

**MINUTES
CONSERVATION COMMISSION
PORTSMOUTH, NH**

Remote Meeting Via Zoom Conference Call

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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 2020-18, 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.

October 14, 2020

MEMBERS PRESENT: Chairman Barbara McMillan; Vice Chairman Samantha Collins; Members; Allison Tanner, Jessica Blasko, Adam Webster and Thaddeus Jankowski

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

A. September 09, 2020

Ms. Tanner noted that the second paragraph on page 6 second should say let the “sea” reclaim it not “seed.” The same page should be a motion for the Wetlands CUP not the Wetlands Bureau.

Mr. Jankowski and Mr. Webster abstained from voting because they were not present at the September meeting.

Ms. Tanner moved to approve the September 09, 2020 Conservation Commission Minutes as amended, seconded by Ms. Blasko. The motion passed by a 4-2-0 vote.

II. WORK SESSIONS

1. 1 Greenleaf Woods Drive
Greenleaf Woods Condominium Association, Owners
Assessor Map 243, lot 6

Sergio Bornilla, Beth Moreau, and Sam Renaud spoke to the presentation. Mr. Bornilla commented that the condo occupants are concerned about the amount of trespassing from homeless individuals and other people on the property. The goals of this cleanup effort are three-fold. The first is to prevent trespassing in the buffer, the second is to maintain the amount of invasive species in the area, and the last is to restore the view-scape of the wetland buffer. Mr. Bornilla inventoried the vegetation, which included multi flora rose, glossy and common buckthorn, and oriental bittersweet. Some of the bittersweet is beginning to strangle the trees. In October 2019 Peter Britz was notified that there had been some clearing and suggested the Condo Association talk to a wetland consultant to make a plan before moving forward. That is when Mr. Bornilla got involved. The invasive species removal will be done by hand. The clearing has been beneficial so far. The intent is to manage the invasive plants. There will be no change in grade or stump grinding. Mr. Britz suggested bringing this forward to the Commission to talk about the goals and approach. The project will add aesthetic value by restoring the view.

Mr. Britz commented that there was no approval required from the Commission, but this came up because of the clearing in the buffer. The Condo Association has been responsive and know it's important to put together a plan and implement it. There are trespassing and invasive plant issues in the buffer.

Ms. Moreau commented that the Condo Association wants to make sure the area is safe for everyone. There are families of turkeys and other wildlife that can't easily get through the buffer today. The intent is to open it up. Mr. Bornilla added that he will work with the Condo Association to make sure the proper plants are removed, and the buffer is maintained properly. Mr. Bornilla will locate invasive plants on an annual basis and supervise the maintenance. The area will be replanted with small shrubs that will grow into 6-8 foot shrubs.

Ms. Tanner commented that they needed to be careful when removing the bittersweet because it is fruiting. Ms. Tanner also questioned why there was a comment about cutting anything 6 inches in diameter. Invasive plants are not usually 6 inches. Mr. Bornilla commented that was included because of a shoreland requirement. The point is that they would not be cutting any trees. They will hand out packets with information on how to properly remove the invasive plants and remove them carefully by hand.

Chairman McMillan questioned if there would be signs marking the buffer and who would be maintaining the property. Mr. Bornilla responded the lawn management will be the same landscaper that is used today. Placards can be added. Chairman McMillan encouraged adding signs to let people know it's a buffer restoration area. Ms. Tanner agreed it was important.

Chairman McMillan noted that the Commission appreciated them coming in to talk about this.

III. STATE WETLAND BUREAU APPLICATIONS

1. 0 Patricia Drive
Fritz Family Revocable Living Trust, Edgar H. Fritz Trustee, Owner
Assessor Map 283, Lot 11

Mike Garrepy, Jim Gove, and Scott Frankiewicz spoke to the application. Mr. Garrepy commented that the proposal is to upgrade an existing roadway that was constructed in the 1970s with pavement and drainage. The original intention was to connect the road from Martha Terrace to Patricia Drive, but that never happened. The project is proposing a two-lot subdivision utilizing the right of way for a private driveway. The old pavement and drainage will be removed. It will be replaced with new pavement to create an 18-foot-wide drive to access the two homes. All of the driveways, homes, and septic systems will be out of the 100-foot buffer. The old drainage system will be replaced with a controlled drainage structure. There will be a small detention pond and level spreader that will discharge out to a natural filter strip. Currently the runoff is untreated. It discharges from the catch basins out to an untreated area. Any runoff from the road goes off directly into the buffer then the wetland. The curbing on the new road will direct the water into the drainage treatment.

