

MINUTES

CONSERVATION COMMISSION

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

3:30 p.m.

October 10, 2018

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

MEMBERS ABSENT: Allison Tanner

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

A. September 12, 2018

Ms. Harrison noted that is should be an “an” not “and” on page 8 in the third paragraph.

Ms. Morison noted that on page 4 in the last paragraph it should say “9 foot base flood elevation.”

Chairman Miller pointed out a potential gap in notes from page 2-3.

Vice Chairman Blanchard **moved to approve** the amended minutes from the September 12, 2018 meeting, seconded by Ms. McMillan. The motion passed unanimously in a **(6-0)** vote.

II. CONDITIONAL USE PERMIT APPLICATIONS

1. 460 F.W. Hartford Drive
Joan S. Rice Revocable Trust, Joan S. Rice Trustee, owners
Assessor Map 249 Lot 17

Property Owners John and Joan Rice spoke to the application. The project is to demolish an existing 120 square foot deck because it is rotting out. It would be replaced with a new 189 square foot deck. Mr. Rice was unaware they were in a wetland buffer zone when they began to demolish the deck. The site is high and dry. Mr. Britz did a site walk. It is 83 feet from the corner of the deck to the edge of the wetland. Bushes and trees were planted along the edge of

the property. Half of the house is in the wetland buffer zone. Mr. Rice respected the Conservation Commission's work and was on the Planning Board for 8 years.

Vice Chairman Blanchard requested an explanation about the new concrete tubes that would support the deck in the proposed construction plans. Mr. Rice responded that assuming that all of the ones currently in the ground would not need to be replaced, then there would be one additional post sunk four feet into the ground. Ms. Rice added that it was important to note that when the house was built in 1984 the builder brought in fill to put the house on. The deck comes off at the top of the hill. The posts do not go down into wetland. Vice Chairman Blanchard questioned what was under the deck. Mr. Rice responded that it was lawn. Ms. Rice added that there was also an old bulkhead that was no longer in use.

Chairman Miller suggested adding plantings along the edge of the deck if it did not interfere with the use. It would allow more water to infiltrate in the ground. It does not have to be large shrubs.

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

1. That Plantings shall be installed around the deck

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

1. 350 Little Harbor Road
Robert J. and Susan Lee Nalewajk, owners
Assessor Map 202 Lot 16

Steve Riker from Ambit Engineering and Robbi Woodburn from Woodburn and Company spoke to the application. Ben Ojay and property owners Robert and Susan Nalewajk were also present. The Commission was familiar with the project. The project was originally approved in November 2016. In August the project came back for an amendment and they are back again for another amendment. In August the applicants asked for five items one item was for a gate at the western entrance. The Conservation Commission expressed concerns about the gate. One of the main concerns was the size. The size of the gate has been reduced. Another concern about the gate was that it would encourage more use on the path. The packet included some photos. The purpose of the photos is to describe some of the historic use of the property and abutting parcels. Creek Farm and a historic site to the north are open to the public. People can also park and explore the area at Creek Farm and on Little Harbor Road. One of the photos shows the western entrance to the Nalewajk property on Martine Cottage Road just off Little Harbor Road. The photo shows it's a well-traveled way. Photo 3 shows the same travel way and the property line. Photo 4 and 5 show the entrance for the proposed gate. The gate would be inside the fence. The owners have had numerous people come down Martine Cottage and go left down the paved road and end up on the Nalewajk property. They don't even know it. Historically people liked to park and walk the loop. The USGS map shows the loop. It is a unique property because there are two access points and the previous owners of the house were comfortable with the public going through the property to make the loop. The Nalewajk's had a gate approved on the eastern

side. The gate is there for security and privacy. It would keep people out. People have been trespassing and the Nalewajk's have had to ask people on more than one occasion to leave. It is private property. It is a large home and piece of property and the Nalewajk's would like their privacy. The photos show that it is a traveled way. The gate will not be installed for a regular access point. The eastern side is for parking. The western entrance may be used occasionally. It's being used now for construction purposes, which was recommended by the Conservation Commission and Planning Board. The intention of the gate is to keep people out of the property.

Robbi Woodburn noted that usually on projects like this an irrigation system is recommended to establish the plantings and lawns. In this case the owners wanted to scale that back and are opting to irrigate the larger areas of trees and shrubs. The original plan kept a lot of the existing vegetation. The goal is to do a drip irrigation for the trees, shrubs and remote locations if that is needed. The request is to add irrigation to the main lower grass area with 6 hose bibs. The system will be a 1-inch pipe installed 6 inches into the ground. The main line will have a drip irrigation hose with holes in it. The hose bibs will attach to the main line. This allows the new plantings to be watered on a temporary basis. Ms. Woodburn addressed the comments in the staff memo about the impact from trenching. Ms. Woodburn showed a photo of the vibratory plow that is a pipe puller. The tracks won't dig up the lawn. The blade goes into the ground and it's connected to the reel on top. The technician walks at the back of the machine and the plow goes in the ground to put the pipe in. It is a very surgical approach to install the mains. The pipe is only 6-8 inches deep because the water will be blown out in the winter. It is necessary for the project and much more low key than normal projects.

