

**Town of Hampton
Conservation Commission
August 24, 2021
Final Minutes**

Present: Deborah Wrobel, Chair
Jay Diener, Vice-Chair
Pat Swank, Clerk
Pete Tilton
Bob Fox
Diane Shaw, Alternate

Staff Present: Brianna O'Brien, Coordinator

Also Present: Tocky Bialobrzkeski, Planning Board Liaison

I. Call to Order: 7:00 PM

Chair Wrobel called the meeting to order at 6:58 PM and indicated Alternate Diane Shaw would be an active voting member for this meeting.

II. Review Minutes – July 27, 2021

MOTION: Mr. Diener motioned to approve the July 27, 2021 minutes as edited

SECOND: Mr. Fox seconded the motion.

VOTE: Ms. Shaw abstained

MOTION PASSED: 5-0-1

III. Applications

1. 132 Kings Highway (21-043)

[Town Wetlands Permit](#)

Applicant: Gary MacGuire & Gail MacGuire

Agent: Doug MacGuire, PE, the Dubav Group, Inc.

Property Owner: MacGuire 2020 Revocable Trust (Unit 2) Eddy Clemente and Kathleen (Fleming) Clemente (Unit 1)

Replace the existing decks on the duplex units with enclosed space. All improvements to occur within existing impact.

Chair Wrobel indicated this application has been continued to the next meeting.

2. Timber Swamp Road (21-047)

[Town Wetlands Permit](#)

Applicant: Public Service Company of NH d/b/a Eversource Energy

Agent: Jeremy Degler, PWS, CWS, Tighe & Bond

Property Owner: Public Service Company of NH d/b/a Eversource Energy

Modification to fiber infrastructure to ensure that the Line 369 primary and secondary protection communication channels will meet NPCC Directory 4 requirements. The work

requires temporary wetland impacts for access to the structures and associated work pads.

Jeremy Degler, an environmental scientist with Tighe & Bond, Stephanie Gardner with Eversource Public Outreach and Kurt Nelson presented the application on behalf of PSNH/Eversource

Mr. Nelson indicated the project concerns fiber optic running to the substation to Seabrook station to provide communication between the stations.

Chair Wrobel asked the team to describe the environmental impacts.

Mr. Degler indicated three pole structures would be replaced and are six feet. There would be temporary impact with timber matting around the structure to be worked on. Those temporary impacts are 3,915' in the wetland and 1,727' in the buffer. The timber mats would be removed after.

Mr. Fox asked if the poles would wood and treated with chemicals such as creosote. Creosote or CCA are hazardous materials, and it is not good to leave that in the ground and he would prefer they are pulled out. Mr. Degler noted the structures were old and would be cut off at ground level and removed. Mr. Nelson indicated that he believed the poles would be newer, light-duty, steel.

Ms. Bialobrzkeski asked about guidance of Fish & Game in the DES wetlands if Fish & Game were part of that now. Mr. Nelson noted the State consults with Fish & Game as part of the utility notification process. Ms. Bialobrzkeski asked to describe the timber mat and Mr. Nelson indicated it was lightweight solid, 4'x16.'

Mr. Diener asked about restoration of the site and Mr. Nelson indicated it was not likely there would be seeding done for the short duration of the project.

Mr. Diener asked the length of the project. Ms. Gardner indicated from June until the end of the year (December). Mr. Nelson noted the larger scope was inside the substation and he did not have a time frame for that.

Chair Wrobel opened the hearing to the public for comments and questions at 7:13 PM and being none closed the hearing to the public for deliberations.

MOTION: Mr. Tilton motioned to recommend approval of the Town Wetland Permit to the Planning Board.

SECOND: Ms. Swank seconded the motion

VOTE: Mr. Fox abstained

MOTION PASSED: 5-0-1

Chair Wrobel indicated she would forward a letter at the end of the week to Mr. Degler and the Planning Board.

3. Utility Right of Way

Town Wetlands Permit

Hampton Substation to Hampton Falls River (21-044)

Applicant: Unitil Energy Systems, Inc.

Agent: Nicholas Golon, PE, TF Moran, Inc.

Property Owner: Unitil Energy Systems, Inc.

Replace existing substation lines (approximately 110 wood pole structures 4.6 miles) through tidal salt marsh through Hampton, Hampton Falls and Seabrook

Nicholas Golon of TF Moran presented the application on behalf of Unitil Energy Systems, Inc. together with Nate Shore, Senior Design at Unitil and Chris Danforth with TF Moran.

Mr. Golon indicated lines would be replaced throughout the tidal salt marsh in three towns to Seabrook Nuclear Power Plant. The infrastructure was built in the 1940s and the goal is to rebuild the entire line.

