

**MINUTES
CONSERVATION COMMISSION**

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

3:30 P.M.

MAY 9, 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 – April 11, 2012

Ms. McMillan noted a mistake regarding the final vote of an application on page 10 of the minutes.

Vice Chairman Blanchard made a motion to approve the minutes as amended. The motion was seconded by Ms. Stone. The motion passed by a unanimous (7-0) vote.

II. CONDITIONAL USE PERMIT APPLICATIONS

1. 545 F.W. Hartford Drive
Kenneth M. Buttermore, owner
Assessor Map 250, Lot 97

Mr. Ben Holmes of Rye Beach Landscaping was present to speak to the application on behalf of the applicant. He stated that the applicant would like to replace a deteriorated deck with a raised patio made of concrete pavers. He said that the home has a problem with water collecting under the existing deck because the ground was originally excavated lower than the deck. The home is built on a slab and water is currently getting under the slab and causing problems in the winter time. Mr. Holmes explained that the proposed solid paver patio would be built within the existing footprint of the deck.

Chairman Miller asked how the granite curbing would drain differently with pavers on it. Mr. Holmes explained that the pavers would shed the water away from the structure instead of pooling underneath the deck. He said they would use the granite curbing to raise up the area and would then place the concrete paver on the surface. Chairman Miller asked if there would be a

drain in the system to drain the water away from the house. Mr. Holmes said no. He clarified that the pavers would not be permeable as they did not want the water underneath them. He added that this lot was the lowest lot in the neighborhood and unfortunately, it was so low they could not get anything to drain through underneath because of the grade involved.

Ms. McMillan referred to a submitted photo and asked where the wetland began. Mr. Holmes said he thought it began right at the tree line.

Chairman Miller asked what the distance was from the deck to the wetland. Mr. Holmes believed it was 32 feet. Chairman Miller asked if the grade was fairly flat. Mr. Holmes said yes and added that there was almost no pitch.

Ms. Tanner asked why they wanted to expand the patio beyond the footprint of the deck in one area. Mr. Holmes said that it was an awkward and unusable space that was left next to the chimney.

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

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

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

III. STATE WETLANDS BUREAU PERMIT APPLICATIONS

- A. Standard Dredge and Fill Application
200 Grafton Road, Pease Golf Course
Pease Development Authority, owner
Assessor Map 320, Lot 0

Ms. Adele Fiorillo of Normandeau Associates, Mr. Stephen Bradstreet and Mr. Steven Rickerich, both of Ransom Consultants, and Ms. Maria Stowell and Mr. Michael Mates of Pease Development Authority were present to speak to the application.

Ms. Fiorillo stated that the application was for improvements to a portion of the golf course. She presented and displayed a map showing three sections of the golf course, the lower nine, the front nine, and the blue course. She explained that the wetland impacts would be on the lower nine section. There would be almost three acres of wetland impacts but most of those impacts were associated with manipulating the manmade ponds so that they could be utilized for irrigation.

Ms. Tanner said that she remembered that a large forested wetland area of the golf course was cleared and she wondered if this was the same area. Ms. Fiorillo thought she was referring to the blue course. Ms. Stowell confirmed that Ms. Fiorillo was correct.

Ms. Fiorillo told the Commission that she recently met with the Greenland Conservation Commission for the small impacts on land in their town. They have also met with the Army Corps of Engineers, and the Department of Environmental Services Bureau.

Ms. Fiorillo explained the project in detail and highlighted the goal to improve the drainage on the site so that golfers could get out and play earlier in the season to make the organization more financially viable. The project also included re-outlining the fairway and tees for visibility and increased safety. Ms. Fiorillo pointed out an area where they were planning to fill a pond but then to create a wet meadow that would be mowed occasionally but not regularly. She added that it would create a nice amphibian habitat.

Ms. Fiorillo said that the reason they had some wet meadow creation areas, wooded creation areas, and work on the streams was for mitigation. She added that they had five culverts that were undersized so those would be removed and replaced with full span bridges.

Chairman Miller asked Ms. Fiorillo to talk a little bit about the wetland evaluations of the four red areas on the map. Ms. Fiorillo pointed out the key sheet in the packet and the photos.

Mr. Britz asked why the wet meadow was considered part of the impact. Ms. Fiorillo said because they would be dredging it.

Mr. Rickerich stated that there would be less water leaving the site than currently leaves the site now. There would be less impervious surface once the project was completed and more infiltration. He added that one pond would be used for an irrigation pond and it would be connected to another pond.

Vice Chairman Blanchard said that she had a concern about what chemical mix was currently being used on the turf. Mr. Rickerich explained that there was an integrated pest management plan and the intent was to make sure the pesticides were applied as intended. He said that the plan was very specific in prohibiting to any extent possible the runoff of pesticides or fertilizers. He added that DES was reviewing the plan as well.

