

**MINUTES**

**CONSERVATION COMMISSION**

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

**3:30 p.m.**

**October 12, 2016**

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

**MEMBERS ABSENT:** Kimberly Meuse

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

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**I. APPROVAL OF MINUTES**

A. September 14, 2016

The approval of minutes was postponed to the November 9, 2016 meeting.

**II. STATE WETLANDS BUREAU PERMIT APPLICATIONS**

1. Standard Dredge and Fill Application  
363 New Castle Avenue  
Briggs Realty Association of Delaware, LLC, owner  
Assessor Map 205, Lot 3  
*(This applicant has asked to postpone to the November 9, 2016 meeting.)*

2. Standard Dredge and Fill Application  
Public Service of New Hampshire, owner  
Eversource, applicant  
Assessor Map 305, Lot 2  
*Administratively Withdrawn*

3. Standard Dredge and Fill Application  
70 & 80 Corporate Drive  
Pease Development Authority, owner  
Assessor Map 305, Lot 1 & 2  
*(This applicant has asked to postpone to the November 9, 2016 meeting.)*

**III. CONDITIONAL USE PERMIT APPLICATIONS**

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

Cory Belden, Altus Engineering, Inc.

Mr. Belden's presentation included the following statements:

- The proposed project is located at Atlantic Orthopedic facility, which would raze the existing building to construct a three story, 30-unit residential building. The proposed design is entirely outside the buffer area.
- The existing parking lot is about one foot from an existing wetland. The wetland is 11,500 s.f., which makes it jurisdictional.
- The project proposes to pull the parking lot further away from the wetland to increase the buffer area by providing about 20 feet minimum distance from the wetland.
- The rain gardens are closer to the 50-foot setback. There are three proposed rain gardens on the site that will provide storm water treatment.
- Overall, the site is reduced by about 15,000 s.f. of impervious area. Within the buffer area, the amount of impervious area is reduced by 10,000 s.f.
- Per the Technical Advisory Committee's recommendation, StoneHill Environmental performed a hydro geologic study of the site to analyze: the impact of foundation drains from the building on the groundwater system; the amount of flow exiting the site; and how the wetland area would be impacted.

Timothy Stone, StoneHill Environmental

Mr. Stone's presentation included the following statements:

- The groundwater flow map was explained, which demonstrates the drainage divide along Middle Road and across Rte. 1. The drainage south of that line travels toward the property and north of that line travels toward the salt marsh and Sagamore Creek.
- The groundwater contours map was shown to demonstrate how the drainage was tied into the swale in the area of standing water.
- The regional ground water flow model indicated that the water level has not substantially changed since spring and fluctuates up to two feet. Test results from further beneath the surface also verify that the water level fluctuates only at the surface. An explanation was provided as to how the perimeter drain system intercepts the groundwater that currently flows through the site. There would be no additional water carried in or out of the site.
- There are several erosion channels from the parking lots and a large drainage swale that exist. Soil boring logs placed in the wetland area indicated a large amount of marine clay that supports the northern upper wetland. There is a culvert that was originally installed and when that wetland fills with water it overflows into that culvert and drains off. The drainage system would not be expected to create an impact because the amount of marine clay.

Ms. Tanner asked if there is any subterranean water that reaches the surface. Mr. Stone replied that there is no spring. Because of the clay layer, the water may get perched on top and then flow towards the edge of the wetlands. Mr. Weinrieb noted that in spring season conditions, the runoff from the pond breaks out on the surface like a spring.

Mr. Belden reviewed the criteria for the conditional use permit as follows:

- The land is reasonably suited for the activity since the existing paved surface has no onsite storm water treatment prior to discharge. The proposed plan will enhance the buffer and paved surfaces in the wetlands.
- The proposed location is reasonable given that it will decrease the existing amount of impervious area.
- The proposed site will improve the existing degraded wetland and buffer area by: reducing the impervious surfaces; installing rain gardens; utilizing best management practices; and adding landscaping, tree shading, and natural vegetated buffer. Any proposed impact would occur in previously paved surfaces.
- The proposed design is the least adverse impact. The rain gardens would treat the runoff and improve the storm water quality.

Ms. Tanner asked if the soil around the edge of the building will be removed and replaced because of the amount of marine clay in the wetland area. Mr. Weinrieb explained why the parking would be located behind the building. He noted that any foundation built today has a permitted drain system to protect against groundwater. Ms. Tanner expressed concern that the groundwater drains could easily become clogged. Mr. Weinrieb replied that proper installation and quality materials will help to make it last indefinitely. Mr. Belden added that the structural slab would be four feet below the existing garage floor and there would be a positive drainage and grading moving away from the building. The grading would be roughly one foot in height and a trench drain would be installed across the driveway.

