

MINUTES

CONSERVATION COMMISSION

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

3:30 p.m.

February 10, 2016

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

MEMBERS ABSENT: Chairman Steve Miller; Kimberly Meuse

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

Ms. Tanner made a motion to approve the January 13, 2016 minutes, seconded by Ms. Zamarchi, and this passed unanimously.

II. STATE WETLANDS BUREAU PERMIT APPLICATIONS

- A. Standard Dredge and Fill Application
Marcy Street (Prescott Park)
City of Portsmouth
Prescott Park Arts Festival, applicant
Assessor Map 104, Lots 1, 3-2 & 3-3

This item was postponed to the March 9, 2016 meeting.

- B. Standard Dredge and Fill Application
140 Crescent Way
Kenneth Scarpetti, owner
Assessor Map 212, Lot 156

Ms. Zamarchi recused herself from this item as she said she was an abutter.

Alan Folsom, who represented Mr. Scarpetti was present to speak. He said this was an after the fact application for a propane tank that was installed by Irving Oil.

Vice Chairman Blanchard asked how this could happen, and if Irving was not aware that they needed a permit.

Mr. Folsom said they had received a permit, but that Mr. Scarpetti must not have realized they needed a permit to install the tank within the tidal buffer. In talking with Dave Price, he said Mr. Price said he thought this happened frequently, with it not being caught. It just happened that Mr. Price was out there for the other application and noticed the installation.

Ms. Tanner asked how long Mr. Scarpetti had lived at the current location.

Mr. Folsom said he did not believe that Mr. Scarpetti lived there, that he rented it.

Mr. Cardin said that Mr. Scarpetti currently lived a couple of houses down, maybe for a couple of years.

Ms. Tanner said any resident should have received a letter from the City stating what was allowed and what was not allowed.

Mr. Folsom said that Irving filed the permit with the City, Mr. Scarpetti did not, meaning he did not know it would be required since it was an underground propane tank.

Mr. Cardin said Mr. Scarpetti owned a number of houses on the water, and he should have been aware.

Mr. Folsom said Mr. Scarpetti was not aware.

Vice Chairman Blanchard asked Mr. Britz if there were any penalties that would be required at this point.

Mr. Britz answered that when a person applied for an after the fact permit, it cannot be an expedited application.

Vice Chairman Blanchard asked if there was an alternative site for this tank.

Mr. Folsom said the construction had already been completed and stabilized, and that this was a minimum impact project. He said it would be a higher impact if they moved it at this point to relocate it. He added that Irving felt they did all they needed to do.

Vice Chairman Blanchard asked Mr. Britz if there was a procedure where City departments would be notified if this happened.

Mr. Britz said they needed to get a mechanical permit to put it in. He said that most permits came through Zoning, at which point it would be added to the permit and stated they needed a wetlands permit, but he did not look at this particular permit to see if that was on there.

Vice Chairman Blanchard thought it was important that there be a flag noting this, and that the Conservation Commission could discuss that further.

Mr. Britz said he had made a note of that. He said usually there was an internal flag that would note they would have needed a State Wetlands Permit and a City Conditional Use Permit before construction could begin.

Mr. Cardin said he lived in that same neighborhood. He knew the tenant of this property, said he can vouch for the site being stabilized, and he did not think it would be worth digging it up to relocate it at this point.

Ms. Tanner said she was not happy with after the fact permits because the City did not get any input whatsoever.

Mr. Britz said the next step after the Conservation Commission would be the State Wetlands Bureau.

Vice Chairman Blanchard asked if they should suggest that the Conservation Commission was concerned with this person because this was not the first of these.

Mr. Britz said the Conservation Commission could write a letter to the property owner and to Irving Oil stating this was not appropriate.

Vice Chairman Blanchard said she thought they should also send a letter to the State.

Mr. Britz said whatever recommendation was made at the Conservation Commission would go to the DES, and that they try to send the minutes to them as well.

