

**MINUTES  
CONSERVATION COMMISSION**

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

**3:30 p.m.**

**July 10, 2019**

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

**MEMBERS ABSENT:** Nathalie Morison, Adrienne Harrison,

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

.....  
**I. APPROVAL OF MINUTES**

A. June 12, 2019

Vice Chairman Blanchard commented that a "seconded" needed to be added on page 2.

Ms. Blasko commented that on page 6 it should say "if they run into obstacles."

Vice Chairman Blanchard moved to approve the June 12, 2019 Conservation Commission minutes as amended, seconded by Ms. Tanner. The motion passed unanimously by a 5-0 vote.

**II. CONDITIONAL USE APPLICATIONS**

1. 225 Borthwick Avenue  
Liberty Mutual Insurance, Owner  
Assessor Map 240, Lot 1

Eric Weinrieb from Altus Engineering spoke to the application. All of the work will be within the existing parking lot. There is visitor, handicap and corporate parking against the building today. The proposal is to restructure and grind it to make it all handicap parking. There will be no work anywhere beyond existing curb line. The project is within the 100-foot buffer of both manmade ponds so it is in the Wetland Protection Zone. There will not be any disturbance in the natural areas.

Chairman Miller requested clarification on the work on the catch basins. Mr. Weinrieb responded that the rims would be replaced and adjusted to grade. There will be silt sacks on the catch basins installed during construction.

Ms. McMillan commented that it was too bad that they never plant anything other than grass around the pond. Mr. Weinrieb confirmed that it would remain manicured grass.

Vice Chairman Blanchard questioned if there was any mitigation in terms of planting around the parking area. Mr. Weinrieb was not sure.

Ms. Collins requested clarification on the snow removal. Mr. Weinrieb responded that he was not sure how it was handled. Because it's a high walking area he assumed that it was removed from the area. Chairman Miller added that it seemed like the snow was moved to across the street.

Ms. Tanner noted that the staff memo recommended that erosion control be installed. Mr. Weinrieb confirmed that there would be silts on bags on the catch basins. There will be no perimeter control because it's all within the curb line.

Ms. McMillan moved to approve the Wetland Conditional Use application to the Planning Board, seconded by Ms. Tanner with the following **stipulation**:

1. That silt bags be installed in the two existing catch basins during construction.

The motion passed unanimously by a 6-0 vote.

2. 210 F.W. Hartford Drive  
Jay & Audra Mayuski, Owner  
Assessor Map 270, Lot 32

Owner Jay Mayuski spoke to the application. The proposal is to move a shed that is currently partially on the neighboring property to be on fully on Mr. Mayuski's own property.

Ms. Collins noted that the drawing showed the location the shed would be moved to, and asked where it was currently. Mr. Mayuski responded that it is currently closer to the driveway, so it will be moved back.

Vice Chairman Blanchard questioned if the shed existed before he bought the property. Mr. Mayuski responded that he moved in with it, but it has been there for years.

Chairman Miller questioned if there would be crushed gravel under the deck. Mr. Mayuski confirmed that was correct.

Ms. Tanner questioned if they would be moving the shed as is. Mr. Mayuski confirmed that was correct.

Ms. Tanner moved to recommend approval of the Wetland Conditional Use application to the Planning Board as presented, seconded by Ms. Collins. The motion passed unanimously by a 5-0 vote.

3. 5 Sylvester Street  
Matthew Allen Reichl & Beth Richmond, Owners  
Assessor Map 232, Lot 41

Vice Chairman Blanchard moved to postpone this application to the August 14, 2019 Conservation Commission meeting, seconded by Ms. Tanner. The motion passed unanimously by a 6-0 vote.

