

**MINUTES  
CONSERVATION COMMISSION**

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

**3:30 P.M.**

**MAY 8, 2013**

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

**MEMBERS ABSENT:** Alternate Shelley Saunders

**ALSO PRESENT:** Peter Britz, Environmental Planner

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**I. OLD BUSINESS**

A. Approval of minutes – March 13, 2013

It was moved, seconded, and passed unanimously to approve the minutes as amended.

Approval of minutes – April 10, 2013

It was moved, seconded, and passed unanimously to postpone the approval of minutes to the June 12, 2013 meeting.

**II. STATE WETLANDS BUREAU PERMIT APPLICATIONS**

1. Standard Dredge and Fill Application  
60 Martine Cottage Road  
H. Brooks Stevens Revocable Trust  
H. Brooks Stevens, Trustee

Mr. Zachary Taylor, Director of Operations at Riverside and Pickering Marine Contractors was present to speak to the application. He stated that he was before the Commission for approval of a 4'x 60' pier with a 3'x 40' ramp and a 10'x 30' float. He also said they would need to construct a small access way to get down to the pier. He explained that the project was located on Sagamore Creek and that the dock would be pretty much the same size as the dock structures next door.

Chairman Miller asked if the distance into the channel was about the same as the other existing docks. Mr. Taylor replied yes and added that the dock met all of the state and federal setbacks.

Mr. Vandermark asked about the location of the proposed dock. Mr. Taylor said they were trying to reduce impacts with regard to navigation and overall square footage.

Ms. Blanchard asked if there was any cutting proposed. Mr. Taylor said that all of the major trees would be left intact. He said that minor brush might have to be cleared.

Mr. Ambrose asked how the pilings would be set. Mr. Taylor said they would use a barge and crane and either a drop hammer or a vibrating hammer.

Chairman Miller asked if there were any more questions for the application. Hearing none, he asked for a motion.

Ms. McMillan made a motion to recommend approval of the application to the State Wetlands Bureau. The motion was seconded by Mr. DiPentima. There was no discussion.

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

### **III. CONDITIONAL USE PERMIT APPLICATIONS**

- A. 50 Andrew Jarvis Drive  
City of Portsmouth, School Department  
Assessor Map 229, Lot 3

Mr. Ken Linchey, Facilities Director for the School Department and three members of the senior class, Amanda, Sam, and Andrew (no last names given) were present to speak to the application.

Mr. Linchey stated that they were seeking permission to add an additional structure to the Project Adventure course located on the school grounds. The senior class was proposing, as their class gift, the installation of a zip line for the school's use.

Andrew stated that the project adventure course was based on confidence boosting, teamwork, and overall mental strength and explained in detail the course activities and objectives. He added that both of the teachers overseeing the project were on board with it.

Sam said that they would like to present the new zip line as a class gift to show that the class was committed to impacting the upcoming classes going through Portsmouth High School for many years to come.

Mr. Linchey guided the Commission through the submitted site plan. He explained that the pole would stand 55 feet tall and would be about 18 inches in diameter. Mats would be put down to protect the ground. He further explained that no platforms would be needed and that they were doing it in an area where there was a lot of foot traffic already.

Amanda stated that she was initially skeptical about the adventure course's worth before she took the class but now that she has been doing it, she said it was truly transformative. She said that it challenges you to reach beyond your limits.

Mr. Vandermark asked about the existing phragmites in the area. Mr. Linchey said that they would not be touched.

Ms. McMillan pointed out an area where debris was being piled. Mr. Linchey said that he would address it with the lawn crew.

Chairman Miller asked if there were any more questions for the applicant. Hearing none, he asked for a motion.

Ms. Tanner made a motion to recommend approval of the application to the Planning Board as presented. The motion was seconded by Ms. Stone. There was no discussion.

The motion to recommend approval of the application to the Planning Board as presented passed by a unanimous (7-0) vote.