Mr. Cardin said it would be wise to send a letter to Irving, and said if they filed the permit, they should have been aware of the City's regulations.

Ms. McMillan agreed with this, so as to prevent this situation in the future.

Mr. Folsom said it would be nice if the mechanical permit stated that it may require State permits, but nowhere did it state that, so for future reference the applicant would know another permit would be required.

Mr. Britz said that some permits did not go through Zoning and asked Mr. Folsom if he had the mechanical permit with him, and Mr. Folsom said yes, as it was part of the application.

Vice Chairman Blanchard said the motion should include language approving a letter to be relative to the issue of after the fact permits, particularly in that location to go to both the State as well as to Irving and the applicant.

Mr. Cardin made a motion to recommend approval of the application with the addition to have the Conservation Commission draft a letter to Irving Oil making them aware of the City's

wetland setbacks for protection, regarding them installing underground storage tanks, and they would copy the owner. Ms. Tanner seconded the motion, which passed unanimously.

Mr. Britz said he would draft the letter. He said he would also check on the process as it could be that on smaller permits it did not go to zoning.

C. Standard Dredge and Fill Application
209 Gosport Road
Robert and Elizabeth MacDonald, owners
Assessor Map 224, Lot 10-12

Steve Riker from Ambit Engineering spoke on behalf of the owner, saying they purchased the property in November or December and were currently building a home there. Mr. MacDonald was the contractor, and the foundation had been poured. He would like a State DES Wetlands Permit for a docking structure on the property. He hired Ambit to prepare the plans and the application. The application to DES would be a major impact permit because it was within the 100 foot prime wetland buffer. The prime wetland buffer occurs on the parcel to the south of the subject parcel, but extended onto the applicant's parcel. The location of the proposed docking structure made the most sense in an outcropping ledge area shown on the plan.

The members of the Conservation Commission stated that none of them had received plans as part of the application.

Mr. Riker had two sets of small plans with him that he passed around.

Mr. Riker said the survey crew planned where to place the pier on the ledge. They identified the elevations, as the driver for the design was the elevation. They wanted to tie the western end of the pier to the 16 foot elevation, which they wanted to do for safety to make it a more level walk instead of an 80 degree slippery slope.

He said it was a three part docking structure, consisting of a 6 x 17 foot wooden pier, with two pilings on each of the eastern and western ends, there was a 30 x 40 foot aluminum gang plank, and the float was 10 x 20 feet.

Mr. Riker compared the proposed structure's size to the docking structure to the north, which belonged to the O'Neill's, and to the structure to the south, and the proposed structure would be smaller than the existing one to the south. The one to the south was much longer because it had to cross a section of salt marsh before reaching the water's edge. The proposed structure would be a high tide dock and would float. At low tide it would be sitting 18 inches above the mud.

He said they were able to position the structure so that no removal of any trees would be necessary. If it were moved to the north, it would require cutting one or two trees. Also, the pier would need to be longer to reach the 16 foot elevation, and that would increase the tidal buffer zone impact. He said the float and gangplank were temporary docking structures and would be

removed in the winter. They were looking for Conservation Commission approval and a recommendation letter to the State DES.

Ms. Zamarchi said in the application it talked about the float and ramp being removed, so how would it be removed and where would it be stored.

Mr. Riker said most dock owners would rest the gangplank on the pier, and the float was typically removed and placed someplace else, maybe via barge or boat.

Vice Chairman Blanchard stated a concern about having three natural communities in proximity to the structure and asked what they had done to compensate for that.

Mr. Riker said he had been in communication with the Natural Heritage Bureau (NHB), and they had a report which discussed the location of those areas. He said in those communications, he had copied Mr. Britz. He referred to the third page of the NHB report, which showed a map identifying those locations and any impacted species. They have used the minimum number of pilings on the structure, using 14 feet between pilings, where usually it was 12 feet.

Mr. Britz said the dock would be 18 inches off the mud in low tide, and asked that Mr. Riker explain that.

