

**MINUTES**

**CONSERVATION COMMISSION**

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

**3:30 p.m.**

**August 10, 2016**

**MEMBERS PRESENT:** Chairman Steve Miller; Vice Chairman MaryAnn Blanchard;  
Members, Allison Tanner, Kate Zamarchi, and Alternate Samantha  
Wright

**MEMBERS ABSENT:** Barbara McMillan, Kimberly Meuse, Matthew Cardin, Adrienne  
Harrison

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

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**I. APPROVAL OF MINUTES**

A. July 13, 2016

It was moved, seconded, and passed by a vote (5-0-0) to approve the minutes, as amended.

**II. STATE WETLANDS BUREAU PERMIT APPLICATIONS**

A. Standard Dredge and Fill Application  
120 Ridges Court  
Stephen and Karin Barndollar, owner  
Assessor Map 207, Lot 61

Zachary Taylor, Director of Operations, Riverside & Pickering Marine

Mr. Taylor's presentation included the following statements:

- The proposed plan includes the installation of a new docking structure off the shoreline at 120 Ridges Court.
- The letter to Council mainly concerns a direct abutter on the shoreline and requests the construction of the dock that crosses the Ridges Court Right-of-Way. Mr. Taylor further explained in detail the ideal location and emphasized that the goal is to keep the dock as far to the east as possible to allow for abutter access.
- Float stops would be installed to ease landing at low tide. Any impact would occur only during installation of the float and when it lands at low tide.
- An area that was previously removed of riprap along the shoreline has been mitigated with marsh. The proposed dock is expected to stay out of that area.

Ms. Tanner stated that she would prefer the docking structure not be in the Right Of Way. She referenced the fixed pier and asked why the structure couldn't be angled Chairman Miller asked why it is a straight line. Mr. Taylor responded that the gangway and float could be angled, but that would produce a relatively untraditional and unorthodox style of construction for a docking structure. He added that the State typically recommends structures that are perpendicular and angling it would require the structure to be lengthened. Mr. Taylor clarified to Chairman Miller that currently it is a 40-foot Right-of-Way and if the Council wanted to build a dock in the City's property, then it would have to be straight off the shoreline requiring the residential abutters' review.

Ms. Zamarchi asked whether the applicant could plant vegetation above the rock wall instead of allowing the grass grow up towards the edge. Mr. Taylor recalled a conversation regarding planting and mitigation in that area. He explained how the impact is relatively minimal in regards to the height and weight ratio and orientation.

Vice Chairman Blanchard echoed Ms. Tanner's statement that it should remain outside the City's Right-of-Way.

Ms. Wright asked how the boats would be handled in the gangway. Mr. Taylor explained it would be used as more of a traditional fisherman's style boathouse for storage and the boats would be tied off separately on the new dock, not at the boathouse.

Mr. Taylor responded to Vice Chairman Blanchard about the feasibility of swinging the dock outside of the City's Right-of-Way. Mr. Taylor stated that although it is feasible, the applicant intends to reduce the environmental impact as much as possible and keep the dock away from the mitigated area aforementioned.

Mr. Taylor noted that if the City decides to build a dock in Ridges court, then the proposed structure would be an obstruction.

Mr. Taylor replied to Vice Chairman Blanchard that the primary function of the City's Right-of-Way is to provide public access to walk down to Ridges Court, but could not confirm if it is actually used.

Mr. Britz noted that the Council was seeking consideration for the environmental aspects of the project and he had not yet received input from the City attorney.

Ms. Tanner made a motion to recommend approval of the application to the State Wetlands Bureau as presented, seconded by Ms. Wright.

Chairman Miller pointed out that the north-to-south alignment cannot be mitigated further. Given the history of the site and mitigation, he felt it would be best to leave it up to Council.

Ms. Tanner felt that what was most important was whether the proposed option indicates the least amount of impact.

Vice Chairman Blanchard thought it would be helpful to have an understanding of the potential invasion of public space. She supported the application and hoped that Council would discuss that topic further. Mr. Britz mentioned that no specific emphasis was identified for the report back to Council. Ms. Zamarchi felt that more public docking structures should be made available in the City.

The motion passed by a unanimous (5-0-0) vote.

Vice Chairman Blanchard emphasized the report back to Council should indicate strictly an environmental concerned decision and that other concerns for the public Right-of-Way were raised.

B. Standard Dredge and Fill Application  
150 Route One Bypass  
Seacoast Trust, LLP, owner  
Assessor Map 231, Lot 58

Ms. Zamarchi stated her abstention from the vote.

Corey Belden, Altus Engineering

Mr. Belden's presentation included the following statements:

- A variance was granted for the proposed 30-unit multi-family project. The project intends to demolish the existing building and parking area to construct a new 3-story building with an underground garage for parking. Access will be located off the Route 1 Bypass and the driveway will be located approximately 100 feet from the existing site.
- The existing pervious area would be reduced by 14,000 s.f. due to the underground parking. The existing site has 82 parking stalls and the proposed site would have 11 exterior parking stalls and 44 underground. This will improve storm water runoff.
- There are three wetlands on site. The dredge and fill application applies to the two non-jurisdictional pocket wetlands that are 1,355 s.f. and 1,290 s.f. in size. The rear wetland is jurisdictional and will not be disturbed for the site, but would encroach in the buffer.

