

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

Present:

Deborah Wrobel, Chair
Jay Diener, Vice-Chair
Robert Fox
Pete Tilton
Sharon Raymond
Marc Hiller

Staff Present:

Brianna O'Brien, Conservation Coordinator

- I. Call to Order: 7:00 PM**
- II. Approval of Minutes 7:01 PM**
 - A. February 28, 2023

Mr Diener MOTIONED to approve the February minutes with edits. SECONDED by Mr. Tilton.
Vote: 5-0-1. Abstained: Mr. Hiller.

III. Applications 7:02 PM

A. 1054 Ocean Blvd (23-007): Town Wetlands Permit

Applicant: Sunrise Forever Realty Trust

Agent: N/A

Property Owner: Sunrise Forever Realty

- This application was presented by Daryl McGregor Robicsek and Anne McGregor on behalf of their father.
 - This is an after the fact permit application for in-kind repairs to existing rip rap revetment wall moving the boulders the ocean has displaced back where they belong.
 - Some work was done in May 2022 under an NHDES permit.
 - They requested to have the permit match the timeframe of the state permit so that they can continue maintenance.
- Ms. Wrobel:
 - Noted that the applicant had permission from the Board of Selectmen for access to the beach. Ms. Wrobel was consulted. This was a judgment call and that is why it is after-the-fact.
- Ms. O'Brien:
 - Shared photos of the property and site plan.
 - Noted that the footprint is consistent with the site plan submitted for the 2020 permit.
- Mr. Diener
 - Asked what will happen with the railings.

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- Applicant confirmed that they will repair them after the storm season.

Public Comment: None. Closed at 7:06 PM.

- Ms. O'Brien proposed having the expiration date of the permit match the expiration date of the state permit, April 18, 2027. Ms. Wrobel agreed that it would make sense for the applicants to be able to do repairs in alignment with the state permit.

Mr. Diener MOTIONED to recommend approval of the Town Wetlands Permit for the repair of the seawall with maintenance extension to April 18, 2027 with maintenance work done in consultation with the Conservation Coordinator with the stipulation that the footprint not be extended. SECONDED by Ms. Raymond. Vote: Unanimous.

Stipulations:

1. 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.
2. The buffer should remain undisturbed to the degree possible in the process of construction. Only those temporary impacts described in the permit are allowed. Elevations shall not be changed. No additional fill is allowed.
3. There are to be no additional structures or sealed surface 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) or impervious surface in the buffer. The applicant must come back before the Commission should any of their approved plans change.
4. The Conservation Coordinator 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.
5. A favorable decision from the Planning Board does not eliminate the need for any other regulatory processes. Where applicable you must still seek deed restriction relief, approval from the Department of Public Works, State approval, Federal (FEMA) approval, a building permit from the Town, etc.

B. 85 Church St (23-009): Town Wetlands Permit & NHDES Minimum Expedited

Applicant: Donna McCarthy

Agent: Sergio Bonilla, Mission Wetlands

Property Owner: Donna McCarthy

- This application was presented by Mr. Bonilla:
 - The applicant proposes to raise the elevation of the dwelling approximately 2 feet onto the helical piles to obtain FEMA compliance.
 - The stairs from the deck will be reconfigured.
 - Impervious pavers will be removed and buffer plantings are proposed.
 - Noted that the shed that was not connected to the foundation of the existing dwelling will be removed.

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- Additionally, the applicant will take out some of the asphalt area that will lead up to the reconfigured steps up to the deck. (Additional 16 ft.)
- Total reduction of approximately 3.7 feet in the 50 foot buffer and 2.8 feet in the previously disturbed upland tidal buffer zone.

Public Comment: None. Closed at 7:17 PM.

Mr. Diener MOTIONED to recommend approval of the Town Wetlands permit based on the plan dates 3/23/2023 with the condition that 2 wetlands markers are placed on either side of the structure. SECONDED by Mr. Tilton. Vote: Unanimous.

