

MINUTES
CONSERVATION COMMISSION
1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
CONFERENCE ROOM A

3:30 p.m.

April 18, 2018

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

MEMBERS ABSENT: Adrienne Harrison, Ted Jankowski

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. March 14, 2018

Chairman Miller clarified the correction from the February 2018 minutes. Mr. Pelech did not state that he was representing the owners. Also, the last sentence of the 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. Tanner noted that 15 feet should be corrected to 15 foot on page 2.

Vice Chairman Blanchard moved to approve the minutes as amended, seconded by Ms. Tanner. The motion passed unanimously in a 7-0 vote.

II. CONDITIONAL USE PERMIT APPLICATIONS

- A.** 175 Gosport Road
175 Gosport Road, LLC
Assessor Map 224, Lot 1
(This item was postponed at the March 14, 2018 meeting to the April 18, 2018 meeting.)

Vice Chairman Blanchard moved to postpone this application to the May 2018 Conservation Commission meeting, seconded by Ms. Collins. The motion passed unanimously in a 7-0 vote.

III. STATE WETLANDS BUREAU PERMIT APPLICATION

1. Standard Dredge and Fill Application

175 Gosport Road
175 Gosport Road, LLC, owner
Assessor Map 224, Lot 1

(This item was postponed at the March 14, 2018 meeting to the April 18, 2018 meeting.)

Vice Chairman Blanchard moved to postpone this application to the May 2018 Conservation Commission meeting, seconded by Ms. Collins. The motion passed unanimously in a 7-0 vote.

IV. WORK SESSION

Lonza Biologics Expansion

Patrick Crimmins from Tighe and Bond, Luke Hurley from Gove Environmental Services, and Joel Ballestero were present to speak to the application. Mr. Crimmins stated that the property is located on the iron parcel and is bound by Goose Bay and Corporate Drive in the rear of the existing Lonza property. The property consists of a 40-acre merger to create the land. The project will include 3 buildings and 2 parking garages totaling to 1 million square feet of industrial space. The project will be constructed in phases. Building 1 will be the first to be constructed and the closest to the existing buildings. Lonza has maxed out the space on the existing parcel, and will be creating a campus with this expansion. The plan for expansion and growth is to accommodate new customers. The project will include storm water management design and will go through Alteration Of Terrain (AOT.) It will have wetland and buffer impacts. Mr. Crimmins showed an image of the property with the wetland locations highlighted in red. The image showed what used to be there with the base housing and what is now there.

Chairman Miller clarified that the red highlighted areas were the current wetlands. Mr. Crimmins confirmed that was correct. It showed the wetland locations after the demolition of base housing.

Mr. Crimmins noted that stream restoration design was included as part of the project. There is a 54-inch culvert that bisects the site across the street to Goose Bay. The proposal is to daylight it as part of the mitigation for impacts. There would be 55,000 square feet of wetland impact and 65,000 square feet of buffer impact. There is a functions and values report included in the packets. Three gravel wetlands are proposed for the site to treat the runoff. The design accounts for the latest AOT regulations. Mr. Crimmins has not submitted to AOT yet, but the drainage analysis has been completed.

Mr. Hurley completed the delineation on the property about two years ago. There are several isolated wetlands on the site. Most of them were created only one is natural on the site. The rest are the result of removing the structures and pavement. As a result water has ponded there longer than it would have naturally. One wetland has a shrub component along the edge, but the rest are isolated wet meadows. The only function they have is that they are periodically mowed. The wetlands would catch some water that sheet flowed off the road, but they are too shallow to hold a lot of water. There is a storm water basin for the existing Lonza parcel. There are no significant functions or values. It is not a wildlife habitat. Mr. Hurley noted that there was a survey for black sedge being done in the area.

Ms. Tanner commented that she was not sure what the numbers in the functions and values report represented. Mr. Hurley responded that they went along with the federal highway methodology. Mr. Hurley noted that he would email a copy of that to the Commission to review. Ms. Tanner questioned if there were amphibians in the area? Mr. Hurley responded that he had never seen any. The wetland pools are too shallow and they don't hold water long enough.