Chairman Miller questioned if Ms. Woodburn anticipated any changes the watering would have on the wetland for example changing the plant communities. Ms. Woodburn responded that she did not.

Mr. Nalewajk prepared a statement and read it to the Conservation Commission. Ms. Nalewajk provided a brief history on why they applied for the amendment. As construction progressed it was obvious that some things needed to be adjusted and an amendment was required. Ms. Nalewajk summarized the items that were included in the amendment requests that were presented in August. Most of the work, other than 39 square feet, was outside of any wetland buffer area. In the August meeting the western gate was designed to match the eastern gate in the application. Several issues were raised at the August meeting and it was denied because of the western gate and grass pavers. Those items were removed from the amendment. It proceeded to the Planning Board and was approved. In this application the western gate was reduced in size. A permit was needed for the electric conduit that is already installed. It was unclear if a permit was needed for the irrigation system, so it was included in the application. The gate is 25% narrower, but the posts are the same. The staff gave a wide range of opinions about the plan. Ms. Nalewajk went through the 6 parameters required for a favorable project. The first is that the plan is suitable for the use. In August the Commission was favorable. In October the Commission noted that there was no demonstrated need for the gate or wetland impact. The Commission raised concern about the proposed irrigation because there was a potential for significant ledge removal and no demonstrated need for impact. Ms. Nalewajk's response was that the proposed gate changed only in its opening width. Ms. Nalewajk was confused why the opinions change. People from the public consistently walk on the property. The current

approved site plan shows fencing and a gate on the eastern side and the intent is to do the same for the western side. The electric conduit is needed for lighting whether the gate is there or not. A fence will be built to residential coding if a gate is not approved. They did not attempt to hide the conduit. It was installed and inspected by the City of Portsmouth. There is no wiring in there yet. Adding a conduit outside the buffer would damage roots. A seasonal irrigation system will be installed, so there will not be significant ledge removal. The second condition states that there is no suitable site outside the buffer for the project. The response from the Commission was that it was not part of original project, and does not make sense to add to project. Ms. Nalewajk responded that the western gate was not originally part of the project because there was a legal issue that needed to be resolved with an abutter. They did not want to delay the entire project. The third condition was there were no adverse impacts on the wetland's functional value. The Commission feedback from August and October was different. Ms. Nalewajk was confused why their opinion changed. The western gate impact was not even mentioned in August, but it was in October. Inconsistency is confusing for a property owner. The gate is needed for security and privacy. The irrigation is needed for maintenance. The fourth condition is altering only what is necessary of the natural vegetated state. In August the Commission did not have a problem with this item. In October the Commission stated that new columns are within the natural vegetated area and would create temporary disturbance. Again the feedback is inconsistent. Most of the vegetation that would be removed for the gate would be invasive plants, like knotweed. The fifth condition is that the proposal is the least amount of impact. In August the Commission noted that the changes to the landscape should not create adverse impact. The October response was that it was not clear why the impact was needed. Ms. Nalewajk noted that 1,067 square feet of wetland buffer would be impacted. Most was already in the approved CUP. The sixth condition is that any area in the vegetated buffer will be returned to a natural state. The intent is to return the areas to a natural state. The irrigation line will make it easier to maintain plantings and improve the buffer function. Ms. Nalewajk addressed the 6 conditions required for favorable CUP. If the western entrance was initially included much of this may have been avoided. There has been a disconnect between the Conservation Commission and the Planning Board. Ms. Nalewajk requested more consistent guidance. Things come up in construction projects. These amendments are tasks required to fine tune the project.

Vice Chairman Blanchard questioned if the owners had talked to the City about adding signage or making a turnaround in the road to increase privacy. Ms. Nalewajk responded that Martine Cottage Road is a private road. The Creek Farm is looking for a tenant for the building. They will do something with the carriage house, but it is unclear what will happen there. Vice Chairman Blanchard questioned if the gate needed to be electric. Ms. Nalewajk responded that the gate on the eastern side would be electric. The gate is not visible from the front door.

Chairman Miller thanked Ms. Nalewajk for taking the time to write out her statement. Every project takes on its own life and the Chairman remembered discussing the legal issue at the time of the original project. It was good to hear the context of timing.

Brook Stevens of 60 Martine Cottage Road is a direct abutter and was concerned about the lighting at the western gate. Mr. Stevens did not see a reason for the gate. People have

headlights. Mr. Stevens did not see the foot traffic that the Nalewajk's have seen from the public. If they want it to be private, then they could plant trees there.

Ben Ojay noted that he has done many large estates along the seacoast. The owners are unique in their approach to the environment. Throughout this process their intent has been to follow the rules and install landscape that would require low-key maintenance. There will be a small amount of lawn and they want to water the new plants themselves. Once the irrigation is installed it will look like there has been a knife cut. A small amount of lawn on a property like this is remarkable. The lights on the columns will only be used when the gates are used to prevent trespassing. The Project Manager turns multiple people away every week. The gate will be closed most of the time and the lights would only be on when gate is in use.

