

**MINUTES
CONSERVATION COMMISSION
PORTSMOUTH, NH**

Remote Meeting Via Zoom Conference Call

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Per NH RSA 91-A:2, III (b) the Chair has declared COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor’s Executive Order 2020-04, Section 8, as extended by Executive Order 2020-21, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

3:30 P.M.

December 09, 2020

MEMBERS PRESENT: Chairman Barbara McMillan; Vice Chairman Samantha Collins; Members; Allison Tanner, Jessica Blasko, and Thaddeus Jankowski

MEMBERS ABSENT: Adam Webster

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. November 4, 2020

Vice Chairman Collins commented that the sentence on page 6 that says, “access should be further away from the buffer” should be corrected to say “outside of the buffer.” Also “reenforces” should be corrected to “reinforces” on page 7.

Mr. Jankowski commented that the first stipulation on page 2 should read “The Applicant shall follow the preferred practices of the 6th edition of the Northeast Organic Farming Association standards.”

Chairman McMillan commented that the sentence about the conservation mix and the sidewalk was missing a “next.” The “that” in the sentence “Chairman McMillan confirmed that was the preference.” should be clarified to the conservation mix.

Ms. Tanner moved to approve the minutes from the November 4, 2020 Conservation Commission meeting as amended, seconded by Vice Chairman Collins. The motion passed unanimously by a 4-0 vote.

II. WORK SESSIONS

1. 1 Raynes Avenue, 31 Raynes Avenue, 230 Maplewood Avenue
One Raynes Ave LLC, 31 Raynes LLC, and 203 Maplewood Ave LLC, Owners
Assessor Map 123, Lots 12, 13, 14

Patrick Crimmins and Eben Tormey spoke to the presentation. Mr. Crimmins commented that this work session was for the redevelopment of previously disturbed parcels. The proposal is to remove the existing buildings and redevelop the area. Wetland Scientist Lenny Lord delineated the wetlands in October. The wetland slopes sharply along the southern portion and is armored with rip rap. The northern portion has an old pier that delineates the edge of the wetland and is filled with sand and gravel. Vegetation is sparse in the previously disturbed area. There is some sea lavender, salt meadow grass, and seaside golden rod. There is potential to add aesthetic quality and recreation to the area. The buffer is largely disturbed with impervious surface of maintained lawn. There are some invasive species in the area. The proposal is for two new buildings. One would be a 5-story hotel with 128 units and the other would be a 5-story mixed use/residential building. There will also be parking and site improvements. The plan will qualify for the height incentive by providing community space for the North Mill Pond trail. There will be 149 parking spaces for the proposed site. The buffer impacts for the 0-50-foot section are net zero with this plan compared to the existing previously disturbed areas. Any additional impact is related to the trail. There is an increase to the buffer in the 50-100 foot where the proposed parking is for the project. The grading plan includes an underground detention area that will mitigate temperature increase concerns and treatment by water quality units before discharging out into the pond. The culvert drains for the entire neighborhood. This plan will move the culvert to line up with the center of the driveway. TAC commented that they will want the outfall and piping replaced. All of the utilities will be kept out of the buffer. There is no comprehensive landscape plan yet.

Ms. Tanner questioned if the parking would be just surface level like it is today. Mr. Crimmins confirmed that was correct. Ms. Tanner questioned what the mandated parking count was. Mr. Crimmins responded that the proposal is 10 spaces shy of what was required. A Parking CUP will be needed. Ms. Tanner commented that there always seems to be a conflict with developers trying to put something too big into a space that is too small. It would be preferable to see things move away from the wetland. This proposal is adding more impervious surface than is there now. Ms. Tanner commented that adding more impervious surface was a non-starter for her.

Vice Chairman Collins questioned if they knew how much more impervious surface the proposal had in the 50-100-foot buffer. Mr. Crimmins responded that it was a 4,000-sf increase that

included maintained lawn in the back of the parking area. Vice Chairman Collins questioned if there was stacked parking. Mr. Crimmins confirmed that was correct. The intent was to try to reduce the parking footprint. Those spaces would be assigned or used by valet. It would be included in the CUP request.

Mr. Jankowski questioned if they had calculated what the increased amount of water flow into the pond would be. Mr. Crimmins responded that they have not done that yet. They are waiting to figure out if the site is conducive to infiltration or if a different technology needs to be used. The site is tidal, so it doesn't need to meet AOT standards. Mr. Jankowski questioned if the portion of the lot that would be for the public benefit was just on this property. Mr. Crimmins confirmed this was correct. The dedicated land area meets the incentive requirements without needing anything from other lots. The pier was not included in calculations initially because there is a potential that it will be used for private functions for the hotel. The public would be able to use it outside of private events. Mr. Jankowski questioned if they had established the market value of the property that was being donated to the public. Mr. Crimmins responded that they had not, but could provide that information in the future.

