

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

3:30 P.M.

OCTOBER 9, 2013

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman Mary Ann Blanchard;
Members Allison Tanner, Barbara McMillan, Elissa Hill Stone,
Peter Vandermark, Alternates Shelley Saunders,

MEMBERS ABSENT: Rich DiPentima, Paul Ambrose

ALSO PRESENT: Peter Britz, Environmental Planner

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I. CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

1. Off Spinney Road and Middle Road
Frances T. Sanderson Revocable Trust and J. Sanderson Revocable Trust, owners
Spinney Road Land Holdings, LLC, applicant
Assessor Map 170, Lots 5 & 24

Ms. Tanner made a motion to postpone the application to the November 13, 2013 meeting. Ms. Saunders seconded the motion.

The motion to postpone the application passed by a unanimous (6-0) vote.

II. CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

- A. 249 Corporate Drive
Pease Development Authority, owner
Stonegate Construction, N.H., LLC
Assessor Map 303, Lot 6 (PDA Map 314, Lot 0)

Jeff Clifford of Altus Engineering, Inc. and Robbie Woodburn of Woodburn and Co. Landscaping were present to speak to the application. Mr. Clifford stated that they had come before the Commission the previous month with Mark West, who unfortunately could not be there that day. They had also met with TAC twice. A small change from the original plan was that six parking spots would be designated as future spots and would remain landscaped to minimize the pavement area. Chairman Miller asked if the rain garden would remain. Mr. Clifford replied that it would, and it would remain the same size as well.

Mr. Clifford stated that the Conditional Use permit related to the 1,551 square feet of impact area that was part of the wetland buffer. He discussed the 25-foot and 100-foot buffers and ditches and the environmental report that had been done years before. He pointed out several colored lines in the plan. The purple line showed previous development in the area and, under the Pease regulations, was the starting point for the development. Mr. Clifford stated that the entire site was impacted at one point when they originally did the grading to make the site developable. He talked about the drainage and an outfall that would be replaced. Pease regulations allowed the use so it was not counted in the calculation of the impact. They proposed doing a mitigation site for the impact and would use a methodology that identified the seven functions that were evaluated. There was some discussion about the buffer enhancements where the invasive species would be removed.

Ms. McMillan arrived at this point in the meeting.

Mr. Clifford pointed out two green areas that were designations for Area A and Area B and stated that there were two types of enhancements proposed that Ms. Woodburn would elaborate upon. Ms. Woodburn stated that the area was a wedge of the wetland buffer that was in the front. All of the things on the plan reflected the conversations with the Commission from the previous month. In Area A, they would remove the invasive species and open up the existing trees. In the buffer area, they would plant a mix of winterberry, spirea, silky dogwood and other all-native buffer plants. Beyond the wedge and the property line, they would plant a seed mix of wildflowers so that the area would be naturalistic from the property line in. The areas further into the buffer would have plantings and shrubs. Area B would encompass a more selective process by which they would remove the invasive species around the trees to free them of the encumbrance; they would not clear the entire area but would be selective in freeing the trees. They would seed the cleared areas with the seed mix and mow it a few times a year to prevent the invasive species from returning.

Chairman Miller pointed out Section L1 on the landscaping plan and asked if the cross represented an existing tree. Ms. Woodburn said the crosses represented new trees and the dots were the existing trees. Ms. Woodburn stated that the primary invasive species was multi-flora rose. There were thick areas of it, even in the mowed areas. Mr. West had discussed the bittersweet in Area B, and there was also a lot of Russian olive that needed to be removed. Pease did not allow the use of herbicides, so they would go in and scrape the ground. As a result, there would be soil disturbance, so they would plant the seed mix quickly after the scraping to stabilize the ground in order to remove the invasive species when it returned.

Mr. Clifford stated that he would paraphrase the criteria for the Conditional Use Permit.

1. The land was reasonably suited to the use, activity or alteration because previous housing had existed.
2. There would be a more attractive entrance to the site, and the pond would be a more functional location.
3. There would be no adverse impact on the wetland and the buffer.

4. It would conserve the natural vegetation and remove invasive species, thus enhancing the buffer.
5. They would avoid the impacts by designing it another way.

Chairman Miller noted that the plan referenced Sheet C9 about the storm water gallery, but there wasn't a Sheet C9. He asked if Mr. Clifford could point it out. Mr. Clifford said that much of the water went to the wetland pond but they could not get all of it, so they were doing the rain garden but also needed a retention portion. Chairman Miller pointed out the modular concrete retaining wall on Sheet C6 and said that he could not understand the graphic and was trying to figure out how high the retaining wall was. Mr. Clifford stated that the height varied quite a bit, from zero feet to four feet. He showed the end points of the retaining wall on the map and also showed where the generator would be installed. They would not get the last two-three feet of grading to work in the upper areas. Chairman Miller said that he was unsure of what the elevations were from one side to the other. Mr. Clifford stated that it was about two feet on one side, and the worst case on the other side would be around 4 to 4 1/2 feet.

Chairman Miller noted that Mr. West had talked about the wildlife function at the previous meeting and thought that he was used to more pristine country than Portsmouth had, but he asked if there was a need for a curb cut for wildlife so that it could get through the back portion of the parking lot. He had often seen turtles cross the road and did not want a trap created in the back of the lot that prevented the animals from getting out. He wondered if it was a possibility without creating an erosion problem on the retaining wall. Mr. Clifford pointed out that there was no wall in two particular locations, but in the back third of the property, they could perhaps grade something down and use swale. Chairman Miller suggested that maybe the staff could watch out for the turtles. If the wall only went around the back third of the lot and not the entire property, it probably would not be a problem.

