

**MINUTES**

**CONSERVATION COMMISSION**

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

**3:30 p.m.**

**June 14, 2017**

**MEMBERS PRESENT:** Chairman Steve Miller; Vice Chairman MaryAnn Blanchard; Members, Barbara McMillan, Matthew Cardin; Kate Zamarchi; Alternate Adrienne Harrison, Alternate Samantha Collins

**MEMBERS ABSENT:** Allison Tanner

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

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**I. APPROVAL OF MINUTES**

1. April 12, 2017

Ms. Zamarchi recused herself from the vote.

*Vice-Chair Blanchard moved to **approve** the April 12, 2017 minutes as presented, seconded by Ms. Collins. The motion **passed** unanimously, 6-0.*

2. May 10, 2017

Chairman Miller and Ms. Collins recused themselves from the vote.

*Vice-Chair Blanchard moved to **approve** the May 10, 2017 minutes as amended, and Mr. Cardin seconded. The motion **passed** unanimously, 5-0.*

**II. CONDITIONAL USE PERMIT APPLICATIONS**

A. 185 Edmond Avenue  
Ryan A. and Adrienne A. Cress, owners  
City of Portsmouth, owner  
Assessor Map 220, Lots 56 & 79

Mark Batchelder of Seaport Engineering representing the City of Portsmouth was present to speak to the application. He said the City was trying to procure a draining easement across the property to complete the work. He reviewed the existing conditions, noting that there were two pipes, one of which was rotting. There was a lot of debris clogging the culvert, so they wanted to install a manhole at the location where the pipes changed direction so that they could have access. He said they also

wanted to replace the rusted pipe. He said it would have some impact to the wetlands buffer. He said they would replace the headwall of the pipe with a standard concrete headwall. He also gave photos of the site to the Commission.

Mr. Cardin verified that there would be no direct wetland impacts except for the buffer. He said it looked like some shrubs would be impacted in addition to the lawn and grass and suggested revegetating the slope after construction. Mr. Batchelder said they would stabilize it. He said they put in for a wetlands seed mix but would just replace existing if feasible.

Chairman Miller said he couldn't see any invasive species in the photo. Ms. McMillan asked whether water flowed in that area. Mr. Batchelder said it flowed but not much and that there were no mosquito concerns and that they would keep it the same. Ms. McMillan asked how far out the stone area was. Mr. Batchelder said they weren't proposing to do anything there because there was no rip-rap but would just install a new headwall.

*Vice-Chair Blanchard moved to **recommend** approval of the application to the State Wetlands Bureau, with the following stipulations:*

- 1. That existing woody vegetation along the bank of the wetland be set aside and replaced (with the exception of invasive species) upon completion of the project.*
- 2. If the project does result in unintended wetland impacts an amended conditional use and state wetland permit be secured.*

*Ms. Zamarchi seconded the motion.*

Mr. Cardin said he wanted to ensure that there wouldn't be direct wetland impacts with the steel sheet driven into the ground. He suggested an amendment to the permit be submitted if wetland impacts were needed after the construction. He said that if wetland impacts were necessary for construction, that an amendment be submitted to the CUP after construction. He also noted that a DES permit would be needed if that were to happen.

*The motion **passed** by unanimous vote, 7-0.*

B. 135 Corporate Drive  
Pease Development Authority, owner  
City of Portsmouth, owner  
Assessor Map 303, Lot 6

Don Song, Public Works Project Manager, stated that the project consisted of a brick building that would house equipment to provide process improvements. He introduced the project manager Steve Calabro and civil design engineer Brian Ruoff of Stantec Services Consulting.

Mr. Calabro gave an overview of the site, pointing out the new headworks buildings and other existing structures and tanks. He said it was the wastewater treatment plant that services Pease and surroundings. He said they proposed to replace the outdated headworks facility, add carbon filtration for odor control, new screening and so on, do improvements to the septage receiving facilities, do drainage improvements, and repave a portion of the site. He showed a photo of what the building

would look like, noting that it was one story above grade and two stories below grade to support all the process equipment. He emphasized that they moved the building up into the site as much as possible.