Mr. Gove noted that the actual existing pavement currently in the buffer was 5,718 sf. The work that will be done in the buffer will total to an area of 6,883 sf. There is more square footage of work that will be done in the buffer, but there will be 837 sf less impervious surface with the new road. There will be less impervious surface in the buffer, but the actual amount of disturbance including the rip rap and detention area will be slightly more. No trees will need to be cut. They will not need to go into the woody understory in the buffer. The filter strip at the end of the drainage is an overflow area down through the woody vegetation to get to the prime wetland. There is no actual construction of a filter strip. It will be a standard overland flow. The new road will go over the existing impervious area to create a narrower drive. The storm water management is to make it better protecting prime wetland. This project was discussed with DES because the work is being done within a prime wetland buffer. DES felt that because the drive was being narrowed and they were adding runoff treatment the project did not need to provide compensatory mitigation.

Ms. Tanner commented that it would be important to put something in the documentation for the properties talking about the importance of the buffer and what that means for maintenance. Mr. Garrepy confirmed that they could include that. They would outline the types of conditions, salt restriction, and they could place placards along the buffer.

Mr. Britz commented that the Ordinance now requires adding boundary markers with a submitted plan. There are no specifics on where they go, but they are required. Mr. Gove questioned if the boundary markers would be better placed at the edge of the undisturbed buffer because the actual buffer goes through the middle of the road. Mr. Britz responded that could work. They need to satisfy the condition, but the Ordinance does not specify where they go. The Commission and Staff can work with the applicant on the location.

Mr. Jankowski questioned if there were plans to put in a sewer line in that area. Mr. Britz responded that there were no plans to come down that area for the sewer. Mr. Jankowski questioned if they were removing the existing pavement or just putting new pavement on top. Mr. Garrepy responded that it would be removed and replaced. Mr. Jankowski questioned if they considered using a pervious surface instead of an impervious one. Mr. Garrepy responded that a pervious surface was not in the proposal. It would be a more significant financial undertaking for a pervious surface. Mr. Jankowski questioned if they would consider using an organic land management plan for the yards. Mr. Garrepy responded that there will be a land maintenance plan and they were happy to hear suggestions.

Vice Chairman Collins questioned what the term “limeseeded” meant. Mr. Frankiewicz responded that the lime was incorporated with the seeding to add acidity with the loam. Vice Chairman Collins questioned if it would be grass seed. Mr. Frankiewicz confirmed that was correct. Vice Chairman Collins questioned what the ground cover was like in the detention pond area now. Mr. Garrepy responded that it was half asphalt the rest is vegetated. Vice Chairman Collins questioned if the grass planted over the detention pond would be left alone. Mr. Garrepy confirmed that it would be unmaintained over the detention pond. Vice Chairman Collins commented that one note says the topsoil used may be organic material and questioned if that meant that some may not be. Mr. Frankiewicz responded that they would remove the word “may” from the note. It will be screened loam.

Ms. Blasko requested more clarification on the boundaries of the road. Mr. Gove responded that the road was going over where the road was shown on the photos. That area that is currently paved will be taken up and replaced with a narrower road. Mr. Garrepy noted that the two stakes in the photo are the existing edge of pavement. That is generally where the pavement will be relocated. Ms. Blasko questioned if the tree line was the wetland buffer line. Mr. Gove responded that the buffer line goes through the middle of where the pavement is now.

Mr. Webster questioned if there was any merit in looking at other forms of seeding other than grass and questioned if they considered using a permeable surface for the road. Mr. Garrepy responded that there was a difference in impacts, but there will be less impervious surface after this project is complete. Mr. Gove added that there were other seeding options that they could consider. They could use a detention basin mix or wildflower mix. Mr. Garrepy commented that the least impacting proposal was to remove the existing pavement and pave over it with the narrower road. To put in a pervious road, they would need to dig up the entire structural box and bring in all new materials. They are not proposing a porous asphalt with this project. The paving will help control runoff with the curb. Treating the runoff was the most appropriate plan to protect the wetland. Chairman McMillan noted that those reasons made sense to use an impervious surface in this situation.

Vice Chairman Collins questioned if the utilities out to the new houses would go under the new road. Mr. Garrepy confirmed that underground power and water would go on the upslope side of new drive. Vice Chairman Collins questioned if there was a plan to put in lighting on the road. Mr. Garrepy responded unless the City requires it there was no lighting included in the plan. Vice Chairman Collins noted that the preference was to not put in lights.

