

Hampton Conservation Commission
Meeting Minutes
Tuesday, June 27, 2017

Present: Barbara Renaud, Chairman
Pat Swank, Vice Chairman
Jay Diener
Peter Tilton, Jr.
Diane Shaw

Also Present: Rayann Dionne, Conservation Coordinator
Ann Carnaby, Planning Board member

I. Call to Order

The meeting was called to order by Ms. Renaud at 7:00 p.m. in the Town Hall Selectmen's Meeting Room.

II. Review of Minutes

MOTION: Ms. Shaw moved to approve the May 23, 2017, meeting minutes with the edits provided.

SECOND by Ms. Swank

VOTE – 5-0-0

I. Applications

1. **1 Huckleberry Lane** **Town Wetlands & NHDES Minimum Expedited**

Owner: Michael White

Mr. Michael White shared with the Commission that he wants to repave his existing driveway with a 9' x 9' expansion and replace the existing 8' x 14' deck with a 12' x 18' deck. To help offset the new impervious surfaces he is proposing to remove several pavers throughout the property which will result in an impervious coverage decrease of 50 sq. ft.

Ms. Swank said that she was in favor of the project but would like there to a stipulation that the area underneath the deck shall remain pervious.

Mr. Diener asked how the new deck supports will be installed. Mr. White explained that the sonotube holes will be dug by hand. The only equipment that would be involved with the project would be for the repaving the driveway.

PUBLIC COMMENT: None

MOTION: Mr. Tilton moved to have the Chair sign the NHDES minimum expedited Wetlands permit for 1 Huckleberry Lane.

SECONDED: Ms. Shaw

VOTE: 5-0-0

MOTION PASSED

MOTION: Mr. Tilton moved to recommend the Town Wetlands Permit for the replacement and expansion of the current asphalt driveway and rear deck and the alteration of walkways (replacement of the main walkway, removal of the front side walkway, and installation of a new walkway from driveway to fenced area) at 1 Huckleberry Lane. The property shall also install Wetlands Conservation District (WCD) markers along the wetland buffer edge at the locations indicated on plan

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signed by the Chair, the rear deck shall remain open above and the surface underneath shall remain pervious, plus the other usual permit stipulations.

SECONDED: Mr. Diener
VOTE: 5-0-0

MOTION PASSED

2. **43 Nudd Ave**

Town Wetlands Permit

Owner: John McAnespie

Mr. McAnespie shared with the Commission that the proposed project involves installing a new 6' vinyl fence in the back yard which will be a minimum of 6" off of the ground. Mr. McAnespie provided some additional photos that show the location of the fence in relation to the rear shed and the wetland edge. There were a few questions during the site walk about its exact location and making sure it was not located in the wetland area. It was also noted during the site walk that there was water ponding in the backyard from recent rains which reiterates the need to have the fence located off the ground to make sure water can pass underneath.

Ms. Swank asked how far the fence will be from the wetland edge and Mr. McAnespie estimated that it will be about 4' from the wetland edge.

PUBLIC COMMENT: None

MOTION: Ms. Shaw moved to recommend the Town Wetlands permit for the perimeter fence with 6" of clearance at 43 Nudd Ave. The property shall also install Wetlands Conservation District (WCD) markers along the wetland buffer edge at the locations indicated on plan signed by the Chair in addition to the applicable usual permit stipulations.

SECONDED: Mr. Tilton
VOTE: 5-0-0

MOTION PASSED

3. **Liberty Lane – Water Main**

Town Wetlands Permit

Owner: Liberty Lane Sewer Association

Agent: Joseph Valle

Corey Colwell and Chris Gagnon with MSC Engineering, representing the property owner, explained the purpose of the installation of a new water main to the Liberty Lane complex. Mr. Colwell explained that the need to relocate the water main arose during the reviews of the 298 and 299 Exeter Rd projects where it was found that the sewer main that services this area which also runs under Route 101 was clogged. In the same sleeve as the sewer line is the water line. Current code requires that a sewer line and water line must be a minimum of 10 feet apart. It was decided that the sewer line would be replaced in the current sleeve under Route 101 and a new water line would be installed from Towle Farm Road into the Liberty Lane complex.

