

MINUTES

CONSERVATION COMMISSION

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

3:30 p.m.

November 14, 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

.....
I. APPROVAL OF MINUTES

A. October 10, 2018

Ms. Collins requested that “it” be clarified to say the riverbed on page 9 in the fourth paragraph.

Ms. Morison noted that in the fifth paragraph on page 6 should say, “use another material.”

Ms. McMillan moved to approve the amended Conservation Commission Minutes from the October 10, 2018 Meeting, seconded by Vice Chairman Blanchard. The motion passed in a 6-1-0 vote. Ms. Tanner abstained because she was not at the last meeting.

II. CONDITIONAL USE PERMIT APPLICATIONS

1. 43 Whidden Street
Thomas L. and Ann P. Taylor, owners
Assessor Map 109 Lot 1
Request To Postpone

Ms. Tanner moved to postpone the 43 Whidden St. application to the February 13, 2019 Conservation Commission meeting, seconded by Ms. Harrison. The motion passed by a 7-0 vote.

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

John Chagnon and Steve Riker from Ambit Engineering spoke to the application. The applicants Doug Pinciario and Ed Hayes were also present. Mr. Chagnon noted that they did a site walk

with the Commission and that resulted in revised plans. They submitted the CUP application and the submission deadline was a little early. The submission to the Planning Board was submitted on November 6, 2018 and the submission to the State Wetland Bureau was on November 5, 2018. The plans have been evolving while figuring out best management practices for separating the City water and sewer. Mr. Chagnon handed out the revised plans and highlighted the changes. The goal is to buy the land from the railroad, which the applicants currently lease. The subdivision application, which is before the City Planning Board, will allow the land to be transferred. This step needs to happen before any improvements can be made to the property. The CUP application is for the impacts in the Tidal Buffer Zone. There is impact at Bartlett St. because the entrance to the road needs to be realigned. There is currently a sidewalk and parking that is perpendicular to the driveway along the front. That will be changed. The driveway will become a private road. There is no frontage for the Ricci Lumber building or Great Rhythm because they are currently off a driveway. A private road would create frontage. The road will be brought up to standards. Part of the changes was to accommodate trucks turning movements. The entrance needs to shift to the south. A couple of ADA spots will be added and the perpendicular parking will become angled parking. There will be some pavement removal and curbs will be added. There is an outfall associated with the storm water treatment. It is currently tied into the City combined sewer. The City asked the applicants to remove that flow from it. A lot of that work will be outside the buffer. Some of it including the outfall will be in the buffer. There are some utility improvements that will need to happen in the road like a water and gas line. The second plan sheet deals with the second half of the road. The part between Ricci Lumber and Great Rhythm is very flat. It needs to be brought up to make it more passable. The road will include a cu-de-sac with a safer turn around at the end. There is an old structure on the property that will be removed.

Chairman Miller requested that Mr. Chagnon review the drainage treatment at the corner of Great Rhythm. Mr. Chagnon responded that currently the parking lot is sloped toward the North Mill Pond. The proposal is to put in a berm along the west edge of the lot. The lot dips down to a low point, so the water will naturally be directed to it. A catch basin will be added, which will take it to the water treatment area. Currently none of the runoff is treated at all. A trench drain will be added at that location.

Ms. McMillan questioned how the French drain would be treating the water. Mr. Chagnon responded that the treatment is not in the drain; it is in the drip apron. There is an under drain filter strip under the drip apron. The plan has a detail for it. It is a standard stone drip apron that is 24 inches wide. Mr. Britz noted that there was no impervious surface below it. Mr. Chagnon responded that it filters then backfills and goes out the pipe. The roof runoff will be directed to the infiltration before it outlets to the pond.

