

MINUTES

CONSERVATION COMMISSION

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

3:30 p.m.

August 8, 2018

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman MaryAnn Blanchard;
Members Allison Tanner, Adrienne Harrison, Barbara McMillan;
and Alternative Nathalie Morison

MEMBERS ABSENT: Samantha Collins

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. July 11, 2018

Ms. Tanner noted that on page 3 of the work session with Martine Cottage Road it should say the proposed footprint is 1,152 square feet. On the first page of the Martine Cottage Road work session it should say, "to allow for amphibian migration." On Page 4 in the second paragraph it says pervious but it should be previous. In the next sentence it should say, "there is a wooded path." In one place it says the house will be 3-2.5 stories. In another it says the house is 3 stories. It should be consistent. On the second to last paragraph on page 4 it should say, "tree count" not counts. On page 8 it should say Gov. Environmental. On page 10 paragraph 4 it should say, "stay away from looking at invasive plants."

Ms. Tanner moved to **approve** the July 11, 2018 minutes as amended, seconded by Vice Chairman Blanchard. The motion passed by a **(5-1-0)** vote. Ms. Harrison abstained from the vote because she was absent from the July meeting.

II. CONDITIONAL USE PERMIT APPLICATIONS

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

Steve Riker and John Chagnon from Ambit Engineering spoke to the application. This application came to the Conservation Commission in June. At that meeting the team received feedback from the Commission and scheduled a site walk for July. This project has been redesigned and requires a Conditional Use Permit (CUP) and a DES wetland permit. The house and garage are smaller. The deck size has been reduced. The rain garden has been reduced by 52 square feet because the house is now smaller. The septic remained the same with some minor

grading changes. The riprap has been reduced from 5 feet to 3 feet based on the Commission's feedback. Terrence Parker from Terra Firma Landscape Architecture created the landscape plan. The plantings were enhanced. There are more robust buffer plantings that have been added to the plans. It is a contemporary style home. The roof will be pitching in one direction for the house. The garage will have a stone drip apron to the west. All runoff from the house will be going to the east and will go to the rain garden. There is no living space above the garage.

Vice Chairman Blanchard requested clarification that the proposed septic system was a clean solution. Mr. Chagnon confirmed that was correct. Vice Chairman Blanchard questioned what information would go with the house in perpetuity. It is different than a traditional septic system. Is it noted in the transfer of the property? It requires different maintenance. Mr. Chagnon responded that the approval from DES for the clean solution system requires the applicant to sign an inspection agreement for the first 2 years. From then on it will still need maintenance, but that would not be part of the DES approval. The company that operates the system picks the maintenance intervals depending on the usage. The approval from DES lists that it's a clean solution system. It would be disclosed as the property is sold to state that they have a clean solution system.

Ms. Tanner questioned if there was a maintenance plan for the rain garden. Mr. Riker responded that it was in the storm water inspection and maintenance plan.

Ms. McMillan questioned if photo 6 in the packet was at high tide? Mr. Riker responded that he was not sure what the tide was, but in his opinion yes it was high tide. Ms. McMillan commented that the initial watering should be included in the rain garden maintenance plan and the buffer maintenance plan. It's in the report, but not on the plan. It talks about watering in the rain garden, but not the buffer plantings. Mr. Chagnon confirmed that would be updated. Ms. McMillan noted that they might want to specify the level of watering. Mr. Parker responded that nothing was specified about water in the maintenance plan. A short narrative could be added in the plan. The plants on the top of the riprap are all native colonizing plants to further stabilize the bank. Even if they are cut down they will grow back. They are very hearty. They will be watered twice a week for the first season. It probably won't need to be watered after that. Mr. Chagnon confirmed that it would be included as an attachment. Ms. McMillan questioned if the owners would have a copy of the planting designs to know how to maintain the plantings. Mr. Chagnon responded that the current owners would have to pass it on. It could be on file with the City.

Vice Chairman Blanchard noted that in the staff comments it was recommended that a plan with that information is recorded at the Registry of Deeds for reference. Mr. Chagnon confirmed that would be fine. Vice Chairman Blanchard noted that the plan had some important features and wanted to ensure the improvements go on in perpetuity. Mr. Chagnon questioned if the site plan, the maintenance plan, or both should be filed. Mr. Britz responded that just the site plan should be filed with reference to the maintenance plan. The site plan showed the buffer planting. This has been done before for rain gardens to ensure they stay on the property. The buffer planting plan should be recorded with a note about the rain garden and buffer maintenance plan. Mr. Chagnon confirmed that would be fine.

Ms. Morison requested clarification about whether or not any vegetation was being removed from property. Is the pine tree on sheet C2 slated for removal? Mr. Riker confirmed that the pine tree and two spruces next to the driveway would be removed. Ms. Morison questioned if they were being removed to make room for the structure. Mr. Riker confirmed that it was for the structure and the driveway retaining wall. Mr. Chagnon added that this was noted on the demo plan. Ms. Morison questioned what material the new driveway would be made out of. It says asphalt in one place and porous pavers in another. Mr. Chagnon responded that the porous pavers note was correct. The asphalt note was a typo.

Ms. McMillan commented that at the site walk there was a pipe that they were not sure where it was coming from. Mr. Riker responded that it was determined the pipe was coming from the catch basin across the street.

Vice Chairman Blanchard asked Mr. Britz if the motion should include a site plan that includes the documentation of the maintenance requirements for the rain garden and the buffer plantings. Mr. Britz responded that it would be a plan referencing the storm water maintenance that includes the buffer plantings and rain garden. The applicants would have to create a new plan for it. Mr. Chagnon confirmed that the plan would be developed after the Planning Board approval.

Vice Chairman Blanchard moved to recommend **approval** of the application to the Planning Board, seconded by Ms. McMillan with the following stipulation:

1. The applicant shall provide a plan showing the buffer planting and rain garden area with the required maintenance for those areas referenced on the plan, which is to be recorded at the Rockingham County Registry of Deeds.

