

**MINUTES**

**CONSERVATION COMMISSION**

**1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**3:30 p.m.**

**July 13, 2016**

**MEMBERS PRESENT:** Chairman Steve Miller; Vice Chairman MaryAnn Blanchard; Members, Barbara McMillan, Allison Tanner, Kimberly Meuse, Matthew Cardin, Kate Zamarchi, and Alternates Adrienne Harrison, Samantha Wright

**MEMBERS ABSENT:** N/A

**ALSO PRESENT:** Peter Britz, Environmental Planner/Sustainability Coordinator

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**I. APPROVAL OF MINUTES**

A. May 11, 2016

It was moved, seconded, and passed by a vote of 7-0-0 to approve the minutes, as amended.

B. June 8, 2016

It was moved, seconded, and passed by a vote of 7-0-0 to approve the minutes, as amended.

**II. CONDITIONAL USE PERMIT APPLICATIONS**

1. Gosling Road  
City of Portsmouth, owner  
Portsmouth Housing Authority, owner  
Assessor Map 239, Lot 12

Elise Anunziata, Portsmouth Community Development Coordinator

Ms. Anunziata provided a brief overview of the Community Development Block Grant HUB-funded project for Gosling Road between Spaulding Turnpike and Woodbury Avenue.

Dan Hudson, CMA Engineers

Mr. Hudson further explained that the project involves adding, replacing, and expanding the sidewalks between Motel 6 and the housing development. In partnership with the PHA Housing Development, Limited, it will be a shared use path.

The project requires digging up the sidewalks and there would be minimal impact. The majority of the proposed plan lies within Gosling Road Right-of-Way, except for a small portion that falls within the wetland buffer. The 135 sq. ft. impact on the wetland buffer spans outside the right-of-way on Assessor Map 239, Lot 8. The team expects to utilize best management practices for construction, like any other sidewalk project.

Vice Chairman Blanchard asked if any pedestrian crossings existed. Mr. Hudson replied that only one is located at the signal for the crossings development. The proposed project provides a new crosswalk near the Windsor road bus stop, which is contingent upon approval.

Mr. Britz noted that any work in a Right-of-Way and outside the wetland buffer is not subject to a conditional use permit.

Pointing to G-2, Chairman Miller questioned the slope. Mr. Hudson indicated it is fairly flat at the existing sidewalk.

Ms. McMillan asked if pervious pavement, like utilized at Pease Tradeport, was considered. Mr. Hudson clarified that concrete is desired for longevity and it would be sloped to direct runoff towards the road.

Ms. McMillan asked if the City maintains the catch basin and how often it is cleaned. Mr. Hudson confirmed it is the City's responsibility and guessed that it is cleaned 1-2 times per year.

Vice Chairman Blanchard made a motion to recommend approval of the application to the Planning Board as presented, seconded by Ms. Tanner. The motion passed by a unanimous (7-0-0) vote.

2. Gosling Road  
City of Portsmouth, owner  
YDNIC, LLC, owner  
Assessor Map 239, Lot 8

Vice Chairman Blanchard made a motion to recommend approval of the application to the Planning Board as presented, seconded by Ms. Tanner. The motion passed by a unanimous (7-0-0) vote.

3. 901 Banfield Road  
Errol and Sun Ja Hebert, owners  
Assessor Map 275, Lot 8

Errol Hebert, 901 Banfield Road

Mr. Hebert stated the house was built in 1964. Prior to him purchasing the home in 1991, the previous owner emptied truckloads of concrete in the 1,800 sq. ft of area referenced in the proposed plan. Excess concrete was poured in the area. Mr. Hebert intends to dig out the crushed concrete and replace with crushed stone and a cement pad to support a Reeds Ferry shed. The shed will be located adjacent to where vehicles currently park. There is a wetland buffer

along the edge, where he has planted various fruit trees and grass. Mr. Hebert plans to utilize gutters on the shed to direct rainfall into rain barrels.

