

MINUTES

CONSERVATION COMMISSION

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

3:30 p.m.

September 14, 2016

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

MEMBERS ABSENT: N/A

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

A. August 10, 2016

Line 47 – add the statement “Ms. Tanner stated that she would prefer the docking structure not be in the Right-of-Way.”

Line 126-127 – add the statement “when Ms. Tanner asked if a hydrogeologic study would be provided.”

Line 144 – replace “Spruce” with “pin oak”

Line 263 – revise to read “Ms. Tanner asked Mr. Riker if the pond up Little Harbor Road is connected to the wetlands on the property.”

Line 273-275 – to add construction access to house site will remain on the southernmost path closest to the creek. The path adjacent to the wetland would only be used for the work along the wetland.

Line 347 – replace “video” with “audio recording”

Vice Chairman Blanchard moved to approve the August 10, 2016 minutes, as amended. Seconded by Ms. Tanner. The motion passed by a voice vote (4-0-3).

II. STATE WETLANDS BUREAU PERMIT APPLICATIONS

1. Standard Dredge and Fill Application
95 Mechanic Street (wharf)
City of Portsmouth, owner
Assessor Map 103, Lot 29

Duncan Mellor, Principle Coastal Engineer, Tighe & Bond

Mr. Mellor's presentation included the following statements:

- The project site is located adjacent to the Peirce Island Bridge. He showed the location of the pump station and the seawall that was rebuilt by the City a few years ago. The wharf was acquired by the City. It was a former lobster pound. There is a large building and three smaller sheds on top of the wharf and a floating dock in front of the wharf closer to the Peirce Island bridge.
- Based on the unsafe conditions of the sheds, the City sought Tighe & Bond to prepare a permit to remove the structures. The permit is to remove the existing wharf and to retain the City's rights to rebuild that structure.
- A separate master plan project to plan for the reconstruction of the waste water pump station is forthcoming, but has not yet begun. The reconstruction would likely be engineered with timber and would replace the floats as determined by the master plan for the site.
- The state wetland bureau permit application is intended to remove the wharf to stabilize the current site. DES will allow up to five years for the structures to be rebuilt and in that time period the master planning for the site will occur.

Mr. Mellor confirmed that three buildings and the timber wharf would be removed.

Ms. McMillan asked to describe the planned use of the wharf. Mr. Mellor responded that the use was still not confirmed and will be defined in the master planning process.

Mr. Britz explained that replacing everything at the site in-kind is the preferred first step since it allows the City to grandfather what is there. He replied to Ms. McMillan's question of reducing the size of the floats by explaining it may require a new, dredge and fill application. She expressed her concern for the current size of the floats being too large.

Vice Chairman Blanchard asked if the presented configuration is a placeholder for what will eventually be developed. Mr. Britz agreed with that statement.

Mr. Cardin asked if there's value engineering in not replacing it whatsoever. Mr. Britz clarified that the permit application is only for the pier.

Ms. Wright asked if the Commission will have the opportunity to provide input in the master planning. Mr. Britz explained there will be public sessions available as part of the master plan process and if the permit changes, then it will require additional review from the Commission. Chairman Miller asked if the master planning is restricted to only the parcel. Mr. Britz explained how the main purpose for the City to purchase the property was because of the nearby pump station. That whole site will undergo master planning. The contractor has been selected, but the agreement has yet to be signed.

Ms. McMillan asked what could be proposed. Mr. Britz could not confirm what is anticipated to be replaced there. The pump station is the main focus for the reconfiguration of the property.

Ms. Zamarchi noted that the dock behind the building on the right is completely floating and falling in the water.

Mr. Cardin asked for a description of how the structure will be removed. It was explained that a crane and riggers would be utilized to remove the materials. Both the Portsmouth Historic District Commission and NHDR will undergo a determination of any historic value. It was added that the portions closest to the land would be removed by an excavator with a thumb. The shed in far corner would be removed with a crane and the roof would be cut starting from the top then working downward. The pier would be removed in a similar fashion by using an excavator in close proximities or a crane in the outskirts. There will be requirements stipulating work performed only during low tide in certain areas.

Vice Chairman Blanchard stated that she understood a new design for the pump station does not currently exist. She felt that there needed to be options left available for that redesign, which is the purpose for acquiring the property Mr. Britz concurred.

