

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

**3:30 p.m.**

**September 12, 2018**

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

**MEMBERS ABSENT:**

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

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**I. APPROVAL OF MINUTES**

1. August 8, 2018

Chairman Miller noted that it should say Gove Environmental in the first paragraph on page 8. Page 13 should list affirmative votes first to match the order of the rest of the votes in the minutes.

Ms. Harrison moved to **approve** the August 8, 2018 minutes as amended, seconded by Vice Chairman Blanchard. The motion passed by a **(5-1-0)** vote. Ms. Collins abstained because she was absent from the August 8, 2018 meeting.

**II. CONDITIONAL USE PERMIT APPLICATIONS**

A. 198 Essex Avenue  
Robert & Whitney Westhelle, owners  
Assessor Map 232, Lot 128  
*(This application was postponed at the August 8, 2018 meeting to the September 12, 2018 meeting.)*

Property owner Rob Westhelle spoke to the application. The plan is to construct a 12x18 garden shed in the yard. The property borders a large wetland, so the shed will be in the buffer. Mr. Westhelle passed out a hand out showing a picture of the plan. Mr. Westhelle has been removing the Japanese knotweeds out of the wetland area as part of mitigation for the project. The knotweed has gone from bamboo stocks to vines, so the area is improving. The mitigation is still a work in progress. Mr. Westhelle had talked to Mr. Britz early on about this mitigation action.

Ms. Tanner questioned how they were clearing the knotweed. Mr. Westhelle responded that they were pulling them out by the roots. Then putting the plant in a plastic bag to dry out and putting it out for the town to take. Chairman Miller suggested crushing the plants and leaving it out in

the sun to dry. Make sure the whole root ball is out because otherwise it will come back. Make sure to be consistent. Mr. Westhelle responded that there was already a huge difference from the spring until now.

Ms. Tanner **moved** vote to recommend **approval** of the application to the Planning Board as presented, seconded by Ms. Collins. The motion passed by a **(6-1-0)** vote. Ms. McMillan abstained.

B. 1047 Banfield Road  
Eric Schroeder & Suzanne Heiser, owners  
Assessor Map 283, Lot 40

Property owner Eric Schroeder spoke to the application. The project is to add a shed in the Northeast corner of the property. Mr. Schroeder provided a map of the existing shed and distance it was away from the wetland. The distance the shed impedes the wetland is 14 feet. The addition would add 186 square feet of impervious surface. There is an existing driveway with a large turnaround. The plan is to saw the turn around out and remove that asphalt. The old shed will become a rain barrel storage area. Mr. Schroeder already has two rain barrels and wanted to add more. Mr. Schroeder's wife is an avid gardener. Mr. Schroeder has also been talking with the City of Portsmouth Engineers about granting an easement for the new drainage system going in on Banfield Road. Mr. Schroeder was fine with granting the easement.

Mr. Britz requested clarification on the comment about 14 feet from wetland. Did that mean 14 square feet in the wetland? Mr. Schroeder responded that it would be 14 feet into the wetland. The dimensions would be about 14 by 5.

Ms. McMillan requested clarification on where the turnaround would be removed. Mr. Schroeder pointed out the turnaround in the picture and the hatching that marked what would be removed. Chairman Miller noted that it was more of a "T" shape than a circle. Mr. Schroeder added that driveway is 25 feet across and 8 feet of that will be removed and turned back into lawn.

Vice Chairman Blanchard noted that the proposal for the addition is to put it on the cement block and questioned what supported the existing shed? Mr. Schroeder responded that cement blocks supported it. It's basically a 2x6 floor of plywood on blocks and the shed is on top of that.

