

Hampton Conservation Commission
Meeting Minutes
Tuesday, October 23, 2018

Present: Jay Diener - Chairperson
Barbara Renaud
Diane Shaw
Patricia Swank
Anthony Curro, alternate (left at 8:45 pm)

Also Present: Rayann Dionne, Conservation Coordinator

I. Call to Order: 7:10 pm

II. Review Minutes

The review of the draft of September's minutes was postponed to November to allow for additional review time.

III. Applications

Mr. Diener shared that the applicant for the 87 Church St project requested the Commission review the application in their absence. He recommended moving the review to the end of tonight's list and the Commission members agreed.

1. 176 North Shore Rd (Map 134 Lot 8)

Town Wetlands Permit

Owner: Gary Sufat

Agent: Henry Boyd – Millennium Engineering Inc.

Henry Boyd and Gary Sufat were present to discuss this application. Mr. Boyd noted that the application was reviewed last month by the Commission and then went before the Planning Board even though the recommendation was not favorable. The Planning Board listened to the project proposal and requested that the applicant continue working on a mitigation plan with the Commission.

Mr. Boyd gave a brief recap of the project which involves constructing a 282 sq. ft. addition and removing a portion of a brick paver patio located within the buffer. Recognizing that the Commission did not feel the proposed mitigation was adequate, the revised plan now includes converting the remaining brick pavers to permeable pavers, installing roofline stone infiltration trenches along the addition, creating a rain garden, and converting the remaining lawn area within the buffer to native plantings. Mr. Boyd noted that there is a sealed surface reduction in the buffer of a 130 sq. ft. and a reduction of 400 sq. ft. over the entire lot. Mr. Boyd recognizes that the building's footprint is increasing within the buffer, however, he believes the proposed stormwater treatment improvements in the buffer will better protect the wetland area than what is there currently. Mrs. Dionne handed out the summary of pre- and post- buffer conditions that Mr. Sufat prepared for the Commission. Lastly, Mr. Boyd reviewed the proposed conditions plan and pointed out the features that changed from the last review.

Mr. Curro did not feel the additional mitigation offered was sufficient to offset the expansion of the building into the buffer. He shared his concern about the extensive amount of existing buffer impacts in Hampton because the work pre-dates the wetland regulations. He is concerned about people always wanting more and the buffer and wetlands being squeezed by development. Therefore, he could not support new development in the buffer. There was a brief discussion about the importance of

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protecting the buffer and the wetland and how the wetland regulations treat them equally. Mr. Boyd shared that he believes some wetlands are more valuable than others and in this situation he reiterated that the improvements in the buffer's stormwater management capabilities will provide greater protection to the wetland.

Ms. Renaud would still prefer not to have the addition in the buffer but she was pleased with the increased stormwater treatment in the buffer.

Mrs. Dionne reminded the Commission about the mitigation guidance that was developed in 2016 which provides parameters for assessing mitigation when there are new buffer impacts proposed. The guidance gives a range of mitigation ratios depending on the type of impact and mitigation proposed. She handed out a copy of the guidance to the Commission and the applicant. The guidance states that for each square foot of new buffer impact at least 2 up to 5 square feet of the buffer should be protected or restored.

Mr. Diener noted that this guide helps to ensure that the Commission has a consistent approach when discussing and quantifying mitigation.

Using this mitigation guidance, Mrs. Dionne proposed creating a 6' naturally vegetated buffer strip along the boundary line within the buffer. A naturally vegetated buffer means that native plants are allowed to grow on their own with no maintenance or chemical applications. This would provide 582 square feet of natural buffer. She also recommended removing the proposed permeable paver patio area within the buffer except for a narrow strip of permeable pavers to square off the edge of the existing patio. The new addition impacts 282 sq. ft. of buffer and her proposed mitigation provides 681 square feet of buffer restoration which equates to a 1:2 ratio (impact to mitigation). This ratio does not include the benefits associated with the installation of the rain garden, stone infiltration strips and conversion of lawn to plantings.

Ms. Swank was glad to see the removal of the pavers in the buffer along with the brick paver walkway outside of the buffer.

Mr. Sufat shared that at the last meeting, they were unfamiliar with the process and Mr. Boyd was not able to attend which was to their disadvantage. However, they did listen closely to the Commission's concerns and have worked to address them in the revised plan. He added they are more than willing to take the mitigation a step further with the recommendations presented tonight.

