

**MINUTES  
CONSERVATION COMMISSION**

**1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

**3:30 P.M.**

**DECEMBER 10, 2014**

**MEMBERS PRESENT:** Chairman Steve Miller; Vice Chairman Mary Ann Blanchard;  
Members Allison Tanner, Barbara McMillan; Elissa Hill Stone,  
Peter Vandermark, Alternates Kimberly Meuse, Matthew Cardin

**MEMBERS ABSENT:** Shelley Saunders

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

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**I. CONDITIONAL USE PERMIT APPLICATIONS**

1. Market Street Right-of-Way, Kearsarge Way to Russell Street  
City of Portsmouth, owner  
Assessor Map NA, Lot NA

Mr. Dave Desfosses of the Department of Public Works was presented to speak to the application. He presented the Gateway Improvement Project designed to improve the Market Street extension corridor, from Kearsarge Way to Russell Street. He said the project would be completed in a couple different construction seasons. Mr. Desfosses showed the Commission a displayed map showing the area that would be impacted. He said that this was a multi-year, multi-funding source overview of the project. He explained that they were before the Commission today to look at the wetland impacts to the project. RSG and Normandeau Associates have been hired to do the design and permitting. Mr. Desfosses said that most of what will be done will be landscaping and lighting. It will also create a large park area for the public to enjoy. He said that pedestrians would be able to get downtown by using the newly created walking lanes and bike lanes. He added that the project would be constructed in two and maybe three phases. It would go out to bid this spring for a late summer start date. Mr. Desfosses explained that the area from Kearsarge Way to Albacore Park would be the first phase but the park would not be a part of the first phase. The proposed park area may be used as the lay down area for the new bridge.

Mr. Desfosses stated that they have hired Dirk Grotenhuis of RSG and Normandeau and Associates to do the work. Mr. Grotenhuis of RSG was present and said that they initially thought that a conditional use permit was needed but have since found out that because the project is located within the City right-of-way, it was not required. They were however required to submit an application to the State and would need a recommendation from the Commission.

Mr. Grotenhuis pointed to a displayed map that showed the buffer impact with the project. The light green area showed the 100 foot buffer area. The darker green color indicated the impervious areas currently on the site. He pointed out that they would be removing some of it and replacing it with landscaping; however, there would still be impervious pavement within the zone as well. The reduction of the impervious pavement amounted to over 8,000 square feet. He said that the walkways would not be maintained in the winter months. He closed by saying that they had a full planting plan and would welcome any revisions to it. According to Mr. Grotenhuis, the benefits of the project included traffic calming, drainage treatment systems, safer area for bikers and pedestrians. They will also have off road bus stop areas.

Ms. Tanner asked why porous pavement could not be used for the sidewalks. Mr. Grotenhuis said that they were asked to use the City standard for sidewalks. Mr. Desfosses added that porous pavement was expensive to construct, especially for minimal use.

Chairman Miller asked about the outfalls. Mr. Grotenhuis explained that they were going to take the catch basins within the median and treat the storm water before it went into the storm system. It would be a bio-infiltration area.

At this point, Mr. Grotenhuis explained the landscaping plan and what the various colors on the plan represented. He added that in response to the permanent impacts, they were taking out things but putting back some things also.

Mr. Cardin asked if the impacts for the outfalls would be temporary impacts. Mr. Grotenhuis explained that the outfalls would be reconstructed.

Chairman Miller asked if there were relationships between the bridge and this project that could enhance either one. Mr. Grotenhuis said that they have been working to get enhancements through cooperation with the bridge project. He added that they had interest in using some of the area for staging and if that were the case, the project would regrade the area when it was completed.

Chairman Miller asked about what kind of treatment there would be if any along the high tide line and the landscaped edge. Mr. Grotenhuis said that there was not an attempt to do any plantings in that area. They were looking to remove some vegetation to provide views. The intent was for this to be a passive park and to also provide some environmental interpretation for the river. He said there was a plan for an informational kiosk and some interpretive elements to the landscaping that would provide information.

Chairman Miller stated that he thought it was going to be beautiful and he wished that it was here now. He wanted to make sure that they allowed the buffer to grow along the river because it would prevent geese from using the grass as a feeding and eliminating area and destroy the whole utilization of the park.

Mr. Cardin asked if it was currently rip rap along the water's edge. Mr. Grotenhuis replied yes. Mr. Cardin wondered if the area along the water's edge would be kept natural or was it going to

be cleared and then replanted. Mr. Grotenhuis could not answer that question yet because he did not know what the bridge project would entail. Mr. Grotenhuis said the intent was to cut it and replace it with vegetation that was natural to its location.

Ms. Stone asked if it was the intent to remove the invasive species that are there and she wanted to make sure that there were no invasives on the shrub list. Mr. Grotenhuis said that there were no invasive species on the list. He added that as far as he knew they did not have invasives out there.

