

Hampton Conservation Commission
Final Meeting Minutes
Tuesday, February 22, 2022

Present:

Deborah Wrobel, Chair
Jay Diener, Vice-Chair
Pat Swank, Clerk
Pete Tilton
Robert Fox
Sharon Raymond
Alex Loiseau, Planning Board Representative

Staff Present:

Brianna O'Brien, Conservation Coordinator

I. Call to Order: 7:00 pm

II. Approval of Minutes

Ms. Swank MOTIONED to accept the January 25th minutes with corrections. SECONDED by Mr. Diener. Vote: 6-0-0.

Mr. Tilton MOTIONED to accept the February 2nd minutes with corrections. SECONDED by Ms. Swank. Vote: 5-0-1. Ms. Raymond Abstained.

III. Applications 7:02 PM

1. 132 Kings Hwy (21-043) [Town Wetlands Permit](#) Applicant: Gary & Gail

MacGuire.

Agent: Doug MacGuire, PE, The Dubai Group

Property Owner: Gary & Gail MacGuire

Mr. D. MacGuire gave an overview of the proposed project. The property owners intended to add an addition to their existing duplex. The project expanded and enclosed an existing deck and added a smaller deck. Variances were already received from the Zoning Board of Adjustment. Two site walks were completed. One site walk was done when the application was submitted and the other was done last month as a follow-up. This project would increase impervious surfaces within the wetland buffer. The property owners and agents felt they have made sufficient improvements.

Mr. D. MacGuire referred to proposed improvements in the Drainage Improvement Plan. (Pg. 2 of the document provided).

- Nothing was proposed regarding the existing sheds.
- Proposed infiltration trench system under the deck space.
- Crushed stone reservoirs were proposed under the deck area.
- A gutter system was proposed. The gutter system would be directed into rain barrels to be used for irrigation. In the event of overflow, it would be directed into the stone reservoir.
- This proposal offers a 46% reduction in the impervious area within the buffer when compared with the previous proposal.

Ms. Wrobel clarified that the net increase in the impervious area is due to enclosing the deck and adding the new deck space. Mr. D. MacGuire stated that the owner's goal is to create an additional bedroom. The proposed decks are 218 SqFt, while the existing decks are 162 sq ft. A total of 158 additional square feet.

Ms. Raymond asked for soil information. She noted that there are flooding and standing water table issues in this location. Mr. D. MacGuire stated that he did not have any soil information due to the frozen ground. He noted that if it is needed, the owners can accommodate that as soon as possible. He noted that the infiltration system proposed would only be 12 inches into the ground.

Ms. Raymond stated that she does not feel she has seen enough mitigation to make this something she can support. Mr. D. MacGuire stated that he felt the proposal was a significant improvement. He noted that the sheds would act as a natural buffer. Ms. Raymond disagrees and noted a natural vegetative barrier as a better option. Mr. Tilton added that a pile of yard waste was seen behind the sheds during a site walk. Discussion about flooding issues continues.

Mr. Fox inquired about the date the house was originally built and if the wetlands buffer existed at that time. It was confirmed that the house was built in 1964 and the buffer did not exist. Mr. Fox stated that he agreed with his fellow commission members. Discussion about the effectiveness of the proposed trench system continues.

Ms. Wrobel asked about the depth of the seasonal high water table. Mr. D. MacGuire estimated 24 inches based on SCS soil mapping and topography. He also noted that it is 650 ft away from Meadow Pond.

Ms. Wrobel voiced concern about the proposed infiltration system needing to be inspected twice per year and the cleanliness of the runoff. Ms. Swank voiced concern about what will happen with this system if the owners ever sell and echoed Ms. Wrobel's concerns about inspections. Mr. Diener voiced concerns about whether this system would be adequate. He did not feel that this would achieve the objective of reducing or redirecting roof runoff.

Ms. O'Brien asked for clarification on the square footage of the additional space that would be added for the enclosed decks. Mr. D. MacGuire stated that the additional space would be 5 ft from the existing deck, not inclusive of the stairs. Ms. O'Brien did not believe adding the deck made sense.

Mr. D. MacGuire noted that the owners were willing to make concessions and work with the commission. He asked for input on what the commission would support. Ms. Raymond said her approval would require the removal of at least one of the sheds, removal of the decks, and removal of any additional pavers. The commission continued to discuss what would be appropriate for approval.

Public Comment opened.

Gail MacGuire, 132 Kings HWY, stated that they were looking at taking down one of the sheds. Ms. MacGuire explained that she has been in communication with the neighbors and they are very supportive. She also noted that the yard waste was leaves from the trees, and they did not previously realize they could not put them there, but they would not do that in the future. Mr. Diener said that he is not concerned about the neighbors complaining, it was about being consistent in judging these things. Ms. O'Brien echoed Mr. Diener.

