

**MINUTES
CONSERVATION COMMISSION
PORTSMOUTH, NH**

Remote Meeting Via Zoom Conference Call

To register in advance for this meeting, click on the link below or copy and paste this into your web browser:

https://zoom.us/webinar/register/WN_zeFKfz-BQCuUz8OzYWiZxg

You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Public comments can be emailed in advance to planning@cityofportsmouth.com. For technical assistance, please contact the Planning Department by email (planning@cityofportsmouth.com) or phone (603) 610-7296.

Per NH RSA 91-A:2, III (b) the Chair has declared COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-5, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

3:30 P.M.

June 10, 2020

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman Samantha Collins; Members; Allison Tanner, Barbara McMillan, Adrienne Harrison, Jessica Blasko, and Joseph O'Neill

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

.....
I. APPROVAL OF MINUTES

A. May 13, 2020

Ms. Tanner pointed out a typo on page 9 and page 10.

Ms. McMillan moved to approve the May 13, 2020 Conservation Commission Minutes as amended, seconded by Ms. Tanner. The motion passed unanimously by a 7-0 vote.

II. CONDITIONAL USE PERMIT APPLICATIONS

1. 185 Edmond Avenue (City of Portsmouth Project)
Ryan A. & Adrienne A. Cress, Owners
Assessor Map 220, Lot 56

Mark Batchelder spoke to the application. This project is for the DPW and was brought before the Conservation Commission and was approved in May 2017. The funding for that project did not happen in time and the approvals lapsed. This application is essentially the same project. There is an existing underground 36-inch drain line under Edmonds Ave and at the property of 185 Edmonds Ave the pipe makes a dog leg turn and turns into a rusted corrugated pipe. Animals build nests in that dog leg turn and that causes a backup in the wetlands area. The City has to go in 2-3 times a year to clean it out. The proposal is to create a 20-foot-wide drainage easement over the property to maintain the drain line. The demolition would include removing the corrugated pipe and replacing it with a 36-inch plastic pipe as well as a new head wall. A manhole will be put in where the pipe changes direction to create access for maintenance. There will be a total of 20 feet of new pipe to the wetlands and a new head wall. There is a slight change to what was approved in 2017. The property owner at 185 Edmonds Ave has flooding issues, so the proposal includes connecting their down spouts from the roof to the proposed manhole to mitigate that. There will be 1,375 sf of wetlands buffer impact. All of the work will be in the buffer. There will be no impacts in the wetlands area. Metal sheet pile will be laid down to ensure construction does not enter into the wetlands area. The sheets will be removed when the construction is complete.

Ms. McMillan questioned if the area in the buffer where the work would happen was all grass currently. Mr. Batchelder responded that it's all a grass area up to the property line and then there are bushes.

Chairman Miller commented that the plan mentions relocating a tree and requested more information on that. Mr. Batchelder responded that there was a small 2-inch diameter decorative tree on the 185 Edmonds Ave property that needs to be moved and can be replanted in an appropriate location.

Ms. Tanner questioned if that was the only tree that would be impacted. Mr. Batchelder confirmed that was correct. The intent is to leave all the other trees because they are out of the way of the construction and equipment.

Ms. Tanner moved to recommend **approval** of the Wetland Conditional Use Permit to the Planning Board as presented, seconded by Ms. Blasko. The motion passed unanimously by a 7-0 vote.

2. 105 Bartlett Street
Clipper Traders, LLC, Portsmouth Hardware & Lumber, LLC, and Iron Horse Properties, LLC, Owners
Assessor Map 157, Lots 1 and 2, Map 164, Lots 1, 2, and 4-2
(This item was postponed at the May 13, 2020 meeting to the June 10, 2020 meeting.)

Patrick Crimmins and Lenny Lord with Tighe and Bond and Robbi Woodburn from Woodburn and Company spoke to the application.