B. 50 Martine Cottage Road  
Jean R. Johnson, owner  
Assessor Map 202, Lot 16  
Assessor Map 250, Lot 99

Mr. Tom Johnson, representing his mother who was the current owner of the property, Ms. Sherrie Trefry of GZA GeoEnvironmental, Inc., and Mr. Mike Cuomo, independent wetland scientist from Rockingham County Conservation District were present to speak to the application. Mr. Johnson gave a detailed history of the property and its involvement with the Shoals Marine Lab program, the Creek Farm, and Cornell University. He said that it was his desire to keep the Shoals Marine Lab at Creek Farm wished to donate the 50 Martine Cottage Road lot to them with stipulations that it be used for an academic program and that the property could not be sold for the proceeds. He told the Commission that Cornell University had not bought into the idea yet as well and neither had his other siblings yet. In order to satisfy his siblings, he was proposing to split off part of the lot with one part of the lot to be donated to the University and the other lot to be held by the family.

Chairman Miller asked the applicant if he had any new material to present since their last meeting. Mr. Johnson replied no. He said that he approached the Forest Society about an easement across their property for the driveway and they denied his request.

Ms. Trefry stated that they were requesting 247 square feet of wetland impact and 7,900 square feet of upland buffer impacts. She said that they tried to locate the driveway in the least functioning low value wetland on the property. She added that they were proposing a pervious driveway so there would be no increase in impervious surface. She explained that they were proposing a six acre residential lot which exceeds the City's requirement of a minimum of five

acres in that area. Ms. Trefry said that they would be willing to talk with the Commission about ways to improve the wetland buffer with plantings, etc.

Ms. Tanner stated that they were being asked to approve a driveway even though it was not determined yet whether a house could be built on it. She pointed out that the property had a ledge outcropping so there was the potential for blasting. She was concerned about approving a driveway if in the end there was no reason for it. Mr. Britz added that he had the same question and pointed out that there was no width given for the driveway or a location for septic. Ms. Trefry explained that they have not had an engineer design the entire project, that this was just the footprint. She said that they wanted to get an idea if something like this was acceptable before going further with plans.

Mr. Cuomo stated that he visited the site and felt that the proposed use was reasonable in terms of the environmental impacts. He said that the building envelope area appeared to be a relatively low ecological value for an upland area but he did not want to stand by that statement without having the Natural Heritage Bureau confirm that. He did not think there should be any off site impacts due to the construction of the road as long as erosion control measures were in place.

Mr. Britz asked Mr. Cuomo about the wildlife corridor. Mr. Cuomo said there was not a lot they could do about the two wildlife corridors that would be impacted and he did not know whether they could be mitigated or not.

Ms. McMillan asked about the trees in the impact area. Mr. Cuomo said that he did not recollect a large number of mature trees.

Ms. Trefry then spoke to the criteria to be met for a conditional use permit. She said that the land was reasonably suited because it met all of the City's dimensional requirements and the area was reasonably suited for the use because there were sufficient uplands to construct a home. She added that there was no alternative location outside of the wetland buffer and that other alternatives were explored. Ms. Trefry said that there were no adverse impacts to the wetland functional values. She explained that they were limiting their impacts to the forested wetland component and proposing a pervious driveway.

Ms. McMillan asked if Lot 14 was all wetland. Mr. Johnson said that it was low lying with a stream running through it. She asked Mr. Johnson if he had talked to all of the abutters to see if anyone was amenable to allowing a portion of the road on their property. She felt the way it was proposed was very impactful. Mr. Johnson showed the Commission an area where it might work if he could get an easement from the property owners, the Najars.

Chairman Miller asked if there were other alternatives to site a house on the lot. There was a lot of discussion about the various areas on the site. Chairman Miller said that he did not want to get into a work session, that this was homework that should have been done before now. So he told the Commission they were to consider and discuss the current proposal.

Mr. Vandermark wondered why the lots were shaped the way they were. Were they shaped that way intentionally? Mr. Johnson explained that one of the lots was split some time ago.

Chairman Miller asked if there were any more questions for the applicant. Hearing none, he asked for a motion.

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

Ms. Tanner stated that she did not think the Commission knew enough about what was going on with the entire property and to put a driveway in for a driveway's sake was not reasonable. She felt there were a lot of unknowns and that there were possible alternatives to the project. She also thought it was too disruptive, especially the engineering of the driveway. They also did not have information on a septic system or the construction of a house. She added that she appreciated what they were trying to do and it was very admirable but it went against her values of conservation.

Ms. Stone agreed with Ms. Tanner's comments.

Mr. DiPentima thought it was interesting that they did not have an approved lot for the house, only a proposed lot. He said they were being asked to approve a driveway for a house lot that has not been approved yet.