Mr. Riker said there was a float stop at the bottom of the pilings, so when the water went out, the dock would only go down so far and this was detailed on the plans.

Ms. Harrison asked what the distance was between this pier and the neighbor's pier.

Mr. Riker said he would guess it was 100 or more feet.

Ms. McMillan asked Mr. Riker to identify where on the site, as shown in Photographs 1 and 2, the structure would be installed.

Mr. Riker said it would be close to number 1. And on Photo 2, it was close to the orange flag.

Ms. McMillan asked about vegetation and if there would be any understory getting disturbed.

Mr. Riker said there would be some understory under the pier.

Mr. Riker said currently there was a footpath, and the owner did not want to move any additional vegetation.

Mr. Cardin asked about machinery and how they would get in there.

Mr. Riker said the docks were installed from the barge. The pilings on the ledge would be pinned with hand tools, and everything would be delivered via barge.

Vice Chairman Blanchard said if the Conservation Commission was reluctant to move forward because they didn't have the plans in advance, that they had the option to vote to postpone.

Mr. Cardin asked about the proposed dock elevation cross section, saying that some things on the plan did not make sense. They were showing two sets of parallel piles, and he asked if the furthest set of seaward piles was going to be cut.

Mr. Riker said the proposed dock elevation was not drawn to scale. The furthest east pile would come up through the middle of the float.

Mr. Cardin asked if they had considered that there might be ledge further out along the shoreline and how they would address that.

Mr. Riker said it was his understanding they would drive them, but they had not done a geotechnical study.

Mr. Cardin asked what the measures would be if they hit ledge before they got to the depth they needed to be because the Conservation Commission would need to know that.

Mr. Riker was not sure, but he said Pickering Marine had been in discussion with the applicant regarding this installation.

Mr. Britz said if they could not drive it deep enough, they would have to pin it. If it was the float they would put in a mooring. The applicant did submit the plans with the Conditional Use Permit, and Mr. Britz said he took responsibility for there not being plans distributed.

Vice Chairman Blanchard asked if the Conservation Commission moved to postpone, if there was other information they would like to have.

Mr. Cardin asked if there was a cross section of the marine profile, and Mr. Riker said there was not.

Mr. Cardin asked where the pilings would go in the actual impact areas, as it looked like all ledge.

Mr. Riker referred to site Photo 3 which showed a mudflat.

Ms. Wright asked if this would be completed in one tidal cycle, and Mr. Riker said no.

Ms. Wright wanted to ensure they would remove all materials when they were not working at the site.

Mr. Riker said they were welded off site, and he assumed they would bring pilings first and then return with the prefabricated pieces of the structure.

Mr. Cardin asked where the float, if removed in the winter, would be stored. He had seen these stored on salt marshes and did not like that. Mr. Riker was not sure.

Robert MacDonald, the property owner arrived at this point in the presentation, and Mr. Riker referred to the question of the winter float storage. Mr. MacDonald said that a company would come in the fall, unhook it and take it away, as they did with the neighboring structures.

Ms. McMillan asked if the Conservation Commission normally saw this type of application from Pickering Marine and Mr. Britz said sometimes.

Vice Chairman Blanchard said they did not have some of the engineering-related information, considering the location, and Mr. Britz said sometimes this was figured out in the field.

Mr. MacDonald said he had spoken to Pickering Marine and asked if there were any questions that he might be able to address.

Mr. Cardin was not sure of the construction sequence that would occur when there were tidal changes and interruptions during the construction.

Mr. Britz said there was also the question about the approach they would take if they hit ledge.

Mr. MacDonald said if they hit ledge, they would pin to the ledge, and there was a protocol for that.

Regarding the conversations about tidal buffers and a possible silt fence, Mr. Britz said that could be passed on to the State for their determination.

Mr. Cardin would like to see more information on the construction sequence and what the protocol would be if they were to hit ledge. He suggested that maybe a letter from Pickering Marine would be beneficial to help them analyze the information.