Chair Wrobel asked the team to describe the environmental impacts.

Chris Danforth explained the corridor is 4.6 miles long, the length of the entire marsh. Fish & Game asked for a survey for songbirds in the marsh which is being done by Mark West. Sensitive areas will be identified. The project will have 88,521 SF of temporary impact to the wetland and 9,000 SF in the buffer. Permanent impact of 636 SF will be for the poles and guidewires in the wetland and 80 SF in the buffer. The lines cannot be accessed using normal methods, there would be a barge with vehicle, helicopter, temporary mat through the channels working within high tides.

Mr. Fox asked if the old poles were wood and treated. Mr. Danforth noted there may be some old poles but the existing poles would be cut at ground level and the new poles placed nearby and secured with guide wires. Pulling those out creates more impact.

Ms. Bialobrzkeski asked about the nesting Bald Eagles this year near the railroad bed and if the lines were doubles. Mr. Danforth noted the lines were single and described the efforts he believed would be used to work away from the nests and noted an ornithologist would be consulted during the bird survey. Sections can be done in the off-season when the nests are less vulnerable. The nests will stay, they would just place a new pole and work around when removing. Mr. Tilton recommended use of a platform.

Ms. O'Brien asked the duration of the project. Mr. Danforth noted they will work with the Conservation Coordinator and expect to start in February or March. The project at a minimum will be a year to a year and a half or $\frac{3}{4}$.

Ms. Swank asked the size of the barges in the channels and Mr. Danforth noted they are not huge, 40' long and 10' wide.

Mr. Danforth agreed to submit mapping to the Coordinator which he reminded should be kept confidential as relates to species impact.

Chair Wrobel opened the hearing to the public for questions and comments at 7:31 and being none closed the hearing for deliberations.

Mr. Fox asked about the anchors and Mr. Danforth said the guidewire anchors are steel inch and a half screws in the ground and are part of the impact. There would be no block concrete.

Mr. Diener and Ms. Bialobrzkeski agreed timing could be phased to access sensitive areas in the winter months.

MOTION: Mr. Diener motioned to recommend approval of the Town Wetlands Permit.

SECOND: Mr. Tilton seconded the motion.

VOTE: All in favor

MOTION PASSED: 6-0-0

Chair Wrobel noted she will send a letter out at the end of the week to the Planning Board and copy TF Moran.

IV. Appointments

V. New Business

1. RSA 41:14-a Proceedings: 715 Ocean Boulevard; Release of town-owned deed restrictions on formerly leased land. Relief of front setback of 7 ft. to 4 ft.

Ms. O'Brien described the request for decrease of the setback restrictions and the property is not in the WCD.

John Burke owns the cottage with his wife Virginia. The deed had an old reference and was supposed to be 4.'

MOTION: Mr. Diener motioned that the Commission not object to the 41-14-a Proceedings for 715 Ocean Boulevard

SECOND: Ms. Swank seconded the motion

VOTE: All in favor

MOTION PASSED: 6-0-0

Chair Wrobel indicated she will send out a letter to the Select Board.

2. RSA 41:14-a Proceedings: 16 L Street; Release of town-owned deed restrictions on formerly leased land. Relief from deed restriction #3 to erect a six-foot fence

Attorney Tim Phoenix indicated he represented the owner of the property and there would be no wetland impact. The home will be razed and building built. There is a second issue with the outbuilding connected to the front of the building.

MOTION: Mr. Tilton motioned that the Commission not object to the 41-14-a Proceedings for 16 L Street.

SECOND: Ms. Shaw seconded the motion.

VOTE: All in favor

MOTION PASSED: 6-0-0

3. Victory Garden Update

Ms. O'Brien reported that she met with Jen Hale from the DPW today and four issues were discussed. The Blacksmith & Cooper shops are in tough shape. The Blacksmith shop is historically relevant. Neither is used by the Victory Garden. The matter is being worked on by the Heritage Commission and Historic Society. Mr. Tilton noted this came up before and someone didn't want to get rid of the Cooperage. The funds which had been approved then expired. Ms. Bialobrzkeski asked if the buildings were repaired would they be used – probably as a museum. Someone had recommended they be moved to the Tuck Museum. Mr. Fox recommended sending a letter to the Heritage Commission who did an assessment.

Ms. O'Brien noted she asked the DPW about mowing and no one knew who was doing the mowing and there were no invoices. Some dead trees and Bittersweet need removal but this is obviously not a priority for the DPW.

Ms. O'Brien recommended providing an easier way to turn the compost pile.

