

**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 2020-24, 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.

January 13, 2021

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

MEMBERS ABSENT: Jessica Blasko

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. ELECTION OF OFFICERS

Ms. Tanner moved to vote on the election of officers at the end of the meeting, seconded by Vice Chairman Collins. The motion passed unanimously by a 5-0 vote.

Ms. Tanner moved to make it a public ballot, seconded by Vice Chairman Collins. The motion passed unanimously by a 5-0 vote.

1. Chairman

Ms. Tanner moved to re-elect Barbara McMillan as Chairman, seconded by Mr. Jankowski. The motion passed unanimously by a 5-0 vote.

2. Vice-Chairman

Ms. Tanner moved to re-elect Samantha Collins as Vice Chairman, seconded by Mr. Jankowski. The motion passed unanimously by a 5-0 vote.

II. APPROVAL OF MINUTES

1. December 09, 2020

Ms. Tanner commented that “qualify” was misspelled on page 2.

Mr. Jankowski commented that on page 3 there was a discussion about providing the estimated market value of the property being donated to the public. It should be added to the minutes that the applicant said they would provide that. It should also be added to the minutes the Mr. Britz noted he would send out an email to coordinate a subcommittee under Other Business.

Ms. Tanner moved to approve the minutes as amended, seconded by Vice Chairman Collins. The motion passed by a 4-1-0 vote. Mr. Samonas abstained from the vote because he was not at the last meeting.

III. STATE WETLANDS BUREAU PERMIT APPLICATIONS

1. 163 Sparhawk Street
Michael J. O’Connor, Owner
Assessor Map 159, Lot 7

Ms. Tanner moved to review the State Wetlands Permit Application and the Conditional Use Permit Application together and vote on them separately, seconded by Mr. Samonas. The motion passed unanimously by a 5-0 vote.

Steve Riker and John Chagnon from Ambit Engineering spoke to the application. Mr. Riker commented that the application was for work in the 100-foot buffer. It is a minor application with DES because there is work proposed within 50 feet of the salt marsh. The lot is on the corner of Sparhawk St. and Clinton St. Currently there is a single-family residence with an attached garage, wooden deck and set of stairs for foot access to the deck. The proposal is to replace the garage in kind in the same footprint as it stands now and include new storm water treatment. There will be gutters along the front of the garage that will lead to a downspout connection and then to an infiltration trench. The back side of the garage will have a standard stone drip apron. The stairs will be removed during construction and then put back at the end. The owner has experienced water flowing down Clinton St. to their garage doors. The existing finished floor elevation of the garage is 18.3. The proposed will raise it to 18.7 to help prevent water from entering garage. The pavement will be saw cut and new asphalt will be poured to slope up to the garage.

Ms. Tanner questioned if water would just pool in front of the elevated area. Mr. Riker responded that the water would flow in that direction. Raising the finished floor of garage will solve the issue, but the asphalt needs to be raised to get the cars in. There is a catch basin that does collect some of the water, but not all of it. That is the issue. Mr. Chagnon noted that there was a yard drain put in at the corner of the saw cut line with a pipe attempting to alleviate the problem. That will be removed as part of this plan. Runoff will go across the vegetated area.

Mr. Riker commented that the plan showed the permanent and temporary impact areas. The infiltration trench and downspout detail are included. There will be a silt log area at the catch basin during construction. The plan includes the pavement joint detail and stone drip apron detail. In the DES application it is required to assess and discuss the predicted sea level rise on projects. That is not as much of a concern in this location. A drainage analysis is provided in the packet.

Mr. Samonas questioned if they were adding any erosion control at the patio in the back of the property. Mr. Riker responded that there was no current plan to do anything with that. It will remain as is. The construction will not disturb the slate patio in any way.

Vice Chairman Collins questioned if the work could be done from the front of the house. Mr. Riker confirmed that was correct. The side of the house is very narrow and steep. There is not a lot of room to work from the side.

Vice Chairman Collins questioned if any plantings would be added where the where the hardscape was removed. It would be good to ensure that the bank is stabilized. Mr. Riker responded that the side of the property is 2 feet wide. There is not enough room to plant and they need to maintain access for the owners. It will be loamed and seeded.