Mr. Chagnon commented that they had submitted a letter in response to the staff memo. It provided a response to the staff comments on the CUP criteria. The first criterion is that the land is reasonably suited for the use. The staff noted that the application might not have enough detail to conduct a complete review. The applicant's response is that the application has been revised and analyzes the best management practices to deal with storm water. A narrative was attached to detail the storm water management practices. There are two underground sand filters designated for the area where the water separation will happen. There will be a third sand filter

for the parking lot on Lot 4. There is a proposed trench located in the northeast corner of Lot 4. It will treat the runoff from the roof of that building. The two sand filters are on the lumberyard property to treat runoff from either side. There is a weir in the basin, so larger flows will flow right through and not flush out the system. Those go to an outfall in the west. The other sand system treats runoff from the road and the previously mentioned low point in Lot 4. The underground sand filters operate similar to surface sand filters except that they are enclosed. The structure is accessible through manholes. There is a chambered vault for sediments, then a filter for separating water and oils, then an outlet control. The first chamber provides pretreatment, and then the runoff goes through the sand filter. There is a perforated under drain at the bottom of the filter. Treatment with this system is 19-28% of the water quality volume. AOT allows for treatment to the highest practical level. Given the site constraints the applicants feel this is the highest. The first point of contact for the water entering the system is the catch basin, which are paired with the drain line running down the middle. The second requirement for a CUP is that there is no alternate location. The staff recognizes this is an existing road and businesses have been in this location. There is a lot of infrastructure to the buildings. There is no alternate location. The staff memo prepared for the Planning Board meeting identified that the road design should be included for the entire length and include sidewalks. In that respect, the plans are not currently complete. The impact area determined for the project was based on the stated desire early in the process to create lanes and bring in pipes. It was not based on the total reconstruction of the road. The City is looking at the work that may be involved for that piece. The Staff would like it to be designed and the impact should be determined even though it may not all be built. That additional impact is 17,000 square feet and it is highlighted in blue on the plan. This would require a permit from DES and the Planning Board. The third criterion is that there is no adverse impact to the function and values of the wetland. The Staff talks about the property design and impact areas. They did a site walk with the Commissioners and looked at the turntable and the old building. It looked like there would be vegetation that needed to be cleared for the demolition. Some of that may be in 100-foot buffer. The attached photos show that access is available to the structures without impacting the additional buffer areas. They can get to it without impacting the buffer. The building is adjacent to the gravel edge parking, so they can access it there without cutting the vegetation in the buffer. The trees growing in the building will have to be removed. The tree to the left of the building will remain. Additional information on the outfalls will be provided. The next section deals with alteration of natural vegetation. The goal is to be clear about what to do about the outfalls and vegetation impact. The last criterion is that this is the least adverse impact. The Staff says there is a benefit to providing storm water treatment and future access to the North Mill Pond. The applicants would appreciate any additional feedback. The area within the vegetated buffer will be returned back to a natural state. The plan will show replacement of vegetation as needed.

Vice Chairman Blanchard understood that the applicants were currently leasing the property. It could go one of two ways. The applicants could own the property or the railroad could continue to own it. The intent is that when the applicant owns the land these improvements will be made. The plan does not reference future structures. Vice Chairman Blanchard was concerned about that because it is close to the marsh and the North Mill Pond. There is a question about whether or not the applicant will actually own the property and proceed with the improvements. It is concerning about whether or not the improvements will be adequate to handle what goes in. Mr. Chagnon responded that this was a two-step process. The first is to create a subdivision, so they

can take ownership. A plan has been submitted and they are going through the subdivision application process. As far as the applicants are concerned there is no need to do anything to the existing utilities. This application doesn't change the use. There is a future application going through TAC, and they are looking at those issues. It will be adequate and the infrastructure will be appropriate. Lot 5 does not have anything on it, but will have a development proposal in the future. That is not being proposed at this time. It will take a lot of work to make that lot right. That will be another application process. Steps are being taken because that is in the future and the infrastructure improvements are speculative. For example the applicants are entering into a design process with the City Water Engineer to look at what could potentially happen. The water service size is listed as TBD because it needs to be looked at.

