

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

3:30 P.M.

APRIL 11, 2012

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman Mary Ann Blanchard, Allison Tanner, Barbara McMillan, Elissa Hill Stone, Peter Vandermark, Rich DiPentima

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner

I. OLD BUSINESS

A. Approval of minutes – March 14, 2012

It was moved, seconded, and passed unanimously (5-0) to approve the minutes as presented.

II. STATE WETLANDS BUREAU PERMIT APPLICATIONS

1. Standard Dredge and Fill Application
Mechanic Street between Pickering Street and Hunking Street
City of Portsmouth, owner
Assessor Map 103, Lot n/a

Ms. Cheryl Coviello of GZA Environmental was present to speak to the application. She stated that she was working with Mr. Dave Allen, Deputy Public Works Director and Mr. Tom Richter of Department of Public Works on this project. The project was to replace a portion of the seawall on Mechanic Street. The particular section of wall was between Pickering and Hunking Streets. She stated that she did not know when the existing wall was constructed. She said that they did borings which indicated that the wall did not go down too far and did not extend into Mechanic Street. The existing wall was composed of granite blocks which have been repaired with pieces of cut granite curb and also infilled with bricks and miscellaneous materials.

Ms. Coviello pointed out that Mechanic Street was very narrow and the existing wall was actually part of the roadway. The pavement extended over the top of the wall and there was a rudimentary railing along the face of the wall. She explained that the surface drainage sheet flowed over the existing wall. She added that they were looking to replace the wall for a number of reasons: one was that a number of the granite blocks were missing and have probably fallen

out and second, the pavement has been compromised. They would also like to improve the guardrail system.

(Mr. DiPentima arrived at this point in the presentation.)

Ms. Coviello said that they were proposing a reinforced concrete wall that would need to be bumped out about four feet toward the river. They would be putting a granite block facing on the front of the wall that would extend 170 feet. She explained in detail how the wall would be built around an existing boathouse on one end of the project. She added that they would work with the abutters as the residents would like to maintain an existing public access point so they planned to construct a 5' x 5' area with stairs.

(Ms. McMillan arrived at this point in the presentation.)

Ms. Coviello pointed out that to install the guardrail, a ten inch granite curb would have to be installed. She explained that drainage would be either through scuppers on the top of the wall or through catch basins with an outlet pipe draining through an outfall in the wall.

Ms. Coviello stated that there would be about 1,100 square feet of temporary impacts and 400 square feet of permanent impacts. There would temporary impacts to the roadway as well.

In summary, Ms. Coviello said that this was a fairly small project and they were estimating about eight weeks to complete the project.

Ms. Tanner questioned how far down the wall went. Ms. Coviello said that there were no records on it but that it did not likely go farther down than the bedrock which was nine feet at the most. Ms. Tanner asked if the wall would rest on the bedrock. Ms. Coviello said it would rest on either bedrock or soil.

Ms. Tanner asked if there would be any treatment of the water before it went into the river. Ms. Coviello said no and explained that they were not changing the quantity or the quality of the water that was currently coming over the wall.

Mr. Vandermark asked if the road flooded at extreme high tides. Ms. Coviello said she would have to defer the question to property owners. An unidentified property owner in attendance said that it flooded about three to four times per year.

Chairman Miller asked what the life span of the new wall would be. Ms. Coviello stated 50-75 years depending on the quality of the construction and the quality of the materials.

Chairman Miller asked what would be done to accommodate the sea level rise in the coming years. Ms. Coviello said that the wall could easily be added to at a later date. She explained in detail how it could be accomplished.

Mr. DiPentima asked what the impact would be to the homes and businesses in the area. Ms. Coviello said that to do the work, they would have to close a portion of Mechanic Street. She

told the Commission that they have had discussions with abutting property owners. She added that the work would likely take place in the fall.

Vice Chairman Blanchard complimented the applicant on the addition of the new railing.

Ms. Stone asked what method the applicant would recommend for stormwater control from the street to prevent disturbing the bank and channel bottom. Ms. Coviello said that she did not have a clear recommendation. She pointed out there was erosion on either ends of the wall and they were looking to see what recommendations they got back from DES.