Mr. Ruoff stated that they were not proposing any wetland impacts but noted that there were 100-ft buffer impacts, half of which would be temporary and the other half permanent impervious for the new access the site and the septage receiving building. He said they would move access to the septage building from the eastern side to the southern side. They were proposing paving and also a 3'x3' stone trench for the runoff. He said that any runoff from the existing or proposed would be recharged before mitigating it back to the wetlands. They would reroute the current drain that ran to the building and connect the existing drain upstream of the wetlands to avoid impacts. He noted that there was a 25 ft vegetative buffer that they would restore to a natural state. He said the existing landscaping features would be protected during construction and that nothing would be discharged to the wetlands. He said they would improve the existing pavement and regrade the existing grass and that there would be no need to impact within 25 feet of the wetlands. He said the disturbance would be temporary and that their erosion control features included oil catch basins with a 3 ft sump.

Chairman Miller asked whether the infiltration chamber drained off anywhere, and Mr. Ruoff said it didn't. Ms. Zamarchi asked where the current headworks building was. Mr. Ruoff pointed to it on the diagram and also showed the access road for the new headworks building and septage receiving area.

Vice-Chair Blanchard asked what the relationship was between Portsmouth DPW and Pease regarding the facility and was told that the City owned the building and equipment but Pease owned the land. Mr. Calabro said they had been through TAC after presenting the proposal to Pease and would go before the Planning Board. Mr. Britz said that Pease also had land use controls and had the ability to overturn the City's decision, but he didn't think they ever had.

Chairman Miller said he found it confusing and odd that the Commission were evaluating the site using Pease regulations and not Portsmouth ones. Mr. Britz said it was a state-owned facility that gave the Commission the opportunity to weigh in on a state project. Chairman Miller said it was a minor kind of project using Pease regulations and a Portsmouth board to evaluate the project and didn't sit comfortably with him. Mr. Britz said they were including the 25-ft no-cut area.

Vice-Chair Blanchard asked whether the actual building was a flat roof and was told that it was. She asked about drainage and runoff. Mr. Ruoff explained the process and said it would end up going to the wetlands. Vice-Chair Blanchard asked what the routine maintenance was on the existing drain. Mr. Ruoff said he wasn't sure but knew that there had been no issue with it. Vice-Chair Blanchard said the issue would be on Pease's end but that the Commission was concerned with the other end.

Ms. Harrison asked why the existing headworks building would remain. Mr. Calabro said it would stay operational while they built the new facility and then would be demolished.

Chairman Miller said he had thought about doing a buffer along the creek but was intrigued that the tanks were no longer used as well. Mr. Britz said one aspect was changed. Mr. Ruoff said the initial design had an odor control unit, and instead of a walkway into the building, there was a hammerhead for vehicle turnout. To reduce the buffer impacts, they eliminated that, moved the odor control, and reduced the buffer impact's impervious cover by about a third.

Ms. McMillan said that historically there was a problem with oil showing up in the site soil and not figuring out where it came from. She asked whether there could be soil remediation during digging. Mr. Ruoff said he knew there were some stormwater problems near the freeway that overwhelmed the barriers at one time and that it was corrected. Mr. Calabro said there was no oil storage in the building.

Ms. McMillan noted that page 6 of 100 on the plans seemed to have a different wetland buffer. Mr. Britz said it was supposed to say 100. Mr. Calabro said they would fix it.

Ms. Harrison noted that they would remove four trees and asked whether they would replant trees anywhere. Mr. Ruoff said they would include it in the plans. She asked what kind of trees existed. Mr. Ruoff said they were all catalogued so that they could be replaced in kind. Chairman Miller noted that there was a fair amount of lawn and grass. Mr. Ruoff said the only reason they had held off planting was because they weren't sure what the City's plans were for that area.

