

**MINUTES
CONSERVATION COMMISSION MEETING
PORTSMOUTH, NH**

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

3:30 P.M.

July 14, 2021

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

MEMBERS ABSENT: None

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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Chair McMillan introduced the new member of the Commission, Henry Mellynchuk.

I. APPROVAL OF MINUTES

Mr. Mellynchuk recused himself from approving the two sets of minutes.

1. June 09, 2021

It was moved, seconded, and passed unanimously (6-0) to **approve** the June 9 minutes as amended with the requested edits.

2. June 16, 2021

It was moved, seconded, and passed unanimously (6-0) to **approve** the June 16 minutes as amended with the requested edits.

There were three requests to postpone.

Ms. Tanner moved to **postpone** the Conditional Use Permit Application for 0 Shearwater Drive at the request of the applicant to the Aug 11 meeting. Ms. Blasko seconded. The motion **passed** unanimously, 7-0.

Ms. Tanner moved to **postpone** the Conditional Use Permit Application for 3400 Lafayette Road at the request of the applicant to the Aug 11 meeting. Ms. Blasko seconded. The motion **passed** unanimously, 7-0.

Ms. Tanner moved to **postpone** the Conditional Use Permit Application for 0 Patricia Drive at the request of the applicant to the Aug 11 meeting. Vice-Chair Collins seconded. The motion **passed** unanimously, 7-0.

II. CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

1. Request for Reconsideration
1 Raynes Avenue, 31 Raynes Avenue, & 203 Maplewood Avenue
One Raynes Ave, LLC, 31 Raynes Ave, LLC, & 203 Maplewood Ave, LLC, Owners
Assessor Map 123, Lots 10, 12, 13, 14

Mr. Britz said he received a letter from the applicant asking that the Commission reconsider his application.

Mr. Samonas moved to recommend reconsideration of the Conditional Use Permit application, and Vice-Chair Collins seconded. The motion **failed** by a vote of 6-1.

2. 0 Shearwater Drive (at the intersection of Portsmouth Boulevard and Market Street)
Brora, LLC
Assessor Map 217, Lot 2-1975
REQUEST TO POSTPONE

The Conditional Use Permit application was **postponed** to the August 11 meeting.

3. 145 Lang Road
Arbor View & the Pines, LLC, Owner
Assessor Map 287, Lot 1

Corey Belden of Altus Engineering was present to speak to the application. He said the applicant wanted to relocate playground equipment and re-install new playground equipment within the buffer area. He showed an aerial image of the area and said the equipment would be installed in an existing ball field. He noted that there was another project on site that received a Conditional Use Permit for storm drain improvements, which included a condition of removing the debris piles. He said the contractor started construction a few weeks ago and the removal of debris piles was one of his first priorities. He said the area had gone through many stages of storage and debris piles and had gone even further back into the wetland buffer and possibly the wetland area. The photos showed that the debris piles were removed and all the debris was stored adjacent to the wetlands. He said he met with Mr. Britz on site last week and that Mr. Britz was concerned that the applicant didn't get down to the existing grade. Mr. Belden said the contractors were concerned that they would have to go into the wetlands to get the site down to grade, so they stopped at that point to make sure they wouldn't impact the wetlands. He said the area had dense growth and the water presently drained around the berm and went back into the wetland area. He clarified that the location was at the southeast corner of the pavement area. He noted that some of the previously-dismantled equipment was salvageable and the applicant wasn't sure exactly what equipment would be bought, but they felt that putting some of the equipment into the grassed area and grading it would be a good opportunity for the children to

use the equipment. He said they could push it back a bit further and would be at least five feet from the bark mulch area from the tree line, so there would be very little storm water impact from the project. He said the bark mulch had good infiltration qualities and the only real impervious area would be the concrete footings for the equipment. He said the primary concern was finishing the debris pile removal, and he suggested creating a small swale in the back edge in front of the berm to pitch the water. He said he was hesitant about going in and ripping everything out and wasn't sure how far back they could go without getting into actual wetland impacts, but he thought they could get a section in the middle of the berm, pull it back, and get it down to a lower grade that would still allow some water to sheet off the site.

Ms. Tanner asked if the reason the equipment was isolated and there were stretches of lawn in-between was because the applicant didn't want the children to gather in one spot. Mr. Belden said some playgrounds had a 50'Wx100'L barked mulch area and they just put a bunch of playground pieces in there, which he thought could be an option. Ms. Tanner said it would then be appropriate to plant some trees to shade the equipment to encourage the children to use it.

