

**MINUTES
CONSERVATION COMMISSION**

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

3:30 P.M.

MAY 11, 2011

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman James Horrigan; Members, Allison Tanner, Barbara McMillan, Mary Ann Blanchard, Catherine Ennis; Alternate Elissa Hill Stone

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner

.....
I. OLD BUSINESS

A. Approval of minutes – April 13, 2011

It was moved, seconded, and passed unanimously (7-0) to approve the minutes as presented.

Vice Chairman Horrigan congratulated Chairman Miller, Ms. McMillan and Ms. Tanner for their reappointments to the Commission. He also congratulated Ms. Stone for her appointment to full member from alternate status. Chairman Miller added that he was working on filling the two alternate vacancies on the Commission.

II. STATE WETLAND BUREAU PERMIT APPLICATIONS

A. Standard Dredge and Fill Application
Grafton Drive, Route 33
Pease Development Authority, owner
Assessor Map n/a, Lot n/a

Mr. Roch Larochelle and Ms. Britt Audet, of CMA Engineers were present to speak to the application. He stated that they were presenting a proposal for a multi-use path that was largely on Pease Development Authority and NHDOT property.

Mr. Larochelle stated the project originated in 2003 as part of the Transportation Enhancement (TE) application packet from the State DOT. He said that TE funds were funds that come through DOT and are applied for in a very competitive process. Pease was successful in getting the money for this project.

Mr. Larochelle explained that the project would begin at Corporate Drive and go along Grafton Drive to Route 33, making a right on Route 33 and terminating on Portsmouth Avenue. It would be 1.7 miles in length and approximately 9,000 feet. It would be an 8-10 foot multi-use path to be used by cyclists and pedestrians. He pointed out that it was intended to improve access to the Great Bay Bicycle Route which was a State designated bike route. All of the permanent work would fall on PDA property and NHDOT property along the Route 33 corridor.

Mr. Larochelle stated that the multi-use path would be a two way path and would be constructed of porous pavement. He said they have met with DES and PDA as well as the Hodgson Brook Association. He pointed out that the mitigation package included a sediment trap or a plunge pool at a certain point along the Newfield's ditch. DES also approved buffers along the sides instead of the mowed path that was currently there. Invasive species would also be removed. Mr. Larochelle informed the Commission that the Hodgson Brook Association offered five years of monitoring and sampling of the site after construction was done. In summary, Mr. Larochelle stated that they have completed an engineering study and an environmental study that were required by the DOT process.

Chairman Miller asked about the specifics of the actual work along the wetland. Mr. Larochelle explained the various options that they considered but said the final recommendation was to build a rock lined slope.

Ms. Tanner asked what would happen to the material dredged out of the site. Mr. Larochelle said that the contractors would dispose of the material according to current laws. Ms. Tanner expressed her concern for a phragmite stand. Chairman Miller clarified that Ms. Tanner was talking about the phragmites along Route 33.

Vice Chairman Horrigan asked if there was one sheet in the submitted plans that showed the six different wetlands in the area. Ms. Audet explained that they were not all on one sheet but were spread over a series of several sheets. Chairman Miller explained that the Commission likes to get a "big picture" idea of the project and the wetlands involved but understood that this particular project encompassed 1.7 miles of pathway.

Ms. Stone asked if the mitigation plan dealt with the Route 33 phragmites. Mr. Larochelle replied no, it would only deal with the ditch area.

Chairman Miller asked if the trail would go over the existing gas line. Mr. Larochelle replied that yes, it would on portions of the path.

Ms. Blanchard asked about building up the area for the slope by Route 33. Mr. Larochelle showed Ms. Blanchard on the map where on the path the various grade levels were.

Ms. McMillan asked if the whole ditch would be dredged or just at the mitigation site. Mr. Larochelle said that the whole ditch would not be dredged and he showed her on the plans the area that would be dredged. He pointed out that it was thought that more work in the ditch would do more harm than good. He added that the rest of the ditch functioned pretty well.

Ms. McMillan asked if the rock lining was designed to catch more sediment and prevent erosion. Mr. Laroche said that the rock lining had more to do with stability. He pointed out that there was a lot of water coming out of the 60 inch culvert. Ms. McMillan asked if they did any modeling to see if the rock lining would help with the sediment. Mr. Laroche said that no sediment modeling was done. He added that they talked about it but determined that it was not going to be part of their scope of work. They did look at watershed modeling however.

