

**MINUTES  
CONSERVATION COMMISSION**

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

**3:30 p.m.**

**March 11, 2015**

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

**MEMBERS ABSENT:**

**ALSO PRESENT:** Peter Britz, Environmental Planner/Sustainability Coordinator

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**I. APPROVAL OF MINUTES**

1. October 8, 2014
2. October 27, 2014
3. November 12, 2014
4. February 11, 2015

It was moved, seconded, and passed unanimously (7-0) to approve the 4 sets of minutes as amended.

**II. WORK SESSION**

**A. Peirce Island Waste Water Treatment Plant**

Jeff Clifford of Altus Engineering was present to speak to the application. Also present, Terry Desmarais, City of Portsmouth, and Jon Pearson and Eric Meserve. The applicant was present to provide a review of the proposed upgrade at the Peirce Island Waste Water Treatment Plant and for a discussion of the permitting process. The applicant would like to hold a longer work session with the Conservation Commission. Mr. Desmarais provided background on the project and spoke about the need for the upgrade. The City has done a lot of work on their wastewater treatment facilities. The treatment system on Peirce Island must be brought up to secondary treatment standards required by the Clean Water Act. It is one of the last few chemically enhanced primary treatment systems left in the country. It was determined years ago that there was no impact on the river so they were allowed to continue to operate as a primary treatment facility. However, they have received notice from the EPA to upgrade including entering into a Consent Decree, which they did in 2009. They have been working towards the upgrade since 2009. They have spent approximately \$5 million on design to date. They are conducting a

parallel evaluation at the Pease treatment facility and will potentially relocate the facility there. They will know the results of this evaluation in April. Due to the age of the current facility, the need, size and scope of the project, what was originally going to be a \$30-40 million project, has increased to \$80 million. In addition, Exeter and Stratham have asked the City of Portsmouth to take on their waste. They are in the process of a concurrent study. They will be presenting the cost to the Council on April 20<sup>th</sup>. They feel it is imperative at this point to move this current permitting process along. If the upgrade is to remain on Peirce Island, they would continue with the design of the facility through the end of this year and begin construction in the spring 2016. Mr. Pearson showed a recent aerial photo of Peirce Island. The original plant was built in 1965. Upgrades occurred in the 1990's. The site is 3.8 acres in size, is very rocky and quite elevated. The directive from the City Council was that the new plant could not go outside the fence line shown on the drawings. They will need to go outside the fence line temporarily during construction. Electrical feeds come to the Island from Shapleigh Island and will be included in the upgrade. Mr. Pearson also showed an aerial photo of existing structures, structures that will remain but will be upgraded, structures that will be demolished, structures that will be added as well as vegetated areas. The area inside the fence line has been cleared of any significant archaeological findings. Jeff Clifford stated that in terms of permitting, there have been a number of investigations at the site. A tree inventory and topographic survey have been completed. Site specific soil mapping has also been conducted. Mr. Clifford showed a drawing of where the work would occur and how it would be laid out including parking, a snow dump, a restricted use area, a vegetated area, etc. They will minimize cutting, but there will be some. There will also be subsequent planting/re-vegetation. Since there is such a high embankment, they will need to lay down stone and take into account wave action (although there is not a lot of wave action at the site). There will be a 100' setback from the tidal wetlands. There is also a 250' Shoreland line. They do not need a Shoreland permit because they have a wetland permit. Shoreland Zone rules must be followed, however. Other work to be done within the 100' buffer includes grading, but this work is classified as temporary. They will have a small raingarden. They have spill control prevention measures in place.

Ms. McMillan inquired how a sewage treatment plant would fare during climate change scenarios.

Mr. Britz stated that everything is safe due to the elevation.

Chairman Miller inquired about the length of the project.

Mr. Clifford stated that it would be approximately a 3-year project.

Chairman Miller stated that the Peirce Island Committee may be a good committee to meet with for the planting plan.

Mr. Clifford stated that they have met with them frequently.

Chairman Miller inquired if the area that will be built up with rock (after the removal of rock that is there now) will look differently from what it looks like now.

Mr. Clifford stated that the plan is to put rock where rock is now. They are looking at rock that looks very similar. They will need to lay concrete under the boulders.