Chairman Miller asked how the dug up concrete will be disposed of. Mr. Hebert would hire a contractor to remove it.

Ms. Tanner looked for further details of the proposed shed location. Mr. Hebert referred to the photographs provided and explained the shed would be located 4-5 feet from the truck at the edge of the driveway. The shed will have a garage door in the front to allow for storage of his lawn equipment.

Ms. Wright noted that Mr. Hebert is removing 1,800 sq. ft. of broken concrete to replace it with 1,500 sq. ft. of gravel. She questioned why the amount of crushed stone be laid versus planting vegetation. Mr. Hebert was receptive to the idea of planting vegetation, but noted that the area is sometimes used for parking. Chairman Miller felt that comparing the costs of the two options would be the determinant factor. Ms. Tanner mentioned if vehicles continue to park in that area, the gravel may be more beneficial to the soil. Mr. Britz reminded that any option the applicant chooses ought to be identified in the plan. Mr. Hebert elected to not alter the proposed plan, as presented.

Ms. Tanner made a motion to recommend approval of the application to the Planning Board as presented, seconded by Ms. Zamarchi. The motion passed by a unanimous (7-0-0) vote.

4. 100 Peverly Hill Road  
Ryan P. and Jennifer L. Smith, owners  
Assessor Map 243, Lot 51

Bernie Pelech

Mr. Pelech explained how the proposed plan incorporates recommendations from staff to; incorporate more drainage solutions, address runoff issues from the roof, and plant along the edges of the wetland.

Mr. Pelech detailed the history of the project. He explained how the roof was not constructed as originally intended. After two discussions with the Zoning Boards, it was later realized that the proposed plan is located in the wetland buffer.

He indicated that the owner, Mr. Smith, conducted most of the design work. He felt that the proposal created with the help from Steve Riker, of Ambit Engineering, provides a better solution than what exists today. It will divert runoff from the roof to rain gardens and would install a stone drip edge along the farmer's porch.

Ms. Tanner asked the size of the farmer's porch. Mr. Pelech replied that the Zoning Board granted a variance for a 19' x 10' sized, single deck farmer's porch. The other two-story deck would not have a roof over it.

Mr. Pelech explained the mud room would be removed and replaced with that farmer's porch. The dwelling has been a two-family house since WWII and the layout has not changed ever since. There was no record in the Planning Department as a two-family home, therefore, those applications were made.

Chairman Miller asked to define a farmer's porch. Mr. Pelech explained it is a sloped roof, open porch with steps leading to the entrance that is typically only wide enough for chairs.

Ms. McMillan asked to elaborate on the proposed rain garden. Mr. Pelech noted that there will be a rain garden written into the plan prior to presenting to the Planning Board at the next meeting. Mr. Riker described how the corner of the property will have a downspout and the rain garden would be excavated as a detention basin. The elevation would require review and it will likely be an 18-24" basin. It would be a standard rain garden design and have the proper sub base with mulch and a spill lay.

Ms. Tanner wondered whether a small pond could emanate from that rain garden. Mr. Pelech thought that as a possibility. He noted that the house was built on fill, thus, clay may still exist. He answered to Mr. Britz that underground rain barrels could be built if too much clay is discovered.

Chairman Miller noted that rain would likely travel back towards the wetland, rather than towards the abutters' property based on the elevation lines.

Mr. Riker indicated to Ms. McMillan that the rain garden would be smaller than 150 sq. ft. and would serve only to catch roof runoff.

Mr. Cardin made a motion to recommend approval of the application to the Planning Board as presented, seconded by Ms. McMillan with the following conditions:

- 1) That the applicant provide additional stormwater management detail as well as landscape detail to insure that the project does not create an impact to the wetlands through erosion
- 2) That the applicant provide plantings that work with the wetland and improve the buffer.

Mr. Britz noted if the soil is determined unsuitable, the Planning Department can evaluate a revised rain garden proposal.

