

**Town of Hampton  
Conservation Commission  
Final Minutes  
January 26, 2021**

**Present:**               **Jay Diener, Chair**  
                              **Deborah Wrobel, Vice Chair**  
                              **Pat Swank**  
                              **Pete Tilton**  
                              **Diane Shaw**  
                              **Sharon Raymond**  
                              **Bob Fox, Alternate**

**Others Present: Fran McMahon, Planning Board Representative**

**Call to Order:**

The meeting was called to order by Chair Diener at 6:31 PM. Chair Diener indicated Alternate Bob Fox would be active.

Chair Diener read the meeting preamble, relative to the Governor’s issuance of Emergency Order #12, authorizing Towns to meet electronically with no physical location pursuant to Executive Order #2020-04. The public notice was posted with instructions on the Town website <https://hamptonnh.gov/> for the public to access the meeting.

**Meeting Link**

Zoom

Meeting ID: 846 0036 5081

**Dial in Number Options**

+1 929 205 6099 US (New York)

If there are any problems to contact (410) 459-5175. In the event the public cannot access the meeting it will be postponed.

Chair Diener asked the members present to identify themselves by Roll Call and indicate if there was anyone in the room with them. Diane Shaw (alone), Deborah Wrobel (alone), Pat Swank (alone), Sharon Raymond (alone), Pete Tilton (alone), Bob Fox (alone) and Jay Diener (alone).

**I. Appointments**

**II. Applications**

**1. [38 Kings Highway](#)**

**Town Wetlands Permit**

Application to replace existing deck with a slightly larger full addition to a single-family home.

Chair Diener noted there was a Site Walk on Saturday.

40 Tocky Bialobrzkeski presented the plan. The existing deck will be replaced with a full one-story  
41 addition for older relatives. The net increase in impervious surface is 140 SF. The other side is  
42 Waterglades Condominium development. There is an application for Shoreland Permit by  
43 Notification. Mitigation options were discussed at the Site Walk. The existing lawn is proposed  
44 to become natural unmowed vegetation.

45  
46 Vice-Chair Wrobel asked about an infiltration trench site. Additional crushed stone will be  
47 around the area that faces the wetland shoreland.

48  
49 Mr. Tilton noted the math doesn't work for the existing lawn which is already permeable to be  
50 converted to vegetation. There needs to be more than a lawn going from a mowed lawn to an  
51 unmowed lawn. Chair Diener noted one improvement would be to prevent fertilizer and  
52 chemicals on the lawn. Mr. Tilton noted plantings come and go without the vigilance of  
53 neighbors.

54  
55 Ms. Swank noted she would like to see a barrier between the wetlands buffer and the  
56 driveway area. Chair Diener explained parking is not allowed in the buffer. Two legal spaces  
57 are shown on the plan. We don't want to wind up with parking for three cars down the side of  
58 the house. There is a need to ensure parking won't go further than it is because there is a  
59 wetland buffer there. Tocky noted the wetland was created by the Waterglades Development  
60 in the 80s. It is a man-made drainage swale with a collection of phragmites and poison ivy.

61  
62 Ms. Raymond agreed with Mr. Tilton and Ms. Swank. Multiple times the Commission has  
63 made the same requirement. Chair Diener noted the ordinance calls out no parking in the  
64 buffer.

65  
66 Ms. Boldin, the property owner, noted she has no intention of parking vehicles on the side of  
67 the house but does not want to see boulders ruining the look and would like to be able to  
68 unload belongings. Chair Diener noted there are stairs accessing the opposite side. There  
69 could be impervious pavers or ornamental fencing with a gate to the backyard. Mr. Tilton  
70 noted he would want to ensure the gate is not permanently open because that would not be a  
71 permanent barrier. Chair Diener noted the width of the gate could not be wide enough for a  
72 car to pass. Mr. Tilton agreed. Ms. Boldin noted another option is pervious portion in the  
73 buffer to remain pervious.

74  
75 Chair Diener opened the hearing to the public for comments and questions and being none  
76 closed the hearing to the public for deliberations.

77  
78 MOTION: Vice-Chair Wrobel moved to support the application for removal of the  
79 deck with a slightly larger addition to the home subject to the conditions specified  
80 by the Commission.  
81

82 Vice-Chair Wrobel noted she was ok with the State permit by notification having crushed  
83 gravel absorbing runoff from the roof that size in an otherwise gutter less home. The  
84 mitigation balances with plantings.

85  
86 Ms. Swank added with the condition of a driveway barrier.

87  
88 AMENDED

89 MOTION: Mr. Tilton amended Vice-Chair Wrobel's motion to include the  
90 condition that a permanent, non-removal fence with concrete footings, 6" off  
91 the ground and a limited opening no greater than 5' wide or less be installed  
92 behind parking space #21 as  
93 a permanent barrier to prevent cars from driving and parking in the buffer.

94  
95 Chair Diener noted the permit would be good for two years, and since the occupants would  
96 move in before then could wait to install the fence, but it must be installed within the time  
97 allotted. The driveway should be as is or with permeable pavers.

