MINUTES
CONSERVATION COMMISSION
1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS

3:30 p.m. July 12, 2017

MEMBERS PRESENT: Chairman Steve Miller; Members, Allison Tanner, Barbara McMillan, Kate Zamarchi, Samantha Collins; Alternate Adrianne Harrison

MEMBERS ABSENT: Vice Chairman MaryAnn Blanchard

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

I. APPROVAL OF MINUTES

1. June 14, 2017

Ms. Zamarchi moved to approve the June 14, 2017 minutes, as amended, seconded by Ms. Harrison. The motion passed by a vote (4-0-2)

II. CONDITIONAL USE PERMIT APPLICATIONS

A. 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

Shawn Beckwith and Don Woods provided a brief overview of the project. The Jackson house is the oldest existing house in New Hampshire. Over the years there have been drainage issues around the house and in the basement. The applicants would like to add grading around the house and 4 yard drains in one section where grading is not possible. All water will flow to a maintenance storm drain. All the drainage will end up an estimated 50 feet away from the wetlands. This project has dealt with archaeology in the engineering and planning and the applicants are working in conjunction with that. The applicants are working with Kathleen Wheeler from Independent Archeology Association to ensure no artifacts are ruined with this project. So far 19,000 artifacts have been identified in the dig around the building. A lot of the resources are not too far below the ground on the south side of the house so the applicants cannot grade too low. There are also issues with some of the sills on the building, so some soil needs to be removed away from the building. This project will not add any more water runoff. The goal is just to divert the water around the house to have a drier foundation and building. The grounds are also used as an event space and there is a well on the property that has prevented grading in
other locations. There will be no new construction with this project. The applicants will be diverting the water through additional grading and drainage around the existing building.

Ms. Tanner requested confirmation that no trees were going to be removed as part of this project. Mr. Beckwith commented that one that was in decline, an ash tree has already been removed, but no trees beyond that one will be removed with this project.

Ms. Tanner raised concern about previous drainage that has been filled in over time because the systems were not maintained. Ms. Tanner questioned if a maintenance plan is included in this project. Mr. Beckwith confirmed that there is a maintenance plan. Mr. Woods has a write up that will be in the stewardship agreement of what the maintenance practices would be. After the grading is complete the anticipated maintenance should be mostly leaf and debris removal. Mr. Woods added that the stone lining in the swale would prevent erosion from the water.

Ms. Tanner questioned where snow is stored on the property. Mr. Beckwith replied that there is no snow removal on the property. There is no parking lot, and the house is not winterized. This project will allow for better natural snowmelt.

Ms. McMillan raised concern over the swale and level spreader maintenance. Mr. Beckwith responded that they do have extensive property care with a protocol in place to assess the property every six months to check for low lying areas etc. Ms. McMillan requested this to be clarified in a stipulation that the swale and level spreader will be maintained.

Chairman Miller asked for clarification on the diversion rain garden and why the soil goes uphill from on the other end of the discharge pipe. Mr. Woods responded that is to catch any water on the other end if there was ever a problem on the discharge pipe.

Ms. Tanner moved to recommend approval of the application to the planning board, seconded by Ms. Zamarchi, with the following stipulation:
1) That the maintenance plan include cleaning of the soil from the level spreader to remove any kind of sediment that accumulates.

The motion passed unanimously.

B. Off Ocean Road and Greenland Road
Eversource Energy, owner of a Right-of-Way Assessor Maps 281, 282, and 258

Tracy Tarr, GZA Geoenvironmental, gave a brief overview of the project. GZA is helping Eversource with a transmission line replacement project. Based on their yearly inspection Eversource needs to replace 26 poles in Portsmouth. The project is only to replace the poles and not the lines so the new poles will be put in close to where the existing poles are located. The new poles will be steel instead of wood, so they will last longer. The pads in the plans are timber matting that will be laid down in neat rows to prevent impact to wetlands. The area will be graded, seeded and mulched after the project is completed. Eversource will also have monitoring
nearly daily on the construction site. The rare plant species in the area will be mapped and avoided and they will look for anything that is undocumented to report back to the board. The State has asked for a post construction report and a copy can be sent to the board as well if needed. Eversource worked with fish and game to build a new platform away from an existing pole to provide a new nesting platform for ospreys. A project of this size requires State mitigation and the applicants have been working with Mr. Britz to see if there are any conservation projects that can be included. There is potential to work on a project in the future, but the timing does not align to qualify as mitigation.

