

MINUTES

CONSERVATION COMMISSION

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

3:30 p.m.

July 11, 2018

MEMBERS PRESENT: Chairman Steve Miller; Members Allison Tanner, Adrienne Harrison, Samantha Collins, Barbara McMillan

MEMBERS ABSENT: Vice Chairman MaryAnn Blanchard and Alternate Nathalie Morison

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. June 13, 2018

Ms. Collins pointed out a sentence about the septic on page 4 in the second to last paragraph that seemed out of place. Page 5 on the third paragraph had a typo. It should say “back out” of the driveway.

Ms. McMillan commented that the first paragraph on page two should say “impervious” instead of “pervious.”

Ms. McMillan moved to approve the Conservation Commission Minutes from the June 13, 2018 meeting, seconded by Ms. Collins. The motion passed unanimously in a 5-0 vote.

II. CONDITIONAL USE PERMIT APPLICATIONS

A. 220 Walker Bungalow Road
Jon & Joan Suckinson, owners
Assessor Map 223, Lot 20

Ms. Tanner moved to postpone the 220 Walker Bungalow Road Conditional Use Permit application to the August 8, 2018 meeting, seconded by Ms. Harrison. The motion passed unanimously in a 5-0 vote.

B. 198 Essex Avenue
Robert Westhelle, owner
Assessor Map 232, Lot 128

Ms. Harrison moved to postpone the 198 Essex Avenue Conditional Use Permit application to the August 8, 2018 meeting, seconded by Ms. McMillan. The motion passed unanimously in a 5-0 vote.

- C. 639 Middle Road
Ivana & Mattias Verflova, owners
Assessor Map 232, Lot 122

Property owner Mattias Verflova spoke to the application. The application is to put a two-sided deck on the property. Chairman Miller noted that the packet in the map showed a new home and deck. Mr. Verflova responded that it was his first time filling out the application. The application was just for a deck. Mr. Verflova handed out a refined plan. The plan is to add plants around the area. There will be 36 square feet of plant bed to help mitigate the disturbances in the area. Page four of the plan showed the construction methods. Concrete will not be poured for the deck.

Ms. Tanner asked if the area was grass right now? Mr. Verflova confirmed that was correct. Mr. Verflova pointed out the posting system that will be used for the deck, and noted that crushed stone could be added under the deck. Ms. Tanner questioned if there was going to be any grading? Mr. Verflova responded that there would not be. The post system will prevent the need for grading.

Chairman Miller noted that stone or gravel under the deck helps to prevent erosion as well as facilitate infiltration.

Mr. Britz noted that the photo on the last page showed some plants that have already gone in. Mr. Verflova responded that a hedgerow and 40 plants have already been added in the area.

Chairman Miller liked the visualization of the deck on the plans; it gave a good idea of the location and what it would look like.

Ms. Tanner questioned if there was going to be a walkway from the porch to the deck? Mr. Verflova responded that there was no plan to extend the walkway. There is a double window on the house. If the deck were approved, then they would create a double door from that.

Ms. McMillan questioned if a tree on the property would overhang the deck? Mr. Verflova responded that the tree would not impact the deck.

Ms. Collins moved to recommend approval of the application to the Planning Board, seconded by Ms. Tanner with the following stipulation:

1. That crushed stone shall be installed under the approved deck.

The motion passed unanimously in a 5-0 vote.

III. STATE WETLANDS BUREAU PERMIT APPLICATIONS

1. 220 Walker Bungalow
Jon & Joan Dickinson, owners
Assessor Map 223, Lot 20

Ms. Harrison moved to postpone the 220 Walker Bungalow Road State Wetland application to the August 8, 2018 meeting, seconded by Ms. Tanner. The motion passed unanimously in a 5-0 vote.

IV. WORK SESSIONS

- A. Martine Cottage Road
Carolyn McCombe Revocable Trust, Elizabeth Barker Berge, Trustee and Tim Barker, owners
Assessor Map 202, Lot 14

Chairman Miller noted that there were not specific guidelines for work sessions. The Commission may need to think about that in the future.