Mr. Crimmins commented that the lot lines have been revised a little bit. The cul-de-sac lot line has changed. There will be road upgrades and storm water improvements. The development

area parcel will include three proposed buildings with a total of 174 dwelling units. Building C will also have a first-floor office and tenant amenity space. This project has been presented to TAC, the Conservation Commission and there was a public meeting. Those meetings provided good feedback and they tried to incorporate the comments appropriately. It was clear that the original lay out was not going to work. The prior project had 272 units and this proposal has reduced that by almost 100 units. The row houses from the original plan have been eliminated. There was feedback that the buildings were too close to the water. This plan pulled the buildings back to the extent possible. There are constraints with the sewer easement and view corridors. There will be parking under the Building A and B. Building C will hold the same footprint as the existing brewery building. There will be a park space for the public along the trail. Overall this plan is reducing the buffer impact on the site.

Mr. Lord commented that the North Mill Pond has mud flats and a narrow band of salt marsh. There is a small wetland in the railroad turntable that has no functions and values. The functions and values of the pond include wildlife value and aesthetics. The buffer vegetation consists mostly of invasive plants. The whole area was filled by the railroad in the 1800s. To the right of the brewery there is a Norway Maple grove full of building debris, trash, and invasive plants. There is also a Gray Birch grove that has a lot of invasive species. There is a large amount of autumn olive. All of the vegetation in the buffer has a high component of invasive species.

Ms. Tanner commented that it was very easy to talk about the invasive plants with a bad connotation. However, they grow in the area where native plants would have a hard time getting a foothold. The overall fact is that it is heavily vegetated in that area.

Chairman Miller commented that they have tried in the past with several different projects to plant that buffer, but they did not take because of all the fill. Chairman Miller requested more information about the little wetland in the turntable. Mr. Lord responded that it was 6 feet deep with red maple and dogwood growing in it. The soils are clays and the fill is about 3-4 feet deep.

Mr. Crimmins commented that the overall site plan includes 174 units between 3 buildings with office space and roadway improvements. The cul-de-sac has been relocated. The buildings are a maximum of 4 stories with step downs according to the changes in zoning. There is 110 surface and basement level parking spaces below Buildings A and B. They looked at the existing impervious and compacted gravel surfaces and pulled buildings away while designating community space and the trail. Overall there is a reduction in those impervious surfaces. There will be landscape areas down the road and in the cul-de-sac. Anything constructed in 0-50 foot buffer would be the City's trail and improvements.

Ms. Tanner commented that they are removing impervious surface in the buffer, but also putting 14,000-15,000 sf impervious surface back into the buffer with the buildings. Mr. Crimmins responded that they were moving the buildings further away. Overall the plan is an improvement. Ms. Tanner commented that it was not an improvement if they were putting impervious surface back into the buffer. Mr. Crimmins responded that they were showing 6,000 sf of impervious reduction in the 0-25-foot buffer, 12,000 sf of impervious reduction in the 25-50-foot buffer and 4,000 sf of impervious reduction in the 50 – 100-foot buffer. Ms. Tanner noted that adding impervious surface to the buffer was unacceptable.

Mr. Crimmins commented that they narrowed the road to slow traffic and reduce impervious surface. Mr. Crimmins showed the area that would be designated as community space for the North Mill Pond Trail. The plan locates the proposed buildings in the buildable pockets and pulls back the disturbance to the pond as much as possible. The intent is to hold the existing footprint to the extent possible. The trail is proposed as a 10-foot-wide path. The Fire Department has concerns with access to the building and getting trucks in and out. They created a turn around that meets the fire code to let trucks come in and turn around. It will double as a connection out to the trail, so if emergency access is needed in the rear of buildings, they can get there. The goal is to hold the minimum width of 10 feet wide. The Fire Department requested 14 feet, but the goal is to minimize impact. It would good to get the Commission's feedback on that. The basement level parking will reduce the surface parking footprint. There will be storm water improvements. Right now, nothing is treated. Runoff will be collected and put through a storm water treatment unit. It will need AOT approval, and that application will be submitted soon. The project will need a dredge and fill permit and a shoreland permit for work in buffer. The storm water treatment along the road will be a similar design. Runoff will be collected and go through storm water treatment before being discharged out to the North Mill Pond. A rain garden will collect runoff from the park and any overflow. There are three proposed outfalls for the project. Porous asphalt was considered, however, there has been extensive testing on the site. The site is predominately urban fill and underneath that there are restrictive soils and native clays. In order to put in porous pavement, they would have to install an under drain. It is a better design to use the jellyfish treatment systems. The removal rates with the jellyfish filers and pretreatment are better than the porous pavement.

