

**MINUTES**

**CONSERVATION COMMISSION**

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

**3:30 p.m.**

**February 14, 2018**

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

**MEMBERS ABSENT:** Kate Zamarchi, Alternate Ted Jankowski

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

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**AGENDA**

**I. APPROVAL OF MINUTES**

1. January 10, 2018

Chairman Miller noted that the minutes should clarify the meeting hosted by the Historic District Commission meeting is to discuss the Historic District Vulnerability Assessment.

Vice Chairman Blanchard moved to approve the minutes as amended, seconded by Ms. McMillan. The motion passed unanimously in a 7-0 vote.

**II. CONDITIONAL USE PERMIT APPLICATIONS**

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

*(This application was postponed at the Jan. 10, 2018 to the Feb. 14, 2018 meeting.)*

Corey Belden from Altus Engineering spoke to the application. This project was before the Board in August 2017. In that meeting the Conservation Commission provided a number of comments. The project has experienced some delays, but is ready to move forward now. Mr. Belden indicated that the plans have been revised to incorporate the Commission's comments from the August meeting. Mr. Belden displayed the original plan that was submitted back in August, and compared it to the revised plans submitted in the most recent packets. The primary concern was the amount of work and storm water treatment that would be done in the wetland

buffer. The initial grading was not going to work well because of the ground elevations. The solution was to put in two rain gardens. One would be higher so the runoff would flow from that rain garden to a lower one. The amount of pavement in the buffer area was reduced. The existing building sits primarily in the buffer and is staying in use with the existing loading dock, so not much could be done about that. All of the impervious surface areas will be treated with the new rain gardens. The landscaping plan was revised to include a note about the pesticides and herbicides. All of the comments from the Commission have been addressed and the applicants are looking for a recommendation to move on to the Planning Board.

Chairman Miller noted that the landscaping plan the applicants were proposing looked good. The shrubs on the north side have been maintained and the trees were outlined in the plan as well. It was a good to remove some of the storm water treatment out of the buffer and maintain the plantings along that border.

Ms. Tanner agreed with Chairman Miller and was happy with the changes that were made. The applicants addressed everything that was mentioned.

Ms. McMillan agreed that the revised plan was good, but had a question about the storm water modeling summary. Mr. Belden responded that they would be submitting a final drainage study for the Department of Public Works (DPW) to approve. They would clarify the wording.

Mr. Britz clarified that the applicants were postponing going to the Planning Board. Mr. Belden responded that was correct. The application was going back to TAC first.

Ms. McMillan brought up trash as a concern. Mr. Belden responded that the trash bins were moved further away from the building to reduce what was in the buffer area. Ms. McMillan noted the concern was also for litter on the site. Chairman Miller agreed that the concern was that the wetlands could collect a lot of trash along the edge. Mr. Belden replied that there would be a six foot privacy fence along the property. The only outlet from the fence would be for the drainage from the rain garden. That would be subsurface. The fence would be a protective area. Chairman Miller clarified that the fence would connect to the building. Mr. Belden confirmed that it would connect at the corner. Chairman Miller noted that he hoped the business would be doing routine stewardship of the lot to collect trash.

Ms. Collins noted that routine trash pickup could be part of the maintenance plan for the rain gardens. Mr. Belden agreed and noted that inspections for the rain gardens would be happening twice a year and after storm events.

Ms. Tanner moved to recommend ***approval*** of the application to the Planning Board as presented, seconded by Ms. Harrison. The motion passed unanimously in a 7-0 vote.

B. Martine Cottage Road

Carolyn McCombe Revocable Trust of 1998, Elizabeth Barker Berdge Revocable Trust of 1993, and Tim Barker, owners

Assessor Map 202, Lot 14

*(This application was postponed at the Jan. 10, 2018 to the Feb. 14, 2018 meeting.)*

