

**MINUTES**

**CONSERVATION COMMISSION**

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

**3:30 p.m.**

**August 12, 2015**

**MEMBERS PRESENT:** Chairman Steve Miller; Vice Chairman MaryAnn Blanchard; Members, Barbara McMillan, Matthew Cardin, Allison Tanner, Kate Zamarchi, and Alternates, Samantha Wright and Adrienne Harrison

**MEMBERS ABSENT:** Kimberly Meuse

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

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Chairman Miller stated that Ms. Harrison will be voting today.

**I. APPROVAL OF MINUTES**

**A.** July 8, 2015

It was moved, seconded, and passed unanimously (7-0) to approve the minutes with the following amendments.

Page 3 and Page 4, "Mr. Miller" should be "Mr. Mellor"  
Page 7, "Mr. Miller" should be "Mr. Britz"

**II. OLD BUSINESS**

**A.** 1163 Sagamore Avenue  
Chinburg Developers, LLC, Owner  
Assessor Map 224, Lot 17

Mr. Britz stated that there has been no formal easement put together. The work proposed is on City land so approval from the City Manager, or DPW is needed in order to move forward with the application and a letter to this affect has not been signed.

Colin Dinsmore with Ambit Engineering was present to speak to the application. Mr. Dinsmore circulated an email correspondence between John Chagnon, Engineer with Ambit Engineering and Rick Taintor, Planning Director, City of Portsmouth. The applicant submitted a letter in July

(for signature) to Peter Rice at DPW. The purpose of the letter was to sign-off on the applicant moving forward with the CUP application. Mr. Dinsmore stated that Mr. Taintor was in support of the applicant moving forward but that this endorsement does not necessarily mean that the City endorses the application. The applicant is on the Planning Board agenda for the meeting on August 20<sup>th</sup>, 2015. There was an email from Rick Taintor to Peter Rice (in July) stating that he approves of this process. There was a copy of the draft easement included in the packet handed out by Mr. Dinsmore. The applicant has surveyed the location and identified the trees that need to be cut. They have structured it so that continued cutting and/or tree maintenance will not need to be done.

Vice Chairman Blanchard stated that the text in the easement does not include what was discussed at the site visit regarding tree removal. This language should be included in the draft easement and should state that no other trees should be cut.

Mr. Dinsmore stated that they would take care of what the Vice Chairman is referring to on the plan submitted with the latest application. If there is additional language to be added, he felt that it could be done today. He stated that all the trees have been surveyed and they have identified trees that need to be cut. They have also included an access way. This would allow equipment in to maintain the area. With this plan, there will be no need for any clearing.

Ms. Tanner is uncomfortable with agreeing to the process at this point.

Chairman Miller wondered if the language could be dealt with today in such a manner that if the plan changes at all, then the City would be covered.

Mr. Britz stated that it is an application for work on City property but there is no City signature yet, so it is too early to approve of the process moving forward.

Chairman Miller stated that the site walk went well, but he is uncomfortable approving a plan that others will want to change. The easement has to contain certain language.

Vice Chairman Blanchard stated that she felt the Commission should wait until the language is suitable.

Mr. Cardin inquired about the reason for the size of the easement. The size seems much too large.

Mr. Dinsmore stated that it was DPW that decided on the size. The easement should be large enough to encompass anywhere erosion can occur. This does not mean that every inch within the easement will be disturbed.

Ms. Tanner stated that she is uncomfortable moving forward. She does not want the approval of the Commission to be leveraged in order to move forward.

Hearing no other questions, Chairman Miller asked for a motion. Ms. Tanner made a motion to postpone consideration of the application to the next Conservation Commission meeting on September 9<sup>th</sup>, 2015. The motion was seconded by Mr. Cardin.

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

Chairman Miller stated that it will be good to have the final language of the easement as well as the signed letter from the City.

Mr. Britz will draft a memo to the legal department with language regarding maintenance and tree cutting.

### **III. CONDITIONAL USE PERMIT APPLICATIONS**

- A. 304 Leslie Drive  
Kyle Crossen-Langelier, Owner  
Assessor Map 209, Lot 47

Kyle Crossen-Langelier of 304 Leslie Drive was present to speak to the application. She would like to install a carport that would partially occupy a tidal wetland buffer. Since she purchased the property in 2000, the property has been plagued with poor site drainage, abutter runoff and City stormwater overflow. These problems have resulted in unfiltered runoff into Cutts Cove, and erosion. She has spent well over \$20,000 in stormwater control. The control measures/improvements (based on DES guidelines) include in part, a drip line, driveway trenching, drywell systems, 3 rainbarrels and 2 raingardens as well as a stone path erosion control system. She has been successful in controlling a large percentage of the erosion, and possible damage to the Cove has been eliminated. The carport will not impact the wetlands due to the fact that it is to be located off the front of the house and on the existing grade, and there will be no excavation.

Mr. Cardin inquired about the location of the drywells.

Ms. Langelier stated that there are drywells all over the property.

Chairman Miller confirmed, looking at the drawings, that the raingardens will be in the front.

Ms. Harrison asked if there would be gravel under the carport.

Ms. Langlier stated that most of it would be on the drywell (75%) and the front would be paved.

Hearing no other questions, Chairman Miller asked for a motion. Ms. Tanner made a motion to recommend approval of the application as presented to the Planning Board. The motion was seconded by Ms. McMillan

Chairman Miller called for discussion.

Ms. McMillan stated that the applicant has done quite a bit to mitigate runoff.

Vice Chairman Blanchard stated that the applicant has been very thorough.

