

**Hampton Conservation Commission  
Draft Minutes  
Tuesday, September 26, 2017**

Present: Barbara Renaud, Chairman  
Pat Swank, Vice Chairman  
Jay Diener  
Diane Shaw  
Anthony Curro, alternate (arrived at 7:08)  
Steve Scaturro, alternate

Also Present: Rayann Dionne, Conservation Coordinator

**I. Call to Order**

The meeting was called to order by Ms. Renaud at 7:01 p.m. in the Town Hall Selectmen's Meeting Room.

**II. Review Minutes**

**MOTION:** Mr. Diener moved to approve the August 22, 2017, meeting minutes with the edits provided.

**SECOND** by Ms. Shaw

**VOTE:** 5-0-0

**MOTION PASSED**

**III. Appointments**

**IV. Applications**

**1. 27 Pearl St**

**Town Wetlands Permit**

**Owner:** Marc and Jennifer Marois

Property owner Mrs. Jennifer Marios was present to discuss the application. Ms. Renaud noted that NHDES Minimum Expedited permit was discussed last month. Mrs. Dionne added that the applicant was also pursuing a variance from the Zoning Board of Adjustments to allow the reconstructed dwelling to encroach into the front setback as far as the current structure. Mrs. Marios shared that the ZBA had granted their variance request a week earlier. There was a brief discussion for those members that were not present last month about the scope of the project which is to tear down the existing structure and build a new one in the same footprint. They are also requesting permission to install a perimeter fence.

**PUBLIC COMMENT:** None

**MOTION:** Ms. Swank moved to recommend the Town Wetlands permit for the reconstruction of dwelling and installation of a perimeter fence at 27 Pearl St.

**SECONDED:** Mr. Diener

**VOTE:** 6-0-0

**MOTION PASSED**

**2. 36 Island Path**

**Town Wetlands Permit**

**Owner:** Sue Paluch

Property owner, Ms. Paluch was present to discuss her project which involves elevating the rear cottage to install a poured foundation and meet the FEMA elevation requirements. Ms. Renaud

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reminded Commission members that the NHDES Minimum Expedited permit was discussed at last month's meeting. Ms. Renaud asked if Ms. Paluch had been able to obtain permission from the rear abutter for access and temporary impacts on their property for the foundation work. Ms. Paluch responded that she had and a copy of the letter was given the Conservation Coordinator. Mrs. Dionne confirmed that the letter was in the file. The only concern the Commission had with the proposed work was to make sure matting was used with any motorized or tracked equipment that is used in the buffer. Ms. Paluch understood and agreed with the concern.

**PUBLIC COMMENT: None**

**MOTION:** Ms. Swank moved to recommend the approval of the Town Wetlands permit for elevation and installation of a poured foundation at 36 Island Path with the stipulation that matting is used when working with heavy equipment in the buffer.

**SECONDED:** Ms. Shaw

**VOTE:** 6-0-0

**MOTION PASSED**

**3. Bicentennial Park**

**NHDES Standard Dredge and Fill**

Mrs. Dionne shared that at the Conservation Commission's July meeting, Chris Jacobs, DPW Director, and their contracted engineer, Duncan Mellor of Tighe and Bond met with the Commission to discuss their plan to reconstruct with improvements the seawall at Bicentennial Park. Mrs. Dionne had a conversation with the Mr. Mellor to confirm that the plans they reviewed in July had no significant changes. Mr. Mellor said the plans had not changed. During that discussion, in July, the Commission was in favor of the proposed work. Ms. Dionne did not feel it was necessary for them to come in for a full presentation again because there were no changes.

Mr. Diener asked if DPW had made a decision on the type of railing that was going on top of the seawall. Mrs. Dionne was not sure and based on the plan set they only indicate the railing location but no details on the material. This was discussed at length during the July meeting, and Mrs. Dionne volunteered to get more details and share those with the Commission.

**PUBLIC COMMENT:** None

**MOTION:** Ms. Shaw moved to not oppose the NHDES Standard Dredge and Fill application for the reconstruction of the seawall at Bicentennial Park.