John Chagnon and Steve Riker from Ambit Engineering and Ben Auger from Auger Construction were present to speak to the application. Mr. Riker noted that the application originated in October 2017. Mr. Chagnon presented the project to the Commission in November and the Commission did a site walk in December. The project is to construct a single-family home with an onsite septic on an undeveloped lot that is a little over five acres. The comments from the last meeting with the Commission included the following: change the driveway to gravel, make the house smaller, make the development footprint narrower, and reduce the tree removal. The original submission had 23,100 square feet of buffer disturbance. The development was kept close to the road in order to keep the driveway short. This resulted in a lot of grading needed for drainage. The original proposal included a standard foundation, which also led to more grading. In the most recent proposal the house was relocated to a flatter area on the property, which reduced the amount of grading needed. A new construction method was incorporated, which will use parallel frost walls as a foundation. This new location reduces the amount of grading needed. The configuration is now narrower. The grading for drainage of the wetland overflow is eliminated in some areas and reduced to just one minor area for a culvert near the driveway. Underneath the structure there will be five frost walls, which will help the house "float." This will let water pass under the house. The driveway is now longer, but follows the existing slope. This reduces the grading to just where the driveway turns away from the slope to get to the house. Lastly this proposal utilizes the areas outside the buffer to a greater extent. Another item that was incorporated was a gravel driveway. There are not a lot of storm water structures because the main structure allows for filtration. Storm drip aprons will be incorporated around the garage. The vegetated swale along the driveway will direct runoff to the culvert. The AOS septic system requires a smaller leach field. DES approved the septic plan today. The development is equidistant of the two-wetland areas to preserve as much of the vegetated buffer strips as possible. This is just the bare bones to provide a single-family residence. Mr. Riker addressed the staff memo comments. One comment was that the land is challenging and not reasonably suited for the use. Mr. Riker responded that there are plenty of other areas in the City with similar circumstances. Another comment was that the house is further back, so more of the land is impacted with a longer driveway. Mr. Riker responded that while that was true the proposal reduces the overall impact from 23,125 square feet to 15,421 square feet. Another comment was that this would be an adverse impact of the functional value of the wetland. Mr. Riker responded that the vernal pools occur on this undeveloped lot, but some lots are developed around it. Other lots have vernal pools on them and do not prevent amphibious migration. Another comment was that there would be more alteration of the natural vegetated state with the house located further back. It requires more clearing. Mr. Riker responded that is incorrect there is a reduction. The barn was reduced as a result of the staff memo. The staff memo requested a smaller house footprint. This house is smaller than other houses in the area. Another comment was that there was no information regarding returning the areas within the vegetated buffer strip back to its natural state. Mr. Riker responded that a note was added in the plan to address this. All of the areas except the septic area will be re-seeded. A note can be added that they will not be mowed. It was Mr. Riker's belief that the ordinance was not written to prevent development in the wetland buffer area, but to make it the least impacting alternative. This proposal is reasonable, takes the features of the lot into consideration, and uses construction methods to make less of an impact. Mr. Chagnon added that there is a tree plan in the packet. Mr. Auger commented that they identified the location for the house in part by

taking into account the location of the important trees. It's a flatter area, which will cause less erosion. Mr. Chagnon added that the driveway placement purposefully went with the contour of the property. It also avoids a lot of trees. The location of the house is in a less densely wooded area. There is a required 55-foot set back to the vernal pools, and a 40-foot setback on the fresh water wetland side. The area between the setbacks is a wetland limited cut area, so some tree cutting is allowed in there. Some cutting would be required to install the well. The project meets that ordinance. The design of the house eliminated the need for infiltration at the edge. One thing that came up at the first meeting was the possibility of building on the north side of the lot, but after the site walk it was clear that would not work. The site walk showed that side of the lot would be more impacting because of the topography and the drainage would go into the vernal pool.

Vice Chairman Blanchard requested clarification on the detail about the amount of clearing for the driveway area. Mr. Chagnon responded that on the tree plan on C3 just shows the driveway. It does not show the associated grading. Clearing would be needed in order to construct the swale to provide the best treatment for the runoff. That's why it looks like there is a bigger swath on the tree plan.

Ms. Harrison commented that there might be an increase in water volume on the driveway after the tree cutting. Would that result in additional water? Mr. Chagnon confirmed that the neighbors also expressed that concern, but the house will allow water to go below it. There will be runoff, but he believed the buffer was significant enough to handle the runoff. The runoff would flow to infiltrate in the water treatment areas like the swales. There is also a natural buffer on the site for the water to runoff into. Mr. Riker added that sheet C1 had some test pit logs. The test pits were dug to 50 inches, 40 inches and 30 inches and no water table was seen in any of them.

