

**Hampton Conservation Commission  
Minutes  
Tuesday, June 28, 2022**

**I. Call to Order: 7:00 pm**

Deborah Wrobel, Chair  
Jay Diener, Vice-Chair  
Robert Fox  
Pat Swank  
Casey Whalen, Alternate  
Diane Shaw, Alternate  
Marc Hiller, Alternate

**Staff Present:**

Brianna O'Brien, Conservation Coordinator

**II. Review Minutes (7:00 PM)**

1. March 22, 2022

Ms. Swank MOTIONED to approve the May 24th minutes with edits. SECONDED by Mr. Hiller. Vote: 4-0-2, Mr. Diener and Ms. Shaw abstained.

**III. Applications (7:01 PM)**

1. **124 Kings Hwy (22-025) Town Wetlands Permit**

Applicant: Patrick Carey

Agent: Same

Property Owner: Hunterlogan Realty Trust

CONTINUED FROM LAST MONTH: Install 6' vinyl fence on north and south property lines. The existing trees will remain undisturbed.

Mr. Carey gave an overview of the project. He proposed fencing and pointed to the intended locations on the site plan. The fence will be vinyl along the North and South property lines.

- Mr. Fox asked for clarification about how the fence would line up with the trees on the property. Mr. Carey explained that the fence will be pulled back from the lot line due to the trees. It will not weave through the trees.
- Ms. Swank asked about the width of the proposed gates. Mr. Carey stated that the gate will be big enough for a lawn mower.
- Ms. O'Brien noted satisfaction with where the fence will end before the marsh vegetation.

Public comment: None.

Mr. Hiller MOTIONED to approve the Town Wetlands Permit for 124 Kings Hwy. SECONDED by Mr. Fox. Vote: Unanimous.

Standard Stipulations:

1. Install two Wetlands Conservation District markers at the wetland buffer edge on ends of the fence. The markers must be permanently affixed to. Wetland markers can be purchased at the Hampton Planning Office.
2. The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in any tidal or inland wetland, areas of poorly and very poorly drained soils, vernal pools, or their buffers. However, the application of limestone is permitted within the buffer.
3. No storage of grass clippings or yard waste is permitted in the wetland or its buffer.
4. Removal of dead, diseased, or unsafe trees in the WCD is permitted. The stumps and root systems shall be left intact in ground.
5. The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed.
6. There are to be no additional structures such as sheds, swimming pools, gazeboes, patios or other sealed surface, etc. 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) in the buffer.
7. 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.
8. 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.

## **2. 17 Seaview (22-08) Town Wetlands Permit**

Applicant: Ivona and Anthony Masacchio

Agent: Joe Maynard, Benchmark LLC

Property Owner: Ivona and Anthony Masacchio

Applicant is proposing to restore the backyard area to lawn. The backyard is entirely within the 50 ft buffer. A building permit was issued and work was initiated and resulted in disturbance to the buffer prior to obtaining a Town Wetlands Permit.

*Mr. Whalen joined the meeting (7:05 PM)*

Mr. Maynard spoke on behalf of this application.

- Ms. Swank noted satisfaction with the removal of the third and final shed and the structure above the well. Mr. Diener and Mr. Hiller agreed.
- Mr. Fox asked how the lawn would be restored. Mr. Maynard confirmed that there would be no fertilizer, just seed.
- Mr. Diener asked what would happen with the pile of woodchips in the buffer. Mr. Maynard confirmed they would be removed.

Public Comment: None.

Ms. Swank MOTIONED to approve the Town Wetlands Permit for 17 Seaview. SECOND by Mr. Diener. Vote: Unanimous.

Stipulations:

1. Install two Wetlands Conservation District markers at the wetland buffer edge on both corners of the back deck. 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. The application of fertilizer, pesticides, insecticides, or herbicides is prohibited in any tidal or inland wetland, areas of poorly and very poorly drained soils, vernal pools, or their buffers. However, the application of limestone is permitted within the buffer.
3. No storage of grass clippings or yard waste is permitted in the wetland or its buffer.
4. Removal of dead, diseased, or unsafe trees in the WCD is permitted. The stumps and root systems shall be left intact in ground.
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.
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.
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 that shown on the approved plan. A new Wetlands Permit is required for the erection of any additional structure(s) in the buffer.
8. 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.
9. 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.