The motion passed by a unanimous (7-0-0) vote.

5. 187 Wentworth House Road  
J.P. Nadeau, owner  
Assessor Map 201, Lot 12

*Note: Both the State and City applications for this property were presented together. See page 7 for the presentation of the Conditional Use permit application.*

Vice Chairman Blanchard made a motion to recommend approval of the application to the Planning Board as presented, seconded by Ms. McMillan, with the following condition:

- 1) The applicant will provide detail showing how the soil will be contained if on site for longer than one day. The detail should also include best management practices for handling contaminated soils.

The motion passed by a unanimous (7-0-0) vote.

6. 9 Post Road  
Tamposi Limited Partnership, owner  
Assessor Map 284, Lot 11

John McTigue

Mr. McTigue's presentation included the following statements:

- The current lot totals 4.7 acres and is occupied for manufacturing purposes. The one-story building is approximately 2,540 sq. ft. and was built around the 1970-1980's. There is no existing storm water treatment.
- The proposal intends to recondition the Key Collision Center to become an auto body paint and exterior repair shop. All business activities will be performed inside the building and the area behind the building would store vehicles temporarily. The facility's paint booths will comply with EPA regulations and have the proper vents, filters, and sealants.
- There are six areas of proposed impact:
  - The proposed handicap accessible parking would be built over a grass island that is a previously disturbed wetland upland.
  - The oil water separator is necessary to wash cars prior to performing work.
  - A temporary fence would disturb the ground at each post.
  - Re-grading the current loading dock would improve vehicle accessibility.
  - The pavement will have to be removed to lay down grass.
  - The storm water treatment would include two bio detention areas to treat the majority of the pollutants. There would be grass swales to handle about 1-1.25" of rainfall. This is a retrofit and not a full storm treatment.
- Other minor changes include installing new overhead doors and removing the concrete front entrance.
- Overall, the wetland disturbance is 15,606 sq. ft. There will be a decrease of 1 foot of impervious area to make up for fill elsewhere. This is an improvement to the site by providing treatment that doesn't exist today.

Chairman Miller asked whether the overall footprint would be altered. Mr. McTigue confirmed it would not.

Chairman Miller asked to further explain the pavement removal and fill. Mr. McTigue explained the existing paved area will be removed of pavement, then filled with gravel, then re-paved over in an effort to regrade the area. It will result in an elevational change. Chairman Miller asked the final slope in that area. Mr. McTigue recalled approximately a 4-5% slope, which will have a bio retention trap for that slope.

Ms. Tanner asked where snow would be stored. Mr. Cardin referenced C-3, which denotes the snow removal plan.

Chairman Miller asked if the proposed fence is for security purposes. Mr. McTigue confirmed that statement and noted it is where cars are temporarily stored.

Ms. Zamarchi asked how drainage would route to the oil water separator. Mr. McTigue explained it would be pumped into the City sewer system and not drained into the wetlands. There will be a drain inside the building for washing cars, which leads to the oil water separator.

Ms. Zamarchi asked what kind of dumpsters are to be used given it is in the wetland buffer zone. Mr. McTigue answered that standard dumpsters with covers made for holding steel, plastics, and standard trash. He clarified to Mr. Britz that the dumpsters will be screened.

Mr. Cardin asked if the bio retention area would receive all sheet flow. Mr. McTigue replied that there is no underground drainage and it all currently flows backward. He indicated that the existing area of disturbance is hard packed gravel, not wetland soils.

Ms. McMillan asked whether any clearing would be necessary. Mr. McTigue confirmed that no trees or major vegetation would be removed and that only minimal trimming may be needed.

Ms. Tanner remembered the wetland area used to be a scenic area.

Ms. Tanner made a motion to recommend approval of the application to the Planning Board as presented, seconded by Mr. Cardin.

Ms. McMillan indicated a narrative was not provided. Mr. Britz suggested that one be provided to the Planning Board.

