

CONSERVATION COMMISSION PUBLIC HEARING
NOVEMBER 28, 2000

The meeting was called to order at 7:00 p.m. by Vivianne G. Marcotte, Chairperson. Present were Ralph Fatello, Daniel Gangai, Ellen Goethel, Nancy Olney, Bonnie Thimble and Peter Tilton Jr. Alternates attending were Dr. Ralph Falk and Fred Palazzolo.

The Minutes of September 26, 2000 and October 24, 2000 were reviewed. Mrs. Coethel motioned to approve the September 26, 2000 Minutes as amended. Mr. Gangai seconded the motion. All were in favor. Mrs. Goethel motioned to approve the October 24, 2000 Minutes as amended, seconded by Mr. Tilton. All were in favor.

NH WETLAND BUREAU APPLICATION

A. Pride Development
511 Ocean Blvd.

Jonathan Ring, from Jones & Beech, and Jim Gove, from Gove Environmental addressed the Commission. The project proposes to remove all existing structures and construct an eighteen (18) two (2) bedroom attached condominium units. The project also proposes to reclaim approximately 7,000 square feet of tidal marsh. The proposed project will have less environmental impact than current conditions, due to the proposed salt marsh reclamation of approximately 7,000 square feet of gravel area. (Alternates will not be voting as all the Commissioners were in attendance.) The first motion was made by Mrs. Goethel not to oppose the wetland application with the request that units 1 & 2 be removed and all moved easterly. Mr. Gangai seconded the motion adding to decrease the permeable surface and decrease run-off. Three were in favor and three opposed. The second motion was made by Mr. Fatello not to oppose with no stipulations and accept as is. Mr. Tilton seconded the motion. The vote was again three in favor and three opposed. The third motion was made by Mrs. Goethel not to oppose the application stating that the Commission has concerns with the proposed application and amount of sealed surface, i.e. run-off. Mr. Tilton seconded the motion. Five were in favor and one abstained.

Mr. Gangai motioned to grant the Special Permit for building the 18 condo units with the stipulation that plantings be carried out directly

NH WETLAND BUREAU APPLICATION (cont)

A. Pride Development (cont)

Behind the gravel path and notification be given on completion of the project. Mrs. Goethel seconded.
All were in favor.

SPECIAL PERMITS

A. Higgins
78 Barbour Rd

This is an after-the-fact application for buffer impact. Mr. Higgins addressed the Commission and brought new delineation maps of the area. After reviewing the map and a short discussion, Mr. Gangai motioned not to oppose the Special Permit for the deck, lawn, and the stonewall which should be 3 ft. back from the wetland boundary to allow for plantings (barberry). The Shoreline Protection Act for the lawn care should be followed. Also the conservation district markers should be used when they become available to delineate the wetland boundary. Notification should be given to the Commission when the work is completed. Mrs. Goethel seconded the motion. Mr. Tilton stepped down from voting and Mr. Palazzolo stepped in for the vote. All were in favor.

B. Pride Development

(Please refer to Page 1)

C. Warren
249 Woodland Rd

This is an after-the-fact Wetlands Conservation District impact. Mr. & Mrs. Warren addressed the Commission. The wetland was filled in and a swing set was placed in the wet area. After a discussion Mrs. Goethel motioned not to oppose the Special Permit with the following stipulations: (1) the fill in The wetland to be removed immediately; (2) the fill in the buffer and the swing set can stay for

SPECIAL PERMITS (cont)

C. Warren (cont)

for four years but must be moved four years from today; (3) plantings to be placed 3 feet upland from the wetland boundary; (4) remove fill completely from site; and (5) impacted wetland to go back to natural vegetation. The wetland boundary will be marked with the Conservation District markers when they become available. Mr. Gangai seconded the motion. All were in favor.

PLANNING BOARD REFERRALS

A. Playhouse Development
Winnacunnet Rd

This is a Departmental Review for lot subdivision. It was the consensus of the Commission to place Conservation District boundary markers on both lots and Shoreline Protection Act for the lawn care. Ms. Marcotte will send a letter to the Planning Board.

B. Pride Development
511 Ocean Blvd.

This review is for the construction of 18 condo units. (Please refer to the NH Wetland Bureau Application.)

WETLAND BUREAU ACTIONS

A. Starks - King's Highway

Amendment approval.

B. Hampton Meadows

Permit was granted for the crossing.