98  
99 SECOND: Ms. Swank seconded the motion.

100  
101 ROLL CALL VOTE: Wrobel – aye, Shaw – aye, with stipulations, Tilton – aye, Swank –  
102 aye, Fox – aye, Raymond – nay and Diener – abstain. The motion passed 5-1-1.

103  
104 Chair Diener noted a letter would be send to the Planning Board with the Commission's  
105 recommendations and stipulations.

106  
107 **2. [10-14 Sapphire Avenue](#) After-the-Fact Amended Town Wetlands Permit**  
108 Application to replace rip-rap bank stabilization with coir logs as previously proposed and  
109 approved.

110  
111 Paige Libbey from Jones & Beach presented the application for an after-the-face amended town  
112 wetlands permit. Ms. Libbey noted Mr. Coronati had appeared last month. The application is to  
113 remove rip rap when coir logs were permitted. Ms. Libbey explained the construction sequence  
114 with construction stabilized daily in sections. No area will be left unstable. There is an  
115 application to DES for after-the-fact Wetland Permit as well. The work will be done from  
116 upland with 10' sections of coir logs. The rip rap will be removed at low tide.

117 Mr. Tilton asked to explain what a coir log is and Ms. Libbey explained it is a coconut fiber log.

118 Vice-Chair Wrobel asked if all the rip rap was being removed and Ms. Libbey noted it was all  
119 coming out yes, Eben Lewis at DES wants construction according to the original approved plan,  
120 not rip rap so they are returning to the plan previously approved.

121 Ms. Shaw asked the life of the logs and Ms. Libbey noted the fibrous material allows roots to  
122 grow into the soil and is not meant to be permanent but to allow vegetation to grown on the  
123 slope.

124 Mr. Fox clarified that the material will be removed from the bank and work will not be done  
125 from within the stream bed.

126 Mr. McMahon asked if there would be any impact upstream or downstream.

127 Mr. Enwright noted there was a DPW study on Gentian and Ashworth. Chair Diener noted he  
128 did not know anything about the DPW looking at the Eel Creek portion of the Meadow Pond and  
129 the Commission does not have the ability to do that study.

130 Mr. Enwright noted It was permitted years ago and not installed based on what was permitted so  
131 they are removing the violation and putting back the way approved.

132 Chair Diener noted the Planning Board would address that. Mr. Enwright noted a study was  
133 done in 2001 with NRCS on Meadow Pond and would send it to Mr. Bachand the Town Planner  
134 at 100 Winnacunnet Road.

135 Chair Diener opened the hearing to the public for questions and comments at 7:25 PM and being  
136 none closed the hearing to the public for deliberations.

137 Chair Diener asked what would be planted on the coir logs and Ms. Libbey noted probably a  
138 conservation seed mix and will submit a planting plan to the Commission.

139 Chair Diener asked about the 5' no-mow area at the top of the bank and Ms. Libbey noted it  
140 would probably be seeded with the same mix. Chair Diener requested that the planting plan be  
141 sent to the Commission before starting.

142 Mr. McMahon departed the meeting at 7:30 PM.

143 MOTION: Mr. Tilton motioned to recommend the after-the-fact Town Wetlands permit be  
144 granted.

145

146 SECOND: Chair Wrobel seconded the motion.

147 ROLL CALL VOTE: Wrobel – aye, Shaw – aye, Tilton – aye, Swank – aye, Fox – aye,  
148 Raymond – aye and Diener – abstain.

149 CONDITIONS:

150 Vice-Chair Wrobel read out loud the standard conditions:

151 The application of fertilizer, pesticides, insecticides or herbicides is prohibited in any tidal or  
152 inland wetland, area of poorly and very poorly drained soils, vernal pools, or their buffers.  
153 However, the application of limestone is permitted within the buffer.

154 No storage of grass clippings or yard waste in the wetland or its buffer.

155 Removal of dead, diseased or unsafe trees is permitted. The stumps and root systems shall be  
156 left intact in ground.

157 All proposed plantings shall have at least 75% success after two (2) growing seasons. Any  
158 plants that do not survive shall be replanted or replaced with another suitable plant species.

159 Proper erosion control will be in place before construction begins and remain in place until the  
160 area is stabilized and removed after construction is complete.

161 The buffer should remain undisturbed to the degree possible in the process of construction and  
162 elevations not be changed. No additional fill is allowed.

163 There shall be no additional structures or impervious surfaces in the buffer, other than those  
164 shown on the approved plan. A new Wetlands Permit is required for the construction of any  
165 additional structure(s) or impervious surface(s) in the buffer.

166 The Conservation Commission shall be notified in writing upon commencement and completion  
167 of the project. A final inspection shall also be scheduled with the Conservation Coordinator  
168 upon completion of the project.

169 If the project requires an occupancy permit, the Conservation Coordinator shall not sign the  
170 permit until all of the Wetland Permit conditions have been met. The Conservation Coordinator  
171 shall be given a minimum of 72-hour notice to allow for file review.