Chairman Miller stated that he was frustrated because they had no real solutions in front of them.

Ms. Tanner commented that there was reference to the fact that the lot was subdivided so that it could be in current use so that the taxes would be lower. She felt that was an option that should be considered instead of this proposal. Chairman Miller added that he agreed with helping with the conservation of the area.

Ms. McMillan said that she appreciated all of the efforts made for the conservation of the area but it was at the expense of the impact of a lot of property, wooded area, wetland crossings and buffers. In addition to interrupting the hydrology of the area with the a lot of invasive species, she thought it would make the invasives worse.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval of the application to the Planning Board as presented failed to pass by a unanimous vote of 7-0.

C. 565 FW Hartford Drive  
Christian B. and Kirstin E. Stallkamp

Ms. Stone stated that she would be recusing herself from the discussion and vote. Mr. Ambrose would be voting in her place.

Mr. Eric Weinrieb of Altus Engineering was present to speak to the application on behalf of the owner. He stated that the owner would like to construct a modest 16' x 17' addition on the house with a pervious patio. He said that they were proposing to remove the existing low grass area and re-vegetate with low blueberry bushes. He added that to further improve the site, they would provide a bio-retention swale. It would treat the run off from the roof.

Ms. Tanner pointed out that this was the same application that came before them for a work session. She said that it looked like the suggestions the Commission gave had been incorporated into the current proposal.

There was discussion about the seal-coated driveway. Chairman Miller wondered if there were alternatives that were less toxic. He suggested that they put a recommendation in the motion to consider using a less toxic alternative.

Chairman Miller asked if there were any more questions for the applicant. Hearing none, he asked for a motion.

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

- 1) That the applicant shall not apply sealcoat to the driveway in the future due to the toxic nature of the runoff from it.
- 2) That the new buffer plantings are maintained and remain in place as shown on the plan and are not converted back to grass or impervious surface.
- 3) That the rain garden be maintained and kept in functional order to continue to receive and treat run-off from the driveway.

The motion was seconded by Vice Chairman Blanchard. There was no discussion. The motion passed by a unanimous (7-0) vote.

D. 32 Boss Avenue  
Carol J. Trecosta and Michele D. Cole  
Assessor Map 153, Lot 5

Ms. Carol Trecosta and Ms. Michele Cole, owners of the property were present to speak to the application. Ms. Trecosta stated that they would like to remove an 8' x 25' covered storage structure and install a deck in its place. Ms. Trecosta passed around pictures of the structure.

She explained that they would also like to pull up some of the lawn and plant native plantings and ground cover in its place. Chairman Miller said that the wetland looked like it was very close to the house. Ms. Trecosta said that the entire back yard was wetland buffer.

Mr. DiPentima asked about the flooring of the shed. Ms. Trecosta said that it was concrete blocks. Mr. DiPentima commented that it was considered an impervious surface right now. He said that this proposal would make the entire area pervious. Ms. Trecosta explained that they

would like to use the area underneath the new deck for storage and would put stone dust or gravel down as a base. Chairman Miller said that the gravel would work better to allow the water to infiltrate into the ground.

Ms. Tanner asked how high off of the ground the deck would be. Ms. Trecosta said it would be about the same height as the roof line of the storage shed. Ms. Tanner asked if they would be using concrete piers or pilings. Ms. Trecosta said they would be using sonotubes. Mr. DiPentima asked if there would be steps off of the deck. Ms. Trecosta said there would be steps on the side of the deck leading down to the backyard.

Ms. McMillan asked if there would be a gutter on the rear of the house to direct water. Ms. Trecosta said no but that a drip line of crushed gravel would be installed along the side of the house.

Ms. McMillan commented that any vegetation that could be left against the wetland the better. Ms. Tanner agreed that the ground cover would be a good option instead of mowed grass.

Chairman Miller asked if there were anymore questions for the applicant. Hearing none, he asked for a motion.

Mr. DiPentima made a motion to recommend approval of the application to the Planning Board as presented. The motion was seconded by Vice Chairman Blanchard. There was no discussion.

The motion to recommend approval of the application to the Planning Board as presented passed by a unanimous (7-0) vote.

#### **IV. OTHER BUSINESS**

There was no other business requiring action to come before the Commission

#### **V. ADJOURNMENT**

At 4:55 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 January 8, 2014.