Ms. McMillan and Ms. Zamarchi stated their abstention from the vote.

Vice Chairman Blanchard appreciated the drainage study because it answered several questions as to whether the proposed plan would affect the drainage.

*Vice Chairman Blanchard moved to recommend approval of the application to the Planning Board, as presented, seconded by Mr. Cardin.*

Chairman Miller felt the StoneHill report and drainage study addressed several of the issues raised previously. Mr. Belden noted that the State Wetland Bureau application was voted 2-2 by the Conservation Commission because some members wanted the hydro-geologic study before making decision.

*The motion passed by a unanimous vote 7-0-0.*

- B. 56 Lois Street  
Alden Watson Properties, LLC, owner  
Assessor Map 232, Lot 8

John Chagnon, Ambit Engineering

Mr. Chagnon's presentation included the following statements:

- The project intends to add one house on a lot that will be subdivided.

- Per the Technical Advisory Committee's recommendation, the proposed roadway was widened. The total buffer impact would not change, even though the amount of impervious surface would increase.
- The prior owner received a variance previously, but it had expired. Lois Street has to be extended to create the necessary frontage for the lot. The variance would have allowed for less impact, but the project intends to move forward with this alternative. The extended road will create a new, wider Right-of-Way to the end of the current pavement.
- Wetlands were created by the construction of city sewers during the subdivision. Those sewers currently exist on private property. The application would dedicate the Right-of-Way to the City, thus making the sewer public property.
- Other proposed additions or alterations to the site, such as the turnaround, extended waterline and invasive species mitigation, was described in detail and said to be advantages of the project. The landscape plan shows nearly 6,500 s.f. of disturbed buffer that will be replaced to enhance the conditions.
- Uncontrolled runoff from Lois Street will be filtered, treated, and detained in the detention ponds. The proposed rain garden would help to treat the roof runoff.
- The project poses a large impact to the buffer, but is the least impacting alternative given the extension of the roadway and the location of the wetlands. It will also improve safety, buffer conditions, runoff treatment, and provide a service to the City by adding public Right-of-Way.

Steve Riker, Ambit Engineering, Inc.

Mr. Riker's presentation included the following statements:

- Current and future owners will have a restrictive covenant in the deed to ensure the storm water structures are maintained. The size of the proposed home would not be any larger or smaller than other homes in the neighborhood.
- There is no reasonably alternative location outside the buffer and a great majority of the property is located within the 100-foot buffer.
- There will be no adverse impact on the wetland functional values of the site or surrounding properties. The wetlands have been historically altered by the construction of the Rte. 1 Bypass, installation of the sewer line, and a manmade trench. Storm water from the entire length of Lois Street flows in a southerly direction and into the wetlands. The detention ponds will detain and treat the storm water and runoff from the proposed extended roadway. The buffer plantings and removal of invasive species will further increase the functionality of the buffer.
- The Lois Street extension will allow for snow plows to turn around and exit Lois Street.
- While the proposed plantings will increase the buffer disturbance by 7,453 s.f., the overall buffer function on the site would be enhanced.

Vice Chairman Blanchard expressed concerns for the history of the wetlands and proposed impact in the buffer area. Mr. Chagnon noted that the house is in the same location as the lot on Marjorie Street.

Mr. Chagnon replied to Chairman Miller's question that the subdivision had not yet occurred because it is contingent on the conditional use permit.

Mr. Chagnon explained to Chairman Miller the history as to how the lots became unconventionally shaped.

Mr. Cardin asked what currently exists in the upper wetland that could be affected by the proposed impact in the buffer. Mr. Riker explained that the current site contains much invasive species and limited wildlife. The filled area was not analyzed, but he guessed that it was probably used for dumping. The structure is poor and it contains only some shrubs. Mr. Cardin asked if those areas are intended to be removed and replaced with topsoil. Mr. Riker replied it would. Mr. Chagnon explained to Mr. Cardin that the proposed structure would not have a basement. The soil probes on the existing conditions report indicates the water table is sufficiently below the rain garden. Both pits have a 16" water table.

Ms. Zamarchi asked when the tests were completed. Mr. Riker replied in April 2016, however, the time of season does not matter when digging test pits and logging profiles because that observation focuses on soil color. The adaptations in the soil show where the water table is.

