

**Hampton Conservation Commission**  
**Approved Minutes**  
**Tuesday, April 27, 2021**  
**6:30 PM**

1 **Present:**                   **Deborah Wrobel, Chair**  
2                                   **Jay Diener, Vice-Chair**  
3                                   **Pete Tilton**  
4                                   **Bob Fox**  
5                                   **Nathan Page, Alternate**  
6

7 **Call to Order:**

8 By Roll Call were present: Pete Tilton, Nathan Page, Jay Diener, Deborah Wrobel and Bob Fox  
9 (@6:47 PM). The meeting was called to order at 6:34 PM. Alternate Nathan Page was  
10 activated. All members indicated they were alone in the room.

11 The meeting preamble was read, relative to the Governor’s issuance of Emergency Order #12,  
12 authorizing Towns to meet electronically with no physical location pursuant to Executive Order  
13 #2020-04. The public notice was posted with instructions on the Town website  
14 <https://hamptonnh.gov/> for the public to access the meeting

15 **Meeting Link**  
16 Zoom  
17 Meeting ID: 819 8289 0437  
18 **Dial in Number Options**  
19 +1 929 205 6099 US (New York)

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

22 **I. Review Minutes of March 23, 2021**

23 **MOTION:** Mr. Diener motioned to approve the March 23, 2021 minutes as amended.

24 **SECOND:** Mr. Tilton seconded the motion.

25 **ROLL CALL VOTE:** 3-0-1 **MOTION PASSED**

26 Tilton – aye, Page – abstain, Diener – aye and Wrobel – aye.

27 **II. Applications**

28 **1. 37 Huckleberry Lane** [Town Wetlands Permit](#)

29 **Owner:** Thomas Benson  
30 Install a 4’ vinyl fence behind home (10’ into buffer). There will be 16 – 6’ x 6’ posts total,  
31 equaling 4 square feet of temporary and permanent impacts.  
32

33 Mr. Benson posted the plan and indicated the distances. The bottom of the fence will be  
34 raised 6.” The fence will be 6” above ground, hand dug. There will be 16 poles in the ground  
35 to support a 4’ white picket fence.

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Mr. Page noted he drove by earlier and can see why he would want a fence there.

**MOTION:** Mr. Diener motioned to recommend approval of the Town Wetlands Permit for the installation of a picket fence 6” off the ground with posts hand dug according to the plan submitted with wetland buffer markers on the inside of the fence at the edge of the buffer on both sides in addition to the usual stipulations.

**SECOND:** Mr. Page seconded the motion.

**ROLL CALL VOTE:** 4-0-0

**MOTION PASSED**

Tilton – aye, Page – aye, Diener – aye, and Wrobel – aye.

Chair Wrobel indicated the additional stipulations of approval:

1. Two Wetlands Conservation District markers to be installed on both sides of the fence.
2. Fence to be 6” above ground and posts will be hand dug.
3. No storage of grass clippings or yard waste in the wetland or its buffer.
4. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed.
5. There shall be no additional structures or impervious surfaces in the buffer, other than those shown on the approved plan. A new Wetlands Permit is required for the construction of any additional structure(s) or impervious surface(s) in the buffer.
6. 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 Commission upon completion of the project.
7. 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 or information on permit extensions.

Chair Wrobel advised the applicant a letter would be sent to the Planning Board with a copy to him.

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72     **2. 39 Hobson Avenue**

[Town Wetlands Permit](#)

73     **Owner:** Frank B. and Grace T. McFall

74     **Agent:** Norman Carpentier Construction

75     Raze existing house and construct new house on helical piles.

76  
77     Mr. Carpentier posted the plan and indicated the existing structure would be demolished  
78     and a new structure would be installed on helical piles/concrete piers. The elevation would  
79     be raised from 8.9' to 11.2.'

80  
81     Mr. Carpentier noted the applicant was willing to do something with the shed to get it out  
82     of the buffer zone as much as possible. The stormwater plan submitted shows decreased  
83     runoff.

84  
85     Mr. Page noted he viewed the property and asked if the structure would be in the same  
86     footprint. Mr. Carpentier indicated the footprint changed somewhat and received ZBA  
87     approval.

88  
89     Mr. Diener asked if there was an increase in impervious surface and Mr. Carpentier noted  
90     outside the buffer.

91  
92     Mr. Carpentier noted in addition to drainage under there would be an infiltration trench  
93     around the house.

94  
95     Mr. Diener asked if the new deck would be the same size.

96  
97     Mr. Fox arrived at 6:47 PM.