Chairman Miller stated that the main concerns are within the buffer, the construction and reconstruction of the green areas.

Ms. Stone inquired as to whether the applicant has considered invasive species mitigation.

Mr. Clifford stated that there has been some evaluation of this at the site. They will talk with their wetland scientist further about this matter.

Mr. Clifford stated that they are still on track for the snowdump BMP. During construction, it will be a stormwater retention area. After construction, it will be a more formal and permanent bioretention area.

### **III. STATE WETLANDS BUREAU PERMIT APPLICATIONS**

1. Standard Dredge and Fill Application  
Prescott Park, Marcy Street near the Sheafe Warehouse  
City of Portsmouth, owner  
Gundalow Company, applicant  
Assessor Map 104, Lot 5

Matthew Glenn of the Gundalow Company was present to speak to the application. A gundalow has been present in Prescott Park since the early 1980's. They would like to upgrade their dock floats. The current floats were put in in 1992 and are 8' wide by 40' long. Currently, visitors must come down the gangway, go down a step, then up three steps get to get to the height of the boat. As a result, they are not handicapped accessible and they would like to be. They would like to replace the wooden floats with new ones that are higher and have a longer gangway. They would increase the gangway length from 32' to 40' and construct it at a higher elevation off the water so visitors could go down the gangway directly onto the boat without any steps. A permit is needed due to the wider (by 5') and longer (by 2') footprint.

Ms. Tanner inquired whether the gangway would be constructed in the same place as it is now.

Mr. Glenn stated that it would.

Ms. Meuse inquired about whether the gangway is brought in during the winter.

Mr. Glenn stated that it is not.

Hearing no other questions, Chairman Miller called for the vote. Ms. Tanner made a motion to recommend approval of the application to the State Wetlands Bureau. Ms. McMillan seconded the motion. There was no discussion.

The motion passed by a vote of 7-0.

2. Standard Dredge and Fill Application  
Off Ocean Road/Griffin Road ROW  
Public Service of New Hampshire, owner  
Assessor Maps 263, 258, 282, Lots 1, 54, 5

Patrick Crimmins with Tighe and Bond was present to speak to the application. Dan Recowsky, Principal Environmental Scientist with Tighe and Bond, Kate Wilkinson Wetland Scientist with Tighe and Bond, and John Casey of Eversource (formerly PSNH) were also present. The project consists of maintenance of two utility pole lines (deemed necessary after inspection last year) for Eversource. One of the structures is in Great Bog and they would need to cross the wetland area to get to that pole. The other pole is located just outside the bog. One of the poles has only 28% of the original integrity remaining, the other has 48%. The policy of Eversource is to replace any poles with less than 50% of their original structural integrity. They would start on Griffin Road where FedEx is located and use the existing utility corridor to access the poles. They evaluated other access routes, but access was not good. Using this route, they will need to cross two wetlands. They will go around wetlands wherever it is possible to do so. They have been working with NH DES. The method they will use to cross the wetland areas is using wooden swamp construction mats, which are compliant with Best Management Practices that Eversource follows for crossing a wetland. On March 23<sup>rd</sup>, 2015 Eversource has scheduled an outage in this area as they need to take the poles out of service to conduct maintenance. They will need to start field work prior to this to begin laying down matting. Structure 60 needs to be replaced. Structure 62, which is the pole in Great Bog, will also need to be replaced. They will pull the old structure out of the hole and the new pole will go into the same hole.

Ms. Tanner inquired about how snow cover will affect the project.

Mr. Casey stated that ideally they would conduct this project with more snow cover and frozen conditions. There is less impact this way. They preferred to do the maintenance prior to this.

Ms. Tanner asked if the wetland had anything to do with the decrease in integrity of the poles, and if so, why wouldn't other poles in the wetland deteriorate as well.

Mr. Casey stated that two different types of wood for the poles may have been used.

Mr. Vandermark inquired as to whether the applicant would be using the existing access road.

Mr. Casey stated that they will be using the existing access road with the exception of the last stretch from the upland to structure 62.

Ms. McMillan inquired as to what invasive species were present.