The motion **passed** by a unanimous (6-0) vote.

Vice Chairman Blanchard commented that it looked like a lot of work had been done on the site. It has incorporated significant improvements and Vice Chairman Blanchard appreciated that. Chairman Miller agreed and added that the buffer plantings were a nice improvement.

Ms. McMillan commented that the buffer was nice because there is nothing there now. The owners appreciated the fact that the riprap was not the best situation.

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

At the request of the applicant, Ms. Tanner moved to **postpone** review of the application to the September 12, 2018, seconded by Vice Chairman Blanchard. The motion **passed** by a unanimous (6-0) vote.

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

Architect Ann Whitney and Landscaper Amber Liljeholm spoke to the application. Ms. Whitney noted that they were proposing further development from the CUP that was approved in June. A color-coded plan was submitted to explain the changes. The grading will stay the same. The new plan incorporated some stone changes and new garden areas. The buffer planting in the back is the same as the original plan. In the original plan the lower area had a lawn with a buffer enhancement area and an undefined green area. There are now gardens for that area. The updated plan is proposing to put back a low retaining wall to differentiate the lawn from the garden area. The pea stone area would be permeable. The shape of the pea stone area is the same as the original plan; however, a fairly significant area of plantings was added. This reduces the lawn area. Two dry wells were installed to catch all of the roof drainage. The original plan only had permeable paving where the new driveway was being added. The new plan now includes adding permeable paving for the rectangle area going to the house. A granite step will be in the garden to give access to the backyard. The apartment entrance will have the same permeable material. In total 70 square feet of permeable surface was added to the plan. The little retaining wall that ran parallel to the property line was turned perpendicular. The yard for the apartment has been defined. There will be a fence separating that from the backyard. The site slopes toward the wetland from the street. The runoff will infiltrate at the permeable pavers, the pea stone, the garden and the lawn.

Chairman Miller questioned where the fence was. Ms. Whitney responded that it went from the corner of two-story addition to the property line.

Ms. Whitney noted that the red on the plan showed Ambit Engineering's grading. There was not much changed there. The retaining wall will be step and a half up to the garden bed. This new plan reduces the impervious area by a small amount, but it creates a better transition area for the water moving through the site. Chairman Miller agreed that the water had more infiltration opportunities.

Vice Chairman Blanchard noted that it appeared that it would be greener along the side boundary of the top the property. Ms. Whitney confirmed that was correct. There was a big ash tree there that was already dead. That has come out. A real planted edge was developed on that side. There was just a lawn area there before. The property had been a rental for decades, so there was not a lot of TLC on the yard.

Ms. Tanner questioned if people would travel across the lawn to get to the furniture on the pea stone area. Ms. Whitney confirmed that was correct. Ms. Tanner questioned what was holding the pea stone in. Ms. Liljeholm responded that there was an aluminum edging material.

Ms. McMillan questioned if they would be bringing in any fill to back fill the wall. Ms. Liljeholm responded that they would be using what was onsite.

Ms. McMillan questioned if the 30-inch oak was going to remain. Ms. Whitney responded that it was actually the ash tree that was talked about earlier. It was removed because it was dead.

Ms. Harrison questioned if the fences should be shown on the plan. Mr. Britz responded that if the fence had a concrete footing, then it should be part of the CUP. This fence has posts, so it does not need to be. Ms. Whitney confirmed they would be posts. This will go to the Historic District Commission as well. Vice Chairman Blanchard questioned how high the fence would be. Ms. Liljeholm responded that the existing fence is 6 feet. Ms. Whitney added that as the fence transitioned from the gate to the yard it would drop down to 4 feet.

Ms. Tanner requested clarification on a bush on the landscape plan. Ms. Liljeholm responded that they were summer sweet.

Ms. Morison questioned if there should be a maintenance plan for the buffer plantings. Ms. Whitney responded that they did a whole storm water management that was already registered. Mr. Britz added that it would be on the plan that is approved. Ms. Morison questioned if a stipulation should be added that the maintenance plan should remain in perpetuity. It could be a nice addition. Chairman Miller noted that it was different than the prior applicant because that was right on the shore and nothing was there previously. These are good questions that need to be resolved in the ordinance.

Ms. Tanner questioned if mulch would be used in the garden beds. Ms. Whitney confirmed they would be mulched. The yellow in the back would be a mixture of grasses. That was on the original plan. Ms. Tanner noted that it would be good if there were no mowing in that area.

Chairman Miller requested clarification on where the edge was. Ms. Whitney pointed it out. The edge of the buffer enhancement area was behind the lawn area. Ms. Tanner questioned if they were extending the lawn area. Ms. Whitney responded that they were just enhancing the buffer area. It is not just grass; it's a mixture. The buffer enhancement area will not be mowed.

Ms. Harrison moved to recommend **approval** of the application to the Planning Board as presented, seconded by Vice Chairman Blanchard. The motion **passed** by a unanimous **(6-0)** vote.

Vice Chairman Blanchard appreciated the increased plant buffer enhancement area as well as the plantings on the neighbor's side. It is positive for the property owner and the neighbor.

D. 254 South Street
Denise and Michael Todd, owners
Assessor Map 111, Lot 4

Owner and applicant Denise Todd spoke to the application. The application is to add a deck extension to the house. All of the extension would be in the wetland buffer. The goal is to add some kind of storage to an area in the garden. Anywhere they put it would be in the buffer unless it was at the end of the driveway. However, that would block access to the back of the house. There is no other place to put it. The goal is to try to keep the grading that's there and to not move any land. Crushed stone would be added under the deck. No height would be added for the storage. It would just be for bikes and the lawn mower. The storage unit would lose 6 inches off the floor and sides to make it watertight. This will create water runoff. Ms. Todd talked to Mr. Britz and he recommended adding a crushed stone area up to almost the end of the existing deck and a granite step down to the grass. 18 inches of grass will be taken away to create the crushed stone runoff area from the roof of the deck. It would go in a pipe in the crushed stone. The whole yard slopes gradually down towards the back. The proposed deck would be built over existing crushed stone because there used to be a hot tub in that area. Plants will be put in on the side. Mr. Britz suggested more plantings at the back because it's just grass. Ms. Todd has tried that in the past, and nothing at the back has survived. The patio area was added last minute. Ms. Todd may put in natural tall grasses, trees or bigger bushes by the front.