Chairman McMillan questioned if they would be restoring the pier. Mr. Crimmins confirmed that was correct. They are just now engaging in how to rehab it. Chairman McMillan questioned what was there now. Mr. Crimmins responded that it was timbers filled in with sand and gravel. Chairman McMillan questioned if it would be replaced in kind. Mr. Crimmins responded that they would not be expanding beyond the footprint but need more details on how it can be restored.

Chairman McMillan questioned what the elevation for fill would be to put in the parking area. Mr. Crimmins responded that there would be a small amount of fill across the site. The finished floor would be about 13.

Vice Chairman Collins questioned if the parking area would be pervious. Mr. Crimmins responded that it is anticipated that the seasonal high-water table will be restrictive for infiltration. The plan does not show a porous surface. There is an underground detention tank. The test pits will confirm what is possible. If the soil is favorable, then they would look at that option. Mr. Jankowski requested that the results of the test pits and any environmental studies be made available to the Commission for review. Mr. Tormey responded that they would look into that.

Chairman McMillan requested details about the outlet area. Mr. Crimmins responded that there was a headwall with a 24-inch pipe that comes out. The idea is to replace it in kind. There needs to be more storm water analysis to confirm the right pipe size.

Vice Chairman Collins commented that they should eliminate impervious surface going into the 50 foot and 100-foot buffer. The building should be scaled down to reduce parking.

Ms. Tanner suggested that the Commission does a site walk for this before the application comes to the Commission.

Chairman McMillan agreed with Vice Chairman Collins' comments about the buffer and parking. It may be worth considering offsite parking or using a parking garage nearby.

Mr. Crimmins commented that they will meet with the Planning Board next week to get their feedback. The goal is to submit the application for the Commission in January.

Mr. Jankowski commented that it would be good to see the runoff studies when they are done.

Chairman McMillan questioned if they had an estimate on how big the pier would be. Mr. Tormey responded that it would be about 20 feet wide and 50 feet long. Chairman McMillan commented that a structure with lighting over the water is hard to swallow.

Mr. Jankowski questioned if the pier plans included water and sewer. Mr. Tormey responded that there is currently electrical and water out there. It would be an open pier with spaced decking.

III. CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

- A. 105 Bartlett Street
Clipper Traders, LLC, Portsmouth Hardware & Lumber, LLC, and Iron Horse Properties, LLC, Owners
Assessor Map 157, Lots 1 and 2, Map 164, Lots 1, 2, and 4-2
(This item was postponed at the November 04, 2020 meeting to the December, 2020 meeting.)

Ms. Tanner moved to **postpone** the Wetland Conditional Use Permit at the request of the applicant, seconded by Vice Chairman Collins. The motion passed unanimously by a 4-0 vote.

Mr. Jankowski questioned if they could receive the results of the contamination reports before the next meeting to review in advance. Mr. Britz responded that the action of the Commission for this application was done for today. They could ask outside of the meeting, but for official Commission action it should be asked at the next meeting.

IV. CONDITIONAL USE PERMIT APPLICATIONS

1. 32 Boss Avenue
Karen and Rick Rosania, Owners
Assessor Map 153, lot 5

Karen and Rick Rosania spoke to the application. Ms. Rosania commented that the entire property is on the wetlands or in the wetland buffer. The Rosanias are new to Portsmouth but not new to living on wetlands. The purpose of application is to request permission to remove some diseased and damaged trees, install a fence, and replace the existing driveway. There are 4 diseased trees. There is a standing ash tree that is close to the house. A licensed arborist

included a letter and photos of the trees. One large tree fell this summer and hit a maple tree that is now leaning toward the house. That is one that is on the list to be removed.

Ms. Tanner commented that some of the pictures showed raised roots. They are raised because of the high-water table it is not necessarily a sign of a degraded tree. One of the photos identified as an ash tree is not an ash tree.

Ms. Rosania commented that the leaning maple and felled ash are in the wetland area. The plan is to purchase and plant a wetland soil mix. The plan is to also purchase and plant 25 wetland appropriate tree saplings. The new fence will fall within the right side of the property line go across the back and on top of the slope. The fence will allow a safe area for the dogs to be outside. Cement will only be used for a post if ledge is encountered. All of the other posts will be hand dug. They will be 2.5-inch diameter posts with a vinyl sleeve over them. The last part of the application involves the driveway. There are large divots on the driveway, and it needs to be replaced. The new driveway will go in the same footprint of the existing one. There will be new asphalt and runoff will be pitched toward the wetland. The proposal includes a 64-96 sf rain garden along the base of the driveway to treat runoff.

Mr. Jankowski questioned if they would be tearing up the whole driveway or just putting on new asphalt. Ms. Rosania responded that it needs to be all ripped out because of the condition of the current one. Mr. Jankowski questioned if they had considered pervious pavers. Ms. Rosania responded that it was considered but unfortunately it is very expensive. The impervious asphalt will be mitigated by the rain garden.

