

**Hampton Conservation Commission
Final Minutes
Tuesday, June 22, 2021
7:00 PM**

1 **Present:** **Deborah Wrobel, Chair**
2 **Jay Diener, Vice-Chair**
3 **Pat Swank, Clerk**
4 **Pete Tilton**
5 **Sharon Raymond**
6 **Bob Fox**
7 **Diane Shaw, Alternate**
8

9 **Also Present:** **Planning Board Representative Ann Carnaby**

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11 **I. Call to Order: 7:00 PM**

12 Chair Wrobel called the meeting to order at 7:00 PM. Alternate Diane Shaw was activated.

13 **II. Review Minutes**

14 Ms. Swank motioned to accept with edits provided.

15 **VOTE:** 6-0-1 (Ms. Shaw abstained)

MOTION PASSED

16 **III. Applications**

17 **1. 465, 467, 469 Ocean Boulevard**

Town Wetlands Permit

NHDES Wetlands and Non-Site Specific Permit

18
19 **Owners:** Elaine Ayotte & Frederick Ayotte (465), J. Hunter Properties (467), The Stephen
20 LaBranche Living Trust (469)

21 **Applicant:** RJS Consulting, LLC, Attn: Rick Smith

22 **Agent:** Joe Coronati, Jones and Beach Engineering

23 Town Wetland Permit: Replace existing asphalt behind 469 Ocean Boulevard with porous
24 Pavement

25 NHDES Permit: Convert property to condominium building; raise parking area from existing
26 ground and install a retaining wall to lessen impacts.

27
28 Joe Coronati of Jones & Beach Engineering presented the application on behalf of the three
29 parties. Mr. Coronati indicated there was a site walk over the weekend. There are three
30 adjacent properties involved, 465, 467 and 469 Ocean Boulevard. 465 and 467 are proposed
31 to be an eight-unit condominium development. The location requiring the Town wetland
32 permit is 469 Ocean Boulevard which has a 50' setback. The Seabreeze Condominium
33 parking lot is located behind the property. There is a wetland between. The pavement behind
34 #469 be removed and replaced with porous pavement. The shared access will be relocated.
35 The new easement is being reviewed by the Town attorney. The buffer impact will also
36 require permits from State Wetlands, Shoreland and Site Plan Review and DOT.

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37 Mr. Tilton asked about the permanent impact and Mr. Coronati noted it will be less as the
38 asphalt is being taken out. The stormwater will be infiltrated where it wasn't before. There
39 will be a reduction in pervious.

40 Mr. Diener asked about grading and elevation changes and Mr. Coronati noted the grading
41 plan is shown on Sheet C-3. There is a need to lift the grade. There will be a two-foot-high
42 retaining wall in the rear right corner ½" higher than the pavement, 6" off the property line.
43 The grade will be the same at the back of 469 Ocean Boulevard. Mr. LaBranche noted it is
44 currently paved to the border of the Seabreeze Condominium. There used to be a fence there
45 but winds were an issue and the fence came down. People were walking through and so Mr.
46 LaBranche planted Rose Rugosa in holes made in the asphalt which grew to resemble a
47 hedge.

48 Mr. Diener asked if there were additional impacts to abutting properties and Mr. Coronati
49 noted there would be none behind but the grade does get lower along the property line, that is
50 a small change. Mr. Diener noted he does not want to see work done on one property affect
51 another. Ms. Shaw agreed.

52 Ms. Swank asked about the area behind 467 Ocean Boulevard, if it is lawn and Mr. Coronati
53 noted it is used as parking.

54 Ms. Swank asked about maintenance of the porous systems and whether it would be specified
55 in the condominium documents. Mr. Coronati noted the Town has an operations manual
56 maintenance regulation. The LaBranche property and condominium property would be
57 maintained separately. The Town sends out a letter asking for a yearly inspection report. The
58 condominium would be responsible for their report and Mr. LaBranche for his. Ms. Carnaby
59 will confirm that with the Planning Board. Ms. Swank gave examples of what happens when
60 the maintenance is not kept up and the porous system fails. Mr. Coronati noted there would
61 be signage for the eco pavers and the porous pavement. Mr. Fox asked about the porous rate
62 and how much rain water it could handle before flooding into neighbor's property and Mr.
63 Coronati indicated that is part of the Planning Board review and Public Works who review the
64 stormwater calculations. The Town requires a 100-year storm event and there is stormwater
65 analysis and test pits. Mr. Fox asked if the ground water is tidally influenced. Mr. Coronati
66 explained they look at the soils to determine that. Ms. Raymond asked the type of soils and
67 Mr. Coronati noted the groundwater tables were 24" and 28" with decent gravel soil. Mr. Fox
68 noted there should be good drainage. Mr. Diener asked if, as part of the new NHDES
69 application, the influence of groundwater rise was looked at and Mr. Coronati noted it was not
70 done yet.