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

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

- B. 39 Dearborn Street (also known as 39 Dearborn Lane)  
Michael Brandzel and Helen Long, Owners  
City of Portsmouth, Owner  
Assessor Map 140, Lot 3

Mike Brandzel of 39 Dearborn Street was present to speak to the application. He inquired if the Commission has had the chance to see the property. He provided an overview of the process. He stated that they are in the Historic District. They started with the Board of Adjustment in order to obtain approval to add a shed to the property. They now want to add square footage to manage the house better.

Ms. Tanner asked for clarification on whether they received approval from the HDC and the BOA. She stated that the shed should have been a CUP as they are working within the 100' wetland buffer (if she is reading the map correctly).

Mr. Britz stated that is one of the reasons why the applicant was here today. The shed has not been built.

Mr. Brandzel confirmed that the shed has not been built. They did receive zoning approval for dormers and adding to the house in a certain direction. However, when the applicant appeared before the HDC, the Commission asked that the applicant re-work the design. The HDC had suggested that the applicant preserve the original façade of the house. The applicant then re-worked the design. They had a front entry porch that was not original to the house. The HDC asked that they remove the entry porch. That was approximately 100s.f. in area that they lost. They have moved the kitchen towards the water, but no further than the existing deck. However, there is no foundation under where the HDC suggested the kitchen be moved to so they will need to add that to their calculation of impact to the tidal buffer. They are currently at 499s.f. of impact to the buffer. They will also remove 1,600s.f. of crushed stone driveway and reconfigure it. They are proposing porous pavement.

Mr. Patrick Seekamp, Wetland Scientist, was present to speak to the application. He delineated the wetland along the North Mill Pond. There is a tidal salt water marsh. He stated that the tidal marsh runs along the perimeter of the property. The Brandzel's property is upland. The majority of the property is maintained as lawn and it runs down to North Mill Pond. On the site plan, a reference line (tide line) is shown. Because they are encroaching on the buffer, the proposal is to propose mitigation measures. The owners would like to create a parking lot where their existing lawn is located. For this, a pervious surface will be created (where it is currently impervious).

The other proposal would be to bring in topsoil and plant native trees and shrubs and herbaceous plants to create a buffer (converting what is now paved to a planted area). Highbush Blueberry, Bayberry, Beach Plum and Shadbush, among others, will be planted. They also plan to seed with a native wildflower mix. The intent is to create wildlife habitat and provide soft mast for food for wildlife. The area is approximately 380s.f. There are no trees or shrubs proposed for cutting.

Chairman Miller asked the applicant for a review of the existing, as well as the proposed, impervious/pervious areas.

Mr. Brandzel showed, on the drawings, the existing and proposed impervious/pervious areas. The porous area would total 1,800s.f. The shed totals 218s.f. (buffer impact area) and there will be a foundation under the new part of the deck (which constitutes the impervious surface).

Chairman Miller inquired about how water flows off the property.

Mr. Brandzel showed, on the plans, how the water flows off the property. Mr. Brandzel stated that they have the support of the neighbor (Mike Stasick) for the project. However, the neighbor requested a view easement in order to have access to the water. The Brandzels have agreed to the request.

Ms. Zamarchi inquired as to whether the applicant was familiar with the maintenance required to maintain a pervious surface.

Mr. Brandzel stated that he was researching the subject and was becoming familiar with the maintenance required to maintain such a surface.

Chairman Miller stated that the applicant may want to consider a trap system that could be installed at the end of Dearborn Lane. One of the keys for having a good porous system is getting someone experienced to install it. If it is not done right, and it is not rolled correctly, the porous area can clog.

Chairman Miller stated that the Stormwater Center at UNH is a good resource for information regarding the subject matter.

Ms. McMillan stated that winter maintenance may be an issue. The Stormwater Center has a guide for winter maintenance. She inquired if there were plantings along the edge of the water.

Mr. Brandzel stated that there is lawn down to the water. At the point where it gets murky, this is not maintained. The vegetative zone is small in this area.

Ms. McMillan stated that this is a good (and crucial) area to let naturalize, or put in some plantings to put a little more buffer area between the water and the lawn.

Mr. Brandzel stated that the applicant wanted to free-up the view. He is not against plantings in this area, but he wouldn't want to plant anything that would become too tall because of the negotiated viewshed.

Chairman Miller stated that one option is to just let it go. Much of it is salt marsh plants.

Mr. Seekamp stated that a lot of it is actually fill. This can be seen on the aerial photograph.

Ms. Tanner stated that the purpose of having plantings along the edge of the water is to create a buffer. Pollution (from mowing) can be prevented with having plantings in the area. There are many plants that do not grow above 2' tall. Grass along water bodies is not the best for good conservation, unless it is naturally occurring grass.

Chairman Miller inquired about the presence of geese on the applicant's property.

Mr. Brandzel stated that they have a dog that keeps the geese away.

Chairman Miller stated that lower plantings could be installed. If the geese cannot see the water, they tend not to frequent the area because they cannot see their escape route (the water).

Chairman Miller stated that he appreciates the effort and the improvements the applicant has made.

Hearing no other questions, Chairman Miller asked for a motion. Ms. Zamarchi made a motion to recommend approval of the application as presented to the Planning Board. The motion was seconded by Ms. Harrison.

Chairman Miller called for discussion.

Ms. Tanner stated that she would like to include a stipulation with regard to plantings along the edge of the water at the end of the lawn to be 3' wide with a break (for kayak access). She does not like to see lawn down to the water.

Mr. Seekamp stated that their goal was to provide a buffer between the most active part of the property and the salt marsh.

A discussion followed about specifics around the stipulation and plantings.

Ms. McMillan inquired as to whether specifics are needed with the stipulation.

Mr. Seekamp stated that he will come up with the species (for planting) to be approved by Mr. Britz.

