

**REGULAR MEETING
CONSERVATION COMMISSION
1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

4:00 P.M.

March 13, 2024

MINUTES

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

MEMBERS ABSENT: Stewart Sheppard

ALSO PRESENT: Peter Britz, Director of Planning and Sustainability

I. APPROVAL OF MINUTES

1. February 14, 2024

[5:45] Vice Chair McMillan noted that her name was spelled incorrectly in the beginning of the document. Chair Collins announced that in S. Sheppard's absence, T. Sperduto would be voting for this meeting.

J. Blasko made a motion to approve the minutes from the February meeting. A. Fitzpatrick seconded the motion. The motion passed unanimously (7-0).

II. WORK SESSIONS

1. 50 Clough Drive
City of Portsmouth, Owner
Assessor Map 206, Lot 20

[7:04] Chair Collins introduced this item.

[7:50] Cornelius Murphy (landscape architect) came to present this application with members of the PTA from Little Harbour School. The goal of their project is to redesign the current playground structure at the elementary school while being mindful of the NHDES shoreland buffer and the City's wetland and wetland buffer. Mr. Murphy went on to describe the existing school site and how the latest wetland delineation shows a more significant impact to the site. He introduced some current stormwater issues and how those would be addressed with the new proposed site. They are proposing to remove the asphalt that is within the wetland buffer and

move the proposed play structures into where the asphalt previously was. They will be putting in a bioswale to help control the runoff and have relocated all structures but the hut further from the wetland but still in the buffer. The area between the play structures and the wetland will be lawn. The southwest corner of the wetland buffer will be allowed to grow back and rewild into native wetland vegetation. They are also considering fencing and invasive species monitoring in this area to protect any regrowth.

[17:50] J. Blasko asked about accessibility plans for the design. Mr. Murphy responded that there are new accessibility guidelines that they have done their best to follow. They have reached out to the City for clarification on this and are waiting for a response. They are proposing a universal access path to each piece of equipment.

[20:10] L. Vaccaro asked if they had reached a conclusion on what type of material would be placed under the equipment. Mr. Murphy noted that that was still an outstanding question and they would follow up on it. L. Vaccaro noted that she felt woodchips would be more ecologically sound compared to any plastics suggested. Ashley Blackington, a member of the PTA, noted that woodchips would not be considered an accessible surface.

[22:51] Kate Hayden, a member of the PTA, asked if the commission had any opinions on the pour in place vs. the woodchips for under the structures. L. Vaccaro noted that her preference would be woodchips, Chair Collins mentioned that they may not have a choice if the requirements for playgrounds require the pour in place material. J. Blasko stated that they should try to find a balance for making the area accessible where needed while using woodchips where possible.

Ms. Blackington responded that the current playground as it is does not meet accessibility requirements although it does have wood chips. J. Blasko responded that she supports the plan for an environmentally friendly playground that uses natural elements and is also accessible to all students. Ms. Blackington responded that they had performed a survey of students, teachers and parents on the design of the playground and the students preferred the larger structures while parents tended to enjoy the natural spaces, with teachers really preferring the visibility for keeping track of children. Ms. Hayden added that the School Department had noted concern for trees near the existing asphalt. Chair Collins told the applicants that when they do come back with a full permit, they should note the exact location of the proposed trees.

[26:39] Chair Collins asked if sensory gardens existed currently and what would go into them to make them sensory. They do not exist, and Mr. Murphy noted that they would use plants that purposefully engage the senses such as vibrant colors, aromatic or have texture.

[27:47] A. Carey commended the group for putting together an engaging proposal that includes the natural environment. She then asked if they considered removing more asphalt and shifting the playground back even further. Ms. Blackington noted that there is a basketball court there that is important for the kids who play four square and kickball. A. Carey noted that this would be the opportunity to remove the blacktop and she would like to see it reduced if they can. A discussion continued about the importance of the existing basketball court, the financial impacts of removing asphalt and the accessibility.

[31:46] A. Carey asked how they would be phasing this project. Ms. Blackington responded that it would need to be phased, especially due to the funding aspect of the project. The initial thought is to have the larger play pieces installed first.