Mr. Colwell further explained that they are proposing 720 ft. of water line (8" water line within a 12" sleeve) from Towle Farm Rd to the connector in Liberty Lane. To achieve the shortest distance and minimize wetland buffer impacts from Towle Farm Rd to the connector they will use directional drilling. They will excavate entry and exit pits, then the drill head goes into the entry pit, drills under

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the pond and up through the exit pit. Mr. Colwell noted that the entire buffer is either lawn or paved roads. There will be no permanent impacts to the buffer. The State use this process frequently during road and highway work where utilities need to be re-routed and there are wetlands or waterbodies present. Mr. Colwell shared that recent investigative work on the pond found the maximum depth to be 8 feet. The waterline drilling will take place at least 2' below the bottom of the pond. He referred to the plan which showed the profile of the pond. They are installing a sleeve and the water main will be located inside the sleeve. This will help to prevent future disturbance if it needs to be replaced. Mr. Tilton and Ms. Renaud both liked the approach and it is consistent with what was present a couple of months ago during a conceptual appointment.

Mr. Diener asked what reassurances are there that 2 feet below the pond is sufficient to ensure that the pond doesn't collapse or drain out? Mr. Colwell explained that he researched the soil type (maybid clay layer) that goes down 80" below the bottom of the pond. This type of soil is very thick and does not drain easily. If for some reason the drill did penetrate the pond bottom, then they would pull back and go deeper. He believes the penetrations would collapse in and pack down and not flow out. Mr. Diener also asked about how the area around the exit pit would be restored after the drilling. Mr. Colwell shared that the area would be reseeded and return to lawn. It was noted that the only noticeable components of the project at the end will be the asphalt overlays on the roadway, everything else will be returned to its current condition

PUBLIC COMMENT: None

MOTION: Ms. Shaw recommended the Town Wetlands Permit for the relocation of the Liberty Lane water main with the applicable usual permit stipulations.

SECONDED: Mr. Tilton

VOTE: 5-0-0

MOTION PASSED

4. 1 Liberty Lane East

Town Wetlands Permit

Owner: RMMC Liberty Lane, LLC

Agent: Gregory Serpis

Mr. Triston Donovan of Tighe and Bond was present to represent the property owners. He explained that the project is to repair the existing culvert and the pipes that discharge into the culvert. All of the pipes are located underneath an existing cobblestone bridge at 1 Liberty Lane. Soils are beginning to wash out from under the cobblestones because of breaks in the seals where the drainage pipes connect into the larger culvert. This is causing a sinkhole on the top of the bridge. The plan is to replace the side drainage pipes and seal the connections to prevent future infiltration of soils. Then they will put back the base courses and cobblestones. They will need to trench on either side of the bridge in order to remove/replace the drainage pipes all the way back to the catch basins. Mr. Donovan also noted that there are a couple of rust holes (2" holes) in the culvert that will be patched and sealed. Erosion controls will be put in places utilizing silt fencing on all 4 corners of the bridge and sediment curtains to keep soils out.

Ms. Carnaby who was on the site walk noted that it's a very pretty little bridge and these maintenance steps are necessary to prevent further more extensive repairs in the future.

Ms. Shaw agreed that the sink hole needs to be repaired as soon as possible and the proposed approach seems straightforward. Mr. Diener and Mr. Tilton also agreed that the repairs and preventative maintenance made sense.

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PUBLIC COMMENT: None

MOTION: Ms. Shaw moved to recommend the Town Wetlands permit for repairs to the cobblestone bridge at 1 Liberty Lane with the applicable usual permit stipulations.

SECONDED: Mr. Tilton

VOTE: 5-0-0

MOTION PASSED

5. 1088 Ocean Blvd

Town Wetlands Permit – After-the-Fact

Owner: Cottages of North Beach Condominium

Agent: Tony Jalbert

Attorney Peter Saari was present to represent the condominium association. He gave a brief history of the property and explained that during the process of developing the plans to subdivide this property, encroachments on Town land and into the wetland conservation district were noted. Two sets of plans were provided showing the existing conditions in 2005 and the current conditions today. Mr. Saari also shared that Jim Verra is the surveyor for the project and Dana Lynch is handling the environmental permits. The encroachments are a combination of walkways and decks that have been added to the rear of various units.