Mr. Diener responded that by establishing the mitigation guidance it provides the Commission with parameters for considering mitigation on a project-by-project basis and helps to ensure consistency. He added that he is more comfortable with this project with the additional mitigation discussed because for each square foot of impact we are doubling the amount of buffer being restored. He acknowledged that a mitigation plan is a compromise but by falling within the guidance's mitigation ratio range it provides a rationale for justifying the plan.

Mr. Curro questioned whether the ratios should be re-evaluated because he felt the mitigation ratio was too low.

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Ms. Swank asked how the Commission can ensure the mitigated areas are maintained as proposed by the current owners let alone future owners, who have no knowledge of the wetland permit's conditions.

Mrs. Dionne responded that there could be a deed restriction and the proposed conditions plan could be recorded at the NH Rockingham County Registry of Deeds.

There was a discussion about the best way to add/record the permit conditions so that the recorded document is connected to the parcel's deed and will be identified in future real estate transactions.

Mr. Boyd further recommended a permitting process for landscaping projects so they can be tracked and enforced.

Lastly, Ms. Renaud referred back to Mr. Sufat's comment regarding the outcome of the last month's meeting and shared that any opportunity the Commission has to help property owner's understand importance of protecting our wetlands and buffers is a worthwhile conversation.

PUBLIC COMMENT: None

MOTION: Ms. Swank recommended the approval of the Town Wetlands Permit for the construction of an addition at 176 North Shore Road with the following stipulations:

1. The applicant has agreed to create a 6 foot naturally vegetated strip along the boundary line within the wetland buffer. This area may be planted with shrubs or other suitable native vegetation. Naturally vegetated means there shall be no maintenance except for minor pruning if necessary.
2. The buffer area, beyond the naturally vegetated strip, shall be planted with native vegetation and contain a rain garden. This area will no longer be maintained as lawn. A planting plan shall be submitted to the Conservation Coordinator for approval prior to installation.
3. The permeable pavers in the buffer shall be reduced as noted on the attached signed plan.
4. The applicant has agreed to record a legal instrument including the final proposed plan at the NH Rockingham County Registry of Deeds documenting that this property is subject to the stipulations set forth in the approved Town Wetlands Permit. The legal instrument shall be reviewed and agreed upon by the Conservation Coordinator in consultation with Town Attorney prior to recording.
5. The sump pump discharge shall be relocated outside of the Wetland Conservation District.
6. A least two Wetlands Conservation District markers shall be installed along the wetland buffer edge a shown in the attached signed plan. The markers must be permanently affixed to a structure such as a dwelling, fence or a post cemented into the ground. Wetland markers can be purchased at the Hampton Planning Office.
7. The permeable pavers in the buffer shall be maintained to be pervious.
8. 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.
9. No storage of grass clippings or yard waste in the wetland or its buffer.
10. Removal of dead, diseased, or unsafe trees is permitted. The stumps and root systems shall be left intact in the ground.

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11. 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.
12. 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.
13. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed.
14. There are to be no additional structures such as sheds, swimming pools, gazebos, 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.
15. 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.
16. If the project requires an occupancy permit, the Conservation Coordinator shall not sign the permit until all of the Wetland Permit conditions have been met. The Conservation Coordinator shall be given a minimum of 72-hour notice to allow for file review.
17. A copy of the foundation certification shall be submitted and a final inspection shall be scheduled with the Conservation Coordinator.
18. 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: Ms. Shaw

VOTE: 4-0-1 (Mr. Diener abstained)

MOTION PASSED

2. 31 Thornton (Map 152 Lot 17)

NHDES Wetlands Permit

Owner: Rosemary Shea

Agent: Henry Boyd – Millennium Engineering, Inc.

Mr. Curro recused himself from this review because he does work for the property owner.

Mr. Boyd shared that the proposed work involves tearing down the existing dwelling and building a new home in the same footprint. They will also remove the existing impervious wooden patio which is partially located on Town land. He noted that the house has been there for over 5 decades and was originally built by the current owner's parents. They originally wanted to save the existing foundation but it does not comply with today's building codes or floodplain requirements. They are removing the crushed stone driveway and installing a pervious paver driveway. There will be roofline stone infiltration trenches to help manage and treat rainwater. After the wooden patio and walkway are removed, the area will be restored with dune grass. He noted that the dune system is very healthy and that adjacent properties do not have the dune system but are covered with patios or concrete areas.

Ms. Swank asked if there were plans for any other outdoor recreation space to replace the loss of the patio area. Her concern was that the property owners will have a future wetland application for creating a deck or patio.