[33:53] Chair Collins stated that it would be important to have groundcover and plantings put in during this time to promote infiltration and reduce erosion and drainage issues caused by the installation of structures. Ms. Blackington responded that it was a great point and their goal would be to try and do this in the summer when kids are not there.

[35:10] Vice Chair McMillan asked if the existing fence with phragmites would get some invasive species management. It would. Vice Chair McMillan suggested that maybe some tall trees along that area would help to shade out the phragmites. Ms. Blackington noted that if they do not have the opportunity to plant trees within the playground space then they could do it along that edge to create a barrier and shade the playground. Vice Chair McMillan also mentioned that the applicants will need to bring a maintenance plan when they come for a full application and that would be critical for the success of the space.

[37:47] L. Vaccaro stated that it would be nice to build an adaptive maintenance plan that addresses the changing areas on site over time, considering precipitation changes and wetland changes. Ms. Blackington responded that their plan is to create the playground while keeping in mind the future and future impacts.

[39:47] Ms. Hayden asked what would be considered playground maintenance in the future compared to having to come to get more permits. P. Britz responded that any ground disturbance, the addition or removal of new structures or things like removing pavement would need a permit. Things like new plantings and invasive species management would not need a permit. A discussion continued about the permitting process and timelines for approval and work, along with what to include in a final application for a City permit.

III. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

1. REQUEST FOR POSTPONEMENT

224 Broad Street, Unit 3

Perkins Kwoka Joint Revocable Trust, Katelyn E. & Rebecca P. Kwoka Trustees,
Owners

Assessor Map 131, Lot 13

[45:03] Chair Collins introduced this application and noted that there was a request for postponement. J. Blasko made a motion to postpone the application until the April meeting, Vice Chari McMillan seconded the motion. The motion passed unanimously (7-0).

IV. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

110 Aldrich Road

Edward R. Reynolds, Owner

Assessor Map 153, Lot 3

[45:28] Chair Collins introduced this application.

Ned Reynolds, the property owner, came to present this application. Mr. Reynolds noted that he was applying for the construction of a two-story, two-car garage with an accessory dwelling unit on the second floor. He noted that his project is 744 s.f., which is just under the accessory dwelling unit limit of 750 s.f. and with 552 s.f. of the proposed building within the wetland buffer. The wetland currently sits at the back of his property and the rear of the proposed building would be 76 feet from the wetland. Mr. Reynolds noted that he had hoped that the Commission would not postpone his application as the nine recommendations from staff he considered to be relatively minor and he is prepared to respond to them. He is agreeable to all conditions except for moving the building further up towards the front of the lot and away from the wetland. He went on to describe why his proposed placement is preferred. He described a new curved driveway that will be added to accommodate trailers and backing up a trailer. Mr. Reynolds went on to respond to all conditions in the staff memo – including plans for a crushed stone drainage swale, wetland boundary markers will be installed, the existing asphalt driveway will be replaced with permeable pavers, a maintenance plan for the driveway will be created, native wetland buffer plantings will be added, especially towards the rear of the property and the debris will be removed from the buffer. The proposed garage will also be well insulated and will have solar panels installed on the roof.

[1:03:45] Vice Chair McMillan commented on the suggestion for a postponement of the application and stated that it could be a little difficult to not postpone based on some of the information and details that they would need to see in the application that are missing. She went on to address all of the conditions from staff that she would prefer to see more information on. Mr. Reynolds responded that these were all relatively simple and small conditions that he could meet. He had hoped that the Commission would move small homeowner applicants like himself through the process if things are minor and are committed to.

[1:09:00] B. Gibb agreed with Vice Chair McMillan in stating that postponement may be necessary. He noted that many of the conditions were also stated during the site walk.

[1:10:50] A. Carey asked if this application could move forward, would it be possible for the applicant to submit updated site plans before any construction started? Chair Collins noted that some applications in the past could have conditions be met and approved by staff before going forward to Planning Board. P. Britz also mentioned that staff tries to make it so that the Commission is the last stop before the application gets to the Planning Board, not staff. Staff can review prior to sending to Planning Board if the Commission is comfortable with that.

[1:13:20] J. Blasko asked the applicant if they could clarify what the space between the existing house and proposed structure would include, and whether it would be all permeable pavers. Mr. Reynolds responded saying that his intent was to replace the entire existing driveway with permeable pavers and the plastic grid pavers would arc off the existing driveway into current lawn.

