

**MINUTES
CONSERVATION COMMISSION
1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
CONFERENCE ROOM "A"**

3:30 p.m.

April 10, 2019

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

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. March 13, 2019

Vice Chairman Blanchard commented that there was a motion on page 9, so the denial motion on page 10 needed to be removed. There should be a statement that says the motion failed in a 2-2 tie. Vice Chairman Blanchard also requested to add the following comment: The Commission loses the direction to the applicant to evaluate non-plastic options and information on their longevity and costs with the failed motion.

Ms. Morison noted that the bottom page should be a question not a statement. The fifth paragraph on page 3 needed clarification on what was being removed. The next paragraph should be corrected to say "Mr. Lundborne."

Ms. Tanner, Ms. Harrison and Ms. Blasko all recused themselves from the vote because they were not at the March meeting.

Ms. McMillan moved to approve the revised minutes from the March 13, 2019 Conservation Commission Meeting, seconded by Ms. Morison. The motion passed by a 4-3-0 vote.

II. CONDITIONAL USE PERMIT APPLICATIONS

1. Banfield Road Improvements
City of Portsmouth, owner

Ryan Flynn and Dave Desfosses from the City of Portsmouth, Rick Friberg from TEC and Lee Carbonneau from Normandeau Associates were present to speak to the application. Mr. Flynn

noted that they were here 2-3 meetings ago to get approval for construction on a property in the conservation area. This presentation was for both a CUP and State Wetland Permit. This is a roadway safety project for Banfield Rd. addressing some areas of concern around three culverts where road is narrow. The plan is to install a guardrail and sidewalk. Mr. Friberg showed slides to show the progression of the design. The project need was to address the culverts labeled as Ban 2, Ban 4, and Ban 5 on the road. Two out of three of the culverts are undersized. They allow water to pass under the road with the tide. In larger flood events they are not big enough to drain. When that happens the water goes over Banfield Rd. The water makes the road impassable for cars and emergency vehicles. There is no roadside protection today. If any cars veer off the road there is a steep drop into the wetland material. Fine materials get washed away because they are not protected. This causes the culvert and pavement to sink. This is a safety project to provide roadside protection and ensure the road is passable. The plan was built off the drainage analysis previously done in 2011 for the City. The culverts were part of that study. That study identified the necessary size of the undersized culverts and determined the type of culverts they would be. They would be side-by-side culverts. There is very little height separation from the top of the roadway, the wetland and the utilities under Banfield Rd. The culvert system development was a little tricky. Part of replacing the culverts was determining how long they should be. Banfield Rd. is narrow with no shoulder. The team established a high level master plan for Banfield Rd. to accommodate future bike and pedestrian improvements. That helped determined the length of the culverts. The team hosted two public hearings with residents to identify issues and concerns. Multiple options were looked at including bike lanes on both sides and a multi-use path. The proposal is for a sidewalk on the east side of the road. During talks with DES the team realized they wanted them to review the package more comprehensively. The application includes a plan for the sidewalk wetland impacts now to prevent going in the wetland multiple times. The project will replace the culverts; install the guardrail, include slope work, and install a gravel shelf and drainage to accommodate a future sidewalk. The project will improve the safety of Banfield Rd. The drainage system is an improvement to what is there now to prevent sheet flowing. Catch basins will be installed. The project enables future bike and pedestrian accommodations on the road.

Ms. Tanner questioned why the east side of the road was chosen. Mr. Friberg responded that the number of houses on each side of the road is the same, but future connections to Heritage Ave. and Constitution Ave. were appealing. The east side made more sense for connectivity. Ms. Tanner was concerned because the plan did not include any prevention from beavers blocking the culverts. Mr. Flynn responded that there was a beaver deceiver at Ban 2 now. The beaver deceiver and the invasive plant prevention will be included in the contractor documents. They request that the contractor provide a plan to handle those things. The approval is based on current standards. Chairman Miller questioned what the current standards were. Mr. Flynn responded that they would reinstall the beaver deceiver. Ms. Tanner commented that the Commission could not be sure that would happen without seeing it. Mr. Desfosses confirmed that Ban 2 would have beaver deceiver. The others would be for equalization, so there would not be any moving water. Beavers are not anticipated in that area. That would be dealt with after the fact if needed. Chairman Miller commented that good long-term solutions that are not lethal would be needed because beavers won't stop being an issue.

