

MINUTES

CONSERVATION COMMISSION

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

3:30 p.m.

May 10, 2017

MEMBERS PRESENT: Vice Chairman MaryAnn Blanchard; Members, Allison Tanner, Barbara McMillan, Matthew Cardin; Kate Zamarchi; Alternate Adrienne Harrison

MEMBERS ABSENT: Chairman Steve Miller; Alternate Samantha Wright

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. April 12, 2017

The approval of the minutes was postponed to the June 14, 2017 meeting.

II. 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 applicant, noted a previous application for the site is currently pending an appeal from the Supreme Court. Based on a unanimous staff review, the application appears ready to be recommended to the Planning Board.

Mr. Patrick Crimmins, Tighe & Bond, spoke about the proposed restoration efforts in exchange for the buffer impacts at the railroad crossing. A detailed plan of the existing WBBX road removal was presented. Details regarding tree removal were added to the plan. The temporary impact at the railroad will need to be graded to collect and treat roadway runoff. A comprehensive buffer planting plan has been identified. Mr. Jim Gove, Gove Environmental, explained the number and spacing of the plantings between the proposed cul-de-sac and railroad.

In response to Ms. Zamarchi, Mr. Gove replied that the white pine height will range from two to three feet. Any larger than that size would require a substantial amount of watering. Ms. McMillan asked it would be helpful to indicate on the plan the height of the plantings.

Mr. Mark West reviewed the issues related to the conditional use permit and wildlife study. He noted Blanding's Turtle exist in the prime wetland area. The prime wetland and the tributary stream are an important habitat to protect in the future. The habitat to the easterly side of the cul-de-sac should be protected since it is helping the prime wetland on the westerly side. He emphasized the difference between the temporary and permanent impact noting that permanent impact is simply something that it is permanently unnatural.

Ms. McMillan asked to clarify the sightings of Blanding's Turtle. Mr. West stated the data collected in 2012 determined that the prime wetland area has endangered species. He explained that with proposed development, the Blanding's Turtle will most likely not travel elsewhere because it is the only underdeveloped area with a water supply in the area. He stated that because of the low slope, the Blanding's Turtle would likely pass over the roadway rather than through a culvert.

In response to Ms. Zamarchi, Mr. Gove concurred that a chemical-free type of bark mulch can be used.

Mr. Ciandella cited the recommendations received from the staff regarding pine trees and mulch, as-built restoration plan, and to provide a deed restriction. He provided the Commission a letter that notes the legal issues in requiring restrictions beyond the requirements of a conditional use permit. Vice Chairman Blanchard noted there is precedent in requiring covenants and it would not foreclose further development. It identifies the prime wetland that needs to be protected. Mr. Ciandella stated there is a legal difference between a request and a requirement. Mr. Ciandella cited the recommendations received from the staff regarding prohibiting ATV use in the Blanding's Turtle area and to amend the plans at the prime wetland. He stated the applicant concurred with these recommendations.

Ms. McMillan asked to indicate the quantity of plantings. She questioned whether there is any guarantee the situation will remain into the future as it is proposed currently. Mr. Ciandella noted the plan was designed specifically to the standards and guidance set forth by the Fire Department. Ms. McMillan asked what characteristics of the emergency access road make it exclusive for that type of activity. Mr. Britz noted if the emergency access roadway was to be altered in the future, a new review by the City would be required. Ms. Zamarchi noted that if the road was expanded in the future, it would not be reviewed by the Commission because it is not in the wetland area.

Ms. Zamarchi moved to recommend approval of the application to the Planning Board, seconded by Mr. Cardin, with the following stipulations:

- 1. That the restoration plan specify that any mulch used be untreated and include a minimum number and size of plants so that the restoration work can be accurately completed by the restoration contractor.*
- 2. That the applicant provide an as-built restoration plan and follow-up monitoring one and three years after the restoration work has been completed to insure a survival rate of at least 80% of the new plantings. The monitoring plan shall include a requirement that any new invasive species found in the restoration area during the site monitoring be mechanically removed.*

3. *The applicant shall provide a deed restriction or protective covenant of the 100 foot buffer such that future projects do not impact that buffer. This is particularly important on the southern property where the Blanding Turtle Habitat is shown.*
4. *The applicant shall prohibit ATV use in the described Blanding Turtle nesting area, and shall provide a plan to ensure that this prohibition is enforced under the direction of the property owner.*
5. *The applicant shall amend their plans to accurately define the prime wetland area on the southern portion of the site.*

The motion passed by a vote (4-2-0).

