

**MINUTES  
CONSERVATION COMMISSION**

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

**3:30 P.M.**

**APRIL 14, 2010**

**MEMBERS PRESENT:** Chairman Steve Miller; Vice Chairman James Horrigan; Members, Allison Tanner, Barbara McMillan, Brian Wazlaw, Mary Ann Blanchard; Catherine Ennis

**MEMBERS ABSENT:**

**ALSO PRESENT:** Peter Britz, Environmental Planner

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Chairman Miller announced that this meeting marked Ms. Tanner' 20<sup>th</sup> year on the Conservation Commission. He thanked Ms. Tanner for her years of dedicated service.

**I. OLD BUSINESS**

1. Approval of minutes – March 10, 2010

It was moved, seconded, and passed unanimously (6-0) to approve the minutes as amended.

Chairman Miller stated that the applicant for the State Wetland Bureau Permit application had not arrived yet so they would be taking the agenda out of order and would begin the meeting with the conditional use permit applications.

Ms. McMillan arrived at this point in the meeting.

**II. CONDITIONAL USE PERMITS**

1. 3612 Lafayette Road  
Regeneration Park, LLC, owner  
Assessor Map 297, Lot 3

Mr. Shannon Alther of TMS Architects and Mr. Eric Weinrieb of Altus Engineering, Inc. were present to speak to the application.

Mr. Alther stated that the project involved the old Portsmouth Toyota dealership on Lafayette Road. Work needed to be done in the wetlands buffer which required a conditional use permit.

He explained that they would like to reuse the building as it was but would like to add new windows and make it a rejuvenated building.

Mr. Alther said that one of their goals was to make the building a “net zero” building by using solar panels, wind power, and geo thermal features. He also said they were thinking of doing a green wall on the south side of the building. They were trying to keep the work relatively minimal. The plan showed sections colored in green which indicated the existing pavement that would be removed and reclaimed as grassed area. Mr. Alther said that they would be removing about 19,000 square feet of existing pavement and would not be adding any new pavement. Native plants such as low growth blueberry bushes and perennials would be planted on the site. There would also be a couple of gates on the site but their design was still being thought out. The gates did fall within the buffer zone. He showed the Commission a couple designs they were considering.

Ms. Tanner asked about the possibility of planting a wildflower mix instead of the conservation mix. She said there were many wildflowers that could withstand drought conditions. Mr. Weinrieb stated that one of their concerns with the mix was that there were some invasives in the wetlands nearby so they wanted to make sure they had a strong enough plant growth so that the invasives did not take over.

Ms. Tanner asked how the lot fared during the heavy rain. Mr. Alther replied not too badly, most of the water moved away on the pavement nicely and made its way back out to the wetland. Mr. Weinrieb added that there was a large wetland system adjacent to the site and as a result, there was a large storage flood area so there was no flooding of the pavement.

Ms. Tanner asked about the flow off of the building. Mr. Alther explained that there were existing gutters and they were thinking of adding a rain garden in one spot. Mr. Weinrieb added that one of the site challenges adjacent to the building was that there was paved surface right up to the building and everything sheets away. He said that they were proposing river rock next to the building and a porous concrete sidewalk to deal with the run off. Mr. Alther noted that the blue sections on the plan indicated the porous concrete.

Vice Chairman Horrigan commented that he used to go to the site quite often in the past for car repairs and he noted that the entrance on the northern side used to be quite a mess and the water used to collect like a small lake during rain storms and snow melts. He asked if the plan would deal with that. Mr. Alther said that after the repaving of the road, the area was now better than it used to be.

Chairman Miller asked if everything from the lot moved from the center out on each of the sides of the building. Mr. Weinrieb replied yes and said that it was the same for the roof as well.

Mr. Weinrieb explained that what they were really before the Commission for was activities within the 100 foot buffer which included striping pavement and removing pavement.

Chairman Miller asked if there were any more questions for the applicants. Hearing none, he asked for a motion.

Ms. Tanner made a motion to recommend approval of the application to the Planning Board. The motion was seconded by Mr. Wazlaw. Chairman Miller asked for discussion.