Vice Chairman Blanchard questioned what the actual square footage of the new addition was. Ms. Todd responded that it was 297 square feet. The deck is 157 square feet. The steps are in addition to that. The steps use up half of what is there now. Vice Chairman Blanchard requested clarification on the comments made about putting in a pipe. Ms. Todd responded that there would be crushed stone down the side of the new section. They could put a pipe with holes in it

in the crushed stone area to help with infiltration. Chairman Miller questioned where the pipe would go. Ms. Todd responded that it would just go into the grass. It won't take much rain.

Chairman Miller requested more explanation on the new watertight storage area. Ms. Todd responded that the goal was to try to build some form of enclosed area. The flooring would just have blocks on the ground. Then the crushed stone would not be moved at all. The flooring would be above the ground. The water would slope down and go underneath it. The roof would have to be done prior to the decking. There is a new form of decking that would enable them to build a storage unit without building a roof. Ms. Todd lives in the Historic District so that is something to bring to the HDC to see if it would be allowed.

Ms. Tanner questioned if Ms. Todd had thought about adding a rain garden. Ms. Todd responded that she had not thought about it. Ms. Tanner noted that the pipe could be extended out to a rain garden. A rain garden is a depressed garden area that accepts water. It would need to be built to have drainage underneath it. Ms. Todd responded that as long as the patio was allowed then that would look fine. It could be a little garden off the patio. Ms. Harrison added that there were resources available to learn how to build a rain garden. Chairman Miller commented that the design would be critical for that. The soil and preparation of material has to be correct, so water will drain through and not create a wetland. It would be important to know what is under the lawn in that spot. Ms. Todd questioned if the garden would go deep? Chairman Miller responded that it would depend on what's there and what is draining through it. Ms. Todd responded that the roof would be 10 by 10. That would be the only portion creating runoff.

Ms. McMillan noted that Ms. Todd would want to do a perk test to make sure water drains within a certain amount of time. SOAK up the Rain NH can provide steps on how to do that. Ms. Todd responded that the whole area has a nice slope, and she did not want to disturb any of that. Chairman Miller commented that a pipe and crushed stone might be all that is needed to drain that area. If it doesn't work, then a rain garden would be worth exploration.

Ms. Harrison questioned what the patio material would be. Ms. Todd responded that it would be something that looked natural. It might be some kind of crushed stone or pavers. Vice Chairman Blanchard questioned if it was going to be seasonal. Ms. Todd confirmed that it would be. It would be to just to put a couple of chairs and the grill on. Vice Chairman Blanchard questioned if it was wooded in the back. Ms. Todd confirmed that it was.

Ms. McMillan requested clarification on what they were approving. Mr. Britz responded that if it was on the plan, then that is what the City would be looking for. Chairman Miller responded that the Commission was approving the proposed deck area and the patio. The total area in the buffer is 297 square feet. The new plantings would be 100-140 square feet. Ms. Todd confirmed that was correct. Chairman Miller noted that Ms. Todd could use crushed stone or pavers the key was infiltration.

Vice Chairman Blanchard moved to recommend **approval** of the application to the Planning Board as presented, seconded by Ms. Harrison. The motion **passed** by a unanimous **(6-0)** vote.

E. 206 Northwest Street
Mary A. Mahoney, owner
Assessor Map 122, Lot 6

Michael O'Brien with Winter Holben Architects and Design and Steve Riker with Ambit Engineering spoke to the application. This project will need a CUP, DES Wetland Permit and a Shore Land Permit. Almost the entire lot is in the 100-foot buffer. A very small portion of the

paved driveway is out of the buffer. Mr. O'Brien handed out the building permit packet for reference. Mr. Riker noted that there is an existing paved driveway as well as a screen house on the plan that will be removed. The proposal is to construct a two-car garage and put in a new driveway with pervious pavers. They would be putting structures over the area that is already impervious. Mr. O'Brien noted that there was a document in the plan that shows the removal of the structures and the addition of the garage. They are in similar locations. There will be a pervious paver walkway for foot access to the home. The plans were revised per the staff memo. Stone drip aprons were added to the garage and a native buffer planting area was added. A planting schedule was added to the plan as well.

Vice Chairman Blanchard questioned what the pink area on the plan was. Mr. Riker responded that it was the pervious paver driveway. Vice Chairman Blanchard questioned if it needed to be that big. Mr. Riker responded that it was the width of the garage. It's a standard 24-foot wide two-car garage.

Ms. Tanner questioned if there would still be asphalt at all. Mr. Riker responded that it would be removed as well as the screen house. Mr. O'Brien clarified that the existing driveway would be removed entirely.

Vice Chairman Blanchard questioned if the garage would be separate from the house. Mr. O'Brien confirmed that it would. It would have a gable roof, so it will drain to the left and right of the driveway.

Mr. Riker noted that this application went through HDC as well. Mr. O'Brien added that the location of the garage in the back of the property was a suggestion of the HDC. The garage has been pushed as far back as possible away from the street. Chairman Miller questioned if the HDC trumped the Conservation Commission. Mr. Britz responded that it was a delicate balance. Mr. O'Brien added that there was also a practical reason. In order to park a car in front of the garage it needs to be pushed back. Ms. Tanner questioned if the grassed in pavers were going to be used for the driveway and walkway. Mr. O'Brien confirmed that was correct.