Alex Ross, Ross Engineering, Marc Jacobs, Soil Scientist and Brenden McNamara, Architect, spoke to the project. Mr. Ross noted that the Board was very familiar with the site and the previous plans. The team came up with the best design for the parcel. It has the least impact to the site. A lot of time was spent reviewing past concerns and comments. They were all taken into consideration. The owners are committed to protecting the environment. They submitted a letter to the Board in early June apologizing for the lengthy process and expressing their frustration with the past designs. They did not feel that the Conservation Commission's comments were being addressed. The existing conditions plan shows little over five acres and the property slopes to the southeast. The 100-foot wetland setbacks limit the buildable area. The plans highlight what's left for the buildable area. The piece that makes the most sense to build on is a 1,500 square foot section that is outside the setbacks. The proposed house is 1,152 square feet. The site has an existing driveway. It makes sense to stick with that location. Moving the driveway would create more disturbance. Chairman Miller noted that the color-coding made the plans easy to read.

Ms. Tanner noted that Mr. Ross said the driveway would not require a culvert, but there is one on the plans. Mr. Ross responded that he would address that later in the plans.

Mr. Ross showed the new plan. It placed the proposed house in line with the abutting structures, and in the buildable triangle outside the setbacks. The house would be tucked against the ledge and the driveway would come in through there. There is an open bottom box culvert. There is a wetland area and a finger of wetlands that comes out that is not natural. There is an existing concrete structure in a man made drainage ditch. Because of that, whenever there is excess water the water flows down there. A culvert will not be needed by the road, but one will be needed there. It would be an open bottom box culvert to allow for amphibian migration. This plan shows that the majority of the driveway would be gravel. As it gets closer to the house there will be pervious pavers instead of gravel. This will help with storm water control and roof runoff. There is a very small green area around the house that would be grass. The septic system is downslope from the house. The septic design would include pretreatment. It is great for protecting the surrounding areas. It also reduces the leach field size.

Chairman Miller questioned if the leach field was just inside the setbacks. Mr. Ross confirmed that the leach field was outside the 100-foot buffer. Mr. McNamara pointed out the 100-foot buffer line. It lines up with the edge of the deck. Mr. Ross clarified the design. The latest

handout showed a cross section of the wetland and vernal pools. The landscape goes up in elevations. The top of the ledge is at elevation 44, and then the garage is at elevation 34. The plans also showed the drainage path with arrows. The natural path goes around the area that was picked for the house. The second sheet of the handout showed how the plan has evolved over time. The upper left showed last year's layout with a total house footprint of over 3,000 square feet. Then it went down to 2,500 square feet. There was another plan that was 1,840 square feet. The lower right showed the current design. It limited the total site impact and the house footprint was reduced to 1,152 square feet. All of the previous designs had the culvert up by the road. The driveway in this design does not need the culvert at the road.

Mr. McNamara reviewed the house design. It was critical that the house was as small as possible and took advantage of the grade change. The previous proposals did not take advantage of the existing parking area. There is a wooded path going through the property and the little finger of wetland needed to be accommodated. To minimize the footprint Mr. McNamara designed a stacked house. It will be a 3-story house. The first floor is a garage with a walkout basement. The second floor is the main living area and third floor would have bedrooms. The proposal puts the front door of the house on the 2nd floor at the peak of the ledge. Then the ledge would be cutaway a little to accommodate the house. Most of the ledge would be maintained. The footprint of the house would be 24 by 48 and 3 stories. The house is a bungalow and the intent is to integrate it into the existing ledge. The contours run generally east to west. The ridge runs parallel along side. The house worked happily in that location. There is a 24 by 48 foundation footprint and the deck and roof overhang would be hung off that footprint. That was the approach.

Ms. Harrison questioned if there would be some blasting for the foundation. Mr. McNamara responded that it wouldn't be blasted. The ledge would be cut back 18 inches from the house and filled in with crushed gravel for infiltration. The cutting would be done by a jackhammer on the end of an excavator. There would be a more conventional concrete wall on the side with the ledge coming up for the grade change. There would be minimal excavation.

Ms. Tanner questioned how the roof runoff would be handled. Mr. Ross responded that the house would have gutters or a stone drip edge around the house. The lower area would have native buffer plantings as well. They will act as a storm infiltration area.