Ms. McMillan noted that the last two sentences on page 3 in the CUP application under storm water management insinuated the team was looking at more storm water treatment options. Mr.

Flynn responded that referred to filling out the CUP mitigation component. It was something that was raised by the consultant to propose they would be looking at that. It was determined that more significant storm water treatment options are not achievable for the site. That can be disregarded.

Vice Chairman Blanchard questioned how frequently they inspected the culverts for debris and other maintenance needs. Mr. Flynn responded that typically the Maintenance Department hears about a clogged culvert from abutters. Routine inspections happen as well. Mr. Britz confirmed they inspect on a routine basis, but did not know the frequency.

Ms. McMillan commented that Mr. Friberg mentioned the State wanted everything including the set up for the sidewalk. Ms. McMillan questioned if that meant they would not come back when the sidewalk was installed. Mr. Flynn confirmed that was correct. Ms. McMillan questioned if there was any way to do the sidewalk without adding curbing. It would impact amphibians trying to cross the street. Ms. McMillan questioned if the guardrail could divide pedestrians from the road. Mr. Friberg responded that the curbing would be used to direct water to the treatment areas. It promotes a higher quality of water treatment. It also provides a level of safety with grade separation because the whole way won't have a guardrail. Mr. Desfosses noted that they could agree to use a low-sloped curb to make it easier for them to go over. This was done on Commerce Way. It's a low 45-degree curb. Mr. Flynn added that if the curbing was eliminated the sidewalk would have to be offset from the road more. It would impact the wetland more. Chairman Miller questioned if Ms. McMillan was aware of how frequently the sloped curb would be needed. Mr. Desfosses confirmed that they could do it for the whole length of the sidewalk. Ms. McMillan noted that she had heard that curbing is not always adequate, but it's acceptable.

Chairman Miller noted that the plans talked about replacing trees as needed and questioned what that meant. Mr. Desfosses responded that they would replace trees that had to be removed in abutters' yards. They would have to clear what is needed for the sidewalk and work to be completed. The team can look at adding more trees. It's a heavily forested area. If a shaded area is opened up then a tree could be added. The reverse of that is that when a lot of trees are planted along a roadway it increases the amount of salt needed for winter maintenance. Chairman Miller responded that was good to know.

Ms. Collins recused herself from the vote because she arrived late to the meeting. Alternate Ms. Blasko voted instead.

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

1. The applicant shall use sloped curbing where curb is shown on the plan.
2. The applicant shall give special attention to tree placement.

The motion passed unanimously by a 7-0 vote.

Ms. McMillan questioned if curbing would be on both sides of road. Mr. Friberg responded that it would just be on the east side.

2. 32 Van Buren Avenue (Dondero Elementary School)
City of Portsmouth School Department, owner
Assessor Map 250 Lot 106

Director of Buildings & Grounds/Maintenance Ken Linchey and Alice Carey from the Dondero Elementary School PTO spoke to the application. This is phase two of the Dondero Elementary School request for the playground piece. Ms. Carey represented the Dondero Playground Committee. This application was here for a CUP a few months ago. Some items were removed because they were just in the beginning stages. Some of the remaining items are coming back to the table now with a design. The project has gotten some great attention. Timberland is coming to do a service day in a few weeks with volunteers to help. The stage is a near term project that will be built in the coming months. There is no budget for the boardwalk, but the goal is to get the design approved. Then it can be built when the money is in. The plan shows previously approved items and the stage and boardwalk piece. The stage would be open slatted decking material. The roof slopes back to an accessible ramp in the back. The goal is to increase accessibility in the open area. There will be a gravel drip edge below the ramp. The boardwalk piece is as minimally invasive as possible. The stage is in the wetland buffer and the boardwalk is in the wetland. They went over to the Urban Forestry Center to look at bridges there to help determine the open slats for the boardwalk. It will be dock construction material with an auger foot going 24 inches into the ground. That would be the only impact. The path of the boardwalk hasn't fully been determined because it will go naturally around the trees. Nothing over 5 inches would be cut. There will be a rail for anything 30 inches or above grade. The final piece would be a larger platform at the trailhead into the break in the woods.