Ms. Woodburn commented that they listened to community and Commission input and tried to get further away from the buffer. The proposal gets as much of the building away from the shoreline as possible, which created some space in the notch between buildings. This community space has a historic component and keeps within the design of the greenway itself. Early on in the trail design there will be community space behind the AC Hotel then there will be a linear connection to this end. It will be nice to have another park space that bookends the trail. The building steps back to create the park. The concept is a remembrance of the turntable and roundhouse. The rain garden will recall the turntable and there will be bench seating behind it. It will be open to residents and the public. There will be a flat area and then the seats will go up the slope toward the building to marry the building and trail. There will be a layered buffer of plantings. Ms. Woodburn was currently in process of specifying what plants. There will be mostly native trees and some ornamental trees. The intent is to create habitats. There will be buffers between the parking lots and the pond. There is opportunity for more rain gardens if needed. The team is working with the City on the extent and design of the trail. The next submission will have a more detailed planting plan.

Ms. McMillan questioned if the next submission would include a list of plants. Ms. Woodburn confirmed that was correct. This submission just included the tree specifications. The foundation plantings and the buffer of plantings have not been called out yet. There will be a heavy emphasis on native plantings that are salt tolerant and provide a good habitat for birds and bees etc. The list will include sweet gums, tupelos, tulip trees and elms that are all salt tolerant. Along the building there will be pin oak trees. The middle park will have tulip trees. The

parking lot will have larger trees like princeton elms and honey locusts. The middle of the circle will have black tupelos and sweet gums.

Mr. O'Neill questioned if there was any concern about deer eating the selected plants. Ms. Woodburn responded that the plants selected were deer resistant.

Ms. Harrison commented that she was concerned about the temperature of the runoff from the surface parking being higher than the pond's water temperature. Ms. Woodburn responded that the runoff will be collected into the treatment tanks underground and it will be a delayed release into the pond. It will be cooler when it is released into the pond. Ms. Harrison commented that overall the runoff water temperature will still be higher than the pond water temperature. Mr. Crimmins responded that they will prepare a response for that next month.

Ms. Harrison questioned if they would be demolishing or reusing the existing foundation for Building C. Mr. Crimmins responded that they were not sure yet. If there was a way to reuse it, then they would. However, it's likely it will be a new slab. Ms. Harrison commented that she would advocate for that building be pulled back from the 50-foot buffer.

Ms. Harrison questioned if they would be excavating below grade for the basement parking. Mr. Crimmins responded that the basement elevation will be 7 and the existing grade is about 12. They are not going down a full story but trying to get beneath the building to provide parking. Ms. Woodburn added that there will be fill against the building on the pond side to soften the effect. Ms. Harrison questioned if the break between Building A and B was for a view shed and questioned if there would just be parking between the buildings. Mr. Crimmins responded that there would be an elevated terrace up a few feet from the parking.

Ms. McMillan questioned what vegetation exists now for birds and what birds have been observed on the site. There is a history of shore birds and waterfowl in that area, but there may be other bird species. Mr. Lord responded that they could do a bird survey. The site will get certain types of bird that are generalist because the existing autumn olive produces fruits. The goal is to have many species of birds and provide a diverse selection of fruits. Ms. Woodburn added that the list of shrubs all support birds.

Ms. Collins questioned why the lot line changes were needed. Mr. Crimmins responded that they needed to have the road on its own lot. One section is the development lot and then there is the private road lot which includes the revised cul-de-sac location. Then there is the Ricci lot and Design Center lot. The building locations are related to how the lot lines are.

Vice Chairman Collins questioned if the furthest lot on the right would need road access. Mr. Crimmins responded that was not part of this project. There will not be a road built through it as part of this project. There is an easement and road out to the Granite State Mineral Site. A future building on that lot would require a road. Vice Chairman Collins questioned if the road would go through Lot 1 to get there. Mr. Crimmins responded that he was not sure how it would be designed in the future.