Vice Chairman Collins questioned where the gutters on house go. Mr. Chagnon responded that they go out to the curb line.

Chairman McMillan noted that the plan mentioned that fertilizer could be used if things don't take in the grassy area, and noted that was not allowed in the buffer. Mr. Riker confirmed that they would remove the note about fertilizer. The area would get new topsoil, lime, seed and mulch.

Vice Chairman Collins moved to recommend approval to the State Wetlands Bureau as presented, seconded by Ms. Tanner. The motion passed unanimously by a 5-0 vote.

Vice Chairman Collins commented that she appreciated the level of care put into the construction sequence and general construction notes about preventing erosion.

IV. CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

1. 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 December 09, 2020 meeting to the January 13, 2021 meeting.)

Ms. Tanner moved to postpone this application to the February 10, 2021 Conservation Commission meeting, seconded by Vice Chairman Collins. The motion passed unanimously by a 5-0 vote.

2. 239 Northwest Street
Michael Petrin and Katie Laverriere, Owners
Assessor Map 122, Lot 3
(This item was postponed at the December 09, 2020 meeting to the January 13, 2021 meeting.)

Tim Ferwerda spoke to the application. The proposal is to remove a portion of the section of the house and deck and put in a 2-story addition. There will be an additional 30 sf of impervious surface compared to what is there now. The proposal includes silt socks to help with erosion control. There will be 300 sf of temporary impact. The proposed drainage includes drip edges with a drip line trench. The details are included. There is a retaining wall along the back of the addition area. Most of drainage will be caught in the back.

Mr. Samonas commented that a small portion of the lot drains west to a catch basin, which goes to the North Mill Pond. Mr. Samonas questioned if the new drip lines would go to that catch. Mr. Ferwerda responded that it will go into a stone line trench. The front of the property has a little grass.

Chairman McMillan commented that the owners also owned the lot across the street, and questioned if that was considered a separate lot. Mr. Ferwerda responded that the lot has a different tax map number, and the State treats them as two separate lots.

Vice Chairman Collins commented that there were discrepancies between the elevation renderings and the property plan. The plan also shows proposed steps in one location, but the rendering doesn't show those steps. Mr. Ferwerda responded that the plans would be reconciled and corrected.

Chairman McMillan noted that there was a lot of vegetation in the back and along the sides, and questioned if there was a planting plan. Mr. Ferwerda responded that the lawn would be reseeded. The plan will not remove any trees or shrubs. Mr. Samonas commented that there was a sizeable tree behind the house. Mr. Ferwerda confirmed that should remain.

Chairman McMillan commented that the area to the left of the house is used as a parking area and questioned if it was just grass. Mr. Ferwerda responded that it was just lawn. Chairman McMillan questioned if it would remain lawn. Mr. Ferwerda confirmed that was correct. Chairman McMillan noted that the area across the street could benefit from buffer planting.

Right now, it looks like there is nothing up to the edge. Mr. Ferwerda responded that it is grassed and there are a couple of trees. Chairman McMillan questioned if the owner would be amenable to adding low shrubs. Mr. Ferwerda responded that he would verify with the owner, but it should be fine.

Mr. Jankowski commented that the owner should look at native plants and NOFA land care standards for what to use down there. Mr. Ferwerda responded that they planned to use low phosphorus and slow-release fertilizer. Behind the house the soils are good enough to put in plantings without fertilizer.

Mr. Samonas commented that parking on the side of the lawn may be a factor in winter with plowing. It may be a factor later on.

Mr. Jankowski moved to recommend approval of the Wetlands Conditional use Permit to the Planning Board as presented, seconded by Ms. Tanner. The motion passed unanimously by a 5-0 vote.

Mr. Britz commented that this was an expedited permit, which means that Chairman McMillan can sign the permit without waiting 7 days. The Commission does not need to vote on the expedited portion. However, if someone objected to it, then they can bring that up.

There were no objections from the Commission.

