

MINUTES

CONSERVATION COMMISSION

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

3:30 p.m.

January 9, 2019

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman MaryAnn Blanchard; Members Allison Tanner, Samantha Collins, Adrienne Harrison, Barbara McMillan; and Alternative Nathalie Morison

MEMBERS ABSENT: N/A

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. December 12, 2018

Ms. McMillan pointed out a few typos. Ms. McMillan noted that the statement on page 5 noting that Ms. Collins was still concerned might not have sounded strong enough. Ms. Collins noted that she did not want to hold back the project from moving forward, but wanted it on the record that she was concerned.

Ms. Morison abstained because she was not at the December meeting. Vice Chairman Blanchard did not vote because she arrived late to the meeting.

Ms. Tanner moved to approve the December 12, 2018 Conservation Commission Minutes with Ms. McMillan's revisions, seconded by Ms. Collins. The motion passed by a 5-2-0 vote.

II. CITY PROJECT

A. Banfield Road Improvements and Culvert Construction
City of Portsmouth, owner

Dave Desfosses from DPW, Deputy City Attorney Suzanne Woodland, and Project Coordinator Ryan Flynn spoke to the project. Mr. Desfosses noted that this project started 8 years ago, so it has been worked on in the City for a while. Banfield Rd. gets washed out every time there is a substantial rainstorm. It has been a long-standing condition. The City hired Altus Engineering 6 years ago to look at the culverts in the area. They provided a report back about what culverts should be replaced and what sizes they needed to be. This project then went out for RFP. The design of the Banfield Rd. cross section would be based on traffic volumes. It will be a 24 foot paved section with shoulders. Each lane will be 10 feet with 2-foot shoulders on either side.

There will be a gravel shoulder on the east side of the Banfield Rd. from Heritage Ave. to Ocean Rd. This will provide space to build a sidewalk in the future and reduce the amount of disturbance. They are here today to ask the Commission to review the plans and make a positive recommendation. Certain parcels are controlled by the City and have conservation easements on them. The City is working with multiple landowners to get easements up and down the road to be able to do the work. They are hopeful to get all of the easements by spring. After that they will apply for a wetland permit and any CUPs that are needed. This project will widen Banfield Rd. and replace the culverts.

Mr. Flynn pointed out the locations of the three major culverts in the project. One is at Heritage Ave. entrance and the others are about 800 feet in either direction of Heritage Ave on Banfield Rd. Today there is almost no shoulder because there is water right up against the road. Altus Engineering completed the drainage study in 2011. There will be a full reconstruction Banfield Rd. including the gravel side path from Heritage Ave. to Ocean Rd. City Council referred them to this Commission for their approval to work in the conservation lands.

Ms. Tanner questioned how they would handle invasive species on the property. Mr. Flynn responded that it would all be contingent on the permit. They will do what is required from DES. Ms. Tanner noted that there is poison ivy, bittersweet and fragmities in the area. They should not be spread around the road. Mr. Desfosses noted that they would tarp off and cover up anything that is removed. They would follow standard operating procedure.

Ms. Tanner questioned how they would handle the pond edges because it is right there. Mr. Flynn responded that they would follow the best management practices. Mr. Desfosses added that they would probably use silk curtains. The water is pretty still. Clean gravel would go below the waterline. Ms. Tanner commented that they should be aware of the turtles in the area. Mr. Desfosses agreed and added that there were snakes too.

Chairman Miller questioned if there was a way to incorporate a wildlife corridor while replacing the culverts. Mr. Flynn responded that pipe goes into a catch basin on the other side of the road. Chairman Miller noted that he was not sure what was available, but if there is any opportunity to provide something that would be good.

Mr. Britz requested that Mr. Desfosses explain the hydraulic study. Mr. Desfosses responded that the pipes at the culverts that will be replaced are equalization pipes. That is where most of the wildlife is. They can look at something to try to rework that for the wildlife. Mr. Desfosses confirmed that he would work with Mr. Britz on that and see if there is anything they could do before they come back.

Ms. McMillan questioned if there were any trees that needed to be cut down. Mr. Flynn responded that there is a few trees scattered throughout that will need to be removed. Some are on private property and some are on City owned property. They would replace in kind on private properties and could look at it for the City too. Mr. Desfosses added that it was a trade off with the multi-use path. They have to take down several large trees to make the path. It will help with sight distances on the road as well. Ms. McMillan questioned how many trees would be taken down and how many would be replaced. Mr. Flynn responded that they haven't gotten that far

yet. They will replace some, but not all. Mr. Desfosses noted that they would replace them wherever people ask for replacement. Mr. Britz noted that would be called out in the wetland application. Mr. Desfosses confirmed that was correct. They are minimizing the cross section of the road as much as possible because of the way the project is being built. Mr. Desfosses was not sure there was room in the right of way to replace trees.

