

**MINUTES  
CONSERVATION COMMISSION**

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

**3:30 p.m.**

**August 14, 2019**

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

**MEMBERS ABSENT:** Samantha Collins

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

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**I. APPROVAL OF MINUTES**

A. July 10, 2019

Ms. Tanner commented that page 6 might need more clarification on the report sentence if possible. On Page 7 it should be clarified to say "Ms. Tanner commented that there should be iron markers in the ground." The 6<sup>th</sup> paragraph on page 11 should be blueberry bushes not cranberry.

Vice Chairman Blanchard moved to approve the minutes from the July 10, 2019 Conservation Commission Meeting as amended, seconded by Ms. Tanner. The motion passed by a 5-2-0 vote. Ms. Morison and Ms. Harrison abstained because they were absent from the July meeting.

**II. CONDITIONAL USE APPLICATIONS**

1. 5 Sylvester Street  
Matthew Allen Reichl & Beth Richmond, Owners  
Assessor Map 232, Lot 41

Timothy Hron from Hron Brothers' Construction spoke to the application. The owners purchased the property in 2012. They are currently in the process of expanding their family and in need of more room. The goal of the project was to impact the property as little as possible. The plan is to remove the back section of the building and replace it with a two-story addition. The majority of the property is in the 100-foot buffer zone. The plan is to avoid the wetlands as much as possible. Mr. Britz suggested that they delineate on the plans to show where the lawn would stop and where the no cut zone would be. The plan is to extend the no cut zone to 50 feet from the wetlands. There will be permeable pavers and native shrub plantings put in. The plans show the proposed gutter schedule to mitigate storm water. There will be horizontal gutters and

downspouts. There will be a top layer of  $\frac{3}{4}$  inch stone at the bottom of the downspouts with a drip line.

Ms. Morison clarified that the wetland was located downhill. Mr. Hron confirmed that was correct. The wetland is not on the parcel; it is located on the adjacent property. Ms. Morison questioned if there were any plans to control erosion or storm water during demolition and construction. Mr. Hron confirmed they would use silt sock along the perimeter of the wetlands.

Ms. Harrison noted that the plan the Commission had did not show pervious pavers. Mr. Hron responded that the pervious pavers were added after they talked to Mr. Britz. Mr. Britz confirmed that they had the pervious pavers for the walkway on the current plan. Mr. Hron added that they would not be going any deeper into the buffer than the property is today.

Ms. Tanner questioned what plants would be planted. Mr. Hron responded that it would be arborvitae along the walkway. The back will regrow back into natural forest. Ms. Tanner questioned if there would be any tree removal. Mr. Hron responded that there would not be any tree removal. Ms. Tanner commented that planting along the edge would be a good addition to delineate the no cut zone. Mr. Hron confirmed they could do that. It is pretty thick vegetation growing up to the lawn today. There already is a clear delineation.

Ms. McMillan suggested that they could make the lawn smaller with a bigger buffer. Mr. Hron responded that the vegetation is already close to the 50 foot no cut zone, so that will be maintained. Ms. McMillan added that it would be good to have plantings along the edge to make it clear for these homeowners and future ones.

## **DECISION OF THE COMMISSION**

Ms. McMillan noted that the plan that was presented was different than what was sent out. Mr. Britz noted that the Planning Board is the next night. They could have Mr. Hron hand out the marked up plan. The motion could recommend the plan as amended.

Ms. McMillan questioned if the plans showed a cross section for the pervious pavement. Mr. Hron responded that they did not. Ms. McMillan commented that a cross section of the drip edge and the pervious pavement should be included in the plans presented to the Planning Board. There should be 12-inches of stone and filter fabric. Chairman Miller added that there should be details of the drainage under the pervious pavers. It should be engineered to handle the water load.

Ms. Tanner moved to recommend approval of the Wetland Conditional Use Permit to the Planning Board, seconded by Ms. Morison with the following stipulations:

1. That the applicant provide a detail of the storm-water infiltration design for the roof runoff.
2. That the applicant provide a detail of the storm-water infiltration design for the porous pavement.

