

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

3:30 p.m.

March 11, 2020

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman MaryAnn Blanchard; Members; Allison Tanner, Barbara McMillan, Adrienne Harrison, Jessica Blasko, and Alternate Joseph O'Neill

MEMBERS ABSENT: Samantha Collins

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

.....
I. APPROVAL OF MINUTES

A. February 12, 2020

Chairman Miller noted that the comment on page 3 about not mowing should be a question. Ms. Tanner noted that it should say "the" instead of "they" on page 2.

Vice Chairman Blanchard moved to approve the minutes from the February 12, 2020 Conservation Commission, seconded by Ms. Tanner. The motion passed by a 5-1-0 vote. Ms. Harrison abstained because she was not at the February Meeting.

II. STATE WETLAND BUREAU APPLICATIONS

1. Standard, Dredge, and Fill Application
0 Banfield Road
Maud Hett Revocable Trust, Walter D. Hett Trustee, owner
Assessor Map 256, Lot 2

Mr. O'Neill recused himself from the application.

Jim Gove from Gove Environmental Services spoke to the application. The Commission has already viewed this project before. This is a Standard Dredge and Fill application to access uplands. The crossing from Banfield Rd to the uplands would be a total 3,828 sf of impact. The 22 units will be on a 45-acre parcel where 19 acres are upland. The size of the eco-passages are now 1.9, 2 and 2.2 feet tall. All of them are 5 feet wide. There is no longer a large wall along the access road. It has been reduced to 2-2.3 feet tall on one side.

Chairman Miller noted that the State will evaluate this application based on their regulations. The Commission does not need to vote an approval or denial, but it would be important to include recommendations of what the State should consider.

Chairman Miller commented that this was a different plan. It is just focusing on the crossing and eco-passages change.

Ms. Tanner commented that she took some pictures of the property and it's been pretty wet. The first picture is the main entrance of the property. The water is right along the road edge. The next two pictures were taken down Banfield Road and further toward the Girl Scout Camp. There is a lot of water. Ms. Tanner was concerned about bisecting the wetland and creating more flooding on Banfield Road. The road with eco-passages may not be adequate because they may be flooded most of the year. The water was flowing on the property and there has been standing water everywhere in the past. Ms. Tanner was concerned about the impact blasting would have and that fresh water may be coming up from the ground.

Chairman Miller questioned if the eco-passages were increased due to water flow. Mr. Gove responded that the width was always 5 feet, but the height was changed to satisfy the specifications. The City approved a slight change in grade on the road to allow for that height increase. The calculations were made and are being reviewed by a third party to confirm there is plenty of flow through the eco-passages.

Ms. McMillan arrived late, and Chairman Miller summarized their decision to make referrals to the State, but not vote approval or denial.

Ms. McMillan questioned what the purpose of not voting would be. Chairman Miller responded that it was just to avoid getting into a heated session. This is not up to the Commission's regulations. It is up to the State's regulations. It will be evaluated by the State criteria. The plan has changed. The road crossing is the biggest part of it. Not voting would avoid a lengthy discussion on issues that wouldn't apply because it's not a CUP application. Ms. Tanner noted that the State would still take into consideration their approval or denial. Chairman Miller responded that they may. They will definitely look at the recommendations. Ms. Tanner commented that they usually vote on State applications. Ms. McMillan and Ms. Harrison agreed that they should vote. Chairman Miller responded that was fine.

Vice Chairman Blanchard appreciated the wall reduction, but there were other suggestions from Mark West that were not incorporated. The proposal is the same except for the change in the eco-passages and the wall. Mr. Gove responded that they incorporated the feedback as much as possible.

Vice Chairman Blanchard commented that the depths of the septic tanks were different. There is an awful lot of run on the slope and there is bedrock on the site. They never quantified how much fill was going to be used on the septic systems. The project involves a significant deforestation and there is no landscape plan. The blasting was never addressed. Mr. Gove responded that with all due respect those elements are not part of this application.

Chairman Miller commented that it was good to get feedback from Fish and Game in terms of the eco-passages and requested more information on how their recommendations were incorporated. Mr. Gove responded that there was a lot of discussion to make sure erosion control measures were friendly to wildlife and the inlets were protective of turtle species. Those recommendations have been incorporated.

Ms. Harrison questioned if lowering the retaining wall reduced the buffer impact. Mr. Gove responded that there may be some drainage structures along the side of the wall now. It goes more into the buffer, but narrowly. The height of the wall was a significant issue and that has been reduced a lot.

Ms. McMillan requested more detail about the uplands on the site. Mr. Gove responded that there was a page with the map that showed the uplands. It is not an upland island. The wetlands have been colored in and they extend onto the Girl Scout property and further. There are other uplands on the site. The wildlife crossings were added into the plan based on observations and knowledge. Not all of the uplands are being utilized for this development. A little over 7 acres will be used for the development and the rest of the 19 acres of upland will be left alone. Ms. McMillan questioned if they would be in conservation. Mr. Gove responded that they have made some suggestions on the last page for the open space. The applicant has looked at them and agreed that they would be acceptable to the restrictions on the open space. Mr. Britz noted that the Planning Board would need to formalize that. It would need to be an easement or deed restriction. Mr. Gove confirmed that the owner was going to do that.

