

MINUTES

CONSERVATION COMMISSION

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

3:30 p.m.

March 14, 2018

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman MaryAnn Blanchard,
Members Allison Tanner, Barbara McMillan, Samantha Collins,
Adrienne Harrison; Alternates Ted Jankowski, Nathalie Morison

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. February 14, 2018

Chairman Miller noted that on page 6 Mr. Pelech was speaking to the application. Mr. Pelech did not state that he was representing the property owners. Chairman Miller also noted that on page 8 he made the statement "this was the first application that he has ever seen for a property with buffer impact with no prior development on it." The Chairman clarified that statement was incorrect. There have been applications with lots that were totally undeveloped with buffer impacts in them. Applications for the same area have been reviewed in the past and were not approved.

Ms. Harrison noted that the footprint of the house should be 3500 square feet on page 5 in the third paragraph down.

Ms. Morison commented that her last name was spelled incorrectly.

Ms. Tanner moved to approve the minutes as amended, seconded by Ms. McMillan. The motion passed unanimously in a 7-0 vote. Mr. Jankowski abstained from the vote because he was absent from the February meeting.

Chairman Miller clarified who was voting in the meeting. Ms. Zamarchi has resigned from the Commission, so Mr. Jankowski would be voting in the meeting.

II. CONDITIONAL USE PERMIT APPLICATIONS

- A. City of Portsmouth, owner
Hoover Drive Drainage Improvements
Map 269, Lot 7 & Map 268, Lot 100

Dave Desfosses from the Department of Public Works and Corey Beldin from Altus Engineering spoke to the application. Mr. Desfosses noted that the problem with this area was the drainage. There is a large wetland out behind St James Church. When they built the Woodlands a man-made channel was created to replace the stream. Now it's intermingled with the street drainage and discharged into a swale. The closed drainage system is not big enough. The goal is to make drainage and wetland improvements to the man-made swale. The pipe size needs to be increased. Today the runoff comes over the road and it floods.

Chairman Miller reminded the Commission that this project has a state wetland bureau application on the agenda as well. They would be voted on separately but reviewed together.

Mr. Beldin noted that all the information for both applications was the same. Mr. Beldin clarified there were two property addresses on the cover letter, however this project was only for one of the addresses. This was just for tax map 269 lot 7. The application has been revised to reflect this change. The tax map 268 lot 100 is not part of this application. Altus Engineering started working for the City on this in 2016. The wetland discharges into the closed drainage system at the corner of Hoover and Hartford Drive. The system is undersized at peak storm flow and it causes flooding. One of the key elements to this improvement is increasing the capacity of the outfall, which right now has a 24-inch pipe. The area is constricted by utilities. The best option is to put in an additional 24-inch pipe and widen the head wall to accommodate the new pipe. This will include some bank work and cleaning out the ditch. There will be 300 square feet of wetland impact. The buffer impact will be the installation of the pipe. Mr. Desfosses noted that the City had worked on this same ditch 2-3 years ago. The sand from plowing had gotten into the drainage system, so the City removed all the sand. That was enough to get the swale to flow well. The swale is large enough, but the drainage system is not.

Mr. Jankowski questioned where this water eventually drained? Berry's Brook? Mr. Desfosses confirmed that it ultimately drain into Berry's Brook.

Ms. Tanner noted that in the wetlands permit application the drainage outlet location was left blank. Mr. Beldin responded that it did outlet to Berry's Brook and the DES application had been updated. Ms. Tanner noted that the post project noted that the area would be loamed and seeded. What is there now? Mr. Desfosses responded that it was lawn. Ms. Tanner was concerned about the rest of the drainage from the road that was going into the swale. Is there something else that can be done for that? Mr. Desfosses responded that other drainage improvement efforts were ongoing in the area. It is hard to treat a system that has already been constructed. Ms. Tanner noted that mowing all the way down to the swale was not good. Mr. Desfosses responded that they don't mow all the way to the head wall. There is a 15-foot area around the head wall that is not mowed. Mr. Beldin confirmed that it is fully vegetated.