71 Mr. Diener asked whether the small, vegetated area on 469 Ocean Boulevard will be kept and
72 Mr. Coronati noted it is being removed.

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73 Chair Wrobel opened the hearing to the public for comments and questions at 7:30 PM and
74 being none closed the hearing to the public for deliberations.

75 **MOTION:** Mr. Tilton motioned to support the application for a Town Wetlands Permit for 465,
76 467 and 469 Ocean Boulevard.

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

78 **VOTE:** 7-0-0 **MOTION PASSED**

79 Chair Wrobel asked about suggestions for placement of WCD markers and Mr. Diener
80 recommended on the wall being constructed which Mr. Coronati agreed would be suitable, as
81 well as on posts or the shed. Mr. LaBranche noted he had no problem with the shed. Chair
82 Wrobel indicated the additional stipulations of approval:

83

84 1. Two Wetlands Conservation District markers to be installed on the wall and shed.

85

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

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

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

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

96

97 6. The Conservation Commission shall be notified in writing upon commencement and
98 completion of the project. A final inspection shall also be scheduled with the Conservation
99 Commission upon completion of the project.

100

101 7. This permit will expire two years from the date that it is granted by the Planning Board.

102 Refer to Hampton Zoning Ordinance Section 2.3.5 or information on permit extensions.

103

104 Chair Wrobel asked Mr. Coronati if there was anything substantially different about the NHDES
105 permit application and Mr. Coronati noted the setback and upland tidal buffer one. Mr. Coronati
106 displayed the plan showing the finger wetland between the two lots.

107

108 Chair Wrobel asked if there were any questions from the public and there were none.

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109 **MOTION:** Mr. Tilton motioned to not oppose the NHDES permit.

110 **SECOND:** Ms. Swank seconded the motion.

111 **VOTE:** 7-0-0

MOTION PASSED

112 Chair Wrobel noted a letter will go out directly to the State.

113

114 **2. 35 Park Avenue**

Town Wetlands Permit

115 **Owner:** Chelsie Portlock

116 Add fill to yard to create gentle slope. Remove existing crushed stone. Install 4' chain link
117 fence around outer edge of backyard.

118

119 Chelsie Portlock presented the application for a Town Wetlands Permit for 35 Park Avenue.
120 She indicated she wanted to put up a fence in the backyard for her dogs and brought in fill
121 because there was an unsafe drop off. The former owner had proposed a retaining wall and
122 didn't do it. Before the fill was delivered she contacted the Town and was told by the
123 Building Inspector to fill out a building permit, draw a picture and submit it and proceeded.
124 Then Ms. Campbell showed up and told her she needed a wetland permit.

125

126 Mr. Diener reviewed the history of the property's violation years ago. A plan had been put
127 together and not implemented. There was a delineation the Building Inspector was not aware
128 of and so Ms. Portlock did not get accurate information. The backyard is almost completely
129 in the buffer. A big chunk of the fence would be in the wetlands.

130

131 Ms. Raymond asked if the fill went to the edge of the wetland and felt the fence should be
132 above, the fill vegetated and restored. Owners have had to remove fill before. GIS should not
133 be relied on for wetland delineation. The restored area should not be touched and not lawn.
134 Ms. Raymond noted she had an issue that it goes right up to the wetland edge. The fill
135 shouldn't be there.

136

137 Mr. Tilton agreed and noted it is not the owner's fault, but the disturbed area should be seeded
138 and allowed to just be and not be lawn. Ms. Raymond noted the buffer goes almost all the
139 way to the house and should not be lawn because it is buffer.

140

141 Ms. Shaw agreed the owner should work with pulling the fence back and vegetating the slope
142 and not maintain it as lawn. Ms. Swank questioned the distance from the wetland line to the
143 creek. Ms. Raymond noted the creek is outside the property line.

144

145 Chair Wrobel asked the homeowner if she had plans to revegetate and she indicated she died,
146 with blueberry bushes.

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148 Chair Wrobel opened the hearing to the public for comments and questions at 7:55 PM and
149 being none closed the hearing for deliberations.