Stipulations:

1. Install Wetlands Conservation District markers at the wetland buffer edge on either side of the home. 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.
2. Decks 6' high or less shall not be enclosed above. Decks between 3' and 6' high shall not be enclosed below. Decks below 3' can be enclosed with anything that allows for the flow of water.
3. The application of fertilizer, pesticides, insecticides, or herbicides is prohibited the Wetland Conservation District. 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. Removal of dead, diseased, or unsafe trees is permitted. The stumps and root systems shall be left intact in ground.
6. 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.
7. 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.
8. The buffer should remain undisturbed to the degree possible in the process of construction. Only those temporary impacts described in the permit are allowed. Elevations shall not be changed. No additional fill is allowed.
9. There are to be no additional structures or sealed surface 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) or impervious surface in the buffer. The applicant must come back before the Commission should any of their approved plans change.
10. The Conservation Coordinator 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.
11. The Conservation Coordinator shall not sign the occupancy permit until all of the Town Wetlands Permit conditions have been met. The Conservation Coordinator shall be given a minimum of 72-hour notice to allow for file review.
12. A favorable decision from the Planning Board does not eliminate the need for any other regulatory processes. Where applicable you must still seek deed restriction relief, approval from the Department of Public Works, State approval, Federal (FEMA)

- approval, a building permit from the Town, etc.
13. 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.

Mr. Tilton MOTIONED for the Conservation Commission chair to sign the NHDES Minimum Expedited permit. SECONDED by Mr. Hiller. Vote: Unanimous.

C. 8 State Park Road: NHDES Minimum Expedited
Applicant: State of NH- DNCR % Seth Prescott
Agent: Steven Sargent, Oak Point Associates
Property Owner: State of NH-DNCR

- This application was presented by Mr. Sargent:
 - This project is a renovation of the existing bathroom at the Hampton Beach State Park in Hampton.
 - The project includes the construction of four exterior rinse showers and 627 sq ft of concrete walk.
 - The existing shower constructions (pavers and wood walk) will be removed as part of the project.
 - There are dunes to the east side of the site plan.
 - They also plan to replace a textured panel on the northside of the existing bathroom that is damaged.

Public comment: None. Closed at 7:26 PM.

Mr. Tilton MOTIONED to have the chair sign the NHDES Minimum Expedited Permit. SECONDED by Ms. Raymond. Vote: Unanimous.

IV. Appointments 7:29 PM

A. Pepperweed Management in Hampton - NH Coastal Program - Presented by: Doug Cygan from NH Department of Agriculture and Kevin Lucy from NH Department of Environmental Services.

- Mr. Lucy has been tracking the spread of pepperweed throughout the New Hampshire seacoast for over 10 years. In 2022 several new populations of pepperweed were found in the Seabrook estuary.
- Locations of pepperweed in the Hampton Area:
 - Tide Mill Road:
 - maintained via hand pulling.
 - Landing Road:
 - Largest population in the area.
 - Estimated 10,000 stems.
 - Private property is affected.
 - One hot spot across the street on the shoulder.
 - Route 101:
 - Found in 2013 with about 20 plants.

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- Now it is down to 1-2 plants.
 - Managed via hand pulling.
- Mr. Lucy received approval from the Conservation Commission in 2009 to use a herbicide to control populations on the Tide Mill site. Currently he is seeking approval or recommendation to pursue herbicide to control populations on town owned land.
- Mr. Cygan is a licensed herbicide applicator.
 - He is a proponent of using IVM (Integrated Vegetation Management), the best option for the scenario where you're working. He noted Rodeo being a viable option where the application of chemical agents is permitted.
 - Stated that methods would be dictated by specific populations.
 - He proposed adding blue dye bullseye as an indicator.
 - Emphasized that he does not want off-target impacts.
- Mr. Tilton asked why Pepperweed is bad.
 - Mr. Cygan stated that it could crowd out other native plants, create blockages in waterways and that there is a high probability of Pepperweed being found in the marsh where it could also have a detrimental impact on beneficial vegetation.
 - Mr. Lucy added that Pepperweed likes salty conditions that are not too wet, like the upland edges of a salt marsh. It often out-competes natives. He stated that it could take over the upland edge and create monocultures.
- Ms. Wrobel emphasized that this is an opportunity to keep this issue under control.
- Mr. Diener asked if there are any native species that could crowd out Pepperweed.
 - Mr. Lucy stated that it is unlikely, it is not a very competitive environment.