[1:14:46] A. Fitzpatrick asked what the plans were for the strip between the driveway and the

edge of the proposed building. Mr. Raynolds responded that there would be 18-24" of permeable aggregate stone, with the roof sloping towards the rear with most runoff falling there. Chair Collins asked if there would be plantings there. Mr. Raynolds noted that it could be a nice spot for plantings along the side there, or even planters.

[1:17:18] L. Vaccaro asked if there would be an underdrain and if so, where would it go. Mr. Raynolds said that he felt an underdrain would be over-engineering it. While the cross-section of the permeable driveway shows an underdrain, he will not include that and will just have infiltration. A discussion continued about the existing runoff and options for different runoff and filtration scenarios.

[1:20:20] Chair Collins asked if the existing house had any roof runoff that currently runs into the driveway. Mr. Raynolds responded that there are currently gutters and a downspout on the northeast corner that dispenses into the ground in the front of the house into a stone swale.

[1:21:36] J. Blasko made a motion to recommend approval of the application with the following stipulations:

1. Applicant shall provide a clear delineation of the proposed driveways and their surfaces; including the proposed permeable paver driveway and the plastic-reinforced driveway. Specifications on the driveways should include any edging and/or plantings, and a cross-section of each driveway surface type shall be provided which should include the substrate material and its proposed depth.
2. Applicant shall provide a maintenance plan for the proposed driveway material and a maintenance plan for the plastic-reinforced driveway material.
3. Applicant shall include information in the final site plan for any drainage swales and/or drip edges proposed for drainage off the new garage roof. For the proposed drip edges,, please include a cross-section of the proposed drip edge construction, along with the substrate material and its proposed area and depth.
4. Applicant shall provide a planting plan that includes the location, size and species of the proposed plantings within the 25' vegetative buffer. This should include at least 10 shrubs of a native species.
5. 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.
6. Applicant shall remove all debris/trash from the wetland and 25' vegetative buffer, including the wood decking/pallet structure.

[1:24:29] A. Fitzpatrick seconded the motion. A. Fitzpatrick commented that he could certainly

see why a homeowner would struggle to provide exact engineered or architectural drawings at the time of permitting and he noted the difficulty of making a decision without all of the information. He noted his favor for including conditions on an approval for things that can only be figured out later in the process. Vice Chair McMillan commented that this application was difficult because it would be a lot of work for staff to make decisions on and review. She encouraged applicants to always provide more information and details than what they think they need; this will make the process easier for getting to the Planning Board. She acknowledged the difficulty of this process for homeowners. Chair Collins noted her appreciation for the applicant's response to the issues raised at the site walk and his commitment to making the site more environmentally friendly. L. Vaccaro noted that the applicant's property is unique and if he was able to take the first 25' of the wetland buffer and not mow it but include shrubs, it would go a long way to protect the wetland. A. Fitzpatrick made a note for future applications that perhaps the Commission and staff need to be more clear in what is expected within an application submission, during site walks as well.

[1:32:37] Chair Collins called the vote. The motion passed 6-1 with Vice Chair McMillan voting against.

V. STATE WETLAND BUREAU APPLICATIONS (NEW BUSINESS)

1. Dredge and Fill- Minor Impact
333 Borthwick Avenue
HCA Health Services of New Hampshire, Owner
Assessor Map 240, Lot 2-1

[1:33:00] Chair Collins announced that Vice Chair McMillan would be recusing herself from this application and that B. Gibb would be voting.

[1:33:21] Brenden Walden of Gove Environmental Services came to present this application. He explained that this was an after the fact standard dredge and fill permit for the hospital's oncology wing expansion, which had already been constructed. He noted that at the time of permitting, the engineers did not know they needed a wetland permit for impacts to a man made wetland. There are permanent impacts of 200 square feet. They had previously done a site walk with NHDES which had recommended the after the fact permit process. They are still awaiting review from NH Fish and Game on the Blanding's Turtle that had been observed in the vicinity.

[1:34:57] Chair Collins asked if anything had been changed from their original City Wetland Conditional Use Permit compared to this after the fact permit. Mr. Walden responded that there were no changes, it had been built as proposed.