Vice Chairman Blanchard was concerned about sea level rise. All of the infrastructure work is just above the water table. There was public concern expressed to the Commission about contamination and the dumping that existed in the back. The applicants should take caution about what is in the ground.

Chairman Miller asked about the potential issue of contaminants in the soil because it was in the letters to the Commission from abutters. The removal of the old roundhouse repair shop is in the application today. Chairman Miller asked when the soil testing would happen and how it would work. Mr. Britz responded that it would happen in different stages. It would be a balance between the applicant and the City. Bringing soils off site for testing could be a condition of approval. The applicant will have to test soil when disposing it. There is a question of what will be disturbed when the building is removed. The level of earthwork in the project will have to be evaluated. Chairman Miller noted that another public concern item in the letters was concern about disturbing the area and releasing something. Chairman Miller was not sure how to address that concern. Mr. Chagnon responded that the applicants understand the concern. It was proven with the construction at Foundry Place that there are ways to have safe construction projects. There will be a lot of oversight. Mr. Chagnon noted that there was concern about cutting trees. The applicants have engaged a company that understands the City's process for demolition. They have to preview the structure for hazardous materials and need to plan to work through that. Chairman Miller noted that he was trying to address abutter concerns. The goal is to make sure the process is open and clear to the abutters. Chairman Miller was confident it would be addressed appropriately. Mr. Britz added that the condition of the site after the work was completed needed to be clear as well. Chairman Miller agreed that was a good point. Mr. Chagnon noted that it would be filled back to grade with clean gravel and loamed and seeded on top. That will be added to plan.

Ms. Tanner questioned how frequently the North Mill Pond was tested for toxicants. Chairman Miller responded that it was not frequently tested. Ms. Tanner noted that should happen prior to excavation to provide a base line. Mr. Chagnon responded that they had no problem testing before construction. Ms. Tanner commented that they would want to understand what happens to the water before and after. Chairman Miller agreed that was a good point. When soil the testing is done then that would be a good time to think about what the water testing needs are. Ms. Tanner commented that there were no silt socks on the plan and questioned where the snow removal storage would be. Mr. Chagnon responded that there are plans that may not be in the wetland application. That was a TAC concern and that was incorporated. Ms. Tanner noted

there were comments talking about the construction of a bike path and having it not disturb the ground that's on the bank now. It should be in the road way and curbing should be next to the pond. Mr. Britz responded that the applicants would design just a road with a sidewalk that will have curbing on the pond side. The City has future plans for a bike path. Mr. Chagnon confirmed that was correct. Water will not flow off the road into the pond.

Chairman Miller questioned if the snow storage was in the CUP. Mr. Chagnon responded that it was not in there. It will be added to show on the plan. Chairman Miller noted that one of the issues currently is that a lot of snow is pushed over the edge into the buffer. It would be nice to put it elsewhere and not add to the erosion of the buffer. Mr. Chagnon responded that the Lot 5 snow storage is in the gravel. For Lot 4, the Great Rhythm property, snow storage is in the corner that is all paved. There will be added vegetation. Chairman Miller clarified that it is currently paved and going to be planted. It should be planted so that it's appropriate for snow storage. Mr. Chagnon noted that the plantings were shown on L2 in the plan set. There will be notes on the drawings that show the vegetation and planted material have to be maintained in perpetuity. The Lot 3 storage is in the back and Lot 2 storage is also in the back and along the front in the landscaped areas. Lot 1 will be in the back corner. There will probably be some snow from the road plowed as it is now. The landscaped areas are on the south side of the road. The north side of the road will continue to be plowed as it is now. Chairman Miller noted that this is the opportunity to change that. It's part of the major issue along that shoreline. There has to be a better solution. Mr. Chagnon noted that half of the road would be plowed in a different direction. The curb and sidewalk will help. It will catch a lot more. Chairman Miller commented that there should be more of a buffer. The landscaped areas improve the visual of the building. Chairman Miller questioned if the planting areas would be domed so everything would runoff off or recessed to promote infiltration. They could be designed to take snow. The plantings could be put on the other side of the road on the pond side to infiltrate there. Mr. Chagnon responded that the parking needed to be adjacent to the building. They would end up with a conflict at the end because it would end up in the middle of the parking lot. It would not be a good traffic flow. Chairman Miller noted that they could be designed in a manner that allows them to infiltrate water and be utilized for snow storage. Mr. Chagnon confirmed they would look at that.