Ms. McMillan asked about the need for the stairs. Ms. Coviello explained that the public currently accesses the river at that end of the wall and was a request of the residents at one of the public information meetings. Ms. McMillan wondered if they had looked at a temporary solution such as wooden stairs that could be pulled up in the winter. Ms. Coviello said they were looking at something more permanent that required less maintenance.

Ms. McMillan asked why they were proposing the granite facing. Ms. Coviello said that they were just trying to replicate what was currently there. She explained in detail the reason for the design. Ms. McMillan expressed concern with that part of the proposal.

Hearing no other questions, Chairman Miller asked for a motion.

Ms. Tanner made a motion, for discussion purposes, to recommend approval of the application to the State Wetlands Bureau. The motion was seconded by Ms. Stone.

Ms. Tanner stated that this was an opportunity to improve the water quality as it goes over the wall. She did not think they could replicate what was happening now and she was not sure what type of system could be put into place.

Vice Chairman Blanchard asked what the status of the stormwater separation was in that area. Mr. Allen informed the Commission that the stormwater was separated in the 1980's. He said that they will be repairing some old sewer lines and water lines. Vice Chairman Blanchard asked if the run from that stretch of the wall could be tapped into the storm line in order to enhance the quality of the water running into the river. Mr. Richter said that they could take a look at where the existing drain line was and see if it could be done. Ms. Coviello suggested waiting to get some feedback from Dori Wiggin at DES.

Chairman Miller asked where the water would go from the storm drains. Mr. Britz said it would still go to an outfall. Mr. Richter said that they would want to take a look at the existing catch basin at the end of Hunking Street and access the condition of the existing outfall. He said they would look into it. Mr. Britz said that was why it was helpful to wait to hear back from DES.

Ms. Stone asked if the stormwater catch basins had sediment filters. Mr. Richter said they would have a deep sump which would help to take certain particles out of the discharge.

Ms. Tanner added the stipulation that the applicant will investigate running the stormwater into the storm drain system or through a new outfall in the wall, incorporating filtration technology.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval of the application to the State Wetlands Bureau with the following stipulation passed by a unanimous (7-0) vote:

- 1) That the applicant will investigate running the stormwater into the storm drain system or through a new outfall in the wall, incorporating filtration technology.

- 2. Standard Dredge and Fill Application
100 Borthwick Avenue
Northeast Credit Union, owner
Assessor Map 259, Lot 15

- 3. Standard Dredge and Fill Application
Borthwick Avenue
Liberty Mutual Insurance, owner
Assessor Map 240, Lot 3

III. CONDITIONAL USE PERMIT APPLICATIONS

100 Borthwick Avenue
Northeast Credit Union, owner
Assessor Map 259, Lot 15

Mr. Britz informed the Commission that all of the applications were somewhat related so it might be helpful to hear all of the information about the projects at once, and then break each one down for discussion and vote. Chairman Miller concurred.

Mr. George Fredette, working with Horne Construction on the projects, was present to speak to the application. He stated that Liberty Mutual had two parking lots that were connected by a walkway. The two parcels that the lots were located on where owned by two different owners, Liberty Mutual and Northeast Credit Union. Liberty Mutual currently leases the Northeast Credit Union land. He explained that the projects were to repair the surfaces.

Mr. Fredette said that the first project was to repair the pathway that crosses the wetland into the parking lot. The pathway was located in the upland area immediately adjacent to the wetland. He explained that this particular project required a conditional use permit and a State wetland permit.

Mr. Fredette stated that the second application was on Borthwick Avenue but because it was a parking lot, it had no numerical address. He explained that within the parking lot were three concrete pads that were used to park motorcycles and bicycles. He said that the pads were showing some wear and they needed to be replaced. Mr. Fredette concluded his presentation and offered to answer questions.

Ms. Tanner stated that she would like to hear more information about the pathway. Mr. Fredette said that Page 4 of the plans showed the details of the project. He said that they were making the steps safer by reconfiguring them and building them in accordance with the current building code. The current pathway was six feet wide but the new pathway would be five feet wide with new handrails and lighting. He explained that the pavement would be decreasing by 13%. He added that some of the grading would be changing. Also, on either side of the walkway, there would be a stone trench to catch the water to keep it off of the walkway.

