

CONSERVATION COMMISSION
1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
CONFERENCE ROOM "A"

3:30 P.M.

June 8, 2016

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman Mary Ann Blanchard; Members Allison Tanner, Barbara McMillan, Kimberly Meuse, Matt Cardin; Kate Zamarchi; Alternates Samantha Wright, Adrienne Harrison

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner

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I. APPROVAL OF MINUTES

A. May 11, 2016

Chairman Miller stated that he hadn't receive the minutes, as did other members of the Commission. It was moved, seconded, and passed by a vote of 7-0 to postpone the approval of the minutes to the July 13, 2016 meeting.

II. CONDITIONAL USE PERMIT APPLICATIONS

1. 71 Baycliff Road
Frank J. Liva and Bonnie L. Blaisdell, owners
Assessor Map 207, Lot 46

The Commission acknowledged the withdrawal of the application.

2. 250 Northwest Street
Christian Shores Condominium Association, owner
Assessor Map 122, Lot 4

Brian Blanchette, President of the Christian Shores Condominium Association, reviewed his project, noting that the stone wall was deteriorating. He said the wall was broken up into three sections, and he discussed the materials that would be used to rebuild it, saying that it would be built to the same specifications and that original stone would be used where possible.

Chairman Miller asked whether the tide ever went over the wall, and Mr. Blanchette said he had never seen it do so. Mr. Cardin said he assumed all the construction, erosion sediment control, and so on could not be done at the low tide cycle, and he asked how the sediments would be

prevented from getting out when the wall was dismantled and repaired. Mr. Blanchette said they would rebuild the section that had caved in during one tide cycle and would backfill behind it. Mr. Britz asked whether it would be done one at a time. Mr. Blanchette said that Sections 1 and 2 were affected by the tide cycle and would be done in two separate cycles, but that the third section of the wall was not affected. Mr. Cardin asked whether the same 2007 contractor would do the work, and Mr. Blanchette said it was a new contractor.

Chairman Miller asked who denied the request for the whole wall to be fixed. Mr. Blanchette said the State denied it, which was the reason they were doing just the caved-in sections. Ms. McMillan asked whether they would use loam and grass to replace and re-seed, and Mr. Blanchette said they would.

Ms. Tanner moved to recommend approval of the application to the Planning Board and the Board, with the following condition:

That the applicant provide the Conservation Commission, through the Environmental Planner, a report documenting the construction of the repair to the wall, with photos and a brief description of the project, and any lessons learned. This report will be provided within two months of the completion of the repairs and will be used to inform the Conservation Commission on the approach for future repairs to this type of structure.

Vice Chairman Blanchard seconded the motion. The motion passed by a unanimous (7-0) vote.

III. STATE WETLANDS BUREAU PERMIT APPLICATIONS

A. Standard Dredge and Fill Application

24 Shaw Road

John and Diane Connors, owners

Assessor Map 223, Lot 23

(This item was postponed at the May 11, 2016 to the June 8, 2016 meeting.)

Chairman Miller read the notice into the record.

Zachary Taylor of Riverside and Pickering Marine was present to speak to the application and stated that the 11-12' dock was very old with an odd shape, a bump-out and a maximum of 1300 square feet of fixed pier. He said the purpose of the project was to redesign the dock and reduce the overall square footage to make it more usable. He said it was a short ramp, which would be largely unusable during low tide. They wanted to reduce the square footage impact from the pier down to four feet wide and lengthen the gangway from 16 feet to 40 feet, and also add another section of float so that it could turn and align more with the channel symmetry. The result would be better access at low tide and better water access in general. He said they filed a request through the National Heritage Bureau but did not expect any impact with wildlife, and they also contacted Portsmouth Harbors, who were okay with the project.

Ms. Zamarchi said there was a trend that docks at the end of the gangway were getting longer. Mr. Taylor disagreed, saying that the average float was usually 10'x24' wide. He said they were trying to transfer square footage impact with a more usable form, and he further discussed it.

Vice Chairman Blanchard asked what the net change in the square footage was, and Mr. Taylor said it was approximately 233 square feet less than the original square footage. Ms. Harrison asked what the lowest depth of the float was, and Mr. Taylor said it was about two feet. He noted that the previous float would be pretty much sitting on the mud.