C. Macintosh
1030 Ocean Blvd.

Permit was granted.

WETLAND BUREAU ACTIONS (CONT)

- D. Chase
1026 Ocean Blvd

Permit was granted.
- E. Lapierre
Nor'East Lane

Permit was granted.
- F. Houston
573 Ocean Blvd.

Permit was granted.

OLD BUSINESS

- A. Island Path Project
Mrs. Goethel stated that there was no news to report.
- B. Mrs. Goethel gave an overview of the abutter's meeting held on November 9, 2000, with the Wetland Bureau at Surfside 30.
- C. Ms. Marcotte gave a brief overview of the New Hampshire Association of Conservation Commissions' Annual Meeting held on November 4, 2000.
- D. Ms. Marcotte reviewed the funding for the Highland Ave Project.
- E. Charles Street restoration was reviewed.

NEW BUSINESS

- A. The Commission voted to apply for the OSP Coastal Program Grant to continue restoration Projects.

Mr. Fatello reported that while walking thru Twelve Shares he found kids playing paint ball. He approached them and asked them to clean up the area and also took their pictures. This is a problem in that area.

CORRESPONDENCE

Ms. Marcotte reviewed seminars, brochures and workshops.

TREASURER'S REPORT

Ms. Marcotte gave the Treasurer's Report as of 9/30/00.

A candidates night was being held in the Selectmen's Room, therefor Ms. Marcotte called the Commission's February meeting to order in an adjoining room at 7:10 p.m. In attendance were Commissioners Ellen Goethel, Bonnie Thimble, Peter Tilton, Jr., and alternate Ralph Falk sitting in for Ralph Fatello. Absent were Nancy Olney, Ralph Fatello, and Dan Gangai.

Sue, here are my recollections of the Foss presentation.

Mike Parsont of NH Soils Consultants, Inc. joined the Commissioners at the table to present the proposed mitigation sites for a future Foss development's wetland impact. After having consulted with Ms. Marcotte and Dori Wiggin of the Wetland Bureau, Mr. Parsont presented four proposed sites of restoration to mitigate the wetland impact needed for a proposed future Foss development. In addition to the mitigation within the Foss property, he proposed the restoration of a Conservation Easement parcel near Drake's River, and another would include the dredging and restoration of Batchelder's Ice Pond. There may possibly be additional restoration projects required to mitigate the future wetland impact. In behalf of the Foss Manufacturing Co., Inc., Mr. Parsont is open to other suggestions of possible mitigation sites. He said that he is meeting with all Federal and State agencies involved in the process, and that he will keep the Commission abreast of the planning.

New Business

C. Planning Board's decision reference the deck violation at 560 High Street:

In February of 1999, the Court ruled that the deck at 560 High Street was in violation of our Wetland Ordinance. A Judge said that the deck did not meet the conditions of the Special Permit which was issued for its construction.

February 17, 1999 the Planning Board, sympathetic to the tenant's plight, gave him an entire year to bring this deck into compliance. The deck was to be in compliance with the conditions of the Special Permit by February 17, 2000.

After having spent tax dollars to bring this matter to court in order to get the owner into compliance with the Town's Wetland Ordinance, ^{Now change to} the Planning Board ignored the history of this case and chose to allow the existing conditions to remain until Dec. 31, 2001 or until the building is sold.

The Commissioners ^{are} ~~were~~ shocked; incredulous of the Planning Board's disregard of the Court's decision and our Town's Wetland Ordinance.

Pete material 70.15

Ellen Goethel
Bonnie

CONSERVATION COMMISSION PUBLIC HEARING

November 28, 2000

Page 5

Mrs. Goethel read into the Minutes a letter written by Ms. Thimble which had been mailed to the Town, DES and DOT. This was in regard to a pond in front of Schooner Landing that has been filled to accommodate construction spills and vehicles for the Rt. 1 reconstruction project.

There will be no meeting of the Conservatio Commission on December 26, 2000.

The next meeting will be held on Tuesday, January 23, 2001, meeting in the Town Office Meeting Room at 7:00 p.m. The next site walk will be held on Saturday, January 20, 2001 meeting in the Town Office Parking Lot at 9:00 a.m.

Mrs. Goethel motioned to adjourn at 10:20 p.m., seconded by Mr. Fatello. All were in favor.

Respectfully submitted,



Sue Launi
Secretary