Ms. Harrison questioned if they looked into gates with smaller pillar footprints. Ms. Woodburn responded that the intent was to make this gate a baby brother to the eastern gate. The house is a bold architecture with a larger scale look to it, so the gates were designed to work with the architecture of the building. Scaled in the site they are not too big. This plan kept the piers, but made the gate smaller.

Ms. Morison requested Ms. Woodburn summarize the impact of the footings. Ms. Woodburn responded that the bottom is roughly 3 by 3. Ms. Morison questioned if the footing would be concrete. Ms. Woodburn confirmed that was correct.

Vice Chairman Blanchard questioned how lights would work. Ms. Woodburn responded that in this case there would be a control in the house. The eastern gate will be on a timer. It will be controlled on an as needed basis for the western gate.

Ms. Collins questioned what the height of the light would be. Ms. Woodburn responded that it would be in the 20-inch range on top of the post. To the cap it is 6 feet. The light would be on the top, so the total height would be 8 feet high.

Ms. McMillan requested clarification about the lighting electricity needed for the gate and questioned if there was any lighting along the way. Ms. Woodburn responded that there was no lighting along the way. Ms. McMillan questioned if lighting would be needed whether or not the gate was present. Ms. Woodburn responded that the light at the entrance and light at the house would provide enough guidance. It's a straight shot, but it's really dark. The goal is to give a guide point. Ms. Nalewajk added that it was not a paved area. It's grass, so it is not a well-marked path.

Chairman Miller asked Mr. Britz if the Conservation Commission covered lighting. Mr. Britz responded that the lighting itself was not really part of the review. The review is for any buffer disturbance like the post.

Ms. McMillan was concerned about the lighting impact to the amphibians and wetland. There is a vernal pool there. Chairman Miller agreed that was a good concern to voice. Ms. Woodburn noted that while it is wetland, the area next to the proposed gate is a big green mowed lawn. The woodland is further away.

Ms. McMillan clarified that the Commission was discussing the fact that putting in a conduit to get electricity out there was buffer impact. Mr. Britz responded that it's a buffer impact that was not accounted for. Now it is. Chairman Miller comment that most was accounted for in the original application. Mr. Britz noted that the conduit was not discussed.

Vice Chairman Blanchard commented that it was contradictory to say that it would be limited access, but a light would be needed to get to the house. Vice Chairman Blanchard thought that the light and disturbance for the pillars were beyond what was needed. The area was used more publically because the previous owners encouraged that. The gate should have signage without electric and hardware. The Sagamore Creek Project had extensive signage. The people who own the Martine Cottage Road should work with the owners to install signage and a turn around.

Ms. Harrison questioned if the irrigation line proposed from the house to the boat would need any ledge removed. Ms. Woodburn confirmed that it would not. It's just in the topsoil. Ms. McMillan noted that if they encountered ledge, then they would go around it. Ms. Woodburn confirmed that was correct. Ms. McMillan questioned if they knew where the ledge was. Ms. Woodburn responded that there are pockets of ledge, so there is opportunity to get it done. Ms. McMillan noted that it was mentioned the construction access would continue to be used for deliveries. Ms. McMillan questioned why the turnaround was not sufficient. Ms. Woodburn responded that they did the truck turning radiuses. There are some places where the wheels may go off the grass. There are minor areas where the truck might go over the edged. The intent is to avoid that if possible.

Ms. McMillan noted that she did not vote for this application when it originally came through. If the gate is operated at the house to let in trucks, then it will continue the use of the other driveway. As more parts of the application come forward it degrades it more and more. The lighting is concerning. Ms. McMillan would not support the application.

Vice Chairman Blanchard commented that she would also vote no because the gate did not need to be that elaborate or lit. Alternative options, like signage, have not been explored.

Ms. Morison respected the property owner's right to maintain privacy, but wanted to see evaluations of alternatives to see if something could be done in a more environmentally friendly way. The Commission was not opposed to the grass pavers. The request was to use another material in lieu of plastic.

Ms. Collins agreed with Vice Chairman Blanchard and Ms. Morison about the gate. Ms. Collins appreciated the irrigation explanation. It helped to show that it would be a minimal impact. It's a big site and hauling hoses around would be tough. The irrigation is fine, but Ms. Collins did not support the gate.

Chairman Miller commented that all of the changes seemed reasonable. The gate is minimal and the light issue could be resolved for amphibians and the neighbors. They could be pointed down and only on when the gate was in use. It seemed reasonable.

Ms. Harrison commented that her concerns for the irrigation have been addressed. Ms. Harrison was fine with that. The gate could have smaller footings and be on a smaller scale. Ms. Harrison would vote in favor, but thought the gate could be smaller. Ms. Harrison questioned if the approvals could be separate for the irrigation and gate. Mr. Britz responded that was up to the Commission. It just has to be clear.

Ms. McMillan approved of the irrigation too. Chairman Miller commented that the gate electrical and the irrigation were all part of the application. Chairman Miller questioned if the Commission wanted to vote on all items. Ms. Collins suggested that they vote on all of the items together and make a recommendation to the Planning Board.