[1:35:43] J. Blasko made a motion to recommend approval of the application to the NHDES. A. Carey seconded the motion.

L. Vaccaro asked if they had also done the City's permitting process. P. Britz responded that they had.

1:36:25] The motion passed unanimously [7-0].

2. Dredge and Fill – Major Impact
53 Green Street
Stone Creek Realty, LLC, Owner
Assessor Map 119, Lot 2

[1:36:33] Chair Collins introduced this application.

Neil Hansen of Tighe and Bond, came to represent this project. It had previously received a Wetland Conditional Use Permit from the Commission and Planning Board back in 2021 but the project had been appealed and held up for the last few years. Now they are back, hoping to get closer to getting construction started. The project has not changed compared to what was originally approved. He then proceeded to give a quick overview of the project, an existing L-shaped building along the North Mill Pond off of Green Street, and the proposed building will have 45 residential units with parking on the ground floor along with retail space. The building had been situated to be pulled back further from the pond compared to where the original building sat. The plan proposed removing the currently maintained lawn and putting plantings in. The proposed project also collects, detains and filters all stormwater on site, where none was controlled before. There is proposed to be porous asphalt pathways and they have submitted through wetland and shoreland approvals from the NHDES.

[1:40:44] Chair Collins noted that in their previous approval from April 2021, they had given the project four conditions with its approval. She wanted clarification on whether those conditions had been addressed before it had gone to the Planning Board previously. Mr. Hansen responded that condition #1, 3 and 4 from that original approval were included in the final Planning Board package. The second condition had been agreed to by the applicants originally and the Planning Board included it within their final decision as a memorialized stipulation.

[1:41:40] Chair Collins asked how snow removal would be dealt with on this site, with the original approval saying it would be hauled off site. Mr. Hansen noted that there would be no extra space for snow storage so all snow will have to be hauled off site. Chair Collins followed up with a question about how the existing dock floats would be stored in the winter. Mr. Hansen guessed that when the project would be built, they likely would not want the floats stored on the site anyways.

[1:43:34] Vice Chair McMillan noted that on page C-501 under Vegetation, there is mention of fertilizer use. She would like to see that section removed as they are not allowed to use fertilizer in the buffer and shorelands. Mr. Hansen responded that they would update that for the Wetland Conditional Use Permit submission. Vice Chair McMillan followed up with a question about the building to the West of the site. Mr. Hansen responded that the building is the AC Hotel. Vice Chair McMillan expressed concern for the plantings proposed between the two buildings and the lack of sunlight access there. Mr. Hansen responded that there will be some open air space for sunlight in the narrow strip there.

[1:46:50] J. Blasko made a motion to recommend approval of the NHDES permit with the following stipulation:

1. Sheet C-501 in the plan set shall be updated under the vegetation section to remove the use of fertilizer.

Vice Chair McMillan seconded the motion. Chair Collins noted that it was okay for some of the newest Commission members not to vote if they felt uncomfortable voting on something that some older Commissioners had already seen and voted on but they had not. T. Sperduto expressed that she would not be comfortable voting and B. Gibb also noted that he would not feel comfortable voting.

[1:48:22] L. Vaccaro asked if the applicant would be willing to give a very short overview of the project and its footprint impacts to help inform her vote. P. Britz and Chair Collins noted that it would be a reduction in impervious surface, the footprint was being pulled further from the wetland but not completely out of the buffer, it would connect to the upcoming greenway trail system, it was providing plantings where only lawn existed before, and it was providing stormwater treatment where there were none before. This project was able to get an additional story in height due to the expansion of space that is being set aside for community space which will grant public access to the back of the site and to the trail.

[1:50:38] A. Carey asked if they could consider if anything significant had changed since 2021 in terms of if the Commission would consider anything else now that they didn't the first time around. Chair Collins and P. Britz noted that she didn't think anything had changed in the area significantly. A. Carey mentioned that with changes such as sea level rise, they may consider that differently now than they did back then.

[1:52:14] The vote was unanimous, with T. Sperduto abstaining (6-0).

