

**Hampton Conservation Commission
Meeting Minutes
Tuesday, February 28th, 2023**

Present:

Deborah Wrobel, Chair
Jay Diener, Vice-Chair
Pat Swank, Clerk
Robert Fox (arrived 7:03pm)
Pete Tilton
Casey Whalen
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 7:01 PM**
 - A. January 24, 2023**

Ms. Swank MOTIONED to approve the January minutes with edits. SECONDED by Mr. Diener. Vote: 4-0-2. Yes: Ms. Wrobel, Mr. Diener, Mr. Tilton, Ms. Swank. Abstained: Ms. Raymond, Mr. Whalen.

III. Applications: 7:02 PM

A. 30-32 Island Path (23-006): Town Wetlands Permit.

Applicant: Billy Foster

Property Owner: Collegian Beach, LLC

- Mr. Foster presented this application.
 - The applicant proposes to replace a 6'x8' deck and stairs with a new deck and stairs in kind.
 - The old deck was destroyed in the December 2022 storm.
 - The distance from the buffer was not determined by a wetland scientist, but was concurred by Ms. O'Brien.
 - The elevation of the deck will be about 3 steps (or 28 inches) off of the ground.
 - The footings on the structure will be below grade.
 - There will be no landing at the bottom of the stairs and nothing will be stored on it.
 - There are currently 2 insulating blankets under the back door as a temporary protective measure against freezing.

No public comments. Public comment closed at 7:07 PM.

Mr. Tilton MOTIONED to approve the Town Wetlands Permit for 30-32 Island Path. SECONDED by Ms. Raymond.

B. 45 Dumas Ave: NHDES Minimum Expedited

Applicant: Corey Garabedian

Agent: Luke Hurley

Property Owner: 45 Dumas Avenue, LLC % Corey Garabedian.

- Mr. Hurley from BSC Group presented this application.
 - The applicant proposes to raze the existing single-family home and rebuild.
 - There will be a net decrease of 178 square feet of impervious area within the 100 ft previously disturbed tidal buffer.
 - There will be 60 square feet of new disturbance within the 100 ft previously disturbed tidal buffer for the addition of a pool and patio.
 - The applicant proposed to remove a portion of an existing concrete swale and replace it with grass.
- Ms. Swank asked about the potential negative effects of the pool needing to be drained.
 - Mr. Hurley stated that it is unlikely that the pool would be drained into the surrounding area and would more likely be pumped and cause no disturbance.
- Mr. Tilton asked about the vegetation between the top of the bluff and the house.
 - Mr. Hurley confirmed that it will be lawn. There will be no dune grass.
- Mr. Diener asked where the mechanics for the pool would be located.
 - Mr. Hurley stated that they will likely be in the garage. They will definitely be outside of the 100 foot buffer.
- Mr. Whalen asked about flooding around the pool.
 - Mr. Hurley stated that flooding will not be an issue due to elevations.
- Ms. O'Brien asked why the pool isn't pulled back closer to the road.
 - Mr. Hurley did not know why.
- Ms. O'Brien asked about the property line and the proposed pervious parking area.
 - Mr. Hurley will double check.

No public comments. Public comment closed at 7:28 PM.

Mr. Tilton MOTIONED for Ms. Wrobel to sign the NHDES Minimum Expedited permit. SECONDED by Ms. Raymond. Vote: Unanimous.

C. 47 Highland Ave: NHDES Standard Dredge and Fill

Applicant: James Hogan

Agent: Mark West, West Environmental

Property Owner: James and Laurie Hogan

- Mr. West presented this application.
 - The applicant proposes to raze the existing home and build a new house mostly within the previous footprint.
 - The applicant obtained a demolition permit from the Hampton Building Department and was not alerted to the small area of salt marsh 92 feet from the property.
 - The home was demolished and when the construction was proposed to start, the owner was notified of the 100-ft tidal buffer issue.
 - The project proposes a total of 613 square feet of impact, of which 308 square feet are permanent and 3-5 square feet are temporary.
 - The impervious surface on the lot will be reduced by 2%.
- Mr. Hogan spoke about the application and the history of the house.
 - The house has been in his family since 1946.
 - After consulting with experts, they determined that the best option would be to rebuild.
 - In 2010 a determination stated that the property was not on wetlands.
 - The building inspector originally said that there were no issues.
 - Noted that he wants to construct a nice house that his family can enjoy.
- Ms. O'Brien
 - Confirmed that everything Mr. Hogan shared was accurate.
 - She noted that the wetland was discovered after the permit was signed and after they applied for a building permit.
 - The issue came up within the last year when someone in the area hired a wetland scientist to do a delineation.
- Mr. Whalen
 - Asked for the footprint of the previous building.
 - Mr. West referenced the existing conditions plan.
 - Noted that it would be ideal if the entire driveway could be made impervious.
- Mr. Diener
 - Asked about the two letters for NHDES regarding the abutters.
 - Mr. West noted that the letters were signed by the abutters.
- Ms. Swank
 - Asked if there would be any AC pads.
 - Mr. West stated that there will be AC, but it will be mounted high. There will be no concrete.
- Ms. O'Brien
 - Asked for confirmation of no garage and a one lane parking driveway.
 - Mr. West confirmed both.

No public comment. Public comment closed at 7:44 PM.

Ms. Swank MOTIONED to not oppose the NHDES Standard Dredge and Fill. SECONDED by Mr. Diener. Vote: Unanimous.

IV. Appointments New Business

A. Porta-Potty at the Victory Garden Presented by Ms. O'Brien.

The Parks and Recreation Department uses a company out of Maine for Porta-Pottys. The service costs \$150 per month with no delivery or service fees. They come once per week to service the facilities.