Mr. Casey stated that there is Phragmites, Purple Loosestrife and Glossy Buckthorn.

Ms. McMillan inquired what measures the applicant would be taking to prevent the spread of invasives.

Mr. Casey stated that the mats will be clean with no vegetation attached going into, or coming out of, the wetland. The equipment is not coming into contact with the vegetation, but will still be cleaned. For equipment, they will be using an excavator and a bucket truck among a few other pieces of equipment.

Ms. Blanchard inquired about the length of the project.

Mr. Casey stated that it would take 1-2 days for each pole/structure (there are 2) provided weather will not be a hindering factor.

Hearing no other questions, Chairman Miller called for a motion. Ms. Tanner made a motion to recommend approval of the application to the State Wetlands Bureau as presented. Ms. Blanchard seconded the motion.

Mr. Cardin recused himself from voting.

Chairman Miller asked for discussion.

Ms. McMillan had a concern about spreading the Phragmites. Seed source is a consideration. She asked whether extra precautions can be taken.

Mr. Casey stated that the precautions being taken are fairly standard and the best thing that can be done is to ensure the mats are very clean. The invasives already at the site would not be spread in that area.

Chairman Miller asked about the size of the mats.  
The mats consist of 4' x 16' sections (wooden timbers bolted together).

Mr. Casey inquired whether Ms. McMillan might be more comfortable if the invasives were pushed away from the path of travel.

Ms. McMillan indicated that she would be more comfortable with this measure. This would help prevent the equipment from picking up the invasives too.

Mr. Casey stated that topping it would be a problem due to the possibility of equipment picking up anything.

Ms. Tanner requested that a stipulation for moving the invasives aside be part of the approval.

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

The motion passed by a vote of 6-1 with the stipulation as noted.

Stipulation:

1) The Commission also recommended that care is taken to prevent the spread of invasives.

3. Minimum Impact Expedited Application  
912 Sagamore Road  
Harrison Alan Workman, owner  
Heidi S. Ricci, applicant  
Assessor Map 223, Lot 26

Corey Colwell with MSC Civil Engineers and Land Surveyors, Inc. was present along with John Ricci, applicant, to speak to the application. The permit is for construction activity in the 100' tidal wetland buffer zone. Color drawings for the project were displayed by the applicant. The existing home was shown in brown. The applicant, Mr. Ricci, is proposing to remove the existing home and rebuild it in the same location. A new garage outside the buffer zone will also be constructed. There will be some reworking of the driveway leading to the garage. There will be installation of a new septic system. Removal of the existing home and construction of the new home represents 1,165s.f. of impact, there are 2 storage containers on the property which will be removed. They represent 363s.f. of impact, a new septic represents 475s.f. of impact, removal of the existing gravel driveway represents 433s.f. of impact. By relocating the driveway, there will be 32s.f. that will be located in the buffer zone. There will be a net loss of driveway overall. Temporary disturbance due to house reconstruction is 942s.f. Temporary disturbance associated with the septic system construction will be 1,469s.f. Total impact to the 100' buffer zone is 2,438s.f. The applicant will not be going into any non-disturbed wetland area. They are not proposing the removal of any vegetation. The entire area has been previously disturbed and is the reason they are able to apply for a Minimum Impact Expedited Application. Construction of the garage requires a Shoreland Protection Permit. That permit is currently being filed. Mr. Colwell inquired if it was acceptable to discuss the Wetlands Permit and the Conditional Use Permit together.

Chairman Miller stated that this is acceptable.

Mr. Colwell explained how the project meets the criteria for a Conditional Use Permit:

1) The land is reasonably suited to the use

The property is currently used as a residential home (constructed in 1950). It is in the waterfront business district. They are proposing the same residential use. The alterations proposed will improve the buffer. They are removing the 2 storage containers and they are improving the septic system.

2) There is no location outside the buffer zone that is reasonable and feasible for location of the home. The house and garage would not fit outside the wetland buffer zone.

3) There will be no adverse impact on wetland functions and values.

Post construction impervious area will be reduced. They will also remove the antiquated septic system that is close to and upslope of Sagamore Creek putting the new septic back in the level area.

