

**MINUTES
CONSERVATION COMMISSION
PORTSMOUTH, NH**

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2, III (b) the Chair has declared the 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 2021-01, 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.

March 10, 2021

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

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. February 10, 2021

Ms. Blasko commented that she did not think she seconded the motion for the 500 Market St. application because she had to leave the meeting early. However, the postponement motions were made after the approval of minutes at the beginning of the agenda while she was still present. A note has been added to the minutes to reflect the order the motions were made.

Ms. Tanner commented that the votes on page 2 and 13 with an abstention were not written in the right order. Also, the word “caliber” should be “caliper.”

Chairman McMillan commented that she closed the work session summarizing that the applicants should look for as much protection of the pond as possible. The applicants should consider buffer enhancement, lighting, overall size of the building, and overall impervious surface. That summarization should be reflected in the minutes.

Mr. Jankowski commented that it should be clarified on page 10 he did not support the motion because he did not feel the project met the 6 criteria for the CUP.

Mr. Jankowski moved to approve the February 10, 2021 Conservation Commission Minutes as amended, seconded by Ms. Tanner. The motion passed unanimously by a 6-0 vote.

2. February 24, 2021

Vice Chairman Collins commented that Ms. Blasko questioned if they should do anything before the next meeting not her.

Ms. Tanner commented that it should say “some properties in the PULA Study” on the bottom of page 4 bottom. Also, it should be Brian Hart not Heart. Ms. Tanner clarified that the percentage of money that goes into the Conservation Fund comes from the Change in Use fund.

Chairman McMillan commented that the word “list” was missing from Ms. Tanner’s comment on page 3. Also, it should say “that jumped out” instead of “the jumped out” on page 5.

Vice Chairman Collins moved to approve the February 24, 2021 Conservation Commission Minutes as amended, seconded by Ms. Tanner. The motion passed unanimously by a 6-0 vote.

II. CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

1. 375 Banfield Road
Banfield Realty, LLC, Owner
Assessor Map 266, Lot 7
(This item was continued at the February 10, 2021 meeting to the March 10, 2021 meeting.)

Request to Postpone

Ms. Tanner moved to **postpone** the Wetland Conditional Use Permit to the April 14, 2021 meeting, seconded by Mr. Jankowski. The motion passed unanimously by a 6-0 vote.

2. 1 Clark Drive
Frederick W. Watson Revocable Trust,
Robert D. Watson Trustee, Owners
Assessor Map 209, lot 33
(This item was continued at the February 10, 2021 meeting to the March 10, 2021 meeting.)

Mr. Samonas recused himself from the application.

Eric Saari from Altus Engineering spoke to the application. 2,500 sf conceptual house footprints were added to the plan. What will actually be built may be a little different. A planting plan was also included. The plan includes blueberry bushes, beach plum, beach

rose, and bayberry. The whole area will be seeded with a wildflower mix. The bottom of the rain garden will be a 50/50 split of wetland and wildflower seed mixes. They will plan to use the NOFA standards for lawn maintenance. The staff memo included a questioned about deed restrictions. The whole thing will be in an easement for the homeowner's association.

Mr. Jankowski questioned if Mr. Saari found the NOFA standards to be flexible. Mr. Saari responded that he didn't find anything in there that would present an obstacle. It was all reasonable.

Mr. Saari commented that the staff memo mentioned wetland markers and questioned where those should be placed. Ms. Tanner responded that they should mark where the buffer was. Mr. Britz noted that if they do mark the buffer, then it would be way up in the yards. The edge of the planting area may make more sense. Ms. Tanner agreed. Traditionally, the markers should denote the buffer. However, in this case, it makes sense to run them along the rain garden.

Ms. Tanner noted that beach plum doesn't have a "b" on the end of it. There has been a heavy emphasis on storm water treatment before it goes into the pond. This should carry into the design of the houses. The developer should pay attention to downspouts and drip edges as well. Rain barrels are highly recommended. Mr. Saari agreed and confirmed he would pass those comments along to the applicant.

Ms. Tanner questioned if instructions on how to take care of the stormwater treatment area would be in the deed. The notes aren't in the packet. Mr. Saari responded that it is in the inspection and maintenance manual. That piece is not part of the Conservation Commission submission requirements, but it has been reviewed by TAC.