### **III. WORK SESSIONS**

- A. Sagamore Avenue and Wentworth House Road  
Lucky Thirteen Properties, LLC, Owner  
Assessor Map 201, Lot 9

Eric Weinrieb from Altus Engineering, John Bosen from Bosen & Associates, and Mark Giani from McHenry Architects were present to speak to the application. Mr. Weinrieb commented that the property is located at Tax Map 201 Lot 9. It is on the corner of Sagamore Ave. and Wentworth Rd. Mr. Weinrieb handed out a newer version of the plan set for the Commissioners to reference. The Lot is in the MRB Zoning District and the proposal is for a new office building. The Lot was rezoned and sold to Bean Properties. There was an existing conditions survey performed and it showed the wetlands functions and values. The wetlands are over 10,000 square feet and it is not a high value system. There are a lot of invasive species. A waterline to service on Sagamore Rd. was constructed 10-15 years ago, which temporarily impacted the wetlands. The property is almost all in the buffer. The proposal is for a 14,000 square foot building on the corner to compliment the other Bean Group building that exists today. They have met with DOT and the DOT has no issue with two entrances. There will be a small parking lot on one side and a larger lot on the other. It is very close to the property line. The zoning allows for the front of the building to be on the property line, but it was pushed back to build a robust landscaping buffer to the parking lot. There will be 41 parking spaces to meet the zoning requirements. A lot of parking and some of the building are in the buffer. There is a proposed retaining wall and pervious materials will be used to treat the storm water. There will be a storm water management area in front of the building. There may be a possibility to do walking paths in the buffer. There will be some outdoor areas for people to work. The City is in the process of working with a consultant to extend the sewer into this area in the near future. The timing of this project and the new sewer will work out well, so no sewer alternatives will be needed. This proposal is the first pass, so it will be good to get feedback.

Ms. Tanner commented that her feedback was that this is too large for the parcel. It is too much in the wetland and buffer. Enhancing the view of parking from the street is not the concern. The degraded wetland should be enhanced. Putting parking in there is not good for the wetland.

Vice Chairman Blanchard shared the same concerns Ms. Tanner had. The building is driving the parking needs in the buffer, and that's a problem. The land challenges what the developer can do while respecting the buffer.

Ms. Collins agreed with the above statements about the building being too large. There may need to be a lot of blasting in here because of the ledge outcrop. That is concerning for the

buffer. Mr. Weinrieb questioned why the blasting would be a concern. Ms. Collins responded that it would be adding impervious in the buffer and changing resources.

Chairman Miller commented that the plan in the packet seemed pretty reasonable because it was mostly out of the buffer. The updated plan is too much in the buffer. The walking path right next to the wetland and the parking in the buffer are concerning. Mr. Weinrieb responded that they were not committed to the walking path. TAC suggested moving it out of the 25-foot buffer. Chairman Miller commented that it would be important to keep the 25-foot buffer in tact. It would be good to pull everything back and out of the buffer as much as possible. The storm water management is important. Chairman Miller questioned if the plantings in the parking lot could be both snow storage and infiltration. Mr. Weinrieb responded that it might be possible. It would be harder to do on one side. The proposal was to add shade trees into the buffer to reduce the heat island affect. Chairman Miller requested clarification on the trees. Mr. Weinrieb responded that the hatched area on the plan would be fully wooded. The edge of the tree line is all vegetated. Chairman Miller commented that this plan was a hard pill to swallow. They need to look for opportunities to get treatment for the water. Mr. Weinrieb responded that they would probably give better treatment because there is no treatment today. Chairman Miller commented that degraded wetlands need more protection not less. The developers should look for any opportunity to make it a better site.

Ms. Blasko requested clarification on the plan for snow removal. Mr. Weinrieb responded that they were not formalized. However, they would focus on pushing it to the sides and not pushing it back into the buffer. Chairman Miller added that there have been good demonstrations around functional landscaping for snow storage. Traditional landscaping doesn't lend itself to snow. Mr. Weinrieb commented that it would have to be some type of crushable landscaping. Chairman Miller noted that lower landscaping would not screen the lot, so it should be a compromise. Mr. Weinrieb commented that Mr. Bean has demonstrated that he takes care of the property and everything is well maintained in the lot next door.

Chairman Miller liked the retaining walls that would reduce grading. They should look for opportunities to enhance the other side of the wall for treatment too. Mr. Weinrieb responded that the plan would be that the porous pavers would treat themselves.

Ms. McMillan agreed with the other Commissioners' concerns. The walking path is definitely a problem. Enhancing the buffer would be good because it's a nice oasis for wildlife now. The parking lot and building size is too large. The plan originally had 16-18 spaces now there are 29. The parking should be as much out of the buffer as possible.