Mr. Britz questioned what they would do if they found black sedge. Mr. Hurley responded that he would tell the National Heritage Bureau and they would advise what to do. In the past if something was found then often times it was moved within the site. They would work to find a similar habitat type. When they transplant they pick up as much dirt around the plant as possible then move it to a pre-dug hole.

Mr. Ballestero spoke to the stream design and noted that there was a monitoring plan and implementation plan included. Reference metrics were taken from a stream in Kittery. Those metrics were used to design this stream. The development parameters are somewhat pliable. Mr. Ballestero had a copy of the monitoring and planting plan from DES as well as the Hodgson Brook monitoring plan.

Chairman Miller requested that Mr. Ballestero talk about the tie into the box. How much was underground vs. above on the site. Mr. Ballestero was not sure. The main task so far was to develop design metrics.

Vice Chairman Blanchard questioned how wide and how deep the stream would be. Mr. Ballestero responded that it would be about half a foot deep and 3-4 feet wide. It is not very big, but the dimensions change depending on the slope. Vice Chairman Blanchard noted that a 54-inch culvert was deep. Mr. Ballestero agreed and added that when the river was full it may fill the floodplain, but it would not reach the top of the valley.

Ms. Tanner questioned if there were any prevention plans for invasive species. Mr. Ballestero responded that there were not. They are called invasive species for a reason. Human prevention probably is the only thing that can prevent them. Ms. Tanner questioned where the closest phragmites were. Mr. Ballestero was not sure. Chairman Miller noted they were probably across the street.

Chairman Miller followed up on Vice Chairman Blanchard's statements to clarify what over the valley would be. Mr. Ballestero responded that it would come up on the floodplain but would not come over the valley. Any healthy stream would behave this way. Chairman Miller wondered if there was data on the condition of the pipe and how often it was full. Mr. Ballestero responded that he had been inside it and it looked to be in pretty good condition. Mr. Ballestero decided against developing a full watershed model for this because it wouldn't get what they wanted.

Vice Chairman Blanchard commented that it would be helpful to incorporate some stream flow gauging on this project because it is a significant project. Vice Chairman Blanchard acknowledged that the Government and State have been cutting back on stream monitoring. Mr.

Ballestero clarified that the Vice Chair was talking about recording the flows after the project. Vice Chairman Blanchard confirmed that was correct. Mr. Ballestero responded that was part of the monitoring plan. Vice Chairman Blanchard questioned if they were going to use a device? Mr. Ballestero responded that was not part of the plan currently. Most likely a device would not be put on something this small. A human observer would monitor the stream. It would involve putting on a staff gauge and calibrating it to sample flows through the culvert. Vice Chairman Blanchard questioned who would be responsible for the monitoring. Mr. Ballestero responded that for the 5 years after the project it would be Tighe and Bond. The State keeps a database of all the monitoring data on Hodgson Brook, so the data would be kept in that database.

Mr. Britz questioned if the monitoring would happen on different flows. Mr. Ballestero responded that the target would be to get it at different stages.

Chairman Miller noted that the watershed implementation plan from 2004 was referenced. In the past Sally Soule with DES had put in a staff gauge at Bartlett Street, which is down stream so it may or may not be helpful. It may be too far away, but they have flow data from Bartlett Street. There may be other data from the brook that wasn't in the plan. Mr. Ballestero responded that he does have access to their data. He did not see that flow data, but will go back to look for it. Common methods for healthier streams probably would not apply here, but it would be worth checking out. Chairman Miller noted that there is a lot between Bartlett Street and this location. The traffic circle and the Spaulding make it a pretty major storm water flow area.

Ms. McMillan questioned if they were planning to do any monitoring with macroinvertebrates. Mr. Ballestero responded that nothing was specified in the plans. Ms. McMillan noted that it would be interesting to see if there was anything. Mr. Ballestero agreed. That would be something that would be more technical than sampling. Chairman Miller noted that there might be some technical data looking at water quality and invertebrates. Mr. Ballestero responded that he would make a note of it. Ms. McMillan brought up Berry Brook in Dover, NH. Mr. Ballestero noted that UNH does a lot of monitoring for that.