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

- 1) That the applicant will plant a native buffer between the lawn and saltmarsh in the area shown on the plan beginning at the galvanized pipe and ending at the start of the view

easement with allowance for one break to access the water for activities such as launching small watercraft.

- C. 36 Shaw Road  
Gregory C. and Sandra M. Desisto, Owners  
Assessor Map 223, Lot 22

Corey Colwell of MSC Civil Engineers was present to speak to the application. Jeff Demers, Architect, and Mark West, Soil Scientist, were also present. Ms. Desisto was present as well. Mr. Colwell passed around a landscape plan and a set of colored designs (which are the same as submitted previously with the exception of added color for ease of viewing). The applicant proposes to remove the home and replace everything above the foundation of the house on Shaw Road, and add an attached garage, breezeway, a screen porch in the back (with attached deck), and another porch at the entryway in front. There will be a landscaped terrace in the back with a hot tub. Existing on the property is a one-story ranch style home with a long driveway built in 1974. There is a dock and a shed. Off the back of the house is an in-ground pool and a wood deck (between the pool and house). The property to the east is fresh water inland wetlands. There is only a small corner (northwest side) that is out of the wetland buffer; 93 % of the lot is encumbered by buffers (either tidal or inland wetland). The new house will have a similar footprint but with a second story and a 3-car garage, the breezeway, a porch (in front), and the screened porch and deck (in back). The applicant is also proposing (between the front porch and driveway) pervious pavers to prevent runoff from reaching the building. They are proposing to remove the shed on the south side of the driveway. They are also reducing the size of the driveway to reduce impervious area. They are installing many landscape features adjacent to the driveway and the west side of the driveway as well as behind the house. Within the 100' buffer zones, the existing impervious is 8,568s.f. The proposed impervious area is 8,757s.f. There will be an increase of 189s.f of impervious area. The increase within the inland wetland buffer is 94s.f. Overall for the site, the impervious surface will be reduced by 161s.f. Within the 50' primary setback, impervious area is reduced by 1,800s.f. Overall, there is a significant reduction within the 50' buffer. Within the 100' buffer there is a minor increase in impervious area. Other environmental improvements include replacing the septic system (installed in 1974). It will be replaced in same area. They will be removing the underground oil tank near the front of the house (installed in the 1970's). They are also removing the in-ground pool and deck (currently 25' from Sagamore Creek). Invasives along the westerly boundary line will be removed and they will install 5 new raingardens. They will reduce stormwater runoff and will improve the water quality of runoff as well. The raingardens are all connected with an underdrain with the exception of one of them. The peak flow (100 year) will be reduced by 41%, velocity will be reduced by 3%, and volume will be reduced by 23%. This is a result of the raingardens.

Mr. Demers discussed existing conditions and reasons for demolition describing the details of the existing structure and the need for certain aspects of demolition. Site disturbance is minimized by building on the same footprint/foundation. The applicant is exploring alternative energy sources such as photovoltaic panels, solar hot water, and geothermal heat. The building is in compliance with all City ordinances and will require no variances (other than the CUP). They

have adhered to the strictest standards to ensure long-term protection of the watershed, ensure long-term conservation and minimize the impact.

Vice Chairman Blanchard inquired about the height of the structure.

Mr. Demers stated that the proposed structure will be no more than 30', but shorter than that in places.

Mr. Colwell stated that everything that drains from the roof goes to a raingarden.

Ms. Tanner stated that the applicant stated that nothing will be closer to the creek than what already exists, yet there seems to be a porch coming very close to the edge of Sagamore Creek. She inquired about the amount of impervious material.

Mr. Colwell stated that there are landscape features that will be added in the 50' buffer zone. They will be closer to the creek. The proposed landscape features are 29' from the creek. The closest features are the bluestone terrace (2 of them).

Ms. Tanner stated that the applicant said the pool was 25' from the creek. If the bluestone terrace is 29', then it is further from the creek, not closer as stated.

Chairman Miller stated that part of it may be the deck, not the pool.

Mr. Colwell stated that the southernmost landscaped terrace is inside the limit of the pool and the deck.

Mr. Tanner stated that the natural stone steps go right to the edge of the water. This is a new addition.

Mr. Demers stated that the applicant will be reducing the width of the garage so that it steps away from the property line.

Mark West, Wetland Scientist, West Environmental was present to speak to the application. Mr. West talked about the wetlands on site and stated that the invasives including multiflora rose and buckthorn, honeysuckle will be removed. There will also be native plantings such as Pepperbush and blueberry.

Mr. Cardin inquired about the condition of the shoreline banks.

Mr. West stated that it is a very steep bank. There is a drainage outlet. There are a few shrubs and forsythia. The front of the house will be landscaped and there will be native plantings.

Mr. Colwell continued on to answer the questions from Ms. Tanner. The overall reduction in impervious area is from (Note 3 Sheet C2) 11,020s.f to 10,859s.f. This includes the reduction outside either of the buffers.



Mr. Colwell said that the steps are natural stone with permeable fill and crushed stone surrounding. The steps will allow them to get from the lawn down to the water's edge. This does not go beyond the limits of the tidal marsh (as shown on Sheet C2 and shown more clearly on Sheet C1).

Mr. West stated that the steps go to the highest observable tide line, but not actually into the marsh.

Chairman Miller stated that on C2, it looks like it goes beyond what the legend said.

Mr. Colwell stated that it is in the wetland (tidal marsh wetland) but not in the creek. The impact is 219s.f. and it is part of the wetlands permit.

Chairman Miller stated that there is a lot of complexity to the application. This is a more complex application than what the Commission has seen. It is a much more intensive use of the site. He acknowledged that it is an innovative use, but he has concerns about erosion on the bank. His major concern is water quality.

