

**MINUTES  
CONSERVATION COMMISSION**

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

**3:30 p.m.**

**October 14, 2015**

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

**MEMBERS ABSENT:**

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

.....  
**I. APPROVAL OF MINUTES**

**A. December 10, 2014**

Ms. Tanner pointed out a couple of typos in the minutes. She suggested getting those typos to Mr. Britz. Motion to approve said minutes as amended. Motion passed unanimously.

**B. January 14, 2015**

Motion to approve minutes. Motion passed unanimously.

**C. September 9, 2015**

Motion to approve minutes. Motion passed unanimously.

**II. STATE WETLANDS BUREAU PERMIT APPLICATION (OLD BUSINESS)**

**1. Standard Dredge and Fill Application**

**150 Greenleaf Avenue  
150 Greenleaf Avenue Realty Trust, owner  
Assessor Map 243, Lot 67**

Mr. Jim Boyle was present to speak to this application. He is the property owner. Chairman Miller asked for an information summary and Mr. Boyle summarized his request. Chairman

Miller recognized Deputy City Attorney Suzanne Woodland who explained that although the City of Portsmouth and the applicant have a disagreement with regard to the sewer line at the back of the property, that is not an issue for Conservation Commission review. She also provided background information relative to the permit application. She said in 2011 the applicant undertook work on the property. The NHDES brought a petition saying certain permits were not obtained prior to the work. The applicant and NHDES reached an agreement to resolve the matter and that agreement is in the form of a Consent Decree.

Mr. Boyle stated he was here for 2900 square feet of impact. He took what the Consent Decree called for in square footage and shrunk it. The subject area is in the rear right corner of the site and is not visible to the public. He said under the Consent Decree he has the right to do the work. No negative impacts are identified. The wetlands affected are not a rare occurrence. He said the mitigation required by the NHDES will be met.

Chairman Miller indicated the plans are hard to read and difficult to evaluate. Mr. Boyle explained three pipes will go into the area of impact.

Ms. Zamarchi asked if the subject area catches water off the roofs as well. Mr. Boyle said no. Chairman Miller asked if the impact was limited to the area of the stormwater outfall. Mr. Boyle said yes. Chairman Miller asked about treatment of water before it gets to the areas of impact. Mr. Boyle said it will all be part of the drainage system.

Ms. Tanner questioned how the proposal will affect the surrounding area. Mr. Boyle said it will reduce water off the property from what it is today.

Chairman Miller asked how the Consent Decree affects normal procedure. Deputy City Attorney Woodland said Mr. Boyle's plan for the property has not gone through the Site Review process yet. She said this wetlands application is specific to the Consent Decree. This is NHDES interpreting its own rules. She said the State will apply its own rules and look at the Consent Decree.

Chairman Miller said they should see if they can make recommendations and deal with water quality concerns. Then they can evaluate, make suggestions and move forward. Mr. Boyle said the subject area (2900 s.f) can only get water if the system is overwhelmed. Chairman Miller said it is hard to look at that because they did not get a full set of plans.

Ms. Zamarchi asked how snow piles will impact drainage and water treatment. Mr. Boyle said the sewer line is 100 feet from the property line. Ms. Tanner said the issue with the snow is it is not being treated in the subject area and that is a concern.

Vice Chairman Blanchard asked about this plan being consistent with the Consent Decree. Mr. Boyle said under the Consent Decree NHDES agreed to let this back corner be wetlands. If he paved to the edge of the property line, he would have to pay for the 17,000 square feet.

Ms. Wright asked if all the existing pavement is pervious. Mr. Boyle said 60' x 640' out front of the property is impervious. He said snow trucks and big trucks are not even allowed back where there is pervious area.

Deputy City Attorney Woodland said the State has the authority to make its decision on the application with or without Conservation Commission input. She said this process is advisory to NHDES. NHDES is looking for local input. Vice Chairman Blanchard said it is helpful to get the bigger picture.

Ms. Zamarchi asked if the water management system had a maintenance plan. Mr. Boyle said yes and explained where to find it.

Chairman Miller said their role is to be advisory to the State. He said they could make a recommendation and asked for any more questions for the applicant.

**Motion:** A Motion was made by Ms. Tanner and seconded by Vice Chairman Blanchard to not provide a recommendation for or against, but to provide the following guidance to NHDES:

- 1) That the handling of invasive species is according to NHDES best management practices;
- 2) That there is a review of the snow removal and storage plan with regards to the pervious and impervious pavement and salt and sand management, as well as wetlands;
- 3) That the stormwater plan needs to be reviewed for adequacy to properly treat all runoff from the development old and new, and that there is an appropriate maintenance plan that is followed for all stormwater management devices and controls;
- 4) That erosion controls are in place during construction and that they meet NHDES BMPs;
- 5) That measures are taken to minimize the impact to the vegetation in the wetland.