Mr. Cardin said he didn't see a specification for the dewatering requirement for the excavation. Mr. Ruoff said they would have spec requirements as part of the contract but that the overall dewatering design was the responsibility of the contractor. Mr. Calabro said they could add the stipulation that the dewatering basin be out of the buffer zone.

*Vice-Chair Blanchard moved to **recommend** approval of the application to the Planning Board, with the following stipulations:*

- 1. The stormwater catch basins be maintained bi-annually.*
- 2. The site contractor be prepared to conduct soil remediation of contaminated soils if encountered.*
- 3. That trees being cleared for the project be replaced with evergreen trees to screen the site.*
- 4. That dewatering basin necessary for construction be located outside of the wetland buffer.*

*Mr. Cardin seconded the motion. The motion **passed** by a vote of 6-1, with Ms. Zamarchi opposed.*

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

*(This item was postponed at the May 10, 2017 meeting to the June 14, 2017 meeting.)*

Steve Riker of Ambit Engineering was present on behalf of the applicant. He introduced the applicant Laurie Kennedy and the project architect Anne Whitney.

Mr. Riker reviewed the project's existing and proposed conditions. He said that an addition would be placed on the 3-unit structure but that it would only have two units. He said the driveway addition would utilize impervious pavement technology and that they proposed a 600 s.f. enhancement area in the buffer. He said the patio would be removed, after which seed mix would be added. He said how two drywells would capture roof runoff from the addition and from half of the existing structure. He said they performed soil tests and did a drainage analysis, which he explained. He said they also did a 1-year storm model and had a reduction. He gave the dimensions of square footage that would be in the buffer. He said a portion of the sidewalk was made of pervious pavement.

Mr. Whitney said that they scaled back the building from a 2-1/2 story one so that it was now one-story with an apartment over the garage. She said that all the gutters were connected down into the drywells and that, in terms of flow, one unit would have access to the garage.

Mr. Riker said the drainage analysis had a maintenance plan.

Chairman Miller asked whether the large tree would remain. Mr. Riker said it was on the neighbor's property and was damaged.

Vice-Chair Blanchard noted that the existing driveway was shared with the abutter and asked whether the impervious pavement could be reduced. Ms. Whitney said it couldn't because they were only at 7'2" and was the only part they had control of. Chairman Miller said it would drain into the new pervious pavement. Ms. Whitney said they had capacity for that storage.

In response to Ms. Harrison's questions, Mr. Riker said they did not prepare a 100-year storm analysis and that there would be enough storage capacity for stormwater.

Ms. McMillan said that the drainage analysis and the numbers didn't include the front part of the house draining into the gutters. Mr. Riker said it was the entire site and pointed out the watershed I.D. and the items that occurred on the lot and had different values.

Ms. Zamarchi verified that the figures included for the runoff and being able to handle it took into account continual maintenance of the pervious pavements and that the maintenance was minimal. Mr. Riker explained it. Ms. Zamarchi said she was concerned because it was on a slope and asked whether that was included in Mr. Riker's factors, and Mr. Riker agreed.

Ms. McMillan asked whether the maintenance was included in the deed. Mr. Riker said he thought it was something that Planning Board would take care of. Mr. Britz said the site plan would be filed at the Register of Deeds so if someone bought the property, they would be aware of it.

Ms. McMillan noted the aggregate in the pervious pavers and the material going in-between and that Mr. Riker had said it would be replaced appropriately. She wanted to ensure that it was not initially polymetric. Mr. Riker said there was a specification that called for in kind and that he would make sure that it was specified in the maintenance plan. Mr. Britz said to make a note that the stone used between the pavers would remain pervious.

Ms. Harrison added that they should also make sure that it was necessary for a two-car garage. She said it seemed like buffer impacts would be avoided by eliminating part of it. Ms. Whitney said they had to provide off-street parking for the apartment and needed two spaces. She said they needed space for turning and parking even without the garage.

Ms. Zamarchi asked what the square footage of the apartment was. Ms. Whitney said it was 718 square feet. Vice-Chair Blanchard said her concern was that the main structure went from 942 s.f. to 1,619 s.f. into the buffer. She said it was mitigated but that a lot of the structure was in the buffer. Mr. Britz said it was misleading because it was 267 s.f. for the impervious driveway into the buffer and 236 s.f. for the proposed addition into the buffer.