Chairman Miller asked if there were other questions. 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 as presented passed by a unanimous (7-0) vote.

- B. 219 Gosport Road
Pine Siskin, LLC, owner
Assessor Map 224, Lot 10-11

Steven Riker from Sandpiper Environmental Services, Brian Short, owner of Custom Pools and Spas, and Jennifer Craft of Custom Pools and Spas were present to speak to the application. Mr. Riker distributed updated packets to the Commission and stated that he was hired by the property owner to be an agent for environmental permit matters associated with the site and to gain approvals for the construction of an in-ground pool. The owner had recently purchased the

property. Mr. Riker told the Commission that a photo log with color photos was included in the packet because it was important in evaluating the site. They had a new plan that was the result of a survey done on the property, and he emphasized that it had not been an official survey. Mr. Riker stated that the property was bordered on the left by Sagamore Creek and on the east by Gosport Road. The land was approximately 46,965 square feet and 1.070 acres, and was a single-family residential lot in the SRA zone. He stated that he had performed a wetland assessment on the property on September 25.

Mr. Riker pointed out the light blue area on the plan that was the tidal wetland. The purple area was the freshwater wetland associated with the site. He stated that he had also performed a functions and value assessment on the parcel and adjacent wetlands on September 23, a copy of which was in the submission. He was seeking comments and recommendations from the Commission for a Conditional Use permit from the Planning Board. The proposal was to construct an in-ground pool on the property. The pool and associated patio would have a 1,749 square footprint. Almost the entire pool would be located in the wetland buffer, albeit a very small corner of it. The pool dimensions would be 20' x 40' and it would be surrounded by a 949 square-foot patio. The patio would have a pervious pavement technology. The lot currently contained 4,800 square feet of impervious surface, or 10.4%. Post construction would contain 5,716 square feet of impervious surface, a difference of 830 square feet totaling 12.17%. It was a difference of 1.77% of the impervious surface on the lot.

Mr. Riker stated that the owner fully understood the value of the surrounding wetland resources and, as a result, the project also proposed a 3,611 square-foot buffer planting area, which was identified as the light green area on the plan. The dark green area identified the current vegetated wetland buffer. The buffer area would convert 3,600 square feet of existing maintained vegetated wetland buffer. They would plant 32 shrubs that were appropriate for the soil conditions. The planting area would provide a vegetated wetland buffer that would not be maintained and over time would be a functional buffer condition that did not presently exist. The proposed pool and patio would be constructed after removal of the trees on the lot. The pool would be constructed in an area that was currently maintained as lawn and would utilize a salt water sanitation system sanitized by the natural chlorine that salt produces, which would eliminate the need to add harsh chemicals for sanitation. If the pool required draining, the water would be pumped into a truck and moved off site so that it would not be discharged on the site and go into the wetlands area.

Mr. Riker went over the criteria for the Conditional Use Permit and how it applied to his project:

1. Per article 10.1017.50 of the Zoning Ordinance, the parcel was located in the SRA zone and the pool would not interfere with the existing abutting lots or property values. The proposed location would be in the developed uplands and reasonably suitable.
2. There was no alternative location outside the wetland buffer that was feasible and reasonable for the proposed use. Due to the configuration of the lot and the home location, there was no feasible location for the pool outside of the wetland buffer.

The front and side yard setbacks applied to the lot in the SRA zoning district and provided no alternative location for the pool.

3. There would be no adverse impact on the wetland functional values of the site or surrounding properties. The lot functional value assessment was performed and was included in the application. There would be no significant impacts on the function and values of the nearby wetland resources or surrounding properties as a result of the construction. The pool would be located as far from wetlands as possible. The salt water sanitation system would eliminate the need for harsh chemicals. The patio surrounding the pool would utilize an impervious technology eliminating salt water from the patio. Pool water would be pumped into a truck and hauled off site for draining to eliminate drainage on the site. A 3,611 square-foot buffer planting area would provide a natural 50-foot buffer to the nearby tidal wetland resource and a natural 25-foot buffer to the freshwater wetland resource, a condition that did not presently exist.
4. There would be no alterations to natural vegetative states. No trees, shrubs or natural vegetation would be removed.
5. The proposal was the alternative with the least adverse impact on the environment. The project demonstrated a plan and example that the pool location was the alternative with the least environmental impact. It was the only feasible location on the lot for the pool and would be located as far away as possible from the nearby wetlands.

Ms. Stone asked if the pool installation would require blasting. Mr. Riker stated that he did not know because he had not explored the site. There was a large outcrop that they had not determined the size of. Ms. Stone said she hoped blasting was not needed since use of ANFO (ammonium nitrate fuel oil) would result in a discharge of nitrate nitrogen to the groundwater and ultimately Sagamore Creek.

Ms. Saunders asked what their erosion control plan was. Mr. Riker stated that a silt fence would be erected during construction. After the pool was constructed, there would be a silt fence around the area.

Chairman Miller asked if it would be a heated, year-round pool. Mr. Riker stated that it currently was meant to be seasonal, but the owner had aspirations of using it the whole year and might enclose it. Chairman Miller said that if the pool were heated in the future, he wondered about it being close to the wetland and having potential contact with groundwater as well as affecting the wetland in the winter. He asked Mr. Riker if he had considered the potential future impacts or had seen it in other cases with heated pools. Mr. Riker stated that any heat put in the pool would be absorbed and dissipated.