Motion passed – all in favor with one abstention from Ms. McMillan. 7-0 vote.

**2. Minimum Impact Expedited Application**  
**600 Market Street**  
**Portsmouth Submarine Memorial Association, owner**  
**Assessor Map 209, Lot 87**

Ms. Cheryl Coviello GZA GeoEnvironmental, Inc. and representing the Portsmouth Submarine Memorial Association, talked about the proposed project at Albacore Park. The basin needs rehabilitation. She gave the history of the Albacore. The intent of the dry basin is to keep the submarine out of the water and make it easier to maintain the submarine. There is sediment accumulation at the bottom of the basin and the slope is eroding. She showed a map of the area and explained. She showed the proposed project. They are looking to remove the existing silt. She went to archive files and was able to interpret where bedrock is. They are looking to lower the basin approximately one foot and put a new pump in. The bottom of the basin is 200 feet long. They are looking to make the whole basin 32 feet wide. They are also looking to put a tow wall at the bottom of the slope. At the top of the slope there is a concrete wall. It serves as a

solid foundation for the fencing. The walkway is sloped away from the basin to minimize the amount of water getting into the basin. They have consulted with the Department of Public Works on this project. There is a sewer line under the existing walkway and they would like to relocate it and bring it closer to the Route 1 Bypass. They are not proposing to disturb the wetlands. She said they worked with a contractor to figure out how to access the basin and not impact natural resources.

Vice Chairman Blanchard asked how they will remove the silt in the water. Ms. Tracy Tarr, scientist working on the project, said it is not a permanent condition.

Ms. Tanner asked if there is any integration between this and the Sarah Long Bridge project. Ms. Coviello said they are in constant contact with the State and the State's contractor. They are looking to do work December 2015-March/April 2016.

Vice Chairman Blanchard asked where the drainage goes now. Ms. Coviello pointed to Figure 2 and 3 on the map. Vice Chairman Blanchard said the sump pump goes to the manhole, but then wondered where it goes. Ms. Coviello said there is an existing DOT abandoned pipe and it will be going to the same place it does now.

Ms. Tanner asked about erosion control during construction. Ms. Tarr said there is a silt fence.

**Motion:** A Motion was made by Ms. Tanner and seconded by Mr. Cardin to recommend approval of this application to the State Wetlands Bureau. Motion carried – all in favor.

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

**A. 600 Market Street  
Portsmouth Submarine Memorial Association, owner  
Assessor Map 209, Lot 87**

**Motion:** A Motion was made by Ms. Tanner and seconded by Ms. Meuse to recommend approval of the application to the Planning Board. Motion carried – all in favor.

**B. 1163 Sagamore Avenue  
Chinburg Developers, LLC, owner  
Assessor Map 224, Lot 17  
*(This item was postponed at the September 9, 2015 meeting to the October 14, 2015 meeting.)***

Mr. John Chagnon of Ambit Engineering was present to speak on behalf of the applicant. He said this was tabled at the last meeting. The issue is with the Easement Deed and the language in it. He said they have addressed the concerns posed with the original document. Ms. Tanner said everything that concerned them does look like it has been addressed.

**Motion:** A Motion was made by Mr. Cardin and seconded by Ms. Tanner to approve the application to the Planning Board. Motion carried – all in favor.

**C. 270 West Road  
270 West Road Condominium Association, owner  
Assessor Map 267, Lot 19**

Mr. Marc Jacobs was present to speak on behalf of the applicant. He said this site is on West Road, the former Iafolla gravel pit. He said in May, the site was logged and stumped. The activity took place within the wetlands. They receive a Cease & Desist Order from NHDES and the City ordered them to put things back the way they were before it was logged. He showed a map of the logged area. There is a restoration plan which was approved and issued by the State. The restoration plan will replace shrubs and trees in the area and the upland buffer zone. They will provide an initial status report when this happens. He said they are hoping to start restoration this week. They will provide another status report on 9/16/15. The plantings proposed in the wetlands area include birch and silver maples (20 specimens) and silky dog wood (58 specimens). There are 18 grey birches proposed in the buffer zone and 50 multiple shrub specimens proposed in the buffer zone.