4) Alteration of the natural vegetative state or woodland will occur only to the extent necessary to achieve construction goals. This construction proposes no removal of natural vegetation. There will actually be an increase of natural vegetation over the course of time due to the removal of the storage containers.

5) The proposal is the one with the least adverse impact. For the same reasons previously discussed, this project will have a very minimal impact.

Ms. Tanner inquired as to whether the applicant had considered using an impervious surface for the driveway.

Mr. Colwell stated that the driveway is currently graveled and the applicant wishes to keep it that way. There will be Stone drip edges off the house. Beyond that, infiltration is the key to roof drainage on this project.

Ms. Tanner inquired if the applicant had considered any buffer plantings and stated that the Commission does not like to see a lot of lawn.

Mr. Colwell stated that they are not considering any plantings. The only place that does not have trees is the business section (area around the dock). The site has a lot of natural vegetation. They are open to considering plantings though.

Mr. Ricci stated that there would be very little mowing going on. The intention is not to put lawn in the area.

Chairman Miller stated that there is quite a grade on the river side of the house. In the areas that wouldn't take away from the commercial value of the property, a strip of vegetation could be put in that would help with water quality.

Mr. Ricci stated that they would like to plant Lowbush Blueberry along the perimeter, but there would be no mowing and there will be no pavement.

Ms. Stone inquired if the applicant would be pumping out the current septic system.

Mr. Ricci stated that they would pump it, puncture it, and fill it with sand.

Chairman Miller inquired if the runoff could be captured from the higher graded area that will cross the gravel area. The concern is that gravel may flow with the runoff.

Mr. Colwell stated that in the area where the concrete pad will be removed, a gravel trench could be installed. Some grasses could be planted there or other vegetation that will capture the flow.

Ms. McMillan stated that thinking in terms of the landscaping, the elevation seems to be steep below the house but level at the house. She inquired about what would be done with that area.

Mr. Ricci stated that they do not want to disturb the banking so the elevations will remain the same pre and post construction.

Ms. McMillan stated that there are a couple of large trees near the house leaning towards the house.

Mr. Ricci stated that those trees will remain.

Hearing no other discussion, Chairman Miller called for a motion. Mr. Cardin made a motion to recommend approval of the application to the State Wetlands Bureau with the stipulations as noted. Ms. Stone seconded the motion.

The motion passed **7-0**.

Approval for the Conditional Use Permit, Item 4E (taken out of order):

Ms. Tanner made a motion to approve the Conditional Use Permit with stipulations as noted below. Ms. Stone seconded the motion.

**The motion passed 7-0.**

Stipulations:

- 1) That buffer plantings be included along the shoreline of Sagamore Creek and where the storage container is being removed.
- 2) That an infiltration trench be installed at the end of the driveway in the area where the storage container is being removed.

#### **IV. CONDITIONAL USE PERMIT APPLICATIONS**

- A. 2299 Lafayette Road  
Rye Port Properties, LLC, owner  
Assessor Map 272, Lot 10

(This item was postponed at the February 11, 2015 meeting to the March 11, 2015 meeting.)

Mark Gross with MFH Engineering and Luke Hurley with Gove Environmental Services were present to speak to the application. Mr. Hurley stated that they took comments from the last meeting and revised their plans. The dumpster is now out of the 100' buffer. The only thing now in the 100' buffer zone is the sloped area in the back and they are planning some plantings at the bottom of the slope. Aside from this, the only outstanding issue is the wetland delineation. At the last meeting, having a 3rd party investigate the wetland buffer and conduct a delineation was discussed. They received a letter back today that is inconclusive about the delineation. The conclusion from the meeting onsite at the wetland was that this would be a pretty straightforward delineation. However, when the 3<sup>rd</sup> party got to a certain point in the wetland, they sank up to



their waist and could not go any further. They did a couple auger holes at this point, but due to the conditions, they could not continue the delineation. A letter was drafted that the delineation was inconclusive. They will need to go back out to the site when the snow is completely melted. It was agreed though that up to that point, that the 2014 delineation line they were asked to review was accurate.

Mr. Britz stated that the applicant did as requested, but it is still difficult to move forward as the delineation review is not yet completed.