Ms. Harrison questioned why there was a change in the square feet to be disturbed number. Mr. O'Brien responded that originally the temporary work area was not included in error.

Chairman Miller clarified that square footage went from 1,700 square feet to 2,238 square feet. That was the change. Mr. O'Brien confirmed that was correct. Mr. Riker pointed out the disturbance area that was marked out in the plan.

Ms. Tanner questioned what would happen to the screen house area once it's removed. Mr. O'Brien responded that it was in the buffer. There would be un-mowed grass.

Ms. Morison requested clarification that the total reduction in impervious surface was still 40 square feet. Mr. Riker confirmed that was correct.

Ms. Harrison questioned if the only proposed treatment was the drip edge. Mr. Riker confirmed that was correct.

Chairman Miller questioned where the fence on picture number 9 was. Mr. O'Brien responded that it was on the edge of the property. It disappears into grade as the grade rises. Chairman Miller questioned what the wall was made of. Mr. O'Brien responded that it was pressure treated lumber.

Chairman Miller questioned what the concept for the area around the 10-foot buffer planting schedule was. Mr. O'Brien responded that it would be un-mowed grasses. Mr. Riker added that

the buffer planting area was just going to have shrubs to prevent tearing up the soil and introducing invasive plants. The shrubs will just enhance the buffer. Chairman Miller questioned if the tide went up into the south corner of the lot. Mr. O'Brien had not heard of that happening. The yard slopes away from that area.

Ms. McMillan questioned if the existing trees and bushes would remain. Mr. O'Brien confirmed that was correct.

Ms. McMillan questioned what the one story wood building was. Mr. O'Brien responded that it was a studio space.

Chairman Miller questioned if the property line went through the riprap on the east side of the property. Mr. O'Brien confirmed that was correct.

Ms. McMillan moved to recommend **approval** of the application to the Planning Board as presented, seconded by Ms. Tanner. The motion **passed** by a unanimous **(6-0)** vote.

Ms. Tanner noted that it was too bad the HDC recommended to move the garage, but she understood making room for parking. Chairman Miller agreed about the parking.

Chairman Miller noted that reducing the impervious surface, using pervious pavers and adding buffer plantings were all good enhancements to the lot.

F. Rockingham Avenue
Seacoast Development Group, LLC, owner
Assessor Map 235, Lot 2

Andrew Gray from TF Moran spoke to the application. The site is at the cross of the Spaulding Turnpike and I-95 on Rockingham Ave. The project came before the Commission last year. The property has changed hands and will be developed by the Seacoast Development Group. It is a 3-lot subdivision. The eastern two lots are not in the wetland buffer. The third lot is. Lot 2 is just less than one acre. There is currently a very rough asphalt driveway, which straddles the buffer line. The builder would like to use the driveway and remove the asphalt that is there now. There would be a new house with gutters that have a direct flow into a rain garden. The driveway would be slanted to dump most of its water into the rain garden as well. The work in the buffer would be the removal of the old foundation. Some trees would be removed. Only two of them are above 6 inches in width. The grading for the drainage work and a tiny bit of the paved turn around would encroach in the buffer. Impervious surface will be removed from the buffer. Mr. Britz recommended showing the no cut line. That is shown on sheet C2. There will be no cutting near that line. Sheet C3 shows the continuation of ditches for drainage improvements.

Vice Chairman Blanchard questioned what the square footage of the residence was. Mr. Gray responded that it was not in the plan. The proposal was for a two-story house. The house itself is entirely out of the buffer. The garage is 22 by 20 and the house is 32 by 32 feet. Ms. Tanner questioned what the pitch on the roof would be. Mr. Gray responded that it would be gabled. Sheet 3 showed the house gutters at the corner. All runoff for the front of the house converge there and is directed to the rain garden.

Ms. McMillan questioned if the rain garden would be seeded with just grass. Mr. Gray confirmed that was correct. A lot of experts in the field and at UNH are pushing for conservation mixed grasses because there is a better growth success rate. Ms. McMillan commented that the study has not said that it functions better. It just said that if there is a maintenance issue then it's

better. It's not a blanket statement. Mr. Gray responded that it was his understanding that people without a green thumb can have better success with grass. Ms. McMillan noted that the rain garden maintenance plan seems to be about a rain garden with perennials in it. It may need some editing. Mr. Gray confirmed that it would be updated. Ms. McMillan worried about calling them rain gardens and not a bio-retention area. Vice Chairman Blanchard added that it implies it's a piece of decorative landscaping.

Vice Chairman Blanchard requested clarification about the comments made about the state requirements. Mr. Gray responded that this was part of a subdivision plan of Portsmouth. The drainage easements were driven by TRC. The goal is to treat as much storm water as possible before the runoff gets to the ditches and wetland. It is specific to these subdivisions.

Vice Chairman Blanchard questioned how these areas would be documented with the sale of the house. Mr. Gray was not sure. A lot of vegetated features may not have a specific disclosure requirement when transferring title. Ms. Tanner commented that low areas of grass might get leveled. It needs to be identified as a bio-retention area, so it would be maintained in perpetuity. Chairman Miller questioned if drainage easements were for the drains from Woodbury Ave down. Mr. Britz confirmed that was correct. What is in the plans is based on the subdivision approvals. It's on the subdivision plan. That is a recorded plan, so it will be in there for perpetuity. Vice Chairman Blanchard questioned if the plan could be changed to call it a bio-retention area. Mr. Britz confirmed that could be a stipulation. Chairman Miller did not recall ever seeing it flood down there, but was glad to see the drainage easements.

Ms. Morison requested clarification on the impervious area number. It says 285 square feet of permanent impact on the plan, but the table says 308 square feet. What is the net impervious cover? Mr. Gray responded that the foundation is 285 square feet. Mr. Gray was not sure what might account for the additional 23 square feet. It may have been a typo. The foundation is the only permanent impervious impact.