Ms. Harrison expressed concern about the driveway maintenance in the wintertime. This is a long and winding driveway; there will be need for sand and salt. Mr. Chagnon responded that because the driveway would be gravel sand would not present an issue. Salt would not be used on a gravel driveway. Ms. McMillan commented that typically it's a salt/sand mix. Sand still has its impacts especially with swales on either side. That needs to be considered.

Chairman Miller requested clarification on the forestry statement. Mr. Chagnon responded that clearing trees would have the same effect to runoff as if the property were logged. Chairman Miller questioned if the property could be logged? Mr. Chagnon responded that it could in that area.

Ms. McMillan questioned if there was a cross section of the driveway in the plan. Mr. Chagnon responded that they anticipate it would be the standard of 12-18 inches. The driveway is fairly close to grade so there is no real need to provide under-drains or over excavate.

Ms. McMillan requested clarification on what the inlet was if the runoff was not actually draining out to anywhere. Mr. Riker responded that there really is not one. The grade rises to the Creek Farm Access Road. There is no culvert. There is a large wetland system beyond that,

but he could not find a culvert connection. In theory it's an isolated wetland area with no permanent outlet.

Ms. Collins questioned if there were any plans after the driveway and grading were put in to plant trees back in that area. It makes sense to not put trees close to the house, but they could be added back in the driveway area. Mr. Chagnon responded that they could consider that. Right now the plan includes putting in a swale mix that would not be mowed. They want to maintain the swale to maintain the water flow. Ms. Collins clarified that she was thinking of the opposite side of the swale. Mr. Chagnon responded there is no plan for that, but there is a 50-foot buffer of trees on that side.

Ms. McMillan commented that this project is a huge impact to the wetlands. There has been a reduction to the impact, but can you speak more to moving the new narrow building further up to the road. It seems like the proposal got creative and the house was moved back, but what would happen if the house was moved closer to the road. Mr. Auger commented that the floating house idea requires a flat site. That will have a reduction in impact by eliminating a basement and foundation. It needs to be on a flat grade to work. If the house comes closer to the road, then the grade gets too steep. Ms. McMillan questioned why it had to be on a flat location. Mr. Auger responded that they would not want to build the house on stilts because then they would need to be stairs. There would be a height difference from the breezeway and garage. This location would be the least amount of construction impact and the driveway would twist around the nicer more mature trees. Most of the trees that would be cleared out for the driveway would be thinner trees. The location was picked based on trees and grade. Mr. Riker added that the parallel frost wall construction could have 1 foot reveal on one end of the wall and a 10-foot on the other if the house was on a sloped location. Mr. Auger noted that on the flat area it's about a 2 foot reveal all around. Mr. Chagnon added that the septic component is another factor in the location choice it has to be able to tie in at the right grade. The septic will be fed by gravity, and it would not take up too much real estate.

Ms. Harrison was curious if there were other ways to reduce the footprint. Instead of a two-story home can it be taller but narrower? Could it be a three story or two and a half story? Mr. Chagnon pointed back to the reasonableness of the lay out. The size of a three-story home is more cost to construct and could be harder to live in. Mr. Auger added that a three-story house would not be as easy to live in. The footprint of the house is 3500 square feet for a house, breezeway and garage without a basement. That is pretty reasonable. There is not a complete house design yet, but this would be a two-story house.

Vice Chairman Blanchard stated that the natural resource features of the property constrain its use. The project compromises a significant amount of the buffer in a negative way. These buffers were designated after lengthy deliberation and thought. The decision was not arrived at lightly and the buffers have to be respected. Engineering solutions are not always effective to the buffer. The frost walls are good, but she did not believe that it solved the buffer impact issue.

Ms. Tanner questioned what the livable square footage of the home was. Mr. Auger responded that there is not a final house design, but it would probably be around 3800 square feet with a second story.

Mr. Chagnon noted that there were some people from the public present to speak as well.