Ms. Blasko questioned if there was a reason why the square footage increased so much. Mr. Weinrieb responded that they did a first pass and then started working with the programming of building. More space was required for the programming. Mr. Bean noted that the parking was not required for the use of the building. It is required by the Ordinance. The second floor will be open, so it won't be doubling the occupancy. Chairman Miller commented that a good option would be to reduce parking with a CUP.

Vice Chairman Blanchard commented that there was too much on the plan, and the resources need to be protected. Chairman Miller commented that they should reduce the parking to get as much out of the 50 foot buffer as possible. This Lot isn't developed right now, so this would be a big change in the ecosystem function. The best plantings are there now. Getting parking relief and pulling it out of the buffer would help. The plan should show good treatment for the water. The trails are an issue because they are too close to the wetland. Mr. Bean commented that they will leave whatever they can undisturbed in the back.

Vice Chairman Blanchard questioned how many parking spaces were at the building across the street. Mr. Bean responded that there were 36 spaces. Vice Chairman Blanchard questioned how the scale of the buildings compared. Mr. Bean responded that the building across the street is 8,000 square feet. The proposed building would be 9,000 square feet.

Mr. Britz requested a site walk before the next step. Mr. Weinrieb confirmed that could happen. Mr. Bosen questioned if there could be a second work session. Chairman Miller confirmed they would appreciate that.

#### **IV. PROPOSED FLOODPLAIN AND WETLAND ZONING CHANGES**

##### **1. Presentation, Rick Taintor**

Rick Taintor has been working as a consultant to the Planning Department. There are some proposed changes to the Wetland and Floodplain Overlay District. This is the fifth iteration of the draft. The changes include: A. adding fences as an exemption. B. Requiring reports about the wetland when there is a temporary or permanent alteration of more than 250 square feet of wetland and buffer. A wetland mitigation plan will need to be provided. C. Providing a wetland mitigation plan does not guarantee a permit. D. Porous pavement is required if pavement is installed in the buffer. There can be exceptions. Wetland boundary markers are required in construction. E. It is required to propose a living shoreline strategy. F. Justifies what a living shoreline is.

Mr. Taintor requested feedback on Item A. Mr. Britz commented that they have talked about the fences before, but it was an unwritten policy. If the owner is just hand driving posts, then they can put in a fence. Anything beyond a 3-inch post that they would drive into the ground would require a CUP. Ms. Tanner commented that the change should call out no footings or foundations. Ms. Tanner questioned if there should be a buffer where they can't put in a fence. Mr. Britz responded that the disturbance would be pretty minimal, but it could be an impact to a wildlife passage. Chairman Miller commented that it should mention fences could not be within the 25-foot no cut zone. Mr. Britz confirmed that it could restrict fences in the wetland and 25 foot buffer. Chairman Miller questioned what would happen to wildlife passages. Mr. Britz responded that fences are usually on people's property, so the area is already in use. The Wetland Permit is for the ground disturbance piece. This is the way fences have always been handled. Ms. Tanner questioned if there could be an opening on the bottom of the fence. Mr. Britz responded that they could not put in a blanket statement because they were not sure what the fence was for. Mr. Taintor questioned if the Commission didn't exempt them, then would they recommend denial based on the wildlife passage. The other option is to change the policy to say everyone with a fence needs to come in. Mr. Britz noted that it's an enforcement issue

too. People may not even be asking. Chairman Miller noted that most of the discussion about wildlife is for roadways and bigger areas. Mr. Taintor commented that they only exempted a hand driven fence. Wood fences would not be exempt. The comments about no footing or foundations and no fences within the 25 foot no cut zone would be added.