Ms. McMillan asked about the temporary and permanent impacts and whether the pool was considered a permanent impact or not, or if the area was considered to be impervious or pervious. Mr. Riker stated that 830 square feet of it would be impervious. The patio would have

a cover so it would not be impervious. Ms. McMillan concluded that only the pool would be impervious.

Chairman Miller stated that he appreciated the more detailed plans, but it made it difficult for the Commission to digest the new information.

Ms. Saunders asked if the applicant had considered putting the pool on the opposite side of the garage and staying completely out of the buffer. Mr. Riker thought it would be 25 feet away with the 30-foot side yard setbacks. Ms. Saunders asked if the upper deck would remain. Mr. Riker said that it would and added that there was a patio under the deck with a concrete stand that was difficult to see on the plan. The decking was impervious.

Ms. McMillan asked about the right side of the house. Mr. Riker said that it was the same situation because it would be in the side yard setbacks. Ms. McMillan asked if there were other barriers on the side of the house. Mr. Riker said they were next to the street and close to the abutter. Ms. Saunders noted that it would be out of the buffer.

Chairman Miller wanted to clarify the dark green area on the new buffer plan that showed the existing natural buffer. He asked if it was below the tide line. Mr. Riker said it wasn't, and he showed him the plan and the various lines.

Ms. McMillan stated that Mr. Riker's new plan presented a much larger and wider buffer than in the original plan. Mr. Riker agreed and stated that the original was over 1,700 square feet, so they had decided to wrap it all the way around as contours for the pool for added protection. Ms. McMillan noted that the ground cover for the bushes would not be lawn anymore but would be un-maintained vegetation. Mr. Riker mentioned Sheet 2 and a seed mix and said that they eventually intended to put the planting areas back to a more natural state with shading and seeding rather than lawn, and also get rid of the blue grass and replace it with natural grasses. Ms. McMillan stated that she had been to the site and had not seen much of a buffer, but Mr. Riker's drawing looked like there was a substantial buffer. She said that it was landscaped pretty far down, and there was no understory tree line except for a small area, so she thought the plan would be an improvement.

Mr. Vandermark asked what was to the left of the pool. Mr. Riker said it was ledge outcrop.

Mr. Britz asked about if the 94 and 96 lines were grading lines. Mr. Riker stated that they were the only grading associated with the project. Very little grading was required in the small area because it was so flat. Chairman Miller noted that the application was a difficult one to decide due to the buffer and the prime wetlands.

Chairman Miller asked if there were other questions. Hearing none, he asked for a motion.

Ms. Blanchard made a motion to approve the application as presented for purposes of discussion. The motion was seconded by Ms. Stone.

Ms. Blanchard stated that she would not support the application because it was a significant footprint in the buffer and near a prime wetlands area as well as contiguous to the wetlands. Ms. Saunders stated that she would not approve it either. She believed there was another location outside of the wetland buffer for the pool.

Ms. McMillan stated that she was really torn because she liked the effort that had been made since the original proposal to have all the plantings and extend the buffer. It was not a strong buffer presently. All the houses were in the buffer and had sloping green lawns down to the water, so they were not great stewards, and she was torn but would vote against it because it was a heavy use going into the buffer.

Chairman Miller stated that he was also torn. He liked the replacement of the lawn with a good buffer planting. Due to the prime wetland and the value of the salt marsh, he was not mourning the loss of the lawn, but one of the thoughts he had while reading the proposal was that there was a way to see a balance sheet on water quality from changing the lawn to the buffer enhancement. He understood the value and thought they would benefit from it, but he was torn about putting the pool in the buffer.

Mr. Riker asked Chairman Miller to further explain his comment on water quality. Chairman Miller stated that he was just looking at some analyses done on types of landscapes, for example, lawn vs. porous vs. farmland, and so on. He was looking for a balance sheet to help reinforce his desire to approve the application because of the buffer enhancement and putting a pool where the lawn was. He loved the idea of that enhancement and reduction of the lawn, but he also thought of what people would read in the newspaper about the Commission putting a pool in the buffer, and he was apprehensive that they would not understand the facts that the vote was based on. The public perception of what the Commission did was sometimes easily misunderstood because the public didn't have all the necessary information.

Mr. Riker asked Chairman Miller if there was anything he could do to make him more comfortable about it, perhaps making the buffer planting area larger. Chairman Miller stated that the lot to the left was undeveloped, but it was two-thirds in the buffer, given the side setbacks, and there was also the grading to be considered. Mr. Riker stated that his estimated 960 square feet as a temporary construction impact was a 10-foot radius. Constructing the pool, would involve a temporary disturbance, so to calculate that number, he put a 10-foot radius, which would be the area where the lawn would be dug up and materials would be excavated, but they could get away with less. Putting the pool up against the property line was tricky because they could be on someone else's parcel while doing the construction.

Ms. Stone stated that she could not agree with the project due to the inappropriate amount of activity that would occur in the lot next to a prime wetland. There were unknowns regarding the ledge, and they would be adding a new impervious surface because it was a very large pool. Mr. Riker asked her if there was a pool size that she would be more comfortable with. Chairman Miller stated that he wasn't sure that was the issue.

The Commission voted to recommend denial of the application to the Planning Board for the following reasons:

- 1) The Commission felt the proposal was too extensive of an impact to the tidal buffer area.
- 2) The Commission felt that the size of the pool could be reduced to accommodate a different location on the lot resulting in less impact to the tidal buffer area.

