHACC Dues

Ms. O'Brien noted that the NHACC invoice received was \$400.00, while last year the committee paid \$200. The committee discusses the fee structure for NHACC and concludes that \$200 seems fair to the extent that the town uses this resource at the moment.

Motion: Mr. Diener motioned for the committee to pay NHCC \$200 for updated dues.

Second: Mr. Tilton Seconded this motion

Vote: 5-0-0

4. Barkley Property Update

The committee is looking at a purchase and sale agreement with Anne Barkley for 22-23 acres on North Shore Road for \$200,000. The Purchase and Sale Agreement has been sent for signature.

Additional costs associated with this property amount to \$68,050. This includes a property survey (\$15,000), perpetually and ongoing annual inspection (\$17,000), closing fees/legal, and an appraisal. The committee believes that the maximum that would need to be spent moving forward would be \$268,058. The committee is looking at grant funding, private fundraising, and a warrant article in order to raise the funding needed to move forward with this project.

There is an agreement between Ms. Barkley and SELT that she will donate the conservation easement to SELT, and then the committee will purchase the property with the conservation easement from Ms. Barkley.

In two weeks, the committee will ask the Board of Selectmen for permission to sign the Purchase and Sale agreement. The committee does not plan to commit funding for the due diligence aspect of the purchase and sale until they see the voters are supportive of the warrant article in March 2022.

Mr. Diener notes a letter received from the Davis Foundation that confirms the committee was approved for a grant related to this project. The committee applied for \$20,000 and will receive \$10,000.

Ms. Swank asks what the warrant article will look like. Mr. Diener explains that the committee is looking to get 'X' dollars to move forward with this project. The address of the property will be given in the warrant article. The committee will work to raise awareness of the warrant article through marketing materials aimed at increasing community excitement. As we gather funding, like the grant from the Davis Foundation, that will decrease the amount of funding actually needed in the warrant article.

The amount needed for this project will need to be finalized by January. It will be made clear in the warrant article that the amount needed will not exceed the amount asked for, but will possibly be lowered based on money raised.

Ms. Wrobel asks for a vote of approval to move forward with this warrant article and purchase as described.

Vote: 5-0-0

VI. Conservation Coordinator and Chair Update

Ms. O'Brien updated the committee on the application for 132 King's Highway, which they hope to hear in February.

The second application update was for 571 Winnacunnet Road. This is an after-fact permit for an emergency authorization from the State for erosion control under the Sandpiper condos.

The DPW wants to expand the fire water service line at the Transfer Station, which falls within a wetland buffer under existing pavement and wanted to confirm whether they need approval from the Conservation

Committee. There will be no additional impervious surface and it does not trigger the need for a state permit. Mr. Tilton noted that the procedure in dealing with town entities does not require them to acquire a town wetland permit.

The committee agrees to send a letter thanking DPW for keeping them informed.

Ms. O'Brien poses the question: does the Conservation Committee want their meeting recorded or on channel 22? The committee decided to defer the conversation, but agreed it should be considered.

Ms. O'Brien confirmed the schedule for next year's deadlines and meeting. Any changes to the application before finalizing and putting it on the website can be sent to Ms. O'Brien via email.

Ms. O'Brien asked the committee if they would like to consider establishing a Minimum Impact town wetlands permit. This would follow the state's pattern and formatting for permits and offer a shorter process for certain applicants.

The committee would like to see some examples of what situations this would apply to and how it would shorten the process.

VII. Adjourn

Motion: Mr. Diener motioned to adjourn.

Second: Ms. Wrobel seconded this motion

Vote: 5-0-0