

Hampton Conservation Commission
Draft Meeting Minutes
Tuesday, December 21, 2021

I. Call to Order: 7:00 pm

Deborah Wrobel, Chair
Pat Swank, Clerk
Pete Tilton
Sharon Raymond
Bob Fox
Keith Lessard, Planning Board Representative

Absent:

Jay Diener, Vice-Chair

Staff Present:

Brianna O'Brien, Conservation Coordinator

II. Review Minutes

Ms. Swank MOTIONED to approve the November 24th minutes. SECONDED by Mr. Tilton. Vote: 4-0-1. Abstained: Ms. Raymond.

IV. New Business

1. [RSA 14:41-a Proceedings: 16 River Ave/7 Concord Ave](#); Release of town owned deed restrictions on formerly leased land. Relief of 7-foot setbacks and relief to subdivide.

Lynch received approval to remove and build a new house. Afterwards, they learned that they needed to come before the Conservation Commission for the 14:41-a proceeding. Tim Phoenix explained that the deed for this lot prohibits subdivisions and they are requesting this be lifted. Mr. Phoenix also noted that there are no nearby wetlands and the Planning Board already gave the recommendation to approve the project.

Ms. O'Brien stated that an impervious coverage calculation had been done for this lot and there was an increase of less than 1%.

Mr. Tilton MOTIONED to recommend relief of the 7-foot setbacks and relief to subdivide for 16 River Ave/7 Concord Ave. SECONDED by Ms. Swank. Vote: 5-0-0.

2. [RSA 14:41-a Proceedings: 809 Ocean Boulevard](#); Release of town owned deed restrictions on formerly leased land. Relief of setbacks, single family, and subdivision restrictions.

Ms. O'Brien explained that relevant to the Commission, a Shoreland Permit by Notification was filed to work on the driveway and increase impervious coverage for two

legal driveway spots. Ms. O'Brien noted that this has already been accepted by DES.

Ms. Wrobel asked for clarification on the wetland. Mr. Shultz, of Carpentier Construction, is working on this project and stated that in the deed restricts subdivisions and the town has set a precedent of considering condos to be subdivisions.

Ms. Swank MOTIONED to relieve setbacks, single family, and subdivision restrictions for 809 Ocean Boulevard. SECONDED by Mr. Tilton. Vote: 4-0-1. Abstained: Mr. Fox.

III. Applications

- 1. 82 Island Path Town Wetland Permit** Applicant: 82 Island Path, LLC
Agent: Norman Carpentier Construction
Property Owner: 82 Island Path, LLC

The Commission reviewed and supported the state wetlands application for this project at the meeting last month. The proposed project is to build a new 3 story home with a two-car garage facing the street. Over 98% of the lot is within the WCD. There were two structures on the lot that were condemned and removed. The proposed structure will be a 15.1% reduction in impervious coverage. The project also includes plans to re-stabilize the failing slope at the back of the lot.

Mr. Fox asked if there are any specifics on how they are going to stabilize the slope.

Mr. Carpentier explains that they plan to use riprap to reinforce and build another layer of protection.

Mr. Fox inquired about excavation and Mr. Carpentier said they will not do any excavation.

Ms. O'Brien asked about planting and if the state has made any recommendations. Mr. Carpentier said that the state did not make any recommendations, but he will get them a revision on the plot plan.

Ms. Wrobel asked if the state gave any feedback on the riprap and if they preferred more living buffers. Mr. Carpentier says no and notes that the bank will still washout without stabilization.

Ms. Swank MOTIONED to recommend approval of the town wetland permit with a planting plan included. SECONDED by Ms. Raymond. Vote: 5-0-0.

Usual Stipulation List For 82 Island Path

1. The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in any tidal or inland wetland, areas of poorly and very poorly drained soils, vernal pools, or

- their buffers. However, the application of limestone is permitted within the buffer.
2. No storage of grass clippings or yard waste in the wetland or its buffer.
 3. 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.
 4. 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).
 5. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed.
 6. There are to be no additional structures such as sheds, swimming pools, gazeboes, patios or other sealed surface, 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.
 7. The Conservation Commission 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.
 8. The Conservation Coordinator shall not sign the occupancy permit until all of the Town Wetlands Permit conditions have been met.
 9. 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.

2. 36 Cliff Ave [Town Wetlands Permit](#) & [NHDES EXP Min Impact Wetlands Permit](#)

Applicant: Joanne and Michael Sargent
Agent: Duncan Mellor, PE
Property Owner: Joanne and Michael Sargent

This proposed project is to address the severe slope failure that has endangered the structural integrity of the pool and house. The slope is to be restabilized with boulders. There will be no increase in impervious coverage.