Ms. Morison commented that all of the runoff from the house would be directed toward the bio-retention area. What about the runoff coming from the garage? Mr. Gray responded that it would also be directed from the garage to the bio-retention area. The runoff from the back will go to the drainage easement to the south.

Ms. Morison questioned if the proposed tree line was new planting? Mr. Gray responded that it was the extent of the removal, which is what was proposed in the subdivision process. This house doesn't have a lot of large trees. It shows extent of the cutting in the future.

Ms. McMillan questioned if there was signage for the homeowners to know where they can't cut trees. Isn't it a sound barrier? Mr. Gray responded that it was out of the buffer, so the owners could cut them technically.

Ms. Tanner questioned how do we ensure the future buyers understand the restrictions on the bio-retention area. There should be some mechanism. It should be in the deed. Mr. Britz responded that it was on the site plan, which is recorded with the registry. That would probably cover it.

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

1. That the rain garden be labeled as a bio-retention area.

The motion **passed** by a unanimous **(6-0)** vote.

- G. 32 Van Buren Avenue (Dondero Elementary School)
City of Portsmouth, owner
Assessor Map 250, Lot 106

Alice Carey represented the Dondero Elementary School PTA subcommittee. It is a playground committee that was formed to replace 20-year-old equipment. The project has snowballed into a much bigger venture to replace playground equipment and engage students with the landscape and wetland behind the school. Some of that work is already being done. What has been submitted for the CUP is the overall vision. This will be a multi-phased project. Some parts will be done in the short term. There may be some parts to talk about further that are not part of the first phase. In the end it will be a City Park funded by the PTA, private donations, and the City.

Vice Chairman Blanchard noted that the Conservation Commission did a project that identified and mapped undeveloped land. It was exciting to see folks come in to expand and develop school interest around it. Ms. Carey responded that the kids go into the forest classroom weekly.

Terrance Parker did the design and Ken Lynch from Portsmouth City staff also spoke to the application. Mr. Lynch noted that the playground equipment was all-original from 1999. The overall goal is to complete this in phases over 3-4 years. The majority of phase one is to remove the existing structures and get the new equipment relocated. Mr. Parker was hired by Dondero to complete the design. Most of the playground equipment is in one area. There was a lot of drainage problems on the site, so the design addressed that. A lot of storm water collects against the building. In a future City project drain inlets would be created and an underground pipe would take water to a bio swale then the wetland. The plans submitted to the Conservation Commission show that the fire lane runs straight through the play area. One of the first things was to get that outside of the play area and bring the green scape in closer to the perimeter. There will be 3,400 square feet of more impervious surface because of the expansion of the fire lane. The playground will include climbing mounds. The design does not manipulate the grade within the 100-foot buffer. The field will need to come up in the future and put in the sub drains. That is not part of this. This plan includes the demolition of the existing play equipment. The new play equipment features a rope dome that will have no impervious surface. There will also be climbing logs and earth mounds. Other vegetation masses are proposed to create clusters of trees. There is a significant boardwalk from the play area to the wetland area. That will be removed. A new one will be built with posts and gaps in the planks for storm water management. It will be 2,900 square feet of permeable surface because the water can go through. The pavilion and stage is part of a future phase. In the future the grade will be manipulated for better drainage.

Chairman Miller requested the applicants review the immediate changes. Mr. Parker responded that the immediate changes included the demolition of the existing boardwalk system, installation of the climbing dome, relocation of the swings, addition of woodchips, log walk and some climbing mounds. All of that would be within the 100-foot buffer. Chairman Miller questioned if they were cutting anything. Mr. Parker responded that they were not. The new boardwalk is part of the master plan, but it won't be in 2018.

Vice Chairman Blanchard questioned how much of the equipment would be anchored. Mr. Lynch responded that the swings would have 3.5-foot anchors. The rope dome would have 6 points of 2 feet deep anchors. The project would include the removal of 20 poles from the ground. The monkey bars would have four anchor points.

Chairman Miller questioned if the Commission was being asked to approve the overall plan? Mr. Britz clarified that the athletic fields was separate, and would not be part of this approval.

Ms. Tanner questioned if the swales were going to be put in now? Mr. Parker responded that they were not. Ms. Tanner was concerned about running the water straight from the swale to the wetland. Mr. Parker responded that the drainage would be part of a larger project. It would not happen this year. It would have to be a City funded. It will probably be tied in with the athletic field enhancements. Ms. Harrison questioned if the Commission was approving everything now, so they don't have to come back. Mr. Lynch responded that they could come back with each phase and show the plans. Mr. Britz commented that the play area, boardwalk, pavilion and plantings were what were in front of the Commission now.

Ms. Tanner noted that there was no detail about the proposed boardwalk. Mr. Parker responded that there was conceptual detail about the boardwalk. Ms. Tanner questioned how many trees would be coming down for it. Mr. Parker responded that the goal would be to try to find the path with the least disruption. Chairman Miller noted that Sandy Point Discovery Center recently replaced their boardwalk. They drove the poles in with an auger as the base. There were fewer disturbances to the ground because they didn't have to dig. There was no tree cutting. It was a lot less intrusive. Mr. Parker responded that this was the concept plan. The details had not been outlined for that yet. Chairman Miller was concerned that there were not a lot of details. Mr. Lynch recommended pulling off the boardwalk from the approval. When they were ready, then they could bring that back to the Conservation Commission with more detail.

Ms. McMillan added that they would need a wetland permit for the boardwalk as well.

Vice Chairman Blanchard asked if it was sufficient to give approval, but stipulate that it was for the playground area. Mr. Lynch confirmed that was fine.