**SECONDED:** Mr. Scaturro

**VOTE:** 6-0-0

**MOTION PASSED**

**4. 591 Ocean Blvd**

**NHDES Wetlands /Town Wetlands Permit**

**Agent:** Coastal Scene Condominiums

Mr. Steve Riker with Ambit Engineering was representing the Condominium association with regards to the rehabilitation of their paved parking area and in-kind replacement of the existing timber retaining wall. He explained that this project requires both a Town Wetlands permit and a NHDES Standard Dredge and Fill permit. The rehabilitation of the pavement will involve shimming and adding an overlay to get rid of irregularities and cracks in the pavement. They are not proposing any grade changes. Based on their survey work, the parking lot pitches to the center catch basin that leads

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to a drywell. He also explained that the timber wall will be replaced with the same material and in the same location. The top elevation of the proposed retaining wall will be at 8.5' whereas the current wall is between 7-8' (elevation is above mean sea level, not above the ground). The intent is to have a 1 foot reveal over the pavement as a visual aid for parking, so not to drive into the marsh. He also reviewed the erosion control and retaining wall detail.

Mrs. Dionne asked about the installation of deadmen supports for the new retaining wall. Mr. Riker explained that the deadmen will be on the interior side of the retaining wall and perpendicular to the wall. They will be 6' in length and they tie back into the land behind to secure the wall. There is a 10' area behind the retaining wall which is designated as the work area for installing the deadmen. Mrs. Dionne asked if the entire 10' area will be excavated or if they will only excavate in the location where a deadman will be placed. Mr. Riker said that will be determined by the contractor.

Mr. Scaturro asked about the piping that is shown behind the retaining wall and what that would be draining. Mr. Riker explained that the piping is simply to allow water to drain through and not build up pressure behind the wall and cause it to fail

Mr. Scaturro also wanted to know more about the size of the drywell and whether there were any outlets. Mr. Riker stated that the drywell is simply for infiltration and that they did not locate any outlets along the perimeter of the property.

Mr. Curro had great concerns about shimming and overlay over an asphalt parking lot that has significant cracking. He is concerned that those cracks will come right back. He felt that it would make more sense to grind it up and redo it completely. He also asked for clarification on the timber retaining wall height. Mr. Riker commented that the timber wall would be 1 foot above the pavement but he could not speak to the pros or cons of rehabilitating the pavement versus replacement.

Mrs. Dionne asked about whether a reveal of 1-foot on top of the retaining wall was enough to prevent a vehicle from driving over. She wondered if there should be an additional railing or if the timber wall should come up higher. Mr. Riker said it was something they could consider.

Ms. Swank asked about whether the edges of the pavement also pitch towards the center and Mr. Riker confirmed they did. She also noted that with so much cracking that some of the current stormwater has to be going through those cracks and not to the drywell.

Mr. Curro added that the drywell is not going to work well when and if there's a high water table.

Ms. Renaud shared her concerns about the drywell. She agreed that with the amount of broken asphalt that there's no way all of the stormwater generated by the parking lot is entering the drywell. She was also curious about the true capacity of the drywell and if it could handle all of the parking lot's stormwater. She noted that we want stormwater to be infiltrated and treated as opposed to just spilling over into the marsh. Several other Commission members shared the same concern about capacity and the need to feel confident that the stormwater will be properly treated. Mr. Riker commented that they know the rim elevation of the catch basin and spot elevations in the parking lot and the catch basin is the lowest spot. Based on this field information Mr. Riker was confident that amount of water going to catch basin is not going to be different or more than existing conditions. Mr.

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Riker acknowledged that there could be some small areas that don't drain there now but did not believe they were of significant size.

Mr. Scaturro also shared his concern about not knowing for certain that there is no drywell outlet. He asked about how much investigation was put into understanding the condition and construction of the drywell. Mr. Riker said that they took the top and bottom elevation and checked the perimeter of the property for an outlet.

Mr. Curro asked if the drywell was pumped dry to verify that there was no outlet piping inside of the catch basin. Mr. Riker said it was not pumped dry. Mr. Curro highly encouraged this additional investigation and felt there are ample pumps available that it would not take much time to get it dry for further investigation.

Mr. Diener agreed with the need to better understand the drywell's capacity and whether or not there's an outlet. He also suggested that the edges of the parking lot adjacent to the marsh have a lip or curbing to redirect water to the center.

Mr. Riker asked if the Commission was looking for an alternative design to the drywell. Mr. Diener responded that they are not suggesting there needs to be a different design just need more information to feel confident this stormwater feature is adequate.

Ms. Shaw asked about snow storage, as a majority of the parking lot is in the buffer.

Mr. Diener would like to see some type of barrier that would prevent snow from being pushed directly into the marsh. It also should be stored in a location where snowmelt is directed to the center drywell.

Mrs. Dionne noted that portions of the silt sox for erosion control are located on an abutting property. Permission to install that on their property is required, as the Town Wetlands permit cannot allow work on an abutting property.

