

**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 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.

**4:00 P.M.**

**February 24, 2021**

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

**MEMBERS ABSENT:**

**ALSO PRESENT:** Peter Britz, Environmental Planner/Sustainability Coordinator

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**I. Review what has already been done – documents and land conservation efforts**

Mr. Britz put a list together a list of recent land and properties acquisitions. The PULA study shows all City properties and the conservation status. Peter Stith will talk about the open space plan.

Mr. Jankowski commented that the open space plan link on the web page was broken. Mr. Stith confirmed they would follow up to make sure the link is correct.

Mr. Britz listed some of the recently acquired properties. One was in the very southern part of Portsmouth right near the Rye town line. It is a 6.6. acre parcel. It was given to the City and is not buildable. It ties into some other City owned parcels and has wetland and upland habitat. It was acquired in 2015. Another piece was the Sagamore Island. That was acquired from the owner of the Tide Watch Condo complex. The City bought it

with City and State funding. It is a total of .79 acres. The Sagamore Headlands property was acquired through the KELP federal protection program funding. It was going to be developed as a subdivision, but the City bought it. The Ferrari property is a 34.5-acre lot. There is a lot of wetland and some upland on Banfield Road. All of those properties were included in the PULA study. There is also a conservation easement on the most recent Green Development off Banfield Road. They are calling it Banfield Woods. The Commission saw this project as 0 Banfield Rd.

Ms. Tanner commented that the City also purchased another piece of land that had a house on it. Mr. Britz confirmed that land used to have a teepee and house. It was not necessarily a conservation acquisition, but the City bought it as a settlement. Conservation money was used for it because the plan is to put in a trailhead for the Greenway Trail.

Mr. Stith commented that in 2019 he was tasked with developing an open space plan. The City hired a resilience planning and design company and worked with them to develop this plan. Last year the plan was nominated for plan of the year by the New Hampshire Planning Association awards. It was also featured in the August 2020 Planner Magazine. The intent was to build off prior plans and studies the City has done. The PULA study and Master Plan were included. The Master Plan calls for the development of an open space and recreation plan. The City was able to request money from the CIP to develop that plan. In the early planning stage, there was a steering committee that included key people to help guide the consultants. There was also a public input stage. One of the goals of the plan was to identify areas for acquisitions and easements. After the plan was complete it was time to nominate projects for the CIP. One of those included adding boardwalks and accessibility to the Great Bog Trail. Another was to develop a parking area for the Stetson property off Lang Road. The plan has provided a wealth of information. The consultants identified trails that are being used that aren't official trails today.

Mr. Britz noted that this plan was a good starting point to find properties that may be good to consider for acquisition. It includes an opportunity map and matrix that identifies open space opportunities citywide. The matrix looked at proximity to other City owned property, conservation property, ways to create continuous open space, connectivity to trails and access to unique resources. The properties were ranked to assess priority. This would be a useful tool to look at properties and for the Commission to figure out next steps. The Conservation Fund has \$849,000. There is other open space money that has been set aside over the years. The Commission can identify things to put in the CIP for future years. By August they need to be at a point where they can make recommendations to put something into the CIP. The Commission may want more details on some of the properties. There are 8 properties that are listed as high priority on this list, but the Commission can look at them all and decide what to do next. There is a lot of private property on this list.

- II.** Discuss goal for conservation lands in Portsmouth – this should try to tie in with the vision in the Portsmouth Open Space Plan.

Ms. Tanner commented that there was a potential to do outreach to the community of Portsmouth to explain the importance of this land and fundraise additional funds. Mr. Britz agreed that was a good point. They don't just have to rely on the City budget. There are grants that could be applied for, and fundraising would be a good opportunity. Some communities have done open space bonds as well.

Mr. Britz noted that the list looked at 40 properties. It includes a description and ownership status. It does not list who actually owns each piece of property.

Ms. Tanner noted that she has talked about the land behind the church on Woodbury Ave. That area has a pond, and the other side is open at this point. The Commission may want to acquire that land to stop a development from going in there. Another area they should consider is the Chase Home. They have 26 acres in a heavily settled area. Maintaining that open space is important. The Commission should get more information on those two properties. Mr. Britz noted that the land behind the church is not on the open space plan list, so there is not an acquisition priority around it. The Chase Home goes from Middle Rd. to Greenleaf Ave. The only access is on Middle Rd. The Chase Home is on the list and it suggests collaborating with the property owner. It may be worth going through the list and doing site visits to get more information about the properties. The Commission can see if there is any willingness to sell or create an easement.

Mr. Britz highlighted other land on the list like the land between the Gosling Meadows neighborhood and Durbin Lane. That was identified as space in an underserved area. There is not a lot open space activated in that area. Ms. Tanner questioned if the Portsmouth Housing Authority had any plans to expand low-income housing there. Mr. Britz responded that it would not be easy to do because the land is so wet. It may not be worth the cost and permitting effort to do more.