Chairman McMillan noted that they usually do see the storm water maintenance plan. Mr. Saari noted that they will require replacing the filter material if it doesn't drain within 72 hours. The catch basins will need to be cleaned out regularly. NOFA standards will be followed for lawn care. The mowing and salt standards are included in the plan too.

Chairman McMillan questioned what size plants would be going in. Mr. Saari questioned if they had a preference. Chairman McMillan responded that it would depend on what time of year they would be planted in. Mr. Saari commented that ideally, they would be planted in the fall, but the construction timeline is unknown. A note can be added specifying to plant in the fall. Chairman McMillan was concerned about erosion if they waited. Mr. Saari responded that erosion should not be a big concern. The bigger concern would be allowing the plants to establish themselves. Ms. Tanner noted that usually 3–5-gallon plants were good. Mr. Saari confirmed they would get whatever was closest and would add a note about fall planting.

Vice Chairman Collins commented that there should be a note on the plan that they should check for 80% planting success rate after 1 year. Mr. Saari confirmed that was covered in note number 10.

Ms. Tanner commented that the plan should call out any trees larger than a 6-inch caliper that will be removed from the site. Mr. Saari responded that there were no trees of that size that will be removed. Most of what will be removed is out of the buffer.

Chairman McMillan questioned why the rain garden had a spillway and an outlet. Mr. Saari responded that the plan originally just had the spillway. The outlet was added after meeting with TAC to distribute the flow. That way it will not be all concentrated in one area. Chairman McMillan questioned if they were at the same level. Mr. Saari confirmed that they were both at elevation 18.

Chairman McMillan questioned why there were different submittal requirements between the Planning Board and the Conservation Commission. Mr. Britz responded that the Wetland CUP doesn't have a storm water plan requirement. TAC has a requirement for a full engineering study. A lot of times projects provide the same packet for the Conservation Commission and TAC because they have to go to both.

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

1. Wetland markers shall be placed at the edge of the rain garden area to define the wetland buffer.
2. Downspouts and drip edges shall be used with rain barrels where needed.

The motion passed by a 5-0-1 vote. Mr. Samonas abstained.

Vice Chairman Collins commented that she did not usually approve storm water infiltration systems in the buffer when there is room outside of the buffer to put it. However, in this case the area was lawn and a pool patio. Now it will become something that will not be mowed with a seed mix. That is beneficial in this parcel.

Mr. Saari questioned if the City preferred a specific design of markers. Mr. Britz responded that they can coordinate offline about the markers and spacing.

3. 500 Market Street
Nobles Island Condominium Association, Owner
Assessor Map 120, Lot 2
(This item was continued from the February 10, 2021 meeting to the March 10, 2021 meeting.)

Ms. Tanner moved to **postpone** the Wetland Conditional Use Permit to the April 14, 2021 meeting, seconded by Mr. Samonas. The motion passed unanimously by a 6-0 vote.

III. STATE WETLANDS BUREAU PERMIT APPLICATIONS (OLD BUSINESS)

1. Standard Dredge and Fill
375 Banfield Road
Banfield Realty, LLC, Owner
Assessor Map 266, Lot 7
(This item was continued at the February 10, 2021 meeting to the March 10, 2021 meeting.)

Ms. Tanner moved to **postpone** the Wetland Conditional Use Permit to the April 14, 2021 meeting, seconded by Mr. Jankowski. The motion passed unanimously by a 6-0 vote.

2. Standard Dredge and Fill
1 Clark Drive
Frederick W. Watson Revocable Trust,
Robert D. Watson Trustee, Owners
Assessor Map 209, lot 33
(This item was continued at the February 10, 2021 meeting to the March 10, 2021 meeting.)

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

1. Wetland markers shall be placed at the edge of the rain garden area to define the wetland buffer.
2. Downspouts and drip edges shall be used with rain barrels where needed.

The motion passed by a 5-0-1 vote. Mr. Samonas abstained.

IV. CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

1. 0 Sagamore Avenue
City of Portsmouth, Owner
Sagamore Avenue Sewer Extension

Zachary Cronin, Terry Desmarais, Kevin Garvey and Britt Eckstrom spoke to the application. Mr. Cronin commented that this was for the Sagamore Ave. sewer extension project around Sagamore Creek. This is part of the City's consent decree. City Council voted in 2016 to authorize the sewer extension. In the summer of this past year Council voted to authorize the full design of the Sagamore sewer with the potential for 91 connections.