Mr. Diener also pointed out the stand of phragmites that are located at the southwest corner of the property. It appears to be a relatively isolated stand; it would be nice as part of this project if that stand was cleaned out and restored the marsh. Mrs. Dionne asked for clarification if the Commission would want a one-time or ongoing effort to remove the phragmites. The Commission agreed that for this project just a one-time restoration effort.

**PUBLIC COMMENT:** None

**MOTION:** Ms. Shaw motioned to recommend the Town Wetlands permit with the conditions that the catch basin material, size, and function is fully investigated, the revised plan shall show the snow storage locations, the applicant will secure abutter permission to install the silt sox and the phragmites patch will be removed and restored to salt marsh.

**SECONDED:** No second

**MOTION FAILED**

Several Commission members could not support the motion because they wanted to be able to review the information collected about the drywell before making a formal recommendation. It was suggested

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that the review be continued to the October meeting to allow time for the additional field work and plan revisions. Mr. Riker agreed to the continuance and would speak to the Condominium Association about the additional information requested.

**5. 41 Nudd Ave**

**Town Wetlands Permit/NHDES Standard Dredge**

**Owner:** James Ferrara

Luke Hurley of Gove Environmental was present to represent the property owner. He gave a brief overview of the site, indicating the site has two seasonal cottages. The front one is a single unit and the rear cottage unit contains two units. The property owner would like to tear down the rear structure and replace it with a new structure. The rear structure was built in the 1940's and is built on wooden supports which sit on blocks. The structure is settling and the wooden supports are cracking. This settling can also be seen in the roof line which is no longer straight. Mr. Hurley also spoke about the amount of impervious coverage on the site. Currently, the site has 87% impervious coverage. The proposed project reduces that down to meet the maximum allowable amount for the BS zone which is 75%. They are proposing to configure the new cottage to meet the property line setbacks as well remove about 283 sq. ft. pavement at the front of the structure. There will not be any first-floor decks as there is currently, but they are planning on a second-floor deck. They are also looking to install along the front of the building a stone drip edge to help infiltrate stormwater. Lastly, he noted that the first floor is going to be a three-sided foundation with a stone floor that will be used for parking. Then there will be one story of living space above. Mr. Hurley showed on the plans how the front of the new building is enlarged slightly by squaring off the front. He also spoke about the close proximity to wetlands and the way water flows on and around the site. He explained that the water along the back of the cottage comes from tidal waters that enter through a culvert under Brown Ave. He did not believe there is any real flow, just tidewater that comes in and out from this area. He also noted that there is a finger of freshwater wetland that extends up the west side of the property.

Mr. Scaturro asked if the garage will have openings on both sides. Mr. Hurley responded that it only has the two garage door openings on the front. He also explained that the property owner does not want to pour a slab for risk of it settling as the current structure has. Mr. Hurley also noted that the building will be raised to meet the FEMA elevation requirements.

Mrs. Dionne asked about moving the building forward and placing the stone drip edge at the rear of the structure.

Ms. Swank commented that there seems to be a lot of development on such a small parcel. She would also like to see there be more pervious surface created. There is a great deal of pavement that could be converted to a pervious surface and still be used for parking.

Ms. Shaw asked about snow storage locations. Mr. Hurley commented that he would need to check but his understanding is that the property will continue to be seasonal. The owner only uses it from spring to fall. A couple of Commission members noted on the site walk that it also appeared this rear building is a rental.

Mr. Diener shared that the Commission rarely sees a situation where there is a building located in a wetland. He acknowledges that this site is previously developed, however, this proposed work is a

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major undertaking on this site. It is the Commission's responsibility to make sure the proposed work is done in a manner that protects the marsh to the greatest extent possible. He does not feel that the current proposal is doing anything to protect or enhance the marsh. He would prefer the new structure to be placed on pilings and leave the parking out in front of the house. It's important not to further impede the flow of water and to provide a situation where the marsh can sustain itself. He did not feel this is the best plan for the site and reminded the commission that every time we allow something to continue to encroach or degrade the marsh, we are doing the Town of Hampton a disservice. This a great opportunity to improve the site and better protect the marsh and every effort should be made to do so.

Ms. Shaw added that placing the structure on piling might be a better option than a foundation as it would be less likely to crack or have issues in the future. Mr. Hurley explained how the foundation will be constructed and that additional supports that go beyond the frost/freeze level to help provide greater stability. He also spoke about how this site is lower in elevation than neighboring properties which contribute to the higher level of water on this property.

Mr. Diener questioned whether the wetlands go under the dwelling than what was noted on the plan. Several members that were present on the site walk stated that visually it appeared very wet underneath the structure. Mr. Scaturro added that the stand of invasive phragmites along the rear of the structure might be interfering with the ability for water to drain into the wetland and causing it to back up on the property.