Vice Chairman Blanchard expressed concern that the wetland lines were not clearly marked on the plans. Ms. Carey responded that the tree line is essentially the wetland line. The dashed line to the right of it is the buffer line. Vice Chairman Blanchard commented that the staging was an interesting concept and questioned what the reasoning behind it was. Ms. Carey responded that the concept is a nature playground. The intent is to cater to the way the kids play. The stage would encourage playing pretend and musical play. There will be active play on one end of the play area and the other end would have more passive play. The goal is to use the whole space in different ways.

Ms. Morison understood that they weren't sure where the path would go, the plan did not show a total length or area. Ms. Carey responded that they did not list an area because it's so open. Because the boardwalk is free draining, the assumption was that there was not impact on the land other than the auger footings. Ms. Morison questioned if there was a minimal spacing between the slats to allow light to pass through. Ms. Tanner added that the Wildlife Refuge on Pease was a good boardwalk to look at. Chairman Miller did not know if the requirements were the same for the boardwalks as it was for docks. Ms. Tanner noted that there were ferns under the Wildlife Refuge Boardwalk. Mr. Linchey noted that right now the plan proposed a half-inch spacing. Typically, the width is just a nail head.

Ms. McMillan commented that the boardwalk and all the work done so far was awesome. It seems like the applicants have really researched the least impacting way to do the boardwalk. Ms. McMillan had questions and concerns about not knowing where the boardwalk was going to go. The application says that it was to provide diverse and accessible areas for the school and woods. It is hard to say a 5-foot wide boardwalk can go through a wetland without knowing the end result and purpose. The plans should include how it would be used and if there was an opportunity for students to see certain things. Ms. McMillan did not see that it was necessary for recreation, but it could understand putting it in for a better overall education. Ms. McMillan questioned if it would go all the way through the wetland or if it would just go in a little with a resting space for education. Ms. Carey responded that since putting in a forest classroom the forest days and enjoyment of the wetlands has become the heart and soul of school. That was done in an ad hoc way. The overlook would allow access, but wouldn't duplicate the experience of going out every Thursday. The boardwalk needs to make it truly accessible for everyone who attends the school. It would make a looping trail to get out into the woods and make the experience available to everyone. That is important.

Ms. Tanner thought it was an education boardwalk with placards noting things of importance. The boardwalk could mark trees, undergrowth, and habitat. Ms. Carey responded that there is certainly the opportunity for that. There is a plan for a story walk. That is not expressly in the application, but the boardwalk gives the parts to be able to have that.

Chairman Miller commented that he would like to see some buffer activity that talks about the form and function of the buffer. Chairman Miller questioned if there was plans for a curriculum piece to the boardwalk. Mr. Linchey responded that would be developed by Kate Callahan once it goes in. Mr. Linchey confirmed that he could get more information from her. Chairman Miller commented that there should be a recommendation to encourage curriculum development.

Vice Chairman Blanchard questioned what the timeframe for the work was. Ms. Carey responded that there is not a start date for the boardwalk. Donors have been coming forward, so the goal was to make sure it was something that was ready to go. Vice Chairman Blanchard noted that it should have a teaching focus. Vice Chairman Blanchard expressed concern about increased vandalism in the woods outside of school time. That will be the responsibility of the school to monitor. Mr. Linchey responded that they have added exterior security cameras to the school to help monitor the property. They will have the resources to monitor it. Vice Chairman Blanchard questioned who sees the video footage. Mr. Linchey responded that they see it internally. There is a 30-day memory on the cameras.