Chairman Miller assumed the headwall was on the road. Mr. Desfosses pointed out where the head wall was, where the vegetation was, and the area that gets mowed. Chairman Miller

clarified that a new head wall would be put in that location. Mr. Desfosses responded that it would probably be the same head wall. It will be amended and added to. The wetland impact is on the right bank and the head wall will be extended to accommodate the parallel pipe. Chairman Miller was concerned that the banks are showing some erosion. The two pipes would be taking in higher volume and perhaps creating higher velocity. Can something be done to prevent more erosion?

Mr. Desfosses responded that when the City was working on this site three years ago they made a splash pool. They will be cleaning that out again with this project. There is no erosion on the swale. Mr. Desfosses asked Mr. Beldin if adding a second pipe would slow down the velocity. Mr. Beldin responded that he would look into that. Mr. Desfosses assured the Commission that they would look at the entire outlet area to make sure everything is taken care of. Photo 1 shows 10-15 feet of woods on both sides of the swale. Chairman Miller noted that maybe there was a vegetated solution to add there to prevent further erosion. Mr. Beldin noted that a lot of vegetation has regrown in those banks since that picture was taken.

Ms. Harrison noted that it looked like there was some debris in the swale now. Has there been any effort to clean out the bricks or other foreign objects? Mr. Desfosses responded that there were not a lot of foreign objects in there. The swale is pretty clean because of where it is and it is not an urbanized part of the City.

Ms. McMillan questioned if there was always water in the swale. Mr. Desfosses responded generally speaking yes. In August it's pretty dry. In order for the swale to work, the grade of the swale has no pitch from the head wall to 400 feet out. That's why all of the sediment was dropping out right there because of the grade. When the City did the original project 90% of the material was within the first 150 feet. Because the swale is so flat it does hold water from time to time.

Ms. Tanner moved to recommend **approval** of the application to the Planning Board as presented, seconded by Vice Chairman Blanchard. The motion passed unanimously in a 7-0 vote.

B. 212 Walker Bungalow Road
Martin F. Kurowski and Cristina Galli, owners
Assessor Map 223, Lot 21

Steve Riker from Ambit Engineering spoke to the application. This was an amendment request for a previously approved application. They were at the January 10, 2018 Conservation Commission meeting and were approved by the Planning Board on January 18, 2018. Following the approval, the applicants hired a contractor to come to the house and start the project. That contractor advised tearing down a portion of the home and rebuilding it on the foundation. There is no change to the footprint, impervious surfaces, impact or drainage. The existing conditions and demo plan show the area that will be demolished.

Vice Chairman Blanchard asked if it would be the same house or a different house. Mr. Riker responded that the roofline would be different. The footprint would be the same.

Chairman Miller requested Mr. Riker point out which portion of the house would be torn down and which would remain. Mr. Riker clarified which portion would be torn down on the plan. The proposal on January 10, 2018 was to put an addition on the house. Mr. Riker showed the portion of the house that would remain. Chairman Miller clarified if there was still an addition? Mr. Riker confirmed there was. Mr. Riker noted that the buffer impact exhibit in the packet was color-coded. The addition was the area in green. The area in purple showed what was there now. The area in purple is what will remain. Chairman Miller clarified except the garage. Mr. Riker confirmed that was correct.

Vice Chairman Blanchard requested clarification on why it was the same house. Property owner Cristina Galli responded that it was exactly the same as the plan that was submitted originally.

Mr. Riker noted that they had already received DES and wetland approvals. They received septic approval that day. The stipulations from the January 10, 2018 meeting had been incorporated into the plan. There is an organic lawn maintenance plan. The buffer area won't be mowed. The same number of trees will be replanted as the ones that are removed. Ms. Tanner questioned what trees they would be. Mr. Riker responded that the plans noted they would be native trees. The plans would be updated to ensure the rain garden is maintained correctly. The planting plan for the rain garden and swale has been included. Lastly, the applicant provided a plan showing the impact in the buffer for the proposed septic.

Mr. Jankowski questioned what the square footage for the living area was in the first application compared to this one. Mr. Riker responded that he did not know the exact number, but he could give the footprint square footage. The footprint was 2,083 square feet in the first application and that was not changing in this one. Mr. Jankowski questioned if there were any extra stories. Mr. Riker confirmed there were not.