Mark Kokoszyna, 180 North Shore Road, asked the commission about consistency in non-conforming

laws. Mr. Diener stated that it can be difficult, but they do their best to apply the best standards. Mr. Kokoszyna continued to ask about regulations and Mr. Diener stated that the public comment needed to stay relevant to the application. Ms. Wrobel advised that general questions could be asked later.

Public comment closed.

Ms. Raymond noted that the Conservation Commission would need to see the final plan. Mr. Diener noted that the commission can ask them to redo the plan and submit it to Brianna for approval. Mr. D. MacGuire stated that eliminating one shed, both of the proposed decks, and eliminating the paver area would result in a net-zero.

Ms. Swank asked if they should include plantings. The committee discussed plantings. The commission requested that Mr. D. MacGuire also include a planting plan along the wetland edge in the submission to Ms. O'Brien.

Mr. Diener MOTIONED to recommend approval of the wetland permit with stipulations. SECONDED by Ms. Swank. Vote: Unanimous.

Stipulations:

- The two proposed rear decks be removed from the plan
- The northern shed closest to the wetland edge be removed from the property
- The infiltration system be removed from the plan
- A Planting Plan to define the edge between the wetlands and the buffer be put together for approval by the Conservation Commission.
- These changes are to be noted on the current plan, which also should be signed and dated by the Conservation Commission Chair.
- The updated plan needs to be submitted to both the planning board and Ms. O'Brien prior to the Planning Board meeting.

2. 192 North Shore Rd Town Wetlands Permit Applicant: Lisa Shea (7:58 PM)

Agent: **Henry Boyd - Millennium Engineering**

Property Owner: Lisa and Brian Shea

Mr. Boyd gave an overview of the project. Mr. Boyd explained that the proposed plans had been revised out of regard for the abutter, Mark. Mark was concerned about the potential negative effects this project could have on him. The proposed project moved the structure substantially out of the buffer zone. The closest point being 27 ft. in the buffer. Mr. Boyd noted that the newly proposed plan had more temporary impact than the previous one. Infiltration trenches were added to the proposal. Mr. Boyd noted a 4/10 percent increase in sealed surface area, with 97% sealed surface decreases inside the buffer.

Sergio Bonilla presented the planting plan. He noted Grey Dogwood and surface barrier. The goal was to attract birds that could naturally be encountered in the wetlands and forests. Mowing in the area would be discontinued. About 14 shrubs were proposed along a 14-foot wide area that will halt the advancement of the multiflora rose in the area. A few nest boxes would be added to complement the food chain.

Mr. Diener asked about the placement of the stone infiltration trenches. Mr. Boyd stated that they will be placed anywhere around the house where there is a drip edge.

Mr. Diener asked how the elevation from the yard to the road would change. Mr. Boyd stated that there is currently a 4.5% pitch from the yard to the street. The pavers in the plan would work at that level. The goal is to tie into the natural grade as quickly as possible.

Mr. Diener asked about a variance from the Zoning Board regarding working within a 12ft setback. Mr. Boyd explained that the variance will cover anything between the 50ft buffer and 12ft set back.

Ms. Swank stated that she is happy with the proposed planting and pervious pavement. She noted concern regarding the maintenance of the pavers when ownership of the property changes. Mr. Boyd mentioned a grout that is low maintenance and pervious. He will get the commission information on this.

Ms. Raymond noted that the extra work is positive.

Public comment opens.

Mark Kokoszyna of 188 North Shore Road. Mr. Kokoszyna stated that he is the abutter on the west side of this property. Mr. Kokoszyna voiced concern that this project could inflame the flooding issues already affecting his property. Mr. Kokoszyna asked if the structure on the proposal could be moved back to allow for the grade to be relaxed so that his property would be more protected from storm run-off. Mr. Kokoszyna gave Ms. O'Brien a copy of a drawing of the area.

Mr. Boyd stated that he is aware of the flooding issues in the area and noted an area to the West of the property that the town would need to take drainage easements and place a catch basin to alleviate the situation.

Public comment closed.

Mr. Tilton MOTIONED to recommend the Wetlands Permit for the 192 North Shore Road project as presented. SECONDED by Ms. Raymond. Vote: Unanimous.

Mr. Tilton asked that a note be sent to Public Works to share flooding concerns presented.

3. 968 Ocean Blvd [Town Wetlands Permit](#) Applicant: Gegalis, Joan M.
Revocable Trust
Agent: **Mark West**, West Environmental, Inc
Property Owner: Gegalis, Joan M. Revocable Trust

Mr. West gave an overview of the project. The project proposed is a repair to an existing seawall that had some voids. The project also proposed the addition of stairs built into the seawall. Mr. West pointed out the access point and the right of way in a photo provided.