*Ms. McMillan **moved** to recommend **approval** of the application to the Planning Board as presented, seconded by Ms. Collins. The motion **failed** to pass, by a (3-3) vote, for the following reason:*

1. The Commission wanted to forward a further recommendation that there was overall support for the installation of irrigation with the primary objection of those voting against the motion objecting to the electrification and lighting of the gate as well as the overall size of the gate.
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2. 19 Rye Street #3
19 Rye Street, LLC, owner
Assessor Map 304 Lot 4

Bill Davidson spoke to the application. There was a portion of the wetland buffer that was disturbed during construction. The proposal is to install some plantings in the buffer to restore that area. Three red maples and 10 blueberry bushes will be planted in that area. The destruction was done early in the construction process when the tree clearings were done. The boundaries were not clearly defined. To the untrained eye it may not have looked like a wetland.

Vice Chairman Blanchard questioned what the project was for. Mr. Davidson responded that it was an office building with a retaining wall. Chairman Miller questioned if the project came through the Conservation Commission originally. Mr. Britz responded that it did not because they were supposed to stay out of the 25-foot buffer. In the plan they were out of it. In the field they were not. The CUP is to approve the plantings to restore the buffer.

Ms. McMillan noted that it looked like there was some disturbance in the wooded area. Mr. Davidson responded that silt sock and a berm were put in to establish the extent of the work. Ms. McMillan questioned if that was the only area. Mr. Davidson responded that was the disturbance. There is no wetland in that location. It's the line for the buffer.

Chairman Miller requested an explanation of the retention pond on the backside. Mr. Davidson responded that it was a retention pond with rip rap and a spillway. Chairman Miller questioned if that was in the buffer. Mr. Davidson responded that they were allowed to grade halfway in the buffer for drainage.

Ms. Morison clarified that the photos showed the area post disturbance. Mr. Davidson confirmed that was correct.

Ms. McMillan questioned if there were any pre-construction photos. Ms. Davidson responded that there were not. Ms. McMillan questioned if there had been any fill in the buffer. Mr. Davidson responded there was no grade changed in that area. The retaining wall was to keep them from going into the buffer. It was built after the disturbance. Chairman Miller questioned if there would be maintenance in the buffer after it's restored. Mr. Davidson responded that most likely there would not be. Chairman Miller questioned if there would be any mowing. Mr. Davidson confirmed there would not be. Chairman Miller requested an explanation about the choice of plants. Mr. Davidson responded that there were existing blueberry bushes and red maples in the area now. The intent was to match what was there.

Ms. McMillan questioned if there was erosion control matting. Mr. Davidson responded that it was there. They were not planning to remove it. It's biodegradable. They could go in to cut out the exposed pieces. They would not want to remove it where there is established vegetation.

Vice Chairman Blanchard recommended adding the stipulation that the applicant includes a monitoring plan. If the plant survival rate was not greater than 80% after a year, then it should be restored and monitored. Mr. Davidson confirmed that could be done. Ms. McMillan questioned if the plants would be hand dug. Mr. Davidson confirmed that was correct.

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

1. The applicant shall monitor the site and provide a monitoring plan one year after planting occurs. Information in the plan should describe the success of the plantings. If there is not greater than 80% survival a follow-up planting shall be conducted with another one monitoring report after another year has passed until the site is established with at least 80% success. In addition, the applicant shall document any invasive species in the restoration plan and if found, a plan to address the invasive species.

III. STATE WETLANDS BUREAU PERMIT APPLICATIONS

- A. 400 Gosling Road
GSP Schiller LLC, owner
Assessor Map 214 Lot 1

Wetland Scientist Sarah Allen with Normandeau Associates spoke to the application. Granite Shore Power brought Ms. Allen in to permit this project. This is a wetland impact application. A standard application was submitted to the State. Collis Adams can pull the standard projects out for a minimum impact permit if the impact is deemed small enough. It is a standard application, but is posted on DES as a minimum impact project. The power company is required to have a cooling water intake for the project. The proposal is to minimize the entrainment of aquatic life. There is a fine mesh screen called wedge wire, which deflects organisms, but it tends to clog. It requires a lot of maintenance. This proposal is similar to what was done at

Merrimac station at the Merrimac River. The EPA will entertain this, but wants a demonstration. The screen will be 3 mm mesh. A .8 mm and a 3 mm mesh will be set up for a control and variable. The screens will be positioned to take maximum benefit of the currents. The idea is to implement the experiment for a year. There will be a weekly sampling for half of the year. During the spring and summer sampling will be twice a week. At the end of the year information will be provided to the EPA. The expectation is that the 3 mm will show the same amount of entrainment, but will have less clogging.

Chairman Miller requested an explanation of the air bubbles. Ms. Allen responded that two hoses run from the screens to the intakes and it is 6-inch in diameter with a smaller diameter hose threaded in. It will force air out to clean debris off. The volume of water coming in will be monitored. If the air doesn't work, then divers will go out to scrub the screens.

