

**REGULAR MEETING  
CONSERVATION COMMISSION  
1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE  
SCHOOL DEPARTMENT CONFERENCE ROOM**

**4:00 P.M.**

**September 11, 2024**

**MINUTES**

**MEMBERS PRESENT:** Chair Samantha Collins; Vice Chair Barbara McMillan; Members: Alice Carey, Jessica Blasko, Adam Fitzpatrick, Stewart Sheppard, Lynn Vaccaro, Alternate: Brian Gibb, Talia Sperduto

**MEMBERS ABSENT:**

**ALSO PRESENT:** Kate Homet; Associate Environmental Planner, Peter Britz; Planning and Sustainability Director

Chair Collins opened the meeting and asked for a moment of silence to honor and remember the lives lost on 9/11.

**I. APPROVAL OF MINUTES**

1. August 14, 2024

[0:48] Chair Collins announced that she was not at the August meeting and would not be voting on the minutes. A. Carey noted that her attendance was incorrect on the minutes. S. Sheppard made a motion to approve the minutes with that edit. Vice Chair McMillan seconded the motion. The motion passed unanimously.

**II. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)**

1. 100 Durgin Lane  
Oak Street Real Estate Capital, Owner  
Assessor Map 239 Lot 18

[2:19] Andrew Hayes introduced this project along with Keith Case (Utile Architects), John Bosen, Nick Aceto (Aceto Landscape Architects), Neil Hansen and Patrick Crimmins (Tighe and Bond). The project team proceeded to present the proposal and all of the updates that had occurred since the Commission had first seen the application.

[20:22] Chair Collins asked why some snow storage areas were displayed where proposed trees would be placed. Mr. Hansen responded that along that edge of the property they were planning to have snow storage interspersed between the trees. A discussion continued about snow storage on site.

[22:52] Chair Collins asked if there were any additional areas proposed for having educational signage. Mr. Aceto stated that he believed the rain garden overlook was the only area proposed for signage at this time. Chair Collins suggested they include one or two educational signs discussing the wetland buffer within the passive recreation area. Mr. Aceto said sure and that he thought that was a good idea.

[23:32] Vice Chair McMillan noted that the native grass areas were cited as being mowed as required to control invasive species and she stated that was a pretty broad instruction and did not want to see it mowed too frequently. Mr. Aceto said that they could specify in the maintenance plan the frequency of mowing. The species perform best when mowed back once or twice per season, but they could be left to grow wild. They will clarify mowing frequency within the plan.

[24:56] B. Gibb thanked the applicants for all the work they put into this application and in responding to the Commission's requests. He asked if there were any consequences with moving the road around and shifting the rain garden. Mr. Hayes responded that the shift did not have any large consequences and they were able to maintain the low impact design rain garden without pushing it further into the buffer.

[28:55] Vice Chair McMillan asked about the observation platform and the proposed dimensions. Additionally, she was looking for dimensions for the tree growing areas by the parking area. Mr. Aceto discussed the various dimensions and the selection of trees for sizing. Vice Chair McMillan then asked about the straight curbing and wondered whether slanted curbing could be used in some areas. Mr. Crimmins addressed some of the curbing areas and noted that they could request this in some areas from DPW and TAC.

[33:25] Chair Collins asked about the outlet of the rain garden and whether it had changed. Mr. Crimmins responded that it had not been changed since the previous submission.

[34:02] Vice Chair McMillan asked why the applicants had included a chloride management plan. Mr. Hansen responded that it was a requirement of the NHDES alteration of terrain permit.

[35:04] J. Blasko made a motion to recommend approval of the application to the Planning Board with the following situations:

- Applicant clarify the mowing plan for the passive areas within the buffer, which should be not be mowed more than 1 to 2 times per year.
- Applicant should have a conversation with the Department of Public Works to determine the curbing to be used within the roundabout area and use broken and/or slanted curbing for wildlife passage, if appropriate.

- An educational sign should be installed in the passive recreation area that provides content on wetlands, wetland buffers and the sensitivity of the buffers.
- In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. We suggest that these markers are placed along the 25' vegetative buffer at intervals of every 50 feet. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department. Please mark on final plan set where the markers are to be placed.
- One year after landscaping is complete, if at least an 80% success rate has not been reached, applicants will replant and report back to the Planning & Sustainability Department one year after planting is complete and each subsequent year until an 80% planting success rate has been achieved.

Vice Chair McMillan seconded the motion. The motion passed unanimously.

### **III. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)**

1. 913 Sagamore Avenue  
Hogswave LLC, Owner  
Assessor Map 223 Lot 27

[37:48] Chair Collins announced the wetland conditional use permit application for this site and announced that there was an NHDES permit application as well, which the applicant could add on any additional information pertaining to the state application at the end of their city application presentation.

