

CONSERVATION COMMISSION PUBLIC HEARING

May 24, 1994

The meeting was called to order by Chairman A. Reid Bunker at 7:00 p.m. Also in attendance were Jim Clifford, Vivianne Marcotte, Sheila Nudd, Peter Tilton, Jr. and David Weber. Alternates attending were Peg Lawrence, sitting in for Alberta True, and Irene Palmer.

The Minutes of April 26, 1994 were reviewed and amended as follows: First page, word changed from instances to inferences. Ms. Nudd motioned to approve the Minutes, seconded by Ms. Marcotte as amended. All in favor.

Wetland Applications

Exeter Road Realty Trust
20 Morrill Street

Mr. Bunker stated that a site walk was done on Monday, May 23rd. Mr. Mark West, Scientist for the N.H. Wetlands was also present on the site walk. Mr. Tom Nigrelli addressed the Commission. Mr. Nigrelli stated that the plan was to enclose a man made drainage ditch that the former owner, Mr. Kutlowski, had excavated on the property. The foundation drains were running to another lot and from there the drains were exposed in an open trench. In order for a septic system to be put on the lot, that area needs to be enclosed. A wetlands condition has developed because of the open trench. The drive way was also relocated as it would have crossed wetland area but was revised as of the result of the Commissions' recommendation. Mr. Nigrelli showed a map of the proposed plan. A short discussion ensued. Ms. Nudd motioned not to oppose the application provided there is a maintenance easement, seconded by Mr. Tilton. All were in favor with one abstaining. A letter will be sent to the Wetlands Board not opposing the application with the recommendation of the maintenance easement.

Jeff Rallis (Application Inquiry Only)
Roberts Drive

Mr. Bunker stated that a site walk was done on Monday, May 23rd. Mr. Jeff Rallis addressed the Commission. Mr. Mark West, N.H. Wetlands Scientist, was also present and gave information on this particular site. The purpose of the site walk was to see if there was need for a Wetlands Application. Mr. Rallis showed a map of where the driveway would impact the buffer to the wetland area. Based upon the information provided, the Commissioners would have no objection to the driveway with protection of the wetland area. Ms. Marcotte motioned not to oppose this plan with the provision of staying out of the wetlands, seconded by Ms. Nudd. All were in favor. A new plan will be forwarded to Mr. Bunker showing distance of the land improvements from the wetland.

Jean DeZarn
32 Walnut Ave.

There was a site walk done on Monday, May 23rd. Ms. DeZarn addressed the Commission. Ms. DeZarn needs a garage on the driveway. Ms. Nudd suggested permeable drains would be advantageous to the applicant. Ms. Nudd motioned to not oppose the application, seconded by Ms. Marcotte. All in favor. A letter will be sent to the Wetlands Board.

Oakes of Hampton Realty Trust
Dows Brook - Meadow Pond

Mr. Bunker stated that the Commission is to re-discuss the Oakes Project as the decision made by the Commission a month ago of 4-3 was not to oppose the application. The Wetland Board has just made their decision to approve the project. The discussion at this meeting is to hear new information regarding the Oakes and to reaffirm what was voted at the last meeting or to change the vote. Mr. Bunker stated that the discussion should start with the Commissioners and then open to the audience. Mr. Millette asked to hear the motion made at the last meeting which Mr. Bunker read: "Mr. Tilton motioned to open discussion to reconsider but feels uncomfortable in- validating the decision. Ms. Nudd seconded the motion."

Ms. Nudd referred back to Ms. Dori Wiggin's notes of 9/16/93; second page, #2, regarding terminating the High Street Access Rd. and she would like to see that pursued by the Planning Board and if the Planning Board says no, then she would feel differently. Ms. Nudd feels that all avenues have not been exhausted in that area.

Ms. Marcotte stated that if there is not other way to get across the area, then that would make a difference, but she feels there are other ways to cross the wetlands.

Mr. Bunker then opened up the discussion to the audience.