Ms. McMillan asked if erosion issues are anticipated. Mr. Mellor did not think there would be. He highlighted which areas that will need to be reassessed to consider what portions of seawall should be rebuilt. He could not confirm exactly where those locations are because the master planning has not begun. He described the type of soils and materials that exist in different sections of the site and did not foresee any potential erosion issues.

Mr. Cardin questioned whether the State would accept the replacement of the bulk head walls. Mr. Mellor did not see any issues for the shoreline. Once the wharf is removed, that would be the best time to conduct the repair work on the seawalls. Mr. Cardin suggested that tearing down the structure does not change the hydrology, but there may be less land existing after several years. Mr. Mellor explained the site was fairly stable and erosion should not occur.

Vice Chairman Blanchard made a motion to recommend approval of the application to the State Wetlands Bureau as presented, seconded by Ms. Tanner. The motion passed by a unanimous (7-0-0) vote.

2. Standard Dredge and Fill Application
US Route One Bypass and Submarine Way
NH Department of Transportation, owner
Assessor Map NA, Lot NA
(This item was postponed at the August 10, 2016 meeting to the September 14, 2016 meeting.)

Mark Long and Keith Cota, NH Department of Transportation

Mr. Cota's presentation included the following statements:

- In 2006, there were problems encountered during construction at the Sarah Mildred Long Bridge regarding the load requirements. As part of that, an emergency improvement process was coordinated with DES to make a connection with Albacore. They made a small adjustment from the driveway to the Bypass to help facilitate a detour route for large trucks.

- It was noted at the time, that the 750 s.f. of wetland area impacts would be addressed at some point, which is now the purpose of the current application.
- While the connector was in place, the need for that access being permanent grew to be critical. Once that area is rehabilitated to become permanent, it would then be turned back over to the City. Those enhancements include permanent signals, pedestrian access improvements, bicycle access across the bridge, removal of about 4,400 s.f. of impervious surface, and drainage modifications with a vortex treatment system.

Ms. Tanner asked if the extremely poor drainage issue at the corner of Market Street and Albacore Way will be addressed. Mr. Cota confirmed that another catch basin will be installed at that corner. He further explained the plans for modifying the entire sidewalk layout to improve the access to Submarine Way.

Ms. Tanner asked where the vortex unit will be located. Mr. Cota explained it will be located between the sewer pump station and bridge. He responded to Ms. Tanner's question regarding storm water runoff treatment that there will a wider grass swale to catch the runoff before reaching the treatment system. There is no other option other than the vortex system for collecting the water on Submarine Way.

Ms. McMillan asked to clarify whether it is a grass swale or a sloped, grass area. Mr. Cota explained that for it to be considered a grass swale it would have to be 8 feet wide, yet the maximum extent possible within the right-of-way is 4-6 feet. It will provide a benefit in low flow storm events. However, the longer, more heavy storm events will require the catch basin. He stated the grass swale is over 400 feet long. He noted that a deep sump basis will be added. Heavy storms will help to flush the system and allow the deeper sump to collect.

Ms. Zamarchi asked if the bridge will be replaced. Mr. Long replied that removing any section of the bridge would be unnecessary. There will be only saw cutting on both sides of the bridge to accommodate the proposed guard rail system and to build a sidewalk on the north side. He also noted that the opening underneath the bridge that exists today will be the same size after the project is completed.

Mr. Long confirmed to Chairman Miller that the bridge was installed in the mid-1980's. Chairman Miller asked if there will be any change in the tidal flow. Mr. Long responded that there would be no change or reduction to the tidal flow even given the additional drainage outlet. Chairman Miller asked if coordination has been had with the surrounding projects in the area. Mr. Long explained that they have coordinated with the contractors responsible for the SML Bridge. Their project will tie into the others, so that all the construction to be performed in and around the bridge will be completed at the same time.

Ms. Zamarchi asked whether the area underneath the gravel road is temporary because it is restricting the tidal flow. Mr. Long realized that the piped causeway installed is creating issues, but explained that it is directly related to the SML bridge project only.

Ms. McMillan asked if DOT will be responsible for maintenance. Mr. Long explained that it will be maintained jointly. DOT would be responsible for maintaining the drainage on the Bypass and

the grass swale. The City would be responsible for Submarine Way once the ownership is transferred.

Ms. McMillan asked how DOT will maintain the swale. Mr. Long explained that there is no written plan, but the practice is to maintain, mow, and clean up as necessary. That area will fall under their district for maintenance and he affirmed that there will be a high level of maintenance for erosion control. Ms. McMillan expressed her concerns for what may happen without having a plan. Mr. Long said the maintenance is outside the main scope of project development and that he would consult with the appropriate responsible official for that matter.