98  
99     Mr. Diener noted the stairs and paved walkway were moved against the house. Mr.  
100     Carpentier noted there was an infiltration trench on the backside.

101  
102     Chair Wrobel noted there would be no fertilizer within 50 ft. of the wetland edge (in the  
103     buffer).

104  
105     Chair Wrobel opened the hearing to the public for comments and questions at 6:50 PM and  
106     being none closed the hearing to the public at 6:50 PM for deliberations.

107  
108     **MOTION:** Mr. Page motioned to recommend approval of the Town Wetland Permit with the  
109     usual stipulations. Mr. Diener added in accordance with the plan dated April 6, 2021 and there be  
110     an additional stipulation that the existing shed be moved out of the buffer to the greatest extent  
111     possible.

112     **SECOND:** Mr. Diener seconded the motion.

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**ROLL CALL VOTE:** 4-0-1

**MOTION PASSED**

Tilton – aye, Fox – abstain, Page – aye, Diener – aye and Wrobel – aye.

Chair Wrobel read out loud the stipulations clarifying the reference line to the highest observable tide line.

**STIPULATIONS:**

1. The existing shed will be moved out of the buffer to the greatest extent possible.
2. Use of Wetlands Conservation District markers along the wetland buffer edge at the owner’s expense. Placement to be determined with Conservation Coordinator.
3. Any deck must be open above and below allowing for vegetation to grow beneath.
4. Lawn care must follow the guidelines set forth in the NHDES Shoreland Protection Act. No storage of grass clippings or yard waste in the wetland or its buffer. The use of fertilizer is not permitted within the wetland buffer.
5. 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. Silt fence and hay bales (salt hay bales for tidal areas)
6. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed. No change in elevation is allowed.
7. There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface etc. in the buffer other than what is shown in the plan.
8. 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.
9. 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.
10. As As-Built Plan including grades/elevations shall be submitted following project

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153 completion and then a final inspection shall be scheduled with the Conservation  
154 Coordinator.

155  
156 11. This permit will expire two years from the date that it is granted by the Planning Board.  
157 Refer to Hampton Zoning Ordinance Section 2.3.5 for information on permit extensions.

158 Chair Wrobel advised that a letter with go out to the Planning Board with a copy to the applicant.

159 Mr. Carpentier indicated the State application is going to be submitted tomorrow morning.

160 **III. Appointments**

161  
162 1. [65 Lafayette Road](#)

163 Contact: Jim Kesseli. Seeking input on proposed site use changes.

164  
165 Mr. Kesseli of Brayton Energy noted he was joined by project engineer and manager Shaun  
166 Sullivan. Mr. Kesseli indicated the company employs 50 people are there are two buildings at  
167 75A&B. Mr. Kesseli posted an aerial photo of adjacent 65 Lafayette Road showing a solar  
168 array placed at the former site of Jerry's Restaurant which was torn down. The lot is low and  
169 subject to flooding. The solar array is part of a Department of Energy project. All equipment  
170 is stacked on concrete blocks and the tower is portable, on wheels. The project received  
171 initial approval in October and an extension is being requested from the Planning Board  
172 through December 31<sup>st</sup>.

173  
174 Mr. Kesseli noted the condition of the temporary fence was raised as an issue and displayed  
175 pictures of potential replacements. Mr. Kesseli noted the lot is mucky all the time and is  
176 entirely asphalt except for the grassy area next to the building. Mr. Kesseli discussed using  
177 gravel and doing some leveling and restoring the berm and questioned whether perforating the  
178 asphalt would increase drainage. Mr. Kesseli asked if a temporary wetland permit would be  
179 required to do work.

180  
181 Mr. Tilton noted he understood why they would want a firmer surface as the asphalt degrades  
182 but noted puncturing the gravel may bring more water in.

183  
184 Mr. Fox questioned whether the tide would flood anything permeable from below as the water  
185 rises. SLR will get worse in the coming years.

186  
187 Mr. Page asked about the existing septic system and Mr. Kesseli noted it was not connected or  
188 operating. Mr. Page noted there are pallets that are filled with pea stone 5-6" that give a good  
189 solid surface, strong enough to drive on.

190  
191 Mr. Kesseli indicated they would like to do something more permanent in the future.

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192  
193 Mr. Diener noted he had no issue with the fence, especially on the marsh side. Water can  
194 flow freely. Mr. Diener noted he would be uncomfortable with bringing in crushed stone.  
195 Temporary impacts would need to be removed.

