

Hampton Conservation Commission
Meeting Minutes
Tuesday, March 27, 2018

Present: Barbara Renaud, Chairman
Pat Swank, Vice Chairman
Jay Diener
Peter Tilton
Sharon Raymond
Becky Irelan, alternate
Steve Scaturro, alternate

Also Present: Alex Loiseau, Planning Board Representative
Rayann Dionne, Conservation Coordinator

I. Call to Order: 7:00 pm

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

II. Review Minutes

MOTION: Mr. Tilton moved to approve the February 27, 2018 meeting minutes.
SECOND: Ms. Raymond.
VOTE: 7-0-0

MOTION PASSED

III. Election of Officers

Ms. Renaud spoke about members whose terms were expiring and the request for realignment of members: Gordon Vinther has asked to become an alternate member and Steve Scaturro has agreed to become a regular member.

Ms. Swank said she has learned a lot, but added that she was not willing to continue on as Vice Chair right now.

Ms. Renaud nominated Jay Diener to be Chair.

SECOND: Ms. Swank
VOTE: 6-0-1 Mr Diener abstained.

MOTION PASSED

Ms. Renaud nominated Steve Scaturro to be Vice Chair.

SECOND: Ms. Swank
VOTE: 6-0-1; Mr. Scaturro abstained

MOTION PASSED

Mr. Tilton nominated Diane Shaw to be financial clerk.

SECOND: Mr. Diener
VOTE: 7-0-0

MOTION PASSED

Mr. Diener switched chairs with Ms. Renaud and continued as chair for the remainder of the meeting.

IV. Appointments

- 1. 65 Lafayette** – Conceptual Design Review

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Mr. Henry Boyd, Millennium Engineering, Inc., and Mr. Lambros Tsoumbanikas, Trustee of the Tsoumbanikas Realty Trust, appeared before the Commission to present a new conceptual design for 65 Lafayette. Mr. Boyd presented an updated plan and discussed the current state of the commercial property located at 65 Lafayette, detailed the challenges he is working with, and gave an overview of the conceptual plan itself.

Mr. Tsoumbanikas has taken down the building, leaving the property to be approximately 80% sealed surface, which proceeds up to a berm. He added that the berm has recently been breached by one of the recent storms, allowing untreated stormwater from the road to run directly into the salt marsh.

He said that the new plan has a smaller building, a new septic design, the bare minimum number of parking spaces, and increased permeable surfaces and grass areas. The plan is to have all of the pavement and impermeable surfaces remain outside of the buffer and to have stone and grass on the back part of the property to help filter the stormwater going into the marsh. He believes that this plan is better than the one presented before and certainly better than what is there currently.

Mr. Tilton asked about the proposed use of the property.

Mr. Tsoumbanikas said he has someone interested in setting up an antique business.

Mr. Boyd said they are hoping for some sort of retail business.

The Commission discussed their concerns about the septic system.

Mr. Boyd said it will be a commercial building, which uses less water than residential. He said the systems used today are more environmentally friendly. He said there will be a new system.

Mr. Tilton talked about this septic system being surrounded by water and suggested holding tanks.

Mr. Boyd said they will have to get NHDES, Wetlands Dredge and Fill, and Shoreland permits. He said he was confident he could get a septic system installed there, but that his concern was more to do with well water that is not salt water.

Mr. Boyd said he needed to know if there were good feelings from the Commission about this project before he goes to the Planning Board.

Mr. Diener asked for Mr. Loiseau's opinion.

Mr. Loiseau said that the new plan is better than what is there now.

Mr. Tilton said this plan was a 90% improvement, and that he would vote for it if the septic system had holding tanks.

Mr. Diener said the Town's requirement is 1' above FEMA required elevation and challenges him to go even higher. He concluded the discussion by stating that the owner has to decide if the challenges are worth it. He was glad they came in.

V. Applications

1. 42 Munsey Drive (Map 60 Lot 2)

Town Wetlands Permit

Owner: Michael Ciaschini & Nicola Vogel

Construction of a 48"-54" high aluminum rail fence to surround an in-ground pool to meet code requirements. Only a portion of the fence will be located in the Wetland Conservation District.

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Mr. Ciaschini gave an overview of the plan for the fence, emphasizing that there will be sixteen 2x2 posts, with holes 9” wide and 2’ deep, filled with concrete. The holes will be dug with an auger, which will work from outside of the buffer.

Mr. Ciaschini confirmed that the pile of boulders in the buffer near the pool site will be removed from the buffer.

The Commissioners discussed having plantings on both sides of the fence, installing visible buffer markers, and that the pool should not be drained into the buffer.

Ms. Dionne confirmed that the Commission’s direction was for her to review the plans for the planting and placement of buffer markers before installation. She discussed other stipulations that will be required.

