

NORTH HAMPTON CONSERVATION COMMISSION
Meeting Minutes
May 11, 2010

1) ROLL CALL AND ADMINISTRATIVE

The meeting was called to order at 7:00 p.m. Present were Chris Ganotis (Chair), Lee Brooks (Co-Chair), John Peterson (Treasurer), Shirley Carter, Brian Chevalier, Stanley Knowles and Patty O'Connor and Lisa Wilson, Alternate, arriving 20 minutes after the meeting was called to order. Members of the public included Atty. Peter Saari, representing Joseph Roy, John Chagnon, and Shawn Roy, all representing the Greystone Village project.

2) CONSIDERATION OF MINUTES

Minutes of April 13, 2010 *After review of the April 13 minutes, a motion was made by Lee Brooks, duly seconded by Shirley Carter, to approve the minutes as written.* It was voted unanimously with John Peterson and Brian Chevalier abstaining.

3) TREASURER'S REPORT

John Peterson presented the report. *After review of the report, a motion was made by Lee Brooks, duly seconded by Shirley Carter, to approve the report.* The vote was unanimous in favor of the motion.

4) NEW BUSINESS

1. Greystone Village Plan revision proposal

The new owner of Greystone Village, Mr. (Joseph) Roy, has proposed a redesign of the subdivision project. The plan showed the removal of eight house lots from a portion of the development, with the land subsequently designated for conservation. It was proposed that this conservation land would replace other land, currently in conservation, to be taken out of conservation and used to support two additional home lots. The revised plan also showed that a filter pond would replace the originally proposed retention pond and an emergency right-of-way gravel road would be placed through the newly proposed conservation land.

The Conservation Commission discussed several issues, as follows: First, the previous project developer made a commitment to conduct baseline documentation and monitoring through a third-party trust. That commitment was never honored, since the developer's company went bankrupt. There is still a need resolve the baseline documentation and monitoring obligation issue for the Greystone project.

Second, the Commission indicated a long-standing policy to not take land out of Conservation, given the legal complexities and concern with establishing precedent. The Chair indicated that a very compelling case would need to be made to show how taking the land out of conservation would be in the public interest. Additional legal requirements

would also need to be met, possibly including a court order to take the land out of conservation. Attorney Saari indicated that he would review the legal matters in more detail.

A motion was then made by Lee Brooks, duly seconded by John Peterson, to take a two minute recess. The vote was unanimous in favor of the motion.

2. Rain Garden Technical Report Proposal - Since the beginning of 2010, two ZBA applications have been submitted which included proposed rain gardens. In both cases, the rain gardens were proposed in locations with soil conditions that were believed to be unsuitable for rain gardens. Further follow-up with soils scientists and wetlands specialists confirmed this. After further discussion, the Commission decided that a third-party technical memorandum be procured to better identify the technical screening criteria such as soil conditions, distances from structures/ septic systems, surface area, vegetative growth, filtering media and proximity to impervious surfaces, that would need to be met to construct a functional rain garden design. The memorandum would serve as supporting testimony documentation for determining technical suitability of rain gardens of proposed future ZBA applications. Several possible technical experts that might be considered to prepare the memorandum were further discussed.

OLD BUSINESS

1. Town Forest Update - Stanley Knowles reported that the forester from Northwood he spoke with declined a contract to manage the clean-up effort for the trees that were blown down in recent storms. With all the tree blowdowns in the region, there was no market for the downed timber. Stan suggested asking Philip Thayer and Brian Chevalier to clear some of the logs in the right-of-way. Brian was open to the idea.

2. Placement of Parcels into Conservation and recording of deed restrictions

The deed restriction documents need a final sign-off by the Select Board before recording at the Registry of Deeds.

3. Commission Administrative Update: Conservation easement files, memberships terms, RSA 91:A compliance.

a) Files of easements and deed restrictions will be scanned for a hard copy print. An update from the Town Administrator is pending.

b) Commission Member reappointments were discussed. Brian Chevalier and Patty O'Connor would like to serve another term and both will send letters to the Town Administrator requesting to another term in accordance with Town reappointment policy. Philip Thayer would like to be considered for appointment as regular member of the commission. A discussion of adding a new alternate followed.

c) The Chair reviewed a summary of the Right to Know Law (RSA 91A) to remind members of some of the important provisions in the RSA and of the responsibilities of members in assuring compliance. The Chair indicated that the Commission has been consistently compliant with Right To Know Law.

5) **OTHER BUSINESS**

- ZBA Correspondence

Pending Cases

1. Map 6, Lot 147-2, 112 Mill Rd. Use of Mill Pond to meet lot requirement, ZBA Case 2010:02 – continued to May meeting . The Commission submitted its written expert opinion memorandum to the ZBA, which indicated that a “Body of Water” is defined by regulation, to include area to the shore of the surface water.

2. Map 6, Lot 108, 66 Woodland Rd, ZBA Case 2010:01
Continued to July meeting – plan is being revised.

Case Update ZBA Denial of variance request

1. 20 Chapel Rd Case 2010-5, M/L5-32

The wetland variance application was rejected.

- North Hampton Forever Update – nothing to report
- Planning Board Correspondence – nothing to report

6) **OTHER CORRESPONDENCE AND PUBLIC COMMENTS**

Ms. Joanne Lamprey called the Chair and expressed a concern with flooding of conservation land on Atlantic Ave and abutting the Little River Salt Marsh and neighboring properties. She formerly owned the conservation land and maintained the drainage. Recently, she sold the parcel to Mr. Alan Perkins. The Commission discussed whether the flooding was caused by the recent Little River Salt Marsh restoration project, completed in late 2009, or whether it was as a result of fresh water flow from recent major rainfall. A sub-surface pipe was reportedly not capable of diverting all the water in the flooded area to the salt marsh. Stan Knowles indicated that he would contact Mr. Richard Robinson, who had prior experience with maintaining the pipe, to better understand the nature of the flooding problem.

Saturday, May 15th a Riverwalk is being held in Stratham and Greenland on Rte. 33 at the Weeks House from 10:00 a.m. and 1:00 p.m.

There being no further business to discuss, ***a motion was made by Stanley Knowles, duly seconded by Patty O'Connor, to adjourn the meeting.*** With a unanimous vote, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,
Beverly Moore
Recording Secretary