

MINUTES

CONSERVATION COMMISSION

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

**3:30 p.m.
2019**

February 13, 2019

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman MaryAnn Blanchard; Members Allison Tanner, Samantha Collins, Adrienne Harrison; and Alternative Nathalie Morison

MEMBERS ABSENT: Barbara McMillan

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. January 9, 2019

Vice Chairman Blanchard requested that the TB land be corrected to the Teepee land on page 4.

Ms. Collins noted a spelling error for phragmites on page 2 and 6.

Ms. Morison pointed out a missing “of” on page 2.

Vice Chairman Blanchard moved to approve the January 9, 2019 Conservation Commission Meeting Minutes, seconded by Ms. Harrison. The motion passed unanimously by a 6-0 vote.

II. ASPHALT SEALCOATING

A. Allison Watts- UNH

Allison Watts commented that Eric Spear asked her to talk to the Commission about the work that was done several years ago that looked at what happens with seal coated surfaces. Seal coating goes on driveways then wears off over a few years and goes into the storm water and people’s homes. One type of seal coat is asphalt based and one is a coal tar based. The coal tar is a by-product consisting of heavy hydrocarbons. It’s high in polycyclic aromatic hydrocarbons (PAH.) They are toxic and some are carcinogens. The people who know the most about this are the US Geological Survey. Ms. Watts handed out their fact sheets as well as some other fact sheets from UNH, Toxic Substances and Disease Registry, and the EPA. The short story is that people are very fond of putting down things that make their house look good. People really like

black pavement. There is a big difference between which seal coat is put down. One does not have a significant environmental impact and the other does. Minnesota is one of the few places where they test the sediments they clean out of the catch basins. In NH the sediments are not tested unless there is reason to test them. Minnesota found there was a large amount of hazardous waste, so the banned coal tar based seal coating. Portsmouth could think about education and outreach on this topic. There are areas that have banned them or restricted their use. In certain parts of Massachusetts seal coating is not allowed within a certain distance of a wetland. There has been discussion in quite a few states, but they rarely have gotten to a full ban.

Chairman Miller questioned if there was anything going on in New Hampshire in regards to banning coal tar substances. Ms. Watts responded that there was no conversation going on in New Hampshire. The closest municipalities that have banned it are Boston and Washington DC.

Ms. Watts commented that they could start with banning it in the municipality. The City probably does not seal coat now. Mr. Britz responded that he did not think they did. Ms. Watts noted that it's similar to fertilizer. It's hard to ban something that people can put on their private land. They could encourage companies to promote the asphalt based seal coat.

Vice Chairman Blanchard commented that it would be a good first step with the City to test the sediments in the catch basins. Mr. Britz responded that they would be doing some of that with the storm water permitting. Mr. Britz noted that he would need to look into the regulations to understand what the City currently does. Ms. Watts noted that the Minnesota pollution control listed all the places that did bans and have sample wording for the bans. They also included contractors that have committed to not using coal tar. They started the ban with municipalities. The environmental health impacts are important, but there is a human health concern as well. Kids spend a lot of time in driveways and on playgrounds. The storm water center found that there is a ten-fold increase in PAH's in storm water ponds. There will always be some level of PAH's because they come from fires, exhaust etc. The coal tar based seal coat is a big contributor.

Ms. Morison questioned why someone would choose the coal tar based over the asphalt based. Ms. Watts responded that there is no long-term study showing a significant protection of pavement from the coal tar based seal coating. If they seal coat a workshop that uses solvents and paints, then the coal tar based sealant probably does provide more protection. Part of the reason people choose it is the marketing. There is a very strong lobby for coal tar based seal coat. It is a highly funded agency that will be very persuasive about why it's unfair to ban it, they say that the science is bad. That's what happened in the states that banned it.