PUBLIC COMMENT - None

MOTION: Mr. Tilton moved to recommend the Town Wetlands Permit be granted based on the plan provided with the following stipulations:

1. Pool water associated with general maintenance practices or winterizing shall be discharged outside of the Wetland Conservation District (WCD).
2. The proposed planting plan along the fence shall be reviewed and approved by the Conservation Coordinator prior to installation.
3. Two WCD markers shall be installed on the fence closest to the buffer edge. The locations are to be determined by the Conservation Coordinator and property owner. The markers must be permanently affixed. Wetland markers can be purchased at the Hampton Planning Office.
4. 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.
5. No storage of grass clippings or yard waste in the wetland or its buffer.
6. Removal of dead, diseased, or unsafe trees is permitted. The stumps and root systems shall be left intact in the ground.
7. 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.
8. 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).
9. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed.
10. 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.
11. 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.
12. 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.

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SECOND: Ms. Swank

VOTE: 6-0-1, Mr. Diener abstained

MOTION PASSED

2. 59 Glade Path (Map 273 Lot 170)

Town Wetlands Permit

Owner: Jennifer Thai

Agent: Henry Boyd – Millennium Engineering Inc.

Replace existing failing retaining wall. Construct a second story deck and pervious paver turnaround area.

Mr. Henry Boyd, Millennium Engineering, Inc. and property owner Jennifer Thai appeared before the Commission with a site plan for 59 Glade Path. Mr. Boyd spoke about the owner's desires to protect her property against the rising flood waters, and gave an overview of the requested changes. He was asking for the Commission's advice and thoughts about the property and about the owner's plan request.

Mr. Diener talked about updating the plan. He suggests pulling up the pavement behind the house and turning it into a vegetated area, with a tradeoff of more parking in the front. He added that he could not justify more parking in the front if the pavement in the back were to stay.

Ms. Renaud added that she felt the addition is problematic. She said the goal is to be more permeable.

Ms. Irelan spoke about her concerns about the wall and felt this plan might push the water off to the neighboring properties.

Ms. Dionne spoke about FEMA regulations. She said a vegetated area would be better. She said the existing wall can be repaired and maintained, but expanding it can be tricky. She talked about removing the fence and asphalt in back with minor grading, and that new parking and turn around up front should be permeable.

The consensus of the Commission was not to extend the retaining wall and to just repair what is currently there.

PUBLIC COMMENT - None

Mr. Boyd talked about the request for a turnaround in the front of the house and how it would help keep her from having to back out the entire length of the driveway.

Mr. Boyd said after meeting with Eben Lewis, NHDES, he has a different plan coming.

Mr. Diener asked if they would like to postpone a decision.

Mr. Boyd agreed that he would like to postpone it.

Ms. Dionne said she will notify the Planning Board.

3. 553 Ocean Blvd (Map 255 Lot 2)

Town Wetlands Permit/ NHDES Wetlands Permit

Owner: Lynn Larsen

Agent: Henry Boyd – Millennium Engineering Inc.

Addition of a permeable parking area that is partially located in the buffer, and installation of a 15 sq. ft. concrete generator pad.

Mr. Henry Boyd, Millennium Engineering, Inc. and property owner Lynn Larsen appeared before the Commission with a site plan. Mr. Boyd gave an overview of the plan to the Commission: add a paver stone parking area, where half a space is in the buffer, and the installation of a concrete generator pad.

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He said Ms. Larsen wants to move a shed, which is currently 5' from the wetlands, locating it to 32' away from the wetland.

The Commission agreed moving the shed was a good compromise.

Ms. Swank discussed the area and said it was very sandy.

Ms. Larsen said that she did not have a problem with vacuuming and removing the sand.

Ms. Renaud asked about the generator pad.

Mr. Boyd replied that the generator pad will be 1' above ground.

PUBLIC COMMENT - None

MOTION: Ms. Swank moved to grant the Town Wetlands Permit with the following stipulations:

1. The Conservation Commission supports the relocation of the shed to the southeast corner of the lot which will increase its distance from the salt marsh edge from 5' to a little over 30', and raising the shed off the ground. The area where the shed was previously located will be revegetated.
2. The new permeable parking area shall receive routine maintenance to ensure permeability.
3. 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.
4. No storage of grass clippings or yard waste is permitted in the wetland or its buffer.
5. 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.
6. The buffer should remain undisturbed to the degree possible in the process of construction.
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. 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.

SECOND: Mr. Scaturro

VOTE: 6-0-1, Mr. Diener abstained

MOTION PASSED

MOTION: Mr. Tilton moved to recommend the NHDES Wetlands permit for the proposed work at 553 Ocean Blvd.

SECOND by Ms. Raymond

VOTE: 6-0-1, Mr. Diener abstained

MOTION PASSED

4. 190 Island Path (Map 80 Lot 34)

NHDES Wetlands Permit

Owner: Judith V LeClerc

Agent: Joe Coronati – Jones and Beach Engineers Inc.

Construct a single family house and driveway greater than 50' from the salt marsh.

Mr. Patrick Bogle, of Jones and Beach Engineers, Inc., appeared before the Commission on behalf of Judith LeClerc. Mr. Bogle gave an overview of the new home construction plan for 190 Island Path. He described the house, with the living area being on the second floor, the driveway and walkway made with pavers.

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The Commission discussed the area’s current flooding problems and the impact of a new house to an already problematic area. The consensus of the Commission was to oppose new construction on this site.