Mr. Garvey showed the where the tidal buffer zone was and the inland wetlands. There are also two vernal pools in the project area. In total the plan is to install 9,000 linear feet of low-pressure sewer pipe. The project will address failed septic systems and water issues in Sagamore Creek. The low-pressure sewer system will use small grinder pump systems. The only permanent impact is the small covers of the pumps. The pumps will be in the same general location of the existing septic systems. The small pump station will be mostly underground. It will connect to the house and to the main pipe in the street. The low-pressure system is recommended because there is a lot of ledge in the areas. This system will have minimal impact to the ledge or stay above it completely. The goal is to stay out of the buffer as much as possible.

Ms. Eckstrom commented that they have submitted the NHDES and CUP application. The NHDES application shows the impacts to the 100-foot tidal buffer zone for installing the sewer mains and services. The only permanent impact will be the grinder covers. All proposed impacts are in the buffers. There is no impact in the tidal or inland wetlands. The CUP has similar impact areas for the tidal buffer. It also has proposed impacts for the inland wetland buffer. The actual area of impact will depend on how many properties opt to connect. The construction of the sewer mains and services will be in the right of way. It is up to the individual property owners if they want to connect or not. The permit is for all proposed impacts to anyone likely to connect. There will be fewer impacts if not everyone connects. Sediment and erosion control measures will be taken. There is a storm water pollution prevention plan. They will monitor the project area to make sure the control measures are working. Silt socks will be used. The surfaces will be restored to the existing conditions. For that reason, the majority of impacts are considered temporary.

Mr. Garvey commented that goal is to obtain permits and bid in the spring. Construction will hopefully begin in June 2021. The consent decree needs to be fully installed by December 2022.

Mr. Cronin noted that all disturbance will be in the previously disturbed tidal buffer zone. There are no direct wetland impacts.

Ms. Blasko questioned if the proposed sewer pipe on Walker Bungalow Road would be installed on the side with the large vernal pool. Mr. Garvey confirmed that was correct. The city owned water main is already on the other side of the road. They have to maintain a safe distance from the water main.

Chairman McMillan questioned if the two wetlands were connected. Mr. Garvey responded that he did not think they were.

Ms. Tanner questioned if they would have to blast if they hit ledge. Mr. Garvey confirmed that was correct. Ms. Tanner questioned if that would increase the disturbance. Mr. Garvey responded that there is currently a 10-foot-wide area of disturbance, and the intent is to keep disturbance to a minimum.

Mr. Samonas questioned how the connection switch from the septic to the sewer would be handled, and if there was a mitigation plan for unforeseen leakage of effluent. Mr. Garvey

responded that the abandonment of the existing septic would involve clearing out the tank and filling it with sand before the connection is switched. This will all be done under one contract. A City contractor will be responsible for that. Mr. Desmarais commented that the typical septic tank is a lot larger than a grinder pump. There is less risk of a leak with a grinder pump than a septic tank. They will coordinate with owners to stop the use of their toilets for a short time before the change is made.

Ms. Tanner questioned if there was any concern with flooding effecting the systems. Mr. Garvey responded that the pumps are built with a diaphragm. Once water starts going through the top it becomes a solid layer to prevent water from getting in. It will return to normal after the water is gone.

Mr. Samonas questioned if any covers would be less than five feet in depth. Mr. Garvey responded that the cover will be at grade. The pump station will be 5 feet below. The pump station pumps up against grade and can follow the contours of the pipes which helps avoid conflicts in a yard like a tree. The goal is to get to the 5-foot level as much as possible. Ledge would be the only reason that wouldn't happen.

Chairman McMillan questioned what kind of matting they would be using for erosion control. It should be specified in the plans. Ms. Eckstrom responded that they were planning to use coconut mats. Chairman McMillan questioned what happened when a septic tank was decommissioned. Mr. Garvey responded that the NHDES required them to vacuum out the tank, puncture a hole in the bottom and fill it with sand.

Ms. Blasko commented that she was going to recuse herself from the vote.

Mr. Samonas commented that applicants should monitor the construction material and trash to ensure it is maintained properly in this sensitive area.

Mr. Jankowski questioned how many total pumping stations this project would have. Mr. Garvey responded that there could be 91 connections total. Mr. Desmarais added that is assuming everyone elects to connect. There has been a long public process for this. They will bid this out and get pricing. Then go back to Council and report on what the cost would be for the residents in the area. The final number of connections will be determined by how many elect to connect.