Mr. Dan Gangai, spokesperson for Hampton Residents for Responsible Development, addressed the Commission. Mr. Gangai handed out letters and highlighted certain parts of those letters.

1. The Oaks of Hampton has made the argument that they need to cross Dow's River to meet the safety requirements of the Fire and Police Departments.
2. The 10,921 sq. ft. of fill for the proposed Dow's River Wetlands crossing is fully avoidable.
3. The Normandeau Report assessed the Dow's River wetland (ME002) as a candidate for "Prime".

Mr. Gangai attended a seminar by the Rockingham Planning Commission within the last month on wetlands protection.

Mr. Gangai said in closing that the residents in the Town of Hampton are depending on this Commission to help protect the Town's valuable resources.

Mr. Clifford stated he agreed with the last paragraph of the letter which states that the HRRD does not oppose the development of this property but opposing the unjustified reduction of valuable wetlands to create a through-road.

MaryAnn Moynihan, a resident of Presidential Circle, addressed the Commission. Ms. Moynihan's concerns were for the safety of the neighborhood. Mr. Bunker thanked Ms. Moynihan for her concerns but stated that the conversations should be kept to the Wetlands issues.

Peter Olney addressed the Commission next. Mr. Olney stated that the Commission's purpose and duty is for the protection of Hamptons' resources. He also stated that the Commission gives advice to the Planning Board and Wetlands Board and is not to decide on roads or safety or encourage or facilitate development.

Barry Keith, Environmental Consultant for Oakes, addressed the Commission. Mr. Keith reviewed every step of the way from the first meeting to where we are tonight. Ms. Nudd had one question regarding the sequence of amended plans. A short discussion ensued regarding the amended plans and explanations by Mr. Keith.

Mr. Millette addressed the Commission. Mr. Millette discussed the road crossing and stated that the Wetland Board had asked him to research the plan with the Fire and Police Departments. As the Commissioners had knowledge of the letters previously, there was no need to have Mr. Millette read them. Mr. Clifford stated that the letters were of safety issues and not wetlands preservation. Ms. Nudd asked why cul-de-sacs were not investigated. Mr. Millette answered the cul-de-sacs have been regulated by Towns and can only be 1200 ft. long, that regulation is two years old. The Planning Boards of the Towns adhere to that. Mr. Millette also stated that all Boards favor through roads, Fire and Police wanted through roads, wetlands considerations aside, and most of the Courts all talk about public health and welfare concerns of public safety. Mr. Clifford stated that the Commission had heard this before regarding the safety. Ms. Nudd asked if they would consider anyother way across. Mr. Millette answered they feel strongly with the data already received that a through road is appropriate for this area.

Mr. Tilton asked Mr. Millette if he had lobbied with the Planning Board. Mr. Millette answered he did not.

Mr. Weber asked Mr. Millette if cul-de-sacs were approved, would his client agree to them. Mr. Millette answered no because they believe the through road is best for public safety.

Mr. Clifford again stated that the Commission is only there to make decisions on the wetlands only.

Ms. Moynihan again addressed the Commission stating that she and the HRRD had been to a Planning Board Meeting and that the Planning Board was willing to let them do the Cul-de-sac and that Mr. Millette did not want to do the cul-de-sac. Mr. Dick Violet addressed the Commission on this statement. He stated he was the Planning Board Member who asked Mr. McInnis and Mr. McInnis said no to the cul-de-sac.

Paul McInnis addressed the Commission. Mr. McInnis stated he had submitted this plan based on what the master plan said for proper planning. The Wetlands Board has asked the Project Engineer to show proof ~~why~~ the reasons for public safety. Mr. Millette then made calls to the Chief of Police expressing this. Mr. McInnis stated it was speculated that these letters were very cagedly received and that is wrong. Mr. McInnis stated he was concerned as to what the Commission is voting on. Mr. McInnis is concerned that the Commission will vote on the right thing as the issue is getting confusing in that the Commission is getting conflicting information. Mr. McInnis asked Mr. Clifford why he asked where these letters came from. Mr. Clifford answered that he was just curious.