Mr. Jankowski questioned what the difference in cost would be for permeable and asphalt. Mr. Garrepy responded that it would be a significant difference in cost. The permeable surface would require removing the entire structural box for the whole road and then it would need to be replaced with all new materials. It would be a bigger impact to the buffer. The proposal is to scrape the existing asphalt and repave it with a new road and direct the drainage. In a lot of cases porous asphalt is a better treatment for storm water, but not all cases. The cost would be significantly more.

Chairman McMillan questioned how long the new road would be. Mr. Garrepy responded that the roadway is approximately 300 feet long and 24 feet wide now. The proposed road would be 300 feet long and 18 feet wide. Chairman McMillan questioned if the drainage would treat the road and the driveways. Mr. Garrepy responded that it would just handle the storm water from the roadway. Chairman McMillan questioned if they would be digging in the area of the level spreader and swale. Mr. Garrepy confirmed there would be digging for the level spreader. Mr. Frankiewicz added that the trees in the plan represented what's there now. There will not be any cutting within 75 feet. Mr. Garrepy added that they will change their temporary vs. permanent impacts numbers per Mr. Britz's memo.

Chairman McMillan questioned if Mr. Britz felt they addressed the staff comments. Mr. Britz confirmed they had except for the details about the buffer and buffer enhancement plan. It is good to hear about the wetland type, impacts and protections. The placard location Mr. Gove suggested was good and should be added to the plan.

Mr. Garrepy questioned if Portsmouth had standard plaques. Mr. Britz responded that there was not a standard placard, but he could send suggestions.

Chairman McMillan questioned if they knew how many trees would be cut for the lots for the houses. Mr. Garrepy responded that they would need to cut the building envelopes and driveways. The intent is to cut as little as possible.

Mr. Britz noted that if the slope was greater than 10%, then the required width of vegetated buffer was 40 feet from the edge of the wetland. Mr. Garrepy confirmed that they would verify the slope. The intent is to keep as many mature trees in the building envelope and around it.

Vice Chairman Collins moved to recommend **approval** to the State Wetlands Bureau application, seconded by Ms. Tanner with the following **stipulations**:

1. Put a deed restriction on the property to not allow dumping of any kind including landscape debris in the wetland buffer and to use NOFA standards for lawn care on the properties.
2. To not allow salting of the roadway due to the close proximity to a prime wetland.
3. To install a wildflower seed mix in the storm-water treatment basin
4. To show buffer placards on the plan and install them along the edge of the proposed roadway.
5. To show snow storage location on the plan.

6. To not have any roadway lighting unless deemed necessary by the City of Planning Board at the driveway entrance.
7. To insure that topsoil used on the site is made up of organic material.

The motion passed unanimously by a 6-0 vote.

2. City of Portsmouth Project- 99 Peirce Island Road
City of Portsmouth, Owner
Assessor Map 208, Lot 1
(This item was postponed at the September 09, 2020 meeting to the October 14, 2020 meeting.)

Ms. Tanner moved to postpone this application to the November 10, 2020 Conservation Commission meeting, seconded by Vice Chairman Collins. The motion passed unanimously by a 6-0 vote.

IV. CONDITIONAL USE PERMIT APPLICATIONS

1. 0 Patricia Drive
Fritz Family Revocable Living Trust, Edgar H. Fritz Trustee, Owner
Assessor Map 283, Lot 11

Ms. Tanner moved to recommend **approval** of the Conditional Use Permit application, seconded by Vice Chairman Collins with the following **stipulations**:

1. Put a deed restriction on the property to not allow dumping of any kind including landscape debris in the wetland buffer and to use NOFA standards for lawn care on the properties.
2. To not allow salting of the roadway due to the close proximity to a prime wetland.
3. To install a wildflower seed mix in the storm-water treatment basin
4. To show buffer placards on the plan and install them along the edge of the proposed roadway.
5. To show snow storage location on the plan.
6. To not have any roadway lighting unless deemed necessary by the City of Planning Board at the driveway entrance.
7. To ensure that topsoil used on the site is made up of organic material.

The motion passed unanimously by a 6-0 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

Request to Postpone

Mr. Britz noted that this application came here in June. They requested to postpone the July, August, and September meetings. The Commission should postpone those three months in a block and then postpone to November. They will have to readvertise because it has been so long.

Vice Chairman Collins moved to postpone this application to the July, August, and September Conservation Commission meetings, seconded by Ms. Tanner. The motion passed unanimously by a 6-0 vote.

Vice Chairman Collins moved to postpone this application to the November 10, 2020 Conservation Commission meeting, seconded by Ms. Blasko. The motion passed unanimously by a 6-0 vote.