Public Comment:

- Regina Faticanti of 56 Island Path:
 - Asked why she received notification of this meeting and how her property would be affected.
 - Mr. Lucy explained that the goal is to raise awareness, address any questions or concerns and ultimately get permission from several private property owners in Hampton to do work on their property. Herbicide use may not be the approach on every property.

Public comment closed at 7:57 PM.

Mr. Diener MOTIONED for the Conservation Commission to support the use of herbicide for treatment of Pepperweed on town property. SECONDED by Mr. Fox. Vote: Unanimous.

B. Hampton Coastal Resilience Coordinator - Tori Bamford

- Ms. Bamford introduced herself to the Conservation Commission and reviewed the scope of her position and her availability to assist the Commission with their needs.
- Mr. Diener asked Ms. Bamford what she sees as the biggest challenge regarding making the town more resilient.

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- Ms. Bamford noted that the idea of building and development is popular, but she worries that it is at the expense of natural resource management. She stated that a balance needs to be found.
- Ms. Wrobel noted that she loves the fact that this position was created and wished Ms. Bamford well in her position. She added that Ms. Bamford can reach out if she needs anything.

V. New Business 8:04 PM

A. Annual Check in for Maintenance needs for Conservation Land

- Ms. O'Brien noted that she discovered that the Conservation Fund should not be getting unspent HCC operation dollars. The leftover money should be going to the town's Undesignated Fund Balance (UFB). Nothing is being taken, but in future years the Commission should submit a warrant article to keep surplus funds in their account.
 - Mr. Tilton suggested that the Commission do its best to spend before the end of the year and let the rest revert to the UFB.
 - Mr. Diener asked what the average surplus has been over the past years.
 - Ms. O'Brien hasn't seen last year's numbers, but she believes it is less than \$2000 per year. During covid there was one year with substantial money left due to unpaid salaries.
 - Ms. O'Brien asked for the Commission's thoughts on what work could be done with the extra money.
 - Mr. Tilton suggested that the money be used for maintenance of access and parking.
 - Ms. Wrobel noted that the Boy Scouts are working on the kiosk. She suggested that they review any needs for wrapping up the Car Barn project. She also noted the potential need for a kiosk at the Barkley Property.
 - Mr. Diener suggested establishing 1-2 parking spaces at the Barkley Property.
 - (a) Ms. Raymond suggested that once the Boy Scouts establish the spaces the Conservation Commission can maintain them.
 - (b) Mr. Fox stated that projects cannot be assigned to the Boy Scouts, but they can be suggested. He noted an age gap within the Boy Scouts organization post-covid. Many scouts are younger and fewer are currently working for their Eagle Scout status, so it is unlikely that there will be any Eagle Scout projects this year.
 - Mr. Hiller asked if the Town Forest has ever been conservation land.
 - (a) Mr. Tilton noted that it is designated per state statute. The designation of "Town Forest" comes with certain requirements.
 - Ms. O'Brien will bring ideas for improvements to future meetings.

VI. Old Business 8:22 PM

A. Porta-Potty at the Victory Garden

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- A standard porta-potty would cost \$750 for the victory garden season. An ADA compliant porta-potty would cost \$1125 for the victory garden season.
- Ms. O'Brien stated that the Select Board will have to review and make the final decision about ADA accessibility for the porta-potty.
 - Ms. Wrobel suggested that the commission support the extra funds for an ADA compliant porta-potty if that is the prerogative of the Select Board.
 - Ms. Raymond stated that she would like more information on what the Select Board needs to make this decision. She would also like to know if that means that the Select Board would have to approve this item annually.
 - Mr. Hiller stated that the porta-potty should be ADA compliant going forward.

Mr. Diener MOTIONED for the Conservation Commission to approve spending up to \$1125 on a porta-potty for the 2023 victory garden season. SECONDED by Ms. Wrobel. Vote: Unanimous.