Mr. DiPentima asked if there was any way to measure the impact, both positively and negatively, of runoff going into Great Bay as a result of this project. Ms. Stowell said that when they built the lower nine, they did baseline testing before that course was open and they have not seen an increase in levels. Mr. Richerich added that the management practices used on the blue course was the same staff, same employees, and same types of products that are used on the upper and lower nine.

At this point in the meeting, Mr. Bradstreet explained in great detail the stormwater plan to the Commission.

Vice Chairman Blanchard asked if there was any continuous monitoring plan with regard to chemicals at the golf facilities or through Pease Development Authority. Ms. Stowell stated that there are several areas at Pease where they sample runoff but only because of the airport, not the

golf course. Mr. Bradstreet said that there has been no sampling component since the blue course was put in place. Mr. Rickerich showed the Commission an area on the displayed map that would be a good area for monitoring and analysis.

Chairman Miller stated that he liked using the pond for irrigation but he wanted to know if they would be exporting more nutrients or retaining more nutrients on the site. Mr. Richerich said that there was no information regarding that in the report. He explained that a lot of the difficulty with the drainage was that it was so flat. The plan was to bring in better materials to place on top of the clay so that the infiltration would be better. Mr. Bradstreet added that they were hoping that less water would be used during the irrigation process.

Ms. McMillan asked for more information as to what would be done with the stream channel. Mr. Bradstreet explained that the stream channel had a lot of sediment deposits and undercutting of the embankment. He said they would be creating a gentle slope with erosion protection. They would also be re-vegetating it.

Ms. McMillan asked how the ponds were currently maintained. Mr. Bradstreet stated that the ponds were probably eight feet deep at one time but were now between three to five feet deep. They were getting a lot of vegetation and growth along the sides which was attracting water fowl. As a result, they were trying to get the ponds back to a more pristine condition.

Ms. McMillan asked if there were any chemicals being applied to the pond for algae growth. Mr. Bradstreet replied no.

Ms. McMillan wondered if the need for irrigation would increase rather than decrease. Mr. Bradstreet explained that they would not be bringing in any new soil. This was a balanced site. He said that the points of collections were concentrated to eight basins. He felt that they had better control of the sediment during construction from running off of the site.

Chairman Miller asked what the treatment would be at the end of the culvert before the water went into the stream. Mr. Bradstreet said that there would be a structural membrane that would allow the vegetation to grow through it and establish a solid area that would become a wet meadow. Chairman Miller wondered if there was space on the outlet end for a gravel wetland to deal with the nitrogen issue. Mr. Bradstreet said there might be an opportunity.

Vice Chairman Blanchard stated that while she appreciated the positive changes the project was bringing to the site, she had a concern that they might miss an opportunity to do monitoring. Mr. Bradstreet commented that the data she was referring to was not required by permitting. There was additional discussion regarding future monitoring.

Ms. McMillan commented that golf courses have been identified as significant sources of nitrogen due to their maintenance practices. She thought it would be a good idea to have a maintenance plan that addressed their practices and how advanced they were and how much they focused on nitrogen inputs to the turf areas. Mr. Bradstreet replied that they submitted a best management practices plan. He noted that the regulatory screws were tightening.

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

Vice Chairman Blanchard made a motion to recommend approval of the application to the State Wetlands Bureau. The motion was seconded by Mr. DiPentima. Chairman Miller asked for discussion.

Vice Chairman Blanchard stated that she had expressed her concern about the general nature of the business which was golfing and the way the turf was managed. She said that she appreciated the fact that the engineering was better but that she would like to see an improved system of monitoring the run off. On the merits of what was in front of them, the project would improve the site.

Mr. DiPentima commented that the golf course has existed since 1901. He felt the project seemed to improve what was there in terms of run off and discharge from the site. It might not be perfect but he felt it was worthy of approval.

Ms. Tanner agreed with what had been said but added that she wondered if there was any way to recommend monitoring and that the latest best practices are used. Chairman Miller commented that he would like to see something like that. At this point, there was considerable discussion as to what monitoring would be recommended.

Vice Chairman Blanchard amended her motion to include the following stipulations:

- 1) That turf management practices are consistent with best management practices and evolving scientific improvements to reduce nitrogen loading.
- 2) That any mitigation plans include monitoring the input and output of nitrogen and other nutrients and pesticides to and from the site.

Mr. DiPentima stated that he felt the stipulations were reasonable. He said that the PDA was a State entity and they should be setting the example for the rest of the industry especially in such a sensitive area.

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 stipulations passed by a unanimous (7-0) vote:

- 1) That turf management practices are consistent with best management practices and evolving scientific improvements to reduce nitrogen loading.
- 2) That any mitigation plans include monitoring the input and output of nitrogen and other nutrients and pesticides to and from the site.