Mr. Tilton MOTIONED to recommend approval of the Town Wetland Permit for 968 Ocean Blvd. SECONDED by Ms. Raymond. Vote: Unanimous.

4. 1074 Ocean Blvd Town Wetland Permit and NHDES Standard Dredge & Fill

Applicant: Tanya Hovnanian Baghdassarian

Agent: **Mark** West

Property Owner: Tanya Hovnanian Baghdassarian

Mr. West gave an overview of the proposed project. Mr. West explained that they are looking for DES and Town Wetlands Permits. Mr. West stated that they reduced the impact of the project significantly from where it started. Mr. West handed out a map with details of what will happen within the 100 ft buffer zone. The project had been reduced from minor impact to minimum impact. The project totals 1362 sq ft, with 1129 sq ft being a temporary impact. This proposal included the repair of a stone seawall in front of a concrete seawall and the addition of concrete stairs. All work proposed is within the current footprint. The impervious impact is the stairs, and they plan to mitigate this impact by replacing the pathway down to the seawall with pervious material. There will be 233 sq ft of permanent new impact, this included a patio and posts for a fence. The plan included plantings of native Red Cedar on both sides of the property, which were not considered an impact. Within the buffer there is no permanent impact. Mr. West noted an extensive planting plan outside of the buffer. There will be a 38.8% reduction in imperviousness on the site.

Ms. Wrobel asked for clarification on reduced impact and its effect on state permits. Mr. West said that the project is now a minimum impact project.

Mr. Diener asked about a former impervious patio shown on the plan between the 50 and 100 foot lines. Mr. West stated that the patio is being changed to a pervious structure. Ms. Swank asked what type of material will be used for the pervious structures. Mr. West stated that a material called Techo Bloc will be used for the pervious pavers. He noted that there are details about this material in the plans provided. Ms. Swank inquired about required maintenance and if the sand could interfere with the material. Mr. West noted that there are instructions on how to clean the material annually and stated that sand will not inhibit it.

Ms. Swank MOTIONED to recommend approval of the Town Wetland Permit for the plan as presented 2/22/22. SECONDED by Mr. Tilton. Vote: Unanimous.

Mr. Tilton MOTIONED to support the NHDES Standard Dredge and Fill as amended to expedite. SECONDED by Ms. Raymond. Vote: Unanimous.

IV. Appointments

1. Brendan Quigley, Wetland Scientist/GIS Specialist, Gove Environmental Services;
Liberty Lane Redevelopment Project

Ted Morris: Attorney

Mr. Morris stated that the appointment was intended to establish communication and get the commission's thoughts after the site-walk. Mr. Morris noted that they would like to talk about mitigation proposals based on what is presented.

Mr. Quigley gave an overview of the intended project. The site is located on the eastern half of Liberty Lane. (1 Liberty Lane East). Currently, there is an old brick building on the site and numerous roads and wetlands. The intended redevelopment would be for a large building for use as a life sciences facility or warehousing. This project would include multiple large parking lots, with their location to be determined.

The estimated impact would be about 2.6 acres depending on the parking lots. There may be additional impacts, but Mr. Quigley states that the intent would be to keep the impact under 3 acres.

Ms. Raymond asked for Mr. Quigley and Mr. Morris to define 'impacts'. Specifically, if they are referring to impacts to the wetlands, buffer, or otherwise. Mr. Quigley stated that he was referring to the wetlands.

Mr. Diener stated that he does not feel comfortable getting specific about potential mitigation amounts until there is more information regarding impacts. Mr. Diener noted that he would expect a project like this may include offsite wetland remediation or restoration as mitigation. Mr. Diener also stated that a project of this size could include a donation of land to the town as mitigation for the onsite impacts.

Ms. Swank asked if there is a way to provide an easement so that the public would be able to access parts of the Liberty Lane area.

Mr. Tilton added that he is concerned about impacts on surface water and treatment. He noted hot parking lot runoff. He stated that mitigation is hard to identify until it is clear how the town's people will be affected.

Ms. Raymond voiced her agreement with Mr. Diener. She felt they cannot get specific until there is an actual plan, although it was clear they would need mitigation.

Ms. Wrobel stated that she agrees with Mr. Tilton's concern and she would like to see some strong plans for addressing storm water. She noted a possible donation of land that could be held under the Conservation Commission.

Ms. O'Brien stated that she is optimistic to see the design. She noted that she would look forward to hearing more about LEED certifications or other green building options.

Mr. Quigley clarified that they are not required to pay into the Aquatic Resource Mitigation (ARM) fund and they would rather not. He goes on to state that they would rather do a preservation or restoration project that the Commission would like to accomplish. Ms. Wrobel advised them to consider this the Commission's first exposure to this project. Ms. Raymond asked if there may be a better, more interim step between now and when they submit the final project so that the Commission could review the plans so they could give more informed direction and better understand the scale of the project. Ms. Wrobel noted that the Commission appreciated them reaching out early.