[38:11] John and Heidi Ricci, the homeowners, came to present this application along with Steve Riker and John Chagnon with Haley Ward. He noted that the Commission had previously seen this application with a work session back in January and Mr. Ricci also described the existing site. Mr. Riker described the details proposed with this application.

[47:13] T. Sperduto asked if the garage would be removed. Mr. Riker responded that it is to remain. He went on to further describe the proposal and go through the staff comments with responses.

[56:15] T. Sperduto asked what the 1,800 s.f. number was in reference to. Mr. Riker responded that the number was in reference to the proposed home and it increases when the proposed garage (outside the 100' wetland buffer) is added to the calculations. A discussion continued about the proposed impact numbers. Mr. Riker went on to describe existing greywater impacts that would be resolved, the introduction of municipal sewer lines, and the abandonment of the existing septic system on site.

[59:40] A. Carey asked what the reasoning was for the size and location of the proposed home, especially in proximity to a large tree that is to be removed to accommodate. Mr. Ricci

responded that moving the proposed structure to the north could compromise a 42" Oak tree and ledge would have to be removed. A discussion continued about the trees to remain and the trees to be removed, as well as potential for shifting the building location to avoid more of the wetland buffer.

[1:03:58] Chair Collins asked for clarification on the 900 s.f. existing driveway to be removed and what it would be replaced with. Mr. Riker responded that the plan was to remove the existing asphalt driveway and loam and seed the area with some proposed plantings.

He noted that the area may need some erosion control blanketing to establish the vegetation due to the steep slope. A discussion continued about the proposal for this area.

[1:06:25] Chair Collins expressed concerns for the removal of the gravel that leads to the existing garage. She believes that the garage gives that area the hard substrate that it needs to accommodate vehicular traffic and without it, there would be rutting and erosion. A discussion continued about potentially keeping the gravel or a similar substance there instead of loaming and seeding the area.

[1:13:02] Vice Chair McMillan asked if there would be any native grasses around the plantings and for any seed mixes, there would need to be a maintenance plan to mow once or twice a year. Mr. Riker responded that there would be a conservation seed mix and it could be mowed. Vice Chair McMillan asked about the mulching referenced in the plan set and where it would be placed. Mr. Riker said that the soils would have to be amended in some areas for the plantings in the buffer area. Vice Chair McMillan asked them not to use mulch and instead just amend the soil as the mulch would smother it. Lastly, Vice Chair McMillan asked about the final wall height which Mr. Riker said would top out at 4.1' in some points and would likely not change from the existing height as there was no grading proposed for that area.

[1:16:12] J. Blasko asked if they had plans for salt-tolerant plant species for the vegetative buffer. Mr. Riker responded that yes, the creeping juniper, the lowbush blueberry and the northern bayberry are all salt-tolerant.

[1:17:18] J. Blasko made a motion to recommend approval of this application. T. Spurduto seconded the motion. Chair Collins noted that there were a lot of stipulations within the staff memo, many of which were addressed verbally, and they had a lot of discussion about plantings and the buffer expansion. She noted that she would like to see more plantings in the area where the driveway is to be removed along with the installation of coir logs for establishment. She noted that there were many issues that made her want to postpone. A. Fitzpatrick noted that there were a substantial number of relatively small issues but the number of them made it seem like it would be better to review a more complete plan set at another time. J. Blasko and T. Spurduto agreed and addressed some issues of their own that they would like to see clarified. A discussion continued about what the Commission would like to see in the next application.

[1:25:38] J. Blasko rescinded her motion and made a new motion to recommend postponement of this application until the October meeting so that the applicant could address the raised issues. B. Gibb seconded the motion. A discussion continued about the project and what commissioners would like to see addressed.

[1:39:24] The motion passed unanimously.

**VI. STATE WETLAND BUREAU APPLICATIONS (NEW BUSINESS)**

1. Dredge and Fill - Minor Impact  
913 Sagamore Avenue  
Hogswave LLC, Owner  
Assessor Map 223 Lot 27

This was a draft permit and has not yet been submitted to NHDES, therefore, no motion was made.

**V. OTHER BUSINESS**

1. Conservation Easement Update

[1:40:35] Ms. Homet gave an update on the conservation easement funding for the Cavaretta Property.

J. Blasko noted that it could be helpful to apply parts of the climate action plan to the Commission's review of applications.

Vice Chair McMillan told everyone that she had a stack of publications relevant to their work from Allison Tanner's library that people could take from if anyone was interested.

**VI. ADJOURNMENT**

The meeting adjourned at 5:52 p.m.