Vice Chairman Blanchard questioned if the foundation was changing at all? Mr. Riker confirmed it was not. Chairman Miller noted that it was important to make that distinction.

Ms. Harrison moved to recommend **approval** of the application to the Planning Board as presented, seconded by Ms. Collins. The Commission also recommends that the stipulations from the January 18, 2018 Planning Board approval for this project apply to this approval as well. The motion passed unanimously in a 7-0 vote.

C. 175 Gosport Road
175 Gosport Road, LLC
Assessor Map 224, Lot 1

Corey Colwell and Andrew Gray from MSC spoke to the application. The property under consideration is a little over 4 acres. It is part of the Tucker's Cove subdivision. There is frontage on Sagamore Creek. There are a lot of developments on the property. Sheet 5 in the packet has a set of drawings that best describes the proposal. The project includes raising some of the building and improving the drainage and quality of the property. The packet has an

existing features plan that shows existing conditions. The section of woods represents 10% of the lot. That is the only wooded vegetation on the property. The rest of the property is mostly lawn. There is an inland wetland buffer because of the pond on the property. The Sagamore Creek side has a tidal buffer and there is a 250-foot shore land protection line. The three buffers are shown to show the three jurisdictions on the plans. The focus for the Conservation Commission was the tidal buffer on Sagamore Creek and the buffer from the pond. A large portion of the lot is not in either buffer, but is in the shore land buffer. The shore land buffer is a different application to the State.

Chairman Miller questioned if the pool house and pool were part of the separate application to the state. Mr. Colwell responded that was correct. That is not in the Planning Board's jurisdiction. They are part of the shore land protection. Most of the property is subject to some form of permitting. There is only one section near the driveway that is not subject to any permits. That area includes half of the tennis out building. The elevation high point is 24 and the low point 0 on the Sagamore Creek side. Because the property is a little over 4 acres, it appears relatively flat. The wetland application includes photos of the site, as it exists today. On sheet C2 there are a number of improvements being proposed. The first improvement is to expand the deck on the existing house. Another improvement is to add a mudroom that is on stilts with a patio below. There is no foundation with any of the proposed improvements. The purpose of the deck expansion is to design the mudroom to be the new entrance to the house.

Mr. Britz questioned if the stairs went in the wrong direction. Mr. Colwell responded that they were the correct direction. Another improvement is the expanding the driveway to provide additional parking. The applicants have children that come to visit frequently. The intent is to widen that area to create six spaces. Most of that driveway expansion and half of the mudroom are within the 100-foot inland wetland buffer. The driveway is shaped so that all of the runoff would be diverted away from the wetland toward Sagamore Creek. Next to the tennis court there is an existing shed that the applicants are proposing to remove. It would be replaced with a larger out building. To the south of that is a proposed garage that is not in a local permit area. The plans propose to rebuild the existing bait shed. There would be no change in size. It needs to be rebuilt. Most of the shed is out of the buffer tidal zone. There is just a small piece in the buffer. The dock, pier and ramp would be replaced. These structures exist today, but will be replaced. Just the pier portion is part of the wetlands permit that is being considered today. The ramp and the dock are part of the state application. Chairman Miller clarified that the piece on the ledge was the pier that was part of the consideration. Mr. Colwell confirmed that was correct. There is a greenhouse that is not in the buffer, but it is part of the proposed improvement. Half of the mudroom, the driveway expansion, $\frac{3}{4}$ of the tennis out building and 10% of the bait shed and some grading disturbance in the 100-foot tidal zone is what the Conservation Commission needed to focus on.

Ms. Tanner commented that she did not find where impervious surfaces were talked about in the plans. Mr. Colwell responded that on sheet C3 there was an impervious impact table. The site is at 12.9% impervious surface and would be going to 22.4%. Most of the increase is associated with the new pool deck and pool house, which is not subject to the permits. Some of it is due to the driveway expansion.

Chairman Miller questioned why the tennis building needed a conditional use permit (CUP). Mr. Colwell noted his mistake and confirmed that tennis building was only part of the shore land permit. The tidal permit was for the pier and the replacement of the timber wall. The inland permit was for part of the mudroom and the driveway. The rest of the improvements are in the shore land protection area. Mr. Gray commented that a portion of the bait shed also needed to be considered. Mr. Colwell noted that the only new construction would be the mudroom, the parking expansion and the pier. The existing retaining timber wall will be replaced with a stone retaining wall.