Ms. Collins questioned if the public could access the boardwalk during school hours. Mr. Linchey responded that school policy did not allow public access to the property during school hours. It would be accessible after hours.

Mr. Britz commented that right now people could go out in the wetland and walk around. The boardwalk is a low impact way to get kids out and encourage them to be outside. The purpose is important to not have a purpose as well to let kids go out and enjoy the woods. This is an important project. Programming is an added benefit.

Ms. Blasko clarified that accessible meant that wheelchairs would be able to go on it. Ms. Carey confirmed that was correct.

Ms. McMillan questioned if there would be a State permit required for the boardwalk. Mr. Britz confirmed that was correct. Ms. McMillan noted that the plan states there would be a resting area every 50 feet. There may be better areas depending on where it goes. Ms. McMillan did not feel comfortable approving that without knowing where it will go. Ms. Carey questioned if the Commission would need an exact location with survey. That would be a little onerous on the PTA. Mr. Britz questioned if the Commission was concerned they may hit a high quality habitat or something sensitive. Mr. Britz noted that the area was pretty uniform, so that's why he felt more comfortable about it. Chairman Miller commented that the Sandy Point Boardwalk was replaced 2 years ago. The Chairman was not sure if they required an exact path or not because they replaced it in the footprint.

Ms. McMillan noted that she had not been to the wetland, so she may be thinking of something completely different. Mr. Britz commented that sometimes it gets wet and it has pockets. The outdoor classroom can walk through the woods. Chairman Miller noted that vandalism was a concern on Sandy Point as well. They have never seen any vandalism. Vice Chairman Blanchard commented that she did not mention it to slow the project down. It was just a dimension that needed to be considered. Mr. Linchey responded that the camera system has deterred a lot of that. Vice Chairman Blanchard clarified that there would be no cameras in the walkway. Mr. Linchey confirmed that was correct. Vice Chairman Blanchard questioned what would happen to the plans if the Commission approved the project without the boardwalk. Ms. Carey responded that it would not impact too much for the near term. Ms. Harrison commented that they would have to come back for the State application with an exact path. The Commission would see that anyway. The Commission can approve both and get a second chance at the boardwalk with the State application. Everyone approves of the concept. There are just some details missing that are important.

Vice Chairman Blanchard commented that they should specify the ½ inch spacing on the boards in the walkway. Ms. Harrison commented that it was already in the drawing. Mr. Britz questioned if that was accessible. Mr. Linchey confirmed that he would verify it was.

Ms. McMillan moved to recommend approval of the application to the Planning Board as presented, seconded by Ms. Tanner. The motion passed unanimously by a 7-0 vote.

Mr. Britz noted that they would need the exact location with flags in the State application. Mr. Britz questioned if the State permit would cover everything the Commission was concerned about. Chairman Miller confirmed that was correct.

3. 86 New Castle Avenue
Graham Openshaw & Janet Lennie, owners
Assessor Map 207 Lot 70

Mark West from West Environmental, Rob Carty from TMS Architects, and Preston Brown from Millennium Engineering spoke to the application. Mr. West commented that the applicant

identified was the previous owner. The owners are Jacob Sullivan and Margaret Goodlander. Mr. West delineated the wetlands. There is a wet meadow that drains down under a berm into a tidal wetland. The property is heavily landscaped with trees and shrubs. The wetland delineation shows an old dug out pond. Mr. West looked at the function of the wetland. The old ditched stream that runs through it changes the function of the wetland. It drains more quickly and doesn't provide as much function. It has some habitat and sediment value. The stream and trail system area stable. This project is for the addition and a pervious patio. Due to the distance from the resource, the landscaping that already exists, and the proposal to re-landscape, this proposal will not have a significant impact on the wetland.