Mr. Colwell stated that they have been working on the application for 18 months so they have had the time to understand, improve and work through it all. The Commission is trying to digest the complexity of it within an hour.

Chairman Miller inquired about whether there would be water quality improvements or not.

Mr. West stated that with a reduction in impervious area, as well as added plantings and raingardens which will reduce runoff down to the creek, there will naturally be water quality improvement. Reduction, infiltration and landscaping are the key components that will reduce direct runoff and will ultimately improve water quality.

Ms. Tanner stated that nothing is being done to pull back the proximity from the water including the bluestone terrace. The hot tub is proposed as an improvement over the pool. However, the hot tub (and the chemicals used) may cause an issue as much as the pool would have. She stated that she is uncomfortable with the amount of impervious area.

Mr. Colwell stated that they could make the bluestone terraces pervious material. Currently, it is impervious. Overall, it is not a good site for total infiltration.

Sandra Desisto, owner, was present to speak to the application. She stated that she would be amenable to making the bluestone terraces pervious.

Chairman Miller inquired about the depth of the pool.

Mr. West stated that he did not know the depth, but that it may be 6 or 7'. The pool edge is very close to the creek.

Chairman Miller stated that if the pool is going to be removed anyway, it may prove to be a good opportunity to install an infiltration chamber where there will be a huge hole – depending on the soils.

Mr. Colwell stated that it is a tough site for infiltration. They did test pits to see if there could be more infiltration. There is some infiltration with the raingardens but little elsewhere due to the heavy silt/loam substrate. That is why the raingardens are high in number, but they are shallow.

Ms. Desisto stated that they will be putting in swale beds (to catch and detain runoff) at the tidal buffer along the creek. Those swales could be planted in any way the Commission sees fit.

Ms. Zamarchi asked for more detail on the failing rubble seawall.

Ms. Desisto stated that the area around the seawall may have been purposefully planted at one time. The landscape architect seems to think this is the case. It is now overgrown with invasives and there is crumbled rock/concrete in the area. They will remove the invasives and install plantings.

Mr. Colwell stated that this is on the state wetland application.

Vice Chairman Blanchard stated that the plan is a very creative one. The site itself limits what can and cannot be done by its very location. She understands that the buffers did not exist when the house and landscape were installed, but they exist now. The only thing she felt that she could support on this application is the relocation of the garage and the landscaping in the front. She cannot support the porch, the hot tub, etc. Many things are too close to the water.

Ms. Harrison stated that there is already a dock in place. She inquired what the interest is for having the steps.

Mr. West stated that the interest is to gain boating access at the water's edge during high tide.

Mr. Cardin stated that it may be an opportunity to put in a stairway off the dock going down to the mudflats.

Ms. Desisto stated that it is difficult for her to physically carry a kayak down to the dock. The ramp is steeper than 45 degrees at low tide.

Mr. Cardin stated that a perpendicular stairway is what he is referring to.

Ms. Desisto stated that the dock has a railing and it is difficult to carry the kayak above that railing.

Mr. Colwell stated that Shoreland Protection Standards permit steps down to the water's edge. The Army Corps of Engineers will not take jurisdiction in this case because the site was (has been) completely altered.

Ms. McMillan asked for clarification on the connection of the raingardens.

Mr. Colwell described the connection of the raingardens (Sheet C3). He stated that 4 of the gardens are connected with an underdrain (to handle large storm events). He stated that they all flow to PDMH1 (Proposed Drain Manhole 1).

Ms. McMillan stated that the depth of the raingardens seem shallow. She inquired as to how this helps with the water quality.

Mr. Colwell stated that they are not deep, but they are typical in terms of depth. If they had good soils, they would make them deeper. The idea was to get volume in area, not in depth. They have done a drainage analysis, but he does not have numbers on roof runoff. The goal is to get all the roof runoff into the raingardens. They did not isolate roof runoff from the rest of it in terms of numbers. There is no drainpipe that runs the length of the raingardens.

Mr. Britz stated that it would help to clarify this detail on the plans.

Hearing no other questions, Chairman Miller asked for a motion. Ms. McMillan made a motion to recommend approval of the application as presented to the Planning Board. The motion was seconded by Ms. Zamarchi.

Chairman Miller called for discussion.

Mr. Cardin presented some thoughts in summary. He likes the plan overall. He likes the reduced impervious area and the raingardens. He'd like to see the bluestone be made pervious and a more robust buffer planting plan along the waterfront's edge. He would like to see more detail for the retaining wall. The stairs down to the water concerns him. There is no direct wetland impact included in the CUP.

Mr. Colwell stated that the impact is part of the permit. The impact is quantified on Sheet C2. He clarified that wetland impacts are part of the wetlands permit, while buffer impacts are part of the CUP.

Mr. Cardin stated that the Commission has purview for both.

Chairman Miller stated that because there are both, it makes the application somewhat complicated.

Ms. McMillan agreed with Mr. Cardin in making the bluestone terrace pervious. More detail regarding the seawall would be helpful. The porch on the side of the where the current garage is could be stepping stones. This is an area where there is an opportunity to move things back.

Vice Chairman Blanchard reiterated that there is a lot of creativity. She respects that there is an attempt to do things correctly, and to make it better than what is currently there. She supports using the same footprint. She stated that the landscaping is an improvement, but it does not

justify all the other construction. The site itself is limited because of the buffers. She does not support the application as is.

Chairman Miller would like more detail on the riprap areas. He would like more information about existing and proposed conditions with regards to water quality. He would like to say yes to the application and felt that the Commission would most likely be dealing with more and similar situations. He felt that the application was ready for approval. He supports the comments of the other Commissioners.