The motion passed unanimously 7-0.

2. 680 Peverly Hill Road  
City of Portsmouth, Owner  
Assessor Map 254, Lot 8

Public Works Director Peter Rice, Tracy Tarr from GZA GeoEnvironmental, Michael Moonan from Weston and Sampson, and Phil Corbett from CMA Engineers were present to speak to the application. Mr. Corbett noted that they did a site walk with the Conservation Commission. The lot is adjacent to the existing Public Works Facility. The 61 acres were purchased 2 years ago with the intent to construct recreation fields. It is zoned Municipal, and was previously a gravel quarry. There was a recreation assessment completed in 2010 and updated 2014. The Recreation Department knew they had a demand that exceeded the supply of fields. The study assessed current conditions and informed a plan for the future. There were four main points that came out of the study. The existing sod fields are heavily overused and limited for use because of weather conditions and field conditions. Those fields should be converted to turf to get more use out of them. There is a great need for additional field stock preferably in a central location to have concession stands and restrooms in one spot. There are limited spots in the city of Portsmouth to do something like this. They looked at several parcels and the others have not moved forward. This was a unique opportunity because it is a previously developed site that is flat with few abutters. They went through a series of planning and environmental investigations to limit impacts to the wetlands.

Ms. Tarr noted that the primary access to the site is through Campus Drive down an existing gravel road. There is a large wetland complex on the left and a smaller one on the right. The property is cleared from the old quarry operation. The remaining wetlands were excavated and altered in the '90s. Wetland 1 has a couple confirmed vernal pools with spotted salamander and wood frog. The headwaters go to Pickering Brook. There is no impact from this proposed project to this wetland. There has been coordination with the Natural Heritage Bureau and they had no further requests. Wetland 2 is a smaller area. Wetland 4 has phragmites and was previously a sedimentation pond. It was filled for the reclamation of the site. Wetland 5 has hydraulic soils, but it's just a ditch. Wetlands 6 and 8 were graded as a treatment swale. Wetland 7 is a ditch. All of the wetland impacts are to the manmade or altered wetlands. Wetland 9 has been maintained as a treatment system. The project avoids all Wildlife Action Plan habitats that have been mapped. The packet provides a summary of the wetland functions and values. Because wetland 1 is city owned, it could be used for educational purposes. The proposed fields are in the center of the plan.

Mr. Corbett commented that the existing storm water facilities were permitted in the '90s. They are mostly just detention ponds with no water quality features. They will be working with UNH who are developing new filtration ideas for the regional storm water facilities. This is separate from the AOT. The goal is to get as much treatment as possible. The new transfer station will be on the northeast side of the site. The two fields will be constructed with a small gravel lot first. In the future a new transfer station will be built. That would impact wetlands 6-8. The transfer station would give Public Works more flexibility on how to handle waste, recycling and packaging. There will be a bio-retention station to intercept other outfall pipes. The goal is to treat water that isn't being treated now.

Ms. Tarr noted that the mitigation package was substantial. They worked with City Staff to see if they could use a project for mitigation, but it needed to be shovel ready. Instead they propose a payment of over \$200,000 for mitigation. There is a proposed planting plan included.

Mr. Moonan commented that on the northern edge between the plant and the site they are proposing western red cedar and several other plantings including gray birch American basswood. Some will be for habitat and some will be for shade. Public Works Director Rice added that they went to the Trees and Greenery Meeting and they are reviewing the proposed plantings. There may be some revisions based on their feedback.

Ms. Tarr noted that there are numerous invasive plants on the site. As a team they discussed that the contractor will be required to build a site-specific invasive management plan. This will prevent the spread of invasive plants off site.

