

**MINUTES
CONSERVATION COMMISSION
PORTSMOUTH, NH**

Remote Meeting Via Zoom Conference Call

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Per NH RSA 91-A:2, III (b) the Chair has declared COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor’s Executive Order 2020-04, Section 8, as extended by Executive Order 2020-09, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

3:30 P.M.

June 17, 2020

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman Samantha Collins; Members; Allison Tanner, Barbara McMillan, and Joseph O’Neill

MEMBERS ABSENT: Adrienne Harrison, Jessica Blasko,

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. CONDITIONAL USE PERMIT APPLICATIONS

1. 32 Monteith Street
Charles & Allison Dudas, Owners
Assessor Map 143, Lot 22

Homeowner Chuck Dudas spoke to the application. The CUP application is to make improvements to the single-family home in 100-foot buffer. The proposal includes a two-story addition, demolition of the existing garage, relocating the driveway, relocating a shed, and building a new garage with a breezeway. The house is on Monteith St. on the North Mill Pond. The two-story addition will go where the existing driveway is, and the deck will go where the existing garage is. The new driveway will be on the other side of the house and the new garage will be connected to the house by the new breezeway. The existing shed will be relocated on the property.

Ms. Tanner questioned where the rain barrels would be located. Mr. Dudas responded that one would be at the corner of the garage and the other would be at the corner of the addition. Ms. Tanner questioned if they would be connected to gutters and downspouts. Mr. Dudas responded that they would. The main house and garage will have gutters to catch runoff. Ms. Tanner questioned if there was a patio between the mudroom and the deck. Mr. Dudas responded that there is an existing pea stone patio that will be removed. The plan is to make it lawn. Ms. Tanner noted that there were no erosion control measures on the plan. Mr. Dudas responded that they made a note in the demolition plan to include filtration sock on the wetlands side of the construction.

Vice Chairman Collins questioned if any portion of new the construction was closer to the wetland than what's currently there. Mr. Dudas responded no. The existing garage is 35 feet from the wetland edge. In the new plan the edge of the deck will be 47 feet from the wetland.

Ms. McMillan questioned how many rain barrels will be at each downspout. Mr. Dudas responded that the plan is to have rain barrels on the side of the house that is toward the wetlands. There is a lot of clay in that area, so infiltration is a challenge. Ms. McMillan questioned if they thought about the possibility of putting in infiltration trenches around the house. Ms. McMillan was concerned about the rain barrels because they will fill up in one ¼ storm. That is not a lot of storage and it isn't necessarily a great mitigator of storm water. Mr. Dudas responded that trenches around the house could keep water up against the house which could be concerning. If it doesn't infiltrate, then it could come in the house.

Ms. Tanner commented that they use rain barrels at her house, and they are connected to the downspout. When the barrel is full, a valve moves and shunts the water out to crushed stone. Ms. Tanner has clay soil as well. The infiltration trench could be something with a rain garden or a trench with sand and crushed stone on top. Storm water can be directed away from the house and the wetland. Chairman Miller added that the overflow of the rain barrel by the deck could be directed under the deck. That's where the current garage is. They can thicken the base with crushed stone for capacity to hold it. Mr. Dudas agreed that made sense.

Chairman Miller questioned if there was a planting plan. Mr. Dudas responded that they were proposing to plant along the edge of the wetlands. Most of it is maintained lawn with no shade. The proposal is to plant bushes and aster along the edge of wetlands to enhance the buffer.

Mr. O'Neill commented that they could put in a dry well between the deck and mud room with the rain barrel there. Mr. Dudas responded that could be an option. Mr. O'Neill commented that they could bury the downspouts with a catch basin that infiltrates underground.

Ms. McMillan commented that it would be good to keep the tree that was close to the driveway if possible and questioned what kind of tree it was. Mr. Dudas responded that it was an ash tree. Ms. McMillan commented that if the tree can't be saved it would be great to see a replacement of that tree on the property. That helps a ton with storm water mitigation. Mr. Dudas confirmed a tree could be planted if needed. The intent is to save the tree.

Mr. Britz commented that the more they can do to keep equipment off the base of the tree the better. They should put up orange fencing around it because driving on the roots could kill it. Mr. Dudas agreed.

Mr. O'Neill added that the feeder roots are at the edge of the canopy. They should keep a wide enough circle around it to reduce compaction. Post construction they could do a deep root fertilizer to help the tree survive.

Mr. Dudas reviewed the CUP conditions. The first is that the land is reasonably suited. The proposal is to make improvements to the residential lot. Mr. Dudas noted that the project includes a renovation of the existing house, and an addition. The majority of the house is in the buffer along with the driveway and garage. The proposal will decrease the impervious surface in the buffer from 2,228 sf to 2,152 sf. The driveway will be relocated out of the buffer. The existing garage will be demolished. The addition and deck will be constructed where the garage and driveway are now. The proposed structure will be built over existing structures. The second criteria is that there is no alternate location outside the buffer. Mr. Dudas noted that the majority of the building lot is in the wetlands or buffer. The majority of the house is in the buffer. It is not feasible to build the structures to the northwest because of a buried sewer tank. The tank receives the gravity sewer from their house then pumps it out to the City sewer on Thornton St. The proposed plan utilizes that area for the new driveway and garage off the house. The other options are within the wetlands buffer. Building in the southeast allows them to utilize the existing driveway and garage. The third criteria is that there would be no adverse impact on the wetland functions and values. Mr. Dudas noted that the project won't impact the wetland or its function. It will decrease the impervious surface. All of it will be constructed over developed areas or lawn. There will be plantings in the buffer and runoff will be captured in barrels. There will be no adverse impact. The fourth criteria is that alteration of the natural vegetated state will occur only to the extent necessary. Mr. Dudas noted that there will be no alteration of the vegetated state or woodland. The project will be constructed over developed areas or lawn. The fifth criteria is that this is the least adverse impact to the area. Mr. Dudas noted that the project will be built over existing impervious surfaces. Overall there is a reduction of impervious surface. It is the least adverse impact. The sixth criteria is that the land will be returned to a natural state. Mr. Dudas noted that there is no proposed alteration to the buffer strip, but it will be improved with plantings in the buffer. The buffer planting area will not be mowed.

Ms. McMillan questioned where the buffer plantings would go in. Mr. Dudas pointed out where they would go between wetlands and the lawn. Ms. McMillan commented that it would be more helpful to leave some of the longer grass and plant the new plantings in the lawn area. Mr. Britz agreed with Ms. McMillan's comment. Mr. Dudas agreed.

Mr. Britz requested more details on the sewer system. Mr. Dudas responded that it's a gravity fed sewer drain to a tank and then it's pumped to a forced main down by the shed and out to the City sewer on Thornton St. The proposed condition is to put a driveway over the tank with a manhole cover and reroute the forced main line towards the property line. It will run around the garage and connect to the existing forced main.

Ms. Tanner moved to recommend approval to the Planning Board, seconded by Ms. McMillan with the following stipulations:

1. Provide overflow capacity for the proposed rain barrels such as a stone infiltration trench, French drain or dry well.
2. Move buffer plantings to an area in the lawn on the top of the bank.
3. Use silviculture best practices in protecting Ash tree and its roots to try and preserve this tree.

The motion passed unanimously by a 5-0 vote.

Ms. McMillan commented that at first glance the application looks like it is adding a lot into the buffer, but the applicant made effort to avoid further impact to the wetland and buffer. That is appreciated.

2. 480 F.W. Hartford Drive
Jonathan & Elizabeth Weeks, Owners
Assessor Map 249, Lot 15

Corey Colwell from TF Moran and Jonathan Weeks spoke to the application. Mr. Colwell commented that the applicant owns a single-family home in the Woodland subdivision located in the Single Residence B district. The house is 1.5 stories with an attached two car garage and two wooden decks. The wetlands in the backyard have been delineated. The 100-foot buffer runs through the back deck. The yard is half wooded and half open. The existing deck and stairs on the north side of the home need to be replaced due to water damage. Storm water pools on the deck which causes damage to the deck and home. The existing stairway is also damaged and needs replacement. The applicant would like to replace the deck on the north and remove the stair. The proposed deck would be expanded and there would be two stairways added. The new stairs together would not exceed the width of the existing stairs. The existing deck was constructed of mahogany with no gaps, so storm water pools on the deck and causes rot. The proposed deck would be 30 feet by 12 feet in size. There will be crushed stone put in under the deck. The proposed decking would be composite with ¼ gaps. That area is very sandy and will be good for infiltration. The existing deck is 94.4 feet from the wetland and the proposed deck would be 88.1 feet from wetland. It would be 6 feet closer to the wetland. The existing open space is 81.9% and the proposed would be 80.6%. The requirement is to have a minimum of 40%. This home is one of the furthest from the wetlands. Mr. Colwell included letters of support from the abutters.

Ms. McMillan requested more information about the existing vegetation in the area. Mr. Colwell responded that there would be no vegetation removal for this construction

Ms. Tanner noted that the proposed steps looked like it would be where a rhododendron currently was. Mr. Colwell responded that was the only bush that would need to be removed. Mr. Weeks added that they would transplant the rhododendron if possible.

Ms. Tanner commented that there was no planting plan with this proposal. Adding some plants would be a good idea to help soften the hard scape going in with the deck and gravel. The roots

of the plants would absorb water as well. There should also be erosion control measures during construction. Mr. Weeks responded that they would add in new plantings and erosion controls.

Ms. Tanner questioned if there was a gutter above deck. Mr. Weeks confirmed there was and noted that it collects runoff that goes into the ground via a preexisting tube that routes away from the deck. The deck does not drain currently. The storm water just pools and is causing damage. It's a hazard right now.

Mr. Colwell reviewed the criteria. The first is that the land is reasonably suited. Mr. Colwell noted that this was a residential property and expansion of an existing structure. The home is out of the 100-foot buffer. There will still be 80% open space and it will be a small deck expansion. This does not alter the land in a significant way. The second criteria is that there is no alternate location outside the buffer. Mr. Colwell noted that putting the deck to the north would put it further away from house and require relocation of a propane tank and vegetation. The south would require relocation of retaining walls. The practical solution is to expand the existing deck. The third criteria is that there would be no adverse impact on the wetland functions and values. Mr. Colwell noted that one bush will be removed. The storm water improvements will reduce runoff. The deck would not have adverse impact on wildlife. The fourth criteria is that alteration of the natural vegetated state will occur only to the extent necessary. Mr. Colwell noted that the area in question is all patchy grass except for the one shrub that will be relocated. There is no objection to adding native plantings along the edge of the deck. It is a previously disturbed upland in the wetland buffer. The fifth criteria is that this is the least adverse impact to the area. Mr. Colwell noted that there will be 340 sf of patchy lawn impacted. The infiltration below the deck will improve the storm water management. There will be minimal impact to the buffer. The sixth criteria is that the land will be returned to a natural state. Mr. Colwell noted that none of the area in vegetated buffer will be altered in this proposal. The project complies with the criteria. The native plantings and erosion control measures will be incorporated into the proposal.

Vice Chairman Collins moved to recommend approval to the Planning Board, seconded by Ms. Tanner with the following stipulations:

1. That native buffer vegetation is planted close to the new deck between the deck and the wetland area.
2. That erosion control measures are put in place before the project commences.

The motion passed by a 4-1-0 vote. Ms. McMillan abstained.

II. OTHER BUSINESS

Mr. Britz noted that Vice Chairman Collins requested to discuss the minimum expedited application for New Castle Ave.

Ms. Tanner commented that the application looked like there would be more permanent impact and was concerned they would not be able to talk to them about it. Mr. Britz responded that the proposal was to replace the covered deck in kind and put in a 12' by 16' porous brick patio. The

existing patio is 8' by 16' and impervious. The proposal is to expand the patio area, but it will be porous.

Vice Chairman Collins questioned why part of the foundation needed to be replaced. If it failed because of water damage, then there may be drainage issues on site. Vice Chairman Collins had questions about how the water is being collected and managed today.

Mr. O'Neill questioned if it would make sense to talk to the applicant. Mr. Britz responded that this was a state wetland permit and they are asking for it to be minimum expedited. If the Chair signs this, then it gets reviewed faster. If the Chair does not sign it, then it will still be reviewed just not expedited. The Commission can provide feedback to the State.

Vice Chairman Collins noted that the plan should include erosion control for the foundation replacement. It would be good to know the scope of that project. Mr. O'Neill agreed and commented that it would be good to know the access path for the construction equipment. Chairman Miller commented that they could send something forward to the State with their concerns.

Chairman Miller commented that they should have plantings along the buffer. Mr. Britz summarized the Commission's concerns which included the access of construction equipment, erosion control, buffer plantings, and water flow/management concerns. Those concerns can be put into a letter from the Chairman to sign off saying they had no objection to the application. Mr. Britz noted that he would draft the letter for the new Chair Ms. McMillan to sign because this was Chairman Miller's last meeting.

Mr. Britz noted that he got a call from Keller Williams realty who's building is on the corner of Lafayette Rd. and Greenleaf Ave. There is dense vegetation on the property that backs up to a salt marsh. As a result, there is a lot of homeless activity back there. They call the police a lot, but the situation never goes away. A big part of the problem is the density of vegetation. Mr. Britz went to the site and told them not to cut in the 25-foot buffer, but they could cut back beyond that. They have a valid concern and they are worried about the safety of their workers. They may come in the future with a more formal CUP application if needed.

Mr. O'Neill suggested a biannual cut back to 3 feet high. Mr. Britz agreed and told the Commission he suggested they leave anything over 2 inches in diameter and take out the invasive plants.

III. ADJOURNMENT

Vice Chairman Collins moved to adjourn the meeting at 4:55 p.m., seconded by Mr. O'Neill. The motion passed unanimously by a 5-0 vote.

Respectfully Submitted by,
Becky Frey,
Acting Recording Secretary