Chairman Miller questioned if there was a cost difference between the two products. Ms. Watts responded that it was not significant. The sealant lobbyists may say that the coal tar will last longer, but Ms. Watts has not seen studies that have supported that. It's just one more weird chemical that is being put into the environment because we haven't decided not to. There was a lot of discussion about banning in Portland in the Long Creek area. Portland did not go through with the ban, but they did feel the seal coat was an issue. They did outreach in the area. There was legislation in Maine to ban it, but it did not get anywhere. If people get seal coating in the

store, then they can check to see which one they are buying. If people get it through the tanker trucks they don't know exactly what they have. The trucks are not really keeping track of what is going in because it looks the same on the ground.

Vice Chairman Blanchard noted that the people who come to the door are not very experienced with the chemicals they are carrying.

Mr. Britz commented that he would follow up to see what other municipalities have done. Vice Chairman Blanchard noted that testing the catch basins would be a good start. Mr. Britz confirmed that he would look into that.

III. CONDITIONAL USE PERMIT APPLICATIONS

1. 43 Whidden Street
Thomas L. and Ann P. Taylor, owners
Assessor Map 109 Lot 1

Vice Chairman Blanchard moved to postpone the application to the March 13, 2019 Conservation Commission Meeting, seconded by Ms. Tanner. The motion passed unanimously by a 6-0 vote.

3. 105 Bartlett Street
Clipper Traders, LLC, Portsmouth Lumber and Hardware, LLC, and Boston and Maine Corporation, owners
Assessor Map 157 Lots 1 and 2 and Map 164 Lots 1 and 4

Ms. Harrison moved to withdraw the 105 Bartlett St. application, seconded by Ms. Tanner. The motion passed unanimously by a 6-0 vote.

2. 50 Pleasant Point Drive
Vaughan Family Revocable Trust, Charles and Sally Vaughan Trustees, owners
Assessor Map 207 Lot 11

Steve Riker from Ambit Engineering and Attorney Bernie Pelech spoke to the application. The owners have a purchase and sales agreement for the property. The existing conditions plan shows that the entire structure and a portion of the driveway are in the buffer as well as 3 patios. There is a ledge outcrop on the side of the house. There are a few trees on the property. The owners are applying for a CUP and a State Wetland Permit. The project will include adding a two-car garage attached to the existing home by a breezeway. A second floor will be added to the home as well within the existing footprint. The proposal includes a new porous pavement driveway to access the garage. The rear of the house has a deck on the back. This proposal includes a deck addition. The demolition plan will take down 3 trees. A large Norway maple and two cedar trees on the corner of the house will be removed. All of the other trees on the property will remain. The plan includes a walkway from front door to Robin lane. Two of the impervious patios will be removed and replaced with pea stone and crushed stone. The third patio will also be removed eventually, however, any work in the salt marsh area makes the permit a minor. That would require a 75-day review period. The owners will be back for that

patio change in the future. The plan will decrease the impervious surface on the lot and in the area of the 100-foot buffer. The porous pavement driveway and removal of patio surfaces help with that. The plan includes a buffer planting area with the species and quantities outlined. The neighbor Mr. McSharry has reviewed the plans and has signed a letter stating that he is fine with what is proposed. The breezeway and garage are placed in a way that would prevent any ledge removal. There is a maintenance plan in the packet for the buffer planting area and porous driveway. There will also be a stone drip edge around the garage.

Bernie Pelech commented that they are slated to go before the Zoning Board next Tuesday to request two variances. There are two front yards because the property is located at the intersection with Robin Lane. There is a front yard on Robin Lane and Pleasant Point Lane. The garage was placed out of the buffer, but it is 21 feet from Robin Lane. A 30-foot setback is required, so a variance is needed. The second variance will be to add a second story to the existing footprint. The house is already 18 feet from Robin Lane a variance is required to expand vertically. The intent is to remove as much as possible out of the buffer and reduce the impervious surface as much as possible.

