

MINUTES

CONSERVATION COMMISSION

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

3:30 p.m.

April 12, 2017

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman MaryAnn Blanchard; Members, Barbara McMillan, Matthew Cardin; Alternates Samantha Wright, Adrienne Harrison

MEMBERS ABSENT: Allison Tanner, Kimberly Meuse, Kate Zamarchi

ALSO PRESENT: Juliet Walker, Assistant Planning Director

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A site walk was held prior to the meeting at 227 Market Street at 2:30 p.m.

I. APPROVAL OF MINUTES

A. February 8, 2017

Ms. McMillan moved to approve the February 8, 2017 minutes, as presented, seconded by Ms. Harrison. The motion passed unanimously.

B. March 8, 2017 – add recusal of Blanchard in Banfield Road application. Motion:

Vice Chairman Blanchard moved to approve the March 8, 2017 minutes, as amended, seconded by Ms. McMillan. The motion passed unanimously.

II. STATE WETLANDS BUREAU PERMIT APPLICATIONS

1. Standard Dredge and Fill Application
227 Market Street
David R. Mahoney Marital QTIP Trust, owner
Granite State Minerals, applicant
Assessor Map 119, Lot 6

Mr. Michael Parson explained that the project aims to stabilize the shoreline and he identified where a substantial amount of shoreline has eroded. The intent of the project is to mitigate potential future erosion. A solid footing is needed to stabilize the riprap, which is what the shelf will provide. He described the design of the riprap and stated the wetland impact calculations.

The impact is well outside the 50' buffer zone. DES has not provided any information since the site walk.

Vice Chairman Blanchard asked to describe the armor stone. Mr. Parson replied they are large, angular stones that will be tightly fitted together.

In response to Ms. Harrison, Mr. Parson thought that another layer of pavement along the existing pavement edge will be added once the riprap is in place.

Mr. Parson replied to Ms. McMillan explaining that the current stormwater maintenance processes would likely not change and the focus of the project is to stop the shoreline from future erosion. Ms. McMillan suggested that managing the sediment flowing off the site be included in the plan. The Commission discussed the source and type of stockpile that accumulates on the site. Mr. Cardin noted that a nearby establishment had been diverting stormwater into a catch basin and having those basins regularly cleaned.

Ms. McMillan asked if the docking structure needs to be altered. Mr. Parson explained how the size and orientation of the boat and the shelf would not require changes to the docking structure.

Chairman Miller asked if there was a waiver for compliance with shoreland requirements since it is at an industrial site. Mr. Parson replied there is a waiver, but there are certain deed restrictions that still require a permit.

Vice Chairman Blanchard suggested the Commission recommend, in writing, that a stormwater management plan according to best management practices is incorporated into the plan.

Vice Chairman Blanchard moved to recommend approval of the application to the State Wetlands Bureau, seconded by Mr. Cardin.

Additionally, the Commission recommended that the applicant develop a long-term site maintenance plan with managing non-salt sediment, debris, and runoff according to best management practices.

The motion passed (6-0) unanimously.

III. CONDITIONAL USE PERMIT APPLICATIONS

- A. Borthwick Forest
Borthwick Forest, LLC, owner
Assessor Map 222, Lot 113, Map 165, Lot 4, and Map 234, Lot 7-4A

Mr. Robert Ciandella, representing the application, provided a supplemental document for the condition use permit application.

In response to Chairman Miller, Mr. Patrick Crimmins, Tighe & Bond, clarified that the area at the railroad tracks and proposed road is for stormwater. Mr. Crimmins suggested adding an outline of the swale on the plan.

Mr. Cardin asked if there are ways to mitigate the impact on the stormwater functions. Mr. James Gove explained how the shrubs are more effective than trees at providing buffer mitigation. There is consideration for a staggered set of evergreens along the edge of the road. Chairman Miller interpreted the staff comments emphasizing restoration. Mr. Gove felt that the staff questions can best be clarified on site.

Chairman Miller suggested to provide in the plan an explanation about what type of restoration is proposed at the removed roadway not delineated as mitigation. Mr. Gove explained how the area will remove the pavement and lower the elevation to be level with the rest of the area. Chairman Miller suggested to include in the plan whether or not the culvert will remain.