Mr. Samonas questioned if there was a list of parameters the Commission needed to use when looking at a site. Mr. Britz responded that was what they needed to develop.

Ms. Tanner commented that there is an ordinance in place that says people are not supposed to build or interfere in the wetlands. That means there's a little more protection for those properties. Other open space that is not necessarily all wetland but has buildable upland should be the priority. People will have a really hard time developing property that is mostly wetland.

Mr. Samonas agreed they should look at the properties that are likely to be developed over others.

Mr. Britz noted that one criteria they can add to their parameters was to evaluate the likelihood or threat of development.

Mr. Jankowski commented that the land's zoning should be considered.

Mr. Britz commented that they will need to go through everything to come up with a list of questions. Land E on the map is connected to PHA but further out. Mr. Stith noted that Land E was on the backside of Pep Boys and Land F was on the backside of Ocean State Job Lot. Mr. Britz noted that it would be good to know how much of that land was wetland vs. upland.

Mr. Jankowski questioned if the City GIS system had the capacity to identify the percentage of wetland. Mr. Britz confirmed that it did. Mr. Jankowski questioned if the City had anyone on Staff that worked with big data. Mr. Britz responded that they did not have anyone specifically dedicated to that. Mr. Samonas commented that the viability of that land area was daunting. It is unlikely that a developer or commercial user would venture to try build there. Mr. Britz noted that another criteria should be to look at the amount of wetlands on a property. They can offer to take some property from people and put it in an easement. It could be attractive to a property owner. Ms. Tanner commented that they would need to consider the tax implications with that.

Ms. Tanner commented that they should also consider how close a piece of land is to a body of water that needs to be protected. That could make it a higher priority. Mr. Britz noted that they should put together a more detailed matrix to help prioritize the land. Chairman McMillan commented that they should consider the quality of the wetland. Mr. Britz commented that may be hard to assess because a lot of the land is on private property. Ms. Tanner noted that they should focus on the amount of area that a developer could potentially build on the lot.

Ms. Tanner commented that Land D was right on the Piscataqua River. Mr. Britz commented that was the Schiller Station property that abuts Atlantic Heights. It is zoned either Industrial or Waterfront Industrial. The Commission should think about how to get an idea of what the owners are thinking. They should not appear too interested, but they do need to communicate with the owners. A survey or questionnaire to the property owners be worthwhile. They may want to check with the City Manager on that.

Ms. Blasko commented that she would be happy to reach out to owners if they developed a script. Chairman McMillan commented that they have to be careful because once they express interest others may come.

Ms. Tanner noted that they can consider bartering options as well. Some properties in the PULA study are not as valuable as other properties. There could be a tradeoff option.

Mr. Britz commented that they needed to put together a good assessment and prioritize the properties. That will give the Commission a sense of what properties are worth looking at further. Ms. Tanner commented that they should get more information about the wetland vs. upland on a property and who owns the property. After more details are gathered the Commission can split the list to see if any areas are intriguing to put aside for consideration. After that they can develop a script to approach owners and look at the

policy on how this is normally done. The potential to develop should be a starting point. Mr. Britz agreed. Then they can look at the wetland/upland boundaries and asses if that seems accurate from a site visit. A site visit would also show any unique items on the land.

Mr. Britz noted that City Staff would fill out the matrix to include the uplands vs. wetlands, the zoning, ownership, proximity to other bodies of water, and size of the area. Then the Commission can split up the list.

Mr. Jankowski commented that they could reach out to Land Trusts and other communities to see how they have done this. Mount Agamenticus has expanded their area to 10,000 acres. They have been successful by finding someone who knew the owner. A personal connection can make a difference.

Mr. Samonas commented that they could see if the City had a pre-existing relationship with the Schiller property.

Ms. Tanner questioned if Mr. Britz could have a more detailed matrix by next month or if he needed more time. Mr. Britz responded that a month should be enough time.

Mr. Samonas questioned if there was one site that jumped out as an existing priority, they can all look at and understand why it's a need. Mr. Britz responded that the Chase Home is a nice property closer to downtown with potential to protect habitat and trees. There are a lot of decent properties on the list. There could be better stewardship on these sites if people knew what they had. The other thing to keep in mind is that the Conservation Fund could be used for studies. The Commission may want an environmental scientist to give real information about some of these properties or update wetland maps. Ms. Tanner commented that kind of study would be good once they have narrowed things down.

### **III. Identify potential methods and resources:**

- A. Purchases – land or easements
- B. Regulatory – conservation subdivision easements, open space incentives, etc.
- C. Stewardship
- D. Funding
- E. Partners

Chairman McMillan noted that there were a lot of items on the agenda that can wait for other meetings. They have talked a little about funding and partners, but they should do more brainstorming or research on that. Ms. Tanner noted that Brian Hart from the South East Land Trust would be a good resource on strategy. They can look at grants and fundraising too. Mr. Britz noted that there was a Mitigation Fund to consider as well.