Vice-Chair Collins asked if a certain stretch of pavement would ever be vegetated. Mr. Belden agreed and said the whole site would be a grass lawn. He said they could plant a conservation mix along the area adjacent to the wetlands. He offered to get the dimensions from the edge of the pavement but thought it was about 40 feet from the berm. He said they could put a swale and get about 20 feet and everything behind it, and then replant it with a conservation mix and keep the rest of the area lawn. Mr. Melnychuk asked about the ponding. Mr. Belden said the ponding was at the back edge of the paved area and that they would have equipment out there to correct some of the drainage there now. Mr. Jankowski said it was an environmentally sensitive area and asked if the owners would be willing to follow organic land management practices and maintain the lawn. Mr. Belden said the owners would be fine with following organic land management practices for the area within the buffer.

Chair McMillan said she went to the site a few days before and noticed a filter sock across the back in front of the berm, yet she only saw the sock in the pictures and not the berm. Mr. Belden said the contractor put a silt sock in front of the berm and it kind of wrapped around the site. He said he saw an old black silt sock behind the berm but didn't think the contractor put it there. Chair McMillan said she saw that the pile was removed but had concerns about the remaining berm. She said there were phragmites on the left-hand side of the property and it looked like it was totally filled, and on the right side there was a bit of a rise beyond the berm. She said if everything was removed, there would need to be some restoration because it was still a mess. Mr. Belden said it was probably the best it had even been in 30 years but it wasn't ideal because the area had been neglected and used as a storage area. He knew the owner was willing to take measures but didn't know how far they had to go or if they needed a DES permit. He said they still wanted to work with the Commission and find a solution to make everyone happy, but said the site was being improved and they were doing what they could.

Ms. Tanner asked about markers to demarcate the area. Mr. Belden said if they did the lawn and grass and then the conservation mix and had that separation, they could put the signs along the barrier and the conservation mix. Vice-Chair Collins said she was fine with the playground area but wanted to see more of a restoration plan for the back area with the berm -- something visual

to see what could be done out there and cleaning it up to see what it could look like. Mr. Belden said there wasn't a detailed survey of the area, but as far as a restoration plan, he recommended that conservation mix be planted in any of the disturbed areas adjacent to the buffer.

Mr. Britz said the berm could be taken down to grade, at least to the back of where the berm was, without going into the wetland. He said if it could be done without a State permit, it would satisfy the request for a restoration plan. Mr. Belden wondered if it would drain if they started pulling the hillside back. He said it went over and down to the wetland but there had been a lot of disturbance over the years and the back side may be higher than the front side. Mr. Britz said the slope was holding up whatever was there, so removing whatever was there wouldn't cause a problem, and if the berm could get level, the water would have an opportunity to flow. He said a backhoe could be used to pull it back down to grade. Mr. Belden said he'd have to look at the site a bit more to see if it would work, noting that it was very flat and had some tough drainage areas. He said there was opportunity to clear some of it away with the contractor but they wanted to stay away from the back hillside. He suggested that they could at least get a big section in the middle to open up so that flow could still get through but didn't know if they would be able to get the whole berm entirely removed. Vice-Chair Collins said there should be some connection to the wetland and trying to remove some of that fill and then planting. Chair McMillan said they needed a plan if it was going to be channelized to one area because they needed to see where it would go. She said when she went there the whole back area was just one pond. Mr. Belden said the back edge of the pavement was pretty low and getting it to drain lower and continue to the wetlands might be difficult and the area may not be able to sheet.

Ms. Tanner said it was possible to make a condition of the permit that the applicant return to the Commission with a plan of how they will handle the berm and the wetland and the flowing into the wetland. Otherwise she thought the application should be postponed. Mr. Samonas said it would help to understand where the runoff would come from and drain to and what the application hoped to achieve with elevation or de-elevation of that berm. Mr. Belden said if the application was approved he would consider it, pending that the berm was removed to allow sheet flow to the wetland area and understanding that there might be a low area where they had to get a ditch around it. Mr. Britz suggested a few stipulations.

Ms. Tanner moved to **approve** the Conditional Use Permit application, with the following stipulations:

- 1) The berm is removed so that there is sheet flow to the wetland area and grade and the no-cut standards will be followed for maintenance of the area.
- 2) A conservation seed mix will be planted in the first 25 feet and signage installed to indicate that it's a sensitive area with a no-cut zone.

The motion was seconded. Ms. Tanner said the application had gone on a long time and she felt for the kids who might want to use the playground but couldn't at the moment. Ms. Blasko said it would be nice if there was an opportunity for trees to be planted to create shade where needed.

The motion **passed** by unanimous vote, 7-0.