Ms. Woodland requested the Commission vote today for Exhibit 1. This parcel is listed under the Conservation Ordinance 8.501. City Council requested that they get a recommendation from the Conservation Commission. After they get that then it will go back to the City Council and they have to approve the drainage improvements by a 2/3 vote. That is the reason why they are here today. Also, the Ferarri Parcel is in the area. It was acquired in part to make improvements along the roadway and acquire more wetland that ties into the Great Bog. It has been proposed to the state of NH that the Ferarri Parcel be added into the Conservation Ordinance list as part of the mitigation for this project.

Vice Chairman Blanchard questioned if that part of the process would come back to the Conservation Commission. Mr. Britz confirmed that it would come back as part of the mitigation in the wetland application.

Vice Chairman Blanchard requested clarification on what motions they needed. Ms. Woodland responded that it would be cleaner if they did two separate votes. One should be for Exhibit 1 and the other on the Ferarri Parcel. Mr. Britz noted that the first motion should be as proposed in the Staff Memo.

Ms. Tanner noted that the outfall on one of the culverts was low on the property and questioned if there would be any fill involved. Ms. Tanner did not think they should alter the terrain if possible. Mr. Desfosses responded that there would be 8 feet of gravel added there. That's why the pipe will be extended.

Vice Chairman Blanchard moved to report back to the City Council that the Conservation Commission has reviewed the request to allow drainage improvements on the conservation property identified as parcel 0294-0009-0000 as described and recommends the City proceed with the drainage project for the reasons identified during the Conservation Commission meeting, seconded by Ms. Collins. The motion passed unanimously by a 7-0 vote.

Vice Chairman Blanchard noted that she appreciated that they could see the scope of the project, and that they would be working with Mr. Britz as it goes along. They want to solve one problem, but don't want to create other problems.

Vice Chairman Blanchard requested clarification on whether or not the Ferarri Property was already conservation land. Mr. Britz responded that it was purchased with Conservation Commission funds. It is on its way, but this wetland permit will give it conservation protection.

Vice Chairman Blanchard moved to recommend to the City Council that the Conservation Commission has reviewed the proposal to conduct drainage improvements on parcel 0283-0019-0000 and recommends that the City proceed with the drainage project and this land be placed

under the Conservation Ordinance 8.503, seconded by Ms. McMillan. The motion passed unanimously by a 7-0 vote.

Mr. Britz noted that the first motion would go back to City Council right away. They will wait to hear back from the state for the other motion before it goes to City Council.

Ms. Tanner questioned what was happening with the TB property. Mr. Britz responded that they own it and are trying to determine if they can sell part of it to recoup costs. The intent would be to keep the lower half for conservation. They are trying to determine what could be done out there. There could be one house lot maybe two.

III. CONDITIONAL USE PERMIT APPLICATIONS

1. 43 Whidden Street
Thomas L. and Ann P. Taylor, owner
Assessor Map 109 Lot 1

Ms. Tanner moved to postpone 43 Whidden Street to the February 13, 2019 Conservation Commission Meeting, seconded by Ms. Collins. The motion passed unanimously by a 7-0 vote.

2. 449 Ocean Road
Doris LaBerge Revocable Trust, Thomas LeBerge Trustee, owner
Assessor Map 283, Lot 1

Susan Faretra from Faretra Septic spoke to the application. Ms. Faretra was hired to design a replacement septic for the property. It is a small parcel and all of it is in the uplands. There are wetlands behind it. The existing old stone pipe system is in the backyard with a septic tank. It was installed in the 1960s. The septic was inspected and found in failure. They will replace the three bed system with a three bed advanced treatment system. The 100-foot buffer takes up part of the property. The leech field cannot be installed in the area outside the buffer because of the placement of the water line. The plumbing goes out the back of the house in a downslope. The location on the plan is the best location. Ms. Faretra recommended an advanced treatment system because it's a smaller leech field. There will be 1,248 square feet of impact. Most of it will be temporary. There will be some re-grading for the leech field to make it a little higher. It's as far out of the wetland system as possible without compromising the system. This is the best location. In between the time of this submission deadline and now Ms. Faretra received approval from the State of NH and that approval has been added to the submission.

Chairman Miller questioned if the current system in place was in the lawn area. Ms. Faretra confirmed that was correct. The block on the plan is the septic and the leech field is down the slope from there. It occupies pretty much the whole back yard. Chairman Miller questioned if there would be any tree removal. Ms. Faretra responded there would not be any tree removal.

