

**MINUTES**

**CONSERVATION COMMISSION**

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

**3:30 p.m.**

**October 11, 2017**

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

**MEMBERS ABSENT:** Allison Tanner, Kate Zamarchi

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

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**I. APPROVAL OF MINUTES**

1. August 9, 2017

Ms. Harrison recused herself from the vote.

*Ms. McMillan moved to approve the August 9, 2017 minutes, seconded by Ms. Collins. The motion **passed** by a vote of 4-0.*

2. September 13, 2017

Ms. Collins recused herself from the vote.

*Vice-Chair Blanchard moved to approve the September 13, 2017 minutes, seconded by Ms. McMillan. The motion **passed** by a vote of 4-0.*

**II. CONDITIONAL USE PERMIT APPLICATIONS**

- A. 50 Clough Drive, Little Harbor School  
City of Portsmouth, owner  
Map 206, Lot 20

Ken Linchey, the Facility Director of Portsmouth School Department, and Laurie Schlosser, school volunteer and parent, were present to speak to the application. Mr. Linchey stated that the Commission had a revised plan before them. Ms. Schlosser stated that their original design included a keystone base but that they decided to remove it due to maintenance issues. She said

they no longer needed a permit for the shoreline protection as well. Ms. Schlosser said their intention was to have outside classes during planting and harvesting times, and they were proposing a small planting area within the first 50 feet of the buffer that was currently maintained as a lawn. She said they would plant native shrubs and a tree that would serve as a buffer enhancement. Vice-Chair Blanchard said it wasn't clear to her where the wetland buffers were. Ms. Schlosser pointed then out on the diagram.

In response to Ms. McMillan's questions, Ms. Schlosser said that, in addition to the benches, they hoped to put a few patio stepping stones as a path into the space. She said the permit was just for the benches, the plantings, and the stepping stones. She said they scaled the project back and would remove an existing metal structure.

Vice-Chair Blanchard said she had no concerns but thought it was ironic that, in an educational environment, the project wanted to do something that would impact the buffer and not necessarily respect why the buffer was there, and she didn't think the impact to the buffer was justified. Ms. Schlosser explained that the space was maintained as lawn and they would place some benches for the children to sit as a class.

Ms. McMillan said she was glad that the keystone wouldn't be included anymore but wanted to know if there was an opportunity for more educational components. Chairman Miller asked what the school's framework was in terms of mowing. Mr. Linchey said they mowed the lawn right to the existing grass line to the wetland buffer and fence, and contacted Public Works or the Planning Department for anything beyond that. In response to further questions from the Commission, Mr. Linchey said the reason for mowing up to the buffer was so the children couldn't hide in the buffer. He said the children didn't currently use that area for play, but that there used to be playground structures in the 1970s and 80s. He said they were trying to make the wetlands an education piece, with the gardens and the memorial in place. He said the chain-link fence still existed as a safety feature. He noted that the area was the flattest part of the whole area, and the rest was slope. Mr. Linchey said they were replacing the structure with a garden and that there would be natural vegetation on the wetland side of the fence.

*Ms. Collins moved to **recommend approval** of the application to the Planning Board, seconded by Ms. Harrison.*

Ms. McMillan said there were several resources available for future enhancements, including the New Hampshire Department of Environmental Services. Mr. Linchey said they had a butterfly garden and a rain garden and would keep the resources in mind for future programs.

*The motion **passed** by a vote of 4-1, with Vice-Chair Blanchard voting in opposition.*

B. 1850 Woodbury Avenue  
Goodman Family Real Estate Trust  
Nancy L. Goodman, Trustee  
Map 239, Lot 9

*The application was **postponed** to the November 8, 2017 meeting.*

- C. 250 McKinley Drive  
Christopher and Rachael Delisle, owners  
Map 250, Lot 17

The owners Christopher and Rachel Delisle were present to speak to the application. Mr. Delisle said they did some driveway installs and wanted to make their driveway a double one instead of a single one to accommodate an expanding family and avoid shuffling vehicles. He said it was within the buffer but sloped away from it, and the water got pushed toward the front. He said they wanted to decrease the impact downstream by extending a pipe from the garage to a rain garden, and the rain garden would satisfy the pervious surface that they would install. He said it would be a mix of sand, mulch, and soil and be 10 inches deep; they would then put some stone in and build a 20" garden swale to capture any water that rolled over the side.