In reference to the State wetland permit for 100 Borthwick Avenue, Mr. Fredette explained that the concrete pads were different sizes. The existing concrete pads would be removed, the spoils taken away, and new concrete pads would be poured.

Chairman Miller opened the floor to questions from the Commissioners on all three applications. He added that once everyone was comfortable with the information, they would vote on the applications separately.

Mr. DiPentima asked if there was any increase in impervious surfaces. Mr. Fredette replied no and added that there was in fact, a slight decrease.

Ms. Tanner asked if the water currently sheet flowed off of the pads and into the wetlands. Mr. DiPentima replied yes. Ms. Tanner asked if they had considered porous pavement. Chairman Miller commented that when he parks his motorcycle on porous pavement on very hot days, the motorcycle stand puts a hole in it. He did not think that bicycles would have the same problem. Ms. McMillan added that in the submitted photos, the signage at the existing concrete pads showed one pad for bicycles.

Ms. McMillan asked about the loaming and seeding along the walkway. Mr. Fredette said that immediately adjacent to the walkway on both sides was a landscaped area. He said that they intended on replicating that but improving it. Ms. McMillan wondered if there was any chance to restore that area to a natural buffer to the wetlands. Mr. Fredette said that there was no buffer because they are crossing the wetland and are right up against the footbridge so there was no opportunity to work with the buffer. Ms. McMillan said she was thinking of natural plantings instead of landscaping.

Chairman Miller asked if they mowed the entire perimeter of both lots. Mr. Fredette confirmed that the perimeter was grass. Ms. Stone asked if they would consider a five foot buffer of unmowed lawn at the edge of the wetland. Mr. Fredette was agreeable to that suggestion.

Vice Chairman Blanchard asked that if the proposed plantings were extended out would that help to stabilize the slope yet reduce the seeded grass area. Ms. Tanner said that if they did not mow it, it should be very stable. She said that she worried more about erosion when putting in plantings.

Ms. McMillan commented that the concrete pads seem to be falling apart more rapidly than the rest of the pavement. Mr. Fredette said that it was repaved just a few years ago. Ms. McMillan

suggested that the maintenance crew attend a winter maintenance training session at UNH to help maintain the parking lot.

Hearing no other questions, Chairman Miller said they would take the applications one at a time for a motion and vote. He said that they would vote first on the State wetland permit application for the walkway at 100 Borthwick Avenue.

Vice Chairman Blanchard made a motion to recommend approval of the application to the State Wetland Bureau with the following stipulations:

- 1) That facilities maintenance staff attend a winter maintenance training session, specific to salt application rates and best practices, at UNH for the care and maintenance of the parking lot.
- 2) That the amount of lawn or mowed area around the walkway will be reduced.
- 3) That there will be a ten foot non-mowed area around the wetland adjacent to the parking area.

The motion was seconded by Ms. Tanner. Chairman Miller asked for discussion.

Vice Chairman Blanchard stated that she appreciated the patience of Mr. Fredette in helping them walk through the technical pieces and she appreciated that they would respect the concerns about the wetland. She added that every opportunity the Commission gets to improve them, they will try to do that.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval of the application to the State Wetland Bureau with the following stipulations passed by a unanimous (7-0) vote:

- 1) That facilities maintenance staff attend a winter maintenance training session, specific to salt application rates and best practices, at UNH for the care and maintenance of the parking lot.
- 2) That the amount of lawn or mowed area around the walkway will be reduced.
- 3) That there will be a ten foot non-mowed area around the wetland adjacent to the parking area.

Chairman Miller said they would now vote on the State wetland permit for the concrete pads at Borthwick Avenue.

Ms. Tanner made a motion to recommend approval of the application to the State Wetlands Bureau with the following stipulations:

- 1) That the bike parking pad is a pervious surface.
- 2) That facilities maintenance staff attend a winter maintenance training session, specific to salt application rates and best practices, at UNH for care and maintenance of the parking lot.

- 3) That there will be a ten foot non-mowed area around the wetland adjacent to the parking area.

The motion was seconded by Ms. McMillan. There was no discussion.

The motion to recommend approval of the application to the State Wetlands Bureau with the following stipulations passed by a unanimous (7-0) vote:

- 1) That the bike parking pad is a pervious surface.
- 2) That facilities maintenance staff attend a winter maintenance training session, specific to salt application rates and best practices, at UNH for care and maintenance of the parking lot.
- 3) That there will be a ten foot non-mowed area around the wetland adjacent to the parking area.