Bernie Pelech, Attorney, spoke to the application. Mr. Pelech reviewed the original proposal and what is before the Commission today. Ambit Engineering and Auger Construction have done a masterful job at minimizing impact to the buffer. Mr. Pelech thought that Mr. Riker's function and values assessment featured what the function and values were for the project. It's a five-acre lot and has always been treated by the City as a buildable lot. The purpose of the CUP is to work with lands that are in the buffer. As the Commission knows that's the purpose of people coming here. People come here when there are unique situations that are in the buffer. The wetland expert has said the impacts have been minimized and the commission has to consider that. Property owner Carolyn McCombe told Mr. Pelech that the property has changed considerably over the years. According to her recollection, water did flow across into a culvert before Cottage Road was raised up. What has been done to satisfy the abutters and the Commission for this project is considerable. This project certainly minimizes impact to the buffer to the greatest extent. There is not much else that could be done to further minimize impact. Hopefully this does not become an unbuildable lot. If there Commission notes other things that would minimize, they would be open to hearing suggestions.

Robert Najar from 10 Martine Cottage Road is a direct abutter and was there for the site walk. The drainage under Martine Cottage Road consists of a collapsed pipe and another pipe that is higher. When the water is below the new pipe water flows through the collapsed one. There is an ice pond on the property, and water will come out of that area and come down to the driveway. The swale will have to account for that. The well for the property will create a lot of disturbance because it's in the leach field buffer. Mr. Najar thought the electrical should be above ground to reduce disturbance to the property. Mr. Najar complimented the engineers and Mr. Auger with the foundation design. It's an excellent solution. It is a very difficult lot and Mr. Najar could appreciate the challenges.

Rick Simpson on 40 Martine Cottage Road raised a few questions. Mr. Simpson noted that the applicants had done a good job with design and he understood the history of the property very well. The laws have changed over time. There's currently a drive around on the property is there any benefit to move that up to the top of the hill to not get as much runoff? Mr. Auger responded that one reason that location was not chosen was because that was where the older taller pines are located. In order to avoid taking out more trees, the driveway was put where it was in the proposal. Mr. Chagnon added that area would require a longer driveway. Mr. Simpson questioned if there was still two buildings on the site. Mr. Chagnon clarified that it would be one structure with an attached garage and breezeway.

Mr. Najar questioned if the driveway was now going to be all gravel. Mr. Riker confirmed that it was.

Ms. Harrison appreciated the new design and innovative foundation. It seems that a lot was done to reduce the impervious surface of the site. The only other place to reduce is the footprint of the building itself. Is that a two-car garage? Mr. Chagnon confirmed that it was. Ms. Harrison clarified that the home would be roughly 3800 square feet of living space. Mr. Riker responded

that it would be roughly 3350 square feet. That's without garage, which is 576 square feet and the breezeway, which is 278 square feet. Ms. Harrison responded that all along the Commission has expressed the need for a smaller footprint of the home.

Mr. Chagnon clarified a few points that were brought up by the public. Mr. Najar talked about the well. DES requires a 75-foot separation between a well and a leach field. In this case they wanted to compact the footprint. The setback is a hypotenuse not a flat line. DES approved the septic, which has a note about the well to show it's approved. Above ground electric would require tree cutting. The plans call for inserting the pole they don't anticipate any hard excavation to get the pipe installed for the underground electric. Then it would be maintenance free.

Ms. Morison requested clarification on why no drip edge was planned for along the breezeway. Mr. Chagnon responded that there is no drip apron there because it's such a small space. There is a crawl space and the septic pipe would be over there. The water in that area would travel under house or along the swale.

Ms. McMillan noted concern about having the house in between the buffers, and the lighting that could be intrusive to ecosystem and the critters. The lighting should meet dark sky requirements. Mr. Chagnon responded that they were not required to light the driveway, but they would need lights at the doors. Those could be turned off at night. The person occupying the lot could be more conservative of the light use. There is nothing in the plan for lighting along the driveway.

Chairman Miller made a last call for questions before he invited a motion, and summarized the motion procedures to the Commission.

Vice Chairman Blanchard moved to recommend approval of the application to the Planning Board as presented, seconded by Ms. Collins.