V. CONDITIONAL USE PERMIT APPLICATIONS

1. 163 Sparhawk Street
Michael J. O'Connor, Owner
Assessor Map 159, Lot 7

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

2. 292 Lang Road
Robert Gigliotti, Owner
Assessor Map 287, Lot 4

Rob Gigliotti spoke to the application. There are three areas that would be disturbed for the proposed construction. The first is shown on the septic plan. The proposed tank for the second house would be in the buffer. The second area is the deck on the back side of the house. The deck will be 180 sf with a stairway that will be another 6 sf. The last place is the mudroom proposed for the front of the house. The proposed mudroom will be 4 by 4 and there will be a small 12 sf stairway. That is the closest to the wetland buffer line. The wetland area falls to each side of the driveway. The mudroom is 30 feet from the wetland. The other proposed construction is 50-60 feet from the wetland.

Vice Chairman Collins questioned if all the disturbed areas were within the buffer. Mr. Gigliotti confirmed that was correct. The closest area to the wetland is the mudroom, which is across the street from the prime wetland.

Ms. Tanner requested clarification on the septic tank that was proposed. Mr. Gigliotti responded that the existing system was fine for the existing house. Down the road the intent is to build a second house in the back of the property. The second house will not be in the buffer. It would be required to have a septic system for both houses. This proposal is for the tank that will eventually go in if and when that house is put in.

Vice Chairman Collins questioned if anything would be put under the deck. Mr. Gigliotti responded that it would be raised with 6 cement footings and wooden posts. Vice Chairman Collins requested that they put crushed stone underneath. Mr. Gigliotti confirmed that could be added.

Chairman McMillan requested more details on the driveway. Mr. Gigliotti responded that it was a gravel driveway now. The plan is to lay down stone and eventually put in a pervious driveway to let water infiltrate. That is not part of this plan today. The second house would be a pervious stone driveway. The second house is year or 2 away from being built.

Chairman McMillan advised to have the buffer staked out prior to construction. Mr. Gigliotti confirmed that the plan would be updated to include that.

Mr. Gigliotti commented that wetland specialist Peter Spears pointed out invasive shrubs for removal and recommended putting in native plants. Mr. Gigliotti questioned if they would need to come back to the Commission to do that work. Mr. Britz responded that they did not. Ms. Tanner commented that they need to make sure the invasive plants are well marked to make sure only those are removed.

Ms. Tanner questioned if there was drainage off the existing house. Mr. Gigliotti responded that there is a drip edge off the existing roof. Ms. Tanner commented that it is important to make sure water is directed away from the wetland to make sure it infiltrates into the ground first. Mr. Gigliotti responded that the drip edge would look good with stone under the deck.

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

1. The applicant shall install a stone drip edge around the house and under the proposed deck to allow infiltration of storm-water.
2. The applicant shall stake the wetland buffer during project construction.

The motion passed unanimously by a 5-0 vote.

3. 232 South Street
JCM Realty, LLC and Topnotch Properties, LLC, Owners
Assessor Map 111, Lot 2

John Chagnon and Steve Riker spoke to the application. Mr. Chagnon commented that the project is looking to complete plans that were started by the previous owner. The wetland is in the back of the site. The wetland buffer line is currently at the back of the house. It is lawn all the way to the tree line. There is a shed in the buffer close to the property line. The building is at 0 feet setback in the front. There are minor additions to the property and there will be a 2-story back deck to provide an egress to the second floor and outdoor space for both units. The buffer impacts include the deck and life safety improvements with walkways from the rear out to the street on each side of the building. There will be temporary impacts during construction. The shed will be relocated from the corner to a point that is as far away from the buffer as possible. The required open space requirement is 40% and the amount of open space in this proposed plan is 66%.

Ms. Tanner questioned if the stairs going off the deck go to the first floor or second floor. Mr. Chagnon responded that the stairs go to the first floor and the spiral staircase go to the second floor.

Vice Chairman Collins questioned what the material of the walkways would be. Mr. Chagnon responded that they were included in the impervious coverage table. Vice Chairman Collins questioned if they considered a pervious surface. Mr. Chagnon responded that he would check with the applicant.

Ms. Samonas noted that the stone drip edge and buffer planting area have maintenance schedules and questioned how those would be implemented for future owners to ensure it happens. Mr. Chagnon responded that would be included in the transfer of ownership or condo documentation.

Vice Chairman Collins questioned what was going beneath the new shed. Mr. Chagnon responded that there would be nothing out of the ordinary. The shed is going in a relatively flat area.