Vice Chairman Collins questioned if the rain garden would be in between the driveway and wetland. Ms. Rosania confirmed that was correct. Vice Chairman Collins questioned if it would catch all of the runoff. Ms. Rosania responded that it should. It will be 2-3 feet in deep and run the entire length of the driveway.

Chairman McMillan commented that the cross section of the rain garden has a drainage outlet. Ms. Rosania commented that they pulled a typical diagram from the internet. Ms. Rosania was not an expert but anticipated that there would be a gravel blanket, soil, and then plants. Chairman McMillan commented that they did a good job putting this together and questioned if they would be hiring an expert to install the garden. Ms. Rosania responded that they would hire someone to do this. Chairman McMillan commented that the application was showing two different types of rain gardens. It would be good to have someone who knew what they were doing to install it. Making sure the garden is sized correctly for the runoff coming off the driveway would be important as well.

Ms. Tanner questioned how the trees would be removed from the wetland. Ms. Rosania responded that they would be leaving the stumps. The company that will be hired has a crane to lift the trees out.

Vice Chairman Collins commented that they should get a second opinion on the trees' health before cutting them. They are huge trees and advantageous to the buffer and wetland.

Chairman McMillan questioned what time of year the trees would be cut, and if any equipment would be going into the wetlands. Ms. Rosania responded that they would be cut as soon as they were able to. The trees are fairly close to the driveway so equipment should not go into the wetlands. Chairman McMillan commented that the best time to cut the trees would be when the ground is frozen.

Chairman McMillan requested more detail on the plantings that will be put in after the trees are removed. Ms. Rosania responded that they will put the conservation mix under the wetland where the felled ash isn't touching the ground. The seed mix can be planted in the winter.

Ms. Tanner commented that there should be stipulations about the trees being removed when the ground is frozen, an expert should be hired to install the rain garden, and the concrete for the fence should be as minimal as possible.

Mr. Jankowski questioned if they would be increasing the size of the grass in the backyard. Ms. Rosania responded that they would not be increasing the size of the lawn. There is no grass in the backyard it is all crushed stone and flower beds. Mr. Jankowski commented that it would make sense to follow organic practices in the back yard.

Vice Chairman Collins commented that there should be a stipulation to get a second opinion about the health of the trees they are proposing to cut down.

Mr. Britz questioned how the Commission would define an expert for the rain garden installation. Mr. Jankowski responded that the property owners could come up with a solution and report back to the Commission. Chairman McMillan commented that there are landscapers who have trained in landscaping for water quality. DES has a person the owners can contact to get more information. Ms. Rosania responded that was a reasonable request.

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

1. The applicant shall wait until the ground is frozen before cutting or removing trees.
2. The applicant shall have a rain-garden specialist design and install the proposed rain garden.
3. The applicant shall minimize the use of concrete during the construction of the fence.
4. The applicant shall have an additional opinion on the current health of the trees to be removed or cut.

The motion passed unanimously by a 4-0 vote.

2. 239 Northwest Street
Michael Petrin and Kate Laverriere, Owners
Assessor Map 133, Lot 3

Request to Postpone

Ms. Tanner moved to **postpone** the Wetland Conditional Use Permit at the request of the applicant, seconded by Vice Chairman Collins. The motion passed unanimously by a 4-0 vote.

V. REVIEW 2017 CITY COUNCIL RESOLUTION #26-2007

City staff will consult with the Conservation Commission to prepare an outreach program outlining viable alternatives to synthetic toxic pesticides for the general public's use.

Mr. Jankowski commented that in 2017 City Council passed a resolution to ban the City from using toxins to maintain public properties. In 2018 Non-Toxic Portsmouth applied for grants to pilot projects for organic land care. Now the City is composting. Part of that grant provided training to City Staff in organic land management. They are preparing an outreach program for all property owners to use organic lawn care maintenance. It would be good to have someone from DPW come in to talk about the progress that the City has made in this area. It may make sense to have a subcommittee on how to educate people about organic lawn care. The Conservation Commission in South Berwick sells signs for property owners to display on their lawn if they follow an organic lawn management plan. It's a good way to encourage neighbors to follow the same plan.

Mr. Britz commented that in January 2018 the Conservation Commission had a meeting regarding organic pesticides. Not much came of it other than a discussion.

Ms. Tanner suggested putting guidelines for organic gardening on the City web site or the Conservation Commission page. Mr. Britz confirmed that could be posted. Ms. Tanner noted that they could put together a webinar that people can tune into when they want to. Mr. Britz noted that they can link to resources in it as well.

Chairman McMillan questioned if this should be a separate special meeting or covered by a subcommittee. Mr. Britz commented that they usually have too much business on a regular agenda, so it should be a separate meeting or subcommittee. Mr. Britz noted that he would send out an email to coordinate the subcommittee.

VI. OTHER BUSINESS

VII. ADJOURNMENT

Ms. Tanner moved to adjourn the meeting at 5:03 p.m., seconded by Mr. Jankowski. The motion passed unanimously by a 4-0 vote.

Respectfully Submitted by,
Becky Frey,
Acting Recording Secretary