Ms. McMillan questioned where overflow from the rain barrels went if they were not emptied. Mr. Schroeder responded that they would probably be putting in at least four barrels. If they did overflow it would go out on the level surface and then down the embankment. It would go down the slope into the wetland. Ms. McMillan questioned if there was any infiltration opportunity. Are they 55-gallon drums? Mr. Schroeder confirmed they were 55-gallon drums. Crushed stone could be added around the base of the barrels to provide infiltration. Ms. McMillan recommended adding the crushed stone. It would be helpful to have more mitigation. Vice Chairman Blanchard questioned what would happen to the barrels during the cold seasons. Mr. Schroeder responded that they would be put into storage. The goal would be to exhaust all of the water in them before moving away. Ms. Tanner noted that usually gutters are slanted to

favor one side. A gabled roof would need barrels on two sides not four. Mr. Schroeder responded that there would be two on the addition and two on the existing shed. There would be on at all four corners.

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

1. That drainage be put underneath the rain barrels at (4) corners of shed.

The motion passed by a unanimous (7-0) vote.

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

### **IV. WORK SESSIONS**

1. 50 Pleasant Point Drive  
Vaughan Family Revocable Trust  
Charles and Sally Vaughan Trustees, owners  
Assessor Map 207, Lot 11

Steve Riker with Ambit Engineering, spoke on behalf of the applicants Maggie Goodlander and Jake Sullivan. Ms. Goodlander was born and raised in New Hampshire. They live out of state now and want to move back to New Hampshire. The applicants are interested in purchasing this lot. Lisa DeStefano with DeStefano Architects was there to speak to the application as well. The applicants currently have a purchase and sales on the property with a due diligence period. The goal is to get feedback from the Conservation Commission regarding how they want to redevelop the property. The Conservation Commission's feedback is very important for making the decision to purchase the property. To the east side of the lot there is the Piscataqua River back channel and Pleasant Street. It is .39 acres. The lot slopes gently from west to east toward the river. The existing lot contains a single-family home, deck, three patios, a driveway and walkways. All of that except for some of the walkway and driveway are in the buffer. The majority of the area between the house and the wetland is lawn. City sewer and water service the lot. There is a low-pressure pump tank on the lot. All of the houses in the neighborhood have a similar structure where effluent leaves the home goes to the pump and then to the street. The intent is to move that to what would be the front yard and get it out of the 100-foot buffer. The packet includes photos of the existing conditions on the lot. The proposed plan is to tear down the existing home and construct a new home with a similar footprint. The new house would be shifted to the south and slightly larger than what is there now. Moving the house south accommodates the plan better and would provide a view. It will allow for more use of space outside of the buffer. In the new plan the garage and a small portion of the house, driveway and walkway would be out of the buffer. The blue highlighted portion of the home would be in the buffer. There is a ledge on the site. Some of that will need to be removed for the construction. The applicants have consulted with the neighbor to the south about the ledge removal. They had no concerns. They did request buffer plantings be added to provide a privacy screen. The contractor was consulted about the ledge removal and they had no concerns about removing it mechanically. There would not be any blasting. The plan would provide a buffer planting area.

Some of the existing lawn would be eliminated. Right now it goes to the water edge. There will be buffer plantings close to the wetland as well as in some other areas on the property to comply with the shore land rules. A good amount of the property will need to remain unaltered. The impervious surface increases from 20% to 26.6%. However, the impervious surface in the buffer reduces from 16.4% to 15%. The 4.5% increase is attributed to the garage, which is outside buffer. The formal application would have a grading plan, buffer planting detail and schedule, storm water design with a rain garden to the north of the proposed structure, relocation of the septic low pressure pump tank, the utility connections, inspection and maintenance plans.

Lisa DeStefano was hired to do the conceptual design. The demolition of the existing building will help in a number of ways. The existing driveway takes on a lot of rainwater from the street into the lower level. The new design will be able to handle rainwater in an appropriate way. The new building will meet all of the building and energy codes. The new construction would also meet all zoning and height requirements for the location. The proposed plan is for a three-bedroom home. It is not a large home. On the street side it is a one story building with a second story tucked under the roof. The waterside meets FEMA requirements on the lower level. Ms. DeStefano has met with the neighbor to the north and has staked out the new area. They were amenable to the direction the applicants were pursuing. The neighbors did not have any concerns about application being presented. They will work with the neighbors more on the grading and landscaping plans.

