

1 **Hampton Conservation Commission**
2 **Draft Minutes**
3 **Tuesday, July 23, 2019**
4

5 **Present:** **Jay Diener, Chair**
6 **Barbara Renaud, Vice-Chair**
7 **Sharon Raymond**
8 **Anthony Curro, Alternate**
9 **Peter Tilton, Jr.**
10 **Gay OMalley, Alternate**
11 **Deborah Wrobel, Alternate**

12
13 **Also Present:** **Rayann Dionne, Conservation Coordinator**
14 **Fran McMahon, Planning Board Representative**
15 **Bob Fox – resident interested in the Commission**
16

17 **I. Call to Order:**

18 The meeting was called to order by Chair Diener at 7:02 PM in the Town Hall Selectmen's
19 Meeting Room.

20 **II. Review Minutes**

21 **1. June 25, 2019**

22 **MOTION:** Vice-Chair Renaud motioned to approve the June 25, 2019 minutes.

23 **SECOND:** Ms. Wrobel seconded the motion.

24 **VOTE:** 4-0-3 (Chair Diener, Ms. Raymond, and Mr. Curro abstained) **MOTION PASSED**

25 **III. Appointments**

26 **1. 363 Exeter Road**

27 Bob Baskerville of Bedford Design Consultants along with Luke Gove of Gove Environmental
28 presented the proposal on behalf of the applicant Dowling HVAC Services of Portsmouth, NH.

29 Mr. Baskerville explained that the Owner's property is comprised of three parcels with a building
30 formerly known as the Weiderberger Building, which was used to store antique cars, predating
31 Planning Board approval. The parcel adjacent the building contains a large utility easement
32 area for powerlines. There is forested wetland behind the building. Two lots will likely be
33 merged. Ms. Dionne handed out copies of an aerial plan. The owner is looking for a building to
34 store parts and for the use of the crews as an office and warehouse. There will be interior
35 changes and an overhead truck dock door (shown in orange). Deliveries will be up to two times
36 per week and received by a forklift and ramp. The area in front of the dock will be paved and
37 the owner is looking to be able to drive a box truck or larger around the back of the building
38 enabling these trucks to turn around on site. However, in order to accomplish this, there would
39 be some impact on the wetlands and buffer (shown in green). Paved areas are denoted in gray

40 on the plan. There is a pad site out back could be used to store vehicles or even another
41 building for storage. Given the large initial investment, Mr. Baskerville noted, they can't give this
42 space up. The culverts are in good condition. The plan was designed to permit safe exit for a
43 truck but a firetruck could not get around the building. Visibility is not good from the exit from
44 parcel 3. Mr. Baskerville noted this is a quiet use. The Fire Chief is in favor of the proposed
45 turn around. Mr. Gove noted no wildlife habitats or vernal pools were noted in the potential area
46 to be impacted.

47 Ms. Dionne asked if they had conversations with DES yet? – no. Ms. Dionne noted if a site visit
48 is scheduled she would be happy to attend.

49 Chair Diener asked about mitigation? Mr. Baskerville indicated the three parcels were
50 purchased together and there is not a lot of valuable area to give.

51 Ms. Raymond noted this existed before the property was purchased and wondered what the
52 hardship was.

53 Mr. Tilton asked if the applicant owned the property now? – yes. Mr. Tilton noted the applicant
54 is asking to expand a non-conformity without mitigation. Ms. Wrobel agreed, adding pervious
55 pavement is not an option with the turnaround to be used for big trucks. Ms. Wrobel would like
56 to see mitigation occur

57 Mr. Curro asked if extending the road closer to the culvert could be an option. Vice-Chair
58 Renaud noted when she drove out there it was a tight squeeze with an SUV.

59 Mr. McMahon noted a number of easements in the general area.

60 Chair Diener stated he was not predisposed to fill in wetlands without mitigation. Ms. Dionne
61 noted mitigation should be consistent with permanent impact. There are guidelines which have
62 been developed to determine the suitable amount of mitigation and she provided a copy to Mr.
63 Baskerville.

64 **IV. Applications**

65 **V. New Business**

66 **1. Town Wetland Permit application deadlines**

67 Ms. Dionne advised the timeframe for applications to hearings has been extended to allow for
68 review, checking deeds, abutters and legal.

69 **2. Ice Pond Kiosk construction**

70 Mr. Diener hoped to have the Kiosk built as part of an Eagle Scout project, however, they were
71 was no interest. A carpenter can build the Kiosk and if half the materials could be donated by
72 Middleton Lumber, the cost would be approximately \$600. Similar project kits cost between
73 \$1,400-\$2,400. The existing informational signs can be part of the Kiosk when it is finished.