### **3. 1062 Ocean Blvd NHDES Standard Dredge & Fill**

Applicant: Andrea R. Checovich Revocable Trust

Agent: Sergio Bonilla, Mission Wetlands

Property Owner: Andrea R. Checovich Revocable Trust

This applicant is proposing to demolish the two existing dwellings, both are located in the Protected Shoreland. The oceanfront dwelling is located within the previously-developed upland Tidal Buffer Zone (TBZ). The footprints will be slightly different than the existing ones. Mitigation is also proposed.

The property owners, Samuel and Andrea Checovich, gave a brief introduction. They noted that they have owned the property for 12 years and have used it seasonally, but they would like to make it their permanent home.

Mr. Bonilla gave an overview of the project. He noted that Henry Boyd would be able to answer any design questions.

- One structure would be built within the 100 ft tidal buffer zone with an 11.7% reduction of impervious surfaces.
- Planned planting are native.
- Perimeter infiltration strips will be installed.
- The structure will be pulled entirely out of the 50-foot buffer zone. It currently sits at 46' 9".
- The structure will be raised on pilings to accommodate the most recent FEMA mapping.
- About 100 Sq Ft within the TBZ will be converted to pervious pavers.

Mr. Boyd added a few notes:

- That the current structures do not comply with FEMA regulations and are at jeopardy of collapsing in a tidal surge.

- Dune habitat will be created where it does not already exist.
- Breakaway walls will be used on the lower level.

Mr. Whalen noted that he would like to see information isolated and highlighted on applications in the future. He would prefer for questions to be answered specifically instead of with “see attached”.

Mr. Diener asked for clarification regarding the roof runoff. Mr. Boyd stated that there will be a drip edge on both sides of the roof and previous pavers will take care of any runoff.

Mr. Diener asked how far back the breakaway walls would go. Mr Boyd stated that they would go all the way back.

Ms. O’Brien:

- Asked about vegetation and planting plans. Mr. Bonilla stated that it will be beachgrass, as it is now.
- Asked what the current elevation of the home is. Mr. Boyd stated that the current elevation is 18 feet.
- Asked if there will be stairs. Mr. Boyd stated that there will be stair access in the garage.

Public Comment: None.

Mr. Diener MOTIONED to not oppose the NHDES Standard Dredge and Fill for 1062 Ocean Blvd.

#### **4. 191 Island Path Amended NHDES Min Exp.**

Applicant: Gary Shirk

Agent: Same

Property Owner: Same

The applicant is proposing an amendment to a NHDES Minimum Impact Permit from 2020 to dig a 16-18 foot long by 1-foot deep rain garden to divert runoff away from the foundation of the home.

Applicants were not present at the meeting. Ms. Wrobel read an overview of the project. Ms O’Brien confirmed that the applicant will attempt to hand dig at first, but may resort to an auger to break up stone. The applicant will dig 18 inches down.

Ms. Wrobel noted that she feels a rain garden is a positive for handling runoff and reducing erosion.

Mr. Diener asked what was currently in the spot. Ms. O’Brien stated that it is currently just lawn.

Ms. O’Brien read a note from the applicant:

*We purchased 191 Island Path in late September 2021. During the winter months,*

*especially after rainfall, we noted that water pooled outside the entry doors to the crawl space. This condition, over time, would undermine the home's foundation, so we installed a gutter to collect the 400 Sq ft roof's runoff. We located the downspout on o the corner of the house furthest from the marsh. A plastic drainpipe directs the water flow out onto our lawn, but we hope to put it to a better purpose.*

*We learned that a "rain garden" not only is an excellent way to conserve and recharge the groundwater, but it also serves to filter out pollutants. We also learned from neighbors that bees, butterflies, and other pollinators seemed to be fewer in number with each passing year. Rain gardens planted with native perennials and a variety grasses and flowering plants, also provides food for local birds and other wildlife.*

*So, with all this in mind, we found plans for rain gardens published by the University of New Hampshire and decided to follow that guide. It turns out that rain gardens are becoming increasingly important in suburban and urban environments wherever impervious surfaces are unavoidable. They have become increasingly valuable in preventing pollutants from entering rivers, lakes, oceans, and marsh wetlands.*

*We are hopeful that the Conservation Committee will share our enthusiasm for this project and offer whatever support its members can provide. In turn, we would like to help promote the growth of rain garden as a relatively low-cost way to manage drainage issues for homes in the region.*

Public comment: none.

Mr. Diener MOTIONED to not oppose the amendment to the NHDES Minimum Impact Permit for 191 Island Path. SECONDED by Ms. Swank. Vote: Unanimous.