172 An As-Built Plan including grades/elevations shall be submitted following project completion and  
173 then a final inspection shall be scheduled with the Conservation Coordinator.

174 This permit will expire two years from the date that it is granted by the Planning Board. Refer to  
175 Hampton Zoning Ordinance Section 2.3.5 or information or permit extensions.

176 VOTE: THE MOTION PASSED 7-0-1.

177 Chair Diener indicated that a letter would be provided to the applicant and the Planning Board.

178 **III. Review Minutes**

179 November 24, 2020

180 MOTION: Ms. Swank motioned to approve the November 24, 2020 minutes with the edits  
181 provided.

182

183 SECOND: Vice-Chair Wrobel seconded the motion.

184 ROLL CALL VOTE: Wrobel – aye, Shaw – aye, Tilton – aye, Swank – aye, Fox – aye,  
185 Raymond – aye and Diener – abstain.

186 VOTE: THE MOTION PASSED: 7-0-0.

187 December 22, 2020

188 MOTION: Ms. Swank motioned to approve the December 22, 2020 minutes with the edits  
189 provided.

190

191 SECOND: Mr. Tilton seconded the motion.

192 ROLL CALL VOTE: Wrobel – aye, Shaw – aye, Tilton – aye, Swank – aye, Fox – abstain,  
193 Raymond – abstain and Diener – abstain.

194 VOTE: THE MOTION PASSED 4-0-3.

195 January 14, 2021 (Special Session)

196 MOTION: Vice-Chair Wrobel motioned to approve the January 14, 2021 Special Session  
197 minutes with the edits provided.

198

199 SECOND: Mr. Tilton seconded the motion.

200 ROLL CALL VOTE: Wrobel – aye, Shaw – aye, Tilton – aye, Swank – aye, Fox – aye,  
201 Raymond – aye and Diener – abstain.

202 VOTE: THE MOTION PASSED 6-0-1.

203 **IV. New Business**

204 1. RSA 41:14-a Proceeding – 4 14<sup>th</sup> Street

205 Release of Deed Restriction

206 To allow for a minimum of a 4’ setback on the western boundary of the property to bring  
207 existing structure and future construction into compliance

208

209 Chair Diener noted there are no wetland or buffer impacts, no increase in impervious surface  
210 beyond limits.

211

212 MOTION: Vice-Chair Wrobel motioned to not object to the 41-14-a Proceeding for 4 14<sup>th</sup>  
213 Street.

214

215 SECOND: Mr. Tilton seconded the motion.

216

217 ROLL CALL VOTE: Wrobel – aye, Shaw – aye, Tilton – aye, Swank – aye, Fox – aye,  
218 Raymond – aye and Diener – abstain.

219

220 VOTE: THE MOTION PASSED 7-0-1.

221

222 **V. Old Business**

223 1. Update Conservation Coordinator position

224 Chair Diener indicated the Commission reached out to a lot of contacts and received one resume  
225 this past week from someone with a good amount of experience.

226 2. Town Forest Meeting

227 Chair Diener reported that Mr. Tilton mapped a mile and 2/10ths of trail from White's Lane to  
228 Jonty's Lane all on Town land with no private property impact and thanked Mr. Tilton for his  
229 hard work. It is a decent trail. Next will be to mark the trail.

230 Mr. Fox looked into some disks with arrows in different colors that are nailed to trees. Chair  
231 Diener noted other Towns are using blazes and they are not being defaced and are reasonably  
232 high up and can blaze any tree diameter which could be a challenge with a disk.

233 Mr. Fox noted the metallic disks cause minimum damage to the tree versus blazing which  
234 damages the bark and first layer which becomes an entry point for disease. When trees are  
235 harvested the metallic nail can cause havoc, so there are fiberglass fasteners and won't hurt a saw  
236 blade. The thin metallic disk can bend around a tree and be seen at night. They are \$1.70 each  
237 versus plastic which is \$30 each.

238 Mr. Tilton noted if disks are available in different colors we could color code the trails and use  
239 the fiberglass fastener without condoning all the panting going on out there. Mr. Fox noted they  
240 come in blue, red, orange and yellow. Chair Diener noted they are not fancy enough to steal.

241 Mr. Tilton asked if they would be fastened securely enough so the arrows can't be spun around  
242 and Mr. Fox noted they use two edge holes.

243 Mr. Fox noted the school district may have an educational program for metal stamping or a  
244 possible Eagle Scout project. Mr. Fox will approach the troop Thursday night and the Tech  
245 School.

246 The Commission were all in favor of establishing and marking the trail inexpensively.

247 **VI. Conservation Coordinator and Chair update**

248 Vice-Chair Wrobel indicated she had no updates.

249 **VII. Adjourn.**

250 MOTION: Ms. Swank motioned to adjourn the meeting at 7:45 PM.

251 SECOND: Vice-Chair Wrobel

252 VOTE: The motion passed unanimously.

253 Respectfully submitted,

254

255

256

257 Nancy Hoijer

258 Recording Secretary