Ms. Tanner asked for clarification on how the project will handle the invasive species. Ms. Tarr responded that the mats are cleaned before they are laid down, so they don’t bring in anything. Ms. Tanner noted the concern is more about the removal of invasive species and where are they going. Ms. Tarr responded that there will not be a lot of removal as part of this project, but if any invasive plants are removed it will be done with care.

Ms. Zamarchi noted that the plan outlines reporting on the removal of contamination of any spillage from chemicals or petrol. Ms. Zamarchi requested clarification on this. Ms. Tarr clarified that the contamination reporting is outlined as a just in case scenario. This will be included in the weekly construction reports and can be added to post construction report if needed.

Chairman Miller asked for clarification on the note about turtles and snakes. Ms. Tarr responded that as part of the project the site will be surveyed for snakes and turtles and if any are found they would be moved them out of the path of traffic. The contractor is responsible for the execution of work.

Ms. Collins asked for clarification on the high water note in the plan. It states that swamp mats may not be enough to make a road in cases of high water. Ms. Tarr responded that safety is always priority one. Sometimes another mat will need to be added, but the trucks would never drive over mats with water on top. Any flowing water would be bridged. Ms. Collins clarified that high water plan is last case scenario approach. Ms. Tarr confirmed this.

Ms. Collins requested clarification on the erosion control notes where it states for the project the work area will be graded, shaped and otherwise drained. Ms. Tarr responded that they have never drained and she will remove that word from the plan. Ms. Collins asked for clarification on what was considered the work area. Ms. Tarr responded that it is the access road and where the pads were laid.

Ms. McMillan asked for clarification on who will be monitoring the construction site. Ms. Tarr confirmed that the GZA would be monitoring the construction site.

Ms. McMillan moved to recommend approval of the application to the Planning Board, seconded by Ms. Tanner, with the following stipulations:
1. That the invasive species that are removed during installation of the new poles be disposed of properly so as to not allow the spread of those plants.
2. The post construction monitoring report, in addition to any weekly progress reports which call out deviations from the plan due to spills or other impacts during project construction will be provided to the Environmental Planner for distribution to the Conservation Commission.

The motion passed unanimously.

C. 160 Corporate Drive
Pease Development Authority, owner
Summit Land Development, LLC, applicant
Assessor Map 313, Lot 2

Sean Tobey from Hoyl e Tanner provided a brief overview of the project. The site, 160 Corporate Drive, previously contained Air Force housing and roadways when the base was in operation. Newfields ditch runs through the west side of the site and drains into Hodgson Brook. Newfields ditch has a 25-foot wetland buffer and Hodgson Brook has a 100-foot buffer. Most of the project is out of the buffer, but there are a couple points where the buffer will be impacted. The building and parking will be located at the rear of the site. All of the drainage is being reviewed through AOT (Alteration of Terrain) and there will be an AOT permit. The flow offsite into any of these wetlands as far as runoff and treatment will meet state regulations. There are three areas where the project will need a conditional use permit. The first is along Corporate Drive where the driveway will need to be tied back in. The two other impacted areas are to remove the existing culverts, which was requested by the TAC committee to be included into the project. The goal will be to let these areas return back to a natural vegetative state. Any riprap added for this project will be out of the buffer. Twenty bushes were added to the plan, they will most likely be blueberry and summer sweet bushes. This project has been approved by TAC to proceed to the Planning Board.

Ms. Zamarchi requested clarification on what will happen to the waste from the new factory. Mr. Tobey responded that the site would not have any industrial waste or hazardous waste. It is mostly composite molding. No waste would be trucked off in an open truck.

Ms. Zamarchi requested clarification on what trees and brushes were being removed in the field area. Mr. Tobey responded that the trees are mostly pines. There is nothing there that is feasible to save or mitigate.

Ms. Collins questioned if the applicant was working with the adjacent property owner. Mr. Tobey confirmed that yes, that property is also owned by Pease and they are in agreement that the area can be restored back to natural state.

Ms. Collins noted that Newfields ditch has a 25-foot buffer, but in the plan it looks like the tree line is moved back closer to the ditch. Ms. Collins questioned if that was necessary. Mr. Tobey responded that the biggest driving factor is a safety component of having two separate driveways. A lot of the vegetation in the area is scrub brush, not trees, so even though some is getting cut back it will still be close to 25 feet from the buffer. Ms. Collins questioned why the
brush cannot be closer to the driveway because further up the tree line is coming up right against the road way. Mr. Tobey responded that is because of the grading. The landscape plans specifies that it would be a conservation mix that would not be grass. They have added additional trees on that side per the TAC comments.