Mr. Mellor noted that the slope failure started from the bottom of the slope. He stated that the location where the slide occurred did not have a seawall at the bottom. He stated that Hurricane Sandy contributed to this progressive damage.

7:17 PM Mr. Diener arrived.

Mr. Mellor explained that a temporary black tarp has been used to minimize erosion for now. The concern is that the soil erosion could result in the loss of the pool and the house. He stated that due to the large wave action a soft approach would not be suitable. He proposed a repair to only the area that failed and no armoring to the rest of the bluff. He noted that the damage extends past the property line. They have an agreement with the abutter to use a crane on their property to set the stones. Mr. Mellor stated that the Sargent's agreed to fix the abutters damage at no cost to them.

The Impervious area equals 34.6% and there will be no increase from repair work. All the rock material to be used will be consistent with the beach.

Ms. Wrobel asked about the timeline. Mr. Mellor stated that the work will be done as soon as the materials can be acquired. They are working on permits now, and once they have those they will start the work- with a preference for the colder months.

Ms. Swank asked about what appeared to be PVS drainage pipes that were exposed when they walked through the site. Mr. Mellor said that there is a pool apron that catches water before it goes over the edge.

Ms. Swank asked if chlorinated water is caught in those. Mr. Mellor stated that it is only rainwater.

Ms. Swank asked about the eastern half of the porch with a sharp drop. She inquired about the concrete wall beneath it. Mr. Mellor stated that they are also looking into repairing the damaged parts of that wall.

Mr. Lessard asked for clarification on erosion on the other side of the house. Mr. Mellor stated that he was unaware of erosion there.

Mr. Fox raised a concern about the integrity of the land under the pool and deck. He asked if they have done any geo tech work under the areas that failed. Mr. Mellor stated that it looks good and points to graphics he provided. He noted that the area appears dense.

Mr. Fox asked if they just pushed excess materials over the side when they put in the pool. Mr. Mellor said no and stated that the density of the area is why they cannot go with a soft approach.

Mr. Fox asked why areas that have not failed yet will not erode. Mr. Mellor points to the seawall at the bottom and states that the damage started where there was no seawall.

Mr. Fox asked about the height of the seawall. Mr. Mellor stated that it is about 3 feet tall. Mr. Fox emphasized that it could be overtopped by large waves and said that they need to be concerned about other parts of the slope in the future. Mr. Mellor stated that armoring the entire length of the bank would be very costly.

Mr. Tilton asked if there is any thought to physically pining the base material into the bedrock. He asked if there is concern about it failing against the water. Mr. Mellor referenced past projects where epoxy was used. He noted the challenges of getting the needed equipment between the houses.

Mr. Tilton MOTIONED to recommend that the planning board approve of the town wetland permit for 36 Cliff Ave. SECONDED by Ms. Raymond. Vote: 6-0-0

Ms. Swank MOTIONED for the chair to sign the Minimum Expedited Permit for 36 Cliff Ave. SECONDED by Ms. Raymond. Vote: 6-0-0.

Usual Stipulation List for 36 Cliff Ave

1. The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in any tidal or inland wetland, areas of poorly and very poorly drained soils, vernal pools, or their buffers. However, the application of limestone is permitted within the buffer.
2. No storage of grass clippings or yard waste in the wetland or its buffer.
3. 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.
4. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed.
5. There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface, 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.
6. The Conservation Commission 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.
7. 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.

3. Drakeside Road & I-95 North-Bound [Town Wetlands Permit](#) Applicant:

Eversource Energy, Attn: Ashley Ruprecht

Agent: **Lindsey White of GZA GeoEnvironmental**

Property Owner: Robert and Suzanne Walker, State of NH, and First Hampton Associates, LLC

Eversource Energy is proposing to replace one utility pole (#19), along the existing and maintained 369 Transmission Line. This project involved temporary wetland impacts for a work pad around the pole to stage equipment as well as associated access. Timber matting will be used to cross wetlands. NHDES standard dredge and fill permit application was also submitted.

Ms. Ruprecht explained that they will use timber matting to minimize effects on wetland. Work is scheduled to begin in March. Work will be done under winter conditions.

Mr. Diener stated that he appreciates the effort to reduce wetland impacts and asks if there is a budget for wetland restoration. Ms. White stated that seedless straw will be laid down and they will let wetlands regrow on their own.

Mr. Tilton asked for clarification on the word “assessed” on the last page of the plan. Ms. White clarifies that it should say “access”.