Mr. Taintor requested feedback on Item B. Mr. Britz commented that no matter how many times he tells people that they need a report from them about how they will protect the resource no one comes in with it. This change tries to formalize what they will do to offset the alteration based on the report and analysis. The report will give the information that is needed. Chairman Miller commented that he respected the report in saying what the values are, but it can make it seem that the Commission's decision making is wrong when the wetland is degraded. The report is separate from the decision. Mr. Taintor commented that this change would make things stricter than they are now. Comment number 3 was added to address cases where sufficient area is not available. The top priority is to completely compensate by recreating the buffer or wetland. If the applicant can't do that, then they have to come up with a buffer enhancement plan. Ms. McMillan noted that the second comment mentioned the compensation included functional enhancement. Ms. McMillan questioned if that could be clarified to say that did not mean they should just add a bio retention area. Mr. Taintor commented that the original wording said "shall" remove impervious surface. That was unreasonable, so he suggested "may" instead of "shall." Mr. Britz noted that the challenge is that the Commission is already negotiating, but there is no structure to it. This change formalizes this more. Chairman Miller noted that they were always looking for ways to improve water quality off site and resource protection on site. It is good to have something in there about that. Mr. Britz confirmed that was in comment number 3. Ms. Tanner noted that should be in the enhancement section as well. Chairman Miller suggested adding that the 25-foot no cut area shall be restored. Mr. Britz commented that it was hard to define because all projects are so different. Mr. Taintor noted that it would be good to spell out un-degrading a degraded area. Mr. Britz confirmed that would be part of the compensation piece. Chairman Miller commented that he was always surprised when they get a totally undeveloped lot. It is nice when someone comes in and they have the opportunity to improve the resources. Ms. Tanner noted that the project by Creek Farm Road came in several times and they got to something that was reasonable. They cut it down a lot and got imaginative on how to solve some issues. The work session the Commission just had showed there are times where there is too much for the site. Mr. Taintor confirmed that he got the notes from the Commission and would make amendments to the draft. Chairman Miller commented that they should add low maintenance native plants and maybe a reminder of the no chemical zone outlined in the ordinance. Mr. Britz clarified that the first priority was to restore the 25 not cut area. Chairman Miller confirmed that was correct. Mr. Taintor commented that adding new impervious surface in the wetland is the most extreme case. Ms. McMillan commented that this amendment seemed like it gave permission to do it. Mr. Britz commented that was why the comment was added that stated it doesn't guarantee approval even with a mitigation plan. Mr. Taintor questioned if this would count for new roadways. It may say impervious surface is only allowed with wetland crossings. Ms. Tanner responded that she did not want to see that or say that it is allowed. The last line should be included in comment 2 or 3 if comment 1 is deleted. Vice Chairman Blanchard agreed that most of the first part of comment 1 should be deleted. Mr. Britz noted that there were situations where wetlands were created unintentionally. There are ways to build a project that doesn't impact a wetland. An outright prohibition would be extreme.



That is why there is an Ordinance. Mr. Taintor was concerned about introducing a variance. If this is in a CUP, then it is in the Commission's jurisdiction. Mr. Britz noted that the intent of the provision is to ensure there is no net loss of the wetland area. If impervious surface is proposed, then the applicant needs a plan that offsets it to the satisfaction of the Commission. Ms. McMillan requested removing comment 1. Vice Chairman Blanchard agreed all should be removed except the last sentence, which should be moved to comment 2. Mr. Taintor noted that comment 2 dealt with the wetland buffer not the wetland. It could be less specific. Or they could delete all of the comments and just leave the introductory paragraph. Mr. Taintor commented that if they delete wetland and only talk about the wetland buffer then they are implying they can't do it in a wetland. Then the applicant could still come and ask, but they will have no guidance. Mr. Britz added that he could guide applicants to stay out of the wetland when talking to them. Then they still have the ability to ask in cases where it makes sense. Mr. Taintor confirmed that he would adjust the commented to delete "wetland."