Ms. Tanner said the Conservation Commission could pass it on to the State suggesting that they obtain a letter from Pickering Marine regarding the construction sequence and making sure the proper erosion controls were in place.

Ms. Harrison asked if the State looked at the cumulative impacts of all these piers and docks.

Mr. Britz said they try to, but it was challenging because they came in piecemeal.

Mr. Cardin said the Army Corps would look at secondary impacts.

Mr. Britz said the Harbor Master would also look at it for any navigational impacts, and the Division of Historical Resources also would review this.

Mr. Cardin made a motion to recommend approval of the application with the following stipulations:

- 1) That the State Wetlands Bureau review the construction details to better understand the timing of appropriate sedimentation controls and construction sequence.

Ms. Tanner seconded the motion.

Ms. McMillan asked about access to the area and about removing the lower vegetation.

Mr. MacDonald said no limbs would need to be trimmed, and no trees would need to be removed. He said there was a path along the edge of the ledge which lead out to the location, and there was no low growth there. It was a natural look, and it was a nice flat area. There was no need for clearing or disturbance.

The motion passed unanimously.

III. CONDITIONAL USE PERMIT APPLICATIONS: WETLAND PROTECTION PLAN

1. 3201 Lafayette Road
Hillcrest at Portsmouth, LLC, owner
Assessor Map 291, Lot 7

Glenn Gidley, representing Hillcrest Estates was present to speak. Also present were Corey Colwell from MSC Engineers and Tom Sokolski from TES Environmental Consultants.

Mr. Colwell presented a brief background on Hillcrest. The new prefabricated units were being built as manufactured homes, versus mobile homes, which was how the park started. The City had an old ordinance that addressed mobile home parks, but never had one for manufactured home parks.

Mr. Colwell gave a background on some of the City changes, and recently the City proposed two new zoning amendments, which were recently approved by City Council. Because the owner planned to replace up to 70 units over the next 10 years, there would be an increase of impervious site coverage. Most of the park, he said, was in the wetlands buffer. By the time they would allow for a 100 foot buffer from all of the wetlands, most of the park was within that buffer. The first of the two new zoning amendments addressed dimensional standards for upgrades to the park.

The second zoning ordinance amendment change was to Article 10 of the Environmental Protection Standards. This amendment required a Wetlands Protection Plan for any changes within the buffer zone of any manufactured home park, if there were more than five acres or five residential structures that were to be replaced.

Vice Chairman Blanchard said she was familiar with this zoning change.

Mr. Colwell said this would not be the final step in the process. He said a Wetlands Protection Plan would show how the increase in impervious surface within the buffer would be offset by measures meant to protect the wetlands. As each unit would be built, a separate site plan would

have to be submitted. The goal for that meeting was to show a Wetlands Protection Plan (WPP) and get a favorable recommendation so that they would be able to proceed to the Planning Board.

Mr. Colwell said the increase in impervious surface was allowed provided it was not within 25 feet of the wetland; the net increase would be compensated for by protective measures, shown on the WPP at certain ratios of 2:1 or 3:1, depending on where it was located, in distance, from the buffer. (For example a 2:1 ratio would mean that for every 1 s.f. of impervious surface, there would need to be 2 s.f. of protection measures)

These plans, he said, proposed these protective measures. He referred to Sheet C-1 of the WPP. He showed proposed tree and shrub planting areas and proposed rain gardens. He referred to the spreadsheet entitled Site Impervious Area Calculation, and on Page 4, he pointed out the totals as 64,282 s.f. for the potential impervious surface increase, and 30,943 s.f. was within the buffer. So based on the 30,943 s.f. of new impervious surface area, they would need to have wetlands enhancements of 60,000 – 90,000 s.f., depending on where it fell in relation to the wetlands buffer.

He referred to the spreadsheet handout entitled Planning Area Calculation within a 100 Foot Wetlands Buffer. This spreadsheet specified the size of the tree planting areas, which would serve to offset the increase of impervious area.