#### **IV. Applications (7:50 PM)**

1. Kathy Brock, Victory Garden Coordinator - Garden Update.
  - a. Update from Kathy
    - i. The Garden consists of 53 plots.
    - ii. Some plots are divided into 2.
    - iii. Many people who were on the waiting list have moved or no longer needed the Victory Garden.
    - iv. There were some mechanical problems.
    - v. At least two people helped fix leaks.
    - vi. New members are enthusiastic and have brought more diverse ideas to the garden. (i.e. Organic gardening).
    - vii. A few members have left for various reasons: one death, one pregnancy, some family emergencies.
    - viii. All spots are filled except for one that is shady. That spot currently has a picnic table and Hostas.
    - ix. The Heritage Commission was contacted about the Cooperage Shop. Ms. O'Brien noted that the building has been condemned. It will be torn down when the town allocates the funding and the labor.
  - b. Questions/Comments:

- i. Ms. Wrobel asked Ms. Brock if she knows where to go for help if she needs something. Ms. Brock confirmed that she contacts Ms. O'Brien. Ms. Wrobel emphasized that Ms. Brock should bring any concerns to Ms. O'Brien.
  1. Ms. Brock noted concern about two dead trees near the Town Forest.
- ii. Mr. Fox asked if the Victory Garden is cash flow positive. Ms. O'Brien confirmed that it breaks even. The account stays around \$2000.
- iii. Ms. Brock noted that extending the garden to add 10 more plots would be a more expensive project, but it would relieve the waiting list.
  1. Mr. Diener asked what the primary expense would be for this project. Ms. O'Brien noted cutting down trees, along with more fencing, tilling, and finding volunteers. Ms. Wrobel suggested that Mr. Brock work with Ms. O'Brien to organize a volunteer effort.
- iv. Ms. Wrobel asked if people are using the compost in the garden. Ms. Brock confirmed that they are using it as a dumping ground, , but because there is no testing, they are not putting it on their gardens. Ms. O'Brien stated that the DPW could flip the compost, but she is unsure if they have the time or labor.
- v. Ms. Swank suggested that more plots be split in half. Mr. Whalen also suggested letting current tenants know that splitting their plots in half is an option. Ms. Brock noted that the sign-up sheet indicates that half plots are available, but she does not have a system to sort the waiting list based on desired plot size.
- vi. Mr. Fox asked if water is an expense. Water is paid for via the Victory Garden Fund. Last year it amounted to about \$360.
- vii. The cost of a half plot is \$15.00. Ms. Brock noted that when people are unable to afford a plot she reviews the request and bumps it up to Ms. O'Brien. Ms. Wrobel suggested that something be added to the budget to reflect that.
- viii. Mr. Whalen suggested creating a google doc to itemize things that need to be done. Ms. O'Brien will work directly with Ms. Brock to organize that.
- ix. Mr. Hiller asked about the recorded history of the garden. Ms. Wrobel noted that there is a brief history and description on the town's website. Ms. O'Brien will work with Ms. Brock to coordinate an article for Conservation Talk focused on the history of the garden.
- x. Mr. Hiller asked about the potential of working with the local High School or Middle School to strengthen and/or improve maintenance while providing education.
- xi. Ms. Brock will send out an email asking for volunteers to help manage the garden. Ms. O'Brien will put together an email list and get the technology organized.

## **V. New Business (8:30 PM)**

- 1. 41:14-a Proceedings- Release of Deed Restrictions on Formerly Leased Land 141 Kings Hwy**
  - This property is not within the Wetland Conservation District, but there are concerns from the Planning Board about an increase in impervious coverage.
  - Ms. O'Brien read the petition: Deletion of deed restriction #4.
    - i. Ms. Wrobel noted that even if they're released from the deed, they still have to follow the town rules and ordinances.

Mr. Diener MOTIONED to not oppose 141 Kings Hwy's petition provided that the impervious surface does not increase beyond the allowable limit in that zone. SECONDED by Ms. Swank. Vote: Unanimous.

- 2. 41:14-a Proceedings- Release of Deed Restrictions on Formerly Leased Land 1062 Ocean Boulevard**

- This deed restriction has to do with the Wetland Conservation District, but has no physical

impact.

Mr. Diener MOTIONED to not oppose the petition of 1062 Ocean Boulevard. SECONDED by Ms. Shaw. Vote: Unanimous.