Ms. McMillan questioned if the Newfields ditch will remain shaded with the changes to this project. Mr. Tobey confirmed that this project would not affect any of the shade around Newfields ditch.

Ms. McMillan noted that there might be opportunities to make the driveway go a little further away from the buffer because there is landscaping on the west and the east side is right against the buffer. Mr. Tobey responded that the majority of the driveway is in the upland portion.

Ms. McMillan requested clarification on the land that will be restored. Will the project let the land grow or will it be landscaped with plants? Mr. Tobey responded that the adjacent property would let the land grow back in to its natural state. The 20 blueberry and summer sweet bushes will be added on the portion of land that is on the project site. Mr. Michael Mates noted that the mitigation project will be to remove the phragmites in that area.

Ms. Tanner raised concern about spreading invasive species. Ms. Tanner noted that anything invasive that is removed would need to be bagged and taken offsite. Mr. Tobey confirmed that if there are any invasive plants present, then yes they would be bagged and removed.

Ms. Collins moved to recommend approval of the application to the Planning Board, seconded by Ms. Zamarchi, with the following stipulations:
1. That the invasive species that are removed during project construction be disposed of properly so as to not allow the spread of those plants.
2. That the applicant maintain the buffer enhancement area located on their property so that it remains free of invasive species.

Ms. McMillan requested to discuss the 25-foot buffer in more detail. Ms. McMillan felt that Newfields ditch buffer is just as valuable as Hodgson Brook buffer. It is a straightened ditch that could use more of a buffer and even more restoration than that. Ms. McMillan is not going to vote in favor because of this. Chairman Miller noted that this is the second month that a PDA project is being presented and the commission is using PDA regulations over their own.

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

D. 88 Sims Avenue
Chance B. and Edward R. Allen, owners
Assessor Map 232, Lot 131

Mr. Phelps Fullerton of Fullerton Associates and homeowner Ms. Chance Allen provided a brief overview of the project. The applicants own an existing single family home on Sims Road. The property currently encroaches into a 30-foot front yard setback and almost 80-feet into a 100-foot
The applicants are proposing to build a modest addition on the first floor with a Juliet deck. The addition would not extend further into the wetlands than the rest of the property and only encroach 3.5 feet more into the front yard setback. The application is simultaneously going before the BOA (Board of Adjustment) for a variance for the front yard encroachment. Article 10 section 10.1016 in the zoning ordinance speaks to construction of an addition of a single-family residence in the wetlands buffer provided it meets certain criteria. The addition proposal complies with the criteria A and B, but does not meet C. That is why this applicant is requesting a conditional use permit for work in the wetland buffer. Criteria A states that an addition cannot be more than 25% of the existing first floor gross living area. The first floor living area is 890 square feet, which would allow a maximum addition of 225 square feet. The addition that is being proposed is for 208 square feet. The area where the addition is proposed to go has a fairly steep grade away from the house with a 2-foot retaining wall. The applicants are proposing to construct a terrace that would wrap around the side of the new addition. This would help to slow the storm water runoff and give more opportunity for the yard to absorb the water before it reaches the wetland buffer.

Chairman Miller requested Mr. Fullerton speak to the criteria B under the zoning ordinance. Mr. Fullerton responded that the property has been surveyed and the wetland boundary has been flagged in April of this year. The current existing living area of the house is about 21 feet from the edge of the delineated wetland. This allows the applicants to build an addition within the wetlands buffer, but the addition cannot be closer to the buffer than the existing property is today. The deck is not included in any of the calculations; the measurement is taken from the livable area of the house.

Chairman Miller provided background to the commissioners about the zoning ordinance criteria. The buffer policies were strengthened from 75 feet to 100 feet years ago. The zoning ordinance added this criteria to allow for a 25% footprint increase on an existing home to give relief to homes already in the buffer.

Mr. Fullerton noted that the applicants looked for ways to improve the permeability of the property. There is no garage, and the driveway is not paved. Mr. Fullerton noted that outside of what is shown on their plan there is no other opportunities to significantly better the drainage on the property.

Chairman Miller requested clarification on how the water would be handled from the roof on the new addition. Mr. Fullerton responded that it is a hip roof design with a very low pitch. Currently there are no gutters drawn in the design. If the committee’s opinion is to gutter into rain barrel, then the applicants are open to looking into that. The area will benefit from having the steep grade terrace added.

Ms. Tanner requested clarification where the terracing will be located. Mr. Fullerton responded that the addition would only come out 14.5 feet. The trees are 20 feet from the house. The area of the addition and terracing will be happening closer to the house.