Mr. Belden clarified that the drive under garage is counted as a floor.

Ms. Tanner asked if a hydrogeologic study would be provided. Mr. Belden explained that one is currently being conducted by StoneHill Environmental and that the Technical Advisory Committee recommended that one be done.

Mr. Belden continued his presentation with the following statements:

- The proposed parking lot would move 40 feet away from the existing parking lot location, which provides at least 20 feet of increased buffer.
- Storm water treatment would be incorporated into the plan, which will improve water quality on site.

Mr. Belden clarified that the project would not construct any new wetlands.

Mr. Belden responded to Vice Chairman Blanchard that the building would be used for condominiums and there is an association that will maintain the exterior structure.

Mr. Belden continued his presentation with the following statements:

- The proposed plan includes the construction of a pedestrian, gravel accessway to Middle Road.
- Efforts have been made to preserve the existing Pin Oak trees and those that will be cut down were noted.
- The existing lights will be replaced with LED lighting.

Chairman Miller asked to characterize the two wetlands that will be dredged and filled. Mr. Belden explained the first wetland is the drainage ditch for the bypass. The other wetland is located adjacent to the existing parking and appears to have developed from poor drainage since the entire site is rather flat.

Mr. Belden replied to Chairman Miller regarding the impact in stating that the reduced number of parking spaces and rain garden has helped reduce the impact. There would be two rain gardens in rear and the other at the north side adjacent to the driveway. Also, the storm water drainage would be rerouted.

Mr. Belden explained to Ms. Tanner which trees would not be disturbed.

Mr. Belden stated that the conditional use permit will be postponed because of the current hydrogeological study.

Ms. Tanner stated her concerns regarding the potential fresh water in the two wetlands. Chairman Miller added that he would be interested to see the final hydrogeologic study. Mr. Belden explained what the boring logs reported in April and did not find anything too concerning.

Vice Chairman Blanchard asked whether the existing building has a cellar. Mr. Belden explained that it is a slab with foundation drains, but not a basement. He confirmed that it would require 4.5 feet of excavation and detailed how high the structure would be in height.

Ms. Tanner expressed various concerns including the potential disruption of natural creek flow. Mr. Belden replied with a description of the proposed drainage flows and stated the groundwater travels through the site and the water would be drawn down on the perimeter of the building either through foundation drains or storm drains.

Ms. Tanner did not see any clear guard in place for preventing impact to the stream. Chairman Miller echoed that statement and thought the hydrogeologic report would help to answer to that. Mr. Belden explained to Chairman Miller how one of the wetlands would be handled and the purpose for the dredge and fill.

Vice Chairman Blanchard made a motion to recommend approval of the application to the State Wetlands Bureau as presented, seconded by Ms. Tanner.

Vice Chairman Blanchard explained her support for the application and felt that staff would be able to appropriately configure the property if necessary after receiving the hydrogeologic report.

Mr. Belden assured Ms. Wright that the hydrogeologic report should be received before the September 14, 2016 Planning Board meeting. The Commission expressed their thoughts and concerns regarding the application, which were mostly centered on whether the hydrogeologic report should be received before recommending approval and for the conditional use permit.

The motion failed to pass by a (2-2-1) vote for the following reasons:

- 1) The Commission did not have a clear understanding of how close the ground water was to the surface and how the proposed development will impact the ground water and wetlands. Also, the Commission members were interested in reviewing the results of a proposed hydrogeologic study

C. US Route One Bypass and Submarine Way  
NH Department of Transportation, owner  
Assessor Map NA, Lot NA

Because no one was present to speak to the application, Ms. Tanner made a motion to postpone the application until September 14, 2016, seconded by Ms. Wright.

Ms. Zamarchi and Chairman Miller felt that there are still questions to be answered regarding the area underneath the road.

The motion to postpone passed by a unanimous (5-0-0) vote.

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

A. 350 Little Harbor Road  
Robert J. and Susan L. Nalewajk  
Assessor Map 202, Lot 16

#### Bernie Pelech

Mr. Pelech's presentation included the following statements:

- As much feedback as possible from the previous work session was incorporated into the revised proposed plan. The site walk was beneficial to demonstrate the unique qualities of the site.
- Extensive work has been put into the plan to preserve the property.

#### Susan Nalewajk

Ms. Nalewajk's presentation included the following statements:

- She stated her background as an environmental engineer and explained the unique features of the site and why they should be preserved.
- The proposed plan consists of constructing a new house that meets all code and regulations. The 6-bedroom house would consist of stone and cedar and would have a

circular design accessway. The basis of the design is to retain the existing footprint and avoid the surrounding wetlands, tidal buffers, and trees.

- Geothermal wells and solar heat are to be considered to reduce the carbon footprint. Several attempts to mitigate impact were made and the overall square footage in the buffer is a net reduction. She stated other planned methods at reducing impact.
- They have already begun pruning and tree feeding in anticipation of the upcoming construction. There will be no construction in the wetland except for burying the electrical service and to repair a scar near the shoreline.