Mr. Gross stated that they could come back on April 8<sup>th</sup>, 2015 with a final decision on the wetland delineation.

Hearing no other discussion, Chairman Miller called for a motion. Ms. McMillan made a motion to postpone approval of the Conditional Use Permit until the April 8<sup>th</sup>, 2015 Conservation Commission meeting when the new wetland delineation will be completed. Mr. Vandermark seconded the motion.

The motion passed with a vote of 7-0.

B. Off Thaxter Road  
Loughlin Revocable Trust, owner  
Assessor Map 167, Lot 5

*(This item was postponed at the February 11, 2015 meeting to the March 11, 2015 meeting.)*

Peter Loughlin of Thaxter Road was present to speak to the application. In December, he purchased 2.7 acres of open space on Thaxter Road from the developer. The reason for the purchase is that he has a tree farm and garden on the property. He wants to maintain access. His children have played on the land. His granddaughter lives around the corner and he envisions walking the land with her. Unfortunately, the land has been used as a neighborhood dump because it is the last undeveloped parcel in the neighborhood. He has been able to get that under control a bit since the purchase. The trail is suitable for pedestrian and small tractor use. It is not suitable for a motor vehicle. His proposed use is to continue with the garden and tree farm. He has managed the fields for wildlife habitat since last year by mowing the fields and keeping the trail open. He can also envision community gardens in the field. Having the trail in a condition where it can be used year round will make it more sustainable and less likely to be used as a dumping ground. He would like access to mow in that area. He wants the land to be cherished as he does.

Ms. Tanner stated that he needs to put a bridge in.

Mr. Loughlin stated that this is correct. He would put in a crossing over the drainage swale.

Chairman Miller stated that the concerns from the last meeting have been addressed.

Hearing no other discussion, Chairman Miller called for a motion. Ms. Blanchard made a motion to recommend approval of the Conditional Use Permit to the Planning Board as presented. Ms. Stone seconded the motion.

The motion passed by a vote of 7-0.

B. 6 Vine Street  
John George Pappas Revocable Trust 2004, owner  
Assessor Map 233, Lot 107

*(This item was postponed at the February 11, 2015 meeting to the March 11, 2015 meeting.)*

John Chagnon of Ambit Engineering was present to speak to the application. The applicant has made note of the trees on the plan and that they are not to be cut unless diseased or dying. They have added buffer plantings (Mapleleaf Viburnum and Witch Hazel) and they are listed in the proposed landscaping table. That summarizes the plan changes. They prepared a Stormwater Management Plan in two parts: during construction and post construction for continued maintenance of the area. The Stormwater Management Plan was prepared after consulting with DPW. Pervious area increases are minor and will be at most 20%. They were able to shift the building forward to move it out of the buffer area.

Ms. Blanchard inquired about the footprint of the house.

Mr. Chagnon stated that it is 1,148s.f.

Mr. Britz stated that rather than have the applicant report to DPW as they do in the case of a large shopping area, a notice is placed in the deed about the Stormwater Management Plan and that the lot lies within the 100'buffer. The notice is in regard to the responsibility of future owners to maintain the area. Mr. Chagnon will prepare language for the notice in the deed and will forward it to Mr. Britz for the Planning Board. This way the applicant will not have to notify the DPW every year about the Plan. The Stormwater Management Plan consists of the porous elements of the Site Plan which are the paver driveway and patio, the drip edge along the northeast side of house and the buffer plantings. Those things comprise the stormwater management elements utilized at this site.

Mr. Vandermark inquired about the location of the driveway.

Mr. Chagnon stated that it comes from Vine Street right up to the house (Garage doors). The heavy dashed line represents the existing asphalt driveway on the plan and that (driveway) will be removed. The thinner solid line between the two arrows on the drawing represents the new driveway.

Ms. Stone asked if there really was no need for a drip apron on the other side of the house. There is a slope there going towards the neighbor's yard.

Mr. Chagnon stated that there is one, but it is not labeled properly and he will correct that and note it on the drawing. He stated that there is a small increase in impervious area, but it will not impact the site or the adjacent property significantly.

Mr. Britz inquired with regard to the detail for the drip edge where the perforated pipe outlet is located.