Ms. O'Brien reported 24 people are on the waiting list for plots and they would like to extend the garden with more fencing and rototilling expenses. Mr. Tilton asked how much the fee was for each plot - \$25/season on auto renew. If the fee were higher they could hire someone to do the work for them.

Ms. Swank recommended a hand out for rules and restrictions.

Mr. Tilton wondered if there was too much work to manage the Victory Garden to be done for one person. The structures are not under the Commission's purview

4. Defining "pervious pavement"

Ms. O'Brien reported the Town has not had one standard or set conditions or criteria concerning pervious pavement. The Town Planner Jason Bachand would like the Commission to discuss criteria and recommends a definition which could be brought through a Warrant Article. The goal would be to provide one standard for all departments.

Ms. O'Brien provided the Commission with information from the UNH Stormwater Management Center concerning pervious asphalt. The Building Inspector is using NH DES criteria. This would be guidance for use by the Town of Hampton, for the permitting/approval processes.

Ms. O'Brien expressed the importance of photo documentation of the layers when a system is installed so that she does not have to dig it up to inspect the layers, material and depth for property installation.

Mr. Diener noted porous pavement systems require maintenance and the Commission was of the consensus that transfers of ownership are concerning. Ms. Bialobrzkeski cited an example of rain gardens in open spaces being planted. How would the Town monitor that the maintenance is being transferred? Mr. Tilton indicated it should not be used as currency to mitigate building in the wetland buffer. Porous Pavement should only make up so much of a percentage of pervious pavement on a lot. Ms. Bialobrzkeski noted if the maintenance is not done it becomes impervious and compacted. Mr. Tilton added that the Town doesn't have the enforcement.

Mr. Diener noted porous pavers in the WCD should not require maintenance as a basic concept.

Chair Wrobel concluded it sounds like there is more research to be done to look at during the next meeting.

5. Icehouse Lane Japanese Knotweed Management Plan – waiting for input from the local homeowner's association.

6. 2002 Budget Review

Chair Wrobel reviewed the pending budget for FY22. She noted it is the same as last year except that the Commission voted to make the Coordinator position full-time, with benefits, \$66,257. It could also be a separate Warrant Article. The Recording Secretary flat rate would be increased to \$120/mo.

Chair Wrobel will provide a copy to the Town Manager

MOTION: Mr. Diener motioned to move forward with the proposed budget for FY22.

SECOND: Mr. Tilton seconded the motion.

VOTE: All in favor

MOTION PASSED: 6-0-0

7. SHEA Photography Contest

Chair Wrobel reported on the Seabrook-Hampton Estuary Alliance photo contest which is annual during National Estuary Week (late September). There are cash awards for selected pictures in five categories. The Commission usually donates \$100 through the public outreach line of the budget.

MOTION: Ms. Swank motioned to approve the contribution of \$100 to the SHEA Photo Contest.

SECOND: Mr. Fox seconded the motion.

VOTE: All in favor

MOTION PASSED: 6-0-0

8. HCC Public Outreach Ideas

Ms. O'Brien discussed the annual Environmental Stewardship Award which Mr. Diener recommended. There could be three categories, residential, business and agriculture. There could be an educational component with a classroom. The Commission could look at improvements in climate, sustainability, resilience, techniques, green buildings, reduce-reuse-recycle, environmental justice, air quality/pollution, clean energy/carbon footprint, etc. Mr. Tilton added fisheries and wildlife. Ms. Bialozewski recommended a fact sheet.

The Commission discussed whether the recipient would be nominated or apply.

Chair Wrobel recommended setting up an application form, mailing out the proposal and revisiting it.

Ms. O'Brien discussed the potential for an Environmental Festival on Town Conservation land; Quarterly News and/or a display at Town Hall which could be placed year-round but updated seasonally.

VI. Old Business

VII. Conservation Coordinator and Chair Update

Chair Wrobel reported the owners of the Barkley property are willing to close early next year. Funding could be completed with a Warrant Article. She is working on grant applications with Mr. Diener. There is \$60,000 in other costs, surveys, appraisals.

Chair Wrobel reported the Town Planner is working on the language for warrant articles for wetland regulations and to give the Coordinator enforcement authority.

Chair Wrobel reported on the emergency permit on Boar's Head. DES decided it was not an emergency because it had been ongoing since 2016 but did grant permission for some preventive measures.

Chair Wrobel noted there is a coastal resilience grant application she is waiting to hear about which may benefit the North Side Park. It won't fund construction but the coir logs are pretty inexpensive.

VIII. Adjourn

MOTION: Mr. Diener motioned to adjourn at 9:06 PM

SECOND: Ms. Swank seconded the motion.

VOTE: All in favor

MOTION PASSED: 6-0-0

Respectfully submitted,

Nancy Hoijer, Recording Secretary