Ms. Morison questioned if there was room to add more plantings above the high tide line on the pond side. Mr. Chagnon responded that they held the pavement edge as it exists now. They are not going any closer. There is some green space before it dives off. Now there is a sidewalk and there could be more plant material. Ms. Morison noted that plowing for a sidewalk in addition to a roadway would cause more snow storage needs. Enhancing the buffer more should be considered. Chairman Miller agreed he was worried about buffer erosion. It makes sense to deal with it now proactively. It doesn't make sense to pull stuff out because it's all fill. It does make sense to enhance the buffer.

Ms. Collins noted that they should look at the parking configuration and number of spots. The net change between the existing conditions and the new plan should be looked at. Mr. Chagnon noted there was a decrease in the new plan. The spots currently start closer to the road. Ms. Collins questioned if there was a parking assessment done for the project and if all the spots on the new plan were needed. Mr. Chagnon confirmed they were all needed. By the ordinance and

the use of the property those spots are needed. 28 spaces are required by the ordinance and there are 24 in the front and 11 for employees in the back. It was reconstructed in 2012 through the permit process. The businesses need that parking. Chairman Miller confirmed that was an improvement at the time. Mr. Chagnon noted that this was further improvement by creating a lot of green space in front of the building. Chairman Miller noted that it should be more functional green space for infiltration.

Ms. Harrison commented that they should explore the parking issues and the requirements for each lot. It seems like there is more opportunity to move the parking out of the buffer to make room. The parking could be moved toward the end of the road. Mr. Chagnon responded that there are currently spaces that are being moved out of the buffer. The aerial plan shows that there are currently 3 parking bays between 2 buildings. There has been some work done to create green space and move the parking. Each lot is required to show proposed parking that conforms to the ordinance. Lot 4 there is currently has parking that follows the buffer and they will be moving them out of the buffer. The parking spaces at the entrance are needed for the business.

Ms. McMillan commented on the snow removal. There should be best management practices to direct snow away from the bank. It is not acceptable for snow to be going into the water. It should be pushed in another direction. Mr. Chagnon confirmed they would look at that again. Chairman Miller added that they use boxes at airports to push it in other directions.

Ms. McMillan noted that there will be water and soil testing, and questioned if there was a theory of impact for the infiltration practices. Mr. Chagnon responded that the only infiltration is for the roof runoff. The other is a collection and treatment practice. It falls in that area now for roof runoff. Mr. Chagnon questioned if there was a better alternative. Ms. McMillan noted that the soil just needed to be tested before moving forward. Infiltration should be incorporated for the landscaped islands.

Ms. McMillan clarified that they don't have the bike paths in there, but there is a sidewalk. The bike paths would have to come back and they would go in the buffer. Mr. Britz responded that the bike paths are not designed yet and would probably go in the area of the sidewalk. There will be a public meeting to understand what people want and then it would be designed. It will come back as a separate application.

Vice Chairman Blanchard noted that it seemed there were still some questions that needed refinement. Vice Chairman Blanchard reviewed the open items that could use more thought including: the snow removal and storage, parking, soil testing issues, and infiltration with storm water management. There were planting suggestions made and the bike path in the buffer was discussed. The goal is to not continue to push the edge of impact to the pond. Vice Chairman Blanchard questioned what the timeframe was since it was all contingent on the land transfer. Mr. Chagnon responded that they were not designing the bike path. That is the City's job. The City has wanted to put a bike path on the pond for over 20 years, but it was owned by PanAm. The applicants have a purchase and sales agreement, which will get the City closer to the bike path construction. If the land is not transferred it will continue to be used by PanAm.