74 **MOTION:** Mr. Tilton motioned to approve spending of up to \$600 for the Kiosk.

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

76 **VOTE:** 6-0-1 (Chair Diener abstained)

MOTION PASSED

77 **3. September BioBlitz – Town Forest**

78 Ms. Dionne announced that their application to the UNH Cooperative Extension's BioBlitz had
79 been accepted. The purpose is to have volunteers led by an expert provide a snapshot of
80 wildlife and vegetation in the Town Forest area, including birds, plants, and invasives and to get
81 the community involved. I-Naturalist is an app which can be used for reference. Ms. Dionne,
82 Mr. Diener, and Ms. Renaud met with the UNH Coop team. The event is scheduled for
83 Saturday, September 14th with a rain date on Sunday. Ms. Dionne created a draft agenda. The
84 event would begin at 7 AM with birding until 8:45. At 9 AM the group would meet at the main
85 entrance for the welcome session. 9:30-11:30 AM would be trees and/or shrubs and snacks.
86 11:30 to 1 PM would be insects, fungi, and lichen followed by lunch and wrap up.

87 Ms. Dionne requested that if any members know of any local experts to let her know and to
88 suggest any other topics of interest. Ms. Wrobel noted reptiles and amphibians but agreed it is
89 the wrong time of the year. This could be done again in the Spring when there are vernal pools.
90 Mr. Curro indicated he would be interested in helping with birds and/or invasives. 1-2 experts
91 are paid for by UNH and include a county forester. Ms. Dionne and Chair Diener met with and
92 will involve the environmental club at Winnacunnet High School.

93 Ms. Dionne will notify the Police Department and advertise the event. Prizes leftover from the
94 Forest Cleanup could be raffled.

95 **4. SHEA – privately owned salt marsh parcels**

96 Ms. Diener explained that SHEA (Seabrook-Hamptons Estuary Alliance) has received a NHDES
97 Coastal Program technical assistance grant and one of the proposed projects for Hampton,
98 Seabrook and Hampton Falls is to identify parcels for acquisition or easement adjacent to or
99 nearby Hampton-Seabrook estuary over a period of 6-9 months. Acquired parcels could be
100 used for salt marsh migration to keep up with sea-level rise and provide additional flood storage
101 capability.

102 Mr. Tilton noted flat not steep topography would be suitable for marsh migration. There is an
103 area between the Boat Club on Landing Road and 101, a Red Maple swamp with phragmites up
104 to the edge. Ms. Dionne noted many lots within the estuary are privately owned and it would be
105 great to capture those. Mr. Tilton noted that some of the larger parcels may already have
106 homes on them and would need to be either subdivided from the house lots or get easements.
107 Mr. McMahon asked about the passage by a series of culvert projects. Mr. Diener noted those
108 would be projects rather than parcels for acquisition. SHEA can't help fund purchases or tell the
109 Towns what to do with them.

110 Ms. Dionne shared getting back to Mr. McMahon's question that the Nature Conservancy and
111 DES assessed all of NH tidal crossings to help determine which are functioning or deficient.
112 DPW is looking at tidal crossings in Hampton.

113 Mr. Curro asked about the railroad crossing/Rte. 1. Mr. Curro indicated it may be a future bike
114 path. Chair Diener noted it would need emergency access to allow an ambulance to pass
115 before that can happen.

116 **5. Members**

117 Bob Fox was present and indicated an interest in becoming an alternate on the Commission.
118 Mr. Fox stated he was new to Hampton and lived in the seacoast area for 30 years and had
119 experience as the Chair in Newton, NH. He has a master's degree in Marine and
120 Environmental, 45 years' experience, volunteered with Great Bay Natural Resources and
121 recently attended the Beaches Conference in Kittery in June.

122 **VI. Old Business**

123 1. 2020 Warrant Articles

124 Ms. Dionne provided copies of language for the proposed 2020 Warrant Articles for review and
125 comments.

126 1. Article 2.3.4 use restrictions/prohibited uses concerns grandfathering and redevelopment in
127 the same footprint. Language referring to what is a structure. Mr. Tilton noted the whole
128 building may not be in the buffer and recommended stating "shall not extend further into the
129 buffer." Mr. Diener read a revised version which addressed Mr. Tilton's concern.

130 Chair Diener asked if everyone was good with taking this one to the Planning Board? – Yes.
131 Mr. McMahon noted Planning and the Attorney will both look at it.

132 2. Definitions

133 Tidal wetlands referenced 1982 and 1974 reports as opposed to delineating the areas by high
134 tide indicators consistent with the approach used by NH DES. Ms. Dionne noted definitions
135 were changed to be inclusive of the ocean as being a tidal wetland as a result of a court case.