The motion to deny the application as presented passed by a vote of 6-1, with Chairman Miller opposed.

Chairman Miller stated that he voted in favor because he loved the buffer enhancements and it was a reasonable use of the lot, even though the rest of the Commissioners felt that the pool size was too large, the pool could be located elsewhere, and the amount of impervious surface was too much.

C. Between Islington Street and Borthwick Avenue
Borthwick Forest, LLC, owner
Assessor Map 233, Lots 223 & 13
Assessor Map 241, Lot 25

Gregg Mikolaities and Patrick Crimmins of Tighe and Bond, Jim Gove of Gove Environmental Services, and Attorney Sharon Cuddy Somers were present to speak to the application. Mr. Mikolaities stated that he wanted to discuss the impacts to the wetland buffer on the project's 42-acre parcel.

At this point in the meeting, Mr. Ambrose arrived.

Mr. Mikolaities stated that they filed a Conditional User permit with the Planning Board for 10,700 square feet of wetland buffer impacts, 5,000 square feet of temporary impacts, and 5,700 square feet of permanent impacts. He showed the plan to the Commission and explained that it was a 42-acre parcel that would interact with B&M Railroad, the existing driveway, the WBBX building, and the wetlands. The project was to construct a 25-foot roadway to create a two-lot subdivision with legal frontage. The roadway would be constructed to City standards, and they had taken great efforts to keep all the work outside of the wetland buffer.

Mr. Mikolaities pointed to the wetland buffer on the plan, which was in red. He stated that the gray area was the permanent wetland impact, and the orange areas were the temporary impacts. There would be a large gravel area on the opposite side of the wetland that would take all the drainage from the road. The yellow area was the existing paved road that was outside the buffer. A portion of the 1,500 square feet shown in yellow was an area that they would remove and restore. Mr. Mikolaities stated that they had considered expanding the existing road to minimize the impact to the buffer. Mr. Gove's office had prepared the Conditional Use permit application, which he would discuss, and then they would discuss the wetland buffer impact efforts and the criteria for the Conditional Use permit.

Ms. Blanchard asked if the road would be 60 feet wide. Mr. Mikolaities stated that the city required a 60-foot right-of-way. Ms. Blanchard asked the terms of the length of the road. Mr.

Mikolaities told her that the length of the road was 2,000 linear feet but only 24 feet wide. Ms. Blanchard asked him how he would construct the road and whether they would excavate layers of gravel for the road bed. Mr. Mikolaities stated that they would remove unsuitable materials like topsoil, clay, and rock, and then put in a cross-section of gravel and crushed gravel and then grading. He said that the grading plan showed the grading and the closed drainage system.

Mr. Gove told the Commission that he would first talk about the actual wetland delineation. He showed the prime wetland area, Wetland A, on the map and stated that they would be well away from that area and were not proposing any drainage going in that direction. Wetland Area D already drained to the north, and they had a beaver impoundment. Mr. Gove pointed out a few areas that had become wetlands and not vernal pools. Their focus was on Wetland D, which came up to the edge of the WBBX road.

Mr. Gove thanked the Commission for going to the site and said that it was very helpful because he did not have to show them lots of photos. He then showed the driveway, the WBBX road, and the wooded area with lots of white pine and red oaks. He said that there were shrub species near the wetland as well as some silky dogwood, high-bush blueberry, and European buckthorn. The wetland itself had more of a diversion of cattails, sage and brush. He stated that it was an unavoidable impact to the buffer that they were stuck with, and they had to use that particular corridor, which was within 50-100 feet of the wetland, to get from Point A to Point B. From the standpoint of what would be impacted, the large white pines would have to be cut in one small area. The temporary impact would come from the lot's water line and discharge down to the Wetland D. The actual impacts would be from the permanent 5,700 square feet. The temporary impacts would bring it up to 10,700 square feet. They had looked at the area of the pavement going in, which came in to the rest of the parking area.

A mitigation of 5,800 feet would be the pavement removed and the sub-grade removed so that the original contours could be restored and as it dropped down and came back up, it would be removed to bring back to the original elevation and then replanted with shrubs and trees. They could continue it to the rest of the parking lot, but they would focus on the buffer.

Mr. Gove went through the criteria for the Conditional Use Permit:

1. The land was reasonably suitable for the use and would survive the connection between Borthwick Avenue and Islington Roads and be used for ambulances and so on.
2. There was no alternative location outside the wetland buffer that was feasible and reasonable. They were stuck with the crossing and needed it to get across the active rail line.
3. There would be no adverse impact to the functional value of the site. They did a function assessment and found that the primary function of the wetland was really a storm water restoration. Because of its flat area and low grade, it provided some nutrients for the wildlife. They had not seen a lot of activity with bird species and did not find travel paths to the prime wetland. Mr. Gove showed a plan of the habitat and

a map from Fish and Game and explained that there wasn't a lot of significant habitat to the north like there was to the south.

4. The natural vegetation would stay, and it wasn't much, but there was impervious surface that they could restore.
5. Relative to alternatives, one of the aspects that had come up was that they would have emergency vehicles going back and forth, so the curbs would be safety areas, and the WBBX road could be a straight shot through. They believed that it was a more environmentally sensitive plan for the site and allowed them to do restoration.

Mr. Mikolaities stated that he wanted to clarify for the record that it was a 36-foot wide road and not 24 feet as he original said. For the City to accept it, it had to be 36 feet. All the calculations and plans reflected it. There would also be a sidewalk on one side.