Mr. Hurley noted that they do not typically explore for wetlands or wetland soils underneath an existing structure.

Ms. Renaud also felt that wetland or wetland soils extend underneath the structure. This is an issue because we are not just talking about buffer impacts but wetland impacts too. She noted that historically, there has been latitude given when rebuilding a structure in the buffer but not in a wetland. Personally, she could not support new construction in a wetland because it's setting a dangerous precedent. She acknowledged that the revised plan brought that evening was better than the first plan but still was not sensitive enough to the environment they are building in. She also shared her concern that there is peat down below and the supports will need to go deep, down to bedrock, in order to properly support a structure.

**PUBLIC COMMENT**– None

Ms. Renaud recognizing the challenges with the site and Commission's concerns, polled the Commission to see who was in favor of the project as proposed. None of the Commission members were willing to vote in favor of this proposal.

Mr. Diener was sensitive that there's a structure there now but he could only support an application if the proposed building is on pilings to allow the wetland to continue to exist or preferably to give it additional room to flourish. The marsh is our best protection from increased flooding. If we continue to chip away at the marsh then we are delaying the inevitable.

Ms. Shaw could not support the current design but would be willing to consider an alternative design that addressed the concerns voiced tonight.

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Ms. Swank said that she would be willing to consider a design that put the structure on piers and would not obstruct any flow. She would also like to see more pervious parking surfaces. Mr. Curro concurred.

Mr. Scaturro agreed with the concerns voiced and could not support the project as proposed. He would like to see the soil underneath the building investigated further.

Mr. Hurley hearing the concerns agreed to continue the review to the October meeting. He will need to discuss possible design changes with the property owner.

**6. 58 Briar Rd**

**Town Wetlands Permit**

**Owner:** William and Susan Foster

Mr. Curro recused himself from the discussion because he lives in the same neighborhood as the applicant.

Property owners, William and Susan Foster, were present to discuss the removal of the existing house and the construction of a new home with attached garage. Mrs. Foster explained that the existing house has been there for 100 years and in their family for 60 years. They had a few contractors evaluate the house for upgrades but it was determined that it was not worth the cost. Therefore, they have moved forward with a plan to build a new structure. The Commission reviewed the plan and Mrs. Dionne pointed out that the new structure will be located further from the 50' buffer and there is a small reduction in impervious coverage.

Mr. Scaturro asked about whether the wetland on their property is connected to other nearby wetlands. Mrs. Dionne pulled up an aerial photo and noted that there is large wetland complex to the north that is adjacent to this site. He also noticed on the site walk that there are several red maples on their property that are being choked by Virginia creeper and bittersweet both of which are invasive species. He recommended cutting the vines at their base to prevent further growth. Mrs. Foster said that they had been made aware of the vines during the plan development and will have a tree company remove the vines.

**PUBLIC COMMENT:** None

**MOTION:** Ms. Swank moved to recommend the approval of the Town Wetlands Permit for the removal of the existing structure and construction of a new dwelling with an attached garage.

**SECONDED:** Ms. Shaw

**VOTE:** 5-0-0

**MOTION PASSED**

**7. 109 Towle Farm Rd**

**Town Wetlands Permit**

**Owner:** NH School of Mechanical Trades

Present to discuss the proposed project was Mr. Dean Mallard the director of NH School of Mechanical Trades and Engineer Greg Driscoll with Jacobs and Driscoll Engineering. Mr. Driscoll presented an overview of the project and site. The proposed project involves the construction of trade school. There is currently a campus in Manchester and they would like to open a second campus in Hampton. The proposed location is to the east of Highway 95 and west of the Smuttynose Brewery.

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The property is vacant but it does have a gravel driveway and a remaining portion of the abandoned roadway bed of original Towle Farm Rd that traverses the property. There are two wetlands on site each of which have storm drains that carry water underneath Towle Farm Rd. He also noted that there are two disc golf stations on this property which are part of the course that's on the Smuttynose property which would need to be relocated.

Mr. Driscoll viewed several of the proposed plan sets. He commented that the building will be a metal prefab with an architecturally interesting front facade. He showed the location of the two wetlands on site, the Series "A" wetland is located near the driveway and Series "B" wetland contains a portion of the proposed infiltration basin. He shared that the driveway width will be reduced from 36' to 24' and the gravel will be replaced with asphalt. He reviewed the stormwater management system which involves a sediment forebay and infiltration basin. This feature is slightly oversized to accommodate future parking expansion if needed. He showed the location of the infiltration basin and that the system is designed to hold the water allowing for groundwater recharge. Lastly, explained that through the use of curbing none of the site's stormwater water will be entering the Series "A" wetland. That wetland will now only receive runoff from adjacent vegetated areas.