Mr. Corbett noted that phase 2 would include the third field, but that is likely 3-4 years out. The desire of the City is to continue the Recreation Program and improve facilities with synthetic turf. Mr. Moonan noted that the current studies and testing of existing fields show there is no leeching of these fields into adjacent wetlands. This field will drain away from the priority wetland and into the storm water treatment facilities. Mr. Corbett added that they did a review of the air quality. Adjacent facilities to the site include Pike Industries who have an asphalt drum and recycle asphalt and concrete on site. The asphalt plant is regulated by DES and they are well under the required limits and have a permit. The second component is concerns with dust from the stockpiles. The team met with them to understand their processes. They only crush a few times a year and they will work with them to coordinate that. Pike is required to meet standards for dust control. The last issue is that the fields are proposed to be lit. The lighting extends the usability and is a critical part of the function of the fields. There is a lighting plan that includes LED lights that are highly directional. They are good at controlling spillage and containing light in the field. It would limit impacts to abutting habitats and properties.

Ms. Tarr commented that the site has 9 wetlands. Three are natural and avoided in the project. Six are not natural. Impacts were reduced throughout the design and meetings with the State and the Conservation Commission by 30,000 square feet.

Vice Chairman Blanchard commented that they should do what they can with plantings and ground activities to improve the air quality. Mr. Corbett commented that they looked at significant perimeter plantings and that will take time to mature. There will be ball netting around the fields that could be designed with more of a filter. Mr. Moonan added that they might use a windscreen on the lower portion. Vice Chairman Blanchard noted that there would be an increase in traffic on the site. Public Works Director Rice responded that there would not be a truck increase for the new transfer station. The people coming to the fields would be directly related to the activities. They would be coming in from the west not through the DPW entrance. Mr. Corbett commented that they do not expect any noticeable impacts. Public Works Director Rice noted that there would be pedestrian/bike access from Pevery Hill Rd. and Banfield Rd. through the new school. Vice Chairman Blanchard noted that the existing transfer station was hard to manage. Public Works Director Rice commented that's why they are building the new

one. The existing one is woefully inadequate and unsafe. The new one will be enclosed, so there will be less migrant materials off site and a better traffic flow. This will allow the City to consolidate and transfer larger loads. It will give more flexibility to move to other places.

Ms. McMillan questioned where the vernal pools were. Ms. Tarr pointed them out on the plan. Ms. McMillan questioned if they knew where the animals went when they went upland. Ms. Tarr responded that they likely did not go upland onsite because it was not wooded. Ms. McMillan questioned if they saw turtles on site. Ms. Tarr responded that they could see them in the large storm water treatment areas and snapping turtles use anything. Ms. McMillan questioned what the lighting schedule would be. Mr. Corbett responded that they would only be lit when the field is in use. There is a zoning restriction that says lights have to be off by 10 p.m. or 11 p.m. Mr. Moonan added that the lighting will be controlled by a computer so DPW can shut them off easily. There is no warm up time with these lights and they will shut off instantly.

Chairman Miller commented that there might be potential issues in the spring during mating time. It may be good to limit lighting then. Ms. McMillan noted that the lighting is the biggest obstacle at this point because it is right against the vernal pools and wetlands. Mr. Corbett commented that the vernal pools would not be in the lighted area. Public Works Director Rice added that the new technology would go a long way to address concerns about that. This is a much different type of light.

Chairman Miller commented that he was concerned about the lighting and wetland 1. There might be more opportunity to enhance the plantings on that edge to protect the wetland from lighting and walkway erosion. Chairman Miller questioned if there would be vehicle traffic there. Mr. Corbett responded that there would not be any vehicle traffic. It would just be emergency ambulance access. Chairman Miller suggested adding more plantings between the site and Pike to help with air quality and dust control.

Chairman Miller questioned what the plan for the existing access drive was. Mr. Corbett responded that it would be fine graded to be a better surface. It has grown in on the edges now, but the width of the wetlands is the road. It is 30-40 feet wide. There are no plans to pave it other than the apron off the road. Ms. Blasko questioned if it would be widened. Mr. Corbett responded that it would be fine graded out to 20 feet.