Ms. Harrison questioned if the guard rail on the upper part of the road would be a significant part of the road. Mr. Gove responded that it would be on one side because there is a drop off. Ms. Harrison questioned if that would impact wildlife movement. Mr. Gove responded that it typically does not. The wildlife in that area that will be using the road would be larger species. They can all get across.

Ms. McMillan questioned if there would be maintenance on the grates. Otherwise they could get full over time. Mr. Gove responded that they were aware that there will be maintenance associated with grates. Ms. McMillan questioned how effective they will be in the wetlands. Mr. Gove responded that he talked with Fish and Game, and they are interested to see how they work. They have been used in Maine and Massachusetts, but this could be the first time they are used in New Hampshire. Ms. McMillan questioned if they explored an alternate entrance through the Girl Scout Camp. Mr. Gove responded that the client had reached out and was rejected in that effort. This application doesn't have a document on it because it is not required.

Ms. McMillan questioned if Mr. Gove had any response to the wet areas that are there today and the potential for flow. Mr. Gove responded that it has been analyzed by the engineer to ensure there would be no restriction of flow. It is being reviewed by the City as well. The flow is fine and has been addressed.

Ms. Tanner moved to not recommend approval, seconded by Vice Chairman Blanchard.

Ms. Tanner was concerned about the flow. If something else is put in, then it will flood Banfield Rd. more. Blocking any flow in the wetland will cause water to come up over the road. The hydrology in the area should be analyzed.

Vice Chairman Blanchard supported the motion to deny because it's not the least impacting alteration to the site. Vice Chairman Blanchard had significant concerns about the impact to the downstream wetlands, deforestation, and water from the non-traditional septic systems in the uplands. There is an unquantified amount of fill that will be used on septic systems and the blasting was not addressed in the proposal.

Ms. McMillan commented that her biggest concern was blocking the wildlife corridors. Lowering the wall was helpful and making the grates deeper was also good. However, it is unclear how they will function and that is concerning. The crossings have not been accommodated in another method.

Ms. Harrison noted that her main concerns were related to the impervious surface and the loss of trees and vegetation. They will contribute water to the wetland that will have less capacity for the water to move with the road and grates. Ms. Harrison was concerned that the water would be too much for the wetland to handle.

Chairman Miller echoed Ms. Tanner's concerns about the hydrology on the site. The State should look at the hydrology and the flooding issue in their evaluation of the permit.

The motion to deny a recommendation passed by a 5-1-0 vote. Mr. O'Neill abstained.

III. OTHER BUSINESS

Mr. Britz reviewed the ordinance changes. They have been adopted and the changes have strengthened the ordinance quite a bit. There are new requirements that get applicants to talk about the wetland. The size of the wetland and level of impact dictates the amount of information that needs to be provided. This will result in better applications. The next change is that the applicant needs to remove the same amount of impervious surface as they are adding. The application should include a buffer enhancement plan to address that if they can't remove the same amount of impervious surface. There are guidelines on what a wetland buffer enhancement plan should include and how it should function. There is a separate section that addresses tidal wetland buffers. This is something that the Commission often asks for, but until now it was not documented. Another change is that all new pavement in the wetland buffer shall be porous pavement. An exception from the Planning Board can be granted if it is deemed not appropriate. A maintenance plan for the care of porous pavement is required. Wetland boundary markers need to be installed during the project construction. They will be looking for the delineated wetland boundary.

Chairman Miller commented that delineating the wetland with markers was a good addition. It will let people know where the wetland and buffers are.

Ms. McMillan commented that the statement about porous pavement was clear and stronger.

Mr. Britz commented that the applications should have a little more narrative because of these changes. Mr. Britz also confirmed that April 1, 2020 the Commission will have a site walk for 105 Bartlett St. On March 26, 2020 there will be a work session for the North Mill Pond Trail. The project is starting at the park along the AC Hotel. The City is working to finalize the property to get across to Market St. There will be a trail and park amenities.

Ms. Tanner commented that she was concerned about the old wharf in that area. Mr. Britz responded that the inter tidal area will have a living shoreline. The wharf will be removed partially to accommodate that. Some are wharf pieces and some of it is cribbing that was put in to keep soil there. There will be more buffer plantings and boardwalk. That will help with people from walking out anywhere they want. It would protect the resource and provide access.

Ms. McMillan commented that there were a whole bunch of trees flagged on Greenleaf Ave. by Peverly Hill Road. Mr. Britz responded that the City will be putting storm water infrastructure in and they have been doing surveying. Mr. Britz was not aware of any clearing but would follow up.

IV. ADJOURNMENT

Vice Chairman Blanchard moved to adjourn the meeting at 4:30 p.m., seconded by Ms. Blasko. The motion passed unanimously.

Respectfully Submitted by,
Becky Frey,
Acting Recording Secretary