Mr. Taintor requested feedback on Item D. Mr. Britz noted that they should come up with a marker they like. Ms. Tanner added that they should do the same for vernal pools. Mr. Britz confirmed they were included in the definition of wetlands. Chairman Miller commented that they have seen a lot of wetlands impacted because people didn't know. Mr. Britz noted that the amendment doesn't say where along the edge of the buffer the markers should be. Mr. Britz questioned if they should be on all projects or just bigger ones. There are a lot of single-family home owners that come in, so maybe it should only be required for bigger projects. Ms. Tanner commented that they have seen so much grass dumped in the wetland. Mr. Britz suggested that they could use the line on the plan. Chairman Miller suggested that they should boundary the 25 foot no cut zone. Mr. Taintor clarified that these would be permanent markers. Vice Chairman Blanchard questioned what they would look like, who would be responsible for it and how would it be policed. Ms. Tanner commented that there should be iron markers in the ground of the property boundary. The property owner would be responsible. Mr. Britz noted that Exeter requires this with little plastic markers. Mr. Taintor commented that the concept would be to have a string of signs across a backyard. Mr. Britz confirmed that they should be every 10-20 feet. There should be more detail about the spacing distance and buffer distance. This can be enforced in project compliance. Permanent is a hard word, but they could say that. Vice Chairman Blanchard commented that there was value in having an awareness of the boundary. Mr. Britz questioned if the amendment should be more specific or if the Commission wanted to discuss it on a case-by-case basis. Mr. Taintor commented that the markers would be shown on the CUP plan. Then it would subject to the approval of the Commission.

Mr. Taintor requested feedback on Item E. Mr. Britz commented that the intent was to add something that would try to protect the shoreline. In a case where there would be new seawall, then the default should be a living shoreline. The applicant would need to prove why they could not use that. The living shoreline is less costly to fix if it's damaged. Ms. Tanner agreed this was helpful, and questioned if it would also prevent docks from going so far into the waterway. Mr. Britz responded that extended beyond their jurisdiction, but he would get a recommendation from the State. Ms. Collins questioned if they could make it stricter. Mr. Britz responded that New Castle has a Dock Ordinance and he would look into it. It is State waters, so it's their jurisdiction. This amendment won't apply in areas without jurisdiction. However, the State has taken the same position on their permits. The applicant will need both permits. There are cases

where a living shoreline is not possible. Chairman Miller commented that there was a lot of work going on now to figure out what would work in New England. This is good for now and as they learn more it may need better clarification down the road.

Mr. Taintor commented that the flood plain amendments are different. There are two kinds of changes being made here. One set comes out of a letter from the State Flood Plain Office. The letter was from 2014. The City needs to remain compliant with the National Flood Assurance Insurance. Anything in the document that is not highlighted in some way came from that letter. They changed the definition of special flood hazard areas, added definitions of historic structures, and added definitions of recreational vehicles and violations. There is a section highlighted in blue that is something they would like to delete because it doesn't apply to Portsmouth. Once this goes through the review they need to talk to the State to get that sign off. The yellow shows the extended flood hazard area. Right now the elevation of flood proofing is to the base flood elevation. The new proposal is to require flood proofing to go 2 feet above the flood elevation. The flood hazard area would be extended to any area where the land is less than 2 feet above the base flood from an adjacent flood hazard area. Chairman Miller commented that it made sense and was good to have in there. Mr. Britz noted that the extended area doesn't require flood insurance, but it does require them to get up to 10 feet. There are not that many houses or buildings impacted in the extended area. The big change is the 2-foot free boarding. This will be adopted when the new flood maps are adopted. Mr. Taintor noted that the other big policy decision is definition of substantial damage and improvement. It is currently 50% of market value. Mr. Britz commented that 50% of damage or improvement is required to build the house to elevation. This only happens on a new house, or a house with substantial improvement or damage. They have to spend half the value of the house to trigger it. The change to 30% or 40% will create a smaller threshold to trigger this. Ms. McMillan noted that they should go with 30%. Mr. Taintor clarified that this change would cause a house with a smaller amount of damage or improvement would be required to comply. Vice Chairman Blanchard commented that she attended the Discover Portsmouth session where they talked about the ground water issues in Strawberry Banke. It is a real issue. Mr. Britz commented that the Coastal Program has a grant coming up and he was hoping to put in some ground water monitoring sensors for the South End to understand the relationship between tidal and ground water. This would help to look at the infrastructure to understand what needs to be replaced.

Ms. Tanner commented that the proposed Wetland Ordinance should prohibit any pavement in areas where the water level is too high.

Elizabeth Bratter of 159 McDonough St. agreed with Ms. Tanner about the porous pavement water is coming up and turning areas into wetland. The Conservation Commission should be making recommendations first. People think that a gravel path is a porous surface, but it's not. Ms. Bratter talked with NHDES and they said that usually NH Fish and Game is usually brought in on properties that were previously undeveloped. There are a few pieces of properties that are not developed. Chairman Miller confirmed that they almost always see a report from NH Heritage.

