

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

3:30 P.M.

JUNE 13, 2012

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman Mary Ann Blanchard, Allison Tanner, Barbara McMillan, Elissa Hill Stone, Peter Vandermark, Rich DiPentima

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner

I. OLD BUSINESS

A. Approval of minutes – May 9, 2012

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

II. STATE WETLANDS BUREAU PERMIT APPLICATIONS

1. Standard Dredge and Fill Application
U.S. Route One Bypass - Lafayette Road intersection and area to south
NH Department of Transportation, owner
Assessor Map ROW, Lot ROW

Mr. Marc Laurin, Ms. Wendy Johnson, and Mr. Pete Salo of NH Department of Transportation and Mr. Brian Colburn of McFarland Johnson were present to speak to the application.

Mr. Laurin stated that the proposal was to reconstruct the Route One Bypass intersection where it intersected with Route One. To accomplish that, there would need to be impacts to a few wetlands in the area. He said that most of the wetlands were isolated and he showed the Commission on a displayed map as to where the wetlands were located. He explained that the tidal marsh area was overrun with phragmites. The total square footage of permanent impacts would be 8,000 square feet. The majority of the impacts to the tidal prime wetland were a result of the reconstruction of the ditch. Mr. Laurin informed the Commission that they were in consultation with the Department of Environmental Services to determine appropriate mitigation for the project. He said that phragmites control might be one piece of the mitigation proposal.

Ms. Johnson stated that the reason for the project was to remove the bridge that currently goes over the Route One Bypass. She said that the proposal was to put back two lanes in both

directions with some left turn pockets. This would be a full intersection with a traffic signal. She explained that they would be replacing the closed drainage system and installing a gravel wetland in that area.

Ms. Johnson stated that they were proposing landscaping and presented a planting plan. She added that they have had discussions with the City who has agreed to maintain it.

Mr. DiPentima asked if this project would alleviate the high water that accumulates when it rains. Ms. Johnson said that they would be adding additional drainage that would help with that. Mr. Colburn added that they have analyzed the existing system and the increased pipe size proposed would pass the ten year storm.

Ms. Tanner expressed concern that there was no treatment being proposed for the runoff on the other side of the road. She said that the Commission brought that issue up at the work session that was held last month on this project. Mr. Salo explained that Route One through that area was very elevated to the west so that the entire surface water sheet flowed away. He showed Ms. Tanner one spot where they could potentially treat storm water but he explained that it would not be ideal. He said that they take water treatment very seriously and they have looked for spots where they could treat more storm water. He emphasized that they have done everything that they can with the site.

Ms. McMillan asked the Commission if they had suggested landscaping in the areas where the applicant was proposing it. Ms. Tanner recalled talking about grass in some areas. Mr. Britz added that there had been discussion about rain gardens as well.

Vice Chairman Blanchard asked the applicant to review what the improvement would be to the corner off of Greenleaf Woods Drive. Ms. Johnson said that there would be two 30" pipes. There would also be a scour pool for filtering sediment.

Ms. Stone asked if they had a more defined plan regarding the phragmites. Mr. Laurin said that the phragmites mitigation plan they have been talking about with the Wetlands Bureau involved the estuary area.

Ms. Stone noted that there would be an increase in discharge because of the road improvements. She wondered how many gallons they might anticipate and how that might impact the rare plant communities. Mr. Colburn explained that the predevelopment flow would actually be more than after the project was completed. As for the rare plants, they would be on either side of the reconstructed ditch.

Mr. Salo pointed out that there was a closed storm drainage system on each side of the roadway. He said that although there still may be flooding during a high storm event, the two runs would provide more storage for storm water. He noted that the area was very flat and challenging and there was no room to revise the grades or raise the roadway.

Ms. McMillan asked if there would be curbing in various areas. Mr. Salo replied yes and pointed out on the displayed map where the curbing and sidewalks would be. He explained that all of the

storm water would be collected through a series of structures because they could not outlet the water in certain areas. He added that they also had utilities to think about. Ms. McMillan talked about piping the water to another location but Mr. Salo said there was no where else to pipe it to.

Mr. Britz suggested exploring the area behind the Sunoco station and the Dunkin Donuts. He said that the area behind the Dunkin Donuts had a pipe that drained water. He wondered if they could explore putting this type of treatment in that area. He felt it might serve as a type of mitigation.

Chairman Miller asked what the process was for the mitigation decision. Mr. Laurin said that they were coordinating with DES and it would be based on what the impacts were to a prime wetland to determine the mitigation. Chairman Miller asked if the City would be involved. Mr. Britz replied no. Mr. Laurin said that if DES were to hold a hearing, the City could give their input then. Chairman Miller asked that if they could not find mitigation at this site then could they find mitigation somewhere in the City.

At this point in the presentation, there was considerable discussion about Mr. Britz's suggestion for the area behind the Dunkin Donuts.

Mr. Vandermark asked if the City had any input on the design of the landscaping. He asked if there were any plans for trees. Ms. Johnson pointed out that they were proposing four lilac trees. Mr. Salo said that the landscaping plan could be revised and that they would be willing to work with the City concerning certain types of trees. Mr. Vandermark pointed out that the area was a gateway.

Ms. McMillan stated that restoring the area where the phragmites were not her first choice for mitigation. Chairman Miller agreed and added that the phragmites would come right back. He would rather see different mitigation. Ms. McMillan said she would like to see mitigation further up the corridor. Mr. Laurin explained the ARM Fund to the Commission and how it was utilized for mitigation. Chairman Miller asked Mr. Laurin to keep the Commission in the loop for any DES hearings on the mitigation.