Ms. Collins asked whether it was one or two stories. Ms. Whitney explained that the structure came in at garage level and included a story above it. She said there was one living level above the garage. Ms. Collins asked whether there was a way to do another living level in the addition and reduce how far it went out past the buffer. Ms. Whitney said they tried to minimize the buffer but that it was fairly steep coming around and they needed to get away from the corner, and they needed two parking spaces. She said she had a garage, a living level, and a half with dormers, but got rid of the half. She said the turning area was as small as could be and that no car would fit there.

*Ms. McMillan moved to **recommend** approval of the application to the State Wetlands Bureau, with the following stipulations:*

- 1. The stone between the pavers remain pervious and that this detail be included in the maintenance plan.*
- 2. The maintenance plan for the catch basins and pervious pavers be recorded at the Registry of Deeds to ensure future property owners maintain the stormwater treatment proposed.*

*Vice-Chair Blanchard seconded the motion.*

Vice-Chair Blanchard said she reservations about the amount of structure into the buffer, but she knew it was an old city and that adjustments had to be made. She said the drainage analysis was constructive in helping the Commission understand that there was a significant benefit to remediating some of the issues in the tight neighborhood. She acknowledged that there was successful drainage on the parcel but said water traveled and that sometimes engineering solutions looked great when presented but didn't work out that way further down the road. She said she would support the project.

Chairman Miller said he appreciated the applicant's effort to deal with the water in the ground and the buffer, noting that the Commission worried when someone who was uninformed would say that the Commission let so-and-so go in the buffer. He said that the Commission dealt with issues created decades ago, and he appreciated the effort to deal with the water on site and protect water quality.

Mr. Cardin said that providing photos of the test pits was a critical piece and would be helpful in validating it in the future.

*The motion **passed** by a vote of 5-2, with Ms. Zamarchi and Ms. Harrison opposed.*

- D. 62 & 76 Northwest Street  
Society for the Preservation of New England Antiquities of MA, owner  
Assessor Map 122, Lot 9, Assessor Map 141, Lot 9

*The applicant was not at the meeting to present on this application. The Conservation Commission voted unanimously to **postpone** this application to the July 12, 2017 Conservation Commission meeting.*

- E. Oriental Gardens Mobile Home Park off Woodbury Avenue  
Kelly Property Trust AB, owner  
Assessor Map 215, Lot 9

Steve Riker of Ambient Engineering was present on behalf of the applicant and introduced the owner Kelly Ann Vick. Mr. Riker reviewed the application, noting that a drainage pipe came from

Woodbury Avenue that flowed under the Starbucks store and outlet at the subject parcel. He said they would provide rip-rap for outlet protection. He reviewed the application, noting that there was 139 s.f. of permanent wetland impact, for which they received DES approval. He said there was some buffer impact. He said the second component of the project was sewer improvements. Since the pump station didn't work, he said the plan was to remove a sewer line that went into the middle of the pump station to a sewer manhole cover. He showed which sewer lines and pipes would be eliminated.

Ms. Collins asked why the vegetation was noted on the plan as being within 10 feet. Mr. Riker said it was because there was an average of 10 feet of vegetation, and he explained the process. Ms. Collins asked where the machine would come from. Mr. Riker said it would come right off the street and that the ten feet was just to get access.

Mr. Cardin asked to be shown where it would be accessed, and Mr. Riker did so. Mr. Cardin said that the note on the plan said differently. Mr. Riker said it was an error on the plan. Mr. Cardin deduced that it would be accessed from the north.

Chairman Miller verified that the trim would not happen on the whole corridor but was just for access to do the work for rip-rapping. He asked if the existing pipe would be dug up and when a new pipe for the new connection in the lawn area would be added, and Mr. Riker agreed.