Vice Chairman Collins questioned why the cul-de-sac was moved. Before none of it was in the buffer and now a lot of it is in the 100-foot buffer. Mr. Crimmins responded that they were dealing with limited areas for site development. The prior plan included the brewery staying and there was going to be parking there. The cul-de-sac was moved to the existing paved area to utilize that paved area and reduce it.

Ms. Tanner commented that the plan stated that of the 85,029 sf of impervious area within the 100-foot buffer 82.5% was within the existing buildings and roadway. That means that there is an additional 15,000 sf of impervious surface going into the 100-foot buffer. Building B should not need to protrude further into the buffer beyond the brewery building. It could be flush with Building C. The far corner of Building A is also protruding into the buffer. If those could be pulled back, then it would be acceptable. Ms. Tanner noted that the proposal to add that much into the buffer was not acceptable to her.

Mr. O'Neill requested clarification on how much impervious surface was currently there and how much was being taken away to create greenspace. Mr. Crimmins showed the table that had the calculations. The 0-25 buffer's existing impervious surface was 12,788 sf the proposed plan would have 6,664. The 25-50 buffer's existing impervious surface was 30,479 sf the proposed plan would have 17,972. The 50-100-foot buffer's impervious surface would be reduced by 4,000 sf. There will be a total of 23,568 sf of impervious surface reduction in the 100-foot buffer.

Ms. Tanner commented that the buildings are over 40 feet tall and the windows will be reflecting across the water. The disturbance in that area is much greater than what is currently there. It is visually imposing. This plan proposes moving into the buffer vertically as well. Mr. Crimmins responded that they are providing 25% community space and the vertical height is based on what is allowed by zoning.

Vice Chairman Collins understood the constraints but questioned why they could not move the buildings further away. The buildings could be reduced in size. Mr. Crimmins responded that the project needs to work economically for the builder. This proposal is an improvement especially with landscaping going in. Ms. Tanner noted that she was not saying it's not an improvement but building in the buffer is still an issue.

Ms. Woodburn commented that the existing development that is out there now is all in the buffer on the shore. Ms. Tanner commented that Building B should be flush with C and the edges of Building A should be curtailed.

Ms. Harrison questioned if there was a way to reduce the amount of parking spaces on the site. Mr. Crimmins responded that they were providing the bare minimum that zoning required. Ms. Harrison questioned if the path would be completely impervious and if the path was part of this or separate. Mr. Crimmins responded that the graphic did not include the trail because that was part of the city's project. The Staff Memo from TAC includes a stipulation to discuss who is responsible for the path creation. The need to work with City Staff to sort out who is building what. Ms. Harrison requested more details on the path because it would be relevant to the

overall conversation. Mr. Crimmins responded that it would be roughly 900-1,000 feet of a 10-foot-wide trail. It would still be a net improvement.

Ms. McMillan agreed with Ms. Harrison's comments about the path. It would be part of the equation with density advantages. Ms. McMillan requested more detail about the round house area that was classified as impervious. Mr. Crimmins responded that it was the remnants of the round house foundation. Ms. McMillan did not think that it was an impervious area. It is now more of a screening buffer. A fallen down foundation with trees isn't impervious.

Mr. O'Neill questioned if the buildings could be higher to avoid encroaching more into the buffer. Mr. Crimmins responded that they requested that at the ZBA and were denied.

Ms. Tanner requested more information on the soil analysis. Mr. Crimmins responded that there was significant testing that included 4 borings, 10 test pits, and 4 monitoring wells. The site has historic fill materials consistent with urban fill. They did not find any significant contamination that requires remediation. The soil sampling on the historic fill and the ground water do not require any additional remediation. There was a 20,000-gallon tank removed in 1992 that had limited petroleum contaminants around it. That will be remediated appropriately. The site where historic fill was present near the surface will be capped by the buildings and pavement. Any open areas will be capped with a few feet of clean soil placed above it.

Ms. Harrison commented that Mr. Crimmins asked for feedback on the width of the path for fire access and she would advocate to keep it 10 feet.

Ms. McMillan commented that it would be good to see a lighting plan. It would be important to know where and what kind. Mr. Crimmins responded that it would be included in a future packet.