Ms. Tanner commented that she was concerned about people taking advantage of shady areas off the access roads in the wetland to park. Mr. Corbett responded that there would not be any other place to park other than the lot. A car would have drive off a 3-foot ledge to park in the wetlands. Chairman Miller noted that adding a no parking sign would be good. Vice Chairman Blanchard questioned if they thought about putting a culvert between the wetlands. Public Works Director Rice commented that there is not one there today. Mr. Corbett added that if it made sense to make a connection, then they could do it. The utility connections would go out to Campus Drive. There will be a future concession building.

Chairman Miller requested details on wetland 9. Mr. Corbett responded that it is a pond constructed with a berm right now. There are 2 36-inch pipes that carry all the water from the industrial area into it. There are about 4 feet of muck and 15 feet of pond. Chairman Miller

noted that was the only manmade one that had any functions. It may make sense to reclaim some of the plants in the western area. Ms. Tarr responded that they might be able to reclaim the seed base and soils and put it in the buffer somewhere else.

Ms. Harrison expressed concerns about pieces of the fields breaking off and entering the wetlands. They can wash away in large rain events. It probably would be caught in the storm water treatment system. Mr. Moonan responded that the field would have a concrete curb around it to help keep material in. The drains in the storm water system would be cleaned out, so it would be caught there.

Vice Chairman Blanchard questioned how they currently managed the maintenance of the playing fields. This will increase the responsibilities because they will be putting in new systems. Public Works Director Rice responded that the current maintenance is just mowing. The school maintains the fields at the high school. The Leary field and other ball fields are maintained by DPW. They are working to develop other forms of maintenance that focus on soil health. The new structure will have new maintenance requirements. Turf is relatively minimal maintenance.

Ms. Morison requested clarification on the composition of the turf. The black pellets are easy to track everywhere. It could track to the water edge as people are exiting. Public Works Director Rice responded that there was always potential for that. They are not typically airborne. It does get tracked, but all studies show the rubber won't break down to be harmful. Ms. Morison noted that she was concerned about the rubber ending up in the wetland and animals consuming it.

Ms. McMillan questioned if there was still concern about bacteria on turf that would result in the need for antibacterial spraying. Mr. Moonan responded that was not a concern. The heat kills the bacteria on them. Studies found that the players were getting MRSA from the locker rooms not the fields.

Vice Chairman Blanchard summarized the stipulations for a motion. One is to build the buffer wherever feasible on the side of the fields nearest wetland 1 to slow erosion in a fragile area. Ms. Tanner noted that they should use a pollinator seed mix where they are reseeded. They should reclaim the milkweed seeds and soil and try to reuse it. Public Director Rice added that there should be more screening for the lighting. Chairman Miller added that they should use the ball nets for an additional air quality barrier.

Ms. McMillan expressed concern about the trash in the field area. There should be maintenance to prevent trash from getting into the wetlands. The high school has trash in the bleachers and wetlands. Mr. Corbett responded that they plan to put in trash receptacles. The first phase will not have the concession or bathrooms, but there will be trash receptacles. Public Works Director Rice added that they don't maintain the school fields. They don't have the same types of issues in the fields they do maintain, so they don't anticipate an issue. Ms. McMillan questioned if there will be a gate to shut when the fields are closed. Mr. Corbett confirmed there would be a gate. Ms. McMillan questioned if there would be any mowing. Public Works Director Rice responded that there would be some mowing, but not a lot.

Vice Chairman Blanchard noted that the Dondero School had cameras installed to monitor after school hours for vandalism. That may be a good thing to think about.

Ms. Tanner questioned if it would be beneficial to have fence along the edge of the wetland to prevent trash spread. Mr. Moonan responded that there would be a fence along the edge of the field, but not another one along the wetlands. Vice Chairman Blanchard commented that they should wait to see if that becomes a necessity down the road.

### **DECISION OF THE COMMISSION**

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

1. Maximize the plantings on the side of the fields adjacent to Wetland 1
2. Reclaim milkweed and soil and replant away from the field
3. Plant pollinator seed mix wherever possible around the site
4. Maximize reduction of light spillover especially in the area of wetland 1
5. Include wind-screening netting to reduce impacts from dust and help reduce light spillover.