Ms. Collins questioned if there was an action plan based on the results of the monitoring over 5 years. What would be done with the data? Mr. Ballestero responded that the monitoring would be mostly visual. DES likes to see 75% of the vegetation survive. There is definitely an action plan for the vegetation. It would be hard to gauge how much of a problem there is with the stream structure. The cross sections will be able to show some, but nothing would be quantified in there.

Ms. Tanner questioned how debris would be handled. Would it be monitored or removed? Mr. Ballestero responded that there was nothing specified for debris in the plans. There should not be a lot of organic debris. A note could be added in the plan about this.

Mr. Britz noted that they would be putting in a stream that is not there today. What would be done to stop the initial debris? Mr. Ballestero responded that they don't usually do anything with the initial material. Most of the initial stuff, like sand, is beneficial to fill in the gaps between the stones. The rest would pass through naturally. Mr. Britz expressed concern about downstream. There have been some problems with Goose Bay. Will there be erosion with the bed? Mr.

Ballestero responded that there should not be if the banks are stabilized with vegetation. Chairman Miller noted that sections were dredged down the road. Mr. Britz responded that was mostly because of storm water. Mr. Ballestero noted that there was always a chance that a storm could happen post construction that would impact the stream. However, it should be designed such that a normal flow would not cause too much erosion.

Ms. McMillan stated that the plan noted that some of the biodegradable materials would be left for 5 years and some would be left forever. How long will the materials be left and how biodegradable are they? Mr. Ballestero noted that they would be left as an erosion control measure. They are usually left until the project is done. Ms. McMillan questioned if the biodegradable sock would be left. Mr. Ballestero responded that the original design for this constructed the banks out of compost socks that can last 20-50 years. If they are drier they could break down more quickly. Ms. McMillan wondered if critters would get stuck in the socks. Mr. Ballestero responded that the biodegradable material would last for 3-5 years, so it should give 3-5 growing seasons. Ms. McMillan questioned if it would be covered with soil. Mr. Ballestero confirmed that it would.

Ms. Collins assumed that the soil for the property has been tested to see what's in it. The new stream would be picking up from new soil. Mr. Crimmins confirmed there is an extensive program going on right now. Stage 1 had 20 test pits. The program is now in stage 2. They are looking at the site to understand what recommendations need to be made.

Ms. McMillan expressed concern about what is already on Pease. Mr. Crimmins confirmed that testing the ground water was part of the testing program. Ms. McMillan asked if they were testing for the PFOAs. Mr. Crimmins confirmed they were because if it's there, then they will have to manage it.

Chairman Miller noted that it was valuable to have the time to talk about this plan ahead of time.

Ms. Tanner stated that a site walk would be appreciated. The other commission members agreed.

Chairman Miller noted that he was part of the Hodgson Brook group years ago, and it's exciting to have the opportunity to daylight it. The iron pan has been a site with housing on it before. It's a great opportunity to take advantage of. The Commission raised good questions about the monitoring of the site. The gravel wetlands are good. The storm water plan would need more detail. The critical things are the planting plan and the monitoring and replacement of the plants that don't take.

Vice Chairman Blanchard noted this was a good opportunity to resolve the contamination issues. It's very progressive.

Chairman Miller questioned if the roadway itself was sanded in the winter? The City uses salt, but sand may be used out there. That may need to be considered. Chairman Miller was not sure if the property would receive anything from the roadway. There have been some issues out there with fertilizer covering the roadway and the sidewalks. The businesses out there are maintaining

a more manicured look. Lawn care in the area would need to be considered. Anything to mitigate the wetlands and the runoff would be good. Chairman Miller liked the plan and did not have any big ideas to make it better. The phased construction may need to be considered.

Mr. Crimmins noted that the first piece of construction that needed to be done was the stream because they needed to get the culvert out of the middle of the site. Chairman Miller clarified that they would daylight the stream before the building started. Mr. Crimmins confirmed that was correct.

Ms. Tanner noted that the plan looked good in general. A site walk would be helpful. The planting plan should be included for the final application. Chairman Miller agreed that a site walk was a great idea.

Vice Chairman Blanchard noted that it would be helpful to have more specificity in the monitoring plan. This would be important data for the watershed. Mr. Britz agreed and added that this was the first time they would be daylighting a stream. This would be a baseline. Ms. Tanner noted that monitoring was great but what do you do if something goes wrong? That is not clear in the plans.