Ms. McMillan questioned what the climbing mounds were made of. Mr. Parker responded that they were made of marine clay because it holds its geometry the best. It will stand up to repeated use. Ms. McMillan noted that they talked about bringing fill into the buffer. Would there be need for any erosion sediment control? Mr. Lynch responded that it would be fairly far away from the wetland line. It won't erode with rain. It will get pressed down on. Maintenance would push it back up once a year. Mr. Parker noted that it was low profile. The one in South Berwick is re-sculpted to make it look like a volcano. The other ones are just mounds. Ms. McMillan commented that it sounded like it will stabilize and be fine but with the weather we get nowadays it could be a concern. Mr. Parker responded that the one in South Berwick has been in place for 8 years. Ms. McMillan wanted to ensure that it would be monitored. Mr. Parker confirmed that would be fine and noted that when the mounds were installed they seed right up to them to stabilize them.

Ms. Harrison questioned if the material under the play areas would be mulch. Mr. Lynch confirmed that it would be 10 inches of playground certified mulch.

Vice Chairman Blanchard moved to recommend **approval** of the application to the Planning Board as presented, seconded by Ms. Tanner. The motion **passed** by a unanimous **(6-0)** vote.

H. 350 Little Harbor Road
Robert J. & Susan L. Nalewajk, owners
Assessor Map 202, Lot 16

Steve Riker from Ambit Engineering and owner Sue Nalewajk spoke to the application. The project was approved two years ago in September of 2016. A landscape plan from Woodburn & Company was included. The home is under construction with the proposed driveway and portico. The property owners have a legal right to an access out the western side. The house is 80% done. Through the construction process they have identified a few things that need to change from the original plan. The first item is the replacement of the previously approved

driveway entrance gate. The original width was 12 feet and the proposed gate expands the width to 18 feet. One post is in the buffer. The other is not. This is to accommodate larger vehicles. Ambit Engineering made an error in the turning radius in the driveway, so this alleviates issues there too. The second item is related to the turning radius. Along the northern edge of the driveway they would like to install grass pavers. The shoulder of the driveway on the northern and southern sides use the grass paver material. The approved plan had it as a shoulder of grading. This change will allow grass and will accommodate larger trucks. The third item is to convert a portion of the previously approved pervious paver area to grass pavers. 39 square feet of that is in the buffer. Chairman Miller questioned what the pervious paver was. Mr. Riker responded that it was manufactured paver. The fourth item would be to add 4 AC units where the generator is. The stone walkway adjacent to the pervious paver driveway was approved for 20 feet in width. This proposal would expand that by four feet. The next item is to replace the previously approved retaining wall. The retaining wall kept the runoff from directly impacting the wetland. The retaining wall was originally going to be modular concrete. The proposal is for a solid concrete wall. The solid concrete would hold up to a car better than the modular concrete. It is 150 square feet total. The proposal includes a security gate on the western end. The gate would match the main gate. It's for security purposes.

Vice Chairman Blanchard requested more detail on the gate. Mr. Riker responded that there was detail for both gates in the packet Woodburn & Company provided.

Chairman Miller questioned if the new retaining wall changed the construction impact or the footprint. Mr. Riker confirmed that it did not. All items except for the western gate were all in previously permitted disturbance areas.

Ms. Tanner questioned if any more trees needed to come down. Mr. Riker confirmed they did not.

Ms. Harrison questioned why they were switching from pervious pavers to grass pavers. Ms. Nalewajk responded that she liked the look better. It would be going in for guest parking, so it won't be used everyday. Ms. Harrison was hesitant introduce plastic over a more natural product. Mr. Riker responded that they were designed for this purpose. Grass can grow through it. They have been used in other projects for overflow parking.

Ms. Morison questioned where the grass pavers would be? Mr. Riker responded that it would just be in the corner of the buffer for 39 square feet.

Ms. McMillan questioned how the other access was maintained. Can cars get in? Ms. Nalewajk responded that it was grass right now. The lawn is mowed. The construction traffic is going through there right now. The Commission wanted them to use that access for construction, so the trucks didn't have to come in close to the wetland. Ms. McMillan questioned how it would be maintained post construction. Ms. Nalewajk responded that it would be grass.

Ms. McMillan questioned why the walkway would be 4 feet wider. Mr. Riker responded that it would be for aesthetics. Widening it would allow it to line up with the front entry.

Ms. Harrison commented that there were alternative products that use a stone based paver instead of plastic. It would be good to move away from plastic in the ground.

Ms. McMillan requested clarification on the winter maintenance in the area. Mr. Riker responded that the owner would be snow blowing it. It cannot be plowed.

Vice Chairman Blanchard was very concerned about the second access driveway. Vice Chairman Blanchard thought it was a more invasive way to access the house. Vice Chairman Blanchard was also concerned about changing the wall to the solid concrete and widening the area.

Brook Stevens, an abutter, questioned what the size of the west gate was going to be. Mr. Riker responded that it would be 17.4 feet. The opening between the two footings is 17.4 feet. Mr. Stevens commented that it seemed like a large entrance gate for an accessory access. Vice Chairman Blanchard questioned why that wide of an access was needed. Mr. Riker responded that if a fire truck was coming in one side and needed to get out the other side it would be helpful. Mr. Stevens pointed out that it was a mown path. Mr. Riker responded that they have access rights.

Ms. McMillan did not approve of the whole plan. Ms. McMillan didn't approve initially because of the driveway access and the buffer disturbance. The only benefit was that the grass path would not be a regularly accessed area. The gate would be making a huge statement that vehicles could use it. Widening the walkway doesn't make sense. There are grass pavers not made of plastic that could be used instead. Ms. McMillan was not going to vote in favor.

Ms. Harrison agreed with Ms. McMillan's statements and did not approve of the plastic paver product. Ms. Harrison was not going to vote in favor.

Vice Chairman Blanchard was also not going to support it because the gate implies that the secondary access point would be an access. Initially it was discussed that the secondary access would not be used very much at all.