Ms. Tanner questioned how long the driveway was. Mr. Ross responded that he would measure the driveway. Ms. Tanner noted that a big concern of this site was the tree removal. Mr. Ross responded that a tree count was performed. The design in 2017 would have removed 170 trees. This design would remove 121 trees. Mr. McNamara added that they reviewed keeping the house closer to the road, but then there would be drainage issues. There is room to manipulate the driveway to make sure it makes the most sense. Mr. Ross responded that the length of the gravel driveway would be 160 feet. The length of the pervious pavers driveway would be 50 feet. About 50 feet of the driveway already exists today.

Ms. Collins noted that there was a lot of grading in the leach field and septic area. Mr. Ross responded that was a requirement of the state to maintain a certain slope. A clear grassy area is required to ensure roots don't get in the system. Ms. Collins questioned if all of the trees in the

green area would be removed. Mr. Ross confirmed that was correct. Ms. Tanner questioned if that was included in the 121 count. Mr. Ross confirmed that was correct.

Ms. McMillan requested clarification on the color-coding in the plans. Mr. Ross responded that the brown area surrounding the driveway would be native plantings and the green area would be a grassed lawn. Mr. McNamara added that it needed to be grass for the septic. The intent will be to keep it a more natural native landscape. The goal is to integrate the house into the land as it is and embrace the nature that is there.

Mr. Britz questioned how wide the box culvert would be. Mr. Ross responded that it would be very small. It would probably be 4-6 feet. The manmade channel just peters out. They wanted to place something there to leave everything undisturbed and accommodate the occasional water or migration path.

Mr. Jacobs walked the site with the team, participated in design meetings, and read all the minutes from previous meetings. Mr. Jacobs advised them on making it as environmentally sensitive as possible.

Mr. Ross showed a handout of box culvert examples. Chairman Miller questioned how wide the drive was there? Mr. Ross responded that it was 12 feet.

Chairman Miller commented that this was by far and away the best plan the Commission had seen. It makes sense to have the house there. The house is 80 feet from the vernal pools and 107 feet from the lower wetlands. It seems to make sense in terms of flow of the water to have the house closer to the vernal pool than the wetland. Mr. McNamara added that they didn't want the Commission to end up approving something that no one would ever build. The opportunity presents itself to utilize the 100-foot setback line from the lower wetland. It works for the design. There is rock that protects the pools from the house. It all fell into place. Chairman Miller commented that it made sense and the ledge protects the house. The natural flow makes sense. Chairman Miller questioned if there would be any disturbance above the vernal pools. Mr. Jacobs responded that there would not be. The bedrock outcrop poses as a natural deterrent for migration of amphibians out of the pool. That was part of the thinking for the house placement. It was the least likely route for migration. Mr. Jacobs noted that they anticipated possible movement in the discharge area that's why the box culvert was proposed.

Ms. Tanner questioned if there was any intention to enhance the pathway. Mr. McNamara responded that the intent was to keep it as natural as possible. It's being embraced. Mr. Ross added that it was shown on the plans to show that it was in use by neighbors.

Chairman Miller questioned if the leach field was 75 feet away from the well. Mr. Ross confirmed that was correct. Chairman Miller noted that anything they could do to enhance the buffer function on the lower edge would be appreciated. Mr. Ross responded that they could add buffer plantings in that edge. Mr. Jacobs added that they could add more native grasses on the side slope.

Ms. Tanner noted that her concern was that it would have to be mowed. There are some grasses that don't have to be mowed. Trying to cut on a bank like that would be difficult and the wetland is right there. It would be nice to put in plants that did not have to be mowed. Mr. Jacobs noted that it would have to be something that is not woody to prevent roots, but that could be accommodated.

Ms. McMillan noted that it would be a battle to grow grass on the slope and in the shade. Ms. McMillan loved the cross section in the plans and the examples of the culverts. Ms. McMillan noted that one thing she would like to see is a cross section of the actual culvert and the construction methods. That could make a big difference. Mr. Jacobs questioned if there was a particular species of grass the Commission preferred. Ms. Tanner responded that she would follow up with them.