Vice Chairman Blanchard requested clarification on the log structures. Mr. Ballestero responded that they would help in stream erosion control. They are considered temporary structures, but will probably last a long time. They are two logs that create a hydraulic dead zone to create pools and woody debris. The critters like that.

Ms. McMillan liked the idea of a site walk to get the visual scale of things. It would be helpful to talk to someone at UNH who did Berry's Brook to get some lessons learned. This seems similar to the Berry's Brook. Mr. Ballestero agreed although the stream would be a lot less deep. Ms. McMillan noted that the stream would be a great educational opportunity that Lonza could highlight. That should be kept in mind from the beginning to document data.

Ms. Morison questioned if the stream would be receiving sheet flow off the road? Mr. Ballestero responded that he did not believe so. Mr. Crimmins confirmed that it would not. The road is curbed and there is an existing drainpipe that will be maintained. The pipe will capture that runoff. Ms. Morison clarified that the design flows for the stream was just for the water coming out of the pipe. Mr. Ballestero responded that he based the data on the runoff out of the Brook and the storm water expectancies. To get calculated flows he would have to do a whole watershed model. Ms. Morison questioned if the plan factored increases in future precipitation. Mr. Ballestero responded that it did not. Any increase in precipitation would not be noticeable in terms of stream design. Mr. Ballestero has done a lot of streams and an increase in precipitation depth would not increase metrics too much.

Vice Chairman Blanchard noted that the applicants should think through and address how the lawns would be managed in that area in regards to fertilizers etc. It would be helpful to address that. Mr. Ballestero clarified that the Vice Chairman meant the plan should state no pesticides and no mowing within a certain area etc. Vice Chairman Blanchard confirmed that was correct and added that it would be good to address up front.

Chairman Miller noted that they should talk with the PDA. It is important that their maintenance understand what is being done there and that operations could change. A presentation would be helpful to them to show what has been done. Hodgson Brook watershed is not active anymore. It would be nice to offer them as a resource. It may still be possible through the network of neighborhood people. New Franklin School has done projects with their fifth graders. The stream could be part of that program. That may be something that could help with the project in the future. Mr. Ballestero questioned who still monitored of the Brook. Chairman Miller was not sure who did monitoring now, and advised Mr. Ballestero to reach out to Sally Soule. The neighborhood group probably could be rejuvenated to a certain extent.

Ms. McMillan added that there are still people that still really care about the Brook and want to take care of it. Chairman Miller agreed. It's a great spot. There is a lot of wildlife.

Mr. Britz commented that this project needed a CUP through Pease. Would the state wetland permit be a restoration permit? Mr. Crimmins responded that they haven't gotten that far yet.

Chairman Miller questioned when the application would come through the Conservation Commission. Mr. Crimmins responded that the intent was to submit in May for the June Conservation Commission meeting. Mr. Britz clarified that the state wetland permit would be at the same time. Mr. Crimmins confirmed that was correct and noted that they would coordinate a site walk.

Ms. Tanner questioned what best time of year for the stream construction would be. Mr. Ballestero responded that completing in the fall would be ideal. It would not be ideal to be trying to plant in the heat of the summer.

V. OTHER BUSINESS

1. Wetland Conditional Use Permit Process

Mr. Britz wanted to talk about the state wetland rules update. The comment period is Friday.

Vice Chairman Blanchard questioned what the general tone was. Mr. Britz thought overall it was positive changes. He did not have a lot of criticisms. Chairman Miller and Mr. Britz had talked about putting together a comment letter with the Conservation Commission support or on their own.

Chairman Miller spent a lot of time looking at chapter 600 and thought it was good. There were not any major items that jumped out. The Chairman noted that the exemption for alteration of terrain smaller than 3000 square feet is a pretty big area for Portsmouth. It would have been nice for it to be a little smaller.