Ms. McMillan questioned how much fill they would be bringing in. Ms. Faretra was not sure about the cubic yard amount. They would be bringing in about a foot in one area to cover the septic tank. There will be a foot and a half of fill on top of the new leech field to give proper cover.

Ms. Tanner moved to recommend the approval of a CUP for 449 Ocean Rd. as presented, seconded by Ms. Collins. The motion passed unanimously by a 7-0 vote.

3. Echo Avenue to Gosling Road
Eversource Energy, owner
Assessor Map 237, Lot 56, Map 238, Lot 2, Map 238, Lot 20, Map 239, Lot 8 and Map 214, Lot 3

Jennifer Grawen and Lindsay White with GZA Environmental and Jeremy Fennell and Elise Ward from Eversource spoke to the application. Ms. Grawen noted that this project was to replace a transmission line for the E194 and U181. During a recent inspection there were 7 poles identified in need of replacement. These are high priority because if one fails it can result in power outages for Portsmouth and surrounding towns. These poles stretch from Echo Ave. to Gosling Rd. These will be in kind replacements. There will be a temporary wetland impact of 27,300 square feet for creating access, laying out work pads, and completing the replacements. In September of 2017 they came before the Commission for a CUP for E194 and U181. These were separate portions of the lines and two miles south of this replacement. The work is proposed to be completed in the winter/ early spring of this year.

Vice Chairman Blanchard questioned if brush cutting would be done to get in and around the work area. There have been issues up there where there was clearing and the Commission objected. The state fined Eversource then. Vice Chairman Blanchard did not want Eversource to get in that situation again. Ms. Grawen responded that they routinely cut and mow in the right of way. This is just a replacement project. There won't be clearing in this project. Vice Chairman Blanchard questioned if they would be wooden poles. Ms. Grawen responded that they would not be. Vice Chairman Blanchard noted then it is not an in kind replacement. Mr. Fennell noted that they would be putting in a corrugated metal pipe. The steel pole would be put in the ground with gravel around it. They use steel instead of wood because wood has issues with rot and woodpeckers. They have to treat wooden poles with pesticides occasionally. These steel poles will last 50-100 years and will reduce the amount of maintenance required. It is a better quality. They are doing that throughout the state. Vice Chairman Blanchard questioned if they would be the same height? Mr. Fennell responded that they would be about 5-10 feet higher. The new standard is to have higher clearance because the national electric standards are different than when they were installed. Vice Chairman Blanchard questioned if there were any future plans to transmit more through there. Mr. Fennell responded there was not.

Vice Chairman Blanchard questioned if they could get notice of when Eversource will begin the work to have someone observe how they go about the work. There have been some issues in the past. Mr. Britz confirmed that Eversource has been giving notification. The Compliance Officer has gone out and met with them several times. Ms. Grawen confirmed she was the Compliance Officer and that will continue in this project.

Ms. Tanner was concerned about the early spring timeline because that's when amphibians lay their eggs. There are a lot of amphibians in the area. Eversource had an after the fact permit because not all of the timber mats were pulled out last time. They need to make sure that won't

happen again. Mr. Fennell responded that unfortunately they have to coordinate to get the line outages to do the work. A certain amount of the system has to be continuously going. They are constrained to certain times of the year. The outages are in March, so the project will happen in late February and go into March. The time of the actual construction is a little bit out of their control. Ms. Ward added that part of the scheduling challenges is related to the Seacoast Reliability Project. That deals with the entire New England grid. It's bigger than Eversource. There is an outage in March. They can put in a request to try to change it, but it is not their decision. Ms. Tanner questioned if they could delay the replacement. Ms. Ward responded that they can put in a request to get a different outage, but that would put the utilities at risk. Ms. Grawen noted that the matting would be laid in February and the Environmental Monitor will be there. Then the equipment will come in to conduct the replacement of the pole in March.

Ms. Ward questioned if there were certain structures that were more critical than others. There are two outages in March. They can try to address the more critical poles earlier if the Commission gives a priority. Ms. Tanner responded that anywhere there is standing water would be critical for the amphibians. There is a vernal pool in the plans. Ms. Grawen responded that they were not proposing work in that area. Chairman Miller noted that structure 20 would be more critical. Ms. Ward responded that the top line outage of structure 20 was scheduled for March 4 pending weather delays. The outage only goes through the 15th. They would need time after that to do clean up and removal. There have been some challenges scheduling the U line outage. That will be March 25-29. There is also an opportunity in late fall. The goal is to try to do some of them in the March window. Whatever can't be completed would be done in the fall.

Ms. Grawen confirmed that the area with standing water is not in the area of work.

Chairman Miller noted that structure 12 was not as critical because it's close to the road.