Chairman McMillan commented that the Aquatic Resource Mitigation would be worth looking at. Mr. Britz agreed.

Ms. Blasko questioned where the Conservation Fund money came from today and if fundraising could go into that fund. Mr. Britz responded that they may be able to set up a separate fundraising account. The State allows cities to put some percentage of money from the Change in Use Fund into a Conservation Fund every year and Portsmouth elected to put 100% in that fund. That is where the money comes from today.

Mr. Jankowski commented that any property that already touches the Great Bog and has a relationship to Great Bay is eligible for federal funding. Any potential for available federal funds is good.

Chairman McMillan questioned if they should reach out to Brian Hart now. Ms. Tanner responded that they should wait until they have narrowed down the list. Mr. Britz noted that a land trust operates a little differently. They usually require the landowner to pay or provide a fund to hold the conservation easements on the property. The City has not necessarily done that. They can reach out to other Conservation Commissions to get their perspectives as well.

Mr. Samonas questioned if the State had a designated person they could reach out to as well. Ms. Tanner responded that the State Head of Conservation Commissions could be a good resource.

**IV. Identify next steps:**

- A. Conservation Commission role in Portsmouth Open Space Plan Implementation recommendations
- B. Other efforts

**V. Other Business - Topics for future work sessions or subcommittees**

- A. Fertilizer outreach coordination with city staff
- B. NOFA standards suggestions
- C. After the fact applications
- D. Community space incentives
- E. Recent regulations reminder or checklist
- F. Other topics?

Chairman McMillan questioned if they should schedule a meeting for the other items and presentations. Ms. Tanner responded that the open space should be the priority because requests need to be submitted for CIP funding in August. Ms. Tanner was willing to go to a separate meeting for the other items and 4 p.m. was a good time.

Mr. Jankowski commented that it was difficult to balance schedules and there were so many things to talk about. It would be good to have Chuck Baxter in to talk about the Stonyfield Grant and the progress of the organic land management plan at Alumnae Field. It may make sense to have a 15-minute window at the beginning of a regular meeting for presentations. Ms. Tanner commented that the organic land management presentation should be something they sponsor to present in the Levenson Room at the

Library. Then they could have more outreach to reach the larger community. Chairman McMillan agreed that it would be good to wait to reach more people. Mr. Jankowski commented that it directly related to what they are looking for in their standards. This can be easily be incorporated into the regulations.

Chairman McMillan commented that the fertilizer outreach and the NOFA presentation should be their own meeting. Mr. Britz confirmed that they could schedule more meetings and sponsor a meeting at the Levenson Room too. The NOFA standards can't go in the rules of the Commission. It would need to go into the ordinance. Then it would not have to be brought up at the meetings because it was incorporated in the ordinance. It is hard to know the load of each month's meeting. It is challenging to schedule presentations at regular meetings because permit applications take precedence. It would make sense to schedule one or two special meetings to address these things. Something with more public exposure won't get as much turnout without outreach.

Chairman McMillan commented that the NOFA Standards do keep coming up and it is unclear the expectation around it. It is not in the ordinance or regulations. The Commission is asking people to do this, and the NOFA standards are in a huge document with a lot of information. The Commission should be more specific otherwise it would be difficult for people to follow through with it. Mr. Jankowski responded that other communities use the NOFA standards because they are easy to follow and someone else updates them. It is not burdensome, but educational for the homeowner. Chairman McMillan noted that they just needed to define it more.

Chairman McMillan commented that they would have a separate meeting about the fertilizer outreach and another meeting on the open space. Ms. Tanner reiterated that the NOFA standards meeting should be a community education meeting.

Vice Chairman Collins questioned if there was a summary or fact sheet about the NOFA standards they could hand out at meetings to applicants. Mr. Jankowski responded that he would follow up with NOFA to see if they provided something like that.

Chairman McMillan commented that the City requested to meet with the Commission to discuss and coordinate the outreach they plan to do in the spring. Mr. Britz responded that he would coordinate with City Staff on what they need. Chairman McMillan commented that Staff could meet with a subcommittee if there were a few people interested in meeting with them.

Chairman McMillan commented that they could leave items that were not discussed in this meeting on the list and to be discussed at the next meeting.

Mr. Britz commented that they would schedule the next meeting in a month.

Ms. Blasko questioned if they should do anything before the next meeting. Ms. Tanner responded that they should familiarize themselves with the open space plan.

Mr. Jankowski questioned if he could get a paper copy of the city inventory. Mr. Britz confirmed that he could get him one.

**VI. Adjournment**

Chairman McMillan adjourned the meeting at 5:36 p.m.

Respectfully Submitted by,  
Becky Frey,  
Acting Recording Secretary