Mr. Jankowski questioned if the property owner would pay for the electricity to run it. Mr. Cronin responded that was correct. In general, it is like running any other appliance in the house.

Ms. Tanner moved to recommend **approval** of the Wetland Conditional Use Permit to the Planning Board as presented, seconded by Vice Chairman Collins.

The motion passed by a 5-0-1 vote. Ms. Blasko abstained.

Ms. Tanner commented that she hoped there was very low impact near the vernal pools. Chairman McMillan reiterated that the trash material on site should be monitored and the area should be kept clean during construction.

2. 239 Gosport Road
Martha B. Masiello Revocable Trust of 2004, Martha B. Masiello Trustee, Owner
Assessor Map 224, Lot 10

Matt and Martha Masiello, Attorney Kevin Baum, and Brendan Quigley from Gove Environmental spoke to the application. Mr. Baum commented that this process started with an application for a backyard pool. After it was submitted Peter Britz realized the backyard had not received an initial permit at the time of construction. At that time, they pulled the pool application and started some research. Ultimately it was determined that the small back deck and rear yard was initially developed by the residents in 2003. Aerial photos show that the yard was expanded some time before 2010. These changes were made two owners ago and done without permits. This application changed from a pool application to an after the fact application. They have had discussions with Peter Britz and DES to get in compliance with permitting. No further work is proposed at this time. This work was done prior to 2010 and the current owners purchased the home in 2016.

Mr. Quigley showed a map of the property outlining the property borders, wetland, and buffer. There is an existing house and patio. A heavy dash line shows the total area that has been disturbed. It appears that a small portion of the patio may have been added. The prime wetland line is also shown. The NH Wetlands Bureau indicated that the prime wetland was designated in 2011 after the work took place. Therefore, there is no extra wetland permit for those additional criteria. In addition to the 100-foot buffer there is a 25 foot no cut buffer that has been increased to 40 feet because of the slope. It comes right up to back of the yard area. There is a 50-foot limited cut beyond that. The yard was expanded by removing some trees and grading with a retaining wall at the back edge. Grass and landscaping were added. There is a small path leading to the edge of the marsh. No grading was conducted in that area. There may have been minor clearing, but it is a natural path constructed in a manner to prevent erosion and water flow issues. In total there is 5,820 sf of impact within the 100-foot buffer.

Mr. Masiello commented that they were surprised to find the property was out of compliance. We have all been homebound this past year, so the thought was to improve the yard. Then they found out there was a permit issue, so they pivoted to get in compliance. The path on the property is a game path. The kids and dog use it. There was no design or implementation for it.

Mr. Jankowski questioned when the retaining wall was built. Mr. Masiello responded that they did not know. The work was done some time before 2010 and at least 2 owners go. Neither owner listed undisclosed work. Mr. Baum noted that they are basing the timeline on the City's aerial photos. In 2010 it shows the lawn, which would have required the retaining wall.

Ms. Tanner thanked the owners for trying to rectify the situation. This is one of the worst things the Commission has to deal with. Someone previously destroyed the property that should not have been touched.

Mr. Samonas questioned if the pool permit application was nullified. Mr. Masiello responded that they never proceeded with it.

Mr. Jankowski questioned if they would consider following the NOFA organic land management practices. Mr. Masiello responded that they were certainly willing to consider that. They have young children and dogs, so they may be doing that already to prevent putting harmful things on lawn.

Chairman McMillan questioned if they had a CUP in place. Mr. Baum responded that he did not mean to say that if he did. Neither the CUP nor the Wetland Permit were in place. They are applying for them. Chairman McMillan questioned if they would put up wetland markers. The buffer has large trees with little understory. There were a lot of impacts to the buffer. Plantings could be added, and letting the understory grow in would be helpful. The lighting in the backyard should be pointed down and not on all the time. At this point it doesn't make sense to get rid of the wall. Mr. Masiello responded that they were happy to put in appropriate ground cover. It is almost all ledge in that area, but they will plant whatever is appropriate in that area. Removing the retaining wall would create more damage at this point. Ms. Tanner commented that they could plant things that would provide food for the animals in the area. Mr. Quigley confirmed he could supply a list of suggestions.