Ms. Zamarchi concurs with all the comments made by Commissioners so far. She wonders about how the water in the hot tub would be changed out (chlorinated water).

Ms. Tanner stated that she supports eliminating the steps down to the water. Putting in stepping stones by the garage instead of having an impervious area would be a good idea. She supports leaving the rip rap wall.

Ms. Harrison stated that staying within the footprint of the old pool is important.

Vice Chairman Blanchard inquired as to if this application was not approved, what would happen.

Mr. Britz stated that it is appropriate to make a postponement and have the applicant work on changes. They've made progress. If it is postponed, it would stay within the purview of the Conservation Commission before it is sent to the Planning Board. If it is denied, the applicant would have to start over and submit a new application in order to move forward.

Vice Chairman Blanchard inquired about withdrawing the motion. She does not want to make the applicant go through the entire process again.

Mr. Cardin inquired as to whether the applicant could revise their numbers during the postponement.

Mr. Britz stated that they can do so on the City's application.

Ms. McMillan withdrew her motion. Ms. Tanner withdrew her second to the motion.

Vice Chairman Blanchard made a motion to postpone the application to the September 9<sup>th</sup>, 2015 Conservation Commission meeting. The motion was seconded by Ms. Tanner.

Hearing no other discussion, Chairman Miller called for the vote. The motion to postpone to the September 9<sup>th</sup>, 2015 passed by a (7-0) unanimous vote.

D. 53 Whidden Street  
Richard Meyerkopf and Robin Lurie-Meyerkopf, Owners  
Richard and Janice Henderson, Owners

## Assessor Map 109, Lot 9

Colin Dinsmore of Ambit Engineering was present to speak to the application. Richard and Robin Meyerkopf were also present. A landscaper working for the owners had been in the process of constructing a patio on the property. The owners were under the impression that the landscaper had done everything necessary to proceed with the work. The work was taking place within the 100' buffer without a permit when Mr. Britz visited the property. He informed them of the need for a permit. They immediately informed their landscaper and ceased work. They are proposing to replace the crushed stone patio with a blue flagstone patio. The surface will be pervious. In addition to the patio, there will be more plantings. There will be a 175s.f planting area. There is a previously disturbed area to be sodded (in the back of the property). The project proposes a landscaped buffer strip adjacent to the new patio as well as another planted area. There is a proposed retaining wall adjacent to the patio, which will reduce the amount of grading required and will minimize disturbance to the 100' buffer. There is a total of 1,509s.f of disturbance, of which only 378s.f. will be permitted (the area of the patio and retaining wall). There will be an additional 1,131s.f. of temporary disturbance during construction. This will be stabilized following construction.

Ms. Tanner inquired about how much fill was brought in for the patio.

Richard Meyerkopf stated that 2' of fill was brought in for the patio.

Chairman Miller inquired about the contractor.

Mr. Meyerkopf stated that John Pendergrast was the landscaper and Toby Parke of Harbor Designs was working with Mr. Pendergrast. He stated that he felt that it was his fault (not the contractor) for not knowing what needed to be done in terms of permits.

Chairman Miller stated that they are grappling with a better line of accountability.

Mr. Cardin asked about the time frame for construction.

Mr. Meyerkopf stated that construction is planned for this fall.

Hearing no other questions, Chairman Miller called for a motion. Vice Chairman Blanchard made a motion to recommend approval of the application as presented to the Planning Board. The motion was seconded by Ms. Harrison.

Chairman Miller called for discussion.

Ms. Tanner stated that the Commission doesn't like grass and she appreciates the effort to avoid grass in this application.

Ms. McMillan stated that the paper detail is very helpful.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval of the application to the Planning Board as presented passed by a (6- 1) vote with Chairman Miller voting in opposition.

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

- A. Minimum Impact Expedited Application  
130 Crescent Way  
Andrew Barrett, Owner  
Assessor Map 212, Lot 157

Allen Folsom of Advantage NH Lakes, inquired if it was acceptable to review both applications (CUP and MIEA) at one time.

Chairman Miller stated that if all Commissioners approved of this, it would be fine to deal with both at the same time particularly because they are connected to one another.

Mr. Folsom stated that he has obtained the approval of both abutters. The project is within the 20' property setback lines. Both applications average 30-40' natural woodland buffer along the river. At the edge of the undisturbed area, the lawn begins. All of the construction is within a previously disturbed area. He stated that the regional inspector, Dori Wiggin, is onboard with the application. The calculations are shown on the plan. He has shown the tree segments, edge of lawn, planting beds.

Vice Chairman Blanchard inquired about what materials will be used on the slope and whether it would be rock, vegetation, pavers, etc.

Mr. Folsom stated that it will be clean fill and drainage stone. The wall will be rock. It will be 9' (for 130 Crescent Way). A 4' cast iron fence is proposed. The adjacent property will have a similar rock wall, which will be 5.0-6.5'. The rock wall will be a hand stacked wall, not rip rap, laid on a slope. Mortar will be used.

Chairman Miller inquired about engineering of the wall. He has seen walls much shorter than the one proposed that lean into the road.

Ms. Tanner stated that if there is mortar, there will need to be drainage.

Mr. Folsom stated that there may be weep holes. There would also be filter fabric and this is how a mortar wall is typically drained.

Mr. Britz inquired about detail on the fence.

Mr. Folsom stated that there is no detail on the fence. It is still a wetlands application at this point.

Chairman Miller inquired about the area immediately below the lawn.

Mr. Folsom stated that this is currently, and will continue to be, lawn. There are slight differences between the two lots.

Chairman Miller asked about trees in the fill area.