Mr. Britz questioned if they would go out to structure 20 twice because of the outage scheduling. Ms. Ward understood what Mr. Britz was saying and confirmed they could ask if they can flip flop the schedule. The only challenge is that the outage in the fall is only for the U. They will try to do them both in March.

Ms. McMillan noted that they mentioned fragilities in the plans, but she could not find a BMP for addressing invasive plants. Ms. Grawen responded that it was outlined in the plans on page 3. They will ensure the equipment and matting coming into site is clean before it is laid out. When it is removed it will be cleaned before transported out.

Vice Chairman Blanchard questioned if the poles would be in one piece or segmented. Mr. Fennell responded that they would come in sections on flatbed trailers. Vice Chairman Blanchard questioned if the trailers would go out on the matting. Mr. Fennell responded that the poles would be offloaded on the shoulder of the road. Then they would use a forklift to get them back to the area. Vice Chairman Blanchard questioned how big the equipment was. Mr. Fennell responded that they would be about 40-60 tons. The pieces of the pole are fitted together then raised as one. They need a tall crane that can hold the pole.

Vice Chairman Blanchard noted that if they moved the application forward there should be a recommendation relative to the timing issues.

Ms. Harrison agreed that there should be a recommendation for the amphibians as well as for the timing of structure 20 to try to prevent doing prep work for that site twice.

VCMB moved to approve the Echo Avenue to Gosling Road Eversource project relating to the E194 and U181 transmission line replacement project, seconded by Ms. Harrison with the following stipulations:

1. To address the concerns of the Commission about the amphibian and wildlife populations the construction work shall be done as early as possible in March, 2019.
2. To the extent possible the refurbishment of the 2 poles proximate to each other in structure 20 shall be done at the same time.

The motion passed unanimously by a 7-0 vote.

4. 105 Bartlett Street
Clipper Traders, LLC, Portsmouth Lumber and Hardware, LLC, and Boston and Maine Corporation, owners
Assessor Map 157 Lots 1 and 2 and Map 164 Lots 1 and 4

Ms. McMillan requested clarification on how this would work with the State Wetlands Permit. Mr. Britz responded that they applied for the CUP and State Wetland Permit. They needed the subdivision approval to acquire the land. It was not clear if they needed state wetland and city approval to go to the next step. The applicants are trying to regroup and understand what they need to do now that they have acquired the property. There are still more permitting steps before work is done out there.

Ms. McMillan noted that they missed the timeline with the state permit because they didn't come here. Mr. Britz confirmed that he was in communication with the state and they will get the Conservation Commission's comments before the permit is finalized.

Chairman Miller noted that a lot of things they were worried about could not be worked out until the property was acquired.

Vice Chairman Blanchard noted that it was so unclear what was actually going in there. Mr. Britz noted that they bought it to develop it. They have showed a conceptual plan, but that is not the plan. They were just trying to acquire the land. The next step is to develop the plan.

Ms. Tanner commented that when they do come back it would be a good time to talk about the anticipated use of the property. Ms. Tanner was not in favor of increasing the intensity of traffic in that area.

Mr. Britz noted that the City wanted to talk to the Conservation Commission and the state about the trail in January or February. It would be at a time when the Commission does not have a meeting to take some time to talk about what the trail will look like etc. The next step in the trail project is to talk to business owners and finalize the conceptual design. The first part would be to complete the community space in front of 3S Artspace and the hotel. The next step would be to look at the land that is being developed because they are willing to work with the City.

Ms. Tanner moved to postpone 105 Bartlett Street to the February 13, 2019 Conservation Commission Meeting, seconded by Ms. Collins. The motion passed unanimously by a 7-0 vote.

IV. STATE WETLANDS BUREAU PERMIT APPLICATIONS

- A. Standard Dredge and Fill Application
105 Bartlett Street
Clipper Traders, LLC, and Portsmouth Lumber and Hardware, LLC, Boston and Maine Corporation, owners
Assessor Map 157 Lots 1 and 2 and Map 164 Lots 1 and 4

Ms. Tanner moved to postpone 105 Bartlett Street to the February 13, 2019 Conservation Commission Meeting, seconded by Ms. Collins. The motion passed unanimously by a 7-0 vote.

V. OTHER BUSINESS

Mr. Britz noted that Eric Spear from UNH was going to come to the February Conservation Commission Meeting to talk about seal coating. Mr. Britz told him to keep it brief because they were unsure of the agenda load.

VI. ADJOURNMENT

Vice Chairman Blanchard moved to adjourn the meeting at 4:46 p.m., seconded by Ms. Tanner. The motion passed unanimously by a 7-0 vote.

Respectfully Submitted,

Rebecca Frey,
Conservation Commission Recording Secretary