Chairman McMillan commented that they should let the lawn grow naturally down there. Ms. Masiello responded that there is a flower bed on the edge of the wall. Chairman McMillan noted that the flower bed could be extended toward the house. They should focus on putting in native species and creating habitat. Chairman McMillan questioned what kind of lighting was in the back of the house. Mr. Masiello responded that they have spotlights on the house and a couple around the fire pit. There are lights on 2 trees up near the house. Chairman McMillan commented that they should be turned off when they are not using them. Mr. Masiello responded that they were on a timer and off when not in use. Chairman McMillan commented that they should point down. Mr. Masiello confirmed that they do.

Chairman McMillan commented that markers for the buffer will be a reminder to people to not cut beyond the markers. Mr. Masiello confirmed they could add the markers. Mr. Quigley commented that it would make the most sense to locate the markers along the front of the landscaping area. That would provide more than the 50-foot buffer because it dives in at an angle.

Ms. Tanner commented that they should be spaced every 20 feet along the edge of the landscaping along the wall. Mr. Britz commented that they could coordinate with him about the markers.

Chairman McMillan commented that this was a really hard situation because the property is not in compliance. The current owners' willingness to make some concessions is appreciated. It needs to be on record that this was out of compliance originally.

Mr. Samonas commented that there was a public record now and this will provide more context to the property.

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 property shall be maintained according to NOFA standards.
2. Wetland boundary markers shall be installed at the edge of the rain garden to define the wetland buffer.
3. The area in the rear of the property near the retaining wall shall be allowed to be natural or be planted with additional plantings.

The motion passed unanimously by a 6-0 vote.

V. STATE WETLANDS BUREAU PERMIT APPLICATIONS (OLD BUSINESS)

1. Standard Dredge and Fill
0 Sagamore Avenue
City of Portsmouth, Owner
Sagamore Avenue Sewer Extension

Ms. Tanner moved to recommend **approval** of the State Wetlands Bureau Application as presented, seconded by Mr. Jankowski.

The motion passed unanimously by a 6-0 vote.

2. After the Fact Dredge and Fill
239 Gosport Road
Martha B. Masiello Revocable Trust of 2004, Martha B. Masiello Trustee, Owner
Assessor Map 224, Lot 10

Brendan Quigley spoke to the application. It was the same plan with a slightly different buffer area. It is only the 100-foot tidal buffer from the HOTL. It is the same plan, but with less impact. The impact is only 1,275 sf. The main difference there is due to the way the buffer is measured. The 100-foot tidal buffer does not extend to the house in this case.

Chairman McMillan commented that the treehouse was not included in this impact. Mr. Quigley responded that it was outside of the tidal buffer. It was accounted for in the total area calculations. The worksheet for the shoreland application is included with the dredge and fill application. The yard was expanded between 2005 and 2010. There is indication that trees were cut before 2008. They received notification from DES that they do not need to submit an after

the fact shoreland application. They only need to comply with the minimum standards that exist today, which it does.

Ms. Tanner moved to recommend **approval** of the State Wetlands Bureau Application, seconded by Mr. Samonas with the following **stipulations**:

1. The property shall be maintained according to NOFA standards.
2. Wetland boundary markers shall be installed at the edge of the rain garden to define the wetland buffer.
3. The area in the rear of the property near the retaining wall shall be allowed to be natural or be planted with additional plantings.

The motion passed unanimously by a 6-0 vote.

3. Major Impact
35 Salter Street
Bruce B, Erickson & Elizabeth A. Levey-Prun, Owners
Assessor Map 102, Lot 29

Matthew Cardin spoke to the application. This is for a tidal dock structure at 35 Salter St. The standard dredge and fill application has been submitted. The property is located one house in on Salter St. It is on the inlet to the Piscataqua River and outlet of the South Mill Pond. The lot is .13 acres with 56 feet of water frontage on the river. The application is for the construction of a new tidal dock to provide water access to the existing owners. Currently there is a set of dilapidated stairs that go down to the water. There are some skinny timber pilings that may or may not have been for a dock previously. It is previously disturbed tidal buffer zone. The existing shed will remain. The shore front has old rip rap that was installed a number of years ago. The mud flat is dry at low tide. Both abutting properties have docks. There will be a 4' by 4' landing at the HOTL. Then a seasonal gangway that will be 3' by 30' out to a 10' by 20' float. It will be secured by 2 timber piles on the landward side of the float. The cross section shows the float stop crib under the float. Four piles will be installed in the mud flat. Construction will be done at low tide. A silt curtain will be installed prior to construction. The float and gangway will be brought in preassembled. The piles will be driven from a barge and the gangway and float will be hoisted into place. The landing will be done on the land side. The environmental impacts include 4 pilings and the structure itself. Overall it is 44 feet in length. The Natural Heritage Bureau and Fish and Game advised to not construct from April 15th to June 1st. That is amenable to the owners. The dock is within the 20-foot setback of the east abutter and the application includes a notarized letter of consent from them.