196  
197 Mr. Kesseli noted future plans could be adding an addition at 75A over the driveway and  
198 merging the two lots to eliminate the existing driveway and showed how delivery trucks  
199 would drive around and through the parcel. He would like the improvement to be permanent.

200  
201 Mr. Kesseli asked about vegetation outside the fencing and working in the marsh. Mr. Diener  
202 noted he would need to view a landscaping plan. Something minor the Building Inspector  
203 could sign off on but not something more substantial. The Commission would need a better  
204 idea of what's happening and whether the work would be stand alone or other work on the  
205 site.

206  
207 Mr. Tilton noted any fill brought in would need a permit.

208  
209 Mr. Kesseli noted he was having discussions with Eben Lewis at the State level. Mr. Page  
210 cautioned that a new buildable area would need a full Site Plan Review and to come back.

211  
212 Chair Wrobel concluded that the Commission would need to hear a lot more details before it  
213 could give an opinion or recommendation. Mr. Fox added the soils are also a situation. The  
214 areas flooded at high tide often stay that way without proper drainage and are liable to  
215 increase the problem with elevation causing runoff to other areas. A soil geologist should get  
216 involved. Mr. Fox noted future SLR and the State plan to raise Route 1 3' between the high-  
217 water mark and Route 1 which could cause more flooding.

218  
219 Mr. Diener noted revegetating the berm could be a healthy thing but he would need to see an  
220 end game plan if permanent.

221  
222 Chair Wrobel noted the Commission could not recommend an engineer but there are often  
223 lists on the State website.

224  
225 **IV. New Business**

226  
227 1. Donation to the Town Forest Fund from Eagle Scout Felix Taracena.

228  
229 Chair Wrobel reported the Eagle Scout who had done the bog bridge raised more donations and donated  
230 the rest, approximately \$700, to the Commission.

231  
232 **MOTION:** Mr. Page motioned to accept the donation to the Town Forest Fund.

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233  
234 **SECOND:** Mr. Fox seconded the motion.

235  
236 **ROLL CALL VOTE:** 4-0-1 **MOTION PASSED**

237  
238 Tilton – aye, Fox – abstain, Page – aye, Diener – aye and Wrobel – aye.

239  
240 Chair Wrobel indicated she prepared a thank you letter to send this week.

241  
242 **V. Old Business**

243  
244 1. Follow-up Discussion on E-Bikes

245  
246 Mr. Diener noted e-bikes are considered to be motorized vehicles on all Conservation land or Town  
247 Forest and if necessary the Commission can call that out. There are different kinds of e-bikes.

248  
249 Mr. Tilton noted the Town Forest already prohibits motorized vehicles. It is implicit.

250  
251 Mr. Fox noted the rules could be published in a public notice or newspaper advertisement with wording  
252 on kiosks and park sites. E-bikes could be added to the definition of motorized vehicles. Mr. Tilton  
253 noted there is no definition in the ordinance.

254  
255 Mr. Diener noted the Commission should let Parks & Recreation know that e-bikes are prohibited and  
256 have the Select Board make an announcement and also let the bike shops know.

257  
258 The Commission agreed to work with the Coordinator and to notify as suggested to make people aware.

259  
260 2. Update on Ice Pond

261  
262 Mr. Diener reported there was a tremendous leak discovered in November by an old tree stump.  
263 DPW has made repairs by installing a coffer dam and cement making the dam wider and deeper,  
264 stronger and more secure. They did a nice job and it looks good. The work was done under the  
265 existing NHDES permit as the Governor extended permits another year.

266  
267 Mr. Tilton asked about stocking the pond with a warm water species so that the pond could be  
268 used, for fishing, to get more use besides skating in the winter. Mr. Tilton noted Fish & Game  
269 won't stock a warm water species and will look into it further.

270  
271 Chair Wrobel reported DPW delivered mulch to refresh the path to Woodland Road.

272  
273 A landscaper was hired in the past to mow the meadow where the kiosk is and that keeps the  
274 Knotweed down. Mr. Diener would like to have him come back again and mow as needed.

275  
276 **MOTION:** Mr. Page motioned to have the landscaper come back and mow as needed.

277

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278 **SECOND:** Mr. Diener seconded the motion.