Chairman Miller expressed concerns regarding the consistency of application materials provided in this application and all others.

The motion passed by a unanimous (7-0-0) vote.

### **III. STATE WETLANDS BUREAU PERMIT APPLICATIONS**

- A. Standard Dredge and Fill Application  
Peirce Island Road  
City of Portsmouth, owner  
Assessor Map 103, 104, 208, Lot N/A

Terry Desmarais, Portsmouth City Engineer

Mr. Desmarais' presentation included the following statements:

- There exist two sewer force mains underneath the Peirce Island Road bridge; one of which was leaking near the abutments in early January. A containment system was utilized to

mitigate discharge traveling into the riprap adjacent the channel. The containment is still in place and the leak has seized as the weather has warmed.

- The project will require digging on either side of the affected area to install a liner into the pipe, which will repair the force main to a serviceable state.
- Mr. Michael Trainque, P.E. of Hoyle, Tanner and Associates explained the impacts of the liner installation are caused by excavation. The wetland application is necessary since the excavation work is located in the tidal wetland buffer zone. He noted that DES anticipates issuing an emergency authorization extension through to August 31, 2016 under the assumption the permit be issued before that time. He was unsure if that issuance will be expedited.

Mr. Trainque explained to Chairman Miller the staging area would be located on the right side of the bridge as one travels toward the island before the boat ramp parking lot.

Mr. Trainque confirmed to Ms. Tanner that the marsh would not be disturbed.

Mr. Trainque further explained that the epoxy resin-saturated felt liner is first installed dry using water pressure. Then, the resin sets by heating the surrounding water.

Ms. McMillan asked if the plan includes measures to mitigate spreading of invasive species. Mr. Trainque replied that the valve and liner installation calls for minimal excavation on either side of the bridge and does not extend to the roadway surfaces.

Chairman Miller noted that the permit application is mainly to keep the commission apprised of the project. Mr. Trainque reminded that the permit is a condition of approval for the emergency authorization from DES.

Ms. Tanner made a motion to recommend approval of the application to the State Wetlands Bureau as presented, seconded by Vice Chairman Blanchard. The motion passed by a unanimous (7-0-0) vote.

- B. Minimum Impact Expedited Application  
187 Wentworth House Road  
J.P. Nadeau, owner  
Assessor Map 201, Lot 12

Michael F. Dacey, Senior Associate, Geoinsight, Inc.

Mr. Dacey's presentation included the following statements:

- The project intends to implement corrective action for cleanup of polychlorinated biphenyl (PCB)-impacted soils. He referenced the site satellite map to note the impact area highlighted in yellow. The cleanup will cover the top of the riprap area.
- The impacts of excavation are not expected to exceed one foot in depth. The proposed excavation area consists of active sand and gravel in a boat storage parking.
- Remediation was approved by the US EPA under the Toxic Substances Control Act (TSCA) regulations, which governs activities relating to chemical substances and/or

mixtures, including PCBs. A modification was requested to extend cleanup at a lower level than originally approved, which will allow the property to be used unrestricted.

Chairman Miller asked for an explanation of the swale installation. Mr. Dacey described how the proposed installation of vegetated swale will improve the drainage. Approximately 1 foot of existing sand and gravel will be removed and replaced with six inches of seeded loam. There will be a riprap outfall area to encourage infiltration.

Mr. Dacey indicated to Ms. Zamarchi that the displaced contaminated soil over 50 ppm will be transported to a TSCO-regulated facility in either New York or Canada, with prior approval. The remaining contaminated material under 50 ppm, which he estimated weighing 40 tons, would be transported to Turnkey Landfill in Rochester, NH.

Ms. Zamarchi asked how the dust will be contained during excavation. Mr. Dacey replied that water is intended to mitigate dust. Depending on the nature of the contaminated matter, the EPA may require a dust suppression plan.