Mr. Scaturro asked about what types of vegetation would be planted along the roadway and adjacent to wetland Series "A"? Mr. Dean responded that he did not want the site to be manicured but naturally vegetated. He envisioned plants similar to what is there now. He wants the site to be rustic and natural looking but neat/tidy. He also commented that he was not a fan of the Frisbee game area impacting the wetland Series "A". He would like to remove all of the man-made features such as the bench and the gravel pad and restore the wetland area.

Mr. Curro approved of the wetland restoration effort but he was not certain that it was enough to offset the new impervious area proposed around the series "A" wetland.

Ms. Renaud asked about the amount of parking shown on site and whether it was enough to support the staff and student body. Mr. Dean responded that they monitored the number of cars at their Manchester facility to get an understanding of the true need. At that property, they have 48 spots, on the Hampton site they are required to have 33 spaces but are providing 39 spaces.

Mrs. Dionne shared a sketch to help reduce the amount of proposed impervious surface around the series "A" wetland. It appears that there is an option to reduce the side parking lot entrance from the main driveway from two lanes to one. This would reduce the permanent wetland impact by half. She further noted that she shared the option with the Hampton DPW deputy director, Fire, and Planning Department and there were no objections or concerns raised. The DPW deputy director did note that appropriate signage would need to be added for the proposed section to be one-way.

Mr. Diener asked about the emergency overflow drainage area on the infiltration basin. His concern was wondering if this area should be planted with a more densely rooted planted to help prevent erosion. Mrs. Dionne added that the overflow riprap could be extended down the slope to help prevent erosion. Mr. Driscoll responded that the area would be seeded but he would look into some other options for providing greater erosion control.

**PUBLIC COMMENT: None**

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**MOTION:** Mr. Diener moved to recommend the Town Wetlands Permit for the construction of a trade school at 109 Towle Farm Rd with the stipulation that all of the existing man-made features around the Series “A” wetland be removed, the area be allowed to return to a naturally vegetated state and the entrance to the side parking area be reduced to one-lane.

**SECONDED:** Mr. Curro

**VOTE:** 6-0-0

**MOTION PASSED**

**8. 1088 Ocean Blvd**

**ATF Town Wetlands Permit**

**Owner:** Cottages of North Beach Condominium

**Agent:** Tony Jalbert

This application is continued to the October meeting

**V. Old Business**

**1. 2018 potential warrant articles**

Mrs. Dionne provided a revised copy of the proposed Impervious Coverage warrant article. She shared that Mr. Diener revised the warrant article to provide an example and additional rationale. Mrs. Dionne asked the Commission members to review the changes and decide by the next meeting if this an article worth pursuing this year.

**2. Ice Pond Dam Update –**

Mrs. Dionne did not have any new information but is checking in with the DPW director to make sure he has everything he needs to go before the BOS to ask for a bid waiver.

**3. Town Forest – land opportunities**

Mrs. Dionne noted that this was postponed from last month and it is something she wants the Commission to discuss. There are some smaller land locked parcels that would be great to add to the Town Forest. This review will be postponed to the October meeting.

**4. Landscaping Form – list of appropriate projects**

Mrs. Dionne noted that she had not had an opportunity to work on the form but hopes to have something for the October meeting.

**VI. New Business**

**1. Union of Concerned Scientist – NH Faces Chronic Inundation**

Ms. Renaud shared a recent article from the Union of Concerned Scientists that speaks to the high tide flooding events that are going to become chronic problems and provides some actions steps such as updating or creating new policies that safeguard flood-protective natural ecosystems. Ms. Renaud thought this would be a very appropriate time for the Commission to develop a policy statement with regards to development in and adjacent to the salt marsh.

**2. Policy for development adjacent to salt marsh**

Ms. Renaud passed out draft policy statement for development in and adjacent to the salt marsh that she wants the members to review and comment on. The intent is to clearly state the

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Commission's opposition to the sale and lease of Town-owned properties in the wetland conservation district and provide reasons for why it's important to protect such a flood protection.

**VII. Conservation Coordinator and Chair update**

**VIII. Adjourn**

**MOTION:** Mr. Diener made a motion to adjourn the meeting at 10:11 pm

**SECOND:** Ms. Shaw

**VOTE:** 6-0-0

**MOTION PASSED**