Vice Chairman Blanchard questioned if Ms. DeStefano was talking about the Robin lane or Pleasant Point neighbors. Ms. DeStefano responded that the neighbors were on Pleasant.

Ms. DeStefano commented that the plan would include low maintenance exterior materials. The applicants are also interested in a low maintenance exterior landscaping plan.

Chairman Miller noted that Ms. DeStefano mentioned the lower floor met FEMA requirements and questioned if that meant the lower floor can flood and it won't impair the function. Ms. DiStefano responded that the floor level would be raised almost two feet. The mechanicals will not have to be hung. Mr. Britz recommended that the floor should be 2 feet above the 9-foot base level. Ms. DiStefano responded that they would consider that. It would be a challenge for the first floor of the house. Ms. DiStefano would need to find a balance for that. Some movement can happen in the plan. Ms. Harrison commented that this would be a significant investment. The house should be built to last more than 30-40 years. Ms. Harrison recommended making the change to raise the floor.

Ms. McMillan noted that Mr. Riker mentioned the location of the house was moved south for the view. Ms. McMillan requested further explanation about that. Ms. DiStefano responded that it was not really for the view. The location for the building was chosen to meet setbacks, so the application would not need to go to the BOA. The building is located with the garage kicked to the side to keep the two Norway maples that are there. The garage is a standard 24 by 24. The goal is to keep the two maples.

Ms. Morison requested clarification on where the zone designation for the special flood hazard area switched. Mr. Riker pointed it out on the plan. Ms. Morison commented that if it was AE

then it needs to meet the standards, but if it's X then you don't need to. Mr. Britz confirmed that it's just outside of that.

Vice Chairman Blanchard questioned how the roof runoff would be handled. Would it have gutters? Mr. Riker responded that there would likely be gutters to a downspout. Then it would go to a rain garden. Vice Chairman Blanchard commented that it was a complex roofline. Is there zoning height requirements in that area? Ms. DeStefano responded that it was 35 feet from the street with 28 feet from the front. Eventually calculations around the building would be completed with average grades to ensure a variance would not be needed.

Ms. Tanner questioned if any trees would need to be removed. Mr. Riker responded that four trees would need to be removed. Three of them are mountain ash trees. Two are smaller and near the driveway. One 14-inch hemlock is on the edge of the ledge removal area. It may or may not need to be removed. Three of the trees are outside of the 100-foot buffer. Ms. Tanner questioned if they would be replaced on the property. Mr. Riker responded that the neighbor to the south is concerned about screening. The intent is to plant several trees along the shared buffer. Trees will also be added on the opposite side of the property in the unaltered areas of the plans. The amount of trees planted will far exceed what is removed.

Chairman Miller questioned where the unaltered area would be and what the dark green line on the plan was. Mr. Riker responded that the dark green was the wetland area. Mr. Riker pointed out the unaltered area in the plans.

Ms. Morison noted that the existing conditions plan showed some stone retaining walls. Mr. Riker commented that those would be removed. There is an extensive patio and retaining wall area on the lot. That will all be removed. The proposed plan will have a covered deck and a small exposed deck.

Ms. Morison was concerned about the amount of ledge that would be removed. There could be a topography impact as well as impact from the runoff coming off Pleasant Point Road. Mr. Riker responded that runoff from Pleasant Point Road would not be impacted. The plan will need to control the storm water on the site and mitigate that. Those details would be included in the final plan.

Ms. McMillan noted that in the proposal a note had the impervious surface in the buffer going from 17.2% to 15%, but in the presentation it was from 16.4% to 15%. Mr. Riker responded that they had made an error in the calculation. The plan did not account for the patio, so that was a minor change.