Ms. Blanchard asked if the multi-use path would be for seasonal use. Mr. Laroche said no. Ms. Blanchard asked what they would do when snow was on it. Mr. Laroche said that with the grant money comes the responsibility to maintain it and make it accessible twelve months out of the year. It would be the PDA's responsibility to come up with a snow removal plan. Mr. Laroche explained that there are specific requirements for the maintenance of porous pavement which was covered by the Alteration of Terrain process.

Ms. McMillan expressed concern about the PDA's snow removal process. She said that their use of salt was pretty extreme. She was wondering if there was a way to have their plan reviewed. Ms. McMillan wondered if they could include a stipulation about salt use in the recommendation. Chairman Miller said that it could be included.

Vice Chairman Horrigan commented that with regards to appendix D, the overall tone was fairly negative and tended to dismiss each individual wetland. He said that area before it was developed was one wetlands hydrological system. He felt the consultants should be advised to take a more holistic approach and recognize that hydrologically they are dealing with one system in their analysis.

Vice Chairman Horrigan also said that the analysis seemed slanted more toward suburban areas that have considerable more land. He pointed out that we were an urban area. He felt that anything that was providing niches for avian species and small wildlife should be protected and treasured. He did appreciate the permeable pavement but he did not like the wetlands evaluation. Mr. Laroche said that he would pass the information along to the reviewer but he said it was not intended to diminish what we had here as a resource. Vice Chairman Horrigan said that was the way it came across.

Ms. Stone asked about the southern part of the project and wondered if there was any discussion about mitigation with regards to Great Bay. She pointed out that the drainage was going towards Great Bay. Mr. Laroche explained that there were a lot of different wetland areas that were looked at around the entire property. He said that PDA has their master plan with things that they would like to see improved over the years and the Newfields ditch was one specific area that they could focus in on and have an impact and was part of that master plan.

Hearing no other questions, Chairman Miller asked for a motion.

Vice Chairman Horrigan made a motion to recommend approval of the application to the State Wetlands Bureau. The motion was seconded by Ms. Tanner. Chairman Miller asked for discussion.

Ms. Tanner stated that she would like to add the stipulation that no salt is used on the pathway. She further recommended that phragmites are disposed of in accordance with current laws.

Ms. McMillan commented that someone would have to know what they are doing to maintain the path. She suggested that they could work with the UNH Storm Water Center to come up with a plan.

Mr. Larochelle said that the PDA will have a maintenance policy in place. It was their responsibility.

Chairman Miller pointed out that most of the path would be open and would get sunlight which would eliminate the need for salt.

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

- 1) That no salt is used on the pathway and that the applicant works with the UNH Storm water Center to devise a winter maintenance plan. It is further recommended that phragmites are disposed of in accordance with current laws.

III. CONDITIONAL USE PERMIT APPLICATIONS

1. 8 Lens Avenue
Stuart and Jennifer Varney, owner
Assessor Map 222, Lot 58

Ms. Jennifer Varney, owner of the property was present to speak to the application. She stated that she would like to construct a 10'x10' shed on her property because she had no basement and needed a place to store items. The shed would be placed on blocks and in addition to being 10'x10' in size, it would be 7' in height. She explained that her property was near the wetlands and the proposed location of the shed was in the buffer zone. Ms. Varney pointed out the location of the proposed shed on the submitted aerial photo.

Ms. Blanchard asked if the fence belonged to the property owner. Ms. Varney replied yes and explained that the fence ran through the middle of her property. Ms. Blanchard also asked if the markers in the photo indicated the exact location of the proposed shed. Ms. Varney replied yes.

Hearing no other questions, Chairman Miller asked for a motion.

Ms. Tanner made a motion to recommend approval of the application as presented to the Planning Board. The motion was seconded by Ms. Ennis. There was no additional discussion.

The motion to recommend approval of the application as presented to the Planning Board passed by a unanimous (7-0) vote.

- 2. 122 Mill Pond Way
 Mill Pond Way Condominium Association, owner
 Stacey Soper and Phil Dube, applicant
 Assessor Map 143, Lot 7-1

Mr. John Chagnon of Ambit Engineering, Inc. and Chris Redmond, a builder with Little Green Homes, LLC were present to speak to the application.

Mr. Chagnon stated they were proposing a four bay garage at the condominium site and showed them on a plan where it would be located. He explained that the building would not be in the buffer. He pointed out that a gas tank would have to be moved but it would not result in the removal of any trees.

Chairman Miller said that he understood from reading the narrative that no trees would be cut. Mr. Chagnon said that was correct. Chairman Miller then asked about the infiltration trench for the roof run off. He felt the photos did not jibe with how the water would run to the driveway and into the infiltration ditch. Mr. Chagnon stated that the gutters were not shown on the plans. This was a design element that was added after the drawings were completed. He explained that the gutter would run along the front and back of the building with the roof pitched east to west. The water would enter the downspouts and into the trench.