Ms. Tanner asked whether the road had been elevated or if it was contiguous. Mr. Mikolaities stated that it was all in the contours and fell into them pretty well. They had site elevation changes relating to drainage, and he talked a bit about the contours and grading and pointed them out on the plan. Ms. Tanner asked if there would be granite curbing. Mr. Mikolaities said there would be some curbing because they would use swales to get the water down, so there would be curbing on one side of the road. Ms. Tanner stated that she was concerned for the turtles and the unnoticeable corridors for turtle traffic and having curb cuts going from one side to the other. Mr. Mikolaities stated that he thought they could do something where the curb was concerned.

Mr. Mikolaities stated that the intent in the end was to make a city road, and Public Works could consider it if the Commission recommended it.

Ms. Blanchard asked how much tree removal would be involved and where. Mr. Gove stated that the primary area of tree removal was shown in the gray-shaded area. The actual edge of the field extended somewhere, and that would be where they would walk in. From the stone wall over, the trees would be cut. Ms. Saunders asked if they would touch the Jackson Gray parking lot, and Mr. Gove stated that they would not.

Mr. Vandermark had a question related to grading. He asked how they would get down a level when going across the railroad line. He didn't know where the line met the street other than Maplewood Avenue and thought that it was a live track. He asked if it would have a crossing guard mechanism. Attorney Cuddy Somers stated that there was a deeded easement from B&M Railroad and they could work with them to obtain approval for the crossing. They had received conceptual approval for the arrangement and would go back to them with any changes. They had to take direction from B&M as far as traffic. Mr. Mikolaities told the Commission that there was a letter from Pan Am Airways in their packet, and, they would do the work.

Mr. Vandermark asked if they would have to remove much of the lot in terms of grading. Mr. Mikolaities pointed out a low point of grading at 42 on the plan and stated that they would get down to 40, 36 and then drain back. He showed the scale to the Commission.

Ms. Blanchard stated that at the crossing at Banfield and Ocean Roads, a signal would probably be used. Where there was an active line there is a light. In other cases, she said that it could be a gate. The scope of the project had some text on Page 7 that she read: 'The property roadway will foster future development and keep within the purpose and definition of the OR district. Access across the property is the first step to development because it fosters connectivity to a previously-undeveloped portion of the OR district, and the OR district is campus-style development uses'. Ms. Blanchard stated that they were talking about 40 acres that the road would go through and she was concerned about the area's hydrology of the area. She told Mr. Mikolaities that she respected his efforts to work within the buffer and the restoration, but she was concerned about hydrology of the area.

Attorney Cuddy Somers stated that, as she indicated on the site walk, they did not yet know what would happen with the property. The purpose of the Conditional Use permit application was as a companion to the subdivision application that they would submit. They were simply trying to subdivide the property and create a road that would enable future development. Their intent was to create a roadway that would ultimately have development consistent with the allowed uses in the zone, and they knew and understood that they would be back before the Commission and the Planning Board for site planning, so all the details and analyses would take place at that time. Therefore, it was difficult to come up with specifics.

Mr. Gove stated that they had a gravel wetland and would handle the impervious surface, and he believed that anything that got done on the site would ultimately require an alteration of terrain permit. One could take the existing road and add anything to it you would cross over the 100,000 square feet.

Chairman Miller asked Mr. Britz if he could speak to the memo. Mr. Britz thought that they did a nice job of balancing the impacts on the site, but his biggest concern was the wildlife habitat corridor. It was a new road in an underdeveloped area. He stated that the Commission had done their own citywide study, which he passed around, that showed the potential for a wildlife area. He asked if the applicant could address it better and provide information about wildlife usage, the wetland parcel and the barrier. It would be a new roadway dividing large parcels that may have an impact, and it was the appropriate time to think about those things. He did not know the wildlife piece, and the applicant had done a good job on the hydrology and the roadway, but the Board needed the big picture. He thought the citywide report would be a good starting point for the applicant.

Chairman Miller agreed and felt that the applicant had done a great job in understanding the fixed points of Islington Street and the railroad crossing and avoiding wetland impacts. He said the Commission knew there was forthcoming information, but he shared the feelings about making sure the lay of the land was understood. He wanted more detail on the road and the wildlife corridors. He had seen river otters on Islington Street and knew that it connected to the traffic circle into Pease, and he didn't want to miss an opportunity to improve the road in some way to facilitate that in the future.

Attorney Cuddy Somers stated that she appreciated Chairman Miller's recommendations but did not understand them, given that what was before the Board was a subdivision. The only thing in

the Board's jurisdiction was the wetland buffer impact. To her, it spoke more toward the development of the site rather than the roadway, so she was not sure if the Board was contemplating moving the roadway location as a result of the additional study and what it had to do with the application before them.

Chairman Miller stated that the Board was responsible for the natural resources and dealt mainly with wetland issues because it was the main issue that came before them. The map was part of a citywide assessment of properties and looked at wildlife, invasive species, and natural resources, so the Board did have concerns beyond just wetland buffers, but it didn't mean that they wanted to move the road. Because it was a big project, he wanted to be sure that there was not something they could now do to mitigate issues in the future that were concerns for larger natural resource issues. He felt that the applicant had done a great job in getting rid of the building, removing the old roadway, and dealing with the buffer, and he knew that the applicant was tied to the railroad points, but he hated to miss an opportunity to prevent future problems. Attorney Cuddy Somers told Chairman Miller that she did not dispute it, but it might be more appropriate when the owner came in with a specific site plan.