Chairman Miller stated that they would now vote on the conditional use permit application for the walkway at 100 Borthwick Avenue.

Ms. McMillan made a motion to recommend approval of the application to the Planning Board with the following stipulations:

- 1) That facilities maintenance staff attend a winter maintenance training session, specific to salt application rates and best practices, at UNH for the care and maintenance of the parking lot.
- 2) That the amount of lawn or mowed area around the walkway will be reduced.
- 3) That there will be a ten foot non-mowed area around the wetland adjacent to the parking area.

The motion was seconded by Vice Chairman Blanchard. There was no discussion.

The motion to recommend approval of the application to the Planning Board with the following stipulations passed by a unanimous (7-0) vote:

- 1) That facilities maintenance staff attend a winter maintenance training session, specific to salt application rates and best practices, at UNH for the care and maintenance of the parking lot.
- 2) That the amount of lawn or mowed area around the walkway will be reduced.
- 3) That there will be a ten foot non-mowed area around the wetland adjacent to the parking area.

375 F.W. Hartford Drive
Nikolas and Jennifer Uhlir, owners
Assessor Map 270, Lot 14

Mr. Matthew Cardin and Ms. Adele Fiorillo, both of Normandeau Associates and Mr. Nikolas Uhlir, owner of the property were present to speak to the application. Mr. Cardin stated that they were before the Commission for an after-the-fact wetland restoration conditional use approval. He explained that the owner had trees cut down in his backyard and fill brought in to extend his lawn. As a result of this action, he has created some wetland and wetland buffer impacts of about 2,400 square feet.

Mr. Cardin explained that the yellow line on the plan indicated the cut area. The pink line showed the wetland delineation. The brown line showed the area where fill was brought in. He said that in moving forward, they have come up with a restoration plan to try to restore what was there and to restore some of the functions and values of the wetlands and wetland buffer areas that were impacted.

He stated that they were proposing to recreate the forested area by planting Eastern Hemlock and Red Maple trees. They were also proposing raspberry, highbush blueberry, and silky dogwood shrubs. In addition, they were also proposing to extend the lawn and add a rain garden. The rain garden would increase the functions and values of the wetlands. The owner's sump pump would also be directed to the rain garden.

Mr. DiPentima asked what the depth of the rain garden would be. Mr. Cardin said it would be 6-12 inches in depth.

Ms. Tanner asked about the slope of the grassed area. Mr. Cardin said that it was a low grading slope; about 3% -5% back to the house. He added that they were trying to maintain a slope of 4%.

Chairman Miller asked when the neighborhood was built. Mr. Uhlir said the neighborhood was started in the 1980's and his house was built in 1992.

Chairman Miller questioned whether the rain garden would function well in the proposed location. Mr. Cardin said that they could work on the design with regard to the slope.

Ms. McMillan asked how the installation of the rain garden was better than restoring the area back to the way it was. She wondered how this was going to be a better solution. Mr. Cardin said it was to offset the additional lawn.

Ms. Stone asked where the sump pump discharged currently. Mr. Cardin said it discharged back in the forested area.

Vice Chairman Blanchard said that she remembered walking the area when the neighborhood was first being constructed. She recalled it was a big hemlock forest but it has continued to have drainage and wet basement issues. She said that as much as she disliked after-the-fact permitting, she felt this was a good restoration plan.

Mr. Uhlir explained that he used a landscaper who did another project like this one in the neighborhood and he professed to have contacted the City to determine if any permits were required and he said none were required.

Mr. DiPentima commented that the landscaper had some culpability because the photos showed significant standing water. Mr. Uhlir said that there was not standing water when the trees were there.

Hearing no other questions, Chairman Miller asked for a motion.

Mr. DiPentima made a motion to recommend approval of the application to the Planning Board. The motion was seconded by Ms. Tanner for the purposes of discussion. Chairman Miller asked for discussion.

Ms. Tanner stated that she felt badly for the applicant but she felt every bit of fill should be pulled out of the site and the site should be restored.

Ms. McMillan agreed that all of the fill should come out. She did not think they would get the same value with the rain garden. She added that they did not know what was in the fill and that was a risk to the wetlands.