Mr. Chagnon stated that there is no outlet. The pipe is still in there to help spread out the runoff. It is well above the wetland elevation.

Ms. Tanner commented that it seems like quite a large dwelling to have on such a small parcel.

John Moore, who will be residing in the dwelling, was present to speak to the application. He stated that the dwelling will be 2,000s.f.

Chairman Miller stated that the outstanding issues from the last meeting were Trees, buffer plantings and, stormwater management, and they have all been addressed.

Hearing no other discussion, Chairman Miller called for a motion. Ms. Stone made a motion to recommend approval of the Conditional Use Permit to the Planning Board as presented. Ms. Tanner seconded the motion.

Chairman Miller asked for discussion.

Mr. Vandermark made mention of the concerns the abutters have.

Chairman Miller stated that main concerns from the abutter were the BOA (which is not in their purview), the large tree (which has been addressed and it will not be removed) and stormwater (for which there is now a Stormwater Management Plan). All requirements have been met and he is comfortable with the plan.

Ms. Blanchard is concerned with the continuing responsibility of whomever owns the property in that they must maintain the structures. The only recourse if issues arise may be in the courts. Even though the BOA is not in the purview of the Conservation Commission, it remains difficult to move forward regarding the fit of this project on the property. She felt that a stipulation should be added regarding maintaining the structures in perpetuity as listed in the deed.

Chairman Miller stated that there is no real wrong here. The deed restriction is a mechanism that has been used in the past when there is a condition on an approval. Any future owner has the same conditions of maintenance. Conditions can be lost if not transferred in this manner. This is why it is put in the deed.

Mr. Chagnon stated that the BOA, per the abutters concerns, stipulated that the applicant had to have a review of the project done by the DPW for the Stormwater Management Plan. The DPW did not require that the applicant not increase runoff at all. There are things, such as a single

family lot, that do not rise to the level of a Stormwater Management Plan. DPW has signed off on the Plan. They will have requirements for inspections during construction.

Any owner will need to have an annual inspection and maintenance report submitted annually to DPW. A notice to this effect will be in the deed.

Ms. Blanchard would like this stated as a condition of approval.

Ms. Tanner made mention again of her concern over the size of the structure. The size seems disproportionate to the size of the parcel.

Chairman Miller stated that the percentage of the lot covered will only be 20%.

Ms. Tanner understands this, but she is looking specifically at the footprint of the house. If it were a bit smaller, it would not be in the buffer zone at all.

Mr. Chagnon noted that it is sized to the zoning allowance for the area (20% of the lot).

Ms. Stone inquired as to what will happen to the water table with this project and whether it will affect neighboring basements.

Mr. Chagnon stated that site specific testing has not been conducted so they do not know, but soil maps have been examined.

Chairman Miller stated that one neighbor spoke at a hearing about concern over wet basements. If this were a forested lot and it was going to be deforested, he would be more concerned. But given this is a lawn and the fact that there will actually be less impervious surface, he feels that what they are doing will be an improvement over the current conditions.

Mr. Cardin stated that if a raingarden were installed in the back, the runoff from the house could be captured, virtually eliminating concern over neighbor's wet basements.

Mr. Chagnon stated that more damage would probably be done by creating a bowl out there.

Chairman Miller stated that historical trees were one of the concerns of the neighbors at the last meeting. Those would be negatively affected with this option.

Mr. Vandermark stated that he is still uncomfortable with the application and it is within the purview of the Conservation Commission to say that anything within the 100' buffer is unbuildable.

Ms. McMillan stated that she feels this is a buildable lot. Other than the large size of the house, she is not really concerned with regard to the wetland. She is a bit concerned about runoff with regard to other residents and their basements. She feels a lot of changes have been made that are positive.

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

The motion passed with a 5-2 vote with the stipulation as noted.

Ms. Tanner and Mr. Vandermark voted in opposition.

Stipulation:

1) A notice of the Stormwater Management Inspection and Maintenance Plan which includes inspection and maintenance requirements for the current and future owners shall be filed with the Registry of Deeds.