Hearing no other questions, Chairman Miller asked for a motion. Ms. Tanner made a motion to recommend approval of the application to the State Wetlands Bureau. The motion was seconded by Vice Chairman Blanchard.

Ms. McMillan said that she would like to see stipulations regarding mitigation. The Commission agreed on the following:

- 1) That the City of Portsmouth is informed of any mitigation public hearings regarding the project.
- 2) That mitigation not be phragmites control unless 100% of the phragmites can be successfully removed.
- 3) That a mitigation project is considered within the City of Portsmouth.

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

- 1) That the City of Portsmouth is informed of any mitigation public hearings regarding the project.
- 2) That mitigation not be phragmites control unless 100% of the phragmites can be successfully removed.
- 3) That a mitigation project is considered within the City of Portsmouth.

III. CONDITIONAL USE PERMIT APPLICATIONS

- A. 65 & 71 Laurel Court (amendment)
Sandy Brook Corporation, owner
Assessor Map 212, Lots 183 & 184

Mr. Bruce Crawford and Mr. John Chagnon of Ambit Engineering and Mr. Eric Chinburg, owner of the property, was present to speak to the application. Mr. Crawford stated that they received conditional use approval for the project but were now before the Commission to seek an amendment to the approval for changes to Lots 11 and 12. He explained that they had some challenges constructing the two lots because of the slope of the land and the retaining wall and as a result, they have exceeded the approved amount of wetland impact. He also said that the house on Lot 11 got moved to a little different location than what was approved. In order to mitigate these additional impacts, they were proposing to reduce the amount of impervious area by 65 square feet. They would also put in 1,700 square feet of buffer plantings. Mr. Crawford pointed out these areas on the displayed map.

Ms. McMillan asked if the buffer plantings would catch the drainage or was there curbing in front of it. Mr. Crawford said that the drainage from the street would continue down the street and what was outside of the pavement would drain to the plantings.

Chairman Miller asked for clarification that the pavement on Lot 11 would be pulled up and the garage doors would be changed to a walkout basement. He also asked if the plantings would be between the two properties. Mr. Crawford confirmed that was correct.

Ms. McMillan asked how the buffer area would be kept in that location and maintained. Mr. Chinburg said that they had not given that any thought because they have not sold either of the properties but suggested that a restriction could be placed in the deed that the area remain as a natural buffer area.

Ms. Stone commented that the Canadian hemlock proposed was not a good choice since it was prone to insects so she suggested they use another type of tree.

Chairman Miller asked about the footprint of the proposed houses on the plan. Mr. Chinburg explained that when they do single family developments, especially where the lots are tight, they

will show a typical house footprint on the plans to show that a house can fit on the lot. He said that they should have put a note on the plan to say that this was meant to depict a house shape on the lot but that the actual house may differ from what was shown on the plan.

Ms. Tanner commented that maybe they should not build on that lot at all. Chairman Miller stated that they talked a lot about that at prior meetings. Mr. Chagnon recalled that they came back twice to the Commission and made adjustments as a result of the feedback and even deeded an area of land to the City.

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

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

Chairman Miller suggested a stipulation that the builder incorporate a deed restriction to maintain the buffer planting between house lots 11 and 12.

Vice Chairman Blanchard made a motion to amend the motion incorporating Chairman Miller's stipulation. The motion was seconded by Mr. Vandermark. The motion to amend the original motion passed by a unanimous (7-0) vote.

The motion to recommend approval of the application as amended to the Planning Board with the following stipulation passed by a vote of 6-1 with Ms. Tanner voting in opposition:

- 1) That the builder incorporates a deed restriction to maintain the buffer plantings between house lots 11 & 12.

IV. WORK SESSION

- 1. 803 McGee Drive
NH Army National Guard, owner
Assessor Map 219, Lot 46

Mr. David Mikolaities of Tighe & Bond was present to speak to the project. He stated that the project was to expand the parking area. Currently the stormwater sheet flowed off in every direction. The proposal was to expand and reconfigure the existing parking and to add a rain garden to treat stormwater run off and an underground detention basin. He pointed out the areas on a displayed map.

Mr. Britz explained that the project was before the Commission to gather their input since this application did not require a State permit.

Chairman Miller asked about the gravel lots and the paved lots. Mr. Mikolaities explained that the large, heavy vehicles would be parked on the gravel lot. He said that most of the time, there

were only five people in the building but once a month, the lots would be full. Chairman Miller suggested a grass paved lot. Mr. Mikolaities said that it would not work well in this area because it would not withstand the plowing. Ms. Tanner suggested pervious pavement. Mr. Mikolaities said that the property was sitting on top of ledge. Ms. Tanner asked what the increase in impervious surface was. Mr. Mikolaities said he did not have the square footage but that it balanced out.

Mr. Vandermark asked what would have to be removed for the expansion. Mr. Mikolaities said there was grass, some walkways, a generator and some trees that would be removed. Ms. McMillan asked if they intended to cut down the pine trees. Mr. Mikolaities replied yes. Ms. McMillan said that she hoped they could keep some trees.

Mr. Mikolaities emphasized that they would be getting 100% treatment with this new plan.

V. OTHER BUSINESS

1. Wetland brochure discussion

There was discussion regarding updating the wetland brochure. Mr. Britz asked if any Commissioners would like to assist in the process. Ms. Tanner, Ms. McMillan, Mr. Vandermark, and Chairman Miller said they would help. It was determined that a date and time for a meeting would be set up via email.

The Commission also reviewed a Minimum Impact Expedited Application for 3 Marsh Lane. There were no concerns with the application so Chairman Miller signed the application.

VI. 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 July 11, 2012.