Mr. Brian Lacey addressed the Commission regarding the soil maps. Mr. Lacey recalls the whole Board looking for maps and postponing any decisions before reviewing the soil maps. Two points he made:
1) Through road is not a requirement of Police and Fire.
2) Unless an alternative plan is submitted, it won't be known if it is acceptable to the Planning Board and everyone else.

Earl Kalil, Esq. addressed the Commission. Mr. Kalil is attorney for the Oakes Trust. Mr. Kalil stated the issue is the fill of this wetlands area. He also stated there has been no expert evidence presented to the Commission from the HRRD at this meeting to say this was a bad thing to do. Barry Keith and ~~Frank Richardson~~ ^{was} were hired as experts by Mr. McInnis to determine the filling of this area was alright. That's what this Commission is all about. The experts have said it is alright to do this. Mr. Kalil stated that Mr. McInnis is agreeable to working with the Town as he has made changes to satisfy the Boards. Mr. Kalil stated that the Wetlands Board has given the approval.

Mr. Bunker stated at this time the discussion would end. Ms. Lawrence motioned to reaffirm the last vote not to oppose the amended plan. Mr. Weber seconded the motion. Discussion ensued. Mr. Tilton suggested that perhaps speaking with the Zoning Board might have been the thing to do earlier in the application process. However, it is too late to pursue that at this point. Ms. Marcotte stated that perhaps the principal of the thing is in order and a statement should be made. Ms. Nudd stated she would vote for it if all other choices have been explored. Ms. Lawrence stated each application should be looked at on its own merit. Vote was as follows: Three in favor, three opposed, one abstention.

Mr. Bunker stated the Commission has discussed it and it will not be discussed any further with this Commission. A letter will be sent to the Wetlands Board notifying them of the outcome of this meeting.

Ms. Lawrence complimented the HRRD for their hard work and efforts and hope they continue to work for the good of the Town.

Projects/Committees

Land Acquisition/Easement

Mr. Clifford stated no new news on this. However, he suggested a committee be formed as one person cannot handle the land acquisition alone. A short discussion ensued.

Victory Garden

Ms. Nudd stated she was finished with the Garden and that Mr. Clifford and Ms. Thimble would be the contacts for the Garden. However, she gave an update on the gate. The area was cleaned out and the gate was put in by the Town and the front has been filled. Ms. Nudd met with Hunter Reiseberg, Town Manager, and Mr. Hangen, and the projects were accomplished. Mr. Clifford thanked Ms. Nudd for her equipment to prepare the ground for the fencing. Mr. Clifford stated the plumbing will be done next week for the water. There was a problem with the piping and the water is traveling in the wrong direction. There will be meeting on Thursday regarding the Victory Garden. Mr. Clifford stated that people need to maintain their gardens and everyone should pitch in and help.

Publicity

Ms. Nudd stated that there was nothing to report this month.

Bird Houses

Mr. Weber stated that there are 12 new houses built and placed and they look full.

Marsh Conservation Marker

Ms. Lawrence stated she received \$50.00 from the Garden Club and Mr. Bunker approached the Rotary Club asking for a donation toward the marker. Mr. Bunker stated perhaps someone in the Grange might be contacted. Ms. Launi stated she would contact the grange members she knows to see Mr. Bunker regarding the contribution to the marker.

Old/New Business

No old/new business at this time.

Treasurer's Report

There is \$6,263.00 in the Conservation Account.

Conservation Commission Public Hearing
May 24, 1994
Page 6

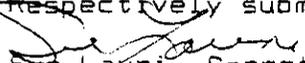
Wetland Educational and General Information Received

Mr. Bunker briefly went through the educational brochures and other information that was received by the Commission.

The next meeting will be held Tuesday, June 28, 1994 at 7:00 p.m. in the Town Office. The next site walk will be on Saturday, June 25, 1994 at 9:00 meeting at the Town Office.

Ms. Lawrence motioned to adjourn at 10:00 p.m. seconded by Mr. Tilton. All were in favor.

Respectively submitted,


Sue Launi, Secretary