MOTION: Ms. Renaud moved not to recommend new construction at 190 Island Path. She felt it was a high risk, flood prone area.

SECOND by Mr. Scaturro

VOTE: 6-0-1, Mr. Diener abstained

MOTION PASSED

VI. New Business

1. RSA 41:14-a Proceedings – 9 Dover Ave – relief from deed restriction #4.

Ms. Dionne gave an overview of this plan to remove the current building and replace it with a duplex.

MOTION: Ms. Renaud moved to not object to the removal of deed restriction #4.

SECOND by Ms. Raymond

VOTE: 7-0-0

MOTION PASSED

2. Review Management Agreement for 230 Exeter Rd.

Ms. Dionne discussed the Management Agreement between the Hampton Board of Selectmen and the Hampton Conservation Commission for the 230 Exeter Road property. She recommended a change to Item 3, that the funds derived from any timber cut should be deposited into the Conservation Commission Fund.

MOTION: Ms. Raymond moved to accept the Agreement with the change to Item 3 that the funds derived from any timber cut should be deposited into the Conservation Commission Fund.

SECOND by Ms. Irelan

VOTE: 7-0-0

MOTION PASSED

3. Schedule a Town Forest Committee meeting.

Ms. Dionne said she will send tentative dates to schedule a Town Forest Committee meeting in April with a 7:00 pm start time, to be held at the Town Hall Selectmen’s Meeting Room.

VII. Old Business

None

VIII. Conservation Coordinator and Chair update

Ms. Dionne reminded the Commission that last month they voted to terminate the conservation land appraisal agreement because the Appraiser missed the original deadline plus subsequent deadlines set by the Appraiser. An email was sent on March 5th to the Appraiser sharing the Commission’s decision to terminate the agreement. The Appraiser delivered the materials on March 6th to the Building

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Department. Ms. Dionne was advised by Town Counsel to return the documents to the Appraiser with a letter summarizing the reasons why the agreement was terminated. The Appraiser has received the documents but recently contacted Ms. Renaud requesting reconsideration of payment because a draft copy of the appraisal was emailed to Ms. Dionne in late January. Ms. Dionne shared that the Appraiser was informed that the invoice for the appraisal could not be processed until the final reports were delivered. The Commission discussed the missed deadlines and the missed opportunity to request funding on the 2018 Town ballot to support this land purchase. There was an agreement among the members that if it can be determined with confidence that the appraisal is valid for 1 year, which would allow for a 2019 Town funding request, then they would consider paying \$1,000 for the appraisal. Ms. Dionne was tasked with researching how long the appraisal is valid.

MOTION: Mr. Tilton moved to pay \$1,000 for the appraisal if it is deemed that appraisal is valid for 1 year.

SECOND: Mr. Scaturro

VOTE: 6-0-1, Mr. Diener abstained.

MOTION PASSED

Ms. Dionne said she heard from the Congregational Church regarding expanding their parking by 10½ new spaces. They wanted initial feedback, but she had told them that it would be difficult to get approved. She said she told them that it would have to be permeable, although they were considering putting in asphalt. She asked for a consensus from the Commission so she could reply to them. Mr. Tilton said there are wetlands on that parcel. The consensus of the Commission was that they would only consider adding new parking to the buffer if adequate mitigation is proposed.

Ms. Dionne informed the Commission about the shifted seawalls from the recent storms. While it may seem like minor work, like repositioning rocks, it is being fixed without permits or any sort of tracking of what's being done.

Ms. Dionne referred to the Commission's ongoing conversations and research about a possible conservation land acquisition and their work with Rockingham County Conservation District. Ms. Degnan (RCCD project specialist) is recommending a wetlands assessment and bringing in an RCCD wetlands scientist to review the property. Ms. Degnan needs to review how much of the funding she received from the Commission is left and whether it's enough to cover her additional time and the wetland scientist's time. She said they have secured a right of way on the Hampton Falls side for access to the parcel. Ms. Degnan is also considering whether or not the Commission wanted to put forth an Aquatic Resource Mitigation (ARM) fund application for that purchase.

Mr. Diener said NHDES is proposing changes to wetland regulations. The Commission has until April 20, 2018 to comment. His understanding is that they are trying to shorten timelines, and to shift responsibility for inspections to the Town instead of NHDES.

Ms. Dionne said they do have a summary table of changes on their website and she volunteered to email that to the group.

Mr. Diener said they are looking into doing drone photo documentation of the flooding, especially on the back side of the salt marsh. He spoke with someone who has software that works with drone photo documentation to make maps of the area. He is looking into how it works and what the costs will be.

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Mr. Diener said the Commission has to start on warrant articles for next year, and discussed a few that are worth pursuing.

Mr. Diener shared that Becky Irelan was leaving the Commission because she is moving away from Town. All accepted her leaving, with regret, but wished her well in her new home

IX. Adjourn

MOTION: Ms. Raymond moved to adjourn at 9:30 pm.

SECOND by Ms. Renaud.

VOTE: 7-0-0

MOTION PASSED