Ms. Harrison estimated that 300 square feet of pavement would be added in the buffer zone, and Mr. Delisle agreed. Ms. McMillan asked Mr. Britz whether the drainage was the catch basin in the road, and Mr. Britz said it was. She surmised that the runoff from the grass and driveway would be captured and would go into the rain garden and the garden swale, and that about 1,000 square feet would be taken. She asked what the maintenance plan was and how the project would fit into the property's perpetuity. Mr. Delisle said they would keep the rain garden mulched and the plants healthy. Regarding perpetuity, he said they planned to retire in the house.

Ms. Collins noted that the area next to the garage where the extension would be looked very flat and was concerned that the water would not pitch off of it toward the street to be captured by the rain garden. She asked whether Mr. Delisle planned to add more of a base to give it more pitch. Mr. Delisle said he made sure that the runoff would be mitigated from going into the wetlands. He said the installed pavement would have an 8" base that would raise it to the right dimensions.

Mr. Miller asked Mr. Britz whether there was anything about a rain garden or the gravel strip right along the road. Mr. Britz said it was the right-of-way and that he would have to look at where it actually fell. He said he thought the owner was responsible for maintaining the area and that he would check. Mr. Delisle said he received approval from Public Works for the curb cut and that they requested that the driveway be paved.

Ms. Collins asked whether Mr. Delisle proposed anything along the driveway, like a curb or gravel edging for water that might run off the side. Mr. Delisle said they hadn't intended to do that, but the paving company wanted to push everything in that direction. Chairman Miller suggested putting a perforated pipe into the gravel along the edge. It was further discussed.

*Vice-Chair Blanchard moved to **recommend approval** of the application to the Planning Board, seconded by Ms. McMillan.*

The Commission further discussed the application. Mr. Britz said the applicant would have to return if there was evidence of erosion after the project was completed and if they wanted to put an infiltration in the driveway.

Ms. Collins said she felt that it was a big amount of impervious surface added. She said that, if the driveway didn't go further than the garage, it would eliminate a fair amount to the closest part of the wetlands, which she would be more comfortable with. Ms. Harrison said the double-lane driveway could set a precedent for the neighborhood.

Vice-Chair Blanchard said she felt that there was enough merit to the improvements and that the project would be done well. She said the Commission had to consider projects one by one. She said she would support the motion and suggested that the upper section by the side of the garage be made less impervious. She noted that the application was an improvement to the wet area in the back. Chairman Miller agreed but noted that the Commission might want to think of ways to be more proactive and also to improve the Ordinance in that regard. He said he liked the fact that the driveway would not extend past the development toward the wetland and that it would drain to the street, and also the fact that the applicant thought of ways to deal with the storm water and impervious surface by doing the rain garden and the gravel.

*The motion **passed** by a vote of 4-1, with Ms. Collins voting in opposition.*

D. 240 McKinley Drive  
Robert and Pamela Smith, owners  
Map 250, Lot 118

The owner Pam Smith was present to speak to the application. Ms. Smith said she liked the idea of putting the drainage area with the plantings for the water runoff, but noted that the water wouldn't go all the way to their garage because they had roof drainage and their driveway was over-sloped, so everything went downhill. Her neighbor and previous applicant Mr. Delisle said they worked closely together on it and discussed ways to mitigate the rain. He said Ms. Smith's project impacted the buffer less than his and that their rain garden was sized based on the impact to the wetlands. He said the plan was to get the right soil mixed in and install the deep-root planting before the first frost.

In response to the Commission's questions, Ms. Smith said she would have an 11-ft shunt over to the side of the driveway and explained how the rain garden would have a slight slope that wouldn't be as bad as the top of the driveway. She said the bottom of the rain garden would be similar to Mr. Delisle's rain garden.

*Vice-Chair Blanchard moved to **recommend approval** of the application to the Planning Board, seconded by Ms. Harrison.*

Vice-Chair Blanchard said the Commission appreciated how Mr. Delisle's project minimized the addition of pervious pavement and realized that Ms. Smith cared about the Commission's concerns as well.