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Mr. Boyd responded that the dune habitat is protected, so any new recreational outdoor space would have to be located outside of the dune area.

Ms. Swank asked if there was going to be a pathway through the dune to access the beach.

Mr. Boyd responded that there will most likely be a small walking path.

PUBLIC COMMENT: None

MOTION: Ms. Renaud moved to not oppose the NHDES Wetlands Permit for the redevelopment project at 31 Thornton St.

SECOND: Ms. Swank

VOTE: 3-0-1 (Mr. Diener abstained)

MOTION PASSED

3. 53 Highland Ave (Map 152 Lot 17)

Town Wetlands Permit

Owner: 53 Highland Ave LLC

Agent: Norman Carpentier – Carpentier Construction

Mr. Carpentier was present to discuss the project which involves elevating the existing dwelling to comply with the floodplain ordinance. The first finished floor will be at elevation 11 which includes 1 foot of freeboard. He also shared that the existing structure will be elevated on helical piles topped with a concrete pier. The piles will be connected with a grade beam which prevents lateral movement. The entry steps will be relocated to the side of the structure and additional steps added to meet the new first-floor height.

Several Commission members expressed their support for making the structure more resilient to flooding.

Mr. Curro asked how the helical piles are installed.

Mr. Carpentier explained that they use a hydraulic head to install the helical piles. The depth of the pile is related to the amount of torque. Torque equates to the number of pounds a piling can hold. They have an engineer determine the location and number of pilings and then they excavate underneath the structure, install the helical pilings, pour the grade beam, install a pressure treated sill before setting the house back down. He noted that the pilings are about 2 feet wide with 8 feet of separation in between each one.

Mr. Curro expressed an interest in seeing the helical piles installed.

PUBLIC COMMENT: None

MOTION: Ms. Swank moved to recommend the granting the Town Wetlands Permit application for the elevation of the existing structure at 53 Highland Ave with the following stipulations:

1. 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.

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2. No storage of grass clippings or yard waste in the wetland or its buffer.
3. Removal of dead, diseased, or unsafe trees is permitted. The stumps and root systems shall be left intact in the ground.
4. 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.
5. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed.
6. There are to be no additional structures such as sheds, swimming pools, gazebos, 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.
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. If the project requires an occupancy permit, the Conservation Coordinator shall not sign the permit until all of the Wetland Permit conditions have been met. The Conservation Coordinator shall be given a minimum of 72-hour notice to allow for file review.
9. 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: Ms. Renaud

VOTE: 4-0-1 (Mr. Diener abstained)

MOTION PASSED

4. 226 Island Path (Map 280 Lot 22)

Amended Town Wetlands

Owner: Stephen and Patricia Dunn

Agent: Norman Carpentier, Carpentier Construction

Mr. Carpentier was present to discuss the project which involves tearing down the existing single-story dwelling and constructing a new 2-story dwelling on helical piles. He commented that this is an amended permit because they originally thought they would be able to just elevate the existing structure. However, as a result of last winter's storm events, the structure suffered additional damage and is not structurally sound. The amended proposal also requests to incorporate the footprint of the deck into the new structure's living space. They have also prepared a planting plan to help stabilize soils around the perimeter of the structure.

Mr. Carpentier explained that to help offset the conversion of the deck to interior living space they are proposing to reduce the building length by 1 ft., which would pull the structure away from the marsh. The increase in perimeter plantings will also help to improve stormwater infiltration and help stabilize existing areas of erosion. He also noted that the building will have 2 feet of freeboard to help better protect against flooding.

Mr. Diener asked why it was decided to only move the structure back one foot and could it go back further.

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Mr. Carpentier responded that the reduction helps take the building from the odd length of 31 feet to 30 feet and it helps provide greater distance to the marsh. There may be some room to move it further back.

Mrs. Dionne shared two potential options. The first is to enclose only half of the deck as living space and the remaining half would be permeable decking. There could be two-stories of permeable decking installed, providing deck space on the first and second stories. Since the current decking is less than a foot off the ground, it is viewed as an impervious surface. In this scenario, even though half of the deck is being converted to interior living space, there would be a reduction in impervious surface because the other half would be constructed with a permeable material.

The second option would be to reduce the building footprint on the marsh side by 5 feet which would result in a greater distance between the building and marsh. The remainder of the deck could then be enclosed as living space. This option provides less of impervious coverage reduction than option 1, but it places the structure further from the marsh. She also noted that both of these options met the buffer mitigation ratios as discussed earlier in the evening.