Mr. Britz pointed out a comment on the public draft he handed out on page 3 of 5. The comment was about requiring a pre-filing consultation with the Conservation Commission and the Local Advisory Committee (LAC.) Mr. Britz thought that was an interesting change and noted that it

might be useful. It could help guide the process. It may be a work session with a state wetland permit. Mr. Britz did not want to get bogged down with every project, but assumed this change would be for larger projects. DES appreciates input from the Conservation Commission, so it could be a good way to get in early. Would it be useful to have a pre-application meeting? It would make the state wetland permit process a two-step process. Vice Chairman Blanchard commented that this could increase the cost of the applicants. The size of the project could be a determining factor. There needs to be some definition for scope. Ms. Tanner noted that it would be helpful because so many times applications come to the Commission with the State Wetland Permit already which influences the CUP. It would be helpful to comment on that before the permit was issued.

Chairman Miller commented that if the applicants come with a plan already, then it's hard to get them to change a plan in a major way. Mr. Britz noted that he meets with people ahead of time already. However, a lot of engineers and wetland scientists in the area already know the rules so well that sometimes people don't come in to get feedback. It may be hard to define scope. Maybe this could be only for the standard dredge and fill applications unless a request is made.

Mr. Britz pointed out the comment on dock sizes on page 4 of 5. This was a comment on the size of dockage based on the frontage. It seemed like a positive change. Ms. Collins noted that before it was based on slips, which dealt with depth of water. The change doesn't seem to be noting the depth of water. Mr. Britz responded that maybe that they should add a comment to consider the depth of water and tides. Ms. Morison noted that this comment applied to just non-tidal areas. There was another in section 607 for the tidal areas. Mr. Britz noted that they might need to make a comment on the size of docks in tidal waters. Ms. Morison noted that since it was new sizing of overwater structures it may not have been addressed in as much detail. Mr. Britz confirmed they could check and make a recommendation in the comment letter.

Ms. Collins pointed out that a lot of people want their pier out as far as possible, so that they can get out 24 hours a day. That is not right. Chairman Miller noted that the proposed change stated that no structure shall extend over 25% or more within mean low water. Ms. Collins commented that was far. Ms. Tanner agreed that sounded ridiculous. Mr. Britz proposed that their a comment could be to limit the distance from the shore. Chairman Miller added that it was not welcoming to kayak along the river with docks sticking out. Vice Chairman Blanchard noted that the comment could be related to a navigation hazard. Mr. Britz suggested that it should be changed to mean high water. Ms. Tanner agreed that sounded better.

Chairman Miller noted that there was some good stuff in there about docks. For example, if you were within a certain distance of a marina, then you didn't need a dock. That was interesting. Everyone wants their own dock, but these regulations seem to be promoting community docks. Mr. Britz noted that the third bullet on 603 states a required acknowledgment of predicted seawater rise. There are some good points in there. That could be highlighted in the letter. The first bullet supported the initiative for applicants to acknowledge high water. The next bullet addressed public highway projects. The next one required a coastal functional assessment consistent with inland assessments. That is a good thing to do. The next page supported strong prioritization of soft stabilization before coming in to ask for riprap. The last bullet states you

have to prove that it's protecting more than your property. The next section is a general statement supporting the combination of shore land and inland rules.

Vice Chairman Blanchard commented that the Commission just had a project come through with three applications. Mr. Britz noted that under the changes it could only be two applications. Ms. McMillan requested clarification on whether or not the Commission had jurisdiction over wherever the shore land act is impacted. Mr. Britz responded that they had no comment on anything beyond the 100 feet. They cannot comment on the shore land at all. The State never asks for a comment or recommendation for that. If the changes roll shore land into the wetland permitting, then the Commission would have the chance to comment on the 250 foot buffer for the State. Mr. Britz added that if the Commission wanted to change the CUP criteria, then they could work toward that.

Chairman Miller noted that there are also areas in the City that are not covered by the shore land protection that is developed riverfront. Mr. Britz responded that there is no City buffer on the riverfront. That can be changed. It was left out because it was developed waterfront.