Ms. McMillan noted that the culvert was a good suggestion. Mr. Britz agreed they should look at that. The little wetland receives a lot of storm water, so there may not be any quality there. There should be a study first. Chairman Miller noted that it could be connected under the road for bio-movement. Public Works Director Rice agreed it was worth looking into.

Vice Chairman Blanchard complimented the City on doing a professional job with natural resources and moving forward to accomplish a couple things to improve the City. Chairman Miller agreed he was impressed as well. Especially because they utilized the Wildlife Action Plan and none of it was impacted in the proposed plan. This plan did a good job protecting the wetlands of value.

Ms. McMillan agreed that a lot of effort was made to minimize impact. Ms. McMillan was still concerned about the lighting. Ms. McMillan understood that the maintenance of a natural turf would be more and that would have impacts too. Public Works Director Rice responded that it's about the usability. There was only one field that was useable this year and it was the high school's artificial turf field.

The motion passed unanimously by a 7-0 vote.

### **III. STATE WETLANDS APPLICATIONS**

- A. 680 Peverly Hill Road  
City of Portsmouth, Owner  
Assessor Map 254, Lot 8

### **DECISION OF THE COMMISSION**

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

1. Maximize the plantings on the side of the fields adjacent to Wetland 1
2. Reclaim milkweed and soil and replant away from the field
3. Plant pollinator seed mix wherever possible around the site
4. Maximize reduction of light spillover especially in the area of wetland 1
5. Include wind screening netting to reduce impacts from dust and help reduce light spillover.

The motion passed unanimously by a 7-0 vote.

#### **IV. WORK SESSIONS**

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

Eric Weinrieb with Altus Engineering, Attorney John Bosen, and Michael Bean from Bean Group spoke to the application. Mr. Weinrieb noted that they came here last month for a work session and took the Commission's comments to heart. They have come back with a new design proposal, and are looking for additional feedback. The project is for the vacant lot on Sagamore Rd. and Wentworth Rd. It is opposite the existing Bean property. There is an existing wetland on the property. The building has been moved back to eliminate access on Wentworth Rd. The parking is now further away from the wetland system. The other design created an access issue for parking. If one lot was full, then they had to go back out to the right of way. Then come back into the other lot. There is a zoning requirement that prevents parking between the front line of the building and the property line. This design will need zoning relief. All of the development is out of the 50-foot buffer. There is still development in the 100-foot buffer. There will be temporary disturbance 10 feet around the proposed building and along the edge of the parking and the retaining wall. The parking travel ways will be traditional pavement the rest will be porous pavement or permeable pavers. The goal will be to pitch the paved surfaces to the pervious areas for treatment. The roof water can't go forward to the intersection out of the buffer, so there will be a rain garden or gravel wetland to treat the runoff from the building. The building will be around the same size as the previous design. The second floor deck is open underneath. One portion of the building is single story. The rest is two stories. It will be built against the retaining wall. No walkways are in the buffer. Everything has been pushed as far away as possible. The retaining wall will be raised above grade with a guardrail, so no snow will be pushed out of snow storage into the buffer.

Ms. Tanner commented that the proposed plan still had a lot of impervious surface area. Ms. Tanner requested more details about the plantings in the buffer area. Mr. Weinrieb responded that they would have a robust planting plan to improve the area. Ms. Tanner questioned if they would have an invasive species management plan. Mr. Weinrieb confirmed that was correct.



Ms. McMillan noted that the June plan had a smaller footprint. Mr. Weinrieb responded that the footprint is slightly larger, but the gross floor area is still the same. Ms. McMillan noted that they added 11 parking spaces. Mr. Weinrieb responded that before they were looking at going for a CUP to reduce the parking. Through this process it was decided to go by what is required for parking. Ms. McMillan questioned if they needed an AOT permit for pitching the impervious surface toward the pervious parking. Mr. Weinrieb responded they would not need an AOT permit. Ms. McMillan commented that anything they put on the impervious area would go to the pervious area and clog it. Mr. Weinrieb responded that this was an accepted treatment practice through AOT. It will be crowned. There will be regular inspection and maintenance, which will include a vacuum sweeping of those areas. The lot is not all pervious because in practice travel ways don't hold up as well with pervious surfaces. Chairman Miller noted that best management practices would help. The management plan for parking will be important.