Vice Chairman Blanchard questioned the riverbed impact. The screens would be on a 9 square feet concrete block in the river. Ms. Allen confirmed that was correct. It will be evaluated at the end of a year. The pilot would be removed and the EPA will have 6 months to respond. Vice Chairman Blanchard was concerned about the concrete in the river. Ms. Allen responded that it would be assembled out of the river, and then sunk in. It would be removed in total.

Ms. Collins commented that the plans showed the hose being screwed along the distance. Ms. Allen confirmed that it would be screwed in every 20 inches. Ms. Collins questioned if the riverbed was just gravel and sand. Ms. Allen responded that it was mostly gravel and sand.

Ms. Morison questioned how the screws would be installed. Ms. Allen responded that it would be done with divers. The hose is laid and secured by screws from divers. Ms. Morison questioned how the moorings would be secured. Ms. Allen responded that the ADCP is a meter suspended in the water column and anchored with a block. The details of the mooring have not been figured out. It would be 3x3, the same size as the block.

Ms. McMillan was concerned about the impacts for species. The plan mentioned there would be no adverse effects for sturgeon. Ms. Allen responded that the sturgeon do not feed in that area. They do not expect them to be there.

Mr. Britz questioned if one of the screens works, then where would it be installed. Ms. Allen was not sure exactly where. It will be in that general area. Mr. Britz questioned if there would be a new intake. Ms. Allen responded that it has to be out in deeper water. It will be back to the Commission depending on the design.

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

IV. WORK SESSIONS

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

Rick Lundborn from Fuss & O'Neil, Brendan Walden from Gove Environmental and Greg Mikolaities from August Consulting were present to speak to the project. Mr. Lundborn noted that there was a site walk on July 25, 2018. A traffic study needed to be reviewed in the interim. That has been completed. The team was there again to talk about the improvements to the buffer that will be done as part of the project. The proposal was to remove 1/3 of an acre of impervious surface in the buffer. There will be a 1.8-acre reduction of impervious surface over the entire site. There will be a 13.6% reduction on the overall site. The area is pretty paved today and it goes right to the brook. The top of the bank has a large pine tree and 20 plus plantings and the path. Changes were made after the site walk to address concerns about the storm water in the buffer. It would be more beneficial to pull impervious surface away as much as possible. Storm water will be run through a water quality unit.

Chairman Miller questioned how it would be treated. Mr. Lundborn responded that it would be pretreated through catch basins, go through a water quality unit, then a treatment swale and level spreader and end in the brook. Mr. Britz questioned if the street baffles would slow it down. Mr. Lundborn responded that they would remove sediment. Mr. Walden added that the swale would manage that as well.

Mr. Lundborn commented that the site currently has no pretreatment. There will be 100% pretreatment before going through the water quality unit after this project. All of the bio-retention will be removed in the buffer. The storm water treatment, depending on infiltration, will be improved dramatically. Instead of all going right to the brook like it does today, it will spread across the site and be released up near the existing head walls at the Bypass. The goal of today is to talk about how the plan is improving the buffer. Mr. Lundborn showed a proposed vs. existing impervious coverage exhibit to show the changes.

Chairman Miller questioned if they looked at tree box filters. Mr. Lundborn responded that tree box filters would be doing a disservice to the City if they were proposed. The trees are almost root bound when they go in. The box filters are generally too small a structure for that, and then the trees die. Chairman Miller agreed there might be a limited life span on that. Mr. Lundborn confirmed it was usually around 5 years. Chairman Miller noted that the roadway will be turned over to the City and questioned if Cate St. would go all the way through. Mr. Lundborn responded that the City would work with the developer to determine that. There would probably be a new name for the through street.

Mr. Mikolaities clarified that the City has not agreed to accept the road yet. It is still under discussion.

Mr. Walden spoke to the brook. Mr. Walden initially went out to provide an overview of the debris and invasive plants in the brook. After that more analysis was done to see what exactly could be done to help the buffer. Mr. Walden looked at Section 6 of the Watershed Restoration and saw they were hitting more than 50% of what that table goes through. Mr. Lundborn added that there was an overall reduction because they would not be putting it all in the brook. Mr. Walden noted that right now there is nothing. It just goes straight in the brook. There is solid waste on the site with no way to dispose of it. The plan proposes receptacles for every building. The team will go out and pick up solid waste that is currently there. There is a bed from an old

couch in the bank of the brook and old granite curbing. Removing pavement will protect the buffer. The plan will promote infiltration of storm water with a bio-retention and treatment swale. Storm drainage will be retrofitted to improve the water quality with treatment. The proposal includes low impact water techniques. The proposal includes outreach and education for the watershed with a placard. The placard will show that it's part of the watershed and explain what has been done for the section with a before and after picture. A shore clean up will be organized during construction. There was an inventory of aquatic species and streambed habitat. There were not any aquatic animals in there at the time. There will be habitat restoration and removal of invasive plants. Pavement will be pulled back in the buffer and it will be replanted with something more natural. Mr. Lundborn requester feedback from the Commission about whether or not they wanted the invasive plants to be removed or if they thought it would impact bank stability. In general it would be good to remove invasive plants, but it is a steep bank.