Mr. Britz stated that the roadway was to allow future development, and the fact was that the applicant would impact a wetland buffer with connections to other areas, and they would take away those connections because it would not be possible to get to the wetland itself without crossing the roadway, so Attorney Cuddy Somers could not say it was not connected.

Attorney Cuddy Somers stated that she was perplexed because she thought they had presented evidence indicating that the level of wildlife activity on the site was limited. Chairman Miller respectfully disagreed. He lived in the area and knew that it wasn't a desert, it was much more. It was a main connection between all the wetlands that had been pointed out, and it was a way around Route 95. He asked if something could be done to facilitate or minimize the impact on future migration through the area.

Attorney Cuddy Somers said she was struggling to understand what could possibly be done to the roadway and asked if they were talking about moving it to another location. Chairman Miller said that there were all kinds of things that could be done. Maybe a culvert for under-passage but he didn't know because there was no grading plan for the roadway.

Mr. Britz suggested that they look at it a little closer. Attorney Cuddy Somers stated that she was trying to understand what the end result of the project would be in terms of the analysis so that the Commission would consider what the roadway would be like. She felt that the Commission's thought process was to analyze culverts that might enhance any kind of potential activity identified. Chairman Miller agreed, stating issues like grading and passing over or under the road to maintain some connection.

Mr. Gove stated that he had been baffled at first but then realized that Chairman Miller was thinking of a 'critter crossing' and how it would all connect. Chairman Miller stated that he was looking at a connection for Wetland A, Wetland D, the beaver pond across the road, Pine Island, the traffic circle portion, and access through Pease because he knew that wildlife moved through those areas. Ms. Tanner asked if they could imagine an ambulance waiting at a railroad crossing

signal. Mr. Britz commented that if there were an independent wetland scientist to review the wildlife piece, it would benefit all the other development down the line. It was all about how the wetland and the wildlife interacted.

Ms. Blanchard reiterated that she thought a look at the hydrology was important before constructing the road because the road was a significant factor and should be assessed. Ms. Stone agreed, especially because of the water going from the north side. Mr. Gove stated that it was going into a railroad ditch. Ms. Stone wondered if it just built up and discharged ground water and then flowed south. Mr. Gove stated that it did not go to the south but went to the north. They had had various discussions on the site but had not reached any conclusions.

Chairman Miller stated that it was important and helpful to know where it was going and what it was going through to get there. He wanted to discuss the crossing bit and the curbing. They had discussed it with the City before, and the City had stated that they required the straight curbs and had to maintain the road, but it was very important to him that the curbing be addressed on a big level. There was upland and two wetlands, and everyone had to be using it on some level, as far as wildlife. He also wanted to know how many trees would be cut because cutting down any of the big trees would have an impact on the area's hydrology.

Mr. Britz asked if an alteration of terrain was needed. Mr. Crimmins stated that there was over 100,000 square feet, so alteration of terrain was required.

Mr. Mikolaities said that it was a two-part process with the City for subdivision approval and having to go through TAC and the Planning Board. He did not want to do a big engineering package until they knew what the Commission thought of their plan.

Chairman Miller wondered whether or not the Commission would get a chance to look at the road construction again because it would go to TAC. He stated that there was a need for more information about the road design because he didn't know enough about it. He thought it was good for minimizing the buffer impacts, but he would need to review the water connection impacts, and he wasn't sure if the Commission would have the chance to address the concerns again unless they had an independent review.

Mr. Mikolaities stated that he would like to continue it to the following month because he wanted to meet with DPW and come back with a road design. He would try to accommodate some critter crossings, but at the end of the day, they were trying to make it an acceptable City road, and if DPW told him that he didn't need the sidewalks or curbs, he would be okay with it. Mr. Britz thought that DPW would want a sidewalk because it was important. Mr. Mikolaities said maybe they would have flush curbs adjacent to the buffer.

Ms. Saunders left the meeting at this point.

Chairman Miller mentioned Commerce Way near Wal-Mart and said that the City accepted some curb cuts. Mr. Mikolaities thought it was something about going over the railroad line, but he didn't think the grades would work.

Ms. Blanchard noted that there were no specifications for the gravel drainage system and asked how it would work with snow removal and salt in terms of the runoff from the road getting some treatment. Mr. Gove stated that the gravel wetland system was developed by UNH. There were two basic systems that did a good job, and the gravel wetland system was one of them. It functioned in a way that basically put the storm water through a sand filter and, once it was filled, removed 95% of the nitrogen and phosphorus. It had the ability to knock down some of the sodium chloride. He said that the open meadow area at Lowe's in Greenland was a good place to see a gravel wetland, and that UNH had been monitoring it for ten years. Their results showed that the purest water came out of there, and all of the parking lot debris was filtered out or infiltrated. It was a remarkable system, and a passive one. Water went through a series of pipes and the gravel system but it had no pumps. Chairman Miller asked him if he had any literature on it because he wanted to see results of dealing with sodium chloride. Mr. Gove said he would try to find it.

Mr. Paul Mannle told the Commission that he lived at 496 Islington Street, directly across from the WBBX driveway, and he could attest to the wildlife corridor because it went from his yard into an area and then went into a bog behind the condos that connected across Middle Road into Sagamore Road. He had seen deer, fox, turkeys, and beaver. He believed that all the questions the Board was asking about hydrology and wetlands and wildlife were addressed in the Master Plan. He thought it was either Section 1.7 or 7.1 that directed the City, particularly for this parcel, to do a comprehensive study that would answer the Commission's questions. The study had not been done.