Mr. Carty with TMS gave a background. Mr. Carty was approached after the owners purchased the property. They were ill informed about the implications of the wetlands. Mr. Carty spent time generating designs. The owners are planning to start a family and be in the house long term. They were not able to design something useful outside the buffer. The existing deck on the backside of the house is 226 square feet. It is a poorly drained area. The intent is to attempt to utilize that area. The proposal is a 405 square foot addition with a pervious paver patio. There is a net gain in the square footage of the addition. There will be a temporary impact area for constructability and the re-landscaped plantings. The goal was to find an area that would minimize impact for a modest addition that would give a big gain for the family.

Mr. West provided a list of native plants to the owners and mentioned that they may want to salvage some existing plants because there are so many gardens on the property. There is a significant lawn, but the wetland area is not mowed. It's more native vegetation in that area. In addition to the re-landscaping there will be further mitigation by removing the little culverts in the dug stream. There are a lot of culverts for the path. There is one large concrete culvert that would not be removed, but all of the other ones are smaller. They can be removed with a shovel in the dry season. The owners could put boards across the stream to cross from upland to upland. They will submit a restoration plan to get approval on that with conditions. Chairman Miller requested clarifications on where the culvert removals would be. Mr. West pointed them out on the plan. Chairman Miller questioned if the ditches would be filled after the culverts were dug out. Mr. West responded that they would just be seeded and mulched.

Chairman Miller questioned if there were plantings going in around the proposed pervious patio. Mr. West confirmed that the raised beds and gardens would be replaced. That area will be re-graded. It won't all turn back into lawn. Chairman Miller questioned if there was an opportunity to capture and treat the water with plantings down slope. Mr. West responded that it was pretty well vegetated. The wetland has a lot of shrubs and they are not mowing that area.

Mr. West handed out the detail about the pervious pavers and installation. They are proposing a slab with a frost wall for the addition. That will require less digging. The closest the addition is to the wetland is 63 feet.

Vice Chairman Blanchard commented that it looked like the addition would go around the house, and questioned if the wall was going to change. Mr. Carty confirmed that was correct. The wall would be pushed out to create an entryway. That is all part of the 405 square feet.

Ms. Tanner questioned what the lot size was. Mr. West responded that it was .86 acres.

Chairman Miller questioned if the water from Ridges Court drained down to the wetland. Mr. West responded that was correct. There is a culvert under the berm. The tidal wetland doesn't come under the berm.

Ms. McMillan questioned if the applicants knew the history of the ditching and the pond. Mr. West responded that the ditching is relatively old, but may have been refreshed. They did not know the history about the pond. Those additional culverts appear to have been put in between 2013 and 2018. There was no permitting record for them.

Ms. Harrison questioned if the addition would be guttered like the rest of the current house. Mr. Carty responded that he would prefer to handle that with a pea stone drip edge.

Ms. McMillan requested more information on the paths system and questioned if they were only mowing two paths in the wetland. Mr. West confirmed that was correct. They will still do it to get down to the berm. Historically, this wetland has been disturbed in all kinds of ways. Ms. McMillan commented that the land does not seem landscaped. It just has a lot of plantings. Ms. McMillan questioned if the new owners were comfortable with existing plantings. Mr. West responded that the owners liked the natural feel of the land and wanted to continue that. It doesn't look like there are a lot of gardens, but it is pretty and natural.

Ms. Morison moved to recommend approval of the application to the Planning Board as presented, seconded by Ms. Harrison. The motion passed unanimously by a 7-0 vote.