Chairman McMillan questioned if there was a planting plan for this application. Mr. Chagnon responded that there was. Chairman McMillan questioned if there was any additional outside lighting going in. Mr. Chagnon responded that there would probably be some lighting at the exterior doors of the decks.

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

4. 375 Banfield Road
Banfield Realty, LLC, Owner
Assessor Map 266, Lot 7

Bill Wilcox, Joe Coranati, Rob Graham and Jim Gove spoke to the application. Mr. Coranti commented that this was a 15-acre property with a couple small business buildings and pavement

out front. The back of the property has a poorly growing wooded/field area. The site was a former regulated land fill area for solid waste. There is a lot of environmental information on it. Only the front of the property is developed. Most of the solid waste is located in the back area. The proposal is to put a conforming industrial building on the parcel. There is very little impact in the buffer. A small corner of the parking lot is in the buffer, but that asphalt will be removed. There is an isolated wetland on the property too. The building and parking fits outside all the buffers. There is a small, vegetated filter strip at the end of the storm water treatment. There is a replanted area going in the buffer. The treatment swale will be relocated. The outlet out of the underground system will be out of the buffer.

Ms. Tanner commented that there was a pond between this property and the next, and it wasn't on this plan. Mr. Gove responded that there was a very wet wetland. It does pond water, but it is also all vegetated.

Ms. Tanner questioned if the treatment was running toward the area where the pervious solid fill is. Running water over that area would not be the best thing. Mr. Coranti responded that was correct and they will be coordinating with Mr. Wilcox on that. All the storm water items have to be lined with an impermeable liner. The liner under that section is so that storm water will not be infiltrated. Originally this was designed with swale to go into the buffer, but TAC requested that it be relocated. However, after talking to Mr. Wilcox they will not discharge water into the upland area. The plan is to bring the swale to the edge of the wetlands through the buffer to daylight it there. That will all be lined. Ms. Tanner questioned if they could run the storm water off the side of the building away from Banfield Road. Mr. Coranti responded that there was no way to daylight it other than through the buffer. Mr. Gove added that looking at the aerial photo shows the wet wetland area to the south. That discharges to the west and goes toward the Great Bog. The east area in brown is where a lot of the solid waste is. Further to the east is the wetland. That wetland is a lot more dry than the pond. It is more like a poorly drained area. There is good vegetation, and it is seasonally saturated with the ability to absorb nutrients before it gets to the pond. The white pine area gets very narrow. Ms. Tanner questioned if it was possible to put drainage in the back. Mr. Gove responded that would be a good area to discharge. Mr. Coranti commented that it could flow by gravity to that area, but would have to go through the 100 foot buffer. Ms. Tanner responded that would be her preferred route.

Mr. Gove commented that to the south there is an old pit that was excavated out. The base of the slope formed the small wetland. It is not a vernal pool, but it has a tiny culvert that drains to the south. That will be coming in as a standard dredge and fill for that small area.

Mr. Coranati commented that all storm water treatment will happen before the swale. The storm water will be treated in the R-tank holding system then go out to the swale. All of this will go to AOT for review.

Ms. Tanner questioned where the swale would be moved to. Mr. Coranati pointed out the new path to the edge of wetland. It will move more toward the east.

Mr. Britz commented that they will need to amend the plan. Mr. Coranati confirmed that they would resubmit.

Mr. Gove commented that they were coordinating with NHB and Fish and Game on this project. The NHB has no concerns about the proposed impacts. Fish and Game wants to wait for the wildlife study to come through from AOT to determine what is needed for the turtles.

Ms. Tanner commented that the plan shows river birch was not recommended and questioned why that was. It would be good to plant because there is not a lot. Mr. Gove responded that there was concern about getting something that is somewhat genetically different that is not native. For example, if it was purchased from Vermont.

Chairman McMillan questioned the details of the value of the wetlands. Mr. Gove responded that was included in the dredge and fill but not supplied here yet. Chairman McMillan confirmed that would be good to see. The proposal has a big building going in on a property with a lot of contamination. Mr. Coranati responded that they were capping the site with the building.