Ms. Tanner asked Chairman Miller to clarify what the Commission was supposed to be paying attention to. In a lot of applications when the Commission looked at a pier they typically look at the ramp and dock that go with it. The Commission gives opinions about what is being built in the shore land protection area. Chairman Miller commented that he was having trouble drawing the line too. Mr. Britz clarified that the State was looking for a recommendation on any part of the dock. For the City the dock is an allowed use, so that is not part of the CUP. The Commission does not typically weigh in on the shore land applications. Chairman Miller noted that the Commission has had an overlap of work in the tidal and shore land permitting before. The first thing he noticed was how few trees are on the site today. Maybe the existing forested area covers what needs to be covered. Mr. Colwell noted where the plans showed the site vegetation today.

Ms. McMillan requested clarification about whether they should be looking at the dock or not. Chairman Miller responded that it was his understanding that the Commission was just looking at the pier. Mr. Britz clarified that the dock is part of the state wetland application. It was not part of the CUP application. Mr. Jankowski questioned if there was information about the dock in the packet. Ms. Collins pointed out that sheet C4 showed a dock profile. Mr. Colwell commented that was the extent of the dock information that was provided. Chairman Miller noted that usually when there is a dock there are dock plans and elevations submitted. The profile was shown on C4 but the applicants did not include the plans. Mr. Colwell responded that it was his original understanding that because the dock was not on the land it was not part of the buffer. That is why the information was not part of the review, but it should be.

Vice Chairman Blanchard questioned how old dwelling was. Mr. Colwell responded that this was the old Short residence. It goes back to at least the '70s or '80s. Mr. Colwell did not have the exact date.

Chairman Miller requested that the Commission ask questions for the two applications one at a time to make it clear.

Mr. Colwell commented that sheet C3 was color coded to show which jurisdiction each improvement fell under. The green and pink were the inland wetland. The pink is also showed the shore land line. The mudroom, the small portion of the deck, the stairs to the deck, the driveway expansion, the patio under deck and the retaining wall near the tennis court and stairs were all in the area that required a CUP.

Vice Chairman Blanchard noted that the entire house was in the shore land protection area.

Ms. Tanner requested clarification on the increase of impervious surface for the improvements related to the CUP application. Mr. Colwell responded that just in the CUP application there is 5,619 square feet of impervious surface in the fresh water inland buffer today. The proposed improvements would increase it to 7,338 square feet. That would be a 4.9% increase. In the 100-foot tidal buffer there is no increase. The yellow portion in the middle shows the improvements for the shore land protection area. The light blue shows the 100-foot tidal buffer zone. The proposed improvements for that area are the pier, sea wall, and some grading to improve the drainage. The long skinny part of the blue would be temporary construction impact for contracting equipment.

Vice Chairman Blanchard noted that the reason that this land was zoned that way is because it requires protection. Was there mitigation included in this plan? Mr. Colwell responded that there was mitigation. Mr. Colwell asked if there were any further questions about impacts before he talked through the mitigation. Chairman Miller clarified that the blue area with the squares on the buffer tidal zone was grading impact. Mr. Colwell confirmed that was correct. Chairman Miller clarified that the blue with triangles would be temporary impact. Mr. Colwell confirmed that was correct. Mr. Gray added that there would be a 15-foot wide strip access to the dock that is considered temporary construction and impacts to access retaining wall and pier.

Ms. Harrison clarified that the new pier would be the same size as the old pier. Mr. Colwell confirmed that was correct. The new one would be just to the south of the old one. Ms. Tanner questioned if the existing dock was the same size as the proposed dock. Mr. Colwell responded that the existing dock was smaller. Ms. Harrison noted that the proposed pier and the permanent pier don't look exactly the same on the plans. Mr. Gray responded that there is additional impact to remove the old pier. The impact is greater, but impervious surface is the same.

Mr. Colwell explained the new dock size further. The dock size is governed by frontage. It allows two boat slips for the first 75 feet of frontage, then an additional boat slip for every 75 feet after that. This frontage has a little over 400 feet of frontage. Vice Chairman Blanchard questioned how many boat slips would be on the proposed dock. Mr. Gray responded that there would be five. Three would be on the seaward side of it and two would be on the inland side.