Vice Chairman Blanchard made a positive motion in order to comply with procedural rules to move forward, but added that she would be voting against the motion. It is the responsibility of the applicant to respect the resources on the site. This project significantly compromises the water resources in the area. The buffers were not decided on lightly. They are of significant importance. This Board speaks to the wetlands not whether a lot is buildable or not.

Ms. Tanner appreciated what the engineers had done with the project. They listened to the Conservation Commission's comments for the most part. However, Ms. Tanner was also concerned about the impact the entire project would have on the property, and agreed with Ms. Harrison that a smaller footprint overall would be helpful.

Ms. Collins suggested a couple ideas regarding reducing the footprint. The breezeway could be removed and the garage could connect directly to the home. The garage could be a two-story structure to potentially eliminate some of the footprint of the house. Chairman Miller requested Ms. Collins speak to the motion. Ms. Collins responded that as the application stands she would vote against the motion.

Ms. Harrison echoed Ms. Collins' statement. She appreciated the consideration that had gone into the project, but was going to vote against the motion based on the footprint.

Ms. McMillan commented that she was also going to vote against the motion for the same footprint reason. She was also concerned about flooding on the driveway during high storm events with swales and driveway taking on more water from the vernal pools.

Chairman Miller noted that he thought this was very important, and noted that he would also be voting against the motion. All the work that has been done to limit the impacts with the AOS septic, construction methods, reducing tree removal and the grading was all very much appreciated. Chairman Miller has been on the Commission for almost 20 years, and this was the first application that he has ever seen for a property with buffer impact with no prior development on it. The buffer regulations are very important and his sense was that the citizens of Portsmouth have very specific expectations on the buffers. The Commission has a duty to protect the natural resources. Considering the constraints of this lot he could not with good conscious vote to approve this project. It counters what this Commission is tasked with. The Chairman's vote was no because of the impacts to the buffer and it's a very challenging lot.

The motion to recommend approval of the application to the Planning Board as presented *failed* to pass, by a unanimous (0-7) vote, for the following reasons:

- 1) The Commission felt the project compromised the water resources in the area and would cause significant impacts to the wetland buffer.
- 2) The Commission felt the proposed footprint was excessive and could be reduced to minimize impacts to the wetland buffer.

### **III. STATE WETLANDS BUREAU PERMIT APPLICATION**

1. Standard Dredge and Fill Application  
177 Mechanic Street  
Geno J. Marconi and Francesca Marconi, owners  
Assessor Map 103, Lot 34

Geno Marconi and Francesca Marconi Fernald submitted an after the fact application. The circumstances required them to ask for three emergency approvals from DES in the applications. The winter weather conditions pushed the granite wall out at the restaurant, so they had it repaired and as they were pulling together information for an after the fact application more of the wall gave away. The wall was built in the 50s or 60s and wall technology has been improved since then. The second bulge in the wall has been approved for repair. One of the pilings that holds the floating dock needs repair. The assumption is that if one has failed the others were on the verge of failing. They have inspected more of the existing pier and have started a regular wetland application and that will be coming through later this year.

Vice Chairman Blanchard asked when the physical work happen for this. Mr. Marconi responded that the pilings were in before February and the wall work was done earlier this winter and last spring.

Ms. Tanner moved to recommend *approval* of the application to the State Wetlands Bureau, seconded by Ms. McMillan. The motion passed unanimously in a 7-0 vote.

#### **IV. WORK SESSION**

##### **A. Mark Graham, 136 Buckminster Way**

Mark Graham submitted a memo outlaying the situation. He tried to walk through a mock application in the memo to see how the Commission looked to see if points were addressed. Mr. Graham was mainly interested in understanding the ordinance about no negative impact to the wetland. The work session was to see if the project was even feasible.

Vice Chairman Blanchard clarified that the project was to install a swimming pool. Mr. Graham confirmed that was correct.

Ms. Tanner questioned what the lines on the plans show. Mr. Graham responded that they show the buffer area. The entire backyard is in the buffer. Mr. Graham did due diligence to have a wetland specialist come out and flag the buffer.