Mr. Cardin asked whether the 552 s.f. of disturbed area would be the perimeter. Mr. Riker said it would, and it was further discussed.

Ms. McMillan asked Mr. Riker to explain why they proposed to perch the pipe rather than lower it. Mr. Riker said that if they lowered the pipe, it would go on the Starbucks property. Ms. McMillan asked whether they could vegetate that area as well, and Mr. Riker said it was well vegetated and was a standard design for the size of the pipe. He said that DPW wanted a plunge pool in the base that had to be accommodated. Ms. McMillan said it seemed like a lot of disturbance for the area.

Mr. Cardin asked whether Mr. Riker proposed post-construction restoration. Mr. Riker said none was anticipated. Mr. Cardin asked how Mr. Riker would restore outside the rip-rap area, and Mr. Riker said there was no disturbance in that area. Mr. Cardin said it would be worthwhile to add a note for post-construction seed mix.

Ms. McMillan asked what year the project would be done. Mr. Riker said it would probably be done in the summer.

*Vice-Chair Blanchard moved to **recommend** approval of the application to the Planning Board, with the following three stipulations:*

- 1. The applicant revise the plan to show the updated limits of construction.*
- 2. The applicant add a note to the plan to restore the site with a conservation seed mix where disturbance occurs.*
- 3. Remove the note from the plan calling for trimming and pruning vegetation.*

**NOTE:** *The plan incorrectly shows a limit of construction that is much larger than necessary. The actual limit of construction is shown as the area of temporary disturbance around the new rip rap area. The applicant will provide a revised plan showing the correct limit of construction.*

*The motion passed by unanimous vote, 7-0.*

F. 250 McKinley Road  
Christopher and Rachel Delisle, owner  
Assessor Map 250, Lot 117

The owner Christopher Delisle was present to speak to the application. He said the property was separated by 6-8 feet of trees and vegetation and that they proposed to reduce the current surface water impacts and contain the existing TAPE by doing a raingarden. He proposed to add the raingarden to where the current sump was, keep the raingarden 6-13 inches, and line it with some rock. He said he would add a soil berm at the end of the property to direct the raingarden and that existing plantings would remain on one side of the property. He said he would reduce the pitch of the grade by the house by adding thin layers of loam and make it as level as possible to mitigate the water flow. He said he would raise the soil levels of the foundation where the pitch went into the basement and that a silt fence would be installed during the process.

Chairman Miller asked whether Mr. Delisle would do the work, and Mr. Delisle said he would. Chairman Miller said it was important not to create a mosquito habitat and referred to a document called 'Soak Up the Rain' on the City website. Mr. Britz said he would get a copy for the applicant.

Ms. Collins asked what the white area was. Mr. Delisle said it was mostly gravel. Ms. Collins said it seemed like a lot of shade and looked bare. Mr. Delisle said the area got a lot of sun in the morning and they planned on planting grass there.

Chairman Miller asked how close the buffer was to the property line and what its dimensions were. Mr. Delisle said it was 25 feet from the edge of the wetlands and showed the diagram.

Chairman Miller asked where the buffer line fell. Mr. Britz said it was in the front yard.

Ms. Zamarchi asked whether the material from where the pool was would be removed. Mr. Delisle said they would remove it when they laid the loam down.

Vice-Chair Blanchard asked how old the house was. Mr. Delisle said it was built in 1954.

Chairman Miller referred to the photos of the settling and asked Mr. Delisle if he had thought about putting in some type of drainage trench around the house that would take the water from the front rather than go through or under the house and direct it around the house. Mr. Delisle said the house was on a hill and the front yard was toward the street, so they considered doing an 18" skirt around the house.

Ms. Zamarchi asked whether there were gutters on the house and how they drained. Mr. Delisle explained it.