Mr. Folsom stated that the only one existing is for 130 Crescent way and it is a 2" tree. There are trees that they plan to maintain.

Ms. McMillan stated that at one time work was done on this site, but it had to be removed. She inquired if Mr. Folsom knew about this.

Mr. Folsom stated that he thought what Ms. McMillan was referring to was for 130 Crescent Way. There were enforcement issues. He believes it was around a rock wall that had to be removed.

Mr. Folsom stated that he has had positive conversations with Dori Wiggin about the application and she stated that she was "ok with the application moving forward".

Ms. McMillan stated that it is significant to state in a meeting such as this that Dori Wiggin approves of the application moving forward.

Mr. Folsom then stated that he has had positive conversations with Dori Wiggin about the project.

Chairman Miller stated that he believes the history was around tree removal.

Ms. McMillan stated that it is quite a barrier for wildlife.

Mr. Folsom stated that the ledge drops down 20' so wildlife probably would not use the area.

Hearing no other questions, Chairman Miller called for a motion. Mr. Cardin made a motion to recommend approval of the application to the State Wetlands Bureau. Vice Chairman Blanchard seconded the motion.

Chairman Miller called for discussion.

Chairman Miller stated that one thing that struck him was the height of the wall. He wants to ensure that it is a secure wall. He also wondered how the area below the wall will be treated. It is an opportunity to improve the area and make more of a buffer, particularly since it is removed from the usable part of the yard. This doesn't necessarily need to be a stipulation for approval.

Mr. Folsom will bring that to the owner's attention.

Ms. Tanner is concerned with the amount, and quality, of fill. There have been issues with contaminated fill (heavy metals, etc.). This will ultimately be running into the Piscataqua River.

Mr. Folsom stated that they are not creating more lawn, but he understands the concern with the lawn. As far as the fill, they will bring in clean, well-drained sand.

Mr. Britz stated that the Conservation Commission can write a letter to the state (NH DES) requesting certain stipulations.

Ms. Tanner stated that a stipulation that the fill should be clean, and that the lower area, on the water side, of the wall should not be mowed.

Mr. Britz stated that the stipulation being discussed can be sent as a recommended condition in a letter to NH DES. This is only a request to NH DES. They decide what to do with it.

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 (5-2) vote:

1. That the owner is not allowed to mow the lawn in the area below the wall.
2. The fill to be put in must be certified as clean fill.

Ms. Zamarchi abstained from the vote.

Ms. Harrison and Ms. McMillan voted against the application.

B. Minimum Impact Expedited Application  
140 Crescent Way  
Kenneth Scarpetti, Owner  
Assessor Map 212, Lot 156

Chairman Miller asked Mr. Folsom if there was any new information (in addition to that discussed in the application for 140 Crescent Way).

Hearing no other questions, Chairman Miller called for a motion. Vice Chairman Blanchard made a motion to recommend approval of the application to the State Wetlands Bureau. Mr. Cardin seconded the motion.

Chairman Miller called for discussion.

Vice Chairman Blanchard stated that she felt this application deserved the same letter (as 130 Crescent Way) to NH DES.



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 (5-2) vote:

1. That the owner is not allowed to mow the lawn in the area below the wall.
2. The fill to be put in must be certified as clean fill.

Ms. Zamarchi abstained from the vote.

Ms. Harrison and Ms. McMillan voted against the application.

C. Minimum Impact Expedited Application  
36 Shaw Road  
Gregory C. and Sandra M. Desisto, Owner  
Assessor Map 223, Lot 22

Chairman Miller called for a motion.

Vice Chairman Blanchard made a motion to postpone the application to the September 9<sup>th</sup>, 2015 Conservation Commission meeting. The motion was seconded by Ms. Tanner.

Hearing no other discussion, Chairman Miller called for the vote. The motion to postpone to the September 9<sup>th</sup>, 2015 passed by a (7-0) unanimous vote.

D. Minimum Impact Expedited Application  
53 Whidden Street  
Richard Meyerkopf and Robin Lurie-Meyerkopf, Owners  
Assessor Map 109, Lot 9

Chairman Miller inquired of the applicant if there was anything else to add beyond what was discussed for the CUP.

Mr. Dinsmore indicated that there was no further information to add.

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. Mr. Cardin seconded the motion.

Chairman Miller called for discussion.

Hearing no other discussion, Chairman Miller called for the vote. The motion passed by a unanimous (7-0) vote.

- E. Standard Dredge and Fill Application  
3201 Lafayette Road  
Hillcrest at Portsmouth, LLC, Owner  
Assessor Map 291, Lot 7

Bernie Pelech, Attorney, was present to speak to the application. He stated that there was a unanimous approval 2 months ago for this application. The plan is the same as it was 2 months ago. Glenn Gidley, property owner, Tom Sokolowski, Wetland Scientist with TES Environmental Consultants and Corey Colwell from MSC Civil Engineers were also present. There is no additional work proposed. According to Mark West, Wetland Scientist, there are concerns for water quality, scenic vistas and wildlife habitat. They have met with Lori Summer, the state mitigation coordinator (who felt that an approval would be appropriate) and Dori Wiggin. Their hope this evening is that the Conservation Commission will write a letter that there is no opposition to the application from the Commission.

Mr. Sokolowski stated that two units are within the 100' wetland buffer; 171 Codfish Corner Road and 429 Striped Bass Avenue. All of the work is within previously disturbed area. Stormwater is one of the most important potential impacts and they have addressed this issue.

Attorney Pelech reiterated that it is the same plan that was before the Commission in June and that nothing has changed.

Ms. Tanner stated that she was not at the June meeting. There is an increase in impervious area and she wondered why the impervious area is not pervious. She wondered why impervious area next to a wetland is being increased.