*The motion **passed** unanimously by a vote of 5-0.*

E. 105 Middle Road  
Charles J. McCue, Jr., owner  
Map 152, Lot 18

The owners Charles and Kimberly McCue were present to speak to the petition. Mr. McCue said they were before the Commission in 2014 to replace the rear structure in their yard, and at that time, there wasn't enough attention paid to the roof runoff drainage. He said they needed to move the water away from the major part of the house and were trying to obtain some outdoor space. He said the grade at the back of the house was severe, so the least impactful thing was to build a deck at ground level. He said they had a drainage plan that would allow for the removal of the downspouts and move them past the deck area, but would allow water to pass through the deck area and be absorbed into the ground. He said their garden didn't get much sunlight, so they wanted to put natural grasses along the side of the house and put a raised bed where the Harvey property was. He said a second drain could be brought into a rain collection system that would allow the plants in the back corner to be watered.

Chairman Miller asked whether the two drains were in the ground. Mr. McCue said they were picking up downspouts and running them under the deck so that there wasn't a complete flow under the deck, and that there would be enough pitch to draw the water away. He said the material would separate the soil underlying the gravel. Chairman Miller asked whether the existing gravel patio would remain. Mr. McCue said they wanted to replace it with bluestone and leave the existing stones around it.

In response to Ms. Collins' questions, Mr. McCue said the existing gravel patio was flat. He explained how the steep pitch dropped off a few feet from the deck. He said the hill got some sun and that they kept it mowed. Ms. Collins suggested planting along the edge of the deck and the back of the garage. Chairman Miller asked whether Mr. McCue would also plant in the far corner. Mr. McCue said there was an existing flower bed that was neglected and that they were trying to salvage what they could. Vice-Chair Blanchard referred to Mr. Britz's memo and said it was important that the gravel be well drained, and Mr. McCue agreed.

In response to Ms. McMillan's questions, Mr. McCue said the ground after the patio was leveled at about 20 feet or so. He said the lot was so narrow and deep that everything was right on the line except for the back of the house, so promoting the back area was the best use for the lot and the land. Ms. McMillan asked whether there was a water table in that area, and Mr. McCue said it dropped down again, at least eight feet from the deck. He asked for suggestions of where the first drain would terminate. Ms. McMillan said there was an opportunity in the back area to infiltrate, and she recommended that there be a rain garden in addition to the patio. Chairman Miller suggested plantings at the lower edge to intercept the water and let it flow into the ground.

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

- 1) *that the plans specify crushed stone under the deck to provide optimal infiltration.*

*Ms. Collins seconded the motion.*

Vice-Chair Blanchard suggested a stipulation that the proposed raised bed be a rain garden or that a greater yard be created to absorb more of the water. Chairman Miller asked Mr. McCue where the rain barrel would be located to get rainwater off the roof. Mr. McCue said it could be placed close to the raised bed. Chairman Miller said he preferred the raised bed and the rain barrel versus a rain garden.

Ms. Harrison asked if there was a need for the patio to be transformed into an infiltration opportunity. Chairman Miller said the crushed stone underneath would infiltrate a lot of it, and the distance from the deck as well as the gravel would be other opportunities for the water to get into the ground.

Ms. McMillan said she wanted to see a cross-section and didn't agree with counting on the gravel patio to take the runoff from the road. She asked how deep the gravel would be. Mr. McCue said it would be at least 18 inches. Ms. McMillan said it needed to be more descriptive. She referred to the roof design and said she didn't know how much of the area was drained. Mr. McCue said any of the runoff from the driveway would be absorbed into the crushed stone at the deck level. She said the house was about 50 feet deep, so the roof was on that pitch. He said it might make sense to have more plantings or shrubbery in that area. He said the roofline was such that half the runoff would go to the rain barrel and the other half would go to the other drain. Ms. Collins said it was important to get some of the water past the hill, however.

Chairman Miller said he was comfortable with the project as it was and noted that the Commission would find out what the conditions would warrant in terms of future actions. He said they would watch the back to see if water was pooling and what else might be needed to get that water back into the ground. Mr. McCue said the back grass area was very level and absorbed the water quite well.

*The motion **passed** by a vote of 4-1, with Ms. McMillan voting in opposition.*

### **III. OTHER BUSINESS**

There was no other business to come before the Commission requiring action.

### **IV. ADJOURNMENT**

*It was moved, seconded, and passed unanimously to adjourn the meeting at 4:45 pm.*

Respectfully submitted,

Joann Breault, Acting Recording Secretary

These minutes were approved at the Conservation Commission meeting on November 8, 2017.