Mr. Britz confirmed that the impervious surfaces are defined in the Ordinance. Mr. Taintor requested clarification on the pavement in the buffer. Ms. Tanner responded that she wouldn't



want any pavement there at all. Mr. Britz questioned what would happen if they can't use porous pavement because the water table is too high. Ms. Tanner responded that if the water table is too high, then no pavement should be there. Chairman Miller commented that they would rather see the porous pavement and just let it flood. Mr. Taintor questioned if they should take out the exception. Ms. Tanner confirmed that was correct. Mr. Britz commented that if it is taken out, then they could still ask. Mr. Taintor responded that removing it would make it the standard, then they would need a variance. Mr. Britz commented that they would want to avoid a variance. Mr. Taintor confirmed that they would leave it in.

## **V. OTHER BUSINESS**

### **1. City Ordinance Change**

Mr. Britz provided an update from Assistant City Attorney Suzanne Woodland that this has not been through Council yet, but is still being worked on.

### **2. Change of Use for Great Rhythm Brewing**

Mr. Britz handed out letter from the Planning Department. In June Great Rhythm brewing went for to the Planning Board for a CUP. It was not a Wetland CUP, but for a Zoning CUP to allow outdoor dining. The Planning Board voted to approve the outdoor use with 6 stipulations. One of them was that any additional plantings needed to be reviewed and approved by the Planning Department. The Conservation Commission should make recommendations for protections to the buffer. The CUP is conditional on the Conservation Commission recommendations. Great Rhythm Brewing is coming before the Conservation Commission to get additional recommendations.

Owner Scott Thornton was present to speak to the project. The intent is to put in an outdoor patio. The site is along North Mill Pond. The plan is to maintain the buffer put in picnic tables. The outdoor seating layout observes the 25-foot buffer. There will be a removable fence around the area. This used to be a dilapidated property, and they have been trying to beautify the building and clean up the outside. Mr. Thornton consulted Piscataqua Landscaping. They recommended native planting Rose of Virginia along the embankment. It would be along 75 feet of the shoreline. It would start at the existing fence and end at the maple tree. The planting bed would be 3 feet wide with 19 Rose of Virginia plants. There will be natural mulch in the bed.

Ms. Tanner questioned what the ground cover on the patio was currently. Mr. Thornton responded that it was previously disturbed grass. Ms. Tanner clarified that they were not planning putting in any covering over the picnic tables. Mr. Thornton responded that it would just be umbrellas.

Vice Chairman Blanchard requested clarification on the split rail fence. Mr. Thornton pointed it out on the plan. It is an existing split rail fence off the corner of the building. The fence for containment would go from the building out 28 feet and contain the outdoor area. Vice Chairman Blanchard questioned what the fence would be made out of. Mr. Thornton responded that it would be temporary, so something that could be staked in.

Chairman Miller questioned if there had been any work done on the buffer to date. Mr. Thornton responded that they had not done anything. Chairman Miller noted that there were no trees on the map, and questioned if that was intentional. Mr. Thornton confirmed that all trees would remain. Chairman Miller questioned if Piscataqua Landscaping had been out to look at the site, and if they considered limited light levels. Mr. Thornton confirmed that they had. Chairman Miller commented that the map was not very clear because not all of the existing trees were on there. It was surprising to see roses in the plan given the limited light. Chairman Miller clarified that there is a 100-foot setback and a 25-foot no cut zone. The Commission is really protective of the limited buffer and tree line. It should not be disturbed at all. It is good that the area will be out of that area. Chairman Miller understood that there was limited space and that it was good for people to connect with the pond. The Chairman also shared concerns about sound carrying across the pond. The buffer is very important to that pond. Roses may not survive. Piscataqua Landscaping should consider the limited light and a ground cover that is shade tolerant. The fence is a great idea, but there are some concerns about trash. A maintenance routine should be considered.

Ms. Tanner clarified that the roses would be planted right on top of the embankment. Mr. Thornton confirmed that was correct.