Mr. Cardin said there were two pairs of pilings going into the emergent marsh area, and he asked Mr. Taylor to address the construction in terms of protecting the surrounding vegetation. Mr. Taylor said it was a short amount of marsh grass and that the barge was mobilized into the site. They would drive the pilings from the new pier and then build the staging, with the construction team moving back and forth on the staging. Personnel would then get off the substrate as quickly as possible. Mr. Cardin asked about pile holes, and Mr. Taylor said they didn't have to excavate most of the time. Mr. Cardin asked whether leaving the pilings in or removing them would have the lesser impact when they were taken out of the marsh and whether it would cause erosion. Mr. Taylor said that if they have a creosote piling that broke off, they would extract it. If it was an old hemlock piling, it would decay over time and would not have much impact.

Ms. McMillan asked what material the decking was made out of and also about maintenance. Mr. Taylor said it was southern pine and that it was designed to not require much maintenance except for pressure washing. He said it was a human-contact rated marine grade lumber specifically designed for a marine environment and could be stained to increase its life span. Ms. Harrison asked whether there was any eel grass in the area adjacent to the float. Mr. Taylor said he didn't see any. Chairman Miller asked whether there were any regulations about owners applying stain over water. Mr. Taylor said he thought there was one because he was sure one couldn't stain over the water.

Ms. McMillan moved to recommend approval of the application to the Planning Board, and Ms. Tanner seconded. The motion passed by a unanimous (7-0) vote.

- B. Standard Dredge and Fill Application
Public Service of New Hampshire, owner
Eversource, applicant
Assessor Map 214, Lot 2

Chairman Miller read the notice into the record.

Kathleen Lewis, Eversource Community Relations Manager, was present to speak to the application and introduced Sara Allen, wetland scientist and project manager for Normandeau Associates, and Kurt Nelson, Licensing and Permitting Department Specialist.

Ms. Lewis said they wanted to update the Commission on their application for a new transmission line, noting that the reliability project had direct benefits to residents and businesses and would support the region's growing electric needs. She said that 25% of the electric flow in New Hampshire was expected to be in the greater seacoast area within the next five years, and they were building the new line to support it. The line would begin at the Schiller Station and cross the street into Newington, having only a temporary impact to Portsmouth. Ms. Lewis said they distributed binders to the City and would have public hearings in Rockingham County so that residents and businesses could get further information.

Ms. Allen said she was hired by Eversource to deal with environmental issues while the transmission line was installed. She said it was a 13-mile transmission line from Madbury to Portsmouth, with a one-mile crossing of Little Bay on the Durham side and going ashore to Gundalow Landing in Newington. Part of their environmental assessments included wetland delineation, and subcontractors were hired to do rare species reviews. They proposing using a jet plow to fluidize the sediments that came up into the water column, and estimated that 30% of the plow depth was re-suspended. The cable would be buried eight feet in the deeper part of the channel and then 3-1/2 feet at the tidal flats. Ms. Allen also noted that Little Bay had the single set of transmission cables strung along the overhead structures and was divided into three cables under the bay, so there would be three passes with the jet plow.

Vice Chairman Blanchard asked how much cutting would be done in Portsmouth. Ms. Allen said there was a distribution corridor because it was a reliability project within an existing right-of-way. The right-of-way was 100 feet wide and the corridor was 60 feet, so another 20 feet would be cleared on each side of the corridor. Vice Chairman Blanchard asked how many trees were involved, and Ms. Allen said the table indicated 11,000 square feet. Ms. Tanner asked why they would need an additional 20 feet of clearing. Ms. Allen said it was because the lines were taller, and there was a small 2-3 wire distribution corridor being replaced by taller structures that needed wider clearance for safety reasons.

Mr. Nelson said they were regulated for reliability on certain transmission voltages to make sure the lines were safe and reliable. New Hampshire was a heavily forested state, and he found that, when clearing trees on right-of-ways, shrub habitats were created. He said most people didn't like to see trees cut, but there would be a shrub-like area with rare species.