Vice Chairman stated that this was a lot that has been badly abused. He said that this was the type of plan that he hoped they would be seeing more of. He liked the idea of the porous concrete and the no cut buffer zone. He said he would support the motion.

Ms. McMillan added that it was very exciting to see so many things going on the lot.

Chairman Miller asked what color the concrete would be. Mr. Weinrieb answered that it would probably remain a natural color.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval of the application to the Planning Board passed by a unanimous (7-0) vote.

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- 2. 400 Gosling Road  
Public Service of New Hampshire, owner  
Assessor Map 214, Lot 2

Attorney Michael Donahue thanked the City staff for their assistance and their recommendations which had resulted in a better presentation. He also said that an abutter, Brora, LLC, which owns an extended stay hotel have also weighed in on the project.

Attorney Donahue stated that this was a Brownsfield project and the purpose of the project was to expand the wood storage capacity at Public Service of New Hampshire's Schiller Station. He said the station currently produces electricity but was also a wood burning facility. The expansion encompassed an existing landfill area that was closed with the oversight of the Department of Environmental Services in the early 1980's. The closure met all of the regulations. Attorney Donahue said that this application included an element to make sure that the landfill was secure.

Attorney Donahue explained that the reason for the additional storage area was that the plant confronts a seasonal fluctuation in the availability of wood chips. The fluctuation occurs during the mud season when trucks carrying heavy loads are restricted on some local roads. He said that there was a need to have an adequate supply on site so it called for the stockpiling of wood chips during the non-mud season to be used during the mud season and the summer.

At this point in the meeting, Attorney Donahue introduced Mr. Eric Steinhauser, site engineer, Amy Segal, landscape architect, and Chris Guida, wetland scientist.

Mr. Guida stated that the area has been industrialized for some time. The wetlands have been disturbed over the years but there would be no impact to them with this project. The buffer area

of the existing landfill would be impacted. He said that his recommendation was to treat all areas to be disturbed as invasive and rid the area of a lot of invasive species.

Ms. Tanner asked what types of invasive species were found. Mr. Guida said it was almost 1/3 of each of the following: autumn olive, multi-flora rose, and honeysuckle. He added that there was some barberry and a little bit of phragmites.

Ms. McMillan stated that the report identified wildlife in the area. She asked Mr. Guida if he saw a woodcock. Mr. Guida replied yes. Ms. McMillan asked if the woodcock would be impacted by the project. Mr. Guida replied no and showed her on the plans where it was spotted.

Vice Chairman Horrigan asked if the wood storage area was going to intrude on the red areas shown on the map. Mr. Guida said it would encroach in a few small areas.

Mr. Eric Steinhauser showed the Commission the site plan of the property. He pointed out that the proposed wood storage area was tucked into a corner of the site. With regards to stormwater, Mr. Steinhauser said that the site grades to the east and the water flows from a channel into a waterway. He pointed out that they have upgraded an access road for the trucks to go to and from the site. Mr. Steinhauser explained in great detail how the water flowed from the site.

Ms. Blanchard asked if the storage of the wood chips created a runoff situation. Mr. Steinhauser replied no.

Vice Chairman Horrigan asked how high would the berm be. Mr. Steinhauser said it would be on top of the plateau and would be a couple feet high.

Ms. Amy Segal stated that she was directed to look at the planting plan with two objectives: one was to enhance the 100 foot wetland buffer and the other to look at screening for neighbors. She showed the fill slope on the plan and said that plant material would be a mixture of evergreens, white spruce, white pine, balsam fir, ash, and red maple trees.

Ms. Blanchard asked how high the pile of chips would be. Ms. Segal said it would be about 40 feet high.

Ms. McMillan asked how the pad would be maintained. Mr. Jim Granger of the Schiller Station explained that the pavement area would be plowed and the chips would be moved with a front end loader. Ms. McMillan asked if the area was ever salted during the winter months. Mr. Granger said they used sand.