*Mr. Cardin moved to **recommend** approval of the application to the State Wetlands Bureau. Ms. Harrison seconded the motion. The motion passed by unanimous vote, 7-0.*



- G. 288 Peverly Hill Road  
Pauline Dowd, owner  
Tuck Realty Corporation, applicant  
Assessor Map 255, Lot 8

Mike Garrepy and Jim Gove from Gove Environmental Services were present to speak to the application. Mr. Garrepy said they needed two CUPs, one for the planned 9-unit development townhouse condominium project and one for some work in the wetland buffer to remove debris and a shed. He said the site was 15 acres and was in-between two existing homes. He said the home on the lot would be demolished and that 13-1/2 acres would be on a deed restriction conservation easement. He said there was a lot of designated prime wetland in the back and that everything outside of the defined area would be open space managed by the condominium association.

Mr. Gove reviewed the existing conditions plan. He said they would enter the site via an old road that extended out and then went to the shed, and that they would remove the shed, the foundation, the debris, and put down a conservation mix. Mr. Gove stated they had received a communication from the adjacent property owner, Philip Stokel, about roads that had been constructed in the back property which had blocked off drainage channels causing wetlands to form. He said they were not aware of any roads in the prime wetland area and they had no intention of doing any work in the prime wetland area.

Chairman Miller asked whether trees would have to be removed on the existing gravel road to get back in. Mr. Gove said that some shrubs might have to be removed but saw no reason to remove any trees.

Chairman Miller noted that the shed was quite a ways in. Mr. Garrepy said that getting out there shouldn't be an issue.

Vice-Chair Blanchard asked Mr. Britz to explain the application further. Mr. Britz said it was a planned unit development that got reviewed by TAC and the Planning Board and would be private, not city-owned. He said the wetlands was the main issue for the Commission.

Ms. Zamarchi noted that the Commission didn't have jurisdiction on what was beyond the 100-ft buffer, and Mr. Britz agreed.

Chairman Miller verified that the prime wetland buffer was 100 feet. Ms. Zamarchi said the setbacks looked like they were the same. Mr. Gove said they were essentially the same.

Chairman Miller referred to the proposed tree line and asked Mr. Gove to show the areas that were part of the open space and also asked what the post-construction treatment would be. Mr. Gove said he had an updated version with a revision date of May 23, which he showed to Chairman Miller. Chairman Miller asked Mr. Gove to review the buffer area behind the building. Mr. Gove did so, noting that the area had mostly shrubs and a few birches. He said a lot of the shrubs were invasive and that they planned to clean them out but not disturb the soil. He said that additional trees would be put in because it was a sparse area.

Mr. Garrepy said the topography was strange and sloped down from the wetland, which he further explained. Chairman Miller asked him how he accounted for it in terms of the condominiums and drainage. Mr. Britz said it all went into the same area. Chairman Miller asked why there were two

buildings proposed instead of one. Mr. Garrepy said the maximum number of units per building was five.

Mr. Cardin referred to the back left of the project and said that Mr. Gove had indicated that the planting portion within the buffer area was shrubs, but the plan said it was meadow grass seeding. He asked whether Mr. Gove would grub there. Mr. Gove said he wouldn't disturb the roots and that the area wouldn't have to be mowed much. Mr. Cardin asked if there were photos of the small wetland area and was told that there wasn't. He asked Mr. Gove what type of wetland it was. Mr. Gove said they did a vernal pool assessment and there were no vernal pools.

Ms. McMillan asked what the motivation for the conservation easement was. Mr. Britz said there was a lot of open space and the goal was to protect it, from a wetlands aspect.

Vice-Chair Blanchard said the excavated area looked like there was a sand and gravel operation, which she thought was deposited by past glacial retreat. She said she didn't know how to pursue the conservation easement piece, as far as a recommendation. Mr. Britz said they didn't need to deal with it because it was incorporated into the site review.

Chairman Miller said they could either support it or not. Mr. Britz said they would be acting like a land trust in some ways.

Ms. McMillan said she didn't see anything about dark sky lighting in the PUD. Mr. Britz said the City required it. Ms. McMillan noted that the application prohibited clotheslines, which she thought could be a problem because it was not sustainable. Mr. Garrepy said the dark-sky lighting issue was in the packet and the clothesline was environmentally good but aesthetically ugly, so they had a restriction in their covenant about clotheslines.