Mr. Gove commented he identified several egg masses at the areas holding water near the railroad tracks. A vernal pool has to hold water for at least two months out of the year for it to be successful, which is why he believed those areas are not considered vernal pools.

Mr. Crimmins clarified to Chairman Miller that the parcel shown on the map has been demolished. Mr. Ciandella added that the current use is more of a tax regime issue to recuperate property taxes that would have been assessed.

Vice Chairman Blanchard asked what would happen when all the pine trees are deforested at once. Mr. Gove explained tree cutting can expand wetlands usually on larger sites. A lot of vegetation will be return to the site, which will offset that hydrology change.

Vice Chairman Blanchard asked how much crushed stone currently existed. Mr. Crimmins was unsure.

Mr. Cardin asked whether there is a stormwater swale or catch basin on the road. Mr. Crimmins confirmed there is an explained how the stormwater will flow and how the road will be used. Mr. Gove said that it would not make sense to restore outside the buffer and not in other areas, so plantings could help.

Mr. Gove stated that he will work with Mark West to review the wildlife study and the questions raised in the staff memo.

Ms. McMillan asked about turtle activities on the site. Mr. Gove replied and noted it has been included in the report. Concern was had regarding the ATV traffic and Mr. Gove said that the intent is to cut out the ATV traffic and create a nesting site of the turtles.

Ms. McMillan felt that it is difficult to make a decision based on the existing buffer impacts and future impacts that are uncertain. Mr. Ciandella responded that it is difficult to foresee what a future condition would be and put that into a practical, legal framework. The Commission discussed the difficulty in balancing what is currently proposed and what could potentially be developed in the future and how that impacts the ecology on the site. Mr. Ciandella emphasized the existing jurisdictional boundaries.

Ms. McMillan asked about the potential impact of invasive species and Mr. Gove replied that it can be included in the review. Chairman Miller suggested to consider after the fact monitoring.

Mr. Gove noted that typically landscape plans are not done, usually they specify plans and spacing, although he will suggest as to whether or not that could be included. Mr. Ciandella noted the recommendations from the Commission would be incorporated into the landscape plan. Mr. Cardin suggested to consider developing a restoration plan identifying species, type, grading, maintenance, inspection, and watering.

IV. WORK SESSIONS

1. 114 Crescent Way

Mr. Phil Cohen, resident of Atlantic Heights, noted the project intends to achieve additional safety in the backyard with respect to the grading and proximity to the waterfront.

Ms. Robbie Woodburn, Woodburn & Company, presented the existing conditions and demonstrated how the slope rolls down to the existing fence. She described the function of the proposed retaining wall that would enhance runoff treatment.

Chairman Miller questioned the need for the proposed stairwell and expressed concerns that it may create a massive shoreline of retaining walls. Ms. Woodburn explained the safety issues for children and that in the future there may be a desire for water access. She noted that the backyard to the existing fence line is about one garage length.

Vice Chairman Blanchard asked if there are other parcels with a chain link fence. Mr. Cohen explained how one neighbor had some fill and a higher fence line and the other neighbor has a fence at the bottom of the slope.

Ms. McMillan asked what trees would be effected. Ms. Woodburn explained that oak would be removed and the pine would stay.

Ms. Wright asked how tall the retaining wall would be. Ms. Woodburn explained that it would range from 3-5 feet and the fence would sit on top. Ms. Wright suggested moving it back toward the house would make it less of a large retaining wall and more of a solid fence. Chairman Miller encouraged the applicant to adhere to the requirements of the shoreland protection act. He acknowledged the safety issues, but was unsure about the proposed retaining wall. Other Commissioners echoed concerns regarding the proposed retaining wall with regard to engineering and maintenance.

V. OTHER BUSINESS

- A. Invasive Species clean up, Jones Avenue - May 11, 2017
- B. Portsmouth Volunteer Land Steward Project - update

Vice Chairman Blanchard wondered about the capacity that volunteers would be acting on and the potential effects of those volunteer recommendations. Ms. Walker noted that the idea was to overlap with the Open Space project suggested in the Master Plan. Chairman Miller announced the Coastal Viewer Training on May 17th from 6:00-8:00pm that may provide useful information for this project.

VI. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 5:34pm.

Respectfully submitted,

Marissa Day
Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on June 14, 2017.