C. 241 Walker Bungalow Road  
Denise A. Croteau Revocable Trust, owner  
Assessor Map 201, Lot 13

David Witham, project architect, and John Chagnon of Ambit Engineering were present to speak to the application. The owner is proposing a 16' X 18' addition off the back of the house which will fall into the buffer zone. The house itself sits right in the middle of the 100' buffer zone. The house was built in 1993. At the time it was built, there were 11 acres of conservation land in the back with wetlands so the decision was made to have a bit more dense development in order to have that conservation land. They have added a 76s.f buffer planting, a stone drip edge around the perimeter of the addition and a 290s.f. buffer planting zone to the left of the driveway.

Mr. Witham described the conditions that meet the granting of a permit:

- 1) The land is reasonably suited to use. The addition will go into previously disturbed area.
- 2) There is no alternative location outside the wetland buffer zone
- 3) There will be no adverse impact on wetland functional values with the mitigation. The applicant feels the net effect will be positive due to the plantings.
- 4) Alteration of a natural vegetative state will occur only to the extent necessary. Mr. Witham stated that this is a previously disturbed area. No new area will be disturbed.
- 5) It is the proposal with the least amount of impact. The applicant worked to stay as far away from the wetland edge as possible. This will require that the applicant relocate a half bath, but the owner is willing to bear that expense. They have implemented the recommendation of Mr. Britz.

Ms. Tanner inquired about the foundation under the addition.

Mr. Chagnon stated that it will be a poured frost wall 4' below grade.

Ms. McMillan inquired about the sloped area and whether that would be grassy.

Mr. Chagnon stated that it is grass now and will continue to be. The area is flat, but the planting area could be depressed somewhat so that it could hold water similar to a rain garden.

Mr. Cardin inquired if the driveway is sloped toward the house.

Mr. Witham stated that there is a catch basin at the end of the driveway and that will be where most of the drainage will be flowing towards. There are a lot of mature pines and they do not want to damage the root systems so they don't want to be moving around in this area a lot. The brook is 5' on the other side of the pines.

Hearing no other discussion, Chairman Miller called for a motion. Ms. Stone made a motion to recommend approval of the Conditional Use Permit to the Planning Board as presented. Ms. McMillan seconded the motion.

Chairman Miller asked for discussion.

Ms. McMillan felt that the buffer helps a great deal.

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

The motion passed by a vote of 6-1.

Ms. Blanchard voted in opposition to the motion.

- D. 912 Sagamore Avenue  
Harrison Alan Workman, owner  
Heidi S. Ricci, applicant  
Assessor Map 223, Lot 26

Item D was discussed in conjunction with the State Wetlands Bureau Application number 3 above: Minimum Impact Expedited Application, 912 Sagamore Road, Harrison Alan Workman, owner Heidi S. Ricci, applicant Assessor Map 223, Lot 26.

- E. 225 Borthwick Avenue  
Liberty Mutual Group, owner  
Assessor Map 240, Lot 1

Gordon Leedy, Landscape Architect and Planner with VHB and Jay Gentile Construction Project Manager with Portsmouth Restack at 225 Borthwick Avenue were present to speak to the application. Liberty Mutual is currently conducting a restack (rehab) of all space in the building except for the data center. There was a project that was permitted back in 2012. There were temporary and permanent buffer impacts occurring in this project. As this project went forward, the principal passed away. Therefore, impacts of the project slipped through the cracks. The work depicted on the plans has largely been done. Dave Desfosses was at the site and indicated that there were buffer impacts that were not part of the original Conditional Use Permit and that the applicant needed to go through the permitting process again. The purpose of the work is to allow access to the southerly and northerly buildings. The drawings show impacts that have already occurred. There are some temporary lay-down areas and access corridors that have been added that will have an impact on the buffer. There is also an additional egress area. The only permanent buffer impact proposed is a 5' stoop outside the egress with some stone dust. There is

an area of 2,350s.f of temporary buffer impact, an additional area of 1,245s.f of temporary buffer impact and an area of 220s.f of permanent buffer impact proposed. There is an area of 1,085s.f of previously permitted area of impact. The intention is to remove and restore temporary buffer impact areas. This is a somewhat modified plan from what was submitted earlier.