Mr. Dacey explained to Ms. Zamarchi that the widely distributed PCB contamination had not been traced to any particular source. He thought it is possibly due to the manner in which the boats are handled. Ms. Tanner asked if preventative measures are being considered and Mr. Dacey assured that the boat yard has become more restrictive and mandates the use of tarps to help inhibit PCB contamination.

Mr. Cardin questioned whether the excavated material would be held in trucks or a storage area. Mr. Dacey could not confirm. He indicated a direct load could be a possibility. Stockpiled material usually has a 6mm polyliner laid underneath, then is burned and covered if the pile sits for more than one workday. Those details for handling of excavated material was not included in the application. Mr. Dacey noted that a request with the EPA for higher ppm levels includes a work plan with said details, which was yet to be received from the consultants. Vice Chairman Blanchard understood the EPA's established Best Management Practices would address Mr. Cardin's inquiry.

Ms. McMillan asked to clarify the vegetation between the shoreline and berm. Mr. Dacey presumed it was grass and weeds and implied very little vegetation exists to help with treatment. He also identified no sign of wetlands because of the riprap bounding the tidal water.

Chairman Miller asked if the proposed swale gave consideration for the upper reaches of high tide. Mr. Dacey indicated the map accounted for high tide and elevation shift.

Ms. McMillan questioned whether the riprap from the swale would reach the shoreline. Mr. Dacey explained that the riprap area is designed specifically to draw in infiltration before reaching the shoreline. The vegetation and swale serves as a treatment component. Ms. McMillan wondered if the riprap began far from the shoreline. Mr. Dacey denoted about 15 feet.

Mr. Dacey believed that the PCBs were discovered during a real estate transaction in a phase two routine sample collection.

Mr. Cardin made a motion to recommend approval of the application to the State Wetlands Bureau as presented, seconded by Ms. Tanner, with the following condition:

- 1) The applicant will provide detail showing how the soil will be contained if on site for longer than one day. The detail should also include best management practices for handling contaminated soils.

The motion passed by a unanimous (7-0-0) vote.

C. Standard Dredge and Fill Application  
363 New Castle Avenue  
Briggs Realty Assoc. of Delaware, LLC, owner  
Assessor Map 207, Lot 3

Steve Riker, Ambit Engineering

Mr. Riker's presentation included the following statements:

- The contents of the application packet materials were explained.
- He described the proposed project is to provide a docking structure for recreational boating access to the Piscataqua River channel. That docking structure consists of a 4'x10' fixed pier connected by a 10'x 20' wooden float, which is anchored with mushroom anchors and galvanized chain shackles. The project will repair and replace the existing riprap embankment on the plan with no change in footprint area. The existing riprap is in mediocre condition, yet the stones are beginning to slump. Lastly, the existing wooden deck located within the seaward side of the HOTL supported by four pilings and a set of wooden stairs, is to be replaced with a docking structure.
- After removal of the riprap, the slope would be prepped with geotextile fabric and secured by course bedding. Then, 12" minus stone would be placed on top of that to replace the riprap. There would be nearly zero net change in slope and footprint.
- C-1 Note 10 indicates the time periods construction work would occur.
- The area outside the wetland is mudflat at low tide for quite a distance.

Chairman Miller expressed concerns with the riprap replacement. He felt that it did not look different than most of the shoreline, it was difficult to see the riprap footprint, which may smother what living shoreline already exists with the rock weed, and the boards did not make sense. He felt horrified by the lack of planned erosion prevention along the shoreline and questioned the need for a large riprap footprint. Mr. Riker replied that the riprap is existing. He explained that the applicant is a new property owner. Chairman Miller thought there are more environmentally friendly solutions that should be explored. Mr. Riker wasn't sure if vegetation could be stabilized on the steep slope, but thought the applicant would perhaps not be opposed to plantings. Chairman Miller suggested 4-5 feet riprap at the upper edge is all that would be necessary because it is not a high activity area. Ms. Tanner supported Chairman Miller's statement that a plan at the upper edge be recommended since the existing boards are not helping the situation. She also thought there was too much riprap.