Mr. Britz added that it would be important to document the potential impacts of the outfall that comes out across the salt march.

Mr. Chagnon noted that they have reached a point as an applicant that they need to know that it's going forward.

Ms. McMillan questioned if they would be able to comment more on where the building will be removed. It could be a good place to do some restoration. Mr. Chagnon requested clarification on what restoration could be done. Ms. McMillan responded efforts to keep the invasive plants out and include vegetation. Mr. Chagnon responded that in the short term it would be a note about seeding the area.

Ms. Tanner moved to postpone the 105 Bartlett St. application to the December 19, 2018 Conservation Commission meeting, seconded by Ms. Harrison.

Ms. McMillan encouraged the applicants to look at the parking again. The pond is getting hit from all directions. There's a lot of good things going on, but a lot of storm water coming off. It would be good to increase planting on the buffer side.

Chairman Miller liked the storm water sand filters and understood not introducing new runoff. There are some questions about the outflow of it and the salt marsh impact. The plantings are good, but it would be great to see an increase in the buffer on the pond side. Look at ways to get improvements out of the landscaped islands. There is a lot of good in the plan. The concerns are about the outfall infiltration, buffer enhancement and snow removal.

The motion passed by a 7-0 vote.

3. 120 Spaulding Turnpike
Two Way Realty, LLC, owner
Assessor Map 236 Lot 33

Eric Weinrieb from Altus Engineering spoke to the application. In 2012-2013 the applicants were here for a CUP to expand the dealership to the old Domino's pizza and bridal shop. That went forward and they are back now for another expansion to the property. The expansion will include a drive-by service bay and storage parking. The site has a lot of constraints. It is bound by the Spaulding Turnpike, a residential zoned district, an Eversource easement and a wetland system. The entire storage area is outside the buffer, but the plan proposes some grading on the edge of the buffer on both sides. There is a steep portion of the site, so they have to come up to grade. To mitigate the increase in pervious surface the storage area will be porous pavement. Porous pavement has failed prematurely before, but this is for a storage area. This will be a great use for the surface. There will be some under drains running into existing rain gardens. It is a very simple project; a storage area and drive through parking. One area sheets into the wetland. There is not a lot to do. Some green space will be added. Some parking will be taken away it will be changed to parallel parking. Some pavement will be removed to square it up. Yesterday afternoon the architect asked to change the building dimensions from 20 by 60 to 20.5 to 60. It would not change the pavement line. Mr. Weinrieb reviews the CUP criteria. The first is that

the project is reasonably suited for the land. Mr. Weinrieb noted that it's not a natural area. It's all on a paved surface for the service bay and the storage area is within the Eversource easement. The site is very limited. There is no alternative area on the site. The project went through the zoning board because the residential district comes down to the edge of the pavement for the Eversource easement. The application received relief to build that storage area, but they have to maintain 100 feet from the residences. Another criteria are that there is no adverse impact to the function and values. The grading will be restored. It could have been a retaining wall with limited grading, but that would make more of an impact. A temporary disturbance would be less impact. Another criterion is that the alteration of natural vegetated state will only occur for extent necessary. There are no new permanent impacts with this project. The last is that this project will have the least adverse impacts. There are not a lot of alternative options.

Ms. Morison noted that the last criteria mentioned drip edges and questioned where they were. Mr. Weinrieb responded that the roof pitched down the middle of the building right now with water running towards the north. It drops on the pavement and runs on pavement. Mr. Weinrieb pointed out where they would be added.

Chairman Miller questioned what the edge of the storage area would look like. Mr. Weinrieb responded that there would be a 2-foot shoulder and then grading off 3 to 1. Chairman Miller suggested 1 – 2 feet of gravel around the edge. Mr. Weinrieb confirmed that would be done. The plan includes perimeter stones to prevent vehicles from going off the pavement.