Ms. McMillan questioned how the bank was handled at the Port Inn. Mr. Britz responded that the Chevy Dealership restored it. It was grass down to the edge. Mr. Britz questioned how the bank could be restored to a native state without causing erosion. Chairman Miller noted that the Port Inn was all replanted. It's a really good question. Mr. Lundborn commented that there are knotweed and creeping rose vine invasive plants in that area. The plan is to not remove the invasive trees. Chairman Miller was concerned about removing trees. It would be good to see long-term restoration to the extent that there will be a good buffer long into the future. There should be a vision of what this buffer planting area would look like when it's mature. It should look nice and be functional. The landscaper should understand the long term impacts of what is there now and what will protect what is put in the ground. That pathway will be used a lot, so it would be nice to have that be an attractive buffer for the water quality. Ms. McMillan added that there were some examples to reference. There was one in Milton down on a steep embankment with a fast flowing river. Mr. Lundborn noted that right now most of the invasive plants were in the top half of the embankment.

Chairman Miller questioned if they looked into the culvert under the Bypass. Mr. Lundborn responded that it was DOT territory, but they are getting ready to replace that culvert. Chairman Miller commented that that the applicants should think about the vegetation growing out of the bottom of the brook to create a diversity of habitat and species. It may be able to be enhanced further down without clogging the channel. Mr. Walden replied that there is a sediment build up in the middle of the brook, which is a natural phenomenon.

Chairman Miller noted that it was a big project and a good opportunity to think about the long-term environmental improvements. Think about better ways for water treatment and infiltration. Mr. Lundborn responded that was the next step. Chairman Miller noted that it was important to see maintenance plans for devices when the application came through. Mr. Lundborn confirmed that would be included.

Ms. McMillan questioned if it would just be lawn under the trees next to the bike path and asked if there was opportunity for anything to infiltrate there. Mr. Lundborn responded that there was not enough room between the bike path and the road. There will be a small amount of infiltration on the grass. More width would be needed to do plantings. It would be better to put

plantings on the brook side. Mr. Britz added that it would be tough with snow removal too. Ms. McMillan commented that it would be nice to see more natural native species. Ms. McMillan questioned if the granite curbing on the bank would be removed. Mr. Walden responded that it could be removed. Ms. McMillan noted that it should be left. Mr. Walden commented that other debris should be removed. Chairman Miller noted that they should take out the completely unnatural stuff. The granite won't impact the water quality. Ms. McMillan thought granite was in there to create rippling. Mr. Walden replied that it's just clay on the bottom. Ms. McMillan questioned if there was a planting plan. Mr. Lundborn responded that as the project moves ahead there will be a full blown planting plan.

2. 105 Bartlett Street
Clipper Traders, LLC, and Portsmouth Lumber and Hardware, LLC, Boston and Maine Corporation, owners
Assessor Map 157 Lots 1 and 2 and Map 164 Lots 1, 2, 3, and 4

John Chagnon and Steve Riker from Ambit Engineering spoke to the project. The project has been going on for some time. The property went through a rezoning application in anticipation of moving forward with some changes to the property. It was rezoned to CD4-W and CD4-L1. Now it is going through the subdivision process. This went to the Planning Board for a subdivision application and it was referred to TAC. They are working with the City to identify utilities and structures. Two drawings were submitted. The first is a utility exhibit and the second is the proposed roadway exhibit. It is a unique set of circumstances. The area is currently developed with a number of businesses including the Ricci Home Center, Great Rhythm Brewery and Pepperell Cove Marine. These uses all developed over time and the brewery building is on a piece of property that is owned by the applicants. The applicants own the lumberyard building and home center. The rest is railroad property, which is leased back. They approached the railroad and were able to make a deal to buy the property to provide stability for the lumberyard. It will provide additional land near the marine site, which is known as Lot 5. It is a future development lot. The City has had designs for a trail along the North Mill Pond going back 20 years. As part of the transfer of the property, they will be assisting the City in providing the necessary easements. The proposed plan shows the layout of the road. It is a private road maintained by the lot owners. Four of the lots will be on the road. There is a large circle that used to be a turnstile. The building to the northeast was a repair facility for locomotives. A private road will be created. The road needs to be made in order to do the transfer. It would create frontage for the lots and formalize ownership. There was a need to make better access for the fire and police vehicles. A suitable turnaround was provided at the end of the road.

Vice Chairman Blanchard questioned how wide the street needed to be. Mr. Chagnon responded that the right of way width required 60-feet for commercial use with 32 feet of pavement. Between the brewery and Ricci Lumber there is only 50 feet, so a waiver is being requested for a 50-foot right of way and pavement waiver for 22 feet. There will be parallel parking next to the lumberyard in the back, which would add another 8-10 feet. It is currently paved that wide. The pavement will not go any closer to the pond. There will be an allowance at the edge of the pavement to provide a sidewalk. Vice Chairman Blanchard clarified that the allowance would be on the pond side. Mr. Chagnon confirmed that was correct to maintain parking on the lumberyard side.