Mr. Leedy described the conditions that meet granting of a permit:

- 1) The land is reasonably suited to the use.
- 2) There is no alternative location due to site constraints.
- 3) There will be no adverse impact on wetland resources. There will be a stormwater pond created as part of the development. There are containment berms in between outer wetland areas and the property that might have been affected had the berm not been in place. None of that area has been, or will be disturbed.
- 4) The alteration of natural vegetation is minimal. The site is mostly lawn/landscaped area. There will be no additional clearing or felling.
- 5) This is the least impactful alternative. The applicant took care not to disturb the area by laying fill on top of the temporary grade. This will be fully restored at the completion of the project.

Chairman Miller asked for a timeline of the temporary disturbance.

Mr. Gentile stated that they would finish all interior renovations in 2016. Within two months of completion of the interior renovations, they will have all temporary manifestations of the project removed.

Ms. Tanner inquired if they could do anything to discourage additional lawn being installed.

Mr. Leedy stated that some areas could be planted in native vegetation, but in some areas it would look odd not to have lawn given the layout/landscaping of the site.

Ms. McMillan stated that an area adjacent to the project that had been cut to the ground in the past year. She inquired whether there was a reason that this area was cut and that it seemed unnecessary. She stated that it is on Liberty Mutual property.

Mr. Leedy is not aware of any cutting and will check into this.

Chairman Miller stated that there are goose control efforts in the area. Cutting vegetation would not help this matter.

Ms. Blanchard stated that whatever the applicant could do in terms of increasing native plantings would be helpful.

Mr. Leedy made note of this and will look into the matter.

Hearing no other discussion, Chairman Miller called for a motion. Ms. Tanner made a motion to recommend approval of the Conditional Use Permit to the Planning Board as presented with the stipulation as noted. Ms. Blanchard seconded the motion.

The motion passed by a vote of 7-0.

Stipulation:

- 1) That native vegetation be planted in the areas shown on the plan as temporary disturbance.

## V. OTHER BUSINESS

1. Update on the Sagamore Creek Property committee meeting (Allison Tanner). Chairman Miller read a letter inviting the Commission to a meeting Wednesday, March 18<sup>th</sup>, 2015 at 6:30pm in the School Board Conference Room. The purpose of the meeting is to gain insight about the Sagamore Creek land regarding what issues and concerns should be considered in public use of this parcel. The Sagamore Creek Property Committee has invited several boards.

Ms. Tanner shared a few comments (below) and stated that it would be helpful for the Conservation Commission to be present at the meeting.

- 1) The Commission doesn't want to encourage overuse of the area.
- 2) The Landfill area has been proposed as ball fields. She feels this is not a good area for ball fields due to associated parking and access that would disturb the area too much. She feels that open space with a few picnic tables would be a better use. However, some members of that Committee felt that more ball fields are needed in Portsmouth.
- 3) She recommends removal of invasives from the area.

Ms. Blanchard felt that passive recreation is important for the City and this should be stressed in this project.

Mr. Britz attended a meeting and stated that there is an emphasis toward more information to the public regarding this space, accessibility as open space, but not for use as a dog park or any other use that would mean heavier utilization. He stated that the Commission needs to take on a Stewardship project. Possibilities include: Sagamore Creek property, the trail from Buckminster down to Great Bog (needs a boardwalk), or an invasives project.

Ms. Tanner stated that the loop at Little Harbor Road has Bittersweet that needs to be cut.

Mr. Britz stated that the town of Hampton sends a letter to all new homeowners in a wetland area to inform them that they are living in such an area and that there are resources in the area. He inquired if the Commission would be interested in doing the same.

Mr. Cardin stated that this information can be located in the Assessor's office.

Chairman Miller mentioned the Saving Special Places conference on Saturday, April 11<sup>th</sup>, 2015. He has information cards with details about the conference.



Ms. McMillan mentioned a Landscaping for Water Quality workshop that the DES and Cooperative Extension are holding on April 8<sup>th</sup> and 9<sup>th</sup>, 2015 at the Urban Forestry Center. It is designed for landscapers.

**VI. ADJOURNMENT**

At 6:41pm, it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully Submitted,

Toni McLellan  
Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on April 8, 2015.