Ms. McMillan questioned what the circles around new storage area were. Mr. Weinrieb responded that they were boulders or other obstacles. Ms. McMillan questioned if that area would need to be lit. Mr. Weinrieb responded that there would be a couple small lights that will be on timers. It would be dark sky friendly. The storage area is not at the top of the ridge. The finished grade elevation is 39.9 and the top of the berm is 45. Those lights will all be on timers and there is a substantial sumac grove that creates a buffer. They will be on during working hours and the dealership can be open until 9 p.m. on occasion.

Ms. Collins questioned what the rectangles were on the plan between the boulders. Mr. Weinrieb responded that they were level spreaders. Ms. Collins questioned if there was a dumpster across from new expansion on the edge of the wetland. Mr. Weinrieb responded that was an existing sitting/picnic area. It's pavement.

Ms. McMillan noted that there was not a maintenance plan for the pervious pavement. Mr. Weinrieb confirmed that it was part of the site plans and in the full drainage study. It will be vacuum swept. Chairman Miller noted that all the employees that have responsibility to maintain the area should understand the purpose of that and how it works.

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

1. That any new lighting installed as part of the project shall be turned off at the close of business each day.

The motion passed by a 7-0 vote.

4. 350 Little Harbor Road
Robert J. and Susan L. Nalewajk, owners
Assessor Map 202 Lot 16

Steve Riker from Ambit Engineering and Attorney Bernie Pelech were present to speak to the application. Contractor Ben Auger and Owner Sue Nalewajk were there as well. Mr. Riker noted that they were back this month because the first week of October had two pretty serious rain events. The plan shows a shaded temporary construction access area that was previously approved. It was a condition of approval that this would be used for a construction access. The two rain events created a large mess. The topsoil on the road was scraped. Then gravel was brought in and it was covered with woodchips to maintain the construction access. The City requested they come in today with a restoration plan to restore the area after construction is complete. There is a restoration plan that outlines the sequence of restoration post construction. It appears as if the staff memo recommends approval of the restoration plan. Mr. Riker visited the site after the woodchips were laid and did not see any water quality or road issues. The contractor probably prevented some issues, but they did not have a CUP. That is why they are here today. Construction access on the previously approved plans was described as a grass pathway and it will be restored to that. Mr. Riker added that maintenance moving forward on this construction access might be needed. It could be stipulation that maintenance can be performed going forward if needed during construction. Mr. Riker also noted that another option to consider is that they leave the woodchips and gravel there. Then cover the gravel with the topsoil that was removed and seed it. It may be more invasive to remove the gravel than let it stay.

Mr. Pelech added that the Commission mandated that this be used for construction access. It became impassable. They had no knowledge that they needed to come before the Commission to make changes. There was no intention to side step the Commission.

Ms. McMillan requested clarification on if this application was just for the restoration plan or if it included the gate. Mr. Britz responded that the Planning Board has not heard the last application yet, so they did not hear the Conservation Commission's recommendation about the gate and irrigation system. The Commission could say they want to stick with their original recommendation about the gate and irrigation system and then add something about the restoration plan.

Vice Chairman Blanchard noted that it would be helpful for the Commission if they broke out the restoration plan separate from the other considerations.

Vice Chairman Blanchard moved to consider the restoration plan of the construction access and 3,770 square feet of after the fact disturbance separate from the other recommendations, seconded by Ms. McMillan. The motion passed in a 7-0 vote.

Ms. McMillan clarified that the motion was just to look at the proposal separately. Mr. Britz noted that the Planning Board will look at the CUP as a whole, but the Commission can look at it separately.

Brook Stevens of 60 Martine Cottage Road is a direct abutter to the property. Mr. Stevens shared pictures of what has happened to the gravel that was brought in with the wood chips. A large pond was created. Mr. Stevens was in favor of the restoration plan. It should be a complete restoration. All of the erosion on the west side should be restored to the natural buffer. The project is almost 90% complete. There should not be a lot more material needed. The gravel and woodchips should be removed and replaced with dirt because it has created unnatural ponding. That is impacting the eastern vernal pool. Mr. Stevens was in favor of the restoration, but the extent of the restoration should be clarified.