Mr. Cardin felt replacing riprap at the upper third or quarter only was sensible. He added that clearing vegetation would violate the conditions of the wetland buffer and the verbiage should be removed.

Mr. Cardin did not have an issue with the deck being replaced as long as it was in-kind.

Ms. Wright asked to clarify a photograph.

Ms. Tanner asked whether the stairs off the small deck are necessary. Mr. Riker was not sure what the owner's intentional use for the stairs was.

Mr. Riker explained to Ms. Harrison that only the riprap located below the boards will be replaced, but not the boards themselves. He added that the rebar was installed to help support the boards. Chairman Miller asked the elevation of the boards and Mr. Riker replied between 7-8.

Mr. Britz asked if the existing riprap could be mistaken for broken ledge. Mr. Riker was not positive whether that was true. He felt that based on past experience with a client in Durham, the State will likely allow the riprap to be installed above the water line.

Vice Chairman Blanchard appreciated the owner's intent to improve the area. However, she expressed concerns regarding the riprap, upper slope planting, and other concerns raised by Ms. Tanner. Vice Chairman Blanchard stated her support for postponing the application until the plan is revised. Mr. Britz felt that postponement would grant the applicant time to address the concerns raised by the Commission.

Ms. Tanner and Chairman Miller concluded for Mr. Riker that the Commission would hope to see on the revised plan one entrance to the mudflat area and less riprap.

Ms. Zamarchi provided written guidance to Mr. Riker on New Hampshire saltwater shoreline natives about potential plantings for the owner.

Ms. McMillan felt that it may be beneficial to schedule a site visit.

Mr. Cardin requested a photograph that illustrates the extent of where the proposed work would be located.

Ms. Harrison felt there is an opportunity to remove the structure since there will be improved access with the dock. She suggested to the applicant to raise the existing deck. Ms. McMillan responded that the said proposition would not be permitted since only an in-kind replacement can be proposed.

Vice Chairman Blanchard made a motion to postpone the application until the August 10, 2016 meeting, seconded by Ms. McMillan.

Vice Chairman Blanchard did not see it necessary to include the punch list of recommended revisions as a condition in the motion. Ms. McMillan supported that statement. The motion passed by a unanimous (7-0-0) vote.

## **2) WORK SESSION**

1. 350 Little Harbor Road

Bernie Pelech

Mr. Pelech's presentation included the following statements:

- The Nalewajks recently purchased the property, which is located adjacent to Creek Farm Road. Maritime Cottage Road access is still disputed, but it has existed in the past. He suggests that a site visit be conducted because that would help to explain why the work session was called for. The Shoreland salt water set back is very narrow, hence the anticipation for a conditional use permit to maintain the existing access ways.
- AMBIT Engineering, Inc. has conducted the engineering work. Steve Riker has completed the wetlands mapping. Robbi Woodburn is working on the access way to evaluate various types of access ways, which is the main purpose of the work session.

Steve Riker, Ambit Engineering

Mr. Riker's presentation included the following statements:

- The developed portion of the parcel, which is closest to Sagamore Creek, is the only developed area and holds a strange shape. The plan was generated by a site survey from Newmarket. He completed the HOTL delineation and Jamie Long of NHSC Environmental, completed the inland wetlands.
- The existing house on the property is in poor shape and the owner plans to replace and construct new home on the property. The planned access way is circular. There is a steep slope on the back side of the existing house. The docking structure is located near the creek and there exists a garage and barn. Mr. Pelech explained that the property used to be called the Thomas Sheafe Farm, which was once over 250 acres and extended into Rye over Sagamore Creek. Parcels were sold off in the past years. The brother and sister split the remaining inherited property, which denotes the existing odd shape.
- The purpose of the photos provided were to illustrate the existing buildings, dirt gravel roadways, access ways, and vegetation. Mr. Riker explained from what directions each photo was taken from. He acclaimed that an extensive job was done to sight the trees, to include size and species.
- The planned proposed design includes:
  - A new home located in the same location and considerably larger than the existing.
  - Access would begin at the end of the Creek Farm Road parking area, then travel toward the proposed 2-bay garage, down to the 1-bay garage, and end at the front porch.
  - There are two designs on the plan. Both plans are outside the 100-foot buffer. The dark dotted line is the inland wetlands buffer. The house intends to be outside of tidal buffer. The proposed garage would be inside the buffer. The existing garage and barn would be removed. The existing garage is located 30 feet from wetland buffer line.
  - The owners prefer to not remove any trees. Mr. Riker pointed out one potential tree that would perhaps need to be removed for the purpose of a leach field. A site walk is important to see the trees that hundreds of years old.
  - The area in front of the house and an adjacent area are likely be reduced parking material.

Ms. Woodburn stated that the owners do not want asphalt. They are sensitive to the fact that driveways are within the buffer, yet the owners do not like the look of asphalt. Proposed is a ribbon driveway, which consists of two 3-foot wide tracks with a 3-foot space between them that is made of pervious materials, such as crushed stone over a permeable base. The crushed stone or pavers would promote air flow to help surrounding tree roots.

Vice Chairman Blanchard asked the length of the proposed driveway. Ms. Woodburn explained that it would stay within the existing footprint and roughly 480 feet long. It was noted that the proposed driveway would be cut shorter than the existing.

Vice Chairman Blanchard asked for the difference in square footage between the proposed house and existing structure. Ms. Tanner added that typically the Commission wants to know how much pervious surface is removed and added back. Mr. Riker guessed roughly a 400 sq. ft. increase.

Mr. Riker answered to Vice Chairman Blanchard that no work along the shoreline would be proposed, with only one exception to repair a set of five stone stairs without removing the stairs.

Vice Chairman Blanchard questioned the legal status of access to the site. Mr. Pelech noted that a barrier was erected off the creek to prevent public access. The present owner of that property at Maritime Cottage Road disputes that Right-Of-Way. He noted that Creek Farm Road is the preferred access way. Vice Chairman Blanchard suggested that access could be made available on the Creek Farm Road side since there is no dispute there and that is what currently is used. Ms. McMillan noted that access is mostly within the wetland buffer.

Ms. Tanner recalled when Mr. Johnson had once sought to construct that access way and it was determined unfeasible at the time. Chairman Miller countered that Mr. Johnson was focused on a different roadway than the one discussed. Ms. McMillan reminded that when all the roadways were used, they were continuously covered in mud and the maintenance was unbelievable. Given that, she expressed her concern for the suggested circular, ribbon driveway. Ms. Woodburn felt that with careful, precise construction, it could offer the best solution.

Vice Chairman Blanchard asked if the Forest Society has provided input. Mr. Pelech responded that he has had many conversations with them and they've expressed positive support.

Chairman Miller was unsure which type of ribbon driveway would be best for the wetland. Ms. Tanner felt pavers with grass in between may not be ideal. Ms. Woodburn noted that pervious strips on top another layer of pervious materials would not move or become squishy because of the structural base. She felt that something could be proposed that does not pose maintenance issues, regardless of which paving type.

Ms. Tanner felt that regulations regarding fertilizing and spraying near the wetland buffer and tidal water should be accounted for. Chairman Miller responded that pavers would not require spraying, as would gravel, and that the traffic would help to mitigate vegetation.

Mr. Cardin asked if the public access road could track mud into the pavers causing potential maintenance issues. Ms. McMillan clarified her previously stated concern to say that a fair amount of site work would be required to construct the circular, ribbon driveway.

There were further deliberations on different variations for the driveway's approach to the house. Traveling along the garage and barn would be acceptable. Ms. Tanner understood that and added that the alternative approach mentioned would be underneath the portico because it would be further away from the wetland.