John Chagnon, Ambit Engineering

Mr. Chagnon's presentation included the following statements:

- The existing accessway will be reconstructed to provide adequate infiltration.
- The retaining wall will help to grade the area for the accessway and will still provide aeration for the tree root system. Runoff would be directed towards the rain garden or along the wall, but would not flow into the nearby wetland and instead be diverted to a separate buffer area.
- The purposes for the other rain gardens were mentioned.
- The path of the runoff around the garage and deck area was explained. The proposed plan would utilize a drip apron off the garage and a membrane roof with gutters to divert the runoff to an old septic system.
- A walkout plan was described for a portion of the existing basement that will be excavated. The grade of the walkout will equal the buffer line grade and there will be gentle grading towards the septic field.

Mr. Chagnon explained to Ms. Tanner an eventual plan for drilling an additional well that is not depicted in the proposed plan.

Steve Riker, Ambit Engineering

Mr. Riker's presentation included the following statements:

- The function and values assessment was explained in detail. The highlighted point was that Wetland A does not perform any principle functions mainly due to the fact that nutrient production is limited to detritus and that the wetland is surrounded by roads.

Ms. Tanner asked Mr. Riker if the pond off of Little Harbor Road is connected to the wetlands on the property. He explained that it was not an isolated wetland.

Mr. Riker noted that the permit application is mainly for the conduit to be installed under the road.

Mr. Chagnon noted no landscape plan exists because they have been consulting on the driveway and trees. It is a hands off landscape and the project plans to only heal the construction scars to keep the site as native and natural as possible.

Mr. Chagnon confirmed for Ms. Wright that the construction access to the house site will remain on southernmost path closest to the creek. The path adjacent to the wetland would only be used for the work along the wetland.

Vice Chairman Blanchard expressed her concerns for the location of the retaining wall and asked whether the accessway could be repositioned so that no grading would be required. Mr. Chagnon responded that other alternative locations would add more disturbances and would not obtain the goal of the applicant for the approach of the house. He further explained why reconstructing the existing accessway is more desirable than an alternative location.

Ms. Zamarchi emphasized the alternative with the least impact should be recommended. Having the accessway come from a shorter driveway would be less of an impact than the circular form. Ms. Wright echoed that statement.

Mr. Chagnon responded to Ms. Zamarchi that the plans will be corrected for the foundation of the rain garden over the existing barn foundation footprint. He affirmed that there will be enough area for proper infiltration and will be treated with all organic materials.

Vice Chairman Blanchard reiterated the location of the retaining wall may not be the most minimal impact alternative. Mr. Chagnon thought that the removal of the barn compensates for the impact in that area. He further explained why the overall impact of the plan should outweigh the impact in specific areas. Mr. Pelech added that moving the accessway would require removing the oak tree that the applicant wants to preserve.

Ms. Tanner made a motion to recommend approval of the application to the Planning Board as presented with the following stipulations:

- 1) The stone and brick rubble pile shall be removed from the wetland buffer.
- 2) The construction access to the site shall be entirely on the southerly accessway.

Seconded by Ms. Wright.

Ms. Tanner appreciated the effort put into the plan and preferred to preserve the oak tree near the proposed retaining wall. Ms. Wright echoed Ms. Tanner's statement and complimented the applicant for the thoughtfulness in the plan.

Vice Chairman Blanchard felt that the nature of the wetland is a primary concern. She felt that the 4-foot retaining wall is too much structure and stated her opposition to the motion. Ms. Zamarchi added that there exist alternatives with lesser impact than what was proposed.

Chairman Miller gave positive consideration for the overall plan. He thought the circular driveway made sense for the size and flow of the house and did not see an alternative option. He stated his support for the plan.

The motion passed by a (3-2-0) vote.

Chairman Miller stated there would be 28 s.f. of impact from the electrical installation.

#### **IV. OTHER BUSINESS**

A. Routine Roadway and Railway Maintenance Activities Notification

Mr. Britz explained the purpose of the notification is to clear the culvert under Sherburne Road. He believed that although the railroad has abandoned the property, they still own it so they may have liability concerns.

The notification did not require any action from the Commission.

B. Riverside and Pickering Marine letter – 120 Ridges Court docking structure

This item was discussed with agenda item A.

C. Invasive species clearing – Pine Island, Wednesday, August 17, 5:30-7:00 p.m.

Mr. Britz updated the Commission on the upcoming stewardship event and encouraged participation.

**V. ADJOURNMENT**

Vice Chairman Blanchard made a motion to adjourn the meeting at 5:57 p.m., seconded by Ms. Wright. The motion passed by a unanimous (5-0-0) vote.

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Submitted by Marissa Day, Minute Taker, on September 7, 2016.

*Disclaimer: The following minutes constitute the author's understanding of the meeting. While every effort has been made to ensure the accuracy of the information the minutes are not intended as a verbatim transcript of comments at the meeting, but a summary of the discussion and actions that took place. If more detail is required, contact the Planning Department for a recording of the meeting.*

These minutes were approved at the Conservation Commission meeting on September 14, 2016.