Chairman Miller did not know if it was a better approach to remove all of the gravel or leave it. Mr. Riker commented that removing the gravel would take a lot of work. Machinery would be required and trucks would have to come in. One option would be to leave the gravel. There is a white tarp in the background of one of the picture that has all the topsoil that was scraped up. If that were put on top of the gravel then it would get back to the original state.

Ms. Tanner commented that all of it should come out and it should be restored to what it was. This pathway should not continually be access for trucks. It's a temporary construction access. It's not a road.

Vice Chairman Blanchard was concerned with filling in on top of the gravel. That was a lot of truckloads of gravel. It's changing the surface water patterns. That is concerning. They need to go with the deeper corrective measure. They need to get that material out of there and restore it back to what it was. The water travel patterns will hopefully resolve itself over time. There is enough evidence that it changes the drainage.

Mr. Pelech noted that the concerns were two fold. Mr. Pelech agreed that they don't want to create a ponding situation. The area should not be depressed post restoration and it should not create a raised berm. The intent is to restore the grade to what it was. The end result the Commission should seek is to have the grade restored to what it was previously. Vice Chairman Blanchard noted that restoring it to the previous grade does not address the gravel that is changing the water patterns. Mr. Pelech responded that if it is required to remove all of the gravel, then it would all be removed. Hopefully the original topsoil will be sufficient to bring it up to grade.

Mr. Britz clarified the memo suggested removing everything that was brought in.

Vice Chairman Blanchard noted that it should be a stipulation that the restoration plan includes removing all added material.

Ms. Collins questioned if it would be restored with the loam they removed. Ms. Harrison confirmed that was correct. The restoration plan they submitted covers that. Mr. Britz noted that the maintenance plan in the original plan allows for 4 inches of loam if needed for grass. That should be noted and should be clear it's separate from restoration. Chairman Miller noted that it should be back to original grade and if that required more material then it's allowed.

Mr. Riker added that the intent was to provide enough loam to make the grass grow. Whatever the Commission needs that to be is fine.

Vice Chairman Blanchard thought the motion for complete restoration was appropriate, and noted that they should vote on it. Then take up the other items and address them. Ms. Tanner questioned why the Commission would address the other items. Ms. Morison pointed out that there was an addendum to the memo that explained there was a change to the gate.

Ms. McMillan was worried about the applicants using too much loam and questioned how they would know what the original grade was. Vice Chairman Blanchard noted that it should be monitored for a year. Mr. Pelech commented that the restoration would take place in the spring. Ms. Tanner noted that monitoring would not prevent excessive loam. There is no value to monitoring other than ensuring it is a grass path. Vice Chairman Blanchard noted that monitoring would look at the grade and the vegetation that survived.

Chairman Miller questioned if the former plans had elevation information. Mr. Riker confirmed they did. Chairman Miller noted that they could reference the former plan. It would be pretty obvious if there were excessive loam. There are photos for comparison as well. Ms. Harrison agreed that the preexisting grade was clear.

Vice Chairman Blanchard noted that they should add a stipulation for monitoring. Ms. Harrison agreed. The path should also be the preexisting width.

Ms. Tanner moved to recommend approval of the restoration plan only, seconded by Ms. Harrison with the following stipulation:

1. That one year after the restoration, the applicant shall provide a monitoring plan confirming the site has returned to a grass path of the same width and elevation as before the impact.

The Motion passed by a 7-0 vote.

Mr. Riker noted that there was a small change to the gate. The height was decreased from 6 feet to 5 feet and the footprint was decreased slightly.

Vice Chairman Blanchard questioned if it was still electrified. Mr. Riker confirmed that it was.

Ms. Tanner noted that other than the small size change it is the same application they saw in August and the lighting is worse. It's not an improvement. It makes it look like a path. A chain across two trees and no trespassing sign would be fine. This totally changes what Ms. Tanner thought was going to happen with the property. It is not something that is good for that location.