Mr. Wilcox commented that the site was an unlined landfill. They found somewhere between 0-3 feet of solid waste. Right now, when it rains it infiltrates into the ground and goes to the wetland. Putting the building down and focusing the stormwater will eliminate the water going through the solid waste. The soils showed low levels of lead and arsenic which are above the State standards. They took 94 soil samples and only 5 exceeded the standards. The ground water was sampled for metals. There were 23 wells across the site, and they anticipate a lot of the contamination will fall off. Mr. Coranati added that the coverage on the site will benefit the wetland to direct rainwater and deliver clean runoff to the wetland.

Chairman McMillan questioned what the applicant's thoughts were on an improved habitat. Mr. Gove responded that the open area cries for replanting of forested conditions. It would be a good place for replanting good tough species like birch and poplar. It would be a habitat improvement because it is currently an unforested field.

Mr. Samonas questioned if they anticipated any contamination disruption with the construction. Mr. Wilcox responded that they would need to put in silt socks and there will be a ground water management plan with oversight. They will monitor and remove solid waste that is touched. If any contaminants beyond arsenic or lead are found, then they will be removed. Some lead areas will be removed.

Vice Chairman Collins questioned what the building would be used for. Mr. Coranati responded that it will be a light warehouse with assembly and offices. Mr. Jankowski questioned if they already had a tenant. Mr. Croanti responded that they were in negotiation with a tenant now.

Chairman McMillan questioned if they could do a site visit. Mr. Britz responded that they could schedule one.

Mr. Jankowski requested to see the year 2000 report on what's under the ground there.

Ms. Tanner moved to postpone this application to the February 10, 2021 Conservation Commission meeting, seconded by Vice Chairman Collins. The motion passed unanimously by a 5-0 vote.

VI. OTHER BUSINESS

Mr. Britz addressed Mr. Jankowski's comment about coordinating a subcommittee. Mr. Britz discussed it with Chairman McMillan it was agreed that it makes sense to give more time to get more members on the Commission. Then a subcommittee could be formed. They also talked about the open space and conservation land planning. The Commission should look at the City's Open Space Plan. The Commission should look at conservation opportunities city wide not just within city owned parcels. Looking at all this can be the starting point to identifying future opportunities.

Mr. Jankowski commented that it would be important to be in the City's CIP cycle. Then they can request that City Council include money for open space. Mr. Britz responded that the CIP process starts very early in the year and is in the final stages for this year. It is too late to get on this cycle, but the Commission can work on it for next year. Ms. Tanner noted that they may be able to work with the South East Land Trust as well.

Mr. Samonas questioned if Portsmouth had planning or zoning requirement for the conservation of open space from private developers. Mr. Britz responded that there was not for conservation land. Mr. Samonas commented that it may make sense to explore that and create a base line.

Ms. Tanner noted that they were able to negotiate that half of the land area be put into conservation for the Hett property. Mr. Samonas commented that it would be better to be an expectation rather than a negotiation. Mr. Britz noted that there is an open space requirement per zone. However, there are not specifics about protecting more conservation land. Chairman McMillan commented that they should do a separate meeting on this.

Ms. Tanner commented that there was property northwest of her that is all wet. People are paying taxes on those pieces of their property, but it is probably not buildable. The City could purchase land like that to prevent contamination to Sagamore Creek. Mr. Britz noted that they do have a conservation fund and they can do a study and work to formalize what the Commission wants to do. The issue is that they need to get to it before a developer does.

Mr. Jankowski commented that it is a good time to invest because rates are so low.

Chairman McMillan noted that they should draft an agenda and set up a meeting time. Mr. Britz suggested meeting at a similar time and day but off cycle from the regular Conservation Commission Meeting.

Chairman McMillan noted that she has been to two Public Advisory Committee meetings for the Route 1 Corridor Improvement Project. They are monthly meetings with DOT and other invested representatives. They have presented 4 options and are trying to narrow down what the project will be. It will most likely be a hybrid of everything. There are not huge improvements,

but it will put bike and walking lanes in that corridor. Chairman McMillan noted that she would notify the Commission when the public meeting happens. There is not a lot of detail at this point.

VII. ADJOURNMENT

Chairman McMillan adjourned the meeting at 6:13 p.m.

Respectfully Submitted by,
Becky Frey,
Acting Recording Secretary