Mr. Chagnon commented that they were here because the road is next to the pond and in the tidal buffer. TAC requested that drainage mitigation and storm water separation is included in the project. There are currently catch basins between the lumber store and shed in the back. The utility plan shows a green line through the lumberyard that is a brick box sewer. There are catch basins on the site that are tied into that. They will remove storm water from the brick box sewer. The plan in the roadway exhibit shows some parking islands. Currently there is angled parking that causes cars to back out into the travel way. The goal is to provide a safer travel and parking arrangement. Pavement will be removed islands will be installed to separate parking. The islands will provide a landscaping opportunity. There was an application for a CUP in 2012 when the Ricci Home Center was rebuilt. The storm water separation portion of the plan will include future storm water separation. The City has been interested in that for some time. Mr. Chagnon handed out a second plan that he would like to follow for the storm water separation. The plan shows the separation would lead to a water quality unit and then go into the pond. The pipe would have to be increased in size in the existing outfall. A water quality unit would need to be installed as well. There is an outfall to the left on the property. The City did a project to put in a storm water quality unit for the Bartlett St. drainage. Vice Chairman Blanchard questioned how the drainage used to work. Mr. Chagnon responded that it flowed right into the pond. Mr. Britz questioned if the unit was at the outfall. Mr. Chagnon confirmed that was correct, and requested the Commission's feedback on that. Where the driveway is very flat and the water just sits there. Eventually it goes into the sewer or ground. The goal is to provide drainage or a slope to the road. The proposal is to make a new section of the road and install the new outfall with a water quality unit to provide appropriate drainage. The road would be re-crowned and a rain garden would be installed. The last thing TAC requested them to look at was the shoreline and what could be done there. Mr. Chagnon passed out a plan that showed the shoreline mitigation work.

Mr. Riker walked the shoreline and identified areas where restoration could be useful. Photos 1 and 2 showed builders concrete blocks and brick. The proposal was to remove the debris and vegetate the area. Chairman Miller commented that the other issue along the shoreline is that it is all fill. Debris could be pulled out and there could be more underneath. Chairman Miller questioned where it should stop. Mr. Riker responded that the plan is to remove what can be seen, then vegetate that with core logs. The opposite shoreline is in pretty decent shape.

Chairman Miller noted that the history of the railroad has extended out into the pond. This has been a dumping ground for decades. Mr. Riker noted that the other area has some undercutting at the bank. The same tactic will be applied there. Debris will be removed and they will use core logs to try to establish vegetation. Photo 5 shows a minor bank undercut area. It may be too much impact to try to mitigate that area. The last area has the most severe erosion on the shoreline. There will be a gentle slope there and it would be vegetated. Mr. Chagnon requested the Commission's feedback on the mitigation. Mr. Chagnon also noted that Lot 5 would be coming back for redevelopment. Because it is behind the building and hard to access, it may be better to wait for the new lot to evaluate the whole parcel. Chairman Miller added who knows what is in the soil on Lot 5. That should really be looked into. Mr. Chagnon responded that there would be a lot of soil testing done. That is an area where the shoreline was historically further out.

Chairman Miller questioned what the snow removal would look like. A lot of the snow is pushed over to the bank, which is eroded, and the trees are beaten up by the plows. Chairman Miller added that four letters from the public were submitted to the Commission about this project as well. One letter talked about shielding the bank to protect erosion and the sidewalk. It would have been better if there were more room. It would be good to have more details about the water quality devices in terms of what they remove and the removal rates. It would be nice to get the best kind of treatment. There should be more sediment than nutrient removal. Mr. Chagnon responded that the baffles are various heights and oils would go to the top and solids to the bottom. Mr. Chagnon was not sure about nitrogen or phosphorous removal. Vegetation would be needed for filters. A water quality unit with filters could be used as well. Chairman Miller commented that the parking lot in front of the brewery and doggy daycare was an odd shaped lot that doesn't get full use. A rain garden could be added in there potentially. Mr. Chagnon responded that was not possible because there is a loading area. A section of that lot would be taken out along the road, and there will be an entrance added. The area that's dotted on the left side is the pavement that will be taken out and a storm water quality unit would be put in there. The rain garden would be too small. The only tree out there needs to be removed, but new trees will be planted. It is an odd shape, but it all flows to the west into the pond. Top of the bank enhancements will be installed. The buffer will be improved there. Chairman Miller noted that was one of the few places with good trees at the top of the buffer.

Vice Chairman Blanchard questioned if the applicants had received any of the letters that the Commission received. If not, then they would be shared. There are concerns about the water quality and the road. They are informative letters. Mr. Chagnon responded that if they were starting with clean paper it would be a totally different application. It's already developed with existing local businesses and local people. The goal is to do the best possible.

Vice Chairman Blanchard commented that the area is very tight and wished there was a little more space. Mr. Britz questioned if they looked at the balance for the impervious surface. Mr. Chagnon replied that there would be a net reduction. Lot 4 has pavement removed. One thing required was a fresh look at the traffic at the Bartlett St. intersection. The plan requires larger radiuses to allow for truck movements. There will be an opportunity to create an area between the impervious surface and the building. Pavement will be removed and there will be an island.