Vice Chairman Blanchard requested more detail about the wall. Mr. Weinrieb responded that a portion of the wall adjacent to the proposed building is adjacent to a ledge outcrop. It is possible that the wall may not be needed in its entirety there. The wall goes 1 foot to 3-4 feet depending on grading. It will be a modular type wall and everything on the down gradient side would be naturalized. There will be a little bit of disturbance beyond digging out the foundation but the wall will come assembled off a truck. It will be 2 feet to 4-5 feet high.

Ms. McMillan commented that last time the Commission gave feedback that they wanted to see something smaller with less impact. Ms. McMillan appreciated that this plan had less impact, but it had more parking spaces and a bigger footprint. That is not really going in the right direction. Mr. Weinrieb responded that they did move a lot out of the buffer. They will have clean water because everything will be treated. The CUP for reduced parking can be looked at again. It's a healthier design and a less impacting design. Mr. Bean added that was the goal by pushing it down the hill and consolidating the parking. The sight lines are better and it is a better flow of traffic. Mr. Weinrieb noted that they have not done a comparative on the impervious surfaces. There is more parking in this plan, but this one probably has less paved surface.

Chairman Miller reread Mike Cuomo's buffer and wetland evaluation before the meeting. One of the key values of the wetland is the water quality to Sagamore Creek. Anything else that could be done to protect and improve the water quality coming off the site and through the wetland would be good. The parking change makes it safer and more efficient. The snow storage accommodation behind a wall and out of the wetland is good. Mr. Weinrieb added that the guardrail system at the edge would force them to find a different place for snow storage. Chairman Miller noted that the planting plan would be important. Retaining trees in the 50-foot buffer would be good.

Vice Chairman Blanchard appreciated the effort to move away from the wetland. Vice Chairman Blanchard did not appreciate the size of building or the increase in parking. One of the key pieces of the plan will be the planting buffer.

Ms. Blasko agreed with the Commissioners' concerns and appreciated the shifting of the parking. This is a safer and better plan.

Ms. Harrison encouraged them to be as creative as possible to get every bit of function on the land. There could be a garden on the single story roof. Plantings should be considered to bring the function back.

Mr. Britz requested clarification of a colored area on the plan. Mr. Bean commented that it was an open area for now. It could be landscaping. The goal is for it to look nice. It should be something people appreciate.

## **V. OTHER BUSINESS**

Mr. Britz commented on the permit notification that was emailed to the Commissioners. Chairman Miller has signed it. The typical procedure is to wait a week to sign. The permit is for the Mechanic St. pump station that fell in. They have a permit to remove it and replace it in kind. The sea wall is failing. They redid part, but another part of the failing wall fell in. Because they are replacing it in kind, they can do a permit notification. The Commission can still take the week to look at it. Chairman Miller signed it to expedite it.

Chairman Miller noted that Amanda Stone and Lisa Weiss would be doing a climate program for the 6<sup>th</sup> grade. There may be some opportunity to interface with them and support the effort. There are close to 200 students and it is an interesting program that involves parents at the final events. Also, the Portsmouth Open Space plan is moving forward. The Commission should get any additional input in. It would be good to review the PULA study and match it up with the preliminary open space plan. Ms. Tanner questioned if they should comment online or have separate meeting. Chairman Miller noted that a separate meeting would be best. Mr. Britz confirmed he would send a doodle poll for the meeting.

## **VI. ADJOURNMENT**

Vice Chairman Blanchard moved to adjourn the August 14, 2019 Conservation Commission Meeting at 5:36 p.m., seconded by Ms. Tanner. The motion passed unanimously by a 6-0 vote. Ms. McMillan had to leave the meeting early.

Respectfully Submitted,

Rebecca Frey,  
Conservation Commission Recording Secretary