Ms. Dionne shared the two sets of plans with the Commission and went over the differences between 2005 and 2016. She also shared that she felt the encroachments onto Town land should be removed entirely with the exception of the perimeter boardwalk which could be pulled within their boundary. The majority of the new encroachments onto to Town land were the expansions or creation of new decks behind Units 9 & 8, Unit 6 and Unit 2. To be consistent with what was there in 2005, it appears that each single unit such as Units 3, 4 or 5 have a deck equal to 60 sq. ft. It would seem reasonable that Units 9/8 and 6 should reduce their deck size to equal to 60 sq. ft. per unit or if a unit is a combination of 2 smaller units then one deck no greater than 120 sq. ft. These reconfigured decks would also need to be constructed out of a pervious material such a ThruFlow decking or permeable pavers. With respect to Unit 2, the upper deck can remain because it was present in 2005 but the portion of the lower deck within the WCD should be removed.

Ms. Dionne also read aloud Commission member Gordon Vinther's comments who was present on the site walk but could not make it to the meeting. Mr. Vinther felt that the encroachments should be pulled back and he felt there were several opportunities for mitigation such as removing some concrete walkways that are outside of the buffer.

Mr. Diener commented that he was in favor of reducing the size of the decks to be in-line with those of Units 3, 4, 5. He noted that all of the new or enlarged decks are in the buffer. He would like to stipulate that all of the reconfigured decks be permeable. He also supported the idea that all encroachments onto Town land should be removed or pulled back within their boundaries.

Ms. Renaud would like to see the encroachments and violations corrected. She shared that in other cases the Commission has considered mitigation outside of the buffer but the area of mitigation would need to be a least double the size of the encroachment/violation.

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Mr. Tilton agreed that the BBQ deck which was noted during the site walk but was not on the current plan, the viewing platform, boardwalk, decks should all be removed from Town property. Ms. Carnaby felt the BBQ grill on Town Land was a liability and should be removed immediately.

Ms. Renaud got a consensus from the Commission that they wanted all of the encroachments on Town land removed entirely with the exception that the perimeter boardwalk could be pulled back within their property boundaries. The Commission would write a letter to the Board of Selectmen concerning the use of Town land

MOTION: – Mr. Diener moved to send a letter to the BOS requesting that the property owners be required to remove the BBQ deck, viewing platform, lighting poles, flagstones, and deck encroachments off of the Town land. The Commission would support the relocation of the perimeter boardwalk onto private property.

SECOND: Ms. Swank

VOTE: 5-0-0

The Commission spent a great deal of time discussing each encroachment and potential mitigation options, if available. They developed a mitigation plan to identify those items that need to be removed or reconfigured.

PUBLIC COMMENT: None

MOTION: Mr. Diener moved to recommend the approval of the After-the-Fact Town Wetlands permit for 1088 Ocean Blvd with the proposed mitigation plan detailed below along with the applicable usual permit stipulations. He also wanted to re-iterate that any new work in the buffer requires a Town Wetlands Permit before commencing.

1. All encroachments (boardwalk, light posts, viewing platform, flagstones, and the grill platform) shall be removed from the Town-owned land. These structures are for private use only and they are not essential. If the owners would like to relocate the perimeter boardwalk within their property boundaries that would be acceptable.
2. The grill platform located behind Unit 9 is entirely on Town land. This is a liability issue and should be removed.
3. The decks behind Units 6, 8, and 9 shall be reconfigured such that the deck square footage per unit does not exceed 60 sq. ft. and the deck must be constructed of permeable materials. This deck size is consistent with the size of the decks behind units 3, 4, and 5 which have not been altered since 2005. In a situation where a unit is a combination of two smaller units, one single deck no greater than 120 sq. ft. can be constructed with permeable materials.
4. Remove stone pavers and/or wooden planks that have been added since 2005 to connect to the perimeter boardwalk behind units #3, 4 and 5, as well as the “wood walk” and deck between units 6 and 8.
5. Remove the portion of the lower deck and flagstones at Unit 2 which were added to the wetlands buffer since 2005. Decking and flagstones that are outside of the wetlands buffer may remain.
6. The recorded condominium site plan shall include the wetland edge and 50’ buffer line.
7. A sign (11” x 14”) shall be erected on the property that shows the property boundaries and the