Mr. Jankowski questioned how many hours a day would the dock be floating. Mr. Colwell responded that it would float 12 hours a day. Mr. Britz noted that the dock is on the extension of the property line. When the state reviews the wetland permit and if this crosses the extension of the property line, then the applicants will need to come up with a way to address that. Mr. Colwell responded that there were certain provisions that allowed it, and they will address it with the state. Mr. Britz wanted to bring this up here so the Commission knows that the plan was subject to change.

Chairman Miller noted that it was clearly already in the abutting property and the plans showed that it would remain in the abutting property. Mr. Colwell responded that part of the reason the state permitted the dock was because there is a pedestrian water access easement. That easement is to remain in perpetuity. It is private property, but the abutters can't put a dock on the pedestrian easement. The dock that is there today was permitted, so Mr. Colwell was not

concerned with the extension. Mr. Britz noted that the fact that the dock has changed could present an issue. Mr. Colwell agreed. Ms. Collins noted that the boat ramp crossed over the property too. Mr. Colwell responded that was on state property. Ms. Collins assumed that was permitted as well. Mr. Colwell responded that he was not certain, but it had been there forever.

Mr. Colwell noted that sheet C4 showed the drainage plans. It has been challenging on the property. There is a large wetland that flows into the manmade pond. The midpoint of the lot is where all the runoff is currently flowing. The owners in the past had constructed a swale to dump into a drain line that carried the water out Sagamore Creek. At some point the swale became a safety concern, so now there is a catch basin with a drain manhole on the other side of the driveway that carries all runoff underground to Sagamore Creek with no treatment. The catch basin has to remain because it's a fail safe for the pond. The plan proposes a new bio-swale that would capture all runoff. Then it would turn the corner around the pool house to sheet flow out across the vegetated area into the creek. Sheet C5 shows the swale in detail. This plan would give the runoff more treatment before it enters Sagamore Creek. There would be a rain garden to capture runoff from the garage, driveway, tennis court and tennis outbuilding. The drainage does not have much treatment now. The bio-swale is designed to improve that feature and give it some treatment. All of the impervious area post construction would go to the rain garden or the bio-swale.

Mr. Colwell handed out an exhibit that showed the landscape plan. The proposed landscaping included a 12-foot wide wetland buffer strip to the south of the pond. North of the pond also has a 12 foot wide buttonbush buffer strip. The other buffer contains cinnamon ferns. The area around the deck has proposed planting beds that the owners will put mostly flowers in. The planters will go around the paved driveway and the expanded deck. The tennis court has a proposed planting bed that will also be filled by the owner. The plan includes 32 northern bay berries around the pool. The sea wall has 11 dwarf fothergilla and gray dogwoods. The site is much better from a drainage and a landscape perspective. Today the runoff from the lawn goes right to the water. The second sheet of the landscape plan includes the details. Ms. Tanner asked if new trees were being planted? Mr. Colwell responded that they would be removing six trees. Mr. Gray added that one of them is growing through the retaining wall and another is diseased, so four functional four trees would be lost. Ms. Tanner questioned what caliber the trees were? Mr. Colwell responded that was not called out in the plans. Chairman Miller commented that photo two showed one of the trees. Mr. Colwell added that photo 5 showed one of the trees near the pool house. Chairman Miller commented that photo 3 showed a couple of the trees as well. Mr. Colwell added that photo 7 showed two trees that would be removed. Ms. Tanner noted that they were 10-12 inch caliber trees. Mr. Colwell responded that the maple was the biggest. Mr. Gray added that the maple was the diseased tree.