Vice Chairman Blanchard asked Mr. Nelson to address how the corridor would be maintained, noting that the Commission had previous issues with heavy cutting with other Eversource projects. She also asked how the right-of-way would be protected and managed. Mr. Nelson said that, depending on the voltage class of the line, they had a brush maintenance program wherein some corridors got mowed every 3-4 years. He said that particular corridor would get mowed every three years. Vice Chairman Blanchard said she was concerned that it would grow and then be mowed down. Mr. Nelson said it would allow for a variety of plants to thrive in those areas, and if they weren't maintained, those areas would re-grow into forests.

Ms. Tanner said the worst thing with maintenance was the fact that no one pulled out the garbage, and it got shredded and just lay there. She recommended that someone pick out the pieces first. She referred to the Crossings Mall area between Gosling Road and the Ford dealership where it looked like a forest of plastic. Mr. Nelson said the result wasn't always pretty, and if it was their property, they would recover dump items.

Vice Chairman Blanchard said the Commission had the same conversation with Eversource before, and she suggested notifying people before doing the cutting. Mr. Nelson said they already did so. Vice Chairman Blanchard said it would be helpful to let Mr. Britz know as well. She said the area had nothing residential near it, but at times there were issues when lines were cleared and residents asked what was going on. Mr. Nelson said they usually gave notification to the City Clerk. Mr. Britz said he hadn't seen it. Mr. Nelson said he would check into it.

Ms. Allen discussed the cross-sections of what the area would look like. Chairman Miller said they probably had a system in place, but thought it seemed silly to have ten separate poles in the same corridor, with the corridor continually growing. He asked whether they could be condensed into one. Ms. Allen said they were not widening the corridor but simply removing a few poles to make room for the new line. She said she would look into it.

Vice Chairman Blanchard said she thought the plan had achieved obsolescence in terms of wood burning. Ms. Lewis said the State, Eversource, and other parties entered into a settlement agreement for the sale of Schiller Station, which included the wood boiler, and when the station was sold, there would be separation between the actual power plant and the lines. Vice Chairman Blanchard verified that coal was producing the fuel, and they further discussed it.

Mr. Britz asked whether the area where the tree clearings were happening was all wetland, and Ms. Allen said it wasn't because the tree clearing ran the entire length of the line. She said only the solid green was wetland. Mr. Britz concluded that the tree clearing in the wetland area was 11,000 square feet, and he asked how those trees would be cut. Ms. Allen said it would depend on the character of the wetland and would probably be done mechanically. If it was very wet, it would be done by hand. Vice Chairman Blanchard asked whether it was contracted out or done in-house. Mr. Nelson said it was contracted out.

Ms. Tanner verified that the wetlands quality or moisture level determined the equipment to cut it. Ms. Allen said if it was very wet, timber mats were used, and that equipment would not go directly on into the wetland unless it was frozen. Ms. Tanner said a lot of wetland was in poor condition, and she was concerned that invasive species would be spread. Ms. Allen said the invasive species control was front and center on the bid specifications.

Mr. Nelson suggested a site walk. Ms. McMillan asked what time of year the construction would take place. Ms. Allen said they were not committing to a time because they had multiple sites going at once. Ms. McMillan said it would make a big difference to commit to a time, especially during the spring, when there was nesting and it was really wet. Mr. Nelson said they were trying to get construction times for some locations, like UNH, and that the Bay would be worked on in the fall, but they didn't know of any firm times for the rest of the project. Mr. Nelson said it could be possible to time it to a particular season.

Mr. Britz said the Commission didn't have a complete packet, and he asked Mr. Nelson whether he could return with an application. He also noted that Mr. Nelson might need a City Wetlands permit. He said he would contact Mr. Nelson to let him know what to bring for the next meeting.

Ms. Allen said the permitting process was submitted to the Site Evaluation Committee on April 12, and the completeness review would most likely be completed within the next few days, which would trigger the process for the permit review. She suggested that the Commission review the permit application because it included four towns. Ms. Tanner said the Commission's main concern out of the four towns was Portsmouth. She said it was important that the project team consider the seasonal attack of the wetland for the next meeting. Chairman Miller said that invasive species was also a big problem in Portsmouth along the corridors and needed a proactive plan to limit the spread.

Vice Chairman Blanchard asked how the applicant handled rare plant endangered species with their contractor. Ms. Allen said there were no rare plant species in Portsmouth corridors but that they would research it. Vice Chairman Blanchard asked who made up the Site Evaluation Committee. Ms. Allen said it included the DES, DRED Commissioners and Historic Resource Commissioners, DOT, PUC members, and two members of the public. Chairman Miller said there was an online presentation on the project that might be helpful.