Mr. Colwell said they also had three additional features shown on the plans. Shown in bold were previously approved plantings that were a result of five previous Conditional Use Permits. It was important to show all wetlands enhancements on one plan.

They additionally proposed a yard waste compost site, shown in the southeast corner, and this would be away from the wetlands, so people would not dump clippings behind their homes into the wetlands.

The third additional proposed improvement was to install a rip rap protection outlet near the entrance. He said there was a City swale that ran south along Lafayette Road and went under that entrance. During a storm event, there was significant runoff, erosion and siltation in the adjacent wetlands to the south. The rip rap protection outlet would prevent erosion and keep silt out of the wetlands.

The protective measures have been placed strategically. Sheet C-2 contained details to aid the contractor in making these enhancements work properly.

Mr. Colwell said, essentially, that was their proposal, which was to protect the wetlands due to the net increase in impervious area over the next 10+ years.

Tom Sokolski, a certified New Hampshire wetlands scientist presented. He said the year before, they had marked the boundaries of the wetlands on the property. The site had a number of wetlands around it, including prime wetlands to the east, and a fresh water emergent marsh. He said there was some emergent vegetation of invasive species and wetlands to the west.

Additionally, there were forested swamps and upland areas with hard and soft wood trees. They were asked to provide information to offset the impacts of this project during the time of the previous five Conditional Use Permits.

Mr. Sokolski said to help offset these projects, they considered what would result in indirect impacts to the wetlands. He said those primarily take the form of storm water quality issues, construction timeframe impacts, looking at measures that may improve the existing habitat. In looking at that, their attention was drawn to colonies of invasive species.

Mr. Sokolski said in addressing the impact of storm water issues, they developed a plan to take runoff and direct it into rain gardens. In terms of mitigation measures, the rain garden concept was identified as a best method of addressing potential storm water impacts. They have located the planned rain gardens near the lots where a new or expanded home would be developed. This would treat the storm water from the site.

He said they looked at different forms of plantings regarding habitat. Trees would be planted in areas that would be pedestrian parks, and they would have a mowed pathway through the area for people to walk. They also proposed to plant shrubs on borders of lot edges and the forest to buffer those areas.

Mr. Sokolski said that there was a stand of a very aggressive invasive Japanese Knotweed in the compost proposed area, and they had a plan to eradicate that, which involved root and soil removal. They did not plan to use herbicides. There also were phragmites, and with that, they planned to take a long term approach of shading the area and planting water loving trees, like red maple. This would also improve habitat and natural cooling of the area.

Mr. Sokolski said they have developed a plan that addressed the secondary impacts that may occur with the home expansion, a sort of holistic approach that addressed storm water quality issues and enhanced wildlife habitat. This was their proposed mitigation plan, which would be brought in to City code for manufactured home parks.

Ms. Zamarchi asked if the sheds, which were located in the areas of the proposed rain gardens would be relocated, and Mr. Sokolski said yes.

Ms. Zamarchi asked if, as they compensated for a home going in, they would put in a rain garden.

Mr. Sokolski answered, that it would be a stepwise plan, maybe a 10-20 year plan. He added there were measures to improve the conditions even before the units went in. Also, older homes had exterior oil tanks for heating, and new units would be converted to liquid propane.

Ms. Tanner asked if people owned the homes but rented the property, and if they could plant a garden, and Mr. Gidley answered yes to those questions.

Ms. Tanner asked if the residents can compost and would they maintain it as a composting effort.

Mr. Gidley said they had one central compost for the park where they would remove whatever compost had accumulated three or four times a year. They would let it sit, decompose and haul it away to a location in Salem, where they would mix it with loam. It would not sit there too long, and they would push it up and turn it over constantly. He said it worked well at other sites, and that he would give the residents all the biodegradable bags they wanted for free. So they would be able to leave their compost in a bag and it would get picked up. The residents would not have to bring it over themselves.

Ms. Tanner asked if people were allowed to use the compost to maintain their gardens, and Mr. Gidley answered yes.