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location of the wetland edge and 50' buffer. The layout of the sign and location shall be approved by the Conservation Coordinator prior to installation. The Commission believes that a single sign, as opposed to several wetland conservation district markers, will better inform residents of the protected portion of their property.

8. Any deck shall be open above and below and the underneath shall remain pervious.

SECONDED: Mr. Tilton

VOTE: 5-0-0

MOTION PASSED

II. Appointments

1. Batchelder Pond – dam repairs and bank erosion control

Mr. Keith Lessard representing SAU 90 wanted to speak with the Commission about some erosion issues at Batchelder pond that were recently repaired. The recently completed activities were the same at what was done in 2015, where they installed matting and coconut logs to secure the banking and prevent erosion from roadway runoff. Mr. Lessard shared some before and after photos with the Commission. He apologized, that the Commission was not able to review the work prior to the restoration activity as there was a miscommunication with the contractor. Mrs. Dionne shared the idea of developing a maintenance plan for the addressing erosion and bank stabilization that could be approved by the Commission. As long as the proposed activity was part of the maintenance plan, then only contacting the Conservation Coordinator at the beginning and end of the project would be necessary.

The second issues, Mr. Lessard wanted to discuss with the Commission was some potential repairs to the dam structure. He shared photos that showed the masonry cracks along the two key ways. He noted that when the pond was dredged for a Foss Manufacturing mitigation project, the spillway was seal coated but the coating is starting to wear off. There is some cracking behind the log stop, on the two key ways. He has gotten a quote from P&G Masonry who has experience repairing dams and hydro plants. The proposal involves replacing the keys ways in kind, remove the cracking concrete down to where they are solid, add in 5/8th rod and epoxy and replace the stop logs. They will lower the pond water so that the concrete can dry and cure. The dam is a minimal hazard so the lowering the water level will not impact below. This maintenance should be done as soon as possible to avoid greater issues or worst-case failure. He did want to emphasize that the height of the dam will not be changing. The school does not control the spillway it is done by DPW. Mr. Lessard is hoping for permission to move ahead to get the necessary state approvals to make the necessary repairs.

Mr. Tilton was on board with fixing it soon and did not see any issues with lowering the water level.

Mr. Diener asked how long it will take to complete the repairs. Mr. Lessard responded that weather dependent; it should take no longer than two weeks.

Ms. Shaw asked if lowering the pond's water level would help with getting the erosion control established. Mr. Lessard responded that it might, the biggest help would be keeping the foot traffic to a minimum. He did noted that the ducks do not like to walk over the matting. She also asked how long it will take for the pond to fill back up. Mr. Lessard said it would be weather dependent but the pond receives a great deal of drainage from adjacent neighborhoods.

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Ms. Swank asked about whether the fish population would be impacted by the lower water level. Mr., Lessard said the population is small and that they restock it each year. They may be easier prey for the birds

Ms. Renaud confirmed that the consensus of the commission is to move forward with the dam repairs and work on developing an erosion and bank stabilization maintenance plan.

III. Old Business

1. 2018 potential warrant articles

Ms. Renaud said they would postpone this discussion this month because of the length of this month's agenda; however, it needs to be discussed next month.

IV. New Business

1. Town Forest – Subcommittee and next steps

Mrs. Dionne shared the result of the June 3rd cleanup day in the Town Forest. The highlight of the event was that three trucks loads of metal and debris were brought to the transfer station. Mr. Diener added that the goal is to establish a more cohesive and better-defined set of trails. Mr. Tilton commented that the Commission should get some input from a Forester or someone at Fish and Game about trail density because the area also needs to function as forest. Mrs. Dionne added that the summer easement monitoring intern will be walking the town forest with GPS. She is hopeful that a map of the existing trail network will aid in developing a set trail system.