Vice Chairman Horrigan asked if someone could speak to the nature of the landfill, particularly how it was constructed and what type of materials are in there. Mr. Steinhauser stated that it contained industrial waste such as flags, bricks, and construction material. It was not a municipal landfill like there are today. He said that the boundaries are known based on a survey that was available for viewing online. He added that they did drill to see how deep it was and it was very difficult to distinguish soil from any waste material in the drilling holes. Mr. Steinhauser pointed out that detailed information was identified in the site plan. Attorney

Donahue added that early on, there was an inventory that was done of the material that went into the landfill and there was a mention that there was piping that had asbestos insulation around it. So the landfill was identified by DES as a landfill that had asbestos. He said that DES required test for that and determined that there was no need for further testing. No PCB's were present in the testing. Attorney Donahue informed the Commission that the landfill has been registered and he was sure that DES would be pleased to know that it was going to be further encapsulated.

Vice Chairman Horrigan commented that a large quantity of materials will be stored on top of the landfill and so he wondered about too much weight on it. He asked if that would be an issue. Mr. Steinhauser replied that size was always a concern. He said that PSNH will always be monitoring it and will make repairs to the surface if they have to.

Chairman Miller asked what the definition of whole tree chips was. Mr. Eric Kingsley explained that various parts of a tree are valuable and are used for specific things so the parts of the tree that are left go into the chipper and are made into wood chips. Basically it is the tops and branches of the tree.

Vice Chairman Horrigan asked if there was any possibility that construction waste would eventually be one of the fuels stored on this site. Mr. Dick Despina, station manager of the Schiller Station, explained that they had been before the Board of Adjustment a number of years ago with a similar proposal and at the time, it had not been against the law to burn construction demolition debris. He said that at that time, they made a conscious decision to not pursue permitting for the ability to burn construction demolition debris. He concluded by saying that it is now against the law to burn construction debris so he could say with a high level of confidence that they would not be storing any construction debris as it pertained to this project.

Chairman Miller asked if there were any more questions for the applicant. Hearing none, he asked for a motion.

Ms. Blanchard made a motion to recommend approval of the application as presented to the Planning Board. The motion was seconded by Ms. McMillan. Chairman Miller asked for discussion.

Vice Chairman Horrigan stated that he appreciated the small forested native trees that would be planted to help mitigate the views to the south of the site.

Chairman Miller commented that it seemed like a good use for the spot and he appreciated the attention to the stormwater.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval to the Planning Board as presented passed by a unanimous (7-0) vote.

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3. 1465 Woodbury Avenue  
Bromley Portsmouth, LLC/RCQ Portsmouth, LLC, owners

Assessor Map 216, Lot 3

Mr. Patrick Crimmins of Appledore Engineering was present to speak to the application. He stated that the project was a restaurant expansion in the Kmart plaza. It was the historic Schoolhouse Restaurant.

Mr. Crimmins explained that the proposal was to demolish the existing wood addition and construct a new 2,770 square foot addition onto the historic structure. The project would include site improvements such as sidewalks, paving, landscaping, lighting, drainage, and utilities. He said that a portion of the site was within the 100 foot wetland buffer. Mr. Crimmins said they would be reducing impervious area by 669 square feet. In the buffer area they were proposing a rain garden and four tree box filters.

Ms. Tanner asked if they would be using pervious concrete. Mr. Crimmins stated that it would be an added expense. He felt they were achieving the same thing by installing the tree wells.

Ms. Tanner asked how they would deal with the water from the building. Mr. Crimmins said there would be a roof drain that would tie into a system.

Mr. Wazlaw asked where the water drained to on the north side. Mr. Crimmins said that the water would sheet into the tree wells.

Mr. Wazlaw noted that they would be removing six parking spaces. Mr. Crimmins said they would be taking three spaces away.

Ms. Tanner asked how they would handle keeping the construction out of the wetland. Mr. Crimmins explained that they would install appropriate erosion control measures, such as silt fences.

Vice Chairman Horrigan asked if there was any way to give demarcation to the rain garden as it looked like it would be located close by the employee entrance. Mr. Crimmins said that it was not an employee entrance but a loading area and it would be protected by curbing. Vice Chairman Horrigan was thinking in terms of trash collecting in it.

Ms. McMillan asked if there would be a maintenance plan for the rain garden and the tree box filters. Mr. Crimmins said they would provide a maintenance plan as part of site review. Mr. Britz explained that it was part of site review to have a construction management plan and it could be included in that.