Ms. O'Brien asked what else they are looking for from the commission for the pre-application meeting with NHDES. Mr. Quigley noted that at the meeting they will be asked about mitigation with the town. He stated that it would be helpful if they could present that they have already begun to look into this. The pre-application meeting is set for March 10th. The commission continued to discuss the pre-application meeting.

Ms. Raymond stated that she does not feel comfortable saying the commission understands the impacts. Mr. Tilton suggested they send out a list of things we would like to accomplish so that they have an idea of what they are looking at? Ms. O'Brien stated that she has a list of shovel ready projects. Ms. Raymond reiterated that she still does not feel comfortable with that suggestion. The commission continued to discuss options.

Mr. Diener asked Mr. Morris and Mr. Quigley if they can state that there are a number of options for projects they can do for mitigation. Ms. Wrobel stated that she does not want to give any projects by name, but they can give an idea of the projects available. She added that if the state needs more they can say the commission does have projects.

Mr. Tilton noted that the state would likely prefer to have money go to the ARM fund. Ms. O'Brien shared that concern. Mr. Diener stated that the state has their shovel ready list.

Ms. O'Brien said she would be at the pre-application meeting. The Commission agreed that the applicant could say that they have met with the Commission and started a discussion about mitigation, that the Commission looks forward to continuing to work on this with them, and that the Commission has some "shovel-ready" projects, previously submitted to NHDES, that may be considered as mitigation for this project, depending on the nature and extent of the final wetlands and buffer impacts.

V. New Business 9:23 PM

1. CHAT Update

Mr. Loiseau leaves.

Ms. O'Brien gave an update.

- Ways to fund coastal resilience projects were discussed. Discussion will continue.

2. Finances

Ms. Swank gave an update.

- 4th quarter and year end reports were distributed.
- Q1 - 20,000

VI. Old Business 9:27

1. Barkley Property

Mr. Diener gave an update.

- Applied to a grant from Kennebunk bank - \$10,000. The board of directors came back with \$15,000
- 6 grants have been applied to, 4 yes, 1 no, 1 waiting
- Successful site-walk recently. Another site-walk is planned the Sunday before the election, March 6th.

Ms. Wrobel: We will do some social media to say how much we raised?

The commission previously decided that this would be confusing to the public.

Mr. Diener noted that 'In The Know Hampton' posted the warrant article for the Barkley property on their Facebook page.

2. Standard Stipulations

Postponed until the next meeting.

VII. Conservation Coordinator and Chair Update

1. Spring Newsletter

Ms. O'Brien gave an update.

- Some materials have been gathered.
- Send anything specific you would like to see featured in the news letter to Ms. O'Brien and it can be reviewed at the next meeting.

2. Conservation Award

Ms. O'Brien gave an update.

- There has been no interest.
- Ideas from the committee are welcomed.

Mr. Diener asked if it had been publicized. Ms. O'Brien confirmed that it has been on social media and channel 22. Mr. Diener suggested a news article and distributed information to the schools.

3. Composting at the transfer station

Ms. O'Brien gave an update.

- There is composting available at the transfer station for residents.
- Buckets can be dropped off at no charge.

4. Other Updates

Ms. O'Brien Gave an update.

- The Conservation Commission is actively hiring interns for summer monitoring positions.
- A UNH class sent a letter regarding their interest in placing sensors in Hampton to monitor flooding. They will be looking for the Board of Selectmen's approval to place the sensors on public property. There would be 4 sensors and a weather station.

Ms. Raymond asked if the sensors will be tidal or non-tidal. Ms. O'Brien read from the letter and the commission agreed that it sounds like tidal. Ms. Wrobel expressed her support for this project. Ms. Swank agreed. Mr. Fox noted that tidal sensors may already exist in the marsh.

Mr. Tilton emphasized that the summer intern should understand that they are looking for violations, not to advise the commission on how to operate. Mr. Diener stated that the students should understand it is a monitoring position, and not a policy review. Mr. O'Brien noted that the listing clearly stated the position is about monitoring the land.

VIII. Alternate to join the commission

Mark Hillar attended the meeting as a candidate for the alternate position.

Mr. Hillar stated that he is a 4 year resident of Hampton, recent retiree from the Department of Health Management and Policy at UNH. He is very active in community activities. He has served on multiple boards of health. Since retiring he has done a lot of work with the state on developing programs or policy for scarce resources in regard to Covid.

Ms. Wrobel asks for a note to be sent to her or Ms. O'Brien for the commission to review.

IX. Adjourn 9:42 PM

Mr. Diener MOTIONED to adjourn the meeting. SECONDED by Mr Tilton. Vote: Unanimous.