Mr. Cardin asked if there was a specification for on-center tree planting.

Mr. Britz said there was a specification for the shrub planting in the detail, but not an on-center specification for the tree planting, and he said the Conservation Commission would need that. Mr. Gidley said they would put that in.

Ms. Harrison asked if there was a way, along the prime wetlands, to limit the increase of impervious surface.

Mr. Gidley said it was hard to predict where on the site going forward some of the impacts on the individual sites would be. If it were going to be on the higher or lower ends of the spectrum, he said they would not know what homes would be going in there. It would be conceivable that a smaller home could go in there. The sites along Codfish, were the least depth sites that they had available, and he anticipated that the impacts would mostly be less than what was there now for those sites.

Ms. Harrison used Site 161 as an example, where it stated the potential for impervious surface increase in the wetlands buffer would be 1,304 s.f., which would be the worst case scenario, and essentially she was asking if there was a way they could decrease the worst case scenario.

Mr. Gidley answered that in some cases they have overestimated the impacts. For calculation purposes, they maxed out each site with the largest house possible, so they could plan for that and always be very much ahead of the ratio of enhancements relative to the home that would go in. He added that future impervious calculations would be addressed proactively.

Ms. Harrison said but if this were to be approved, there would be no assurance that the maximum would not be hit.

Mr. Colwell said most of those sites were in the 50 foot buffer, and to keep in mind there would be a 3:1 ratio of square feet of enhancements to added square footage of impervious surface in that buffer range. Closer to the wetlands, there would be more enhancements, and further away, there would be less.

Ms. Harrison said the specific enhancement could happen elsewhere, and not where the impact was, and Mr. Colwell confirmed that was the case.

Mr. Gidley said they were looking at one of the oldest smallest existing homes in the park, and that in comparison, it may seem to be a dramatic amount of surface that it could potentially increase to.

Ms. Harrison said the potential impervious surface in the wetland buffer was 2,695 s.f. but that was an additional 1,300 in the wetland buffer, and that was a red flag. She would advocate to not max out the sizes along that buffer, as it seemed harmful to that wetland.

Mr. Gidley said that a larger replacement home would be better than what was there now, and he added that all the other improvements would be looked at as a whole and not individually. They were making improvements that should more than offset Codfish.

Mr. Gidley said they had proposed a conservation easement on the adjacent parcel in the rear. On some of the smaller sites where there was no room for a rain garden, that would be offset, and there would be a net improvement. All the old oil tanks and metal roofs would be eliminated.

Mr. Sokolski said existing homes had drip edges that went to the lawn which was underlain in the area with a marine clay sediment, which was fairly impervious. New designs would put in an 18 inch wide strip of crushed stone. And this would absorb the majority of the largest rain storms into the ground instead of running right off. That was another storm water improvement.

Mr. Cardin asked what the thought process was for not bolstering mitigation along the back edge along Codfish, because that was a critical buffer.

Mr. Gidley said they didn't have room. If they stayed out of the 25 feet, the sizes of the homes would be limited substantially.

Mr. Cardin asked if they were limited to building outside of that 25 foot buffer, and Mr. Gidley said yes, they were, and they preferred to leave that area natural.

Mr. Cardin said behind Striped Bass by Salmon Avenue, there was a long strip of tree plantings, and he would like to see that mitigation along Codfish, meaning the planting of trees and shrubs.

Mr. Gidley said there were only three homes back there slated to be replaced. He would like to see that area left natural, and again, they were limited by the 25 foot buffer.

Mr. Colwell said there was natural vegetation there.

Mr. Sokolski said there was some tree canopy that was not shown on the plan that was a well shaded area. In the wetlands in those areas, there was a forested fringe of 50 feet or wider, before you got to the prime wetland, and the actual prime wetland boundary, was out off of the tree line 25 feet or more. It was not like the prime wetland came right up to that wetland boundary.

Mr. Cardin asked if it was a landowner issue for not being able to plant a large row of shrubs.