Chairman Miller stated that they conducted the site walk and looked at all 5 sites. At the meeting, they looked at the plans for each one. With the improvements in infiltration, the crushed stone aprons around the buildings, the Commission felt that not that much would be gained by pervious pavement. The applicant is making improvements.

Ms. Tanner inquired about why there is work proposed in the wetland.

Mr. Sokolowski stated that the applicant is proposing it there because it is maintained as a lawn now. The soils are hydric so technically they are wetlands subject to protection under state and federal wetlands laws. There is a plan to reclaim the wetlands and allow them to revert to natural wetlands over time. They are doing this in part by planting Arrowwood and Silky Dogwood, which are plantings that would naturally occur in this area. Plantings of native vegetation within a wetland to encourage growth of natural plant communities do not require a permit. They are restoring an impacted wetland.

Attorney Pelech added that they are taking away the lawn and planting wetland plants so that it will revert to natural wetlands.

Chairman Miller acknowledged that many residents came to the last meeting. There was a real sense of community and stewardship.

Chairman Miller stated that because of the size and scale of the project, the work session will guide the applicant on developing an overall plan given the constraints of the site, and also the concerns of the site.

Ms. Tanner stated that there is a section of trees at 171 Codfish Corner Road that is going to be removed.

Mr. Sokolowski stated that these are two trees (three stems each) that are small in diameter. It is not a solid grove of trees.

Ms. Tanner inquired as to why they are being removed.

Mr. Gidley stated that there is a tree there that is dead and is hanging over the roof of a resident. It is a hazard and should be removed. Those trees (which are not all trees, they are plantings such as Rhododendrons) would have to be removed to allow equipment to get around the site. It is very overgrown. It is essentially landscaping that has not been maintained. In addition, the owner of the unit is requesting a clean-up of that area.

Mr. Cardin voiced concerns of survivability of the plantings. He inquired as to whether there would be any fencing around the plantings. His concern was that of browsing by deer and other wildlife.

Mr. Sokolowski stated that wildlife would be just as drawn to the shrubs around the perimeter. Through monitoring, if the plantings are not there in a year or two, they would be replanted.

Ms. McMillan stated that regarding unit 429, there is Red Oak in the corner. They seem close together.

Mr. Sokolowski stated that they could be spaced a bit more. They are constrained by a City sewer manhole. They do not want plantings to be too close to that. They also wanted hard mast (acorns) for wildlife.

Ms. McMillan inquired about the composting.

Mr. Sokolowski stated that there is a long term plan for a central location where residents can bring their compost.

Attorney Pelech added that they are also trying to avoid residents dumping lawn clippings in the wetland areas.

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

Chairman Miller called for discussion.

Ms. Tanner recused herself from this application. She was not present at the last meeting to hear about the application and felt that she was not adequately prepared to vote.

Chairman Miller stated that given this, Commissioner Wright would be voting on this application.

Hearing no other discussion, Chairman Miller called for the vote. The motion passed by a (6-0) vote.

Ms. Tanner abstained from the vote.

## **V. WORK SESSION**

### **A. 3201 Lafayette Road Hillcrest at Portsmouth, LLC, Owner**

Mr. Britz stated that at the last meeting, the vote was to approve the application subject to a review of the comprehensive overview for the site. The applicant continues to work on the comprehensive plan. The applicant would like to go over the comprehensive plan today.

Attorney Pelech stated that back in June, the applicant said that they would come back to show the Commission not only the plan for the 5 sites for Hillcrest, but a long range visionary comprehensive plan for the entire site. They have shown over the course of 20 years what could be replaced within the park at the rate of 5-7 homes/year (as people move into assisted living, etc.). This provides the opportunity for Mr. Gidley to bring things up to date and into code compliance enhancing the overall quality of the site. They have put together the site plan showing sites to be replaced. With each of them comes mitigative measures. They will enhance the overall water quality of the site. Mr. Gidley has done a great job of cleaning up the area. They will look to putting a conservation easement in place on the 120 acres.

Corey Colwell of MSC Civil Engineers was present to speak to the application. He stated that Sheet C1 depicts existing conditions. Hillcrest was established in the 1950's. There are 213 sites, of which 197 sites are occupied by a manufactured home, while 16 are vacant. The owner wants to replace the sites as they become available. Mr. Gidley would purchase the site when someone sells and would then install a newer more modern home. The 4 options for replacement are shown on Sheet C8. As to which of the 4 styles of home would be installed depends on the site. Some units are wider, or longer, or have a 2-car garage as opposed to a 1-car garage. They've identified 108 sites for replacement over a 20-year period. The older the unit, the more quickly it is to be replaced.

Vice Chairman Blanchard inquired about the existing footprint of the site and whether this will be expanded.

Mr. Colwell stated that the footprint will not be increased.

Vice Chairman Blanchard inquired about whether the residents own or rent.

Mr. Gidley stated that there are no rentals on the site. The residents pay a monthly fee that pays for common area maintenance and infrastructure. The residents pay the tax for the building only. The residents own their home and outbuildings, but not the land that the unit sits on.

Chairman Miller stated that as some of these units are replaced, the footprint of the unit itself will increase.

Attorney Pelech stated that over 80% of the homes are in the wetland buffer because when they were built, there were no wetland buffer zones. There are buffer zones now.

Mr. Colwell showed on the drawings (Sheet C3) what type of manufactured home will go where. It is very specific to the site.

Mr. Gidley stated that they have redesigned the area in a few ways, one of which is that they have brought the homes forward and closer to the street in order to move them away from the wetland.