Mr. Britz asked to confirm that the City will maintain the vortex. Mr. Long replied that their department is currently drafting an MOU for City Council to consider what those conditions would be.

Ms. Kyle Langelier was present in the meeting.

Ms. Tanner suggested to make a motion. Mr. Britz explained why the application had already been approved. He encouraged the Commission to submit a letter to DES and DOT stating their concerns to include erosion control.

No action from the Commission was required for the application.

3. Standard Dredge and Fill Application
363 New Castle Avenue
Briggs Realty Association of Delaware, LLC, owner
Assessor Map 207, Lot 3

The applicant had requested to postpone to the October 12, 2016 meeting.

4. Standard Dredge and Fill Application
70 & 80 Corporate Drive
Pease Development Authority, owner
Assessor Map 305, Lot 1 & 2

Mr. Britz explained to Ms. Tanner the application process for site development at Pease and noted that some applications do go through the City. The City's boards or commissions ultimately make recommendations to the PDA and almost all the time the applications are accepted by the PDA.

Mr. Cardin noted that the setback requirements are different on Pease land. Ms. Tanner did not understand the process where the City could recommend different requirements than what is allowed on Pease. Mr. Britz explained recommendations from the City would follow the Pease land use regulations. The City will occasionally review applications for conditional use using the PDA land use regulations.

Chairman Miller explained the long history of the site since it was previously initiated in the past. Ms. Tanner was surprised that Lonza is still moving forward with the expansion given that Lonza had stated recently they would not expand.

The Commission discussed certain individuals that would be beneficial to be present in the next meeting for the application.

Ms. McMillan made a motion to postpone the application to the October 12, 2016 regular meeting, seconded by Ms. Tanner. The motion passed by a unanimous (7-0-0) vote.

III. CONDITIONAL USE PERMIT APPLICATIONS

- A. 150 US Route One Bypass
Seacoast Trust, LLP, owner
Assessor Map 231, Lot 58

Mr. Britz explained the main reason for postponement of the application was due to the hydrogeologic study not being certified upon receipt.

Vice Chairman Blanchard made a motion to postpone the application to the October 12, 2016 regular meeting, seconded by Ms. McMillan. The motion passed by a unanimous (7-0-0) vote.

IV. OTHER BUSINESS

- A. Permit By Notification, 929 Sagamore Avenue

Chairman Miller explained the PBN is for a replacement in-kind of an existing dock. Mr. Cardin and Ms. Tanner both asked why it is a permit by notification. Chairman Miller cited the justification indicated in the application. The Commission had further deliberation on whether or not the proposed work falls under the PBN requirements. Mr. Britz suggested that he would contact DES to find out how to proceed with the PBN. The Commission reached consensus to submit a letter to DES highlighting the concerns raised and to not sign the PBN.

- B. Discussion of site walks: Great Bog, Gosling Road

Mr. Britz stated that City staff would like to schedule two site visits for this Fall. The first is for a Great Bog walk with coordination of the Southeast Land Trust. The second is for the Eversource project along Gosling Road to cut trees. Chairman Blanchard noted that Newington, Madbury, and Durham are anxious about the project. The Commission further discussed various concerns for what was said to be performed in that project. Mr. Britz stated that possible dates would be suggested through a Doodle poll.

- C. Draft exemption ordinance

Mr. Britz presented a draft addition to the ordinance for the Commission to review. It would allow for work that is less than 100 s.f. in the wetland buffer to be exempt. Vice Chairman

Blanchard questioned how much of a task it would require to enforce that language. Ms. Tanner questioned if applicants have a clear understanding of erosion control measures. She also expressed concerns for continuous dumping at the edge of wetlands. Mr. Cardin wondered how to clarify the term 'temporary impact'. Mr. Britz stated that the intent of the draft change is to help applicants that are currently experiencing a long process for small projects located in the buffer. The Commission had further deliberations on the feasibility of the suggested exemption. The Commission reached consensus to draft some form of a minimum expedited application with an option to recommend to the Planning Board.

V. ADJOURNMENT

Vice Chairman Blanchard made a motion to adjourn the meeting at 4:54 p.m., seconded by Ms. Zamarchi. The motion passed by a unanimous (5-0-0) vote.

Respectfully submitted,

Marissa L. Day
Recording Secretary for the Conservation Commission

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