Vice Chairman Blanchard clarified that there would not be any decking patio. Mr. Thornton responded that it would just be picnic tables on grass. Vice Chairman Blanchard questioned when this would be opened. Mr. Thornton responded that the outdoor piece was not open yet.

Chairman Miller commented that he was pleased to see this go in because it makes sense for the business and the pond. However, it puts weight on the owners' shoulders for stewardship. Chairman Miller raised concern about the garbage in the back because it is a mess. Also, rat poison kills everything else, so that should not be used. Mr. Thornton responded that a lot of that was left from fish processing plant. They tried to clean that up when they came into the property.

Mr. Thornton showed pictures of the area to show the lighting and tree placement. Ms. McMillan noted that a straight row of bushes was not an ideal situation for a buffer. If there was any problem one of the plants, then there will be a problem with all of them. There should be a wider variety of plants. One row of bushes doesn't help that much. Mr. Thornton responded that Piscataqua Landscaping talked about planting on the embankment to prevent erosion. Ms. Tanner agreed that adding other plants would be good. Mr. Thornton confirmed that he would talk to the landscapers. Chairman Miller added that they should consider irrigating the grassed area because of the amount of foot traffic that will be in that area. Keeping the grass alive will be important. Mr. Thornton responded that they have 3 downspouts that run off to that side of the building. They soak that lawn pretty well. Chairman Miller noted that they might want to consider rain barrels.

Chairman Miller questioned if there was any consideration given to the walking path or bike path. Mr. Thornton confirmed that their landlords were working with the Planning Department.

Mr. Britz added that the primary goal is that the path will stay at least 25 feet back. It may need to go around the building on the other side.

Ms. McMillan commented that the mulch should be natural and the beds should not be over mulched.

Chairman Miller commented that it would be nice to see a final design with the number of plants lawn maintenance plan.

Vice Chairman Blanchard questioned the trash would be managed. Mr. Thornton responded that there is a dumpster behind the building. There is no food served at the brewery, so there will not be a lot of food scrap waste or napkins etc. The outdoor area in would have bus tubs and a trash receptacle.

Mr. Britz commented that the final plan could be subject to the Conservation Commission recommendations and review prior to the issuance of the Change of Use Permit. The Planning Board asked for vegetation along the shore and said the plans would be reviewed and approved by the Planning Department. Mr. Britz confirmed that he would review the plants and make sure there are no trees cut. The Commission also recommended a lawn maintenance plan, irrigation plan and a planting plan. Before they do anything it will be good to have a plan to compare to the final product. Mr. Britz commented that he understood what the Commission was looking for. The fence will be good and they need to make sure no dogs or people will go over it. The planting plan needs to be more diverse with more ground cover. They need to control the trash on site. Chairman Miller added that they needed to make sure the contractors do not weed whack in the buffer. There should be no cutting in the existing buffer.

Elizabeth Bratter of 159 McDonough St. commented that she understood the CUP was issued already. The pond is near and dear to the community and the protection of the 25-foot buffer is the most important. The area is a very thin grass area and it should be aerated a couple times a month. That will help with compaction. Ms. Bratter recommended adding elderberry bushes because they get big and have berries and flowers. They bloom from May to November. They could also put in blueberry bushes, paper birch trees and dogwood. There should be more real native plants. This used to be a nesting area for herons, but they haven't come back this year. They should put in more trees to try to bring them back. A view corridor will be created down the way, so adding trees would preserve the nesting area. It needs to be clear how many tables are supposed to be out there. The maximum capacity is 48 people. Tables with single chairs make it clear how many can be out there. Picnic tables are unclear. Chairman Miller commented that was not their jurisdiction. Ms. Bratter commented that the Planning Board said the bushes and trees are supposed to help with noise. The plants should be good size when they are planted.

Vice Chairman Blanchard questioned how this would be communicated to the Planning Board. Mr. Britz responded that it would be in a report back memo.

## **VI. ADJOURNMENT**

Vice Chairman Blanchard moved to adjourn the meeting at 6:20 p.m., seconded by Ms. McMillan. The motion passed unanimously by a 6-0 vote.

Respectfully Submitted,

Becky Frey,  
Acting Secretary for the Conservation Commission