Chairman Miller asked Mr. Britz how soon they could get an independent review. Mr. Britz said it would depend on what the Commission wanted. They could contact RCCC, who would contact a wetlands scientist. They could typically do it within the timeframe of the next meeting, and it was within the Commission's purview to request it.

Mr. Mikolaities stated that he would be happy to meet with the City of Portsmouth in regard to road modifications because it was a conversation that they wanted to encourage to go forward. They could talk with an independent wetlands scientist for wildlife and also do an assessment of the area's hydrology before the road construction. He suggested again that they postpone to the next meeting so they could have the conversations and see a different perspective.

Attorney Cuddy Somers asked about the hydrology as it related to where the water from the road construction would go once the road existed. Ms. Blanchard stated that it was larger than that. She was not a scientist, but she believed that they needed to look at ground water tables, slopes and drainage so they could come up with a rough assessment of the impact between the road bed construction itself and the deforestation. Chairman Miller said that he would like to know the path of the water. Attorney Cuddy Somers said she understood, but it was important to them that they move the project along. She appreciated the comments about the water path and thought it could be a chicken and egg situation because there may not be final decisions made with DPW. However, the method could be discussed with them while the wildlife scientist did the analysis, and they could come back for the next meeting. Mr. Mikolaities said the City had been careful in doing ground water analysis and thought there must be in-house information.

Ms. Tanner made a motion to postpone the application to the November 13, 2013 meeting for the following reasons:

1. An independent wetland scientist specializing in wildlife movement should be hired to assess the site to determine the current wildlife usage of the site so that impacts from the proposed project can be determined.
2. A specialist in hydrology should be hired to assess the site in terms of the hydrology to better understand how water flows across and through the site, where the water goes when it leaves the site, and the overall impact that the new roadway will have on the hydrology of the site.
3. The project engineer and staff should meet with the appropriate DPW staff to discuss design alternatives that would be acceptable to the City to allow for wildlife passage across the new roadway.

Ms. McMillan seconded the motion. The motion passed by a unanimous (7-0) vote.

D. Marjorie Street
Beth and Marco Gross-Santos, owners
JP Ventures, Applicant
Assessor Map 232, Lot 14

John Chagnon and Jim Gove of Ambit Engineering were present to speak to the application. Mr. Chagnon stated that they had previously submitted a picture of the house, but he had a more accurate one that he passed out to the Commission. The project was a 9,596 square-foot lot surrounded by single family homes. There was currently an arborvitae hedge on the edge of the lot, and the ground dropped off the street to the lot. The property was adjacent to a wetland. He showed a large scale map and the sewer line, and showed where Marjorie Street dead-ended. He stated that a sewer interceptor crossed the edge of all the little streets from a 1903 subdivision. They were built and firmed up, and it was a struggle to get out there because it was ringed by mounds and there was groundwater that infiltrated it. It was over 10,000 square feet, so it had a buffer.

Mr. Chagnon showed the exact field location near the closest part of the wetland and stated that the proposal was for a 1,656 square-foot house. He said that 1,322 square feet of it was within the 100-foot buffer. The closest point of the building would be 54 feet from the wetland edge. It was one of the vacant lots in the subdivision. No large trees would be removed to accommodate the construction except for the arborvitae hedge that will be taken out. The design was to work with the grades because the property sloped off, up and down, and there was no sidewalk or curb on the street, so it would allow the water to continue down. The water currently flowed onto the lot before it got to another house. Mr. Chagnon showed an area that was filled in and another area that drained on the lower street. They would maintain the flow of the water and take it off the street to bring it around the house area on the north side and raise the grade of the driveway, which would allow for a walk-out foundation. They would work with the grade and slope to build up a side for the yard to introduce better soil and a drainage center to infiltrate it back to the ground. There was a drainage section included in the submittal. The net result would be that the volume of runoff would decrease in the developed addition.

Mr. Chagnon went through some of the criteria:

- 1) It was in a family subdivision and surrounded by single family homes.
- 2) No other location outside the buffer was feasible. There would be setbacks. He wanted to get a swale in and grade the side yard to put it as far away from the wetland as possible.
- 3) There would be no adverse impact on the wetland functions and values.

Mr. Gove stated that there was a lot of thornbush, green brier, and raspberry bushes out there, but his concern was the amount of debris pitched on the site. It looked like a dump, with trash and plastic. The area was essentially a combination of scrub shrub and emergents. The scrub shrub extended out and was thickly vegetated. It was an isolated wetland. He had looked for a culvert and found nothing. It had no hydrologic connections and was a mix of poorly drained soil.

Ms. Tanner asked Mr. Gove if he had thought of alternative designs because 73% of the lot was disturbed by bringing in fill to make it a palatable side yard. She asked if there was a reason for disturbing the buffer. By having the basement walk out, it created a more extreme grade than what was existing and would impact the buffer.

Mr. Chagnon thought it was a reasonable house and providing a side yard would keep people away from the lower buffer area. It made sense to provide that function to the lot. The house was modest, given that the footprint was not extreme and was in keeping with the neighborhood. Ms. Tanner stated that the houses were small and most did not have garages. Mr. Chagnon said that was the big difference.

Chairman Miller wondered if the applicant really needed the infiltration chamber. He liked it but thought there could be a way to avoid it. However, the point Mr. Chagnon had just made about creating a side yard and separating the use from the lower buffer area was viable.