Ms. Tanner was not sure if anyone else was on the Commission when Buckminster Way was made into a development. She thought she remembered that there was something put in the deed that showed that the houses were on the wetland and no other structures could be built. Mr. Graham responded that as far as he knew that was not in the deed. The development was built in 1992 and the buffer was established in 1995. Maybe that is why it's not in there. Ms. Tanner commented that maybe it was included in a second phase of the building. Mr. Graham responded that he would research more. Mr. Britz noted that it could have been a stipulation in the subdivision approval, so he could look at that. Mr. Graham noted that a neighbor had a pool put in, in 1996 and there was another pool two doors down.

Chairman Miller questioned a picture of a pool in the packet. Mr. Graham responded that was left by the prior owner. Chairman Miller clarified if the wetland line was the tree line. Mr. Graham confirmed that was correct. Chairman Miller noted that Buckminster Way has been challenging because of the bog and the buffer. How is this pool here? Mr. Britz responded that it's above ground; the prior owners probably just put it in. Vice Chairman Blanchard noted that if Mr. Graham were to build a pool he would need a fence. That requires terrain alteration. Mr. Graham confirmed that was correct.

Mr. Britz questioned where the septic system was. Mr. Graham clarified that it was item F on the diagram. That's why there is no other pool location option outside the buffer. Mr. Britz pointed out an area to the left of item J that would be outside of the buffer if the flagging were correct. Mr. Graham responded that would require cutting into a sloped area that may impact the septic. Mr. Britz noted that if Mr. Graham could keep it a straight line it could be outside of the

100-foot buffer. Then the Commission wouldn't need to see this project. There is space out of the buffer, but the issue may be the slope.

Chairman Miller added that's assuming that the flags are right. Mr. Graham responded that Mr. Riker did wetland delineation with the flagging. Mr. Britz commented that it would still have to be mapped.

Mr. Graham noted the field marked F could not be moved because of septic. It is not reasonable to put a pool in the front yard. The explanation to the six criteria in the ordinance is reasonably straightforward for five of them. Mr. Graham had a question about the sixth criteria. The state has some clear ratios for mitigation. Does the Commission? If Mr. Graham was to move forward with the project what would the proper steps to mitigate be? Is there a ratio?

Chairman Miller requested Mr. Britz to help with the response. The Commission does not have the ability to ask for that. Mr. Britz added that there is no standard in the ordinance to address that. If there were a ratio to the impact then the Commission would lose their discretion. It would set clear lines. The Commission looks at the wetland function and values and has a conversation with the applicant to have an appropriate mitigation. If you are in the prime wetland buffer then there will be 100-foot state mitigation. Chairman Miller noted that it is also important to look at other applications. Improving the water quality is the Commission's goal. When there is a buffer that is lawn right down to the wetland, then it is not really a buffer. That would be something the Chairman would look for, a buffer with plantings and rains gardens etc. This location is not great for a rain garden. This may be an opportunity to create a buffer. Mr. Britz noted that there is no good rule of thumb. The applicant should look at the impact and how the improvement is going to offset that. If there is just a non-mowed area it may not be enough. Creating a wildlife buffer would be better.

Ms. Tanner commented that her personal preference is that nothing is built in the buffer, so the only way the application would be approved is if something is being done to mitigate it. If Mr. Riker's flags are right this pool could be built out of the buffer.

Chairman Miller noted that the Commission has had petitions from Buckminster Way and they are always tough. The Chairman suggested moving the pool as close to the house and deck as possible. The Commission would consider that this could cause a neighbor chain reaction. They would want to be careful not to set a precedent. Mr. Graham understood that could make it easier for everyone. Chairman Miller noted that it would create shade for the pool in the afternoon.

Mr. Graham asked the Commission to assume this is in the buffer and there's no other way. Is there anything jumping out that is being interpreted wrong. Is something bothering them that would cause them not to approve it? It is understood that the mitigation would need to be addressed.

Chairman Miller noted that the pool would not be able to drain into the wetland. Mr. Graham confirmed that the water would be trucked off site. Chairman Miller questioned where the pump would be in relation to the house. Mr. Graham responded that it would not be located any further

away than the pool. Chairman Miller commented that if the pumps and filters were under the decks, then that would add to the appeal of moving the pool closer to the house.

Vice Chairman Blanchard noted that visuals are helpful for project proposals.