Chairman Miller agreed that the path should be 10 feet.

Mr. Britz noted that a couple members of the public had their hand raised if the Commission wished to allow a public hearing.

The Commission agreed to allow a public hearing and Chairman Miller requested that the comments be concise and address new material.

Liza Hewitt of McDonough St. commented that this developer has been working to develop this for over 2 years and there are still many concerns and questions on this development. 174 units is way too much. The total amount of impervious surface is too much. The runoff into the North Mill Pond is not acceptable. Damage to the habitat and wildlife is bad. The lot line adjustment has not been approved. There is no permit application submitted to DES yet. That should be approved first. There is nothing in the application showing the sediment testing that has been mentioned. Building 174 units on a former land fill may be unsafe. Please consider this development separate from the trail. Building B will be 66 feet high with parking. The Commission needs to keep asking the important questions.

Elizabeth Bratter of McDonough St. commented that the plan took away the units that were proposed from Cabot St. to Langdon St. They took away 40 units in that space leaving 180 units. That means this plan is showing 6 units less in that proposed area than the original plan. They just moved the units around. The landscape design shows a total of 38 trees. That is not enough. They are asking the Conservation Commission to look at things without having all facts. There are a lot of environmental issues. The impervious surface environmental impact study shows all of the impervious surface from Bartlett St. to Cornwall St. But the development area is from the brewery to Cabot St. That needs to be readdressed. There is a lack of transparency on how the impervious surface is presented. The North Mill Pond Trail can't be counted by them and will be turned into a 14-foot fire road. That needs to be counted as an impervious surface. The Fire Department asked to have parking removed to have 18 feet for their apparatus and 20 feet for a staging area. Imagine if the Fire Department allows for a 10 feet trail. They still have concerns. The proposal needs a plan B for fire access. The shape of the buildings could be changed to a triangle shape. They should have to complete all of their TAC requirements before coming back to the Commission. They need to re-measure the impervious surface numbers accurately. They should not build in the 100-foot buffer.

Mr. O'Neill commented that it would be good to know the Fire Department's requirements on the path.

Ms. Tanner moved to postpone this application to the next Conservation Commission Meeting, seconded by Vice Chairman Collins.

Chairman Miller noted that the Commission should be more specific about the information they would like to see in the next submission.

Ms. Tanner commented that the plan should include what is actually counting toward impervious surface. They should limit the scope to the properties in question. There should be a list of toxicants found on the site. There should be information on how much fill will be brought onto the site and how the other plantings will be incorporated into the site design.

Vice Chairman Collins requested more information on fire access and what the plan B, would be should the greenway not be built.

Ms. Harrison requested information about how the temperature of the runoff could be mitigated.

Ms. McMillan requested more information on the smaller plantings and what would be under the plantings eg. grass vs. mulch. The new buffer needs to function.

Vice Chairman Collins noted that additional information would be great, but the biggest issue is that the buildings are in the 100-foot buffer. It is a unique property that requires more innovative design in that regard. The plan is still lacking.

Ms. Blasko requested more information about the lighting on the site. Ms. Blasko agreed with Vice Chairman Collins' comment that the buildings in the buffer were the biggest issue.

The motion passed unanimously by a 7-0 vote.

III. ELECTION OF OFFICERS

A. Chairman

Ms. Tanner nominated Ms. McMillan to be Chairman of the Conservation Commission, seconded by Vice Chairman Collins.

The motion passed unanimously by a 7-0 vote.

Chairman Miller congratulated Ms. McMillan and noted that Mr. O'Neill was now a full member. There is currently one full member seat and two alternate seats open on the Conservation Commission.

IV. OTHER BUSINESS

Ms. McMillan commented that it was difficult to view the 11 by 17 plans electronically and hard to print them at home. Mr. Britz commented that anyone who wanted a full or partial plan printed and mailed to them could email him.

V. ADJOURNMENT

Ms. Tanner moved to adjourn the meeting at 5:37 p.m., seconded by Mr. O'Neill. The motion passed unanimously by a 7-0 vote.

Respectfully Submitted by,
Becky Frey,
Acting Recording Secretary