Chairman Miller liked that the low-pressure tank would be moved to the front and that there would be a robust planting plan with unaltered areas. A buffer on the waters edge will be beneficial. The details in the plan will be important. It will be important to show how the rainwater coming off the road will be dealt with. Reducing the impervious surface is good. The storm water management plan will need to be clear and it should be acceptable. The proposed house seems like it fits.

Ms. Tanner commented that a maintenance plan for the rain gardens should be included.

Vice Chairman Blanchard questioned what the back of the house would look like. Ms. DiStefano responded that the bottom part of the picture shows the back of the house. There will be a lower level walkout. Vice Chairman Blanchard questioned if there was a column because it supported the covered entry. Ms. DeStefano responded that it supported the deck and that is covered.

Mr. Riker responded to the comment about raising the finished floor. Raising the floor would increase the steps at the front of the house and increase grading at the back of the house. Vice Chairman Blanchard commented that they should have a serious conversation with the prospective owners about this. Science is showing that water is rising. Mr. Riker just wanted to point out that the impact area would increase because of grading. It would make the envelop of the area of work a little larger. There are no trees right in the back of the house, so it shouldn't impact them.

Ms. McMillan commented that there was not as much change in the impervious cover outside of the buffer. It is increasing because a lot of what is outside the buffer is the driveway. Mr. Riker responded that right now the driveway is asphalt. The preference would be to use pervious surface, but the driveway would be in the area where ledge is being removed. The expectation is that asphalt will need to be used. Ms. McMillan commented that the rain garden would be on the other side of the house. Mr. Riker confirmed that was correct and that they will do a test pit. Ms. McMillan questioned what would happen with the driveway runoff. Mr. Riker responded that it would be accommodated with grading. Ms. McMillan was concerned about the runoff from the street. It is poorly designed in the existing conditions and causes pooling in the driveway. Mr. Riker responded that the pooling was from rainwater falling on the house. It was not from the runoff.

Ms. Tanner questioned if the walkway would be pervious pavers. Mr. Riker responded the walkway is supposed to be asphalt. Pervious pavers could be considered, but the walkway is in the ledge removal area. Ms. Tanner questioned if the existing walkway was pervious. Mr. Riker responded that it was not. It is brick. Ms. Tanner commented that pervious pavers should be considered. Ms. Tanner questioned if they would know exactly where the ledge is when the application comes back. Mr. Riker confirmed they would do some exploratory investigation.

Vice Chairman Blanchard questioned where the ledge was on the plan. Mr. Riker pointed it out. Vice Chairman Blanchard requested Mr. Riker orient the proposed structure in relation to the rock. Mr. Riker responded that the garage would come out over that piece of ledge. Chairman Miller clarified that one of the trees that might be saved was to the right of the garage. Mr. Riker confirmed that was correct.

Ms. Morison questioned if the cobblestone edging at the base of the lawn was for aesthetic purposes. Mr. Riker was not sure, but noted that it would probably be removed. That area would be converted to the buffer planting area. Chairman Miller commented that the buffer planting could include salt-water species. Ms. Morison questioned if it followed the property line along the marsh. Mr. Riker confirmed that it did.

Ms. McMillan proposed that the Commission do a site walk. Mr. Britz confirmed that he would arrange it.

Mr. Britz added a suggestion about the sea level issues. It might be possible to have two types of floor on the first level. One could be higher than the other for the mechanical units.

## **V. OTHER BUSINESS**

### **A. Discussion: Sagamore Creek Land**

Mr. Britz noted that the Athletic Director of the Portsmouth High School Mountain Biking Team reached out. The team competes at the Stratham Hill Park, but would like to practice on the Sagamore land by the school. Mr. Britz looked at the report and mountain biking is listed as a use. A lot of people already mountain bike on that land. Mr. Britz expressed concern about erosion, limited uses, and new trails. The team would not practice on the cross-country trails. Mr. Britz commented that they would have a couple practices a week for the season. They would monitor the land and check back to see how it is. Ms. Tanner questioned why the team would not use the cross-country trails. Mr. Britz responded that those trails would be very difficult to bike on. It would be like biking in sand. Ms. Tanner commented that there is a lot of sensitive species out there that could be impacted. Ms. Tanner questioned what trails were out there for mountain biking. Mr. Britz responded that there is a good amount of walking trails. If there is concern from the Commission, then the team can come in to talk about it.