Mr. Britz commented that it was hard to go through all the criteria without a real application.

Vice Chairman Blanchard noted it is helpful is to come in with an application, and maybe work with a landscape person to show what would be planned to help with mitigation. Vice Chairman Blanchard appreciated Mr. Graham's willingness to take the time to come in and show the Commission what he wanted to do.

Mr. Graham noted that the difficulty was not knowing the full scale and expense before pursuing the project. It is kind of a wait and see situation. Chairman Miller responded that professional landscapers are good, but it could just be your family doing the planting too. Mr. Graham clarified that there was no clear black and white ratio. Chairman Miller confirmed there was not.

Mr. Graham noted that the impervious increase would be .9% of the lot. The only impervious surface would be the pool. Vice Chairman Blanchard questioned what the size of the pool would be. Mr. Graham responded that it would be 585 square feet. After doing research that's the smallest it can be to have a shallow and deep end pool.

Chairman Miller commented that the wetland water table should be considered with the construction and installation of a pool. The water would be close to the surface. Mr. Graham responded he had already discussed this concern with contractors. One had installed a pool two doors up, and he talked about techniques that could be used. He was confident it could work.

Mr. Britz advised Mr. Graham to get the wetland delineated and see if the pool could be built outside the buffer.

Mr. Graham appreciated the input.

## **V. OTHER BUSINESS**

1. Renewal of dues - New Hampshire Association of Conservation Commissions - \$1,059.00
  - a. Chairman Miller questioned if the Commission needed to vote on this. Mr. Britz was not sure. Chairman Miller noted it was important to do.
  - b. Ms. Tanner moved to approve the funding, seconded by Vice Chairman Blanchard. The motion passed unanimously in a 7-0 vote.
2. Climate Change Forum, March 30, 2018, 8:30 – 11:30 a.m., Tyco Visitors Center, Strawberry Banke
  - a. Chairman Miller noted that a lot of climate work is being done in the City by about a dozen different groups. This will be a chance for all of the groups to hear what everyone is working on and be aware of the resources that have already been

developed. This will prevent duplicating efforts. The Chairman would let the Commission members know if they needed to RSVP. Ms. Harrison will talk about the Conservation Commission's efforts with the future ordinance about sea level rise. Ms. Morison will be there with the Coastal Risk and Hazard Commission.

Mr. Britz reminded the Commission that the Historic District Vulnerability Assessment Meeting would be Thursday February 22, 2018.

Ms. McMillan commented that she went to the Macintyre session where they did a Portsmouth listens process. She thought more people would be speaking to the environmental impacts to the building and speaking to reducing the impacts. However, it seemed more focused on the low-income housing. Ms. McMillan noted that it would be nice to include other boards early on. Is there an extra push to get more involved? Mr. Britz questioned what the Conservation Commission's role would be? Ms. McMillan was not sure. Mr. Britz suggested it could be incorporating open space. Ms. McMillan added low impact development as well. The Commission does not have jurisdiction over it. Ms. Harrison suggested that the Commission could sponsor something. Mr. Britz responded that he could ask about that.

Vice Chairman Blanchard questioned if Mr. Britz had looked at the proposed wetland rules? Mr. Britz had not reviewed them yet. Vice Chairman Blanchard was concerned about the changes and requested Mr. Britz take the time to email his observations about the new rules. Ms. Morison noted that the hearing in Portsmouth is on February 28, 2018. Mr. Britz noted that he would review the changes, and encouraged everyone to look at it as well. Ms. Harrison noted that the comment ends in April, so it could be an agenda item for March.

Chairman Miller questioned if Walker Bungalow Road had been approved? Mr. Britz responded that it needed more information. Chairman Miller questioned if the application would come back to the Commission? Mr. Britz responded that they have approval from the Planning Board for what the Commission saw. There is a new idea to demolish the house. If that's the new plan, then it will have to come back to the Commission.

## **VI. ADJOURNMENT**

Vice Chairman Blanchard moved to adjourn the meeting at 5:50 pm, seconded by Ms. McMillan. The motion passed unanimously in a 7-0 vote.

Respectfully submitted,

Rebecca Frey, Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on March 14, 2018.