4. 200 F.W. Hartford Drive
David & Tracey Foster, owners
Assessor Map 270 Lot 33

Steve Riker with Ambit Engineering spoke to the application. The owners David and Tracey Foster were also present. The Fosters own the property. There is a single family home on the lot with a driveway. In the late summer of 2018 they wanted to preform site improvements and found they were not in the buffer and wetland for the front yard. They assumed they were in the free and clear to do work on the property. They City map is inaccurate. The buffer line actually goes half way through the house. The Fosters hired Ambit Engineering to do the wetland delineation. They have prepared a restoration plan. Sheet C1 and C2. Ambit worked with the owners to develop the plan. Ms. Foster has a good knowledge of plants and gardening. Mr. Riker gave guidance on the native species, and Ms. Foster prepared the list based on the buffer planting schedule. A wetland buffer restoration plan was also prepared in the packet. There is a restoration sequence so the contractor can do the work in the proper order. The invoice slips are provided to show the amount of fill brought on to the property. There were 23 loads. Each truck had approximately 10 yards of fill. That would result in about 230 yards of fill. The packet also includes site photos taken in April. There are still piles of fill on the property. Mr. Riker responded to the comments in the staff memo related to the estimated 230 cubic yards of material. They don't have the exact amount, but provided the invoice tickets to help estimate. The staff memo recommended the work be completed and plants in the ground before June 15,

2019. The property owners request that date be changed to July 15, 2019. There is still some water on the site. They don't want machinery on the wet ground. They won't have approval from the Planning Board until the end of April if this moves forward. They want to ensure there is plenty of time to do it. The owners are very committed to restoring the property. They are frustrated by the process, but understand it.

Vice Chairman Blanchard questioned if the yellow house in the picture was the residence. Mr. Riker confirmed that was correct. Vice Chairman Blanchard clarified that the work happened in the front of the property. Mr. Riker confirmed that was correct. Sheet C2 has a dark heavy line that shows the area of disturbance. The shaded area is the wetland area.

Ms. Morison questioned what the original intent of the work was. Ms. Foster responded that they wanted a front lawn like everyone else in the area. Mr. Britz commented that the Staff picked June 15, 2019 to ensure the survivability of the plants. Mr. Britz questioned if the plants would still survive if they were planted in July. Mr. Riker responded that there was plenty of hydrology to put in plants later in the season. Ms. Tanner commented that they should be careful of that. It has been really dry around here. As long as they are watered on a regular basis, then they should survive. Ms. Foster confirmed they would be.

Vice Chairman Blanchard confirmed the applicant would like the deadline extended to July 15, 2019. The owners would provide a document to verify the amount of fill that is removed. The applicant will provide a monitoring report of all the plants at the end of the second growing season. If there is less than 80% survival rate, then they will replant. Mr. Riker cautioned the Commission on dictating how much fill would come out because the quantity of fill was an approximate number. It would be easier to remove the fill to the original organic soils under it. That is an easy visual thing to do. Vice Chairman Blanchard questioned what Mr. Britz's opinion was on that. Mr. Britz understood what Mr. Riker was saying, but questioned who would monitor what was removed. Mr. Riker responded that they could provide photos. Mr. Britz commented that would not be helpful because they don't know what it looked like before. Mr. Britz noted that he could come out to look at it.

Ms. Foster noted that a good amount of the truckloads is the loam. The fill is obvious. It is hard to accurately measure that. They are eager to get this restoration completed. The goal is to remove the fill and put the loam down to plant. The fill was brought in and spread. Then the loam was brought in and is in piles ready to be spread. Mr. Riker commented that the restoration calls for spreading some loam. The 23 loads was a mixture of fill rocks and loam. Mr. Britz noted that the loam is considered fill as well. Mr. Riker noted that they needed to revise the statement because not all of the 230 yards would be removed.

Vice Chairman Blanchard clarified that there is fill in there now. Then the plan was to top dress with loam. The restoration plan is recommending removing the rocks and topping with loam. Ms. Foster confirmed that was correct. Vice Chairman Blanchard assumed the rocks would be about the same volume. Mr. Britz commented that he was thinking all of it was fill because it was all brought into the wetland. Vice Chairman Blanchard clarified that for the purposes of moving forward they wanted the applicant to remove the fill. Ms. Harrison added that they should only leave what loam they needed to spread for organic soil. Ms. Harrison questioned

how much they were planning to use. Mr. Britz questioned if they were spreading to create lawn for the plants or to restore the wetland area. Mr. Riker responded that they would remove the rocks to the original grade and spread 3 inches of loam in the area to allow the seed mix to germinate. They will put 3 inches of loam in the wetland and buffer. Mr. Britz questioned if the loam was the wetland soil. Mr. Riker confirmed that was correct. Mr. Britz noted that was not how he read the application. Mr. Riker commented that they were happy to have the Commission draft the language and revise the application before going to the Planning Board.