Ms. O'Brien proposed contracting this service to address the concern many gardeners have raised about there being no bathroom at the Victory Garden. This could be used from May to August for \$750.

- Mr. Tilton suggested that the Porta-Potty could also be useful to trail walkers.
- Ms. Wrobel noted that they had some excess funds that they wanted to put towards improving the Victory Garden and this could be a good use.
- The commission discussed accessibility, ADA, and people with disabilities. Ms. Wrobel will look into the legal requirements regarding accessibility.
- The commission discussed building a public restroom, and concluded that it would be far more costly and would likely trigger ADA requirements.

Mr. Tilton MOTIONED to contract a Porta-Potty for the Victory Garden for a maximum of 5 months for a total of \$750. SECONDED by Mr. Diener. Vote: Unanimous.

V. Old Business

A. I-95 Northbound Liquor Store Wetland Delineation

- The attorney for the Liquor Commission joined the meeting via phone call.
- Ms. Wrobel presented on this topic.
 - A wetland scientist from the Rockingham County Conservation District was hired by the Conservation Commission.
 - After a walkthrough of the full wetland boundary and testing of the soils it was concluded that there were no errors in the updated delineation that the Liquor Commission submitted to the state.
 - There was no change in the prime wetland designations, and the maps have been updated to reflect that.

Ms. Raymond MOTIONED to send a letter to the state accepting the updated prime wetland delineations. SECONDED by Mr. Diener. Vote: Unanimous.

B. Re-Organized Finances

- This topic will be deferred to April.

C. Usual Stipulation List Finalized

- Ms. O'Brien Presented on this topic.

- A draft of the updates to the stipulations has been emailed to the commission members.
- After the town vote in March there will be more updates to some sections based on changes in ordinances.
- Mr. Tilton
 - Suggested that a sign company along Route 16 near Dover could make wetland edge markers. Ms. O'Brien will investigate.

D. Review Updated Wetland Permit Application

- Ms. O'Brien presented on this topic.
 - This update is just to the format.
- The commission discussed adjusting the application to reference temporary impacts from parking. Ms. O'Brien will include the word "Parking" in the portion of the application that describes temporary impacts.
- Mr. Diener
 - Noted that on page 3, under "Location or Proposed Work", "Aquifer Protection District" may need to change if the zoning changes.
 - Noted that on Page 8, "Guidelines for Fences" may need to change if zoning changes.
- Ms. O'Brien will bring an updated draft back to the commission after the vote in March.
- Ms. O'Brien will gather more information on where these guidelines came from and who adopted them.
- The commission discussed standard intervals of time for updating the guidelines. They agreed on it at least once every 5 years.
- Any further comments can be sent to Ms. O'Brien.

E. Review Updated Impervious Coverage Form

- Comments and concerns from previous applicants contribute to this item. They have voiced concern that the form is confusing.
- Ms. O'Brien proposed adjusting the form to mimic the state's application.
- Ms. O'Brien will check with the planning board to see if they would like to take a vote on changing this form.

F. Review Pervious Hardscape Materials

- Ms. O'Brien would like to establish a system that is clear for the applicants. She proposed offering supplemental materials regarding maintenance guidance to applicants with porous pavements or pervious hardscapes in their projects.
- The commission agreed that this is a good idea.

VI. Conservation Coordinator and Chair Update

A. Chair Update

- Ms. Wrobel stated that all of the "No Trespassing" signs have been removed from the Barclay property and have been replaced with "No Hunting" signs in accordance with state regulations.

B. HB 592 Update presented by Mr. Diener

- This bill would allow people to add up to 3,000 square feet of impervious surface in wetland buffers without a wetland buffer permit from the town.
- HB 592 has been deemed “Inexpedient To Legislate” by the committee in Concord, which usually means that it will be defeated in a floor vote in the Legislature.

C. HB 2 and HB 655 presented by Mr. Diener

- HB 2 is the state budget and HB 655 is a proposal to eliminate state licensing requirements for professionals including Wetland and Soil Scientists.
- Mr. Diener voiced concern that nothing would assure that professionals in these fields would have an understanding of state rules and laws if the licensing/certification requirement is removed.
- The New Hampshire Association of Conservation Commissions opposes HB 655.
- The commission discussed federal level accreditation and testing and the similarities and differences across different states.

Mr. Whalen MOTIONED to send a letter of opposition to HB 655 and the licensing portion of HB 2 with an emphasis on the concern that it would eliminate the standard that we currently rely on for soil and wetland scientist qualifications. SECONDED by Mr. Tilton. Vote: Unanimous.

D. NRI Update

- Ms. O’Brien stated that Rye updated their NRI in 2021 for \$17,000.
- Amanda Stone previously estimated that it would cost the town of Hampton between \$10,000 - \$15,000. This was before the Master Plan process was completed.
- Conservation Commission members agree that with the completion of the Master Plan process, updating the NRI will likely be less costly.
- The PREPA grant information has not been released yet. When it becomes available Ms. O’Brien will review it with a sub-committee. They will review it through the lens of the updated Master Plan.

E. Conservation Coordinator Updates

- The summer internship was posted 2 days prior and there were already 2 applicants.
 - The pay for the intern will increase from \$12 to \$15 if the town budget passes.
- The rain barrel auction will be on May 20th. This is the same day at the Coastal Resilience Fair at Centre School.
 - The commission will prime the rain barrels on March 11th.
 - Ms. Wrobel asked that anyone who has laundry detergent bottles donate them to be painted and used as watering cans.
- If anyone has anything to be included in the April Newsletter, send it to Ms. O’Brien.

VII. Adjourn

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