Chairman Miller commented that he didn't see any changes to the shore land protection. Ms. Morison responded that there were a few points added to the combined shore and inland protection zone. The new additions included adaption and resilience. ENV-WT611.14 basically allows primary non-conforming structures to be rebuilt provided the replacement structure is located further back from the highest observable tide line, and it be built more nearly conforming. Lastly, applicants rebuilding after a storm have to acknowledge continued reconstruction may not be feasible in the future due to sea level rise and retreat may be necessary. There was another relating to all buildings needing to be designed guided by the Coastal Construction Manual. Ms. Morison flagged that comment as confusing because it doesn't set forth any clear standards. The comment also stated that buildings would need to comply with the State and City resiliency ordinances. The comment is vague.

Vice Chairman Blanchard questioned if anyone knew who was commenting on other side? Ms. McMillan responded that the foresters were.

Ms. Tanner disagreed with the comment about recommending invasive species as minimum impact. People can go way overboard spraying and that's too much. People have done damage to the environment to control invasive species. Mr. Britz questioned if the people were approved to do it and it was damaging or if they just did it and it was damaging. Ms. Tanner noted that it was not good to have that general classification.

Vice Chairman Blanchard noted that 3000 square feet is a large area for a minimum impact project and it should be considered to lower the minimum size. The Commission should comment that they agree. Mr. Britz confirmed that the Commission supported that comment. Chairman Miller agreed and added that was most of what the Commission sees. Mr. Britz commented that he and Chairman Miller were working on a letter so the Commission should contact them if they want to add anything else.

Vice Chairman Blanchard noted that there was a comment that proposed the allowance of changes to the footprint for an in kind replacement project if it represents the softening of an existing structure. Mr. Britz questioned if there could be an unintended consequence. Chairman Miller added that's what Ms. Morison brought up earlier. If you demolish the whole structure, then you have to start over with new rules. These new regulations would allow people to demolish and start over further back. Mr. Britz commented that today's rules allow to for demolition and replacement in kind. The new regulations make people push further back. Ms. Morison noted that the change doesn't talk about what happens if there is no room to push back.

Mr. Britz clarified that the proposal is that right now you can rebuild your house in kind in place, but the new rules will require the owner to build further back in kind. The change is kind of saying that an owner can build their house in kind without a permit. It could be a slippery slope.

Ms. Morison agreed and commented that when she read the comment it seemed like a very bold statement without consideration of unintended consequences. Ms. McMillan agreed and questioned if they could just move it back a foot. Chairman Miller read 6.11.14, which said that a building may be entirely demolished and reconstructed in the buffer. No alteration should extended closer to the water. Mr. Britz noted that it would be nice to zero in a little on that. Vice Chairman Blanchard added that it could be breakwaters. Everyone wants to carve out his or her own cove with breakwaters. This doesn't do much for us in terms of that. Mr. Britz noted that the homebuilders wouldn't object to this. They should comment that the statement should be clarified and require a permit.

Ms. Morison wondered if anything under this section required a standard dredge and fill. Mr. Britz responded that if that were the case then this would be different. Ms. Collins noted that there should be a minimum amount that they have to move further back. Ms. Tanner commented on the idea of elevation. It should be further away from the water whether it's up or back.

Vice Chairman Blanchard noted that the language in 6.10.04 was a better way to go. Mr. Britz responded that was a permit approach too. Ms. Morison noted that what they are trying to get at is to incentivize softer solutions.

Ms. Tanner clarified that if someone put up a wall that just fell down. Then they decided to go with a more natural buffer. Would that not require a permit? Mr. Britz responded that what they are saying is if the sea wall falls down and the owner did not want to do it in kind, then a softer sea wall would be allowed.

2. Zoning Change Discussion Based on Coastal Resilience and Coastal Risk and Hazard Report

Mr. Britz noted that he had been talking to the Planning Director about expanding the zoning to encompass the area around North Mill Pond. The question is what to do about sea level rise. In talking about that project this idea came about. The zoning has floodplain standards that FEMA requires. They are thinking about putting an additional 2 foot requirement in everywhere in the

City that has a floodplain. They would try to use FEMA as the baseline and then add 2 feet to FEMA's requirement. So everyone that wants to build within that elevation would have to be 2 feet above FEMA's flood elevation. It could be defined in the ordinance by defining an elevation.