Ms. Collins commented that this was the best proposal that has come before the Board. Ms. Collins noted that the applicants should focus on trying to save as many trees as possible and allow for as much vegetation in the green area and on the edges of the driveway. The applicants should make sure the vegetation comes back and fills back in as much as possible. Ms. McNamara responded that the plan was simplified into two zones to show impact for the green area and the driveway. The plans would have more detail in the next iteration. Ms. Collins commented that robust vegetation and planting plans for those zones would be good.

Mr. Britz commented that the plan should include a maintenance plan on the gravel driveway and include details on plowing in the winter. Mr. Ross responded that the maintenance would be similar to the road that is out there. The driveway will have to be re-graded and potholes will have to be filled in every few years. The next plan will show a cross section of the base and sub-base. Mr. Britz questioned where the material would go when the driveway is plowed or rain moves it. Has that been thought about? Mr. Ross responded that it would be addressed.

Ms. Collins noted that snow storage needed to be thought about as well. Mr. McNamara responded that there was a secondary parking area on the plans and that would be the snow storage area. Part of this work session is to get sense of whether or not it is worth coming back with more details. Is that the sense of the Board? Mr. Ross noted that part of that question is does the Board like the location of the house and driveway? It seems like everyone likes location of the house.

Chairman Miller commented that he loved that the plans were utilizing an area that is buildable on the lot. This has been a very hard proposal. Chairman Miller noted that most of what the Commission sees is redevelopment projects. The Commission has gotten really good at working with those redevelopment sites and getting little bit of improvement from the site most of the time. That's almost exclusively what the Commission sees. When there is a lot that has not been developed at all, especially in Portsmouth, it's a whole different project. Chairman Miller has been on the Commission for 19 years and this is maybe the third parcel he has seen like this. This parcel is even more challenging. It's a big parcel. The biggest area is the furthest away from the road. The goal is to get better improvement on redevelopment sites. This is hard because we won't get better water quality on the site. It is really hard for the Chairman to support this project. This plan was good because it takes advantage of and fits in with the site.

The Commission has not seen that previously. The Chairman was still struggling with taking a pristine site and putting a house there. Anything the applicants could do to minimize the impact and protect the lower wetland would be good. It made sense to use the driveway that already exists and to put in the box culvert. There may be requirements for sizing for the amphibians to feel safe to cross. The box culvert is good as long as it doesn't overly increase the impact. Mr. Ross responded that the previous designs were 12 inches. Mr. Jacobs added that the natural bottom would make the light a little less important. Chairman Miller noted that the main point was that anything to continue to increase the buffer function on the lower end of the septic field would be beneficial. The culvert seems like a good solution to mitigate the potential for the driveway to create a damn.

Mr. Jacobs noted that the Commission did not have a laundry list of recommendations. It suggested that they were getting closer to something that was acceptable. Mr. McNamara added that they looked at the site instead of looking at the neighborhood. The intent was to keep it natural and minimize the impact. Chairman Miller noted that he thinks about the criticisms of the Commission a lot. Some are founded and some are not. The citizens have a lot of concerns about the buffer. Sometimes there is pushback when the Commission approves something in the buffer. Information doesn't always get across correctly. Citizens do expect the buffer to be enforced. The Chairman was aware of that.

Ms. McMillan questioned what the elevation of driveway was. Mr. Ross responded that it was just a couple of feet around the surrounding grade. The driveway coming off the main road is at grade then close to culvert it comes up in grade a little. Ms. McMillan noted that the construction area seemed very constricted. Is there some way to ensure that is the only area that is impacted? Mr. Jacobs responded that the Commission might want to consider a condition of approval that the site would need to be staked out to show the boundaries of construction or tree clearing. Ms. McMillan suggested that the construction could be monitored. Mr. Britz added that the Commission could put stipulations to better control the construction. There could be orange fencing and monitoring. Mr. McNamara noted that the monitoring is very proactive. Mr. Jacobs questioned if the Commission had required signage for conservation areas. Mr. Britz responded that they did not have a requirement. Ms. McMillan added that they did talk about signage for this site.