- B. 244 South Street
Swirly Girl II, LLC, owner
Assessor Map 111, Lot 3

Mr. Steve Riker, Ambit Engineering, provided an overview of the proposed plan and the existing conditions. He provided an explanation of the roof drains. The driveway will be made of pervious pavement. He noted the portion of the buffer being disturbed is currently mowed lawn and landscaped area. The 30" white ash is located on the neighbor's property and appears dead.

Ms. Zamarchi questioned whether the drywell will be effective given the slope on the site. Mr. Riker felt the slope is suitable in that portion of the property.

Ms. McMillan asked about the wetlands functions and values. Mr. Riker described the large wetland area off the property is forested and well vegetated.

Ms. Zamarchi asked about the slope toward the white ash tree. Mr. Riker noted the proposed grading will regrade what exists today to meet the finished floor slope.

Mr. Cardin questioned the amount of net increase of impervious compared to the proposed mitigation. Mr. Riker noted that pervious paver technology is a stormwater treatment mechanism that can infiltrate more effectively than a regular lawn. He noted the driveway leading up to the proposed pavers will be asphalt.

Mr. Riker noted a maintenance plan can be provided for the pavers and drywell.

Ms. Harrison asked there was consideration for a smaller sized garage since the second parking space area is located in the buffer.

In response to Ms. Tanner, Mr. Riker clarified the limit of the disturbance is located around the drywell. Further discussion was had regarding the drywell and its mitigation on the buffer.

In response to Ms. Zamarchi, Mr. Riker stated pervious pavement could be used at the area leading up to the pavers.

In response to Vice Chairman Blanchard, Mr. Riker could not confirm whether or not the owner lives on site.

Mr. Riker clarified the proposed drainage pattern.

Ms. Harrison thought there are more opportunities to decrease the amount of pervious pavement. The Commission expressed concerns about the lack of proposed mitigation and potential water collection at the water wells. Mr. Britz suggested to include information regarding the soils. The Commission suggested to consider alternative ways to counter the amount of impact on the buffer.

Ms. McMillan moved to continue review of the application at the June 14, 2017, seconded by Ms. Tanner. The motion passed unanimously.

Ms. McMillan added that a maintenance plan for the driveway and drywells should be included and there a covenant in the deed for the drywells is necessary.

III. WORK SESSIONS

1. 299 Vaughan Street – proposed park/shoreline restoration

Mr. Jeff Johnston, Cathartes, reviewed the existing conditions of the area. The primary reason to see the Commission is in regards to the 30% requirement for community space.

Mr. Patrick Crimmins, Tighe & Bond, reviewed the existing conditions compared to the proposed plan. He highlighted that the hotel will be a liner building that will screen the parking area from the street. The site currently has a rain garden, which will not extend any further into the buffer than it currently does now. An additional amount of pavement will be removed in the buffer area. The project would provide a future community space and be ultimately deeded to the City.

Ms. Robbie Woodburn provided a brief explanation regarding the access and greenway along the water. The sketch of the pedestrian gateway was highlighted, which will help to lead pedestrians to the greenway. In the future, the greenway could connect to Market Street. The pathway is 10' stone pathway to allow access for bicyclists and emergency vehicles. The invasive species will be removed.

Mr. Britz suggested to consider pros and cons to using pervious pavement versus stone dust.

Ms. Tanner expressed concerns for potential erosion. Ms. Woodburn noted the shoreline is in good shape and there is a small lip between the gravel and short grasses area.

In response to Ms. McMillan, Ms. Woodburn noted that the Planning Department requested at least 10-foot wide path for emergency access and bicyclists. The Commission expressed interest in having a smaller width.

Mr. Johnston explained how most areas will be deeded to the City. He indicated where the bike storage locations would be.

A site walk was scheduled for Wednesday, May 17th at 3:30 p.m.

Ms. Zamarchi asked whether the proposed hotel will affect the lighting on the existing plantings at 3S Art Space. Ms. Woodburn explained that the invasive species will be removed using the best management practices to provide a low-maintenance site in the long-term.

Ms. Woodburn suggested that an environmental plaque could be added.

IV. OTHER BUSINESS

A. Public Works well exploration update

Mr. Britz asked the Commission to review the documents provided and postpone the discussion until the June 14, 2017 meeting. He provided a brief update on the exploration.

B. Report back regarding weed control

Mr. Britz provided a brief update on the report.

C. Report back regarding invasive species event

The invasive species event was scheduled for June 7, 2017 at 4:30 p.m. at the Jones Avenue recreation area. The public is invited to participate.

D. Update on stewardship

Ms. Zamarchi provided an overview of the project and noted that further details regarding what the land steward does. The meeting will be Monday at 1:00pm.

V. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 6:00pm.

Respectfully submitted,

Marissa Day, Acting Recording Secretary

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