Ms. Tanner considered that it could be a contiguous wetland. Mr. Riker thought that was a potential. Mr. Chagnon added that the wetland on the west of Lois Street possibly exists to berm the sewer line. He understood that to be a conclusion of a separate project on Marjorie Street. Mr. Britz thought that statement was left inconclusive.

Ms. McMillan asked if there was potentially another location that would require filling or crossing wetlands to access. Mr. Riker noted that below Subdivision Lot 1 could be accessed from Rte. 1. Ms. Wright asked if the other subdivided lot could provide access to build in that corner. Mr. Chagnon presumed there would be a conflict with another buffer. He noted that the house in that lot is only a few feet from the boundary, which would not provide adequate access. The small area of buffer by the Rte. 1 Bypass is possible, but it is a controlled access highway that would likely not allow for a curb cut.

*Ms. Tanner moved to recommend denial of the application to the Planning Board as presented, seconded by Vice Chairman Blanchard.*

Ms. Tanner felt the wetland ordinance exists for a reason and the wetland buffer is valuable. The project proposes to add impervious surface or subdividing a lot where it is not necessary. All the disturbances are not acceptable.

Mr. Cardin noted that the overall impact is over 30,000 s.f. compared to the 7,500 s.f. of plantings for mitigation. He questioned what proposed efforts could possibly offset the overall impact, but did not see direct mitigation for the wetland buffer itself. He wondered what the ecological integrity outside the limits of disturbance is.

Vice Chairman Blanchard felt that 32,742 s.f. of wetland buffer impact in an undisturbed area is significant. A primary consideration is that the area has been identified as a wildlife corridor by the public land assessment survey. She noted that the area borders a well-established wetland at the rear of the site. She stated her opposition to the proposed plan.

Chairman Miller expressed a concern that it does not currently have a use. He felt it did not appear as a good site suited for a home and he stated his opposition to the proposed plan.

Ms. McMillan agreed with several statements made and expressed concern for the large amount of impact in the buffer area.

*The motion passed by a unanimous voice vote (6-1-0) with Mr. Cardin opposed.*

C. Campus Drive  
Foundation for Seacoast Health, owner  
Assessor Map 266, Lot 4

Attorney Peter Loughlin, representing the Foundation for Seacoast Health, explained that the project proposes to convert an existing pathway to a paved 6-foot wide sidewalk connecting a remote parking area to the main building of the community campus. A 12-inch culvert would be installed at two inches below the existing ground surface at two wetland crossings on the trail. Several petitions were signed by various organizations to advocate that the proposed plan will improve the safety for the employees trying to access the satellite lot from the community center.

Ms. Debra Grabowski, Foundation for Seacoast Health, described the background of the community campus. It consists of eight unaffiliated non-profit organizations that support numerous organizations for little to no cost. Approximately 15,000 people visit the campus each year and the eight tenant agencies employ over 175 people. The existing pathway closely abuts the roadway and becomes especially dangerous in the winter months.

Ms. Tanner asked whether pervious pavement was considered. Attorney Loughlin explained that the pervious pavement requires a thicker base, which would increase the impact width wise. Mr. Weinrieb said the paved path would be maintained with snow blowers.

Chairman Miller asked if there was any other alternative for the culvert since those often create other environmental issues and are unattractive. Attorney Loughlin suggested a boardwalk with coil support would be less impact. He explained that the culverts would be set on top of the ground at two inches below the surface to allow the water to flow into it. Mr. Britz added that the culvert primarily serves to provide a connection for wildlife. Mr. Weinrieb thought a box culvert would be too invasive. Chairman Miller encouraged consideration for more attractive features, such as plantings.

Ms. Zamarchi asked how much sunlight reaches the pathway. Mr. Emilio Santana replied that light is very minimal because it is a thickly wooded area. The trees deflect much of the snow from collecting on top of the trail, however, ice still tends to form on the trail in the winter months.

Ms. Grabowski answered Ms. Harrison's question that the lighting will be poled and depicted on the design plan.

Mr. Cardin suggested to add a stipulation to designate a path during construction.

Ms. McMillan asked if fill is necessary for where the culvert would be installed. Mr. Britz thought it would only be dug down because there is fill already there.

Ms. McMillan expressed concerns about the maintenance of the area and thought it would be difficult to minimize the spread of sodium chloride from the pathway. She felt further information and a design plan would be helpful to answer her questions raised. Attorney Loughlin and Mr. Weinrieb provided an explanation as to how their diligent efforts to maintain the site would not pose any foreseeable issues. It was noted that a mixture of salt and sand would be used.

