

NORTH HAMPTON CONSERVATION COMMISSION

September 22, 2005

1) ROLL CALL

Present when the meeting was called to order at 7:00 p.m. was Chris Ganotis and Chuck Gordon, Co-Chairmen, Stan Knowles, Patty O'Connor and Shirley Carter.

2) OLD BUSINESS

a) Greystone Village (Lafayette Road) Conservation Easement

Representative Ed Huminick was present to review the changes to the easement deed proposed at the previous meeting. Deed language was modified to include yearly monitoring and compliance enforcement fees in response to the Commission's concerns. This modification is located on page 6, Section 3.G and reads as follows: "***Yearly monitoring expenses incurred by the Grantee as well as any expense incurred by the Grantee to enforce the terms of the easement and compliance by Grantor, including reasonable attorney's fees, if applicable, shall be borne by the Grantor. Grantor shall reimburse the Grantee for such expenses within fifteen (15) days of written request thereof by Grantee.***" Mr. Huminick told the Commission that the Planning Board reviewed and approved the modification. He also said the financing of the development is contingent upon meeting all the conditions set forth by the Planning Board, one of which is the Town's acceptance of the conservation easement deed.

While reviewing the modified deed, questions were asked about the ownership of the lots and homes. Mr. Huminick explained that the home lots are not deed described, the Grantor leases each parcel, but the home is owned by the individual(s). The Commission confirmed that the developer is responsible for all repairs and maintenance of the septic system and the grantor owns the entire underground infrastructure. Any successor in interest to the property owner will be subject to the affirmative and restrictive covenants; this includes an on-site management office in the clubhouse facility.

NHCC 9/22/05

Disclaimer: Minutes prepared pursuant to NH RSA 91-A:2,II. They will be approved by a majority vote of the Conservation Commission at the next regularly scheduled meeting.

Members inquired about the drainage flow and detention pond elevations. Mr. Huminick explained the drainage plan, tree plan, five year plan for review and maintenance of the wetlands, water testing plan conducted by NH Soils, snow removal condition and wetlands monitoring program conducted by Mark West during the construction period. Section D, “Reserved Rights” was then reviewed and discussed by the Commission until all agreed with the terms set forth.

Chuck motioned to approve and recommend the acceptance of the Conservation Easement deed by the Board of Selectmen on behalf of the Town of Hampton. Chris clarified and confirmed that the Planning Board allows for other parties to hold conservation easements, i.e. Rockingham Land Trust, in the event the Town does not wish to do so. He asked if the Commission wished for the Town to protect this land. Stan opined that future control and oversight would be better on a local level. ***Vote: Yes 3; No 1; Abstain 1. Motion passes.*** Shirley indicated that she abstained because the town report lists her as “emeritus” thus potentially rendering any of her votes null and void.

b) Chapel Road Telecommunications Tower Expedited Wetlands Permit Application

Ian Trefry of New Hampshire Soils was present for the appointment. Patty confirmed that she is familiar with the parcel and application. Chuck confirmed that there is 326 square feet of impact caused by the installation of a twelve-inch culvert over a swale along Chapel Rd. to access the proposed site. Ian said that this might slow the runoff or at least maintain the current hydrology. He felt that this will not negatively impact the current hydrology. He confirmed that the location of the cell tower “island” is being constructed on uplands.

In response to the Commission’s request for a legal opinion, the attorney for the Zoning Board clarified by a written opinion letter that the transfer of the cell tower installation rights is valid in the conservation easement. Members asked about the soil types and received assurance that maintenance of the culvert will be privately maintained. Chuck pointed out that the Commission is acting solely on the expedited wetland application and not endorsing the cell tower proposal.

After a motion duly seconded, it was voted, with Shirley abstaining, to communicate to the DES Wetlands Bureau, Frank Richardson, that the North Hampton Conservation Commission has reviewed the minimum impact application and have no objections to it being granted by DES. Ian said that since so much time elapsed from the initial application date, he would like to inform DES as to why, send an updated notice to the abutters and asked that Chuck sign the updated approval form when received. Members agreed.

3) OTHER BUSINESS

Members felt that the “emeritus” designation after Shirley’s name in the June 2004 town report was erroneous and felt strongly that her votes are both wanted and necessary for the Commission. *After a motion, duly seconded*, it was voted to recommend to the Board of Selectmen, that Shirley Carter be appointed as a full-fledged member of the Conservation Commission for a three-year term.

Respectfully submitted,
Janet Perkins
Secretary