Chairman Miller asked what would happen with the existing shed. Mr. Redmond said that they were trying to find someone to dismantle it and possibly use it but have not had any takers.

Vice Chairman Horrigan pointed out that the parking spaces seemed to be out in the open. He wondered how the garage bay on the far right would be accessed with the existing parking in the way. Mr. Chagnon showed the Commission on the displayed plan how it would be managed.

Chairman Miller commented that there was a small increase in impervious pavement of 2.3 percent. Mr. Chagnon replied yes.

Hearing no other questions, Chairman Miller 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. Stone. There was no additional discussion.

The motion to recommend approval of the application as presented to the Planning Board passed by a unanimous (7-0) vote.

- 3. 1185 Maplewood Avenue
 Robert C. Comito, owner
 Assessor Map 219, Lot 42

Mr. David Calkins, contractor for the project was present to speak to the application. He passed out additional information to the Commission. He explained that it was the erosion control plan showing proposed plantings to offset the impact on the property.

Mr. Calkins stated that the proposal was to construct a deck and sunroom on the back of the building. The size of the addition would be 16' x 26' and would be supported with seven 10" construction tubes. They would need to be installed four feet below grade. The holes for the tubes would be hand dug.

Mr. Calkins pointed out an existing fence at the back of the property that ran from 14 feet to 9 feet from the high water mark. He added that the applicant was proposing two beds along the inside of the fence. He also said a planting bed area was proposed beside the sunroom to absorb the water coming off of the sunroom roof. The deck would be constructed of composite material with gaps for water drainage. Mr. Calkins added that they would install a temporary silt fence around the construction area while they were working.

Mr. Calkins stated that they would be installing 5.81 square feet of impervious material and altering drainage on about 128 square feet. Additionally, they were proposing to install 202 square feet of planting beds and vegetation.

Ms. Tanner asked how high the water table was in that location. Mr. Calkins said he assumed that it was going to be pretty high. He explained that they would probably have to use a permanent construction tube.

Chairman Miller asked what the surface would be below the deck and sunroom. Mr. Calkins said they might use a crushed stone or pea stone. Chairman Miller commented that they would need something there or otherwise it would be mud. He was agreeable to crushed stone or pea stone.

Chairman Miller recommended that the homeowner review the new Department of Environmental Services stormwater guide that was online.

Vice Chairman Horrigan asked if the property line ended at the fence. Mr. Calkins said no and explained that from the front property line to the high water mark was 120 feet. Vice Chairman Horrigan pointed out a mowed strip on the outside of the fence. He thought it would make more sense to put the plantings on the outside of the fence. Chairman Miller commented that it might be better to put the beds higher up inside the fence because of the water table. The plantings would intercept the water before it got to the pond. Vice Chairman Horrigan recommended letting the area outside of the fence go and let nature takes its course. Mr. Calkins said that he would suggest that to the homeowner.

Ms. McMillan asked how far from the high water mark the addition would be. Mr. Calkins said it would be 28 feet from the fence and 42 ½ feet from the high water mark. Ms. McMillan asked Mr. Calkins to let the homeowners know that the use of fertilizers was not allowed 25 feet from the high water mark.

Hearing no other discussion, Chairman Miller asked for a motion.

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

Ms. McMillan suggested that the applicant locate the plantings on the inside of the fence and let the grass on the outside of the fence fill in naturally. She also said that the gate on the existing fence invited activity down to the water. She stressed that paths that are worn create erosion so she hoped that the vegetation would not be disturbed.

Hearing no other discussion, Chairman Miller called for the vote.

The motion to recommend approval of the application to the Planning Board as presented passed by a unanimous (7-0) vote.

IV. OTHER BUSINESS

Discussion was held concerning the Sagamore Creek island property. Ms. Blanchard made a motion to authorized Mr. Britz to pursue a natural resource inventory of the Sagamore Creek island property at a cost of \$400.00 with the source of funding to be determined. The motion was seconded by Ms. Stone. The motion passed by a unanimous (7-0) vote.

Additional discussion was held on the following topics: Sustainability Fair, the Creek Farm trail, and holding another PULA work session.

V. ADJOURNMENT

At 5:20 p.m., it was moved, seconded, and passed unanimously (7-0) to adjourn the meeting.

Respectfully submitted,

Liz Good
Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on June 8, 2011.