279

280 **ROLL CALL VOTE:** 5-0-0

**MOTION PASSED**

281

282 Tilton – aye, Fox – aye, Page – aye, Diener – aye and Wrobel – aye.

283

284 Mr. Diener will get his name and contact information.

285

286 3. Update on Barbara Renaud Memorial

287

288 Chair Wrobel noted she spoke with Hampton Academy who agreed to rename the Conservation Award in  
289 honor of Barbara Renaud this year. Next year the Commission will be able to give the award out in  
290 person, after COVID. Chair Wrobel recommended the Commission write up a summary about Barbara  
291 and displayed the journal and wood-turned pen which will accompany the award. The journal was made  
292 with photos she had taken and her husband turned the pen out of birchwood. The Academy invited the  
293 Commission to select one or two attributes of the recipient that reflect Ms. Renaud’s love of  
294 Conservation. Mr. Tilton noted they should be engaged with the outside. Mr. Diener recommended they  
295 be interested in wildlife and outdoor nature activities. Mr. Fox recommended public outreach. Mr.  
296 Diener added community engagement. Mr. Fox added or a combination. Chair Wrobel summarized a  
297 budding naturalist engaged in nature related activities. Chair Wrobel will send out a note.

298

299 4. Update on Car Barn Pond Kiosk

300

301 Chair Wrobel noted they met with the Historical Society who is working with the Heritage Commission  
302 to do research and come up with a compelling story. The area has history with trolley transportation.  
303 They are looking at coming up with kiosks that will be similar looking throughout Town and could have  
304 QR codes for additional information.

305

306 Chair Wrobel, Vice-Chair Diener and Ms. Campbell are working to find a suitable walking trail.

307

308 5. CHAT Update

309

310 Mr. Diener noted CHAT has 19 recommendations to make the Town more resilient with SLR, storm  
311 surge and flooding which he has presented at the Planning Board and Budget Committee and shortly will  
312 present to the Select Board. The recommendations are on the SHEA website. Mr. Bachand got the  
313 PREPA grant to investigate guidance for coastal risks and hazard projects.

314

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

316

317 1. Reappointment/extended terms of Commission members

318

319 Chair Wrobel reported Mr. Diener and Ms. Raymond renewed their terms for three  
320 years. Mr. Fox will be full-time, and Ms. Shaw will continue as an alternate.

321

322 2. Meetings in Person

323



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324 Chair Wrobel noted the Select Board is going to begin meeting in person this week  
325 and polled the members and staff to see if they would be available and if the meeting  
326 should start at 6:30 PM. There were concerns raised about attendees and it was agreed  
327 the applicants/presenters would be asked about the time and the agenda could be  
328 modified to reflect their availability. Chair Wrobel expressed concerns about social  
329 distancing space in the meeting room and will reach out to Ms. Swank and  
330 Ms. Raymond before making a decision and send a letter out.

331  
332 3. State Permit due date

333  
334 Chair Wrobel recommended changing the due date for State Permits from the  
335 Wednesday before the Commission meets to the Tuesday before at 5 PM to have it  
336 posted on the Commissions' agenda on Wednesday. The chart does not have a due  
337 date and it will be added. Chair Wrobel checked with legal and the Commission has  
338 40 days to review a State plan so it is not an issue. The Commission was in general  
339 agreement with the recommendation.

340  
341 **VII. Non-Public Session pursuant to 93-A:3(II)(a) compensation of a public employee**

342 **MOTION:** Mr. Tilton motioned to go into non-public session pursuant to 91-A:3(II)(a) compensation  
343 of a public employee

344 **SECOND:** Mr. Page seconded the motion

345 **ROLL CALL VOTE:** 5-0-0 **MOTION PASSED**

346 Tilton – aye, Fox – aye, Page – aye, Diener – aye and Wrobel – aye.

347 The meeting was closed to the public at 8:06 PM.

348 **MOTION:** Mr. Page motioned to come out of non-public session.

349 **SECOND:** Mr. Fox seconded the motion.

350 **ROLL CALL VOTE:** 5-0-0 **MOTION PASSED**

351 Tilton – aye, Fox – aye, Page – aye, Diener – aye and Wrobel – aye

352 The meeting was reopened to the public at 8:27 PM.

353 **MOTION:** Mr. Page motioned to seal the minutes of the non-public session.

354 **SECOND:** Mr. Fox seconded the motion.

355 **ROLL CALL VOTE:** 5-0-0 **MOTION PASSED**

356 Tilton – aye, Fox – aye, Page – aye, Diener – aye and Wrobel – aye.

357 **VIII. Adjourn.**

358 **MOTION:** Mr. Page motioned to adjourn at 8:25 PM.

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359 **SECOND:** Mr. Tilton seconded the motion.

360 **VOTE:** With all in favor, the motion passed unanimously

361

362 Respectfully submitted,

363

364 Nancy J. Hoijer,

365 Recording Secretary