Chairman Miller noted the applicants should think about how the potential buyers would understand the land and the conditions around it. Ms. McMillan noted that the maintenance plan for the pervious pavement and buffer area should include instructions for the new homeowner. There should also be a lighting covenant on the type of lighting used. Mr. McNamara responded that they could apply the dark sky requirements.

Ms. McMillan questioned what time of year would be best for construction. Mr. Jacobs responded that the Commission might want to have some restrictions on when construction could be initiated.

Ms. Tanner noted that they would need detail on how the areas would be protected, for example with silt socks.

- B. 428 Route 1-Bypass
Torrington Properties & Waterstone Property Group, owners
Assessor Map 173, Lot 2
Assessor Map 172, Lot 1
Assessor Map 165, Lot 2
Assessor Map 163, Lots 33 & 34

Gregg Mikolaities from August Consulting Patrick Gear from Fuss and O'Neill, and Brendan Morgan from Gov Environmental spoke to the project. Mr. Mikolaities noted that this work session was for the Frank Jones Center. It is a 12-acre site on Cate St. and the Route 1 Bypass. The team is early on the project development, so they are doing some initial meetings while the site plan is still being developed. There will be a multi-use bike from Bartlett St. out to the Route 1 Bypass. Mr. Mikolaities understood the sensitivity of Hodgson Brook, and wanted to ensure to capture everything when they put together a permit application. The Commission will probably want a site walk and they will be happy to accommodate that. The goal is to come back in September with something more formal. Gov. Environmental came up with a good list of species. The proposed path at the smallest point is 2-3 feet inside the existing pavement. There will not be any further encroachment. There is a 7% reduction in pavement.

Ms. Collins questioned if there was an overall site location map. Mr. Britz clarified that it was the road that goes in beside the U-Haul. Ms. Collins questioned that it would go in and connect to Cate St. Mr. Britz confirmed that was correct. Mr. Mikolaities pointed it out on the diagram.

Ms. McMillan questioned if the plan showed proposed buildings and parking. Mr. Mikolaities responded that the plan was still evolving. The site is sandwiched between the railroad and Hodgson Brook.

Ms. Tanner questioned what was happening to the property. Mr. Mikolaities responded that it was still changing, but the intent is that it would be retail with offices on the second floor. Then there would be apartment buildings with open space. There would be green space in a courtyard and then townhouses. The buildings will match what is being developed then rise up in the middle then go back down. Ms. Tanner questioned how many stories the tallest building would be. Mr. Mikolaities responded it would be 5 stories.

Chairman Miller clarified that the U-Haul property was not part of that. Mr. Mikolaities confirmed that was correct.

Ms. Tanner noted concern about the traffic with Cate St. and Bartlett St. It's so densely packed. Chairman Miller agreed that it was a concern right now because of the other developments in that area. Mr. Mikolaities noted that the City is concerned about traffic and they had a traffic study in the works. The site design process was stopped until the traffic study results come back next week. Chairman Miller questioned if there was AOT impact on the site. Mr. Mikolaities responded that test pits were done last week and results would come in next week. Mr. Morgan added that the water table was at 3 feet. There was a lot of clay 8 feet down. One portion of the site had ledge.

Mr. Mikolaities commented that the plans would include some lower level bio-retention or rain gardens. Chairman Miller noted that the applicants should look for opportunities to improve the buffer on the Brook. Can there be more buffer on the lower section? Ms. Tanner questioned if they could revise the current road to make that entire area buffer. It would be great see the road like a parkway to have trees on both sides. It would be great to see more green space. Mr. Mikolaities responded that the plans include a tree-lined boulevard. The intent of this work session is to go over Hodgson Brook. That is the piece that needs the permit. Mr. Mikolaities showed a concept plan. There is green space and a dog park. There has already been a neighborhood meeting where citizens gave input on what they would like to see as part of the neighborhood. Mr. Mikolaities was hesitant to show the concept plan because it's changing. The goal is to make it a tree lined boulevard park setting with a winding path. Regarding the zoning the plans are meeting it. This area got rezoned and there is a housing committee that wants to see more housing in Portsmouth. The goal is to come up with a plan that meets AOT, DES and City regulations.

Chairman Miller questioned if the storm water would be treated on site? Mr. Mikolaities confirmed that was correct.