2. The use of SEVIN at the Victory Garden

Cindy Willis with the Victory Garden wanted input from the Commission about the use of pesticide SEVIN in the Victory Garden. Mrs. Dionne did some research on the chemical and found that this product is highly toxic to honey bees. The consensus of the Commission was to find another product that is Bee friendly. Mr. Tilton recommended speaking with Agway in Hampton Falls for a bee friendly alternative.

3. NHDES public comment period for Aquarion's new drinking water well

Mrs. Dionne said that this item pertains to Aquarion's request for a well permit for a high production well. It is currently in the comment period which ends in mid-July. Mr. Diener has been keeping tabs on this process. He shared that this is a very deep well and people with wells nearby should be aware. There is an opportunity to have your private well monitored during the testing period to determine if there are any impacts. Currently, the Town is opposed to the well because of concerns about impacting private wells and the possibility of salt water intrusion. Mr. Diener wanted to share that if anyone has concerns they should be directed them to Stephen Roy with NHDES as Stephen.Roy@des.nh.gov. He would also encourage anyone who comments to send a copy of their comments to the Town of Hampton. Mr. Roy shared with Mr. Diener that NHDES will take all comments into consideration during the permit review period. Ms. Swank asked when the well will be drilled. Mr. Tilton responded early this fall. Mr. Tilton shared that this new well is a bedrock well and because of its depth he does not envision nearby wells being negatively impacted, assuming most are shallow water table wells. He feels the shallow water table wells already installed by Aquarion have impacted the Nook run and other smaller streams that feed into Mill or Meadow Pond.

4. Expenditure – Tom Ballestero stormwater review services

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Mrs. Dionne gave a brief update on the ZBA meeting regarding 65 Lafayette Rd and the desire to have an auto sales and repair shop. The ZBA has continued their review at the request of the applicant until their July meeting. The Town Attorney asked if there was interest in having the stormwater features reviewed by Tom Ballestero of the UNH Stormwater Center to make sure they are sufficient/appropriate. Mrs. Dionne supports this idea but has some reservations that the current plans may not be detailed enough for a thorough review by Mr. Ballestero. However, it would seem reasonable to ask the Commission if they would be willing to contribute funds towards Mr. Ballestero's review when the time is appropriate. Mr. Diener felt that the request was reasonable and that a maximum dollar amount should be set.

MOTION: Mr. Tilton moved to authorize the Conservation Coordinator to retain the services of Tom Ballestero should it become advisable up to a maximum of \$400.

SECONDED: Mr. Diener

VOTE: 5-0-0

MOTION PASSED

5. Board of Selectmen - 595 Ocean Blvd's request to purchase/lease parking spots

Mrs. Dionne shared that new property owners are requesting permission from the BOS to lease or purchase the parking spaces that are located on Town owned marshland at the rear of 595 Ocean Blvd. The request to lease parking spaces was first brought up in 2009. The Commission at that time was unanimously opposed to lease or sale of this property for parking. Mrs. Dionne also shared a legal opinion from the Town Attorney noting that because the marsh parcel behind 595 Ocean Blvd was acquired through tax lien and the Warrant Article from 1994 which places marshland under the care of the Conservation Commission. Once land is under the care of the Commission there is no mechanism for selling or leasing other than going through probate court. Ms. Renaud asked the Commission for consensus on their position on leasing or selling Town marshland. The Consensus was they were in agreement with Town attorney's memo and were unanimous in their opposition to selling or leasing Town marshland.

V. Conservation Coordinator and Chair update

Ms. Renaud shared the proposed Conservation Commission budget for 2018. She noted that the only increase proposed this year is the non-union employee increase voted by the selectmen of 1.5%.

VI. Adjourn

MOTION: Mr. Diener moved to adjourn at 10:05 p.m.

SECONDED: Ms. Renaud

VOTE: 5-0-0

MOTION PASSED

The next meeting of the Conservation Commission will be held on July 25, 2017.

Respectfully Recorded,
Rayann Dionne