As part of the presentation the applicant stated they had received a communication from the adjacent property owner, Philip Stokel, about roads that had been constructed in the back property which had blocked off drainage channels causing wetlands to form. The applicant said they were not aware of any roads in the prime wetland area and they had no intention of doing any work in the prime wetland area.

*Ms. Harrison moved to **recommend** approval of the Conditional Use Permit to the Planning Board, and Mr. Cardin seconded.*

Ms. McMillan asked about the clothesline. Mr. Britz said it could be a separate comment with the PUD, a separate letter to the Planning Board. Vice-Chair Blanchard agreed.

Chairman Miller repeated Ms. Harrison's comments about improving the buffer and not being in it.

*The motion **passed** by unanimous vote, 7-0.*

Vice-Chair Blanchard said they would prepare a letter to the Planning Board relative to the PUD process and cite their initial experience with PUD, hoping that the applicant and the City pursued the initiative that the applicant made relative to a conservation easement to a significant portion of the back wetlands parcel. She also added that the restricted language relative to clothesline would be included.

Mr. Britz asked whether they should add to the condominium document that there was a wetland buffer so that the residents were aware of it. Mr. Garrepy said they could mark the boundary of the wetland edge where the easement began. Chairman Miller asked Mr. Garrepy to add some language about appropriate use. Mr. Garrepy said they could have the condo documents reference the conservation easement and pull language from it.

H. 299 & 225 Vaughan Street  
299 Vaughan Street, LLC, owner  
Sanel Realty Trust Company, Inc., owner  
Assessor Map 255 Lot 8

Patrick Crimmins of Tighe and Bond was present on behalf of the applicant. He referred to the previous workshop with the Commission and the site walk, which he said led to some site plan amendments. He reviewed the site layout and the building, noting that community space could be provided up to 30% of the project area, so they proposed providing community space of 14,848 square feet on the adjacent parcel on North Mill Pond. He said that initially they were going to design it themselves, but that it was stipulated at TAC approval that the final design would be designed and constructed by the City and that the land would be deeded to the City in providing a fair share contribution for the improvements on that parcel.

Mr. Crimmins then discussed the hotel portion and showed the demolition plan. He said that a corner of the lot was behind the buffer and identified the existing buffer impacts as the parking lot, sidewalks, and raingarden, which totaled 2,065 s.f. of impact. He said they would expand the footprint for further stormwater treatment but wouldn't extend any closer to North Mill Pond. He stated that the new permanent impact would be 560 s.f. of impervious surface and 1,065 s.f. of raingarden but that it would reduce permanent impacts to the buffer by 130 square feet. He noted that there would be some temporary impact during construction of 770 s.f. that would be restored when construction was done.

In response to the Commission's questions, Mr. Crimmins discussed the temporary impacts in more detail. He addressed the Elevation 9 for FEMA, noting that the mechanicals would be on the roof and the transformers at a higher elevation. He said all the equipment would be above the sea level rise elevation projection. He said that 9 feet was the base floor elevation. He pointed out that they were required to have so many floors along the building front because they were in the Historic District and had to design the building to get it above floor elevation. He concluded that the actual elevation of the building met FEMA regulations.

Ms. McMillan asked whether the raingarden would take the runoff from the garage. Mr. Crimmins said it would take it from the entire building and was sized in accordance to treat it. He said it was more of an infiltration treatment and less of a catch basin. He said there was a drainage analysis as part of TAC that included a maintenance plan and required a drainage permit that would be approved by DES. Mr. Crimmins discussed the raingarden landscaping and proposed seed mix.

Ms. Zamarchi noted that 2050 wasn't that far away and that she'd expect the building to last longer than that. She said she was concerned about making approvals for things that would last longer than that date, seeing that reliable data existed saying that it would be in the water by 2050. She asked whether they were creating a bigger situation.