Chairman Miller noted that the other side of the Brook has a forested area and truckloads of asphalt had been dumped there. Some of the bottom of the Brook looked almost paved. Mr. Morgan responded that it looked like mostly rock and gravel. Downstream is something someone else would have to take care of. Chairman Miller commented that taking up larger debris might open a hornet's nest. It's shaded even though there are invasive plants there. The Brook is not dealing with thermal issues right now. Removing all the trees may harm the water quality. Mr. Morgan questioned if the Chairman was concerned if granite slabs were removed, then they will find more or more. Chairman Miller responded that in some of those areas it was brought in by the truckload. Some of the pictures in the packets make it look like the bottom was purposely built with concrete. The Chairman could not remember if that was true or not. Mr. Morgan responded that they only saw slabbed concrete under the bypass. Ms. Tanner noted that right next to the car dealership there was a huge concrete slab. Mr. Morgan responded that he did not see that. Chairman Miller commented that where the salon is now there used to be a car repair place so there is some car parts in there. When you start digging you may find more than you want.

Mr. Britz reiterated the point of moving the path back from the Brook more and creating more of a park and community space. Bio-retention should still be done, but more green space along the Brook would be good. There could be open space on the Brook side instead of the inside. Chairman Miller noted that there would be considerations with creating a buffer from the active railroad.

Mr. Britz noted that right now there is a landscape bed that drops off. Then there is a hard slope on the plans. Mr. Gear responded that there would be a treatment swale with a level spreader. The over flow from the bio-retention area will go there.

Ms. McMillan questioned what would happen to the bridge on Cate St. Mr. Mikolaities responded that there was a discussion that it could be a pedestrian path. Nothing has been agreed

to yet. Ms. McMillan emphasized that removing some of the large granite slabs could create more of a mess. It may not be good for the Brook if they have been in there for a long time. Ms. McMillan did not think that the removal of dead trees was a good thing either. It's the best part of the Brook because it's all wooded. It will probably become more popular, which will put additional stress on the buffer. The applicants may want to hire a professional to help with the Brook restoration. Chairman Miller agreed there was a certain wildness there. It still maintains the flow but has a habitat feel. It would be good to see trash removed, but gentrifying the stream too much may not be a good idea.

Mr. Mikolaities questioned if the Commission would want a site walk. Chairman Miller confirmed that they would. Mr. Mikolaities noted that they were still early in the plans and wanted to make sure to come back to the Commission after this discussion and a site walk. The goal is to make sure the plans are more representative of what will be built with cross sections. Mr. Britz confirmed that he would schedule a site walk.

Ms. McMillan appreciated the applicants coming in this early. Mr. Mikolaities responded that they were doing the same with the Planning Board. Chairman Miller agreed that it was a big project. The Brook itself had a lot of studies done on it a while ago. The Lonza proposal includes daylighting a section of the Brook. There will be potential improvements with that.

Mr. Morgan questioned if the Commission wanted them to stay away from looking at the invasive plants. It is mostly Japanese knotweed. Chairman Miller responded that they were all for getting rid of that. Ms. Tanner commented that herbicides should not be used. Mr. Morgan responded that covering them is the best way to do it. Ms. Tanner added that pond liner is good for it. Chairman Miller clarified that the applicants should not pull out trees like the dead ones etc. It's a wildlife corridor.

Chairman Miller commented that it was nice to see opportunities to improve on the water quality. Mr. Mikolaities responded that the goal was to come back in the September meeting.

V. OTHER BUSINESS

Chairman Miller commented that he received an offer from Lisa Graichen to come to the Commission and talk about the Setting Sail Project. They are doing targeted outreach. Initially the Chairman thought it was a great idea but was not sure they are going to do what the Commission would want. Ms. Tanner noted that they would need to understand the value. Chairman Miller was not sure the Commission needed it, and noted that he would send the email to everyone. The members can evaluate if there is value.

VI. ADJOURNMENT

Ms. Tanner moved to adjourn the meeting at 5:33 p.m., seconded by Ms. Collins. The motion passed unanimously in a 5-0 vote.

Respectfully Submitted,

Rebecca Frey, Conservation Commission Recording Secretary