B. Standard Dredge and Fill Application
99 Bow Street

Martingale Wharf Limited Partnership, owner
Assessor Map 106, Lot 54

Mr. Zach Taylor of Riverside and Pickering Marine Contractors was present to speak to the application. He stated that they would like to construct a new dock along the shoreline. It would be a floating dock structure approximately 10 feet wide and 143 feet in length but it would be designed a bit differently than the traditional dock. It would be a pie shaped structure. He pointed out that the ramp and float would be seasonal structures.

Mr. Taylor explained that the existing wharf has gone through the Department of Environmental Services a few times. The wharf has been permitted for five boat slips but currently there are no boat slips. It was now just a wharf that can only be accessed at high tide and on a calm day. Mr. Taylor said that the purpose of the project was to provide that access.

Mr. Taylor told the Commission that they were limited to building along the shoreline instead of wharfing out because they were in the federal navigable project setback. He said that the new wharf system would provide access down to the supporting dock system and landing. He explained in detail the conditions of the area that warranted a different approach to the project.

According to Mr. Taylor, the impacts would be minimal since there was no emergent vegetation or eel grass in the area and was essentially a previously disturbed site. He pointed out that it was a historical area and a maritime location. He added that the docking structure would not extend any further out than any of the other docking structures in the area.

Mr. DiPentima asked if the harbormaster was included in the planning process. Mr. Taylor replied yes and added that the Army Corp of Engineers had reviewed the project as well.

Vice Chairman Blanchard commented that it would be wall to wall wood down on the river. Mr. Taylor to the Commission that he looked at old photos of the area that showed an entire strip of wharf that wrapped down to what was now Harbour Place.

Ms. Tanner commented that she recently saw a Moran tugboat go right by the area where the structure was proposed to be built.

Ms. McMillan asked how large the boats would be that would be accessing the dock. Mr. Taylor said that the size would be limited to a 20-25 foot boat in order to use the five slips. Mr. Vandermark asked if larger boats would be restricted. Mr. Taylor said no but it would reduce the number of slips available when a larger boat was docked there.

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

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

Mr. Vandermark left at this point in the meeting.

C. (Work Session) Standard Dredge and Fill Application
Lafayette Road Improvements
Assessor Map244, Lot 3
Lafayette Road Right-of-way

Ms. Wendy Johnson and Mr. Marc Laurin of the Department of Transportation were present to speak to the application. Mr. Laurin stated that they recently filed a formal application for the project.

Ms. Johnson oriented the Commission to the proposed site which encompassed the area from approximately Greenleaf Woods Drive to Greenleaf Avenue. She explained that the bridge at the site was on the State’s red list and so they were proposing to remove the bridge and fly over ramp and construct an intersection with a signal in its place. She said that they would be reducing the amount of impervious surface by 2%. She pointed out a small wetland area and said that a gravel wetland would be installed. Ms. Johnson explained that there needed to be larger pipes and more pipes in the area to accommodate the water flow. She then proceeded to explain the plan in great detail.

Vice Chairman Blanchard stated that the approach was currently dangerous. She wondered if that would be rectified with the new “t” intersection. Ms. Johnson replied yes.

Mr. Laurin said that there would be about 757 square feet of impact in the tidal area. He also pointed out an area that was dominated by phragmites. He explained that all of their work would be within the phragmites area. Because it was a prime wetland, DES suggested mitigation. He suggested two options: they could try to remove some of the phragmites or they could donate a dollar amount, somewhere in the amount of \$37,000.00 to the ARM fund. When he was investigating the site, Mr. Laurin added that he also found some rare plants. He also pointed out on the map an existing ditch that would be dredged and restored.

Mr. Britz stated that he had a concern that there was no treatment of the stormwater being proposed. He felt there was a lot of volume of stormwater. He wondered if they could look off site. Ms. Johnson said that they had looked at that but were told it was not an option.

Chairman Miller said that part of the problem with the salt marsh and the phragmites was that so much fresh water was going to that point that the phragmites were thriving. He also stated that he hated to see the pine trees go. He liked the gravel wetland and also suggested a planting plan.

Ms. McMillan asked if there was any interaction with the developers who were working at the car dealership site. She said that they indicated to the Commission a while back that they were working with the DOT. Ms. Johnson said that there has been some coordination.

Ms. McMillan had a concern about going into the tidal marsh with the scour pool. She asked if concrete would be used. Ms. Johnson said yes and explained in detail how it would be constructed. Ms. McMillan said that she would appreciate any effort to pull it back from the salt marsh.

Because of the late hour, Vice Chairman Blanchard suggested that the Commission adjourn since no vote would be taken on this work session.

Chairman Miller stated that the last piece of business was to meet a prospective member and the Commission could speak to her after the meeting has adjourned.

IV. OTHER BUSINESS

1. Discussion of Conservation Commission vacancies

V. ADJOURNMENT

At 6:10 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 June 13, 2012.