Ms. Collins questioned if it was being pulled back from the pond. Mr. Chagnon responded that the road way is being pulled back. The roadway edge will have a 6-foot sidewalk, so the travel lane will be 7 feet from where it is now. It will slope away from the pond and the sidewalk will help to capture runoff and put it into the water quality units. Ms. Collins noted that the plans did not show a sidewalk. Mr. Chagnon confirmed that was correct. The black dashed line is the edge of the sidewalk. The applicants are proposing to just stripe that area because the City is looking at designing a trail. TAC asked them to design a sidewalk in the plans. Mr. Britz commented that it was a conceptual multi-use path. Chairman Miller noted that it was a tight intersection and road. Cate St. comes in at the railroad overpass. It is tough to see around that corner. There is concern about traffic from that and the development on the other side. The bad sight lines will be tough.

Ms. Harrison questioned if some of the parking in front of Great Rhythm could be moved further down to the traffic circle area toward lot 5. There won't be as much parking needed once the multi-use trail and new garage are available. The future connectivity would require parking in front of all of the businesses. Ms. Harrison wanted to see an option where there is less parking in more concentrated areas. Ms. Harrison questioned if this was in a special flood hazard area. Mr. Chagnon responded that the properties that border the pond are, but the road and development edge along the lots is not in the flood hazard area. The plan set is done to the 1988 data adoption of new zones. That will be shown on the plan in more detail. It is important to consider the changing water levels for future use. Mr. Chagnon noted that there was no change in the uses at this time. Mr. Chagnon noted that it was required to show that the lot meets parking for the subdivision approval. Because of that they are not allowed to take parking out of the buffer due to the parking regulations.

Ms. McMillan questioned if they solved the flooding problem under Bartlett St. Mr. Chagnon confirmed that it was solved. That was a City project. Ms. McMillan noted that it was a shame they could not move the parking. Vice Chairman Blanchard noted that as the water levels rise the whole walkway and road get pretty fragile. That's a concern. It's right there.

Chairman Miller questioned what Mr. Chagnon needed input on. Mr. Chagnon responded that they were probably going to finish up a design go back to TAC and get through that process for the drainage and storm water. An application will be needed because it will be in the buffer. The plan is to come back to the Conservation Commission next month for a CUP. They can't do everything they would like to do because it is already developed.

Chairman Miller commented that the storm water separation would be good. The proposed parking islands are fine. It will help to pull runoff away from the pond anywhere possible. It will be good to give more of a buffer there. Getting water in the ground and treating it is a good thing.

Ms. McMillan requested to do a site visit. Chairman Miller confirmed that was possible. Ms. Morison agreed that it would give a better sense of space.

Mr. Britz noted that the flow coming out of the new outfalls under the road should be considered. Volumes will be looked at closely for the new outfalls. It would be velocity more than volume. Mr. Chagnon confirmed they would look at that.

Chairman Miller questioned if it was possible to add parking on the railroad side. Mr. Chagnon responded that he would look at it.

Vice Chairman Blanchard questioned what the traffic and parking needs were in that area now. Mr. Chagnon responded that the application included a full traffic study. The rezoning application went through the Planning Board and City Council process. The traffic impact of 80-120 residential units on Lot 5 was filtered into the study which was peer reviewed. The volumes were acceptable. The only issues were related to the truck turning movements at the intersection. Vice Chairman Blanchard noted that it helped to these important conversations were happening.

Mr. Chagnon noted that there would not be any through traffic. If the Cate St. connection goes through, then it will change the traffic patterns.

Ms. McMillan questioned if the sidewalk would be presented with this. Mr. Chagnon confirmed it would. It was requested because the City's planning is not yet approved. Mr. Chagnon will design the sidewalk and hope that it would not necessarily have to be built right away. That way the City has time to look at the multi-use path. It will be shown on the plan. In the interim the pavement could be striped. That has to be approved. TAC wants a sidewalk shown. Ms. McMillan noted that it would be nice to see the plan both ways. Mr. Chagnon responded that it will have a curb and will be part of the water management. It's channelized to the catch basins now.

Mr. Britz questioned what the timeline was. Mr. Chagnon responded that they were going to try to submit before the next meeting. The deadline to submit to TAC is less than a week, so the site walk could be scheduled after that. Mr. Britz confirmed that it could be the week of the 22nd or 29th. Vice Chairman Blanchard questioned where they would meet. Mr. Pinciario responded that they could park in the Ricci Lumber parking lot after hours. It is technically railroad property, so a representative from them may need to be there.

V. OTHER BUSINESS

Mr. Britz reminded the Commission about the pesticides meeting.

VI. ADJOURNMENT

Vice Chairman Blanchard **moved to adjourn** the meeting at 6:58 p.m., seconded by Ms. Morison. The motion passed with a **(6-0)** vote.

Respectfully Submitted,

Rebecca Frey,
Conservation Commission Recording Secretary