Ms. Morison noted that removing fill and spreading loam makes it seem like it would be putting fill in the wetland. Mr. Riker commented that they could revise the plan to exclude the seed mix. That's the other option, to not seed the area at all. Ms. Foster pointed out that the plants wouldn't take without some loam. The goal was to put in a lawn. Now the goal is to make it somewhat like it was. Something needs to be put down for the plants to adhere to. The soil under the fill is hard. The plants won't grow on it.

Ms. Harrison noted that would change the grade of the previous wetland to 3 inches higher. Mr. Riker noted that the intent is to have a very similar grade. It will be difficult to remove just the stone fill. The loam will help the vegetation to grow. It is similar in soil characteristics. It has a high organic content.

Ms. McMillan commented that theoretically if it's not restoring the area back to what it was previously, then it's not a restoration project. Then it would need a wetland permit. Mr. Riker noted that based on the number of plants proposed to go back in it's more than a restoration plan. They are putting more back than what was removed. The aerial photos show the tree canopy. There is no previous conditions plan. They will be putting in around 100 plants. Ms. Foster noted that they did most of the work and confirmed they would be putting in a lot more than what was taken out.

Ms. McMillan requested clarification on why they would put in a rain garden mix instead of wetland mix. Mr. Riker responded that the rain garden mix was more specific and better for the site. Ms. McMillan questioned if the land was ever totally dry. Ms. Foster confirmed that could happen.

Ms. McMillan questioned if the silt socks were labeled on the plan. Mr. Riker responded they were not. They would go to the limit of disturbance, which is shown on the plan. It would be encircled.

Vice Chairman Blanchard moved to approve the application, seconded by Ms. Tanner.

Ms. Tanner noted that it comes down to do the Commission not to do any restoration except for pulling everything out, or sacrificing the original wetland grade by adding loam and adding 100 plants. Those are the options. If plants will be added, then they have to put something down. If they aren't added, then they can just remove everything.

Ms. McMillan did not understand why loam had to be added to add plants that are supposed to be there anyway.

Chairman Miller questioned how the fill could be removed without getting some layers below the fill. Ms. Foster confirmed that it was definitely compressed at this point.

Vice Chairman Blanchard was concerned that the restoration plan was not just cleaning it out but adding as well. However, a big machine will not just remove the fill. Vice Chairman Blanchard respected the applicants for trying to make it right. It is an expensive situation. But the goal is to not make it worse. It should be cleaned out. If the Commission doesn't ask the applicants to remove the loam that's already on the property, then there should be another application for the fill. The property should be cleaned up then they can come back with a CUP application for the fill. That is time consuming and an additional cost, but it's the cleanest way to get back to where it's supposed to be.

1. Ms. Tanner commented that they should remove the fill and then add loam where the wetland grade was impacted. Chairman Miller commented that it should get it repaired and move forward best way possible.

Ms. Foster commented that they followed the City map. They tried to improve the property and keep it in kind with the neighborhood. The City map was wrong and they are deeply upset about the entire situation. The intent is to restore it. It was out of their control. There was no foul play. The intent was to have a front yard that will be somewhat functional. Mr. Foster added that they didn't do this on purpose. If all of the fill is removed and nothing is planted, then it will be an eye sore. It will not be attractive. The plants won't grow without loam.

Chairman Miller appreciated the owner's comments, but noted that once a motion was on the table it was an internal discussion within the Commission.

Mr. Britz noted that the problem with the application is that it doesn't say what they want to do. They need to clarify the loam. One way to fix that is to have them do what they applied for, but add a stipulation that they can put in loam to make the planting successful. Then it won't be a wetland with 3 inches of fill.

Vice Chairman Blanchard withdrew the motion and Ms. Harrison withdrew her second.

Ms. Collins liked Ms. Tanner's idea of just using the loam to bring it back up to the grade that it was. Chairman Miller agreed.