Ms. Tanner questioned if this float was larger than the abutting floats. Mr. Cardin responded it was the same size float as the one to the west float. The one to the east is a little smaller. 10' by 20' is standard.

Chairman McMillan questioned how many slips this was for. Mr. Cardin responded it would be for one slip on the waterward side.

Mr. Jankowski noted that this has received the approval of Terry Shattock and questioned if it protruded out further than neighboring docks. Mr. Cardin responded that the neighbor's float to the west extends out into the mean low, low tide. The boat on the waterward side will be on mud at the mean low, low tide. The proposed structure is more or less parallel with the one to the west. There is plenty of water there for navigation. Part of the requirement is to allow for navigation and the Port Authority makes that determination. They have received the letter of approval from them.

Vice Chairman Collins commented that there was a discrepancy between the narrative and the cross section. The cross section says that the gangway is 3' by 35' and the narrative says it is 3' by 30'. Mr. Cardin confirmed that would be corrected. Vice Chairman Collins questioned where the gangway and float would be stored when they are not in use. Mr. Cardin responded that the float would be pulled out and stored off site. The gangway is up to the owner's discretion. Vice Chairman Collins questioned if they needed 75 feet of frontage for a slip. Mr. Cardin responded that was accurate for freshwater docks. The tidal environment regulations do not have a minimum frontage. The amount of frontage does determine how many slips they can have. This will be for just one slip.

Mr. Britz questioned if the landing would be built to withstand a storm surge. Mr. Cardin responded that the coastal vulnerability assessment addresses that. DES did not express a lot of concern with the location of it. It will be installed by 2 piles on the seaward side and 4 by 4 deck posts on the landward side. It will be sturdy. It is a little elevated from the HOTL, so there is some free board there as well. There will be 4 footings like a deck, so it should be fine.

Chairman McMillan questioned if the existing stairs and pilings would stay. Mr. Cardin confirmed that was correct. There is no plan to remove the pilings. The stairs will be replaced eventually. That is a permit exempt activity if they are replaced in kind.

Mr. Jankowski commented that they have seen a lot of docks going in. It might be better to have a community dock. The Harbor Master reviews applications for motorboat navigation, but not non-motorized boats. Mr. Jankowski questioned if they had the authority to locally mandate anything. Mr. Britz responded that they don't have a role to play in this area for most docks. This gets back to the owner's rights to wharf. It would be nice to have an incentive to encourage group docks. However, that could result in a large platform to accommodate a lot of slips. That could be a different impact. It would be good if DES made an effort to stop long gangways. Mr. Cardin responded that DES limits the length at 200 feet and encourages shared docks. A community dock introduces a lot of liability questions for the landowner. Waterfront property is expensive, and people look at docks as recreation and property value item. They are not interested in encumbering their property with a shared dock. It is not a favorable option a lot of the time.

Ms. Tanner moved to recommend **approval** of the State Wetlands Bureau Application, seconded by Vice Chairman Collins with the following **stipulation**:

1. The applicant shall have appropriate erosion controls installed on the upland side and turbidity curtains shall be installed and maintained throughout the construction process.

The motion passed unanimously by a 6-0 vote.

Chairman McMillan commented that there was no buffer at all on the property and noted that it would be nice if the owner added bushes there. Mr. Cardin confirmed he would pass on the comment.

VI. OTHER BUSINESS

Mr. Britz commented that the Commission would have a special meeting on March 25, 2021 at 4 p.m.

Mr. Jankowski requested getting a Conservation Commission badge. Mr. Britz responded that anyone who needed one should send in a head shot. Then HR can create their badges.

Mr. Jankowski commented that the link to the open space plan on the Portsmouth page was still broken. Mr. Britz confirmed he would check the link again.

VII. ADJOURNMENT

Vice Chairman Collins moved to adjourn the meeting at 5:40 p.m., seconded by Mr. Jankowski. The motion passed unanimously by a 6-0 vote.

Respectfully Submitted by,
Becky Frey,
Acting Recording Secretary