Chairman Miller commented that the gate made sense to him. It would still just be a mowed path. The Commission asked them to use that access for construction vehicles. Chairman Miller did not get an indication that it would be used more. The gate makes sense for security reasons. The Chairman's biggest concern was the change in the wall, but it will not have a bigger footprint. Chairman Miller would support it.

Ms. Tanner commented that for same reasons Ms. McMillan said she would not support it. That access could have a gate without it being that big. Ms. Tanner also did not like the plastic pavers.

Ms. McMillan moved to recommend **denial** of the application to the Planning Board, seconded by Ms. Harrison for the following reasons:

1. Concerns were raised about the size of the gate, the introduction of plastics in the buffer with the grass pavers system and the expansion of the porous pavers at the entrance area.

The motion **passed** by a **(1-1-4)** vote. Ms. Morison abstained because she didn't have the full history of the application.

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

Alex Ross, Tim Phoenix, Mark Jacobs and Brendan McNamara spoke to the application. Mr. Ross noted that some board members were not at last month's work session, so he offered to review the whole design. Vice Chairman Blanchard appreciated his concerns, but read the minutes thoroughly and felt comfortable that she understood it. Mr. Ross noted that the work

session was a productive meeting. They tried to add the Commission's input into the design. The first sheet in the plan set showed the existing conditions. There is a 5-acre site that is limited because of the surrounding wetlands. With the setbacks there were only 3 areas out of the buffers. Only one area worked for building. The area is 1,500 square feet, so the team used that as a guideline for the house design. The next sheet showed the same scale with the proposed house and driveway. The relative distance from the abutting houses is about the same from the road. The next sheet is a zoomed in view to the disturbance area. The proposed house is less than 1,200 square feet and would be tucked against the ledge in the buildable area. The site has the start of a driveway, so that was used and extended to the house. Traveling along the driveway there is an existing swale. The goal was to keep that open and promote amphibian migration. The work session had a lot of discussion about the landscaping and surfaces. The team did everything possible to eliminate mow-able lawn. A perimeter of eco grass was added. Wood chips were added up against the driveway. Mr. Ross passed out a hand out to show the wood chips up against the driveway would be natural wood chips available from York Woods and Land Care in Madbury. They were listed as perfect for woodland borders to retain moisture. This will help to stabilize and protect the ground. The area above and around the house was highlighted in tan and called out as natural restored forest floor. Also the sheet shows some storm water structures and pervious pavers that were put in. 1,300 square feet in total. There will be a stone drip apron around the house that will collect all of the roof runoff. Then there will be a drain that flows to the stone infiltration area. That is just down slope of the area designated for stone disposal. At the last meeting the Commission had concerns about the lighting, the timing of construction, and clearly delineating the areas of disturbance. Notations were added to cover those concerns. Orange construction fencing will be placed around the disturbed area and staked by a surveyor. Sheet 4 showed a cross section in the elevation to show the ledge upslope from the house. It is 9 feet in elevation above the garage slab. Any flow for the house will be away from the vernal pool. In the work session Mr. Ross mentioned a proposed septic pretreatment system. It would be a clean solution. One requirement of the system is that the homeowner is required to sign a contract for continual upkeep and maintenance. The next sheet shows the tree plan. There is an overlay of the previous tree survey with the site plan. The team kept the area of disturbance low, so the least possible number of trees would be removed. The next sheet showed the details for the storm water management. A stone drip apron and infiltration trench detail and cross section for the permeable pavers were included. The eco grass seeding information is included. The last sheet of the plan set includes the driveway cross-section. It shows the makeup of the gravel driveway, wood chip mulch, and then the eco-grass. This sheet has the installation of the silt sock and the precast open bottom box culvert. There is a supplier that makes a culvert where everything is precast so it would be very minimal disturbance on site. In the staff memo Mr. Britz recommended approval of the CUP as presented. The team tried to cover all items discussed at the work session, and feel that the proposed plan has very low impact. The site plan includes proper protection measures.

Brendan McNamara noted that the site needed to have a specific house design. The plan utilizes the connection of the existing driveway. There happens to be a ledge outcrop that the house can be built against. The garage entrance will be at the basement level. The goal was to work on a minimalist footprint with a stacked house that can accommodate the possibility of an elevator. Vice Chairman Blanchard commented that she saw the elevator. Were there stairs as well? Mr. McNamara confirmed there were. An elevator shaft will be built during the construction, so an elevator could be added in the future. The stairs are next to the elevator. The site plan has a very specific house plan to show that a house would work.

Mark Jacobs, Soil Scientist, recapped the important points. There is a secondary ledge between the two bedrock outcrops that provides a natural impediment. The box culvert will allow for amphibian migration. The culvert will maintain a natural bottom. Animals can get to the vernal pool by other means as well. The team is encouraging fall construction to minimize the temporary impact to the vernal pool users. The tree impact is low.

Mr. Phoenix was fairly new to the project. Mr. Phoenix was asked to come and assist with the language about the deed restriction. The proposal was to ensure that there would be no additional buffer encroachment for future expansion or vegetation clearing. Mr. Phoenix felt that was unfair to the owner to prohibit the option to ask for modifications. The deed could reference the recorded plan. A note on the plan could say that the Planning Board granted a CUP. Any owners should be on notice that further alterations would require an application and approval from the Planning Board. The Commission's concern is that people would be building or clearing without permission. Adding this to the deed would hold the applicant accountable.

Ms. Tanner questioned if there was a maintenance plan for the box culvert? Debris might clog it. Mr. Ross responded that there was a note on the storm water operation and maintenance plan that covered everything. Specific notes for the box culvert could be added.