Chairman Miller noted that the plan talks about the cobblestone edging on the marsh, and questioned if it was just blocks set on top of one another. Mr. Riker responded that it's a cobblestone Belgian block that sits on the surface. Chairman Miller responded that might need to be removed to allow the marsh in. Mr. Riker noted that the HOTL is 5.5 and the cobblestone edging is at a 7. The selected seed mix and shrubs are salt tolerant and native to NH. Ms. Morison noted that the demolition plan says that the cobblestone edging was to be removed. Mr. Riker confirmed they would remove it, and added that he would ensure the note carried over to the DES permit plan.

Ms. Collins noted that the garage and the breezeway have the stone drip apron, but it is not around the main house. Ms. Collins questioned how that would be treated. Mr. Riker responded that it would remain as it is now. It is guttered. They will treat what is being proposed and provide pervious surfaces to improve filtration on the lot.

Vice Chairman Blanchard questioned what would work best the gutters or the stone drip edge. Mr. Riker responded that it is difficult to add a stone drip edge on an existing house. The gutters would be concentrated through the downspout. Vice Chairman Blanchard questioned what the surface area of the residence including the garage would be. Mr. Riker responded that the existing footprint was 1,383 square feet. That includes the main structure and porch. The post construction footprint with the added garage and breezeway would be 2,285 square feet.

Chairman Miller questioned where the gutters would go. Mr. Riker did not know where they existed currently. Chairman Miller commented that they should be directed to the porous patios if possible. Mr. Riker agreed and noted that on the back of the house there is more opportunity to direct the water. Chairman Miller noted that there was a filtration opportunity under the deck as well. Mr. Riker agreed and noted that there will be crushed stone under the deck as well. Mr. Riker noted that photograph 2 and 3 showed the existing gutters. Chairman Miller commented that it looked like there was a drainpipe that goes right to the lawn. Mr. Riker agreed. Chairman Miller noted that it would be good to look for opportunities to get that into the soil if possible.

Ms. Tanner noted that there was no indication in the plans that there will be a gutter on the second floor roof. Chairman Miller responded that it could be a condition.

Ms. Morison questioned what material would be used to construct the new walkway. Mr. Riker responded that it would be impervious. It will be a paver product.

Ms. Collins noted that the storm water management plan talked about a vegetated swale and rain garden under the invasive species section. Mr. Riker responded that note was carried over in error, and confirmed that the plan would be updated. Ms. Collins noted that the names on the checklist should be deleted also. Mr. Riker agreed.

Ms. Morison noted that the storm water management plan says to replace stone as needed under the drip apron maintenance. It would be good to provide a description of what conditions would warrant a stone replacement. Mr. Riker agreed and confirmed that would be updated. Ms. Morison questioned if there were any snow removal or winter treatment considerations that would need to be included for the driveway. Mr. Riker responded that it would be porous pavement. There will not be any sanding or salting.

Vice Chairman Blanchard appreciated the consideration of moving things away from the wetlands. It's a significant increase in structure.

Ms. Harrison clarified that all of the original paved driveway would be removed. Mr. Riker confirmed that was correct.

Ms. Morison commented that the previous application on the property talked about the existing design of the driveway and how it sloped down a little bit to create ponding in the driveway. Ms. Morison questioned if that would be addressed. Mr. Riker responded that it slopes down heavily and has a trench drain in it. That will all be removed and the proposed drive will be pervious with very little grading. Mr. Pelech added that the driveway would be removed and filled in, so the grade will be brought up.

Ms. Harrison commented on the third patio that would remain the same right for now. Ms. Harrison noted that she would be in favor of removing the portion of that patio that's inside the 50 foot buffer or talking about that patio now instead of having the applicants come back. Chairman Miller suggested that they could include it in the recommendation for the future. Mr. Britz clarified that they could show support for a future application.

Vice Chairman Blanchard clarified that the fireplace was removed. Mr. Riker confirmed that was correct.