Chairman Miller noted that the landscape plan looked good. However, it seemed that the swale prevented a clear path from the garage to the house. Mr. Gray responded that access was not clearly shown on the sheet. The access to the pool area will be on the west side, so the primary access for that would be to come down the deck stairs. The grading plan flattens the sloped area so that will create a path. The patio has a 7-8 foot section of lawn that would allow access to the pool. Chairman Miller clarified that from the garage a person would have to go around the swale. Mr. Colwell confirmed that was correct. There is a gravel driveway that leads to the flat

lawn. Chairman Miller questioned if the swale would be mowed? Mr. Gray responded that the landscaper recommended that it should be mowed once a year. The proposed swale planting is a showy wildflower mix that will make it visibly different from the surrounding lawns. This would prevent accidental mowing. Chairman Miller clarified that the seven dogwoods were to the north of the sea wall. Mr. Colwell confirmed that was correct. Chairman Miller questioned what was right behind the sea wall. Mr. Colwell responded that it was the dwarf fothergilla and winterberries.

Ms. McMillan requested clarification about the drainage near the pond. Mr. Colwell responded that the pond drains into the catch basin. The pond is higher than the catch basin. The previous owner constructed it. That water is less of a concern than the runoff from the impervious surfaces.

Ms. Collins questioned if something was blocking the pipe that was still in place from the old swale. Mr. Colwell responded that the swale is gone; just the pipe remains.

Ms. McMillan noted that everything done to mitigate the fresh water area mitigates the impacts to the tidal creek as well. Mr. Colwell responded that the buffer plantings are the only thing that mitigates the fresh water because everything drains to the creek not to the wetlands. Mr. Gray added that it is essentially downhill from the large wetland, so that's why the plan was designed that way.

Chairman Miller questioned how much would the driveway be expanding. Mr. Gray responded that the increase is around 650 square feet.

Ms. Collins asked if the applicants had considered pervious pavement. Mr. Colwell responded that they had not, and noted that pavers would be better than pervious pavement. They didn't consider it because that area would be treated with the swale. They were open to the suggestion. Mr. Gray added that the area is currently lawn, so it is not part of the functional wetland buffer anyway.

Ms. Morison wondered if there was a way to reduce the size of the proposed driveway expansion. How many bedrooms did the home have? Mr. Colwell was not sure. The owner and his wife have six children. They do not all live at home, but the owner wants parking for the six children. Right now they park on the lawn.

Ms. Collins questioned how many bays the garage attached to house had. Mr. Colwell responded that it had three bays.

Ms. McMillan noted that her preference would be to use pervious pavers mixed with lawn area. Especially since the six spaces would not be regularly needed. This would accommodate temporary parking. Mr. Colwell noted that it was a valid concern, and confirmed he would explore options.

Vice Chairman Blanchard noted that the planting plan still showed a lot of lawn and grass area. Mr. Colwell responded that sheet C6 showed a significant reduction in lawn. Chairman Miller

questioned what the calculations were with the shore land protection? It would be good to know what the percentages were. Are the swale and rain garden part of the mitigation? Mr. Colwell responded that the impervious was a proposed coverage of 22%. With a storm water management plan they are allowed 30% coverage. It is 8% under what was allowed.

Mr. Colwell noted that this project was complicated. He felt that they had mitigated adequately with the drainage improvements, runoff treatment, and reduction to lawn. They were open to further suggestions if the Conservation Commission had any.

Mr. Jankowski expressed concern that the 4 acre lot still had a lot of green. Would the owner consider using an organic lawn maintenance plan? Mr. Colwell responded that he could not speak for the owner. Chairman Miller questioned if the shore land protection act covered what could and could not be used for lawn maintenance. Mr. Colwell confirmed that it did. The rule was that if it's vegetated, then you have to leave 25% of the vegetation in tact. 25% represents 9500 square feet of the lot. Less than 25% is allowed if that was how the lane was prior to the adoption of the regulations. The owner has agreed to keep the vegetation. There are limits to pesticides and fertilizers that can be used. It is supposed to be an organic fertilizer. Mr. Britz added that they based their regulations on the state's regulations, so it should be similar.

Mr. Gray added that another mitigating factor was that pool and pool house wouldn't be lawn so that area won't be fertilized. The swale will take runoff from the paths of travel would be treated before emptying into Sagamore Creek. Vice Chairman Blanchard noted that it would be important to recommend there be an approved pesticide and lawn management plan consistent with the fertilization constraints. Mr. Britz commented that they would have to comply with the constraints, but the Commission could stipulate that recommendation. Mr. Jankowski added that there was a lot of green wash out there. There are people that are actually certified in organic land management. Someone that is organically certified can put a plan together. It should be a requirement. It should be a stipulation. Chairman Miller questioned if that was allowed. Mr. Britz responded that it was allowed with the City. It goes toward protecting water quality.