Ms. Shaw asked about the first-floor elevation.

Mr. Carpentier responded that the first-floor elevation will be at 11' which is 2' above the base flood elevation.

Mr. Curro raised a concern about the unpermitted stone patio. Mr. Carpentier responded that they are still planning to remove it. There was a brief discussion about how to determine the amount of fill that was added to create the patio. Mrs. Dionne was confident that by using a soil auger to look at the soils underneath the patio they could identify the depth of fill material.

Mr. Diener asked the Commission members which option they preferred. Both options seemed reasonable to the Commission and there was no clear favorite.

Mr. Carpentier asked if the Commission would be willing to recommend this project with a condition that either option 1 or option 2 be selected.

Mr. Diener did not feel comfortable voting on this application without having a specific plan. There was a brief discussion about the timing of this project. It was acknowledged that a NHDES Wetlands permit application still needs to be submitted which means both the Town and DES permit applications could be reviewed at the November meeting.

PUBLIC COMMENT: None

Mr. Carpentier agreed to postpone this discussion to the next Conservation Commission meeting in order to meet with the property owner to discuss and select one of the options presented this evening.

5. 87 Church St (Map 223 Lot 143)

NHDES Wetlands Permit

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Owner: Robert Lupien

Agent: Coastal Landscaping & Paving

Mrs. Dionne shared that the applicant's representatives could not be present tonight and have requested that the Commission review their application in their absence. Mrs. Dionne summarized that the project involves replacing the existing dirt and gravel driveway and front walkway with permeable pavers. This same work was approved back in 2007 with the support of the Commission, however, the property owner did not complete the work.

PUBLIC COMMENT: None

MOTION: Ms. Renaud moved to not oppose the NHDES Wetlands Permit for the conversion of the existing driveway and walkway from dirt and gravel to permeable pavers.

SECOND: Ms. Swank

VOTE: 4-0-1(Mr. Diener abstained)

MOTION PASSED

IV. Appointments - Postponed to November

1. **Lisa Wise** - Climate Adaptation Program Manager with UNH Cooperative Extension & NH Sea Grant

Mrs. Dionne shared that this appointment was postponed to the November meeting because of potential time constraints with tonight's meeting. Lisa Wise and Amanda Stone with UNH Cooperative Extension and NH Sea Grant need about an hour to go over proposed revisions to the 2006 NH Land Conservation Plan. Mr. Diener recommended starting the meeting in November 30 minutes earlier, at 6:30, and then beginning the regular meeting at 7:30 to accommodate the requested review time. The Commission members had no objections to this time change for the November meeting.

V. New Business

1. Posting for alternates

Mrs. Dionne explained the process recently used by the Planning Board to fill two alternate positions. They advertised the openings, requested letters of interest, conducted interviews and then using a scoring matrix selected two candidates. It was very successful and she thought it might be worth trying. Mr. Diener did not think there was a downside and neither did other Commission members. There was a brief conversation about how it would be helpful to have additional alternates to fill certain roles like helping with Town Forest.

Mrs. Dionne shared a recent conversation with Ms. Renaud where she asked if any of the candidates that were not selected by the Planning Board might be interested in the joining the Commission. Mrs. Dionne will follow-up with the Town Planner see about reaching out to those candidates.

VI. Old Business

1. Update on 2019 HCC warrant articles

Mr. Diener shared that he and Mrs. Dionne presented three warrant articles last week to the Planning Board and two out of the three were moved to public hearing. The two accepted were the

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revisions of the floodplain ordinance with respect to freeboard and excluding wetlands and their buffers from the minimum lot size and lot area per dwelling unit. The third article pertained to requiring new construction or substantial improvements in the WCD to be placed on pilings. The Planning Board was not as comfortable with this one. A few members felt it was over-reaching and another wanted a better understanding of the number of properties that would be impacted. There is still time to work on this article but the feasibility of mapping the number of affected properties will need to be determined.

VII. Conservation Coordinator and Chair update

Ms. Shaw gave a quick financial update noting that changes in the account were related to interest accrued and two ARM Fund support payments to the Rockingham Country Conservation District and the Seabrook-Hamptons Estuary Alliance photo contest donation.

Mrs. Dionne reminded members that there will be a special public hearing on Nov 1st for the expenditure from the Conservation Fund to purchase two parcels in the Town Forest area. She will send out a reminder email the week of the meeting.

VIII. Adjourn

MOTION – Ms. Renaud moved to adjourn the meeting at 9:20

SECOND – Mr. Diener

VOTE 3-0-0