Mr. Desfosses interjected that the intent of the park was to keep it as a natural park and for it to look like a natural setting.

Chairman Miller said he was not requesting this but wondered if they had addressed human nature's desire to get to the water and creating erosion problems by not having one already provided. He said that he knew of areas where it was a problem. Mr. Desfosses stated that they wanted to keep the public away from the resources. It would be there for them to look at. Nancy Carmer, the City's Economic Development Manager said that the Peirce Island Dog Park was the perfect example of what Chairman Miller was talking about.

Mr. Vandermark wondered if boats would still be able to access that area like they do now after going under the middle bridge. Mr. Grotenhuis said yes, there would still be access.

Ms. McMillan stated that it was exciting and was adding a lot of nice improvements to the area. She added that it seemed like a good opportunity for a buffer restoration project with the help of other people without incurring additional cost. She said that she agreed with Ms. Tanner about the use of pavers. She felt it was a way to showcase the City's commitment to sustainability. Ms. McMillan also said that she would like an opportunity to comment on the planting plans when the time came for that.

Vice Chairman Blanchard asked why they felt they needed so much pavement. She suggested constructing a base and then have it be a walkway, perhaps a gravel path. Mr. Grotenhuis said that they talked about a gravel path and it came down to longevity. It would need to be maintained. Mr. Desfosses added that the idea was to make it as easy to maintain as possible. He said that they could revisit the pervious pavement. He didn't think they wanted to look at stonedust paths because of the ADA requirements.

Mr. Vandermark commented that the City should not be cutting any closer to the buffer than what we were asking the citizens to not do, which was 25 feet. He felt it was hard to reinforce something when the City is not doing it.

Mr. Cardin asked if they had been in touch with the Natural Heritage Bureau because he knew that there were a lot of rabbits in the area. Mr. Grotenhuis said yes and that there were no issues.

Mr. Grotenhuis said that they were hoping to come back with a wetlands permit application within the next week.

Vice Chairman Blanchard made a motion to recommend approval of the application to the State Wetlands Bureau. The motion was seconded by Ms. Tanner.

Ms. Tanner stated that she would like to add the stipulations that they consider porous pavement and to consider maintaining the 25' no cut area along the shore.

Mr. Desfosses wanted the Commission to understand that while the project was under construction they would have to be accessing the 25' no cut area but when the project was complete they would honor and maintain the 25' no cut 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 vote of 7-0:

- 1) That porous pavement is considered.
- 2) That the 25' no cut zone is maintained along the shore.

2. 105 Middle Road  
Charles J. McCue, Jr. and Kimberlee S. McCue, owners  
Assessor Map 152, Lot 18

Mr. David Caulkin of Alternative Solutions, representing the property owner, was present to speak to the application. He passed out some additional addendums to his packet. He stated that they would like to remove a structure that was in disrepair and build on the exact same footprint. He also informed the Commission that they received approval recently from the Board of Adjustment. The amount of impact in the buffer would be 4,700 square feet. Mr. Caulkin explained that the current structure was on concrete piers that were failing. They would be looking to install five piers to support the new structure. A trench would be dug to install the piers and then it would be back filled. He also pointed out that the back yard sloped away. The existing roof was a one pitch with gutters. He said that they were not looking to change any of the drainage on the property but he felt there was a good opportunity for infiltration.

Ms. Tanner confirmed that Mr. Caulkin would use gutters for drainage. Mr. Caulkin replied yes.

Ms. McMillan commented that the application was very straightforward.

Chairman Miller asked if there were any more questions for the applicant. Hearing none, he 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. Stone. There was no discussion.

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

**II. STATE WETLANDS BUREAU PERMIT APPLICATIONS**

- A. Standard Dredge and Fill Application  
30 Bartlett Street (Cate Street Redevelopment)  
Merton Alan Investments, LLC, owner  
Assessor Map 165, Lot 1

Mr. Robert Graham of Merton Alan Investments and Mr. Brendan Quigley of Gove Environmental Services was present to speak to the application. Mr. Graham stated that he was in the beginning phases of the site plan review process. He said that the property was an old rail depot. The property is high from the rail bed and slopes to the street. He pointed out that there was a swale that used to make its way down to an old catch basin but over the years, construction work that took place on the road shoulder interrupted the flow from the swale to the catch basin and has backed up and created a wetland.

Mr. Quigley stated that the history of the site was industrial use but it was in the process of changing. He said that the wetland begins as a ditch but approximately halfway down it starts to qualify as wetland. He commented that the wetland comes from nowhere and goes nowhere. It has very little redeeming value. The project would be impacting the wetland in its entirety. They were proposing mitigation by installing a bio-retention basin and a modern drainage system.