Mr. Britz said the Commission would coordinate another meeting and a public site walk.

IV. WORK SESSION

1. Trails in the Great Bog – Southeast Land Trust

Brian Hart, Executive Director of the Southeast Land Trust, introduced Peter Vandermark and said they covered the entire Great Bog Watershed in New Hampshire. He said they had a strategic vision for their work and engagement of the public on preserved lands and wanted the City to work with them to improve public access and enjoyment of the Great Bog.

Mr. Hart said they visited the property annually to monitor it. He said the homeless camping issue was resolved, and they were looking into trails that were better marked and maintained. The trails were identified, but they had to upgrade the entrance point and other parts. Mr. Hart distributed trail guides to the Commissioners and referenced the Tucker French Forest in Kingston as a resource that was always filled with people. They needed more maps, kiosk information, and trail improvements, and he also thought the proposed rail trail corridor would be a good access point. Some of the Great Bog was owned by Fish and Game, and he suggested that the two properties be linked. They were willing to do fundraising, plan and work, but they wanted to see if it made sense to the Commission and see what the next steps would be.

Ms. Tanner asked how well the bog was being used currently. Mr. Vandermark replied that it wasn't that well used, except by hunters and people doing illegal things, and that getting a network established would help the valid uses. He noted that they cleared the trail every few years and that it was accessible but not really welcoming.

Chairman Miller said that when he walked out there, he wasn't comfortable, so he thought the trail system was a great idea and likened it to Peirce Island when it first was opened up.

Ms. Harrison asked whether the trail would be a multi-use one or just for walking. Mr. Hart said the conservation easement would limit the types of trails, but he knew that it would not be motorized. Ms. McMillan said it would fit in well with the Portsmouth Public Underdeveloped Lands Study (PULA). Mr. Brian said there was a 170-acre piece of land next to Fish and Game East and that he was waiting to hear back from them as to whether they were interested.

Chairman Miller said the Commission didn't control the funds and felt that the City Council would not approve funds for planning. Mr. Britz said that previously, the Land Trust had approached the Commission for an appraisal, and the Commission had said they could contribute

to the project but could not be the sole beneficiary. He said the Commission didn't get the grant they needed to pay for the upfront costs.

At that point, Ms. Harrison left the meeting.

Chairman Miller asked what the applicant needed. Mr. Hart said they would need \$40,000 or more, and he noted that they had already spent \$50,000 on the Tucker property. They would consider what the community was comfortable with and how the money could be raised. If they received private funds, they needed to know how the two organizations would maintain it.

Mr. Britz said that the work done to keep the land open wasn't necessarily kept up. He suggested a site walk. Chairman Miller agreed that it was a good idea and suggested a stewardship subcommittee as well.

Mr. Britz asked Mr. Hart whether all the trails he had done were successful. Mr. Hart said the Tucker one was, and the other three had just started. Chairman Miller said they would need a plan on how to build and grow it and also had to think about the work load. Ms. Tanner said there was so much negative publicity due to the homeless campers and hunters that people she had spoken to didn't think it was an attractive property, and she didn't know whether or not perceptions would be changed by creating a trail.

Vice Chairman Blanchard asked how the City had acquired the land. Mr. Britz said it was partly through fundraising, and land and water conservation funds. Chairman Miller said no tax dollars went into it. Vice Chairman Blanchard said there was no revenue source off the land and thought it was the City's responsibility to address stewardship responsibilities. She said the Commission's job was to help them figure out how to do it. Ms. Tanner said it was a vicious cycle because if the City could monitor the activity and there was little activity, then there was little support for doing something out there. Mr. Hart said they would have people working 30-40 hours a week and the work would go forward once they found out when the Commission needed approvals. Vice Chairman Blanchard said the Commission needed a legal Memo of Understanding between the organizations, which would make people more comfortable. Mr. Britz said they would do a site walk at the end of July, and he thought it could just be a stewardship subcommittee activity. He said they needed the railroad right-of-way and the access. He suggested that the applicant do the piece they had the easement on, and then they would discuss the other areas. Mr. Vandermark said he would volunteer to be on the subcommittee and also knew several people who would be interested.