Mr. Britz questioned where the tree in the foreground of one of the pictures presented would be in relation to the terracing. Mr. Fullerton clarified that it will not be near the terracing.
Ms. Tanner questioned if a French drain was considered around the edge of the addition. It could help with the runoff. Mr. Fullerton responded that it is certainly an option that they could consider. Chairman Miller noted that a rain barrel is a good idea, but it would be more beneficial if the owners were gardeners. The drip drain is a good option as well.

Ms. McMillan requested clarification on where the existing vegetation is in relation to the proposed terracing, and verify that the vegetation would not be impacted by the terracing. Mr. Fullerton responded that Ms. McMillan is correct and referred to photo 3 to show a better perspective. Chairman Miller noted that the addition is 14 feet and the terracing would be around 10 feet, so the total impacted area is probably 26 feet.

Ms. McMillan expressed concern about the tree in the foreground of photo 7. Mr. Fullerton confirmed the tree would not be impacted.

Ms. Tanner noted that what is growing there right now should remain there and wanted to verify that the terracing will not impact that. Mr. Fullerton confirmed that the vegetation would not be impacted by the terracing.

Ms. McMillan wondered if there was any possibility to add vegetation to create more of a buffer along the back of the house. Ms. Tanner suggested blueberry bushes. Ms. Allen confirmed that more plants could be added there. Chairman Miller noted that the goal from the commission’s standpoint is to capture as much water as possible before it gets to the wetland. Anything that reduces maintenance is always nice.

Ms. Harrison moved to recommend approval of the application to the planning board, seconded by Ms. Collins, with the following stipulations:
1. That the applicant install a drip edge at the outer edge of the new addition to prevent erosion and allow infiltration of stormwater.
2. That the applicant install additional native plantings in the previously disturbed area inside the fence at the rear of the property.

The motion passed unanimously.

### III. STATE WETLANDS BUREAU PERMIT APPLICATIONS

1. **Standard Dredge and Fill Application**
   Off Ocean Road and Greenland Road
   Eversource Energy, owner of a Right-of-Way
   Assessor Maps 281, 282, and 258

Ms. McMillan requested clarification on the mitigation needs. Mr. Britz clarified that it is required because the project is in a prime wetland buffer. Mr. Britz has been working with Ms. Tarr to identify a project that may qualify for the mitigation. There was potential for the Banfield property to be incorporated. There are more uplands on the property than the map.
shows, and Eversource could work to update the map to be accurate. The Banfield property still needs to be bought and project needs to be approved, so the timeline for the projects will not align. Eversource has paid the mitigation fee instead to move forward with their project.

Chairman Miller asked if there was any additional info from this application. Ms. Tarr replied that it has been submitted and they will incorporate this committee’s feedback.

Ms. Tanner moved to recommend approval of the application to the planning board, seconded by Ms. Collins, with the following stipulations:

1. That the invasive species that are removed during installation of the new poles be disposed of properly so as to not allow the spread of those plants.
2. The post construction monitoring report in addition any weekly progress reports which call out deviations from the plan due to spills or other impacts during project construction will be provided to the Environmental Planner for distribution to the Conservation Commission.

The motion passed unanimously

IV. OTHER BUSINESS

A. PULA Update

Mr. Britz provided an update. As part of the ongoing negotiations, the City took part of the Portsmouth Toyota property to allow for a sewer line to go through. There is some wetland included in this area. The Sagamore Creek Island and the land down Coach Road on the Rye/Greenland line are new conservation lands not included in the original PULA study. Mr. Britz proposed that the commission add this land to the PULA (Public Undeveloped Land Assessment) study.

Chairman Miller agreed that the PULA study has been so valuable, so adding this land would be worth it.

Ms. Tanner moved to update the PULA study, seconded by Ms. Collins.

The motion passed unanimously

B. Mr. Britz provided a second update. Public Works talked to him about looking for new wells to augment city water supply. They have a contract with a well driller to do some exploratory test wells. They are not ready to come present but it is an ongoing exploration and Mr. Britz was asked to raise awareness about this to the Conservation Commission.

Ms. McMillan requested an update on the pesticides. Mr. Britz responded that a letter was written to the city council.
Mr. Britz noted that this was Mr. Cardin’s last meeting. Mr. Britz noted that the alternates do not get automatically promoted to official positions they will have to fill out an application and apply to be a permanent member.

Chairman Miller noted that the board is now looking for two new members.

V. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 5:24 pm.

Respectfully submitted,

Becky Frey, Acting Recording Secretary

These minutes were approved at the Conservation Commission meeting on August 9, 2017.