Mr. Gidley said they did not want to go on anyone's site and dictate what should go into the yard while they lived there. Any work they did would be done when a new home went in.

Ms. Zamarchi said so no new home would cross into that 25 foot area.

Mr. Gidley answered correct, except for the raingarden.

Ms. McMillan asked about existing conditions and if they were to install a raingarden in an open area where the Earl Hunt Park area was, would they have to remove vegetation to do so if there were currently trees there.

Mr. Gidley said that was actually lawn and not trees at that location.

Mr. Colwell said sheet C-2 spelled out what would be planted where for sunny versus shaded sites.

Ms. McMillan asked Mr. Britz if the ordinance specified existing conditions.

Mr. Britz said they had their site plan approved, so this was for a future potential condition. Then each time they did 10 new units, they would need to prepare an amended site plan which would be approved administratively as a site plan amendment. If there was any proposed change that did not fit into the wetland protection site plan process, they would need to come for an individual conditional use permit.

Ms. McMillan said she was thinking about what the existing vegetation was.

Ms. McMillan asked if there was anything in the Ordinance regarding outreach education on this.

Mr. Gidley said they had spoken to Mr. Riker's organization. They were planning in the spring, in conjunction with the residents' association, to try to get some outreach from agencies to educate the residents about what they were doing and the benefits of it and planned to have a presentation regarding fertilizers. He said they were trying to accomplish an evolution, and to make this work, they would have to embrace the concept that they were trying to make the wetlands a feature of the site. They could not do that without the cooperation of the residents, and they were trying to get resident involvement as much as possible, because they wanted this to work. He said the residents had been supportive.

Ms. McMillan asked if there was a way to get that into the management plan.

Mr. Gidley said they owned the sites but not the buildings and that they wanted to be responsible for the maintenance. Regarding the education piece, Mr. Gidley said he would be happy to stipulate they would provide that information appropriately to the residents, but he said he cannot compel the residents. Any resident should check with them before they do anything in the yards,

and mostly they get cooperation on that. The culture has changed and they were getting more compliance. He said they would follow up with the Conservation Commission on that.

Ms. Harrison asked if they would update the table.

Mr. Gidley said every time they replaced a home, they would submit a mini-site plan for that site, and they would change the schedule. After they did 10 homes, they would have to submit all those changes on the Site Plan to the Planning Board, and that schedule would be constantly updated. Their plan was to be way ahead on the improvements, especially ahead of when homes went in.

Ms. McMillan asked if there were any lots being lost during this.

Mr. Gidley said the area in the back at the corner of Striped Bass and Dolphin, that was intended to be two sites, and Mr. Britz had blocked those, but said that would be a good location for enhancements. On another site at the other end of Dolphin, there were pavement remnants that remained of what used to be a dumpster area.

Ms. Harrison said there were only a few sites that were really sensitive, so there would be a small number of sites that could have a stipulated limited home size.

Mr. Gidley said they had already agreed to some dimensional constraints and to the distance between units.

Mr. Colwell said those numbers would be significantly reduced, and the numbers were done before the ordinance was adopted.

Ms. Tanner moved to recommend approval of the Conditional Use Permit Application to the Planning Board, and Mr. Cardin seconded the motion.

Ms. McMillan stated the Conservation Commission would add a stipulation about the outreach and education of the residents. She said it would be nice to set a precedent, and Mr. Cardin said they should get credit for it and put it in the plan.

The motion to recommend approval of the Conditional Use Permit Application to the Planning Board with the following stipulation passed unanimously:

- 1) The applicant shall provide education materials to the homeowners about the importance of wetlands as well as information about pesticide restrictions and the use of fertilizers in the wetland buffer. This information shall also be added to the stormwater management system inspection and maintenance plan.

IV. OTHER BUSINESS

V. ADJOURNMENT

Ms. McMillan made a motion to adjourn, and Ms. Harrison seconded. The meeting adjourned at 5:25 pm.

Respectfully submitted,

Marian Steimke
Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on March 9, 2016.