Chairman Miller asked Mr. Britz whether there were processes in terms of the Coastal Risk and Hazards Commission and the Master Plan and whether they should try to meet the Master Plan approval before the City started tackling the issue. Mr. Britz said they could put something in the Zoning Ordinance saying that one had to build two feet above the base elevation. It was further discussed. Mr. Britz said it was the 100-year storm that they wanted to be protected against. He said he preferred to see the level up higher but noted that the building didn't have to be protected beyond the FEMA standpoint. Chairman Miller asked at what point the City needed to make it stronger. Mr. Britz said it was nothing the City could require beyond FEMA but would have to grapple with the broader issue in the future. Mr. Britz said if they required the applicant to raise the elevation two feet, he asked what the City's mitigation plans would be. He said that the park should be designed to handle it but it could be a flood storage area.

It was suggested that the Commission use it as an education tool so that everyone recognized that there was some risk involved. Mr. Britz said it was a good first step in creating an Ordinance and protect the City by acknowledging the risk.

Vice-Chair Blanchard said it was important that the largest consideration be significant coastal storms. Chairman Miller said those were bigger issues that needed to be City-wide and that the Master Plan process addressed it. He said there would be opportunities to communicate the coastal risks but felt that it was also a good opportunity for the education process.

Vice-Chair Blanchard asked that it be placed on the agenda for the next meeting.

Mr. Cardin added that stormwater treatment area was in the buffer and would be failing due to the sea level rise, and it was something to worry about because everything in the buffer would be going to that treatment area.

Ms. McMillan said she would not support the amendment because the stormwater treatment would be in harm's way when the seawater rose.

*It was moved, seconded, and passed by a vote of 6-1 to recommend approval of the application to the Planning Board as presented.*

There was discussion by the Commission about the vulnerability of the project to sea level rise and coastal flooding. The applicant said they were aware of this and have taken some measures to address future impacts from coastal flooding such as putting all the mechanical equipment on the roof and elevating a transformer and generator above the finished floor elevation.

The Commission stated that they raised this issue as they wanted the applicant to be aware of the mapping that had been done by the City and what is predicted in 2050 according to that study, so the applicant would have an understanding of how these future scenarios may impact their development plans.

### **III. CITY COUNCIL REPORT BACK**

#### **A. Status on Weed Control Program (Attachment)**

Peter Britz asked the Commission what they wanted to provide as a response to the City Council.

Vice-Chair Blanchard said she looked at the memo and thought the Commission needed to encourage City Staff and the City Council to aggressively continue to explore alternatives and work with a consultant to conduct a more vigorous effort with herbicide alternatives and herbicide use notifications. She referred to the Herald article that said herbicides were applied along various power line rights of way and that there was widespread use in the utility sector, that they were given an enormous amount of authority to do what they did. She was also concerned about using it on playing fields. She said if the City didn't take leadership rather than just leaving it to property owners, there would probably be more use of herbicides. She said the City needed to be a leader and aggressively explore organic alternatives, and that the financial aspects needed to be incorporated into it.

Ms. Harrison said there was a citizen's initiative for herbicides in Portsmouth and that the School Department banned the herbicides in playgrounds. She suggested making recommendations, and it was further discussed. Chairman Miller remarked that there was so much of the stuff in Home Depot that a lot of citizens bought and used, and he fully supported the idea that the City didn't use it. He said they also had to educate citizens.

Mr. Britz asked whether the Commission should use Vice-Chair Blanchard's language to the City Council to aggressively pursue alternatives. He said they could applaud the fact that the City was trying to do what they could but suggest that they aggressively try to do more. The Commission also discussed mosquito spray, how effective it was, and how harmful it was. Mr. Britz said some citizens wanted it because they were worried about mosquitoes, but others didn't want it because of the fear of airborne chemicals.

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

There was no other business to come before the Commission.

#### **V. ADJOURNMENT**

It was moved, seconded, and passed unanimously to adjourn the meeting at 7:00 p.m.

Respectfully submitted,

Joann Breault  
Acting Secretary for the Conservation Commission

These minutes were approved at the Conservation Commission meeting on July 12, 2017.