Mr. Quigley explained that the use of the building and the grade issues dictate the location of the building and so much of the building has shifted onto the wetland. He added that no conditional use permit was needed because of the size of the wetland.

Chairman Miller asked Mr. Quigley to explain the water treatment on the site. Mr. Quigley explained that he was a wetlands scientist and not an engineer. He said that Mr. Patrick Crimmins, the engineer, could not make the meeting. He said that there would be a series of catch basins and two rain gardens for discharging to the drainage system.

Chairman Miller said that he wanted to know how the rain gardens would function. He wanted to know the depth and treatment because the North Mill Pond was just across the street. He wondered if there would be under drains. Mr. Quigley said the rain gardens would be a perforated under drain.

Chairman Miller wondered about the calculation of 46% open space because he felt the lot was really being filled up. He added that he was not too concerned about the wetland but was more concerned about water quality and the adding to the City's problem of too much impervious surface.

Mr. Graham asked if it would make sense to have Mr. Crimmins from Tighe & Bond forward a narrative to the Commission. Ms. Robbi Woodburn would be doing the plantings plan. He said they would like a park-like environment at the intersection area.

Mr. Britz asked how many square feet the development was. He also asked if they needed an alteration of terrain permit. Mr. Graham said that they were under 100,000 square feet of disturbance.

Ms. McMillan stated that she had similar questions about the stormwater treatment and was disappointed that there was no detail included. She was also concerned about the size of the parking lot and asked how many spaces would be provided. The plans showed 120 spaces provided, 120 spaces required.

Vice Chairman Blanchard asked if it would be appropriate to request a delay. Mr. Britz said that a 40 day delay had already been requested so he thought that the State had to act on it before the next Conservation Commission meeting. Mr. Britz pointed out that the application had to go to the Planning Board for site review so drainage would be addressed there. He said that he could communicate the Commission's concerns.

Ms. Stone asked the applicant if they have had a response from SHPO and National Division of Historical Resources as to the site and what was possibly underground. She wondered if it was manmade land. Mr. Quigley said the land was definitely fill but he did not know if it was native land. Mr. Graham interjected and gave a brief history of the site.

Vice Chairman Blanchard stated that her concern was that this was a significant project. There are concerns about the water and concerns about such a big change on this piece of land. She stated that she would be more supportive if she understood better how the drainage capabilities were going to work. She felt it was a big change on that piece of land.

Mr. Graham added that he had complete confidence in his engineers and that the process that they will be going through with the City will be comprehensive. He pointed out that the problem that occurred on the site happened when the City did the road work and improvements to the utilities.

Mr. Cardin said that he had a hazardous materials concern for the site. Mr. Graham said that the site is registered with DES. There is old contamination on the site that has been monitored for quite some time. It is close to being classified as cleared status.

Ms. McMillan stated that she was at the site yesterday and she noted that there was a lot of water going down Cate Street and along the wetland and into the wetland, through the wetland and along the road and going into the catch basin. She felt there was a lot of opportunity to cause problems with the pond from the site. She felt the plan did not have enough stormwater treatment. She felt it would have been helpful to have Mr. Crimmins to explain things.

Ms. McMillan asked if there was a planting plan. Mr. Quigley said that there is a planting plan although they did not have it with them. Mr. Graham added that they would be happy to return to the Commission before going on to the site plan process. Chairman Miller said that he liked that idea and thought that it would increase the comfort levels of the commissioners. Mr. Graham stated that they were planning to get on the January 2015 Planning Board agenda for design review. Mr. Britz explained that design review would technically grandfather the zoning

status of the parcel. The site review deals with the details of the project which he felt was what the Conservation Commission would be interested in.

Chairman Miller stated that he thought they needed to make a motion regarding the State Wetland Bureau application. Mr. Britz said that they did not have to. The Commission could forward no motion or they could say they were postponing a motion based on reviewing of the plans. He did not think the State would be happy about it because they have a certain time frame to meet.

Ms. McMillan questioned whether the Commission would have any “teeth” with the project. Chairman Miller thought they would have teeth with the site review process. Mr. Britz assured them that he would carry their recommendations forward with the Technical Advisory Committee.

Vice Chairman Blanchard made a motion to recommend postpone the application to the January 2015 meeting so that engineering plans can be submitted and reviewed. The motion was seconded by Ms. McMillan. There was no additional discussion.

The motion passed by a unanimous (7-0) vote.

### **III. OTHER BUSINESS**

1. Discussion: Conservation Commission and the soon to be formed Blue Ribbon Committee on Master Plan Development for Sagamore Creek Land

Chairman Miller stated that he hoped to get one or two commissioners on the committee because of the past work that the commission has done, including the PULA study. Ms. Tanner, Ms. McMillan, and Ms. Meuse stated that they were interested in serving on the Blue Ribbon Committee.

### **IV. ADJOURNMENT**

At 5:20 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 14, 2015.