

**MINUTES
CONSERVATION COMMISSION**

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

3:30 P.M.

SEPTEMBER 14, 2011

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

MEMBERS ABSENT: Vice Chairman James Horrigan

ALSO PRESENT: Peter Britz, Environmental Planner

I. OLD BUSINESS

A. Approval of minutes – August 10, 2011

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

II. CONDITIONAL USE PERMIT APPLICATIONS

1. 175 Codfish Corner Road
David and Marcia Dauphinais, owners
Assessor Map 291, Lot 7-175

Mr. David Dauphinais and Mrs. Marcia Dauphinais, owners of the property were present to speak to the application. Ms. Dauphinais stated that they bought a shed to place on their property for storage but found out they were in the wetlands and needed Conservation Commission and Planning Board approval. She stated that they were before the Commission to seek approval to place the storage shed on their property.

Chairman Miller stated that the Conservation Commission's major concern was water quality going into the wetlands. He added that more of these types of applications were coming before them. He also thanked them for submitted good photos of the site.

Ms. McMillan arrived at this point in the meeting.

Ms. Tanner asked if changes had been made to the plan. Mr. Dauphinais explained that they were originally proposing to place the shed in another location on the lot but the submitted plans showed the proposed location.

Ms. Blanchard asked who would be installing the shed. Ms. Dauphinais said that the shed manufacturer would be installing it. Ms. Blanchard asked what the shed would rest on. Mr. Dauphinais said cinder blocks. Ms. Blanchard asked if any excavation would be taking place. Ms. Dauphinais replied no.

Hearing no other questions, 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. Ennis. There was no discussion.

The motion to recommend approval of the application to the Planning Board as presented passed by a vote of 5-0 with Ms. McMillan abstaining.

Chairman Miller advised Mr. and Mr. Dauphinais to keep an eye on runoff from the roof for signs of erosion. He said that if there was erosion, adding plantings around the shed would be helpful.

- 2. 218 Griffin Road
Elder Family Portland Associates, LP, owner
Assessor Map 263, Lot 1

Mr. Marc Jacobs, a certified wetland and soil scientist and Mr. Mike Grainger, contractor for the project were present to speak to the application. He stated that the building at 218 Griffin Road was leased by Federal Express. The proposal was to resurface the existing parking lot. Mr. Jacobs presented a map representing the site. The area marked in pink was pavement which would not change. The area marked in orange indicated the 100 foot buffer on the site. The wetlands were indicated in yellow.

Mr. Jacobs explained that the scope of work included cleaning out and reshaping the existing swales. They were also proposing to install stone check dams. He pointed out the area where water was building up in the swale and coming across the parking lot. He said that they would like to pulverize and resurface the parking areas identified on the map. He added that they hoped to do the work this fall.

Ms. Tanner had a question about the wetlands. Mr. Britz confirmed that there was no connection between the two wetlands.

Chairman Miller asked what was to the right of the existing swale. Mr. Jacobs said that there was vegetated scrub brush and shrubs.

Mr. Jacobs pointed out the wetlands that were manmade due to prior excavation on the site.

Chairman Miller asked which direction the water flowed. Mr. Jacob said that it drained to the back of the lot and eventually reached the Great Bog. He said their goal was to get the water off of the back of the lot.

Ms. Stone asked if the development of the site preceded the State wetland regulations. Mr. Jacobs said that he was not sure whether State permits were required at the time the land was developed.

Ms. Tanner stated that she remembered when the application came before them, possibly in the late 1990's. She remembered that there was a lot of disturbed land but there was definitely a wetland on the property.

Ms. Blanchard asked if the use of the building would remain the same. Mr. Jacobs replied yes and there would be no change to the size of the parking lot. He explained that they would excavate out one foot and replace with crushed gravel in one area.

Ms. McMillan asked if there would be curbing. Mr. Jacob replied no.

Mr. John Chagnon, representing the 200 Griffin Road Condominium Association, an abutter to the project, spoke in favor of the application. He stated that permitting by the City happened about five years ago. He explained that the backing up of water has been occurring for the last five years. He added that the backing up has caused damage to the pavement on his property so he was in favor of this project.

Ms. Tanner asked for clarification that there would be no treatment, the water would just sheet flow off of the parking lot. Mr. Jacob said that was correct and they were hoping to get more treatment from the swales.

Hearing no other questions, Ms. Blanchard made a motion to recommend approval of the application as presented to the Planning Board. The motion was seconded by Ms. Tanner. Chairman Miller asked for discussion.

Ms. Tanner asked if there was ever an appropriate time to ask for more than what was there on the site. Chairman Miller said that it was an opportunity to get a better treatment but he did not have a good solution. He felt that with the distance to the open water and the fact that it was vegetated, he felt they were in pretty good shape.

Chairman Miller called for the vote. The motion to recommend approval of the application as presented to the Planning Board passed by a unanimous (6-0) vote.

- 3. 446-452 Market Street
446-452 Market Street Condominium Association, owner
Assessor Map 120, Lot 1

Mr. Robert Lang of Lang Construction was present to speak to the application. He stated that he was proposing to remove the existing deck and replace it with a deck the same size but with different materials. He said that they would not be impacting the shoreline.

Chairman Miller asked what the distance from the deck to the water was. Mr. Lang thought it was about 40 feet to the high water mark. Chairman Miller asked if the slope was mostly rip rap. Mr. Lang replied yes.

Ms. Blanchard asked if the deck would be supported differently than it was currently. Mr. Lang replied yes and said that the sono tubes would be different but all construction would be behind the concrete wall.