4. 3400 Lafayette Road

Ricci Construction Company, Inc., Owner
Assessor Map 297, Lot 11
REQUEST TO POSTPONE

The Conditional Use Permit application was **postponed** to the August 11 meeting.

5. 0 Patricia Drive
Fritz Family Revocable Living Trust, Edgar H. Fritz Trustee, Owner
Assessor Map 283, Lot 11
REQUEST TO POSTPONE

The Conditional Use Permit application was **postponed** to the August 11 meeting.

III. CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

1. 10 F.W. Hartford Drive
Ivo & Caitlin Van Der Graff, Owners
Assessor Map 269, Lot 53

The applicant wasn't present. Ms. Tanner said there were a lot of trees being cut down and she thought there should be planting. Chair McMillan said she had questions about timing.

Ms. Tanner moved to recommend **postponement** of the Conditional Use Permit application, and Vice-Chair Collins seconded. The motion **passed** unanimously, 7-0.

IV. STATE WETLAND BUREAU APPLICATIONS (NEW BUSINESS)

1. 55 & 101 International Drive
Lonza Biologics, Owners
Assessor Map 305, Lots 6 & 7

Neil Hansen and Patrick Crimmins of Tighe and Bond and Ricardo Santana of Lonza were present to speak to the request. Mr. Hansen said the proposed project was a minor impact wetland permit application with DES for the construction of a 200-space parking lot located at Lonza's existing facility. He said the parking expansion was needed to support the buildout of their existing facility. He said the proposed lot will be located to the north of the parking garage and the wetlands impact for the project is 4,000 square feet of total impact. He said the wetland was an old stone-lined drainage swale that was constructed as part of the construction for Air Force housing. He said the flow that went to the wetland was sheet flow from the DPA parking lot on the abutting property and that it flowed through the parcel that was a wood hillside down to the stone-lined ditch. He said the ditch had no current value or functions other than storm water conveyance. He said the project would have an advanced storm water treatment system and the flow would go into a closed range system with underground detention and then go through a pre-treatment unit and a storm infiltration unit before discharging, which was the same discharge point as the existing swale. As part of PDA requirements for storm water treatment, he said they were required to treat an equivalent amount of existing impervious surface, and part of

that was capturing the sheet flow that currently flowed off the PDA parking lot into the wetland area and running it through the same treatment unit used for the proposed parking expansion.

Ms. Tanner asked if the applicant meant to cut the entire slope to the level of the wetland area. Mr. Hansen said it would be higher than the wetland, noting that the current wetland went from Elevation 62 to about 66, and the low end of the parking lot was at Elevation 70. He said the front will be lifted up higher and the back half of the lot will be cut into the hill and have a retaining wall between the PDA lot and the proposed parking lot. Ms. Tanner asked if all the trees would be removed. Mr. Hansen said they would, with the exception of the street trees by Goose Bay Drive. Mr. Hansen showed where the PDA parking lot was located and said the piece of property that the lot was going on was currently on PDA's lot. Vice-Chair Collins asked how many spaces there were or how big the PDA lot was. Mr. Hansen said about half of it would go into the treatment system that was part of the parking lot, probably 38-40 spaces out of 80, and the other half of PDA's lot would have a sheet that flows onto Lonza's property and into a closed drainage system. He said they would add a treatment unit onto the south side of the garage and would treat all the existing runoff from PDA's lot that flows onto the Lonza property. Chair McMillan asked about a parking garage. Mr. Hansen said it was part of the Iron Parcel expansion and showed a photo of the entire property with the existing facility and the approved expansion as well as the proposed project. He noted that the Iron Parcel expansion was approved in 2019. He said the wooded area on the Iron Parcel would be cut down but that the center of that site was actually a sedimentation area and was all rock.

Ms. Tanner said there were so many trees coming out of the site that made it environmentally negative and that it would be nice to have Lonza put trees back on a piece of their land. She realized that Lonza provided a lot of employment for the area and was involved in the COVID vaccination process but thought they should also be good neighbors and consider some sort of environmental response to what they were doing.