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151 **MOTION:** Mr. Diener motioned to recommend approval of the Town Wetlands Permit with the
152 modified plan subject to:

153 The fence be pulled back to the toe of the slope and everything streamside of the fence be
154 naturally vegetated and everything within the buffer on the house side of fence be maintained as
155 a vegetated area.

156 **AMENDMENT:** Mr. Diener amended his motion to include that the fence should go where the
157 retaining wall (proposed by the previous owners) was. House side of the fence should be lawn.
158 Streamside should be naturally vegetated. Ms. Raymond added and no fertilizer.

159 **SECOND:** No action taken on motion.

160 **MOTION FAILED**

161 Mr. Tilton questioned the lawn area house-ward of the fence and whether the violation should be
162 restored. Mr. Diener noted it was not addressed with the previous owner who was supposed to
163 put in a retaining wall.

164

165 Mr. Tilton asked about slope change and Mr. Diener noted it was closer to the stream than the
166 retaining wall was supposed to be by about 5-10.'

167

168 Ms. Raymond noted there is a surveyed plan and measurements should be available. The fill
169 area should not be lawn. The buffer should stay natural, and she does not agree house side of the
170 fence should be lawn. A manicured lawn does not offer the same protection and is not permitted
171 in this area.

172

173 Mr. Diener noted it was lawn before and the previous owners were allowed to maintain it as
174 such. Ms. Raymond noted the fill is considered a violation. In other cases the Commission has
175 made owners remove violations. Ms. Raymond noted she would not have okayed this. Mr.
176 Diener noted he would have to go back and look at the record that was approved before. Mr.
177 Tilton agreed and noted it made sense to go back and look at records and not compound the
178 problem that records were inaccurately relayed to the homeowner already.

179

180 Mr. Fox asked if the matter could be continued, and the homeowner agreed. Chair Wrobel noted
181 she will look up the records to demonstrate consistency in the area between the house and fence
182 and bring the applicant back. The fence will be where the retaining wall would have been. Mr.
183 Tilton added that the Commission is not asking the homeowner to remove the fill.

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3. 45 Nudd Avenue **NHDES Expedited Minimum Impact Wetlands Permit Application**
Owner: David Cardilo & Christine Cardilo
Applicant: Darren Sturtevant
Agent: Tim Ferwerda, Ferwerda Mapping

Norman Carpentier indicated he represented the applicant, Mr. Sturtevant who is purchasing the property. The proposal is to raise and elevate the dwelling out of the flood zone in the same location. The existing foundation will be removed. Helical piles will be installed on concrete piers. Three steps will be added. Elevation will be at 10.2. It will be FEMA compliant with the additional 1' of freeboard allowed by the Town to eliminate flooding. Water will flow underneath. There will be stone under.

Ms. Raymond noted it was a good idea to raise it. Mr. Fox noted FEMA may change its regulations again and recommend further raising. Mr. Carpentier noted the added stairs create sealed surface. The failsafe is already built in, in this case. The Town has been proactive. In January it went from AE9 to AE8, 2.2' above base flood with 2' of freeboard.

Ms. Carnaby who was on the site walk asked if the home were sound enough to raise. Mr. Carpentier noted the porch will be rebuilt. The bank will not finance the property if in the flood zone without elevating it.

Chair Wrobel opened the hearing to the public for comments and questions at 8:20 PM and being none closed the hearing for deliberations.

MOTION: Mr. Diener motioned to approve the Chair signing the NHDES Expedited permit.

SECOND: Mr. Tilton seconded the motion.

VOTE: 7-0-0

MOTION PASSED

Chair Wrobel noted the Town Clerk will also need to sign. The appointment to discuss the Town Wetland Permit was cancelled as the deadline was the first Tuesday of the month and the paperwork was received yesterday.

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213 **IV. Appointments**

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215 **V. New Business**

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217 1. Donation of Conservation Land Update (previously approved February 2020)

218

219 Chair Wrobel noted on February 25, 2020, the Commission voted to accept three small parcels.

220 The titles went to the Town attorney for research, and it was recommended the vote be

221 reaffirmed to accept pending probate approval. The descriptions were recommended to include

222 reference to tax map and lot numbers.

223

224 **MOTION:** Mr. Diener motioned to reaffirm the Commission's February 25, 2020 vote pending
225 probate approval.

226

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

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229 **VOTE:** 7-0-0

MOTION PASSED

230

231 **VI. Old Business**

232

233 1. CHAT Update

234

235 Mr. Diener noted at the last meeting the Board recommended their favorite CHAT items to bring

236 forward. #3 was to compel the Planning Board, Conservation Commission and ZBA not to take

237 action before going through the Planning Review Committee but the Town has no ability to

238 compel the ZBA to do that. Mr. Diener noted he met with the ZBA to see if there was a way that

239 all three boards could understand flood risk. That conversation is ongoing. #5 was public

240 education and outreach and the Commission should consider who will take on that responsibility

241 and manage that effort.