Vice Chairman Blanchard moved to recommend **approval** of the application to the Planning Board, seconded by Ms. Tanner with the following stipulation:

1. The applicant shall install a gutter along the roofline of the second floor with a downspout to the pea stone covered patio or other infiltration area.

The motion passed unanimously by a 6-0 vote.

Chairman Miller questioned how they should address the note about the third patio. Mr. Britz responded that if the State was not reviewing that as part of the application, then it would just be part of the minutes. It could be an additional note on the letter to DES showing support for that change from the Conservation Commission. Ms. Tanner clarified that the support would be to move it out of the 50-foot buffer. Ms. Harrison responded that it was support to remove it from the 50 buffer and make it porous. Ms. Morison supported that.

4. 428 Route 1-Bypass
Torrington Properties, Inc. & Waterstone Property Group, owners
Assessor Map 172 Lot 1, Map 173 Lot 2, Map 165 Lot 2, and Map 163 Lots 33&34

Ms. Tanner commented that she found a significant lack of information in the application and proposed postponing the presentation until that information was present. Chairman Miller noted that was part of the memo from Mr. Britz. Mr. Britz commented that this time could be turned into a work session or the Commission could specifically ask for what additional information was needed. There are two applications for this as well.

Vice Chairman Blanchard was in favor of using this time for a brief work session to provide an introductory overview. Chairman Miller added that the Commission needed to be as helpful as possible to be clear about what information they are looking for.

Rick Lundborn from Fuss and O'Neil, Luke Hurley with Gove Environmental, and Gregg Mikolaities with August Consulting spoke to the application. Mr. Lundborn commented that they did submit a CUP application and an application to NHDES. This is the fourth time this application has come to this Commission. Mr. Lundborn responded to items in the Staff Memo. The first CUP criteria stated that the land is reasonably suited for the overall project proposes. The staff memo says that the plans are lacking in detail about the removal of invasive species on the site. Mr. Lundborn responded that the impervious surface would be reduced by 24%. It was Mr. Lundborn's understanding that this Commission comments on activity in the buffer not the storm water management. Mr. Britz commented that what was submitted was really just a concept. The Commission needs details to understand the impacts. Mr. Lundborn confirmed they could provide more detail. The second criteria item states that there is no alternate location. The memo states that the existing project removes some of the paved area and enhances the buffer on Hodgson Brook. There are no trail design or storm water details in the plan. Mr. Lundborn responded that the trail would be a 10-foot wide paved multi-modal path. That has been the plan since the beginning. It follows the path in the Master Plan. It will be pulled back a substantial amount from the existing pavement. The storm water system design is what has been discussed all along. Right now there is no storm water management on the site. It will outlet to Hodgson Brook via a treatment swale. More detail can be provided if needed. The third criteria item states that there is no adverse impact to the site. This application has been here a number of times and they have discussed the amount of benefits this project would create. This is not in the shoreline zone. The staff requested details for a planting plan and erosion control. The storm water system design is shown on the plan in the area of concern for the buffer. There is no planting plan for the area where the pavement is being removed because the applicants are currently in negotiations with the City about the ownership of the road. That will be worked out with Staff as this moves forward. The fifth criteria is that this is the least amount of impact. The staff writes that the plan provides some storm water and native plantings details, but the plan

needs more detail. Mr. Lundborn commented that they have consistently presented the same thing to this Commission and other boards. They should not design for things that may never come to fruition.

Chairman Miller commented that the Commission does review the buffer. Storm water management is not an allowed use in the buffer. The Commission looks at those very carefully. The Commission will review the storm water management and how it will work. Mr. Lundborn responded that the wetland application depicts the information that would be pertinent to this. The remaining outside buffer would be handled by chamber systems. There is a treatment swale that would allow the release with a level spreader to outlet into the brook. Mr. Britz commented that it shows the storm water, but there is no other detail. Mr. Lundborn pointed out the components in the plan.