Chairman Miller asked about the drain pipe that was under the existing deck. He wondered if it drained rain water. Mr. Lang did not know its function but said that it looked like a gutter pipe.

Ms. McMillan asked if there would be any disturbance. Mr. Lang said that there would be disturbance when the holes were dug for the sono tubes and there would be crushed stone laid under the deck. She cautioned Mr. Lang to keep the soils from getting down to the water. Mr. Lang said that everything would stay behind the concrete wall.

Hearing no other questions, Ms. Tanner 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 discussion.

The motion to recommend approval of the application as presented to the Planning Board passed by a unanimous (6-0) vote.

- 4. 325 Little Harbor Road
Michael R. Clark, owner
Assessor Map 205, Lot 2

Ms. Stone recused herself from the discussion and vote.

Mr. Zachary Taylor, project planner for Riverside and Pickering Marine Contractors was present to speak to the application. He stated that the entire property was lined with a stone seawall and underneath the existing wharf, the seawall had collapsed. They were proposing to replace thirty feet of seawall.

Chairman Miller asked if the building would need to be lifted to make the repairs. Mr. Taylor said that the whole building would be demolished.

Ms. Blanchard asked about three pilings. Mr. Taylor explained that they would be replaced and they already had approval to do that.

Ms. McMillan asked about the soil that would be exposed when the collapsed wall was removed. Mr. Taylor said that they were removing the rock and rebuilding the wall. He said that there was not a lot that could be done about the exposed soil. He added that there was a lot of exposed ledge.

Mr. Britz asked if the equipment would be on shore. Mr. Taylor replied yes but added that there would be a barge and crane in the water.

Ms. McMillan asked if the pre-existing seawall had concrete in it. Mr. Taylor said that it was primarily granite and mortar but that there was some concrete in it.

Hearing no other questions, Ms. Blanchard made a motion to recommend approval of the application as presented to the Planning Board. The motion was seconded by Ms. Tanner. There was no discussion.

The motion to recommend approval of the application as presented to the Planning Board passed by a unanimous (5-0) vote.

- 5. 3612 Lafayette Road
Regeneration Park, LLC
Assessor Map 297, Lot 3

Mr. Eric Weinrieb of Altus Engineering and Shannon Alther of TMS Architects were present to speak to the application. He stated that they were back before the Commission to propose changes to the existing approval. He explained that they were now planning to eliminate the porous sidewalk around the building that was originally proposed. He pointed out that a conventional sidewalk had already been installed.

Mr. Weinrieb showed the Commission the original submission and the most recent site plan approval. He explained that they were proposing to eliminate the porous concrete and add additional parking. He explained the water table was very close to the surface so they decided to reclaim the entire parking lot instead of just doing a small portion of the site. Treatment swales and infiltration systems were being proposed to improve all of the surfaces.

Ms. Tanner asked why they decided against the porous pavement. Mr. Weinrieb stated that it was because the water table was too high.

Ms. McMillan asked if the water from the road was coming down to the front swale. Mr. Weinrieb said that everything was running south on Lafayette Road and so they were letting that continue as it was.

Chairman Miller asked Mr. Britz to offer his comments. Mr. Britz stated that the swales were shallow so they would need to be maintained. He felt that they needed a good management plan

with follow up. He felt they should be raked out every year or two and they would need to stay on top of invasive species.

Ms. Stone asked about the landscaping plan and the choice of plantings. She thought that native vegetation might adapt better on the site. Mr. Alther stated that they would be happy to include the plant list in the management plan so that the plants can be checked to make sure they are doing what they should be doing. Ms. Stone mentioned that perhaps it could be noted that plant species should be changed out as necessary.

Hearing no other questions, Ms. McMillan made a motion to recommend approval of the application as presented to the Planning Board. The motion was seconded by Ms. Tanner.

Ms. Tanner stated that she would like to add stipulations concerning inspections and cleanings and replacement of plantings that do not survive.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval of the application as presented to the Planning Board with the following stipulations passed by a unanimous (6-0) vote:

- 1) That the storm water treatment swales are inspected and cleaned on a yearly basis (each May) with a report submitted by June 1.
- 2) That plant species that do not survive are replaced.

III. OTHER BUSINESS

Mr. Steve Oles of MSC Engineers and Mr. Zach Gregg, owner of the property were present to speak to a Minimum Impact Expedited application. Mr. Oles stated that they were trying to correct a drainage problem. He explained that water was flowing toward the house from Marcy Street. They would like to regrade the lawn about two feet off of the existing stone wall and allow the water flow to infiltrate onto the lawn. He said that the work was outside of the 50 foot buffer but was inside the 100 foot buffer. The total impact would be 1,913 square feet. Chairman Miller suggested adding a wall of shrubs along the stone wall to intercept the water flow. Ms. Tanner suggested red twig dogwood, bayberry, or perennials such as daylilies.

With the Commission's approval, Chairman Miller signed the application. He also signed the minimum impact expedited application before him for 218 Griffin Road.

In other business, Chairman Miller informed the Commission that Vice Chairman Horrigan had been diagnosed with a terminal illness. The Commission decided to send a green plant to let him know that they were thinking of him.

Mr. Britz informed the Commission that on October 1, work would begin on building the loop trail on the Creek Farm, Wentworth Coolidge Mansion and City of Portsmouth properties.

Ms. McMillan also informed the Commission that a turf maintenance workshop would be held on Monday, September 19 at the Portsmouth Public Library.

III. ADJOURNMENT

At 4:55 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 October 12, 2011.