Ms. Tanner stated that today, this site wouldn't be developed due to the wetland buffer. She does not agree with adding impervious surface. Adding impervious surface should not be a given just because these homes are grandfathered. It will change what is happening on the site. She felt that the Commission should seriously reconsider this issue.

Chairman Miller stated that in this work session, they are trying to deal with this concern. The purpose is to get a comprehensive understanding instead of dealing with each individual installation in a piecemeal manner. He would like to develop a plan to deal with this comprehensively in order to have a sound way of protecting and enhancing the wetlands. He felt that there was a keen awareness of this in the Hillcrest community.

Mr. Britz stated that there was a process that allowed this area to get bigger. There was an ongoing piecemeal permitting process. This is an attempt to take a big picture holistic approach that will work better through the years than the piecemeal approach.

Mr. Colwell stated that the Planning Board had the same concern and charged the applicant with figuring out what they could do to mitigate the increase in impervious surface. They are introducing new shrubs. They are planting trees in invasive areas thereby creating shade to cut back on the phragmites and other invasives that need more light. There is 36,400s.f of new tree plantings, 12,700 s.f of shrub plantings and over 38,200s.f. of raingardens. They are aware that they are increasing the impervious area but felt that the measures they are instituting significantly improve runoff and water quality. The increase in impervious area (over a 20-year build out) is

64,000s.f over 108 homes. This works out to be less than 500s.f/site. The number is based on the highest possible increase as they do not know what size home will replace what is currently in place. Some units will be smaller, some will be larger. However, they based the number on all units being replaced with the largest home that will fit on these sites as they did not want there to be any question about the numbers. Some people will want a 400s.f. home and some will want an 1,800s.f. home. The number is much more generous than will be the reality of the situation. Another improvement is a composting area onsite (at the end of Striped Bass Avenue) so residents do not dump their lawn waste in the wetland. Another improvement is at the end of Desfosses Avenue (Sheet C3). The drainage from Route 1 is running into the wetland on the site. They have proposed a rip rap swale to mitigate this. This is not a problem created on site or by Mr. Gidley, but he is willing to spend the money and time to mitigate this to protect the wetlands. They feel they have made significant improvements.

Vice Chairman Blanchard inquired about snow removal, plowing, maintenance.

Mr. Gidley stated that he is responsible for snow removal. There are very few snow removal issues. Desfosses Avenue and Tuna Avenue are the only two places where there needs to be snow removal. It is taken to the Desfosses single family home. There is also a work area where equipment is stored that can be used for snow removal if need be. The snow on the street gets plowed to the side of the road. The residents plow their own driveways.

Ms. Tanner inquired about the use of salt on the roads in winter.

Mr. Gidley stated that the salt mix used is a low salt 10% sand/salt mixture (at most). They make their own sand/salt mixture. This mixture is lower in salt than is typical. Typically, the salt use on streets is a 50-50% mixture.

Ms. McMillan inquired about street sweeping.

Mr. Gidley stated that the streets are swept at least once/year.

Ms. McMillan stated that the Green SnoPro course would be helpful for those maintaining the area.

Vice Chairman Blanchard inquired about fertilizer.

Mr. Gidley stated that he wasn't aware that fertilizer was an issue until recently. They will have signs that identify the wetland and buffer areas. They will have an educational program using information from the town and they will send it to residents. They also discussed having educational seminars.

Ms. Zamarchi stated that units replaced in the past had a lot of pavement. She noticed that the ones replaced recently have a lot less pavement and she complimented the applicant on the design.

Ms. Harrison wondered whether a stipulation regarding a limit on the size of the home in certain areas (that are more sensitive) might be appropriate.

Mr. Gidley stated that they often do not have control over what a resident size a resident will want in a certain spot. They may already be living on site and want a certain size unit. The applicant would be amendable to being locked into a certain length, however.

Vice Chairman Blanchard stated that she appreciated Mr. Gidley's willingness to look at and consider this possibility.

Chairman Miller inquired about the water quality coming out of the drainage pipes.

Mr. Gidley stated that it is clean, but they would be willing to test it. They have not tested it to date.

Ms. Tanner inquired about how pet waste is dealt with on site.

Mr. Gidley stated that the residents pick it up and throw it in the trash. They don't find pet waste bags in the wetland. They tend to find things such as tires and shopping carts in the wetlands and they are working to clean this up.

Mr. Britz stated that part of the purpose of this meeting was to show that the applicant has put together a more comprehensive plan. The goal is to avoid the applicant having to come back each time a unit is replaced. He stated that a blanket Conditional Use Permit might be helpful. He stated that the group is moving in the right direction. However, another work session may be in order. The applicant would like to get moving on some of the units though. There was some concern at TAC that the raingardens weren't connected. He felt that individual (non-connected) raingardens would be fine. However, detail in the plan that shows the individual raingardens is missing.

Mr. Gidley stated that he will be responsible for maintaining the plantings and raingardens. He has a lot invested in the landscaping.

Ms. McMillan stated that she is concerned about composting on the site. Composting can be a contributor to poor water quality (through nutrient loading). Taking it offsite might be better.

Mr. Gidley stated that what is usually done is that it is left on site. Between 2 and 4 times/year they will take it offsite however where it will be mixed with a larger compost pile. He emphasized that it would be properly contained. It will not be left onsite until it is finished compost.

## **VI. OTHER BUSINESS**

Chairman Miller passed out a report entitled, How to Prepare for the Changing Climatic Conditions in Coastal New Hampshire. The complete technical advisory panel report can be found at [www.nhcrhc.stormsmart.org](http://www.nhcrhc.stormsmart.org)

## **VII. ADJOURNMENT**

At 8:17pm, 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 September 9, 2015.