Mr. Britz questioned if there would be plants in that area. Mr. Lundborn responded that it's a treatment swale, so there are no plants. There will be grass. Mr. Britz commented that those details should be in the plan. This Commission is the most interested in the protecting the resource. Mr. Lundborn commented that they provided a package about the removal of the invasive plants. Mr. Hurley can answer any questions about that. Mr. Britz noted that the plan should show where the invasive plants are and how they will be removed. The swale detail should show that there would be grass. There should be detail about the chambers as well. There are a lot of things happening with the road negotiations, so maybe this application isn't ready. The plan needs to show what is going to happen on the bank of Hodgson's Brook. They need to have something to compare to for the compliance inspections. Mr. Hurley responded that some of that detail should be on the dredge and fill application in the sequence section.

Mr. Mikolaities questioned if it would be easier to meet with Mr. Britz to work out what is missing. Mr. Britz responded that he could work with them and the Commission can talk about what they see is missing.

Chairman Miller noted that when applicants come in with a storm water device in the buffer the Commission looks at it closely. Chairman Miller noted that they are trying to help this along. It is important to review the details. The Commission has a lot of questions about the invasive plant removals. The description for the removal states that digging was the best way. There should be details about what is being removed and how. The pictures look like it will be hard to get in and dig out the invasive plants without damaging trees.

Ms. Tanner commented that the CUP application needed to include construction details, snow storage, plans to prevent of trash in the brook, the storm water treatment design, a planting plan and erosion control. Mr. Lundborn responded that this would be a City street. They will plow it. Ms. Tanner noted that there is a lot of snow on that block. Mr. Lundborn responded that they are not planning to put that in the buffer. It will be taken off site. Chairman Miller noted that the Commission couldn't assume these things. They need to see it in the plan.

Ms. Morison noted that there were some inconsistent figures about the actual square footage for the permanent vs. temporary impact within the buffer itself. The fact sheet from Gove Environmental says the total impact is 69,792 square feet, but it also says 48,762 square feet of

wetland buffer impact. It is hard to follow what the actual impact is when the numbers are not consistent throughout. A couple of places reference the removal of two culverts. The plan should note the reasons for the removal and how they will be removed. Mr. Lundborn responded that the plan shows the two culverts in the bank today. Those two locations are where the outfalls of the pipes are. They will remove the existing drainage system because it's inefficient and putting water into the brook with no control. One takes a bunch of water from U-Haul and the swale along the driveway of that. The other one is tied to the culvert further to the right and is also dumping untreated storm water into the brook. All of that is being removed. Ms. Morison commented that the background context should be documented. A description of the work sequence for removing the culverts should also be included. The erosion control measures should be in the plan as well.

Mr. Britz noted that the plan showed a silk fence, but it should outline how the slope is going to be stabilized. Mr. Lundborn responded that the culverts would be removed in a localized fashion. Mr. Britz commented that the plan needs to show what is going to be there after those are removed.

Mr. Mikolaities questioned if a key for the plan would be helpful. Mr. Britz responded that the state wetland permit application shows the most detail. They need a restoration plan. Mr. Lundborn questioned if the Commission preferred a particular style of jute mat. Mr. Britz responded that it should not be plastic. Mr. Hurley confirmed that they would match what the Fish and Game asks for.

Ms. Morison questioned what the two crosshatched features on the map by the bridge over Hodgson Brook were. Mr. Lundborn responded that they were existing stones at the headwall of the bridge and will not be touched.

Mr. Mikolaities commented that they met with TAC on Tuesday and the storm water study will go out to peer review. Mr. Mikolaities questioned if this Commission wanted to see that storm water study as well. Mr. Britz responded that they typically get a summary of it.

Vice Chairman Blanchard questioned if they should postpone the application to the March meeting or if they needed more time. Mr. Mikolaities responded that the March meeting would be fine. They will meet with Staff before then. They have submitted to City Council to see if the City wants the road or at least the land. The plan is designing around the thought that the road will be built now or in the future. Hopefully they will have an answer on that by the March meeting.