Ms. Tanner questioned if 2 feet was adequate. Mr. Britz responded that he was not sure they could do much more. Ms. Morison clarified that the 2 feet would apply to areas outside the 100 foot flood area. The idea would be to do what Durham did, but make it regulatory. Mr. Britz responded that it would apply to new developments and rebuilds. It would apply to the North Mill Pond structure. This seems like the easiest starting point. It is not the end point, but there is nothing now that speaks to it. Putting in some thing regulatory would be good because they would have to look at it.

Vice Chairman Blanchard commented that if nothing else this would be a good conversation about the mass flooding concerns. It is in the City's best interest to ask these people to consider it. Ms. Morison noted that this would be a big step. One thing Durham ran into was figuring out at what the elevation requirement for properties outside of the 100-year flood plan should be. Mr. Britz responded that if the BFE were 8 feet, then it would create a zone that required people to build to 10 feet.

Chairman Miller noted that it was a pretty steep elevation. Ms. Morison noted that 2-3 feet is common practice. Often 2-3 feet is greater than the 500-year flood elevation. Mr. Britz commented that he would have to look at the maps. Ms. Morison commented that this was good idea. However thinking about the elevation could be more complicated. Durham is encouraging that newer development in advisory climate change areas should be built 2 feet above grade. That is consistent with the amount of freeboard recommended by the association of State Flood Plain Managers for A Zones without BFE. .

Ms. Tanner commented that the increased elevation makes it seem like they can come in and fill 2 more feet then build on it. Mr. Britz noted that was another issue. Ms. Morison commented that within the ordinance how they elevate would have to be regulated.

Chairman Miller wondered if an insurance rebate would help. Ms. Morison responded that it would be less of an incentive for those outside the flood zone who may not have flood insurance. If the City is ready to move in that direction, then they might as well regulate it. It will be interesting to see how Durham's advisory plays out. Chairman Miller noted the Commission had mapped out a plan of education moving forward. If the Planning Department is willing to move to an ordinance, then the Chairman thought they should.

Mr. Britz commented that he talked with Mr. Cracknell about it and this 2-foot requirement would only provide protection to 2050 potentially even less than that. Trying to go higher than that seems like a big reach. Ms. Morison noted that the former Federal Flood Risk Management standard was 2 feet for residential and 3 feet for critical. Mr. Britz noted that they could do 3 feet for critical. Ms. Morison suggested that the other option could be to eliminate that type of development in the 500-year area. Mr. Britz noted this could go to Planning as soon as next Thursday, and he wanted the Commission to weigh in.

Ms. Morison questioned if exemptions would be offered for historic areas if it were going to be applied citywide. Mr. Britz noted that they would need a variance and would have to prove that it could not work. Chairman Miller supported it.

Ms. McMillan noted that at some point she would like to look at the City regulations in relation to the shore land buffer. Mr. Britz clarified that it would be a discussion about expanding the buffer to 250? Chairman Miller noted that if they did it, then he would like to do it in a way that they could have an impact. Mr. Britz commented that they would have to talk it through and it would be easier to talk about if something was drafted.

Ms. Morison questioned if they would be able to get an estimate of how many more applications would come through with that jurisdiction. Mr. Britz responded they he would not be able to tell how many applications, but he could tell the Commission how many more properties would be impacted. If we do something like that, then there are things they need to consider. A lot of what the Commission cares about is impervious surface and water flows. It would be nice to narrow in on how to review certain areas going across roadways within the 250-foot buffer. What happens if the area in the middle were a dead zone? They might want to be more specific about it. Chairman Miller noted that it was worth thinking about and looking at. The Commission has made changes to the buffer ordinance twice and both have been really good improvements. It is always good to look at it again.

Ms. McMillan noted that they had seen a wetland permit for the Middle Hill project. Mr. Britz commented that they had built a rain garden in the back. Ms. Tanner noted that they talked about removing impervious surface in the back. Ms. McMillan noted that the application went to the Planning Board meeting and the plans had changed to take out the island in lot and put in 6 more parking spaces. Ms. Tanner noted that was disappointing. Ms. McMillan got up and spoke as an abutter. Chairman Miller was disappointed to see something being changed counter to what was talked about. There was a lot of discussion on that.

VI. ADJOURNMENT

At 5:43 it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,
Rebecca Frey, Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on May 9, 2018.