Ms. Tanner asked why they were proposing to plant silver maples. She said they do not seem to do as well as red maples. Mr. Jacobs said they are easier to access and he has not found silver maples to be more difficult. Ms. Tanner asked how and why this logging even happened in the first place. Mr. Jacobs said he was unclear, but he thinks some construction plans were coming into place. Ms. Tanner asked how they will be able to tell if this restoration plan sticks.

Mr. Cardin asked if they have looked into invasive species. Mr. Jacobs said this site has grown in substantially. He said there are lots of invasive species and named off a few types. He said the phragmites are a big player. Mr. Cardin asked about eradicating before planting. Mr. Jacobs said they talked about spraying, but that window is closing for this year.

Ms. Meuse asked who did the clearing and said she thought permits were required to do this logging. Mr. Jacobs said some parties here should have known better. Mr. Britz said it was a Maine company.

Ms. McMillan asked if there was time this fall for planting. Mr. Jacobs said yes, and that there are advantages and disadvantages for spring planting. Some shrubs may not last because of heaving. The ideal window can be pretty narrow. He said this site had heavy infestations before logging.

Ms. Tanner asked about erosion control measures for replanting. Mr. Jacobs said there are woodchips and perimeter barriers (silt fence or silt sock).

**Motion:** A Motion was made by Chairman Blanchard and seconded by Mr. Cardin to recommend approval of the application to the Planning Board. In discussion, Ms. McMillan made one stipulation to monitor invasive species and remove if they are inhibiting growth of the

installed specimens. A new Motion was made by Mr. Cardin and seconded by Ms. Tanner to recommend approve the application to the Planning Board with the following stipulation:

- 1) That the remedial measures shall include the monitoring of invasive species as proposed and the removal of any invasive species that are inhibiting growth of the installed species.

Motion carried – all in favor. 7-0 vote.

**D. 110 Clinton Street  
Margaret Coate, owner  
Assessor Map 158, Lot 4**

Mr. Chris Albert, from Jones & Beach Engineers, was present to speak for the applicant. He said this project was approved in 2012. They were able to build the house, but not the garage. He passed out a packet.

Ms. Tanner asked about detail for the garage. Mr. Albert said it will be a 24' x 24' garage with a connected breezeway. It is pretty much the same measurements as three years ago when it was approved.

Chairman Miller asked about drainage. Mr. Albert said they would have a silt fence towards the wooded area. Chairman Miller asked about a drip edge or a gutter. Mr. Albert said there is not a steep slope on the back side, it's just flat lawn. Chairman Miller is concerned with erosion of the bank. Mr. Albert said gutters can go in. He said they are fortunate to have a wooded buffer.

**Motion:** A Motion was made by Ms. McMillan and seconded by Ms. Zamarchi to recommend approval of the application to the Planning Board. Motion carried - all in favor.

**E. 2299 Lafayette Road (amendment)  
Rye Port Properties, owner  
Assessor Map 272, Lot 10**

Mr. David Jordan, from MHF Design Consulting, Inc. was present to speak on behalf of the application. This application pertains to the Taco Bell which is under construction on Lafayette Road. They want to construct a sewer line within the wetland buffer. The sewer connects to Lafayette Road by way of a pump that was approved. They are proposing a gravity connection down to a stub. They would need to work within the wetland buffer. There has been a Restoration Plan in the works for after work is done.

Luke Hurley of Gove Environmental Services, Inc. said they will excavate 4-6 feet, then put in the pipe with a proposed top of 2 feet cover. They will bring in 2 feet of new material seed mix because of invasive species. Their biggest concern is the cost and time with the number of invasive species which is why they are proposing new material. Mr. Cardin said he doesn't think the 2 feet of invasive species taken away will last too long. Maybe a few years. Mr. Haley said it is just a recommendation to try to limit the number of invasive species. Mr. Cardin said it is not a useful measure.

Ms. Tanner asked about erosion control. Mr. Jordan said there would either be a silt fence or silt sock. Mr. Cardin said photographs would be helpful.

**Motion:** A Motion was made by Ms. Tanner and seconded by Ms. Meuse to recommend approval to the Planning Board. Motion carried with a 5-2 vote with Ms. McMillan and Mr. Cardin voting in opposition.

## **F. OTHER BUSINESS**

Mr. Miller reminded the Board of a NH Association of Conservation Commissioners annual meeting on November 7.

The next Portsmouth Conservation Commission meeting will be November 12, 2015.

## **G. ADJOURNMENT**

A Motion was made by Ms. Tanner and seconded by Ms. McMillan to adjourn the meeting at 5:44 pm. Motion carried –all in favor.

Respectfully submitted,

Nicole Piper, recording secretary

These minutes were approved at the Conservation Commission meeting on November 12, 2015.