Mr. Fox noted that on the aerial photo 170 Drakeside road looks like it could offer potential access to minimize impacts. Ms. Ruprecht explained that the access through the condos would be the best. She stated that they are in communication with property owners for off right of way access. They have a verbal agreement for use. They are in process of a temp access agreement. She noted that 170 is a smaller lot.

Ms. Swank: Is this your worst-case scenario? Ms. Ruprecht says yes.

Ms. O'Brien asks how long the project will take. Ms. Ruprecht states that it could only take a few weeks. They hope to finish by the end of April or beginning of May.

Mr. Diener MOTIONED to recommend approval of the Town Wetland Permit. SECONDED by Mr. Tilton. Vote: 6-0-0.

Ms. Swank MOTIONED to not oppose the NHDES standard dredge and fill permit. SECONDED by Ms. Raymond. Vote: 6-0-0.

Usual Stipulation List For Drakeside Project Eversource Pole 19

1. The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in any tidal or inland wetland, areas of poorly and very poorly drained soils, vernal pools, or their buffers. However, the application of limestone is permitted within the buffer. .
2. No storage of grass clippings or yard waste in the wetland or its buffer.
3. Removal of dead, diseased, or unsafe trees is permitted. The stumps and root systems shall be left intact in ground.
4. 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.
5. 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).
6. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed.
7. There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface, 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.
8. The Conservation Commission 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.
9. 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.

V. Old Business

1. Barkley Property

There is a signed purchase and sale agreement with Ann Barkley. Fundraising efforts have been sent out. The Conservation Commission is waiting to hear back about the Fields Pond grant of \$20,000. They expect to hear back this week.

An application for a grant for \$20,000 from Douglass Cornell will be submitted this week.

The committee discussed potential donors, including Foss, the NH forest Society, and the Chamber of Commerce.

Mr. Fox noted a program that USPS provides, EDDM, for printing and mailing marketing that can be dropped at every delivery point.

Ms. O'Brien states that several residents have asked why word has not been spread more. People are willing to make large donations.

Mr. Diener noted that the Commission needs to find out if donations are tax deductible. Ms. Worbel noted that SELT is probably considered tax deductible. But the donations will go to the Town of Hampton.

Ms. Worbel stated that the conservation appraisal was pushed back to December 15th. She has written to the owner of the company to ask for an update. The date has now been pushed to the last day of January. The Deliberative Session is February 5th. Ann Barclay is not happy with this date. Ms. Worbel is looking for the Commission's backing to tell them that this date is unacceptable.

The commission discusses how they would like to approach the appraisal.

The committee agrees that the date given is unacceptable and wishes to ask for the appraisal by January 15th.

2. Conservation commission - full time

Mr. Diener stated that the Budget Committee voted unanimously to move the warrant article for the full-time position to the public hearing.

3. Conservation Talks Newsletter first edition review

Ms. O'Brien noted that the newsletter should probably be a 4-page newsletter going forward.

Ms. Swank stated that she likes the graphics and simple explanations.

Ms. Wrobel asks for all feedback to be sent to Ms. O'Brien over the next few days. The goal is to launch by January 1st.

The newsletter will be distributed in the town hall and the library and on the Conservation Commission's webpage. The Commission talks about potential ways for people to sign up for notifications.

Ms. Swank noted SVDP and Hampton Historical Society as two potential places to place a copy on bulletin boards.

Mr. Lessard suggested that he will talk to the SAU90 superintendent about including the newsletter in parent letters. The commission agrees that this is a good idea.

Ms. Wrobel asks if the newsletter can be distributed via social media.

Mr. Diener asks if there is a way to build an email list.

The commission discusses an electronic mailing list.

4. Annual Environmental Steward Award

Ms. O'Brien: We talked about making this available on the website year-round. I will be sending out an email with the final version of everything. The electronic form is ready to be published on the website. I scheduled it to be live on the 31st. Deadlines were changed based on the conversation from the last meeting. I'm hopefully chatting with Jamie (Sullivan) this week about what the award ceremony would look like with BOS. I would prefer to make it a little more special.

The commission agrees to not name the award after Barbara Renaud, as the sign for the Car Barn Pond will reference Barbara, and the Hampton Academy Conservation Award has been renamed to honor Barbara.

VI. Conservation Coordinator and Chair Update

Ms. O'Brien reviews meeting and deadline dates for 2022.

VII. Adjourn

Mr. Diener MOTIONED to Adjourn the meeting. SECONDED by Ms. Swank. Vote: 6-0-0.

DRAFT