Ms. McMillan expressed concern for the use of sand and the potentially long-term negative impacts. Ms. Grabowski noted that the existing sidewalk along the road will likely not be maintained whatsoever in the winter, which will allow more attention for maintaining the proposed pathway. Chairman Miller echoed Ms. McMillan's statement that the salt use will eventually have a long term impact.

Vice Chairman Blanchard asked if there were considerations to improve the safety of the existing sidewalk. Ms. Grabowski and Mr. Loughlin explained how there was no alternative option by modifying the existing sidewalk given the width, location, and the nearby wetland.

*Ms. Tanner moved to recommend approval of the application to the Planning Board as presented with the following stipulations:*

- 1. The applicant shall provide a construction detail on the stormwater treatment swales.*
- 2. The applicant shall provide a winter maintenance plan that uses no sodium chloride or the minimum necessary amount of sodium chloride on this path.*
- 3. The applicant shall provide a construction detail on the proposed culverts including providing for an installation where the culverts are imbedded into the ground at least two inches under the soil so there is a natural bottom in the culvert to allow enhanced passage for amphibians and reptiles.*
- 4. The applicant shall install erosion control measures during construction to protect the adjacent wetland areas.*

*Seconded by Mr. Cardin.*

Ms. McMillan recommended the maintenance staff to take the Green SnowPro Training course and obtain the NHDES Salt Applicator Certification to help understand liabilities and best management practices.

*The motion passed by a voice vote (5-2-0), with Ms. Zamarchi and Ms. McMillan opposed.*

#### **IV. OTHER BUSINESS**

1. Vote to utilize Conservation Funds – 850 Banfield Road

Mr. Britz suggested that the Commission refrain from voting until City Council makes their decision at the October 17, 2016 meeting. He explained the overall plan was to purchase the property outright as it stands, then subdivide off at least one portion of the property where the storm water impacts exist. He recommended that it include the upland area to add buffer plantings and be used to manage storm water.

Mr. Britz replied to Ms. Wright that the property owner is willing to sell his property and it would be decided by Council whether or not to set aside the funds. If so, then the Commission would discuss whether Conservation Funds would be used.

Mr. Britz clarified to Ms. Zamarchi that it is possible the upper wetland would not remain with the City.

Ms. Tanner felt the Commission's decision would depend on the level of degradation the site is currently in and the potential to improve the site.

Chairman Miller thought it would be a buffer to the Great Bog and National Park. He thought it would be nice to have it part of the conservation since the site needs to be cleaned up. Ms. Zamarchi added that would be essential especially if the suggested rail trail in the area came to fruition.

Vice Chairman Blanchard asked how the Commission would be incorporated into the planning for the use of the land. Mr. Britz felt it is firstly up to the Council as to what the use should be. After that, the Commission would be asked for input. Chairman Miller felt that the Commission's vote to utilize funds be contingent upon the Council's decision and that is subsequently when the Commission would want to be included in the decision making process. Vice Chairman Blanchard said she would not want the Commission to appear faulty if there was not a joint, financial decision.

## 2. Other

Ms. Tanner encouraged the Commission to begin to assess other areas of the City that are in need of protection. Chairman Miller concurred and suggested a meeting could be scheduled. Mr. Cardin added that the UNH Cooperative Extension has resources available to help communities develop some type of conservation plan by conducting a GIS analysis to identify potential areas. Mr. Britz suggested that staff could also conduct that analysis if specific criteria were established. Mr. Cardin added that the Land Trust could provide some guidance on how to obtain property.

Chairman Miller noted that the Eversource site walk went well. The trees at the south side of the corridor would be removed and it seemed reasonable given the site conditions and the low quality of the woods. Ms. Tanner concurred and was interested to learn their practices.

Ms. Zamarchi suggested to also have a stewardship meeting.



Ms. McMillan asked about the status of the Hodgson Brook Watershed project. City Councilor Josh Denton was present and explained that the Advisory Committee is expected to have their final meeting on Tuesday, October 18, 2016 to discuss next steps. Mr. Britz thought it is a great opportunity for further work and the project plan could potentially continue and used to apply for grants. Mr. Britz explained that the Council and Advisory Committee's discussion would mainly be centered on what the future land use should be and that the Commission could help with providing recommendations.

## **V. ADJOURNMENT**

*Ms. McMillan moved to adjourn the meeting at 5:37 p.m., seconded by Ms. Tanner. The motion passed by a unanimous vote.*

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Respectfully Submitted,

Marissa Day  
Acting Secretary for the Conservation Commission

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