### **3. Ice Pond Mowing Invoice**

- For the past 3 or 4 years the Conservation Commission has hired someone to come and mow the meadow at the Ice Pond. He mows 3 or 4 times per summer.

Mr. Diener MOTIONED to approve the payment for the Ice Pond Mowing Invoice and subsequent invoices not to exceed \$375 per mowing. SECONDED by Ms. Swank. Vote: Unanimous.

### **4. SHEA Photo Contest Invoice**

- SHEA hosts a photo contest every year. There is a cash prize for the top two photos. Surrounding towns' conservation commissions contribute to the prize.

Ms. Swank MOTIONED to contribute \$100 to the SHEA photo contest invoice. SECONDED by Mr. Whalen. Vote: Unanimous.

### **5. CHAT Update**

- Mr. O'Brien gave an update:
  - i. CHAT has started a sub-committee for outreach. The committee consists of Ms. O'Brien, Jason Bachand (Town Planner), Tom Bassett (Resident Representative), and Kathering Harake (Budget Committee). They met for the first time last week. Their goal is to identify the audience within the town and how to interact, engage, and get input.
  - ii. The DPW received a \$2 million grant for Critical Infrastructure Funds. There will be a public hearing in August.
  - iii. The Hampton Beach Area Commission selected consultants for their master plan update. The updated Master Plan will have a coastal resilience section.

### **6. Conservation Talks Review**

- Ms. O'Brien presented a draft copy of the summer newsletter. It will be released either Friday, July 1st or after the 4th of July.
- Mr. Fox suggested that the Library is having a Conservation talk that could be included. Ms. O'Brien will look into that.
- Comments or corrections can be sent to Ms. O'Brien by the close of day Friday, July 1st.
- Mr. Hiller asked if a future newsletter could include information about how to deter ticks and mosquitos. Ms. O'Brien will speak to the chair of the Mosquito Committee.

### **7. June Library Talk Review**

- On July 21st at 7 PM Ms. O'Brien will give a talk at the library about being good stewards of our properties.
- If anyone has any additional thoughts or ideas that would be a good edition to the talk, let her know.
- There is no sign up, people can just show up.

## **VI. Old Business (9:10 PM)**

### **1. Standard Stipulations**

- This item will be deferred to the next meeting due to time constraints.

## 2. Aquifer Protection Zone Ordinance Update

- This item will be deferred to the next meeting due to time constraints.

## VII. Old Business (9:11 PM)

### 1. Follow up from May meeting

- Ms. O'Brien
  - i. The monitoring intern has started. He is currently going through more than 30 parcels of land. He will do monitoring reports for the parcels and hopefully some areas will be identified for a town clean-up and/or invasives event.
  - ii. Seagrass planting will happen along Plaice Cove with the support of private property owners and the town. It will happen in the fall with donations of beach grass from the UNH garden at the state park.
  - iii. Ms. O'Brien noted that the FEMA training approved in the previous meeting was full all summer, but there is a free class available. She will start that and is waiting to start the green building training.
  - iv. The pre-application for the ARM grant was submitted for the purchase of 8 parcels of land within the marsh that would form a contiguous conservation land.
    1. Lori suggested that it would be very challenging to earn funding with 8 parcels of land due to legal red tape. The town would need a strong argument for the ARM grant to purchase more than one parcel per application. The town would need a third party protecting the land to fund this. Ms. O'Brien will take these suggestions into consideration as she moves forward.
    2. Ms. O'Brien will pick the biggest parcel and attempt an application for that. She will also ask Lori to come to a Conservation Commission meeting and take advisement from her.
    3. Ms. Wrobel recommended reformulating a list with fundable items for next year.
    4. Ms. O'Brien suggested having a meeting to talk about how to move forward with the amended application.
- Mr. Diener
  - i. Ordinances for next year's town meeting need to be formulated and presented to the planning board soon.
  - ii. A committee should be established to help manage the town forest. Mr. Diener asked if this topic could be discussed more in a future meeting.
- Ms. Wrobel
  - i. Anyone with ideas about ordinance and ordinance changes can send those to Ms. O'Brien. The Conservation Commission will discuss these at the next meeting.
- Mr. Fox noted that two weeks ago Mr. Diener attended the Beaches Conference. Mr. Diener had nothing to report.
- Ms. Wrobel stated that there was a conference for beach profilers last month. If anyone is interested she can send the information along and share the data.

## VII. Adjourn (9:17 PM)

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