Ms. Tanner cautioned that the Commission had to be wary of conflicts of interest, like people who would join subcommittees because they wanted to site new ball fields.

V. OTHER BUSINESS

A. Outreach coordination – Madeleine Dilonno, UNH Cooperative Extension intern

Ms. Dilonno passed out presentation material to the Commission and said she was a UNH senior in the Community Environment Planning Program. As a summer intern for the Cooperative

Extension, she worked with outside communities made up of departments such as community economic development, agriculture, and natural resources. Her role was to gather information and training needs from planning boards and conservation commissions. She noted that the Commission's participation was voluntary and that data would be recorded anonymously.

Chairman Miller told Ms. Dilonno that she might want to consider the BOA because they had a huge impact on most municipalities on natural resources and gave Conditional Use Permits on wetland issues, among other things. Ms. Dilonno said she would look into it.

Ms. Dilonno asked the Commissioners what some of the big issues they had been working were on in the past few years. Ms. Tanner said stewardship was one of them. Chairman Miller said they had been trying to put more resources toward developing a good proactive plan for conservation land. He said they dealt mostly with wetland issues and State permit issues.

At that point, Mr. Britz left the meeting.

Chairman Miller said the Commissioners had varied backgrounds, and he asked whether there were educational needs for them. Ms. Tanner said there were needs for education for the community. Mr. Cardin said it was critical to understand wetland buffers and how the City regulated them and also how they played into how the Commission made decisions.

Vice Chairman Blanchard said she went to a workshop for Conservation Commission and Planning Board members about how to read buffer maps that she had found helpful. Chairman Miller agreed that it had been useful information about how to look at a site plan. Ms. Zamarchi suggested a neighborhood workshop, like a waterfront property one. Ms. McMillan said that relationships within the cities or towns with other boards could be strengthened as well as roles in creating more local ordinances. Chairman Miller said the Commission had a direct connection with the Planning Board and could add their input and change ordinances, and he noted that another area was the lack of understanding with regulations that protected the resources that people valued. Vice Chairman Blanchard said the Cooperative Extension was county-wide and could help communities connect with each other, particularly regarding natural resources.

The Commission discussed other needs that included climate adaptation and waterfront construction training, which Mr. Cardin thought was important to minimize impacts. Ms. Tanner agreed, noting that the Commission had lots of dock proposals and could never say no because everyone else had one. She said she was shocked that the maritime community didn't regard it as clogging the channels. Ms. McMillan said the Commission couldn't go beyond the regulations but could have a local ordinance on docks. Chairman Miller said they needed more information on shoreline management and treatments and suggested reviewing the Master Plan.

Ms. Dilonno asked the Commission what issues they foresaw in the next few years. Chairman Miller said he foresaw storm water management issues and a lot of redevelopment. Mr. Cardin said there were big opportunities for restoration from a more ecological standpoint, like rain gardens. Ms. Tanner said she wished the Commission had regulations on things like porous coverage. Chairman Miller said they would have to work with the City Council, and that he would discuss it with Mr. Harrison, who worked with living shoreline issues.

Ms. Dilonno asked the Commissioners how they received training or information to support their roles on the Board. Vice Chairman Blanchard and Ms. Tanner said they liked the ‘personal stuff’. Mr. Cardin said he relied on the Internet for regulations but thought in-person training and post-meeting discussions were best. Chairman Miller agreed and said there had to be a way to connect for ideas and sources of information.

Ms. Dilonno asked them what made it easier to attend the training. The Commissioners said it was time, money, and location. Ms. Zamarchi said she took the UNH Natural Resource Steward Program and learned a lot. Chairman Miller suggested connecting with the NH Association of Conservation Commissioners for training as well as other training providers. He felt that partnering with other organizations was more feasible than having competing workshops.

OTHER BUSINESS

Ms. McMillan said that the New Hampshire Soak-Up-The-Rain Program had a new homeowner’s guide and a native plants list for rain gardens, which she distributed. Ms. Tanner said it may be useful to hand out copies of that sort of thing at meetings.

VI. ADJOURNMENT

The meeting was adjourned at 5:55 p.m.

Respectfully submitted,

Joann Breault
Acting Secretary for the Conservation Commission

These minutes were approved at the Conservation Commission meeting on July 13, 2016.