Mr. DiPentima asked how many yards of fill were brought in. Mr. Uhlir said 180 yards.

Mr. Uhlir stated that he was happy to do whatever was necessary to appease the environmental concerns. In addition to that, he was looking at many thousands of dollars to restore the site. He asked that the neighborhood be monitored more closely because there were others in the neighborhood that have done exactly what he has done. He said that he wanted to do what was right and had he known there was a wetland back there he would not have even started the project.

Chairman Miller asked Mr. Britz to speak to his memo. Mr. Britz stated that he too had an issue with the amount of fill. He thought there could be a plan that would take out some of the fill. He also thought the rain garden could be moved closer to the house. He also said that he had suggested to the applicant that he might want to have a work session. Mr. Britz added that the extended lawn was not a precedence they wanted to set.

Vice Chairman Blanchard said that she did not think it was environmentally constructive to try to retrieve every bit of the fill because that could be very destructive also. She asked if the motion was rejected, could they make another motion. Mr. Britz said they could continue with the motion to approve and add stipulations. The motion could also be postponed to have the applicant come back with a revised plan. Vice Chairman Blanchard said that she would like a tabling motion to a date about a month or two from now to allow the applicant time to explore a revision based on the Commission's comments.

Ms. Tanner suggested discussing the options and placing stipulations because she felt the applicant would like to get the project done and the best time for planting was now. Mr. Britz agreed and said that putting it off another month would just keep it in limbo. The Commission was in agreement to discuss stipulations.

Ms. Stone wondered if Ms. Fiorillo could speak to the quality of the fill. Ms. Fiorillo stated that she did not look at the fill, only at the surface but she felt it was not good fill. Mr. Uhlir said that the fill came from a Severino construction site on Pease. Chairman Miller informed the Commission that Pease has a staging yard so the fill could have come from anywhere. Mr. DiPentima asked if it would be helpful to have a soil scientist look at the fill. Chairman Miller said that he would like to try to resolve this today for the applicant and the consultants.

Vice Chairman Blanchard asked how much fill was brought in. Mr. Uhlir said nine truckloads were brought in.

Ms. Tanner suggested removing a six inch depth of fill. She also suggested moving the rain garden into the gray area of the plan with a slope below it to catch and treat the run off before it goes into the wetland.

Ms. Tanner amended the motion by adding the following stipulations:

- 1) That the fill area is reduced by a height of six inches and loam is placed on top.
- 2) That the rain garden is located closer to the house so that the sump pump will function properly with it.
- 3) That the owners have the fill which was brought on to the site tested for: 13 priority metals, Polycyclic aromatic hydrocarbons (PAH) and Pesticides and PCB's.

Ms. McMillan asked who was in such a rush to approve the application because she did not think she had enough information to act today. Mr. Uhlir explained that his daughter was in need of a major medical procedure soon so he did not want to push the application out much further. Ms. Tanner thought the restoration would have a better chance of success if the work was done now rather than waiting until later in the summer. Ms. McMillan said that she did not have a picture of the house to compare it to what the Commission was asking him to do.

There was considerable discussion about the location of the rain garden.

Ms. Tanner also suggested having the fill tested for the applicant's own safety.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval of the application to the Planning Board with the following stipulations passed by a vote of 6-1 with Ms. McMillan voting in opposition:

- 1) That the fill area is reduced by a height of six inches and loam is placed on top.
- 2) That the rain garden is located closer to the house so that the sump pump will function properly with it.
- 3) That the owners have the fill which was brought on to the site tested for: 13 priority metals, Polycyclic aromatic hydrocarbons (PAH) and Pesticides and PCB's.

Mr. Britz stated that he would attend the Planning Board meeting and would speak to this application.

IV. OTHER BUSINESS

1. Wetland buffer brochure – recreate and mail

Mr. Britz stated that there was a need for more education regarding setbacks from wetlands. He felt it was important to update the current wetlands buffer brochure and to send it to residents who live around wetlands. Chairman Miller offered to work with Mr. Britz on updating the brochure.

Vice Chairman Blanchard reported on the recent Trees and Greenery Committee and updated the Commission.

V. ADJOURNMENT

At 5:50 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good
Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on May 9, 2012.