Chairman Miller noted a site walk would help to clarify the plan and did not have any major findings to add.

Mr. Cardin saw the existing trail turning into the wetland as an opportunity for buffer mitigation. Mr. Pelech noted that public pedestrian access must be withheld.

Vice Chairman Blanchard asked the structure of the proposed home. It is two stories plus one section for a walkout basement.

Mr. Riker responded to Mr. Britz that Jamie Long identified in May 2015 one area of potential vernal pools. He added that the tidal water delineation was conducted in October 2015.

Ms. Harrison noted the existing structure outlined in red on C-2 has a bump out next to the proposed structure. She asked if a new foundation would need to be built given that bump out. Mr. Riker responded that the existing house does not have a full foundation. It was stated the grading will be reviewed to create a similar crawlspace and basement walkout, which will require excavation.

Another consideration was stated that the existing barn has a stone foundation plus additions that are posted to the ground. The owner would like to remove the barn and leave the foundation wall to be turned into a garden. They also seek feedback regarding drilling geothermal wells.

Ms. Tanner complimented the plan and liked that there is no intent to cut down trees. She was unsure where the geothermal well could be located given the water table and trees. Chairman Miller recalled a 1,000-foot geothermal well past project where containment of the drill material was not managed properly. He suggested to be careful to select the proper contractor for that type of work. He added that with Sagamore Creek being tidal, it may or may not change that plan.

Mr. Britz asked if Maritime Cottage has a water line. It was responded that the Martine Cottage is fed by a waterline that goes down towards Little Harbor Road near the Simpson residence and would not work to extend to this property.

### **3) OTHER BUSINESS**

A. Letter from Kyle Langelier concerning Cutts Cove restoration

Ms. Langelier stated that she is waiting for the public hearing to address the restoration project. She has noticed a brownish color in the water of Cutts Cove and the sediment build up is shifting. Three trees are dying and all the ducks have left the cove. She questioned the purpose of any commission or agency that passes a plan that imposes issues. She expressed concerns in the protection of Cutts Cove and asked that the Conservation Commission make an effort to protect the cove.

Chairman Miller thanked her for bringing forth the concern. He mentioned it is hard to identify exactly what the exact source of the problem is. Ms. Langelier felt the bridge construction is part of the problem. Vice Chairman Blanchard suggested the issue be raised to DES because they are primarily responsible for water quality. She thought that perhaps the interface between DOT and DES is not as integrated as it should be. Ms. Langelier indicated she had notified the DES representative and Cutts Cove representative. Ms. McMillan strongly recommended that Ms. Langelier communicate her observations as a resident perspective. Ms. Zamarchi and Vice Chairman Blanchard suggested that the Conservation Commission compose a cover letter to the commissioner of DOT, DES, and possibly the Mayor. Chairman Miller noted a standard mechanism does not exist that would allow the commission to follow up on approved plans.

Mr. Britz proposed that the suggested cover letter contain points of concern to include; whether the permits are being followed, if the existing permits are appropriate, and whether there is a change in water flow. Ms. Langelier added that it was reported over the past winter that the water flow was problematic.

The commission concluded to support Ms. Langelier in communicating her concerns to the appropriate responsible officials to the best of the commission's ability.

B. Stewardship Network, invasive species event

Mr. Britz explained that Catapult Seacoast approached the Stewardship Network requesting small, potential projects in Portsmouth during the week of August 15<sup>th</sup> to focus on invasive species or trails. The commission deliberated a few potential options and reached consensus to offer a project near Little Harbor School on August 17, 2016 at 4:30pm.

**4) ADJOURNMENT**

Ms. McMillan made a motion to adjourn the meeting at 6:44 p.m., seconded by Ms. Zamarchi. The motion passed by a unanimous (7-0-0) vote.

Respectfully submitted,

Marissa Day  
Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on August 10, 2016.