Mr. Lundborn summarized some of the items that the Commission needed to see in the plan revisions. They included: no snow being stored anywhere near the buffer, more detail on the storm water design, and a summary of the drainage study. Ms. Tanner confirmed that was correct.

Ms. Harrison commented that if there were any pervious surfaces planned or path maintenance required, then that should be recorded. Applications typically include some kind of maintenance plan. Mr. Lundborn questioned if the DPW had a maintenance plan for paths. Mr. Britz

responded that he would look into it. Mr. Lundborn commented that they can add a note that says there will be no salt on the path, but it may be a City owned path. Mr. Britz responded that if there is a spec there, then the Commission can respond to it.

Chairman Miller noted that the plan should show where the invasive plants removal will be and what the repair plan would be. Once they get in there it may be a little different. Mr. Hurley responded that the plan shows where the plants will be removed. Specifics can be added. Sometimes when the digging begins it becomes clear that they need to dig deeper or more than what was planned. It's not always as simple. The plan will include the estimated depth of excavation, but it will vary. The goal is to not disturb too many of the tree roots to prevent removing any trees. Removing the Norway maples was discussed at the site walk, but taking out the root mass would be too much. The tree removal is not being proposed. They will excavate the minimal amount of material required. Chairman Miller noted that they just needed to be spelled out. Leave the trees as they are and remove the knotweed and bittersweet. The plan should identify the species that are being taken out.

Mr. Britz commented that there should be a restoration sequence for everywhere there is wetland impact. Mr. Hurley agreed. Mr. Britz commented that they needed to clearly show where they are going. Mr. Hurley responded that essentially anything that is removed from the bank would be restored.

Mr. Lundborn questioned when the submission would be required for the March meeting. Mr. Britz responded the Wednesday before.

Vice Chairman Blanchard moved to postpone the application to the March 13, 2019 Conservation Commission Meeting, seconded by Ms. Harrison. The motion passed unanimously by a 6-0 vote.

IV. STATE WETLANDS BUREAU PERMIT APPLICATIONS

- A. Standard Dredge and Fill Application
105 Bartlett Street
Clipper Traders, LLC, and Portsmouth Lumber and Hardware, LLC, Boston and Maine Corporation, owners
Assessor Map 157 Lots 1 and 2 and Map 164 Lots 1 and 4

Vice Chairman Blanchard moved to postpone the application to the March 13, 2019 Conservation Commission Meeting, seconded by Ms. Morison. The motion passed unanimously by a 6-0 vote.

- B. Standard Dredge and Fill Application
50 Pleasant Point Drive
Vaughan Family Revocable Trust, Charles and Sally Vaughan Trustees, owners
Assessor Map 207 Lot 11

Vice Chairman Blanchard moved to recommend **approval** of the application to the Planning Board,

seconded by Ms. Tanner with the following stipulation:

1. The applicant shall install a gutter along the roofline of the second floor with a downspout to the pea stone covered patio or other infiltration area.

The motion passed unanimously by a 6-0 vote.

C. Standard Dredge and Fill Application
220 Walker Bungalow Road
Jon and Joan Dickinson, owners
Assessor Map 223 Lot 20

Steve Riker from Ambit Engineering spoke to the application. The proposal is for a tidal docking structure on the property. It was submitted to DES on 12/12/2019 and is currently under review. DES is looking for feedback from the Commission. They have been here for a residential redevelopment of the lot before. Mr. Riker was hired to design a dock and submit the application. The dock will be 150 feet long. It will be one slip. It is very similar in length to a previously approved dock on the abutter's property to the west. This float will sit on the mud at low tide on pilings. The piles will be cut at a minimum of 18 inches high. Tracy Shattuck the Pease Development Authority Harbor Master reviewed the project. Mr. Sattuck had no issue with the plan.

Chairman Miller questioned if the 720 square feet of permitted impact was just for the pilings. Mr. Riker responded that it counted the surface area over the wetland resource. It's the surface area of the structure itself. Chairman Miller noted that it was coming off the corner with rip rap and questioned if there was any salt marsh under that. Mr. Riker responded there was not. It's just a mud flat. There is a gap in the buffer planting plan to give way to the access way. There's a 4-foot section to accommodate that.

Ms. Collins questioned if the 720 square feet included the 10 by 4 access way. Mr. Riker responded that C2 had an impact chart. The 720 square feet included anything that's in the tidal waters. The access way provides a bridge to allow for foot traffic. It's a transition from the land to the pier. The pier should be at the HOTL, then if an access way is needed it can be added. The access way can be 4 feet in width and they need to demonstrate a need for the length. Ms. Collins questioned if it would be the same material as the pier. Mr. Riker confirmed that was correct.

Ms. Harrison noted that the plan included two sets of batter piles. Mr. Riker responded that the Sagamore Creek has an ice flow and it curves to the south in this location. The ice flow tends to destroy the docks in this location. The batter pilings were approved for the neighboring property. Ms. Harrison clarified that the neighboring property just had one set. Mr. Riker responded that the two sets was a recommendation from the marine contractor. This would reduce the impact of replacing the piles more often. Ms. Harrison questioned if the piles were the best choice for this construction if that was a concern. Mr. Riker responded that he has had this discussion a lot. He did not think they were because they tend to get wiped out early. Then owners don't want to replace them. New Hampshire does not allow for skids. Those structures

are attached to the float itself, so they move with the mud. There is impact to the mud with a skid. The neighboring dock does not sit on the mud at low tide because the depth is different.

Ms. Tanner was concerned that all the docks being put out were so long. It's 150 feet long.

Ms. Collins noted that it was a shallow slope going from the fixed pier to the float. They only gain a foot of water depth going out that additional 40 feet. Mr. Riker confirmed that was correct, however, given the abutter's dock and the shape of the shoreline a short dock would make it difficult to navigate.

Vice Chairman Blanchard questioned what regulations control the navigable waterway and how far into it people can get. Mr. Riker was not sure about the review process, but Tracy Shattuck did review it. The Army Corp. will also have a say once this clears through DES because it is close to the Federal Channel. Vice Chairman Blanchard commented that there was a lot of hardware in Sagamore Creek. It's a narrow creek and it's tight. Vice Chairman Blanchard questioned if there were horsepower restrictions. Mr. Riker did not know. Chairman Miller noted that there were several commercial businesses on that shore as well.

Ms. Tanner was concerned about the extra 40 feet for an additional foot of water depth.

Vice Chairman Blanchard moved to recommend approval of the application as presented, seconded by Ms. Harrison. The motion passed by a 4-2 vote.

Ms. Tanner commented that this was probably the last property that was going to get a dock in Sagamore creek. It's so long. Going 40 additional feet for one foot of depth does not seem critical. It would be beneficial to decrease the length. Chairman Miller commented that it was at an interesting point for navigation in and out. The Chairman was not sure they had a say on the congestion of the river. It is long, but it makes sense from a navigation perspective. The Chairman was not sure it would have a large impact. Ms. Tanner could not support the application for because of her concerns about the dock length. Ms. Collins agreed with Ms. Tanner.

- D. Standard Dredge and Fill Application
428 Route 1-Bypass
Cate Street Development, LLC, owner
Assessor Map 172 Lot 1, Map 173 Lot 2, Map 165 Lot 2, and Map 163 Lots 33&34

Vice Chairman Blanchard moved to postpone the application to the March 13, 2019 Conservation Commission Meeting, seconded by Ms. Harrison. The motion passed unanimously by a 6-0 vote.

V. OTHER BUSINESS

1. Market Street Greenway: Update

Chairman Miller requested someone come discuss the memo Planning Director Juliet Walker sent out to help the Commission understand what it all meant. Ms. Harrison noted that it talked

about not being able to vote on a feeling. It should be based on the Ordinance. Mr. Britz commented that this Board was pretty good about using the Ordinance; some Boards may not be as good about it. Ms. Tanner noted that she looks at how much is going into the site. Then uses her impression to determine if it's too much going in the site. Ms. Harrison noted that her impression was based on knowledge and experience. Mr. Britz noted that they should support the comments with the Ordinance and their knowledge. Chairman Miller noted that the memo raised questions about what it means to be an expert. Ms. Tanner agreed. Ms. Tanner noted that she could not always back up her comments with a fact or a clear threshold. Ms. Morison agreed that there are not always clear thresholds in the Ordinance. Chairman Miller agreed and commented that he would like to have the discussion about the memo.

Vice Chairman Blanchard questioned if the letter Mr. Britz gave the Commission from DES and AOT were for Lonza. Mr. Britz responded that it sounded like Lonza. Vice Chairman Blanchard questioned what the 70-80 Martine Cottage Road was. Mr. Britz responded that it was a Shoreline Permit. The Commission did not review that. The Commission just gets a copy of the Shoreline Permit. Vice Chairman Blanchard questioned where the Long Meadow Road was. Mr. Britz responded that it was before Lang Road comes in coming from Rye. It will be before the Service Credit Union. Lang Road will go to the left and there will be a separate road out to Lafayette Road. This will allow cars to go left at a light over at Ocean Road. It will subdivide the Credit Union lot.

Mr. Britz noted that Dave Desfosses requested that he notify the Commission that the Market St. Greenway went out to bid. They will be cutting trees along the shore and putting in the planting plan and trails. Chairman Miller noted that there was still opportunity for outreach and education with the project. Chairman Miller was not sure when that should be part of the plan, but parties are interested. Mr. Britz responded that there are some interpretative signage that will be part of the project. That has not been decided on. The Commission can have a say. Chairman Miller commented that there are also some other projects that could contribute to that. Mr. Britz noted that there were not a lot of details on the content of signs when the project was proposed.

Chairman Miller noted that there is a new open space plan that's starting with a Portsmouth Open Space Steering Committee. The Chairman attended the first meeting at the end of January. The Commission members can relay comments to the Chairman to contribute. The Committee includes an Urban Forestry Center representative, the Planning Board Chairman, the Conservation Commission Chairman, Parks and Greenery Foreman, Southeast Land Trust, a representative from the Recreation Board, a representative from the Forest Society and a Consultant Team. January 30th was the kick off meeting.

Ms. Tanner questioned if the group was looking at privately held land or just public land. Chairman Miller responded that they were looking at the public land. They are looking at land to create an open space plan. They could identify land that would be good to acquire.

Vice Chairman Blanchard noted that one thing that has been beneficial for this is the PULA properties. There are some little clumps of land that really don't mean anything. Chairman Miller responded that they would talk about those types of utilizations. Vice Chairman Blanchard noted that they could be used to generate money to continue to feed the acquisition

fund. They need to look at margins that may have some commercial or residential viability. Chairman Miller noted that they reviewed the PULA and properties important to the Conservation Commission. They also reviewed the long term open space plan and properties that could be used for storm water management or other uses. The next meeting is not scheduled yet. Vice Chairman Blanchard requested that the Chairman send her the details about the next meeting. Chairman Miller noted that it was an interesting opportunity that required some long term thinking about the City. The Chairman wanted to make sure the Steering Committee understood that when they did the PULA study they didn't assess the all of the city owned properties. They just evaluated the lands that may have had conservation value.

VI. ADJOURNMENT

Vice Chairman Blanchard moved to adjourn the meeting at 5:32 p.m., seconded by Ms. Tanner. The motion passed unanimously by a 6-0 vote.

Respectfully submitted,

Becky Frey,
Acting Secretary for the Conservation Commission