Ms. Tanner had concerns. Mr. Britz noted that there was other land. The study listed mountain biking as a use. Ms. Tanner noted that the middle school used it for mountain biking and the Commission was not happy about it. Now the high school wants to use it. There is enough going on in that site without making new trails. The team would have to stay specifically on the existing trails. It could be hard to determine the exact trails at all times of the year. Chairman Miller shared concerns about disturbing the area. It would be important during the trial period to explain the sensitivity of the areas and why no new trails could be created. Chairman Miller questioned how the team would handle walkers and other users on the trails. It would be great to see this rejuvenated with the master plan that the committee came up with. The area does get a lot of use. Ms. Tanner commented that the team could look at other lands in the city. There were two lots off of Banfield Road that could be an option. That land is more conducive to that activity. There is a tree canopy and trails could be developed back there. The Great Bog could be another option. Mr. Britz responded that the team wants to use the Sagamore land because it's close to the school. Mr. Britz questioned if the Commission wanted them to come in to talk. It may be worth to see if there was an impact. When it's muddy there would be more of an impact. One trail comes close to the vernal pool. It may be worth looking at it more specifically and limiting the team to specific areas. It is getting a decent amount of use now.

Vice Chairman Blanchard questioned how big the group was and what seasons they would be using the land. Mr. Britz responded that it was his understanding that it would just be for practices and there are 15-18 riders. Chairman Miller requested that the team come up with some best management practices for mountain biking to manage sharing the trail and impact to

it. It would be great for them to take that on and present it back. It should include stewardship of the land to repair impact and plantings.

Ms. Harrison noted that this would be a great opportunity to engage the students. The team could identify what needs to be avoided to use the space. Vice Chairman Blanchard agreed that it would give them a sense of ownership. Ms. Harrison commented that there was an eco-club at the high school. They could mark important plants to avoid as a project.

Mr. Britz commented that this was a formal request by the team. Mountain biking is happening there now. The team is not asking permission because no one has ever used it before. They are asking because it's close to the school and good land. Ms. Harrison commented that they could recommend other places. Mountain biking is wildly popular and growing. Mr. Britz noted that the Commission was identified in the report as the group to provide guidance. Mr. Britz confirmed that he would talk to the coach to have the team come up with best management practices and outline how they will use the land. Chairman Miller confirmed that it should be generated by the team to give them a sense of ownership. Ms. Harrison commented that they could help in identifying other parcels. Mr. Britz confirmed that he would suggest the Banfield Road land and the rail trail. Chairman Miller suggested the new off leash Dog Park. Ms. Tanner never thought that the intent of the committee she was on was to use this land for mountain biking. There are a lot of damaged areas now. There is a lot of wildlife habitat that could be impacted. It's a very sensitive area to encourage mountain biking on. There are better areas for that.

Mr. Britz commented that there was another item to address. The middle school science teachers want to engage kids in more science opportunities. Mr. Britz noted that they could use help with stewardship in the city. Mr. Britz would make a map of the PULA properties and kids can adopt a property to understand what stewardship is.

Mr. Britz noted that the Commission needed to schedule a pesticide outreach meeting, and confirmed that he would send out options.

Chairman Miller noted that the NH Association of Conservation Commissions meeting was Saturday November 3, 2018. The Commission would cover anyone who wants to go. Mr. Britz noted that anyone interested should let him know and he would register him or her. Chairman Miller confirmed that he would like to go.

## **VI. ADJOURNMENT**

Vice Chairman Blanchard moved to **adjourn** the meeting at 4:47 p.m., seconded by Ms. Tanner. The motion passed by a unanimous **(7-0)** vote.

Respectfully Submitted,

Rebecca Frey,  
Conservation Commission Recording Secretary