Vice Chairman Blanchard did not want to revisit the gate issue. The irrigation piece was fine.

Ms. McMillan also did not want to revisit the gate. However, Ms. McMillan wanted to ensure that the Planning Board knew the Commission saw the smaller gate and still disapproved. Mr. Britz responded that the Commission could say that their former recommendation holds given the updated application.

Ms. Morison did not want to revisit the gate, but was fine with the irrigation.

Ms. Harrison pointed out that their previous recommendation clearly outlined the gate vs. irrigation.

Brook Stevens of 60 Martine Cottage Road had an issue with the light on the gate. There is no need for the light on the grass path. Amphibians would be impacted. It's a grass path.

Chairman Miller noted that the lighting and amphibians could be addressed. The lights are not on all the time. Chairman Miller commented that if he lived there, then he would want a gate to have that security. They could take a vote to reaffirm the recommendation.

Chairman Miller wanted to address the future maintenance item. Mr. Riker questioned if they would have to come back if the path had to be regarded again. Mr. Britz confirmed they would. Fill in the buffer needs to come in for approval.

Mr. Britz noted that the recommendation from last month to was a motion to approve that failed by 3-3 vote. The Commission was in favor of the irrigation, but concerned with the size and lighting of the gate. Understanding the gate design has changed the Commission could vote to hold its former decision.

Ms. McMillan moved to reaffirm the previous motion on the proposal that was seen in October with the understanding that the gate design has changed since that proposal, seconded by Ms. Tanner. The motion passed by a 6-1 vote.

The Commission acknowledged there was a change to the proposed gate but still voted to reaffirm their findings from the last meeting. At the last Conservation Commission meeting, the motion to approve, *failed* by a (3-3) vote.

III. STATE WETLANDS BUREAU PERMIT APPLICATIONS

- A. Major Impact Standard Review Application
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 and 4

Ms. Tanner moved to postpone the 105 Bartlett St. application to the December 19, 2018 Conservation Commission meeting, seconded by Ms. McMillan. The motion passed by a 7-0 vote.

IV. OTHER BUSINESS

1. Renewal of dues – New Hampshire Association of Conservation Commissions

Mr. Britz commented that this agenda item was to let everyone know they are going to pay to stay a member. Vice Chairman Blanchard questioned the price was. Mr. Britz responded that it was around \$1,200-\$1,300. Chairman Miller noted that they do a lot of great work especially with monitoring the legislative proposals. Vice Chairman Blanchard agreed that it was important

and supported continuing to pay the dues. Ms. McMillan added that the current chair has been very effective.

Chairman Miller noted that in the packet he noticed 5 Sagamore Rd. needed DES approval, and questioned if they came in for a CUP. Mr. Britz responded that they did not. They built their addition to be exempt from a City wetland permit. They closed in a screen porch and originally had a foundation under, but put beams under it instead. They expanded, but kept it under 25%. They will come in for a dock at some point.

Ms. Morison questioned how to notify the Commission if there were workshops that may be of interest. Mr. Britz responded she could send the details to Izak Gilbo and he can distribute it.

Ms. Harrison commented that they have talked about incorporating sea level rise or flood level risk as part of their decision-making, but was not sure what the status was for that. Mr. Britz responded that Rick Taintor has been working on an amendment to extend the flood plain hazard zone to 10 feet. It would be 2 feet higher. The flood zone at 8 feet is different than what it would be at 10 feet, so they need to look at the affected properties. After that the zone can be defined. The plan is to keep it simple, but make it effective. Vice Chairman Blanchard was concerned about Bartlett St. with all the infrastructure improvements. It is the responsibility of the City to manage that. The public utilities, and water impact need to be considered.

V. ADJOURNMENT

Ms. Tanner moved to adjourn the meeting at 6:11 p.m., seconded by Ms. Morison. The motion passed by a 7-0 vote.

Respectfully Submitted,

Rebecca Frey,
Conservation Commission Recording Secretary