3. 996 Maplewood Avenue
The Village at Thompson Pond Condominium Association, Owners
Assessor Map 219, Lot 4

Robert Morrill President of the Thompson Pond Condo Association, Mike Leland and Lisa Crichton spoke to the application. Mr. Morrill commented that the condo owned most of Thompson Pond. The pond was originally part of the Frank Jones Estate and is spring fed. For years the neighbors have collectively mowed around the pond. Before construction the condo area was mowed. The developer let the 25-foot buffer grow wild and it was taken over by invasive species. Last Spring, they decided to clear out the invasive species and hired Ms. Crichton to come and help pick out invasive species. There was oriental bittersweet, multi flora rose, buckthorn and autumn olive. They were hand cut and removed. Then they cleaned up the trash. Then they used a mulching machine to attack the brush and put it back into the buffer as part of the replanting effort. The plan is to remove the debris from the pond while the water is low, plant native grass and a wildflower mix in the buffer and continue efforts to remove invasive species from the buffer. In the Spring they will plant attractive plants that will provide food for wildlife. The goal is to protect and preserve Thompson Pond.

Ms. Crichton commented that they will plant winterberry, butterfly bush, bay berry, and sweet fern. They are good for low water areas. The map shows where they will be placed. They will continue the line of highbush blueberries as well. Mr. Leland commented that the high bush blueberries have been planted in the 25-foot-buffer zone. It is a good demarcation of where the 25-foot buffer is.

Ms. Tanner noted that the intent was good, but the area was pretty well clear cut. It will be good to put back some native species that are beneficial to the wildlife.

Mr. Jankowski questioned what would happen to the rest of the 25-foot buffer. Mr. Morrill responded that area beyond was where the ducks and geese nested. The intent is to keep it low because they don't like the thick brush. Mr. Jankowski questioned if Mr. Britz had any more recommendations on the rest of the buffer. Mr. Britz responded that at a minimum they should adhere to the no cut requirements. The planting plan wouldn't stop the geese necessarily, but it

may limit them a little. Mr. Leland questioned if the no cut requirement included invasive species. Mr. Britz responded that it did not. Ms. Crichton noted that invasive species was pretty much all that was there. Mr. Britz responded that the removal of the invasive plants wasn't the problem. It was more the equipment that was used. They need to make sure to dispose of the invasive plants in way that won't spread them. Mr. Leland responded that the invasive plants were piled up and dried out then mulched.

Vice Chairman Collins questioned if the lawn area was currently being fertilized. Mr. Leland responded that it was not. Nothing in the 25-foot, 50-foot, or 100-foot buffer was fertilized.

Chairman McMillan noted that some vegetation and native plants had grown up there and questioned if that would all stay. Mr. Leland responded that there was some growth on the edge of the barrier between the lot and the abutter. There was also growth near the geese laying area that will not be touched. The crab apple tree, birches and stag horn sumacs were taken out. Chairman McMillan questioned why. Mr. Leland responded that it was overgrown with buckthorn. Chairman McMillan questioned if there was a maintenance plan. Mr. Leland responded that the sodded areas are maintained by a landscaping company. The area will not be fertilized. The maintenance near the pond is to reseed with grass, wildflower seed, and native plants. Chairman McMillan questioned if it would be all maintained by the same person. Mr. Morrill confirmed that it was one landscaper working under Ms. Crichton. Chairman McMillan noted that it would be nice to have maintenance plan in writing for landscapers.

Mr. Jankowski questioned if there was a rain garden. Mr. Leland responded that there was one between Lot A and B, between Lot B and C and another off Lot A. Mr. Jankowski questioned if the grass was fertilized because it was very green. Mr. Leland responded that they have not used fertilization below the property line in the last 12 months. There is no fertilizer in the sodded areas.

Ms. Tanner moved to recommend **approval** of the Conditional Use Permit application to the Planning Board, seconded by Vice Chairman Collins with the following **stipulations**:

1. The applicant shall prepare a maintenance plan for current and future landscapers.
2. A plan shall put in place for the 25 ft. buffer which includes; no cutting around the portion of the pond the Association owns.
3. The applicant shall maintain the entire property using organic land management practices as cited in the deed.

The motion passed unanimously by a 6-0 vote.

V. OTHER BUSINESS

Vice Chairman Collins commented that she saw the email about the permit by notification for Round Island and asked if there was any back story to it. Mr. Britz did not have more information to add. Mr. Jankowski commented that it sold to new owners and it was his understanding that they are looking to rebuild the existing dock.

VI. ADJOURNMENT

Ms. Tanner moved to adjourn the meeting at 6:00 p.m., seconded by Mr. Jankowski. The motion passed unanimously by a 6-0 vote.

Respectfully Submitted by,
Becky Frey,
Acting Recording Secretary