Chairman Miller said he would like the owners and management of the property to understand what tree box filters and rain gardens are and how they function so that they do not get wiped out in the first snow season. Ms. Blanchard added that a trash management plan would be needed as well because the site has had issues with trash in the past.

Ms. McMillan made a motion to recommend approval of the application to the Planning Board. The motion was seconded by Ms. Tanner.

Ms. Tanner suggested adding a stipulation that would make the owners and property management observe and preserve the rain garden and tree box filters.

It was decided to add the following stipulation to the motion: that the property management is educated on the attributes of the rain garden and the tree box filters and maintenance thereof according to the specifications of the UNH Stormwater Center.

Chairman Miller commented that a letter was sent to the owner about the trash situation and he thought it had improved. Ms. Blanchard said that it was pretty bad again.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval of the application to the Planning Board with the following stipulation passed by a unanimous (7-0) vote:

1) That the property management is educated on the attributes of the rain garden and the tree box filters and maintenance thereof according to the specifications of the UNH Stormwater Center.

### **III. STATE WETLAND BUREAU PERMITS**

- A. Standard Dredge and Fill Application  
82 Driftwood Lane  
Stephen J. Little, owner  
Assessor Map 207, Lot 42

Mr. Stephen Little, owner of the property, was present to speak to the application. He stated that he had waterfront property where he would like to install a 20 foot aluminum ramp with a 10' x 20' float. The purpose for wanting to do this was safety and preservation of the environment in that area. He explained that a 12 foot ladder extending down into the mud flats was dangerous to use and the marsh grass was getting disturbed.

Ms. Blanchard asked if this application had been before the Conservation Commission and how was it different from before. Mr. Little explained that this was a different property.

Chairman Miller asked for clarification that the existing dock was already there; he was just asking for a ramp and float with two pilings. Mr. Little said that was correct.

Ms. McMillan asked about some wording on Page 4 that referenced "areas within 100 feet of the highest observable tide line are located under the existing dock and zoned residential." She asked Mr. Little what he meant by that. Mr. Little said that he meant that the whole property sits within the 100 foot setback.

Ms. McMillan had a question on the drawing that showed an overhead view of the existing dock but the drawing showed the ramp. Mr. Little said that was drawn inaccurately. There was currently no ramp in place.

Mr. Wazlaw asked if there would be any work done on the existing dock. Mr. Little replied no.

Ms. Blanchard asked if the ramp and float would be seasonal. Mr. Little said that it would be in place full time as it was too heavy to take in and out regularly.

Hearing no other questions, Chairman Miller called for a motion. Mr. Wazlaw made a motion to recommend approval to the State Wetlands Bureau. The motion was seconded by Ms. McMillan. There was no additional discussion.

The motion to recommend approval to the State Wetlands Bureau passed by a unanimous (7-0) vote.

#### **IV. ADDITIONAL BUSINESS**

##### **A. Sustainability Fair**

Ms. Tanner stated that the Sustainability Fair would be held on May 8 from 10 a.m. – 3:00 p.m. There was discussion on what information to have available for the public.

##### **B. Next PULA work session**

The next work session was scheduled for April 20, 2010 at 3:30 p.m. in the Planning Department Conference Room.

##### **C. Appraisal cost discussion**

Mr. Britz asked the Conservation Commission to consider funding a joint appraisal of the Stokel property on Peverly Hill Road. The property was being considered for recreation and conservation uses. Partnership for this joint appraisal would be with The Great Bay Resource Protection Partnership. He said that the appraisal would cost between \$6,000 - \$8,000.

Ms. Tanner asked what information they would get from the appraisal. Mr. Britz said it would look at what can be done on the property and what the value would be.

Ms. Blanchard asked what the status of the Conservation Fund was. Mr. Britz thought there was over \$800,000.00 in the fund. Ms. Blanchard felt it was an important step especially if they had a partner in it.

Ms. Blanchard made a motion to approve an amount not to exceed \$4,000.00 to co-share the cost of the appraisal. The motion was seconded by Ms. Ennis. The motion passed by a unanimous (6-0) vote.



**V. ADJOURNMENT**

At 5:30 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good  
Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on May 12, 2010.