Vice Chairman Blanchard noted that the owner was not here, but this project is a significant investment of reorganization on the property. It has to be done with a significant amount of care. This would protect the wet as well as protect the investment of the property. Vice Chairman Blanchard supported stipulating an organic lawn maintenance plan.

Ms. McMillan noted that an organic plan was not always best for water quality. This would be hard to define because there needs to be a balance. Mr. Jankowski noted that there were two different approaches of lawn care. One is to build up the soil and the other is using fertilizers etc. Building up the soil is cost beneficial and needs less maintenance.

Ms. Tanner noted that she did not like to see an increase in impervious surface in the wetland buffer, and she did not like to see trees come down without being replaced. They should be replaced somewhere on the property.

Chairman Miller noted that the CUP encompassed the addition to the mudroom, the patio, the stairs and the expansion of the parking area off the driveway. Mr. Colwell added that included

the retaining wall around the stairs and the tennis court. Mr. Britz added that it also included the temporary impacts on the tidal buffer, the pier and the corner of the bait shack. Chairman Miller clarified that the state application was for the retaining wall. Mr. Britz added that the pier and the parts of the plan shaded in blue were also include. There is overlap for the applications. The 100-foot tidal buffer zone for the City includes anything on the plan in blue. The state regulates the same area and in addition to that area the dock, ramp and pier.

Ms. McMillan questioned if there was any kind of construction for the retaining walls in the upland. Mr. Colwell responded that one of the conditions is from the state so that was not spelled out on the plan. That is in their regulations. Ms. McMillan was worried about the swale. Mr. Colwell responded that the plans did show silt sock going there as part of the construction. At some point that has to be removed when the wall is built. Typically when it's done the contractors would wrap the silt sock around the backside. Ms. McMillan noted that should be clarified in the plan. What is the purpose of the other one down by the water? Mr. Colwell was talking about the one down by the water. The shore land sheet C5 shows the silt sock on the grading and erosion control. Ms. McMillan clarified that was for the one down by the creek. Mr. Colwell responded that the silt sock was for the whole site. The construction sequencing on sheet C2 had a note that stipulates it be installed before land altering activities and not removed until lawn has taken root. Ms. McMillan wondered if the tennis court might still have a lot of erosion. Would it end up in the silt socks? Mr. Colwell confirmed that it would eventually. The silt socks and swale should capture everything before the creek.

Ms. Tanner suggested adding in plants around the pond edge. During a rainstorm runoff could go right into the pond. This could be a worthy area to add a silt sock. Mr. Colwell confirmed that was fine.

Vice Chairman Blanchard tried to wrap up a few points that had been made one item was the pesticide management of the lawn area. Another was the size of the parking area. Ms. McMillan's suggestion of reducing that was a good one. The third point had to do with the dock and its proximity to the neighbors.

Chairman Miller asked if Vice Chairman Blanchard was suggesting that they postpone if the applicant was willing. There are some serious outstanding questions. The Commission was mainly concerned about the impervious cover in the buffer. There were serious questions about the dock with unresolved issues with the border. Vice Chairman Blanchard agreed with Chairman Miller. The intent was not to impede the project from moving forward. However, because the project is really complex and there are large concerns that are unresolved it should be postponed. At least give it another month to come up with some ways to resolve concerns. Chairman Miller added that if the applicants were willing to do that, then the Commission should be clear about what should be addressed. Mr. Colwell agreed that the Commission raised good concerns that they should take a closer look at.

Chairman Miller identified the items that should be addressed: the replacement of trees, silt socks, and move the parking out of buffer or make it pervious. Chairman Miller liked the planting plan and the swale planting and liked that the homeowners were adding more plantings. All of that helps the water quality. The applicants should look into Mr. Jankowski's suggestion

for an organic lawn maintenance plan. Whether it's certified organic or not, a detailed landscape management plan would be good.

Vice Chairman Blanchard noted that the responsibility of the owner for the landscape management plan should be clearly defined.

Ms. Tanner requested more detail on the dock and the retaining wall in the tidal area.