136 3. Article 2.3.3 Impervious Coverage – remove the definition from the wetland section and
137 update definition in the main section of the Zoning Ordinance. The main definition would be
138 updated to include language about the deck height (if greater than 6' off ground, it would be
139 considered pervious). Ms. Dionne also wanted to include maintenance of the pervious
140 technologies because without it they become impervious over time. Mr. Tilton recommended,
141 "decks are considered impervious unless..." Ms. Dionne noted she would bring this one back
142 next month and move the other two forward.

143 4. Mitigation

144 The wetland ordinance does not address the concept of mitigation, although it is a term that is
145 frequently used during wetland application discussions. Would like to define intent and explain
146 some examples of when it might be considered. Ms. Dionne handout and read the proposed
147 addition. Some of the potential mitigation options are:

- 148 • Increase buffer;
- 149 • Replace vegetation;
- 150 • Donation or easement.

151 Mr. Tilton questioned whether there needed to be a vote to include the guidelines or if it could
152 be an appendix; and whether to go to Town vote or leave out.

153 Ms. Dionne noted that including mitigation as an option does not mean the Commission is
154 obligated or required to accept what mitigation is offered simply the ability to review and
155 consider.

156 Ms. Wrobel asked about infiltration trenches for porches and driveways. Ms. Dionne referenced
157 the NH Stormwater Manual and will look at adding something that addresses stormwater
158 management. The review of this article will be continued next month.

159 2. FloodIQ.com reports

160 Ms. Diener explained how adding the requirement for applicants to look up their parcel on
161 FloodIQ.com can make the owners aware of changes with tidal wetlands and the risk of
162 potential flooding. Previously the Commission noted some addresses were not found and
163 redirected to other addresses. After contacting the administrator, who was responsive to
164 concerns, changes were made, and addresses are being found more reliably. The Commission
165 supported the addition and recommended getting Planning Board for approval to add this to the
166 Town wetland application.

167 3. Schedule a Town Forest Committee meeting

168 Ms. Dionne noted this could be scheduled after the BioBlitz, in September or October.

169 4. 2019 projects and goals – tabled

170 5. 2020 Budget

171 Ms. Dionne announced that she was accepted at the UNH Graduate Engineering Program. Ms.
172 Dionne shared that she spoke with Jamie Sullivan and the Town Manager and the tuition
173 reimbursement line will be moved to the town finance budget which will allow other employees
174 to participate. It did not seem appropriate to add it to the Commission’s budget because the at
175 year-end the remainder of budget is transferred to the Conservation Fund.

176 6. CHAT update

177 Ms. Dionne and Chair Diener advised the CHAT team is comprised of various members from
178 BOS, Planning Board, Conservation, Zoning, Beach Area Commission, Hampton Beach Village
179 Precinct, Budget Committee, Conservation Commission, Town Planner, Deputy Director of
180 Public Works as well as two residents to look at flooding and adaptation strategies. The team
181 has met monthly since January. Topics have included causes, value of salt marsh and sand
182 dunes. Other communities’ histories have been looked at such as Louisiana to review their
183 adaptation and financing strategies. The team will be looking at specific strategies to apply to
184 Hampton, assessing their chance of success and how to pay for them.

185 **VII. Conservation Coordinator and Chair Update**

186 Ms. Dionne advised Amanda Stone and Lisa Wise from UNH Cooperative Extension will be
187 helping with the natural resource inventory. They would like to come to a Commission meeting
188 in later summer or fall to give a 30-minute presentation.

189 **VIII. Treasurer’s Report**

190 Ms. Dionne handed out copies of the Treasurer’s Report and advised at the end of the year
191 \$1,448.11 would be transferred to the Conservation fund. Two grants will be applied for, one for
192 \$10,000 and the Moose Plate which is \$20-24,000 with Conservation’s contribution funded by
193 Warrant Article at \$55,000.

194 The land transaction grant was accepted and will cover attorney’s fees.

195 Mr. Tilton asked if Ms. Dionne had a chance to contact the sign company about the “No Target
196 Shooting” sign? Ms. Dionne noted the price was \$45 rather than \$75 and sign is coming on
197 Thursday.

198 **IX. Adjourn**

199 **The next meeting will be on August 27, 2019.**

200 **MOTION:** Ms. Raymond moved to adjourn the meeting at 8:33 PM.

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

202 **VOTE:** 6-0-1 (with Chair Diener abstaining)

MOTION PASSED

203

204 Respectfully submitted,

205 Nancy J. Hoijer

206 Recording Secretary