242

243 Ms. Raymond recommended picking the top five violations and finding a way to educate the

244 public. Pictures are very helpful, a PowerPoint could be easily put together and posted on

245 Channel 22, the Town website and Facebook page. One example is maintenance of porous

246 pavers, maintenance and OEM reports filed annually. Mr. Diener added the Town Forest clean

247 up and dune planting.

248

249 Mr. Diener noted recommendations #10 and #11 concern Special Flood Hazard area and the

250 Town does not have a Special Flood Hazard area. The Commission could work with the

251 Planning Board to define and establish one and look at ordinance overlays to proceed with.

252

253 Mr. Diener recommended working on Conservation parcels to acquire vacant parcels adjacent to

254 salt marsh and flood storage areas. Two years ago SHEA made a presentation on target parcels

255 to approach for easements.

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258 Mr. Diener recapped the recommendations prioritized by the Commission this year:

259

- 260 • #5 public education and awareness
- 261 • #10 working with the Planning Board to establish a Special Flood Hazard area; and
- 262 • #11 Conserve/purchase flood storage land adjacent to the salt marsh

263

264 **VII. Conservation Coordinator and Chair update**

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266 Chair Wrobel provided the handout prepared by Mr. Diener for the kiosk at the Car Barn Pond.
267 The Commission will memorialize Barbara Renaud who passed away and was a Conservation
268 Commission member. A trail is being developed. A lot of information was obtained from the
269 Historical Society. Ms. Swank noted there was a lot of good information but questioned whether
270 the trend should be followed to put less text on kiosks and use QR codes where more information
271 might be wanted. The photos are really good. Mr. Fox recommended adding a map of the
272 former trolley line.

273

274 Chair Wrobel discussed the dune restoration project at Ancient Highway. She met with Eben
275 Lewis from NHDES and Jen Hale from DPW. In the fall the existing boardwalk can be replaced
276 with the matting system and ropes installed to protect the dune plantings. Signage will be redone
277 to educate visitors on the value of dunes. On the left side storms had washed out the sand and the
278 project will include rebuilding that and revegetating. Mr. Lewis recommended working with
279 UNH Ext. and noted there may be grants available or even a way to simplify the permit process.
280 Alison Eberhardt will work with the Commission on planting. Plants will be planted to hold the
281 dune in place. Ms. Swank asked about coir logs because the plants did not take without them.
282 Chair Wrobel noted the dune grass had a more extensive root system than the Rugosa Rose. The
283 Commission unanimously approved moving forward with the grant application.

284

285 **VIII. Non-Public Session**

286

287 **MOTION:** Mr. Tilton motioned to go into non-public session pursuant to RSA 91-A:3(II) (b)
288 and (d) hiring of a public employee and consideration of the acquisition, sale or lease of real or
289 personal property which, if discussed in public, would likely benefit a party or parties whose interests are
290 adverse to those of the general community

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

MOTION PASSED

292 **ROLL CALL VOTE: 7-0-0**

293 Raymond – aye, Fox – aye, Tilton – aye, Diener – aye, Wrobel – aye, Shaw – aye and Swank –
294 aye.

295 The meeting was closed to the public at 8:54 PM.

296 **MOTION:** Mr. Diener motioned to come out of non-public session.

297 **SECOND:** Ms. Raymond seconded the motion.

MOTION PASSED

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298 **ROLL CALL VOTE: 7-0-0**

299 Raymond – aye, Fox – aye, Tilton – aye, Diener – aye, Wrobel – aye, Shaw – aye and Swank –
300 aye.

301 The meeting was reopened to the public at 9:35 PM.

302 **MOTION:** Mr. Tilton motioned to seal the minutes of the non-public sessions.

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

MOTION PASSED

304 **ROLL CALL VOTE: 7-0-0**

305 Raymond – aye, Fox – aye, Tilton – aye, Diener – aye, Wrobel – aye, Shaw – aye and Swank –
306 aye.

307

308 **IX. Adjourn.**

309 **MOTION:** Ms. Raymond motioned to adjourn.

310 **SECOND:** Ms. Swank seconded the motion.

311 **VOTE: 7-0-0**

MOTION PASSED

312

313 Respectfully submitted,

314

315 Nancy J. Hoijer,

316 Recording Secretary