3. Dredge and Fill – Major Impact
Public Service Company of NH, d.b.a Eversource Energy, Owner
Map 121 Lot 1, Map 165 Lot 14, Map 213 Lot 11, Map 214 Lots 1, 2, and 3, Map 216
Lots 1-10 and 1-11, Map 240 Lot 2-1, Map 259 Lots 1 and 15, Map 278 Lot 1, Map 280
Lot 3, and Map 281 Lot 1

[1:52:36] Chair Collins introduced this item but noted that the applicant was not in the audience. Nobody was on Zoom.

[1:53:50] J. Blasko made a motion to postpone the application until the April meeting. L. Vaccaro seconded the motion. The motion passed unanimously (7-0).

VI. OTHER BUSINESS

1. Earth Day 2024

[1:54:30] Chair Collins introduced this item and noted that for Earth Day, the Commission's role

may be best suited in supporting the Sustainability Fair unless anyone had an activity that they'd really like to organize. Last year, the Commission hosted a trail cleanup but it required planning and organization ahead of time. The Commissioner's agreed that this was how they would support Earth Day.

2. Sustainability Fair (April 14th, 2024 12-3 p.m.)

The Conservation Commission will have a table at the fair that L. Vaccaro has volunteered to be at, and she is looking for one more volunteer. J. Blasko mentioned that there would be at least one group already at the fair that she knew about who would be covering the topic of native plants, so the Commission's table did not have to. P. Britz offered to help with materials such as putting together a wetland buffer diagram or poster. L. Vaccaro also wants the focus to be on what the Commission does and general wetland and mapping information for the City.

J. Blasko noted that the fair would include free food and drinks, the City Arborist would be giving out tree saplings and a clothing/textile drive is in the works.

3. Swap Shop

[1:58:25] Chair Collins introduced this topic and explained the purpose of swap shops. The goal of such a shop would be to limit what is going into the landfill and limit the purchase of new things while fostering a sense of community and keeping things local. This is a pretty common thing to see in New Hampshire and they're usually in transfer or recycling stations, but they do not have to be. Back in 2008, the community was interested in setting up a swap shop in town but the issue at the time was lack of space in the recycling center, labor and the cost was too much. Chair Collins intends to speak with DPW to see if anything has changed that would allow for a new consideration of a swap shop but she is really interested in doing this as a community-driven project that maybe is located somewhere outside of the recycling center that could be in partnership with other organizations. She asked if anyone was interested in getting something like that off the ground, then they can reach out and she will try and give progress updates as they come in.

[2:01:03] J. Blasko mentioned that the Sustainability Committee has been talking about a similar idea and has similar interests in keeping in touch with DPW about upcoming changes to the transfer station. Chair Collins said that she had sent an email to the Chair of that committee, Bert Cohen, earlier in the day to ask for any updates or plans currently in place. P. Britz noted that space and funding is still a problem for the transfer station.

[2:02:10] B. Gibb expressed interest in the topic and noted that he is involved with a number of local non-profits and this made him think about how a number of residents involved in these non-profits may be in need of something and it had him wondering if there was an opportunity to work with those groups in the creation of a swap shop. Chair Collins responded that groups like Gather, which B. Gibb is a part of, have the pantry market on Fridays so perhaps there could be a joint market space where they can partner to have everything in one space on the same day with public access. They will both connect to brainstorm ideas for the swap shop.

[2:04:19] Vice Chair McMillan mentioned that she would email more information on this, but the NH Association of Conservation Commissions (NHACC) has an annual meeting coming up in November in Pembroke that is a great opportunity, especially for new members. Additionally,

the UNH Cooperative Extension is doing a two-day workshop on landscaping for water quality in Sunapee, NH for those interested. If any commission members were interested in attending, the Commission's annual budget could cover attendance costs. This workshop is designed for conservation commissioners and landscapers. This will be April 4-5th.

[2:05:43] L. Vaccaro mentioned that a woman from the UNH Cooperative Extension met with herself and Vice Chair McMillan and expressed interest in wanting to do a workshop with the Commission on sustainable lawn care. They have settled on a date for the workshop, which will be April 19th, and it will be hosted at the Great Bay National Estuarine Research Reserve where L. Vaccaro works and she feels it would be great to promote it through the Sustainability Fair. This could act like a pilot program for potential to have a similar workshop tailored towards Portsmouth in the future.

VII. ADJOURNMENT

The meeting adjourned at 6:00 p.m.