

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

**3:30 p.m.**

**April 29, 2015**

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

**MEMBERS ABSENT:**

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

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**I. CONDITIONAL USE PERMIT APPLICATIONS**

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

*(This item was postponed at the April 8, 2015 meeting to an April 29, 2015 meeting.)*

Mark Gross with MFH Design Consultants was present to speak to the application. Luke Hurley with Gove Environmental Services was also present. Mr. Gross thanked members of the Commission for convening this special meeting in order to hear the update to the application prior to the Planning Board meeting. He presented a summary of changes to date. He stated that since the first meeting with the Conservation Commission, the Site Plan has changed. The impact to the wetland buffer has been reduced from 8,550 s.f. to 1,440 s.f. and the wetland delineation issue has been resolved. A wetland delineation and boundary review of the site was conducted by the Rockingham County Conservation District (RCCD). Site visits by Luke Hurley and Michael Cuomo of the RCCD were conducted on March 8<sup>th</sup> and March 10<sup>th</sup> with two additional visits in April, 2015. The wetlands on site were delineated by Gove Environmental Services (GES) initially in 2004 (for a previous applicant) and again in 2014 (for Charter Foods). The two wetland lines were more than 60' apart where they differed the most. The area in question, falling between these two lines, was the focus of the wetland investigation. The final conclusion of the investigation was that the 2014 wetland delineation is accurate and the 2004 delineation is not. Mr. Gross also presented a summary of the criteria the applicant has met in order to obtain the CUP. The criteria have been submitted to the Planning Board. He added that the applicant will provide buffer plantings in the back where there are currently none. They will be planting Highbush Blueberry and Red Osier Dogwood. Mr. Hurley added a general overview of the wetland area stating that it is part of a much larger wetland system, but there is no flowing water through the site. The site drains away from Route 1. He pointed out that the Phragmites in the wetland system outside the site is fairly significant, but the wetland on site has no invasive

species. He noted that there is a large sewer line running through the wetland which may add to the water already present. They are providing 2 bio-retention areas in the front for treatment and runoff control.

Chairman Miller called for questions from Commissioners.

Ms. Tanner inquired about the grass areas on site.

Mr. Gross stated that everything other than the mulched areas is grass. He pointed this out on drawings he brought to the meeting.

Ms. Tanner stated that she is concerned about the use of fertilizer and the amount that will drain into the wetland.

Mr. Gross stated that the applicant would agree to a stipulation around this concern.

Mr. Britz stated that the ordinance calls for slow release, low nitrogen fertilizers in the buffer but this applicant is not required to abide by this, in areas outside the buffer.

Ms. McMillan inquired about erosion control plans for the site.

Mr. Gross agreed to install an erosion control blanket during construction (seeded blanket).

Mr. Cardin inquired if the area of Phragmites will be graded.

Mr. Hurley stated that there is no Phragmites on site.

Ms. McMillan stated that she would like to include a stipulation that the winter maintenance be conducted using a Green Snow Pro (a NH DES Certified individual).

Mr. Gross stated that the applicant would be amenable to this stipulation.

Ms. Gross also agreed to a stipulation for an annual report to be submitted for the maintenance of the bio-retention areas.

Mr. Britz inquired if the temporary construction area was demarcated in any way.

Mr. Gross stated that it was not, but the applicant could put orange construction fencing along the erosion control line, or if that was not acceptable, the parties could work toward something that could be agreed upon.

Hearing no other questions, Chairman Miller asked for a motion. Ms. Tanner made a motion to recommend approval of the application to the Planning Board as presented with the following stipulations:

1. The applicant shall only use fertilizers that are low phosphate and slow release nitrogen.

2. The applicant shall install a seeded erosion control blanket to stabilize bare ground on the site after construction.
3. The applicant shall conduct winter snow removal using a New Hampshire Certified Green SnowPro contractor.
4. The applicant shall maintain the Bioretention areas and file an annual report with the Portsmouth Department of Public Works and Planning Department.
5. The applicant shall install orange construction fencing along the erosion control line to keep construction equipment out of the wetland buffer.

The motion was seconded by Ms. Blanchard. Hearing no further discussion, Chairman Miller called for the vote.

The motion passed by a unanimous vote of (6-0).

## **II. ADJOURNMENT**

At 5:02 pm, 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 June 10, 2015.