Ms. Morison questioned if there would be maintenance for the wood chips on the side of the driveway. Mr. Ross responded that they would install the gravel driveway and spread the wood chips to act as a temporary stabilizer. The wood chips would encourage the natural vegetation to grow there. There would not be any weeding or replacement of wood chips every year. The intent is to be protective to the wetland and buffer area during the construction and directly after. The wood chips would do that.

Ms. McMillan requested clarification on the wood chips. At the high school the wood chips that were put in seem to have species coming in that naturally wouldn't be there. Where would these wood chips come from? The goal is to ensure there would be no invasive species coming in. Mr. Ross responded that they could add a note to the plan. On sheet C6 there is a chart for the maintenance report. The box culvert can be added to that chart.

Chairman Miller questioned if there should be more there to explain the deed restriction. Mr. Phoenix responded that the assumption would be that the family who bought this would understand the environmental sensitivity with the driveway, house and grass. People would be environmentally conscious. They need to know what the limitations are. Chairman Miller commented that he really liked the plan. This has been a long process and they have gotten to a productive place. For someone who has not been part of the process would that all translate? Mr. Phoenix responded that the note he mentioned that would be added to the plan could be in the deed as well. Mr. Britz added that the note could be a purpose statement. Mr. Phoenix noted that the ordinance already says what can be done in the buffer. The intent was to not restrict somebody from doing something that was permitted. Mr. Ross noted that the owners are all about protecting the environment. Any change to the site would require them to have to come back for a site review. The plan can be recorded and it can be notated in the deed referring to it. Mr. McNamara added that any addition to the house would involve permitting. This note would ensure the owners understood what they could and could not do to the property. Ms. Morison commented that the note should describe why it's an environmentally sensitive location in the plan. Chairman Miller agreed. The site is very different than what usually the Commission usually sees.

Vice Chairman Blanchard recapped the stipulations in advance of making a motion. One would be to ensure the appropriate screening of the wood chips. Another stipulation would include language to protect the natural physical constraints of the property.

Ms. Harrison questioned if it was possible to create wood chips from the trees onsite. Mr. McNamara confirmed that could be done. Ms. Morison questioned if they would be cutting any invasive trees? Vice Chairman Blanchard responded that there was a nice stalk of hardwoods in there.

Ms. Tanner added that a third stipulation would be to add the box culvert to the maintenance plan.

Ms. McMillan noted that they had talked about staking out the no cut zone. Is that still in there? Mr. Ross responded that it was outlined in note 3 on sheet 3. It says that they will stake it out with orange construction fencing. Ms. McMillan commented that the signage should be for the new homeowners. There should be placards for the no cut zone for the homeowners to see. Mr. Britz noted that the Commission had asked for it at the edge of the buffer before. Mr. Ross responded that they could come up with something to define the limit of the buffers. Ms. McMillan was concerned about the legal piece. It may cause people to think that they will get permission. Mr. McNamara responded that there were some red flags on the plans that show the edge of the limited cut area. The plan shows the limitations in black and white. Mr. Phoenix added that this would be giving more notice and warning of the restrictions than most real estate transactions do in and around wetlands. The deed restriction would not limit someone from asking, but it warns the owners about the environmental sensitivities to the site. Vice Chairman Blanchard questioned if the plan to be recorded would be ready for the Planning Board meeting. Mr. Phoenix confirmed that it would. Mr. McNamara added that it would be put together as a package for the Planning Board. The final plan would be completed with a list of all the approval conditions.

Ms. Harrison questioned if the walking path would be maintained. Mr. McNamara responded that it is the path to the door. The path would be preserved.

Ms. Tanner commented that this was about the only design she would have ever said yes to because it's very considerate. There has been a lot of concern because it's a pristine lot. Ms. Tanner appreciated all of the team's efforts.

Chairman Miller thanked Mr. Britz as well for helping to make this happen. The Chairman was not always convinced they were going to get to this point.

Mr. Britz noted that the owners have really listened to the comments and the team has responded appropriately.

Ms. McMillan questioned if winter maintenance for the driveway had been addressed. Mr. Ross responded that a maintenance note could be added to the plan. It would be very similar to the maintenance for the road that is there.

Mr. Britz questioned if the plan could be bigger. Mr. Ross confirmed that it could. Ms. Morison requested a note about the maintenance of the pervious pavers system. Ms. McMillan noted that it should include no winter sanding and/or salting. Mr. Ross confirmed that would be updated.

Vice Chairman moved to recommend **approval** of the application to the Planning Board, seconded by Ms. Tanner with the following stipulations:

1. The woodchips for the driveway would be made from the trees that are cut down on the site.
2. The box culvert maintenance details will be added to the maintenance plan.
3. There will be no sand or salt used on the driveway in the winter as part of snow removal.
4. The Martine Cottage Road legal team will work with the City to develop language for the record to recognize the natural resource constraints of the wetland and vernal pools on the property.
5. Small placards will be put on the property to mark the no cut area.

The motion **passed** by a unanimous **(6-0)** vote.

Vice Chairman Blanchard thanked the team. It's very hard to see a building go up there, but the team has worked hard and tried to respect the land. Chairman Miller agreed.

III. STATE WETLANDS BUREAU PERMIT APPLICATIONS

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

Vice Chairman Blanchard moved to recommend **approval** of the application to the Planning Board, seconded by Ms. Tanner with the following stipulation:

1. The applicant shall provide a plan showing the buffer planting and rain garden area with the required maintenance for those areas referenced on the plan, which is to be recorded at the Rockingham County Registry of Deeds.

The motion **passed** by a unanimous **(6-0)** vote.

IV. OTHER BUSINESS

Mr. Britz noted that September 13, 2018 was the next pest meeting. Chairman Miller commented that a workshop was scheduled for that night, but it could be rescheduled.

V. ADJOURNMENT

Ms. McMillan moved to adjourn the meeting at 7:27 p.m., seconded by Ms. Morison. The motion **passed** by a unanimous **(6-0)** vote.