B. Conservation Commission Finances

- Ms. O'Brien asked Mr. Tilton if he knows how some of the Conservation Commission accounts came to be.
 - Mr. Tilton stated that funds have been combined over the years. Changes came from votes taken by the Conservation Commission.
 - Certain funds were held in separate accounts if there were parameters as to how the funds could be used.
- Ms. O'Brien stated that there are currently four accounts in the Conservation Fund: Land, Green Infrastructure, Town Forest, and Operating Budget. Ms. O'Brien is looking into the parameters of each account.
- Ms. O'Brien recommended that \$55,000 be taken from the operating account and moved to the land account and the word "operating" be removed to reduce confusion.
 - Ms. Raymond suggested changing "operating" to "maintenance" if it is not possible to merge the accounts.
- Mr. Diener suggested having a conversation with the Budget Committee to reduce confusion about the changes.
- Ms. O'Brien will put the Fund budgets in the town report.
- There was also discussion on eliminating the Green Infrastructure account and merging those funds in with the Land Account. It was decided more information is needed on restrictions on how funds in the Land Account can be spent.

C. Review Pervious Hardscape Materials

- Ms. O'Brien will send materials on this topic out to the commission.

VII. Conservation Coordinator and Chair Update 8:44 PM

A. Rain Barrels

- May 20th: Rain Barrel Silent Auction – 9:00-12:00. If anyone is available to help for an hour or 2 that would be great.
 - Mr. Hiller volunteered.
- NRI Update (Natural Resource Inventory)

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- Ms. Wrobel presented:
 - There is a PREPA grant available, but they need to see that we have someone to do the work upon application. The application for the grant is due by April 28th, 2023. Ms. Wrobel suggested putting out a Request for Proposal (RFP) and note that funds are pending.
 - The Commission discussed the RFP process.
 - Ms. Raymond asked who would be reviewing the proposals.
 - (a) Ms. Wrobel noted that she would be along with Mr. Diener, Ms. Swank, and Ms. O'Brien. Anyone else on the Commission is invited to review them.
 - Ms. O'Brien asked for guidance on the timeline for the RFPs so that she can post it.
 - (a) The Commission agreed on a 2-week period for the RFP timeline.
 - Ms. Raymond asked if the PREPA Grant is a reimbursement.
 - Ms. O'Brien will look into this.
- B. Japanese Knotweed Removal Demonstration
- This item will be moved to a future meeting.
- C. Coastal Resilience Fair
- Mr. Diener presented:
 - SHEA is hosting this event on May 20th 9 AM - 12 PM in conjunction with the Hampton Garden Club Plant Sale.
 - The event will be held in the Centre School gym. Many people will be setting up tables.
 - Mr. Diener asked the Commission if there is any interest in setting up a table.
- D. April Newsletter
- Ms. O'Brien is working on the newsletter currently. It should go out in the first or second week of April.
 - Ms. O'Brien asked for any thoughts or ideas for the newsletter.
 - Mr. Hiller suggested an Earth Day article.
 - Ms. Wrobel agreed with Mr. Hiller and then suggested alerting people to some Earth Day happenings in the region and explaining why there is an Earth Day.
 - Any other thoughts or suggestions can be sent to Ms. O'Brien.
- E. \$100,000 Warrant Article for Study - Mr. Tilton
- Mr. Tilton suggested that the Conservation Commission go to the town to see what they would like studied, how the money should be allocated, and what the goals are.
 - Mr. Diener stated that the goal is to restore the pond to as good health as possible. He does not feel it would be necessary to go to the public.
 - Ms. O'Brien noted that a part of the goal is to identify invasive species and come up with solutions and implementation. She stated that this language was very specific in the warrant article.
 - Ms. Wrobel suggested that the town be polled via the town website for insights on how the public would like to use the pond.
 - Ms. Wrobel noted that there was a citizens' meeting regarding Ice Pond. . All attendees were very supportive of not letting the pond become a meadow.

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- Ms. Wrobel noted that ARM funds want shovel ready projects, and this study would make it possible for the commission to have a shovel ready project for when an opportunity for those funds arises.

VIII. Adjourn 9:14 PM

Mr. Diener MOTIONED to adjourn. SECONDED by Ms. Wrobel. Vote: Unanimous.