Mr. Jankowski noted the concern about the additional paved drive. The applicants should consider an alternative.

Vice Chairman Blanchard moved to *postpone* review of the application to the April 11, 2018 meeting, seconded by Ms. Harrison. The motion passed unanimously in a 7-0 vote.

III. STATE WETLANDS BUREAU PERMIT APPLICATION

1. Standard Dredge and Fill Application
City of Portsmouth, owner
Hoover Drive Drainage Improvements
Map 269, Lot 7 & Map 268, Lot 100

Vice Chairman Blanchard moved to recommend *approval* of the application to the State Wetlands Bureau as presented, seconded by Ms. Collins. The motion passed unanimously in a 7-0 vote.

2. Standard Dredge and Fill Application
175 Gosport Road
175 Gosport Road, LLC, owner
Assessor Map 224, Lot 1

Vice Chairman Blanchard moved to *postpone* review of the application to the April 11, 2018 meeting, seconded by Ms. Harrison. The motion passed unanimously in a 7-0 vote.

IV. OTHER BUSINESS

- A. Ferrari conservation land on Banfield Road

Mr. Britz and Assistant City Attorney Suzanne Woodland handed out plans for the Ferrari property at the end of Banfield Road. Ms. Woodland explained that it showed the wetland delineation. The property has a lot of wetland on it. They were there to talk about the property within the Banfield Road improvement corridor. It needs updating because it's in bad shape and it needs state wetland permits to mitigate the impacts to the prime wetland. They have talked to the state about it. They are not sure if this property would satisfy the state's concerns for mitigation. The intent is to buy the property with the Banfield Road project money to offer mitigation, but it is not clear if it will work because there may not be enough upland. The property owner has agreed to sell for \$55,000.

If it can't be used for mitigation would the Commission want to use Conservation Commission funding to acquire the land for conservation?

Vice Chairman Blanchard questioned if this property was continuous to other conservation land? Mr. Britz confirmed that it was. Vice Chairman Blanchard felt the Commission should move forward with this. Chairman Miller noted that there was also a wildlife corridor there. Vice Chairman Blanchard noted that it would enhance the connectivity of the corridor.

Ms. Tanner questioned if this should be confirmed by City Council. Mr. Britz confirmed that was correct. The Conservation Commission would be sending their recommendation. Ms. Woodland noted that the Planning Board voted on this in their last meeting. The owner is anxious to close and agreed that the price is appropriate. This is scheduled to go in front of City Council on Monday depending on this vote.

Vice Chairman Blanchard made a motion supporting the expenditure of \$55,000.00 from the Conservation Fund to acquire the Banfield Road property (Map 238, Lot 19). The motion was seconded by Ms. Harrison. The motion passed by a unanimous (7-0) vote.

Vice Chairman Blanchard questioned if Mr. Britz had a chance to review the changing rules for the wetlands. Mr. Britz had not followed up on that to see if it had gone to the senate. Vice Chairman Blanchard questioned if they would positively or negatively impact the wetlands. Mr. Britz responded that there were a lot of changes proposed, so it would be hard to go through the whole thing. Ms. Morison noted that April 20th was the deadline. Mr. Britz questioned if it would be appropriate to do a work session on this. Chairman Miller confirmed that they should schedule a work session. Vice Chairman Blanchard questioned where the changes came from. Mr. Britz responded that they came from DES.

Chairman Miller noted that the work session should be the first week of April, and then they could come up with a comment letter to present at the April meeting.

Chairman Miller noted that there was minimum impact expedited application for a pier replacement on the marina on Wentworth Road. Ms. Harrison and others have started to work on a CUP for the coastal hazard risk assessment. The Chairman handed out copies for the Commission to review. This month on the 30th Strawberry Banke and the Great Bay Reserve are hosting a Portsmouth centered climate forum. The point of the meeting is to get groups together to talk about focus and resources. This would prevent duplicating efforts. The meeting would be held from 8:30-11:30 a.m. It's a Friday.

Ms. Harrison noted that this idea would be presented, so the Commission should let them know if there were any major concerns. They don't want to misrepresent anything at the meeting.

V. ADJOURNMENT

At 5:55 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,
Rebecca Frey, Conservation Commission Recording Secretary