Vice-Chair Collins asked when the parking garage was built. Mr. Crimmins said it was built in the late 1990s or early 2000s when Lonza expanded. Vice-Chair Collins remarked that the proposed garage hasn't been built yet and they already need more parking. Mr. Crimmins said there was one large space left in the building that they would fit out and add 250 employees, so they needed those 200 parking spaces. Vice-Chair Collins asked if there was an opportunity to make the garage bigger than the existing parking area. Mr. Crimmins said the focus was on leasing the facility because the lease hadn't been executed yet for across the street. He said Lonza was working through several infrastructure and issues with the City for the Iron Parcel and hopefully would be moving forward later on in the year or early next year. Vice-Chair Collins asked if the material for the proposed parking lot would be impervious. Mr. Crimmins said it would be impervious as a pavement due to the high water table. He said the ground water table was at ground level, so they couldn't really infiltrate. Chairman McMillan asked if the drainage ended up in Hodgson Brook. Mr. Hansen said yes and that the existing swale and the proposed system both discharged into a culvert at the corner that tied into the close drainage system that went through the pipe and Iron Parcel to the brook. He said currently everything from the PDA parking lot and the wooded area went in there untreated and the PDA lot would get treated as part of the proposal. Chair McMillan asked if there was any landscaping on the lot. Mr. Hansen said the landscape plan for the project would add trees on Corporate Drive that

wouldn't be nearly as much as the trees that would be removed. Mr. Samonas recommended solar panels.

Vice-Chair Collins moved to recommend approval for the State Wetland Bureau application for 55 and 101. Ms. Blasko seconded.

Ms. Tanner asked for a **stipulation** that there needs to be some consideration given to the amount of trees being removed and that there be more compensation than what was shown in the limited landscape plan by planting additional trees.

Discussion

Ms. Tanner said she didn't like it. Vice-Chair Collins said she had the same concerns due to the number of trees being removed, but it was a facility with a booming industry and it was growing, so there would be a need for additional parking in the future and maybe now was the time to take the opportunity to either find an alternative location off site or use shuttle transportation. She said the parcel was very heavily developed already and was just running out of room and she didn't think it was the spot to take the last remaining chunk of trees out of that parcel. Mr. Samonas said he was serious about the solar canopy. Chair McMillan said she felt the same way about the trees being cut down and thought there seemed to be no innovation in minimizing that impact other than minimizing the storm water impact. She said she understood the need to expand but felt that each little piece kept being taken near Hodgson Brook. Ms. Blasko said she also had mixed feelings and hated to see the trees go, but the business was booming.

Mr. Melnychuk asked what the long-term plan was, and Mr. Hansen said it was to support the Building that was there now. Mr. Santana said Lonza had a green expansion that required the space they were trying to build, and the situation with the infrastructure of the area had not led them to make as much progress on the parcel as they wanted to, but the long term plan was to fit out that area with jobs and opportunities. Mr. Hansen noted that it would remain parking.

The final motion was:

Vice-Chair Collins moved to recommend approval for the State Wetland Bureau application for 55 and 101, with the following **stipulation**:

- Some consideration will be given to the amount of trees being removed and there will be some sort of in-kind replacement of trees to mitigate the damage that will be done so that there are more trees as compensation and some sort of solar energy generation.

Ms. Blasko seconded.

The motion **failed** by a vote of 4-3, with four Commissioners voting in opposition.

V. OTHER BUSINESS

Ms. Tanner said she received an email from the NH Association of Conservation Commission offering a course in the fall on Wednesday and Fridays for six weeks. She said it included some

of the things the Commission considered when they looked at a parcel of land that they wanted to protect, like wildlife habitats and so on. She said she wanted to attend. Ms. Blasko said she was also interested in attending the course.

Mr. Britz said he spoke with the City Attorney and City Manager about efforts to locate open space and talk to property owners. He said they both felt comfortable with it and thought it made sense to narrow it down and come up with a strategy, and they talked about different properties, but the problem was that it was being narrowed down even more. He said there was no ability to do conservation space with the Schiller Station property. Ms. Tanner asked if the Chase Home was conservation land. Mr. Britz said he hadn't found out yet, but noted that the Schiller Station was across from two other properties, which made three properties and left the Commission with 3 or 4 more. Ms. Tanner said there were a few properties in the back of Elwyn Road and knew that a homeowner had approached the city. Mr. Jankowski said the Seacoast Area Land Trust was in conversation with the Elwyn Road folks and that Peter van der Meer might be a point of contact and that he would contact him. Mr. Britz suggested scheduling another meeting and noted that 3400 Lafayette would also schedule a site walk.

Mr. Jankowski asked if there was a program for an education plan for remedial plan management and whether a separate meeting should be scheduled for it. Ms. Tanner suggested that it be presented at the library as a public meeting.

Mr. Jankowski said Providence received a \$35,000 grant from the Bright Futures Foundation on Earth Day. He said the foundation was concerned about a baby's first 1,000 days on earth and that they had an on-line course program. It was decided to discuss it at the August meeting.

VI. ADJOURNMENT

The meeting was adjourned at 5:07 p.m.

Respectfully submitted,

Joann Breault
Acting CONCOM Recording Secretary