Mr. Gove stated that he had looked at the soils and the area had a lot of fill, so he would not be surprised if the entire lot area was all wetland before the fill was brought in. It had layers of sanding material in between, and the bottom had dense silt and marine clay. Due to the water tables, it would need to be brought up a little more in order to have an infiltration area. Ms. McMillan asked if there was a planting plan for vegetation on the side of the house by the buffer. Mr. Chagnon stated that nothing was shown yet, but it was open for suggestions.

Mr. Gove thought it would be a benefit to have a fairly thick evergreen buffer along the corner because evergreen stayed year-round, and it would be beneficial for the wetland. The wetland was dense, but it was mostly deciduous, so an evergreen would be good for the visual.

Ms. McMillan commented that there were no abutters present at this meeting. She asked if abutters were notified. Mr. Britz said that notification is done for the Planning Board meeting. He added that abutter notification would also be done for the State wetland application.

Mr. Britz suggested a design alternative. He said that structures could not be placed in side yard setbacks, but the driveway could be put there. They could move the house over and put a

driveway beside it, then do infiltration in the back, thereby removing a big portion of development in the buffer. They would not need a variance. So, there were alternate solutions to bring the buffer impact down.

Mr. Chagnon thought it would be nice if they could talk to the neighbor who had a retaining wall and ask if they could take it out and grade over it to make it one elevation. Chairman Miller asked what the elevation change was. Mr. Chagnon said it was 95, 94, 87. Chairman Miller asked about planting in a certain corner, and Mr. Gove said they could do it and dedicate it to growing wild because it would probably grow back.

Ms. Tanner made a motion to approve the application as presented for discussion purposes. Ms. Stone seconded the motion.

Ms. Tanner stated that she thought there was too much disturbance on the lot, and she preferred Mr. Britz's solution. Ms. Stone agreed.

Chairman Miller said that he wished he had some solutions, but it made sense to put a house there. Ms. Tanner stated that she had the same conditions at her house, and the subject house had a basement. They were bringing in enough fill to provide a basement in a 2-foot water depth, and there was a very high water table in the area.

Ms. Blanchard asked if there would be a benefit to postponing the application so that the client could discuss the suggested modifications. Mr. Britz said that he just had alternatives for staying out of the buffer. Mr. Chagnon stated that it would be something the applicant would definitely look at and he was certain they could work on the buffer. He felt it would be appropriate to tell the Planning Board that they'd like to see reduced impact in the buffer going forward.

Ms. Blanchard stated that her intention would be to vote 'no' on the motion and then make a motion to postpone until the next meeting. She did not want it to go to the Planning Board with stipulations because she thought the impact in the buffer was significant. There could be modifications to make it work better. She understood the neighborhood because she had walked through it many times, and she realized that a house would be a good idea, but it was an intensive footprint.

Ms. Tanner made a motion to postpone the application to the November 13, 2013 meeting for the following reason:

- 1) That the applicant may explore other options that would reduce the amount of impact in the wetland buffer. The applicant was asked to look at a reduction in the amount of new fill proposed, the distance of the impact to the buffer and a planting plan that would enhance the buffer area that is not impacted by the proposed development.

The motion was seconded by Mr. Vandenmark. The motion passed by a unanimous (7-0) vote.

E. 3201 Lafayette Road
Hillcrest at Portsmouth, owner

Assessor Plan 291, Lot 7

There was no one present to speak to the application. The application was for a lamp post and sewer line.

Mr. Britz stated that the sewer lines were being replaced because they were failing and the applicant wanted it taken care of, and he totally agreed. He said it seemed like a pretty straight forward application that the Commission could probably go ahead and deal with. Chairman Miller agreed as long as the Commissioners were okay with it.

Ms. Blanchard felt the applicant should come before the Commission. She thought there was merit in formalizing the application. Mr. Britz agreed but he was concerned that the sewer lines were getting to a point where they were failing and would rather get the problem fixed sooner rather than later.

Ms. Tanner stated that they could approve the application with the stipulation that the applicant come back next month. Ms. Stone stated that more repairs would have to be made at the site.

Mr. Britz thought that a work session about the whole site would be good and had suggested that the applicant do a holistic plan. They had a 25% exemption for a single family lot. To come in with a replacement mobile home, as long as the width and the buffer did not exceed 25%, they could get a building permit. When the owner bought the place, he thought it was only required in outside areas, but the Ordinance changed, so now the Commission had regulated drainages. The applicant had a lot of work ahead of him and he wanted to improve the situation to meet the exemption, so Mr. Britz told him to make a plan.

Chairman Miller asked if there were other questions. Hearing none, he asked for a motion.

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

- 1) That the applicant install silt fence between the proposed project areas and any adjacent wetland areas to intercept any storm water before construction occurs and until the site is stabilized.

Ms. Tanner seconded the motion. The motion passed by a unanimous (7-0) vote.

Chairman Miller stated that he would support and help the application. Mr. Britz stated that he had to call the applicant regarding the Planning Board meeting and would tell him that the Commission wanted to meet with him. Ms. McMillan asked if the applicant needed a wetlands permit, but Mr. Britz didn't think so because there was no direct wetlands impact.

III. OTHER BUSINESS

Penny Vestner, Northwest Street, concerning an elm tree removal.

Mr. Britz wondered how to advise her. The applicant had stated that the tree was dead and in the buffer, and she had to cut it down. He asked if she needed a Conditional Use Permit or if she could just remove it.

A discussion was held and it was determined that the Commission did not have any concerns with the owner taking down the dead tree.

IV. ADJOURNMENT

At 6:10 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Joann Breault
Acting Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on April 9, 2014.