Ms. Tanner commented that it is reasonable to bring loam up to grade. That is not what the application says.

Mr. Riker commented that he has been here often for many applications. The Commission can make a motion with stipulations. Then Mr. Riker makes revisions to the plan before submitting it to the Planning Board. The application will say what the Commission wants when it goes to the Planning Board.

Ms. Harrison clarified that all 230 cubic yards of material will be removed except for what loam is needed to bring it back to the previous grade and plants. There could be a site evaluation of the fill removal. Mr. Britz was not comfortable evaluating the site, but agreed with the idea.

Vice Chairman Blanchard questioned if there was a wetland scientist on the team. Mr. Riker confirmed that it was him. Mr. Riker has worked on restorations in the past and it is clear where the limits of fill are vs. the original soil. The stone and fill brought in was just stone. It is not a perfect science, but they will do it to as best as possible.

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

1. The applicant shall remove all fill except for only the amount of loam necessary to restore the wetland to existing grade.
2. The applicant shall provide a monitoring report at the end of the second growing season and if the success of the new plants is less 80% the dead plants will be replaced and a new monitoring plan will be provided.
3. All work shall be completed by July 15, 2019.

The motion passed by a 6-1 vote. Ms. McMillan opposed.

Chairman Miller noted that when a plant is planted it needs soil to survive. Vice Chairman Blanchard questioned if they needed to quantify what is considered beyond necessary. Ms. Tanner commented that they just don't want 3 inches of loam in the area. The stipulation clarifies that.

III. STATE WETLANDS BUREAU PERMIT APPLICATIONS

- A. Standard, Dredge, and Fill Application
Banfield Road Improvements
City of Portsmouth, owner

Ms. Collins recused herself because she was late to the meeting. Alternate Ms. Blasko voted instead.

Vice Chairman Blanchard moved to **recommend approval** of the application to the State Wetlands Bureau, seconded by Ms. Tanner with the following stipulations:

1. The applicant shall use sloped curbing where curb is shown on the plan.
2. The applicant shall give special attention to tree placement.

The motion passed unanimously by a 7-0 vote.

IV. OTHER BUSINESS

- A. Sagamore Creek Land Vernal Pool Draining

Chairman Miller commented that he did a site walk the day before. It is in the same parcel as the cross-country site. There was a large ditch dug last year and it was clear the intent was to drain the vernal pool. Chairman Miller plugged the hole last year. That has been removed and a ditch has been dug near two other vernal pools to drain them. One of it has repaired itself. The other one has been unplugged again near the cross-country path. They need to try to work through a strategy to deal with the issue.

Mr. Britz sent an email to Peter Rice and Russ Wilson about it. Russ Wilson emailed back after checking with the coach Stan Wynford. Mr. Wynford said that some drainage work had been done, but he didn't drain any pools. Mr. Britz commented that someone had done it specifically to drain the pools and sent them information about the importance of them. It could be that he did not realize he did it. Chairman Miller noted that the other side in the wet area had some drainage work done, but it was not in the vernal pool area.

Ms. Tanner noted that signs might be necessary. Mr. Britz commented that it was worth following up with the coach as well. Chairman Miller commented at the watershed creek meeting there were a lot of good questions. There was concern about mosquitos in the tide watch area. It is illegal to drain a vernal pool.

Vice Chairman Blanchard noted that there were in signs on the fence for shootings, so they could add signs for this too. Ms. Tanner noted there should be signs right at the pools. They should say no draining of the vernal pools is allowed. Vice Chairman Blanchard added that they should list the citations. Ms. Tanner commented the pools needed to be specifically marked.

Chairman Miller confirmed they were getting a plan in place and talking about it.

V. ADJOURNMENT

Vice Chairman Blanchard moved to adjourn the meeting at 5:49 p.m., seconded by Ms. Tanner. The motion passed unanimously by a 7-0 vote.

Respectfully submitted by,

Becky Frey
Acting Recording Secretary