

**MINUTES
CONSERVATION COMMISSION
PORTSMOUTH, NH**

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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 2020-24, 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.

February 10, 2021

MEMBERS PRESENT: Chairman Barbara McMillan; Vice Chairman Samantha Collins; Members; Allison Tanner, Jessica Blasko, and Thaddeus Jankowski; and Andrew Samonas

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. January 13, 2021

Ms. Tanner commented that the motion on page 5 and page 8 should just be for a CUP not a wetlands CUP. Also, under the other business section on page 10 it should say Chairman McMillan has been “to two public advisory meetings.”

Ms. Blasko commented that she would be abstaining from the vote because she was absent from the last meeting. That absence needed to be reflected in the January Minutes. Also, on page 10 “commented that” is written twice in a row, and one should be deleted.

Mr. Jankowski commented that the New England Organic Farmer's Association acronym is NOFA not NEOF.

Ms. Tanner moved to approve the January 13, 2021 Conservation Commission Minutes as amended, seconded by Mr. Jankowski. The motion passed by a 5-0-1 vote. Ms. Blasko abstained.

Chairman McMillan commented that the Board should vote on the postponements first.

Chairman McMillan noted that they would take the McEachern Park Application under the State Wetlands Bureau Permit part of the agenda out of order to address that item first.

II. WORK SESSIONS

1. 53 Green Street
Stone Creek Realty, LLC, Owner
Assessor Map 119, Lot 2

Neil Hansen with Tighe and bond and Rob Simmons spoke to the presentation. The proposal is for a 5-story mixed use residential building. There will be basement level parking. The ground floor will have commercial space and the residential lobby. There will also be surface level parking. The upper floors will have 52 residential units. 20% community space is required to construct an additional story on the building. They have met with the Planning Board and TAC for work sessions to get feedback as well. This project will require NHDES approval. The applicant invested in underground parking to reduce buffer impact. The proposed building footprint is in the location of the existing building and onsite paved areas. The proposed building is pulled back from the property line. This will create an open connection for the future North Mill Pond Greenway. The plan will provide continuous waterfront access. The existing property is 1.66 acres and has an existing L shaped one story building. The lot has 11,500 sf of impervious surface in the buffer. The project owners are in the process of acquiring property from the railroad, which will improve access to the site and into the garage. The proposed work within the tidal buffer will include demolition, building construction, parking, walkways and maintained lawn. The proposed plan will reduce the amount of impervious surface in the buffer. The preliminary landscape plan will replace the lawn area with a conservation seed mix and native trees and plants. There will be minor work in the 25-foot buffer to connect storm water infrastructure. The 50-foot buffer will have community space and the easement for the City trail. Access will be off Green St. There will be a drop off area in the front of the building with 6 parking spaces. There will be two garage entrances. There will be fire access and a turnaround for the back of the building. The proposed building is primarily in previously impacted areas. There will be a 702-sf reduction in buffer impacts. The plan proposes a storm water filtration unit and detention system to mitigate temperatures. The existing site does not have any storm water treatment measures. The flood zone line will be updated to align with the updated FEMA maps. The community space consists of the North Mill Pond Greenway, the connection from Green St. and the wide sidewalk area in front of the building.

Ms. Tanner questioned why a pathway and a sidewalk were considered community space. Mr. Hansen responded that under the zoning they qualify as community space.

Mr. Hansen commented that the plantings in the buffer between the path and the pond will be a conservation mix that is mowed twice a year. The area between the path and the building will have a planted buffer screen between the parking area and the maintained lawn.

Ms. Tanner questioned where the snow storage would be. Mr. Hansen responded that they have not vetted that yet. It is definitely an item that needs to be considered.

Mr. Jankowski questioned what was included in the 20% community space. Mr. Hansen responded that the greenway trail along the pond, the pedestrian connection from Green St. and the wide sidewalk area along Green St. would all count. Sidewalks that are over 10 feet are classified as community space.

Mr. Samonas questioned if the connection would go from the back of the AC Hotel to Green St. Mr. Hansen confirmed that was correct. Right now, the building is right at the edge of pavement, so the sidewalk ends there. Mr. Samonas questioned if the proposal included directional signage. Mr. Hansen responded that there would be some wayfinding signage.

Mr. Samonas questioned where the ground floor retail would face. Mr. Hansen responded that the retail would have street frontage and the residential lobby would be behind it.

Ms. Blasko questioned if the fire access would be standard pavement or a pervious surface. Mr. Hansen responded that as of now it would be a 14-foot-wide paved path with a 6-foot gravel base shoulder that will be loamed and seeded on top.

Ms. Tanner commented that they should consider doing some sort of block that would allow grass to grow through. Mr. Hansen confirmed that they could look into that.

Vice Chairman Collins agreed that increasing the pervious area in the fire access lane would be beneficial. Right now, the proposal shows a reduction of 702 sf overall in the 100-foot buffer. The applicants could be more creative to increase that number dramatically. It is important to see that.

Chairman McMillan agreed with the Vice Chairman's comments. It is nice that the building was moved back, but this will be a tall building with massive infrastructure. A buffer planting rendering would be helpful. The snow storage information will be good to know.

Ms. Blasko commented that there should be a lighting plan. Mr. Hansen responded that there was not a ton of site lighting. It will be mostly on the building. The lighting plan will be on the next round.

Mr. Samonas commented that any additional buffer or vegetation that could be put in around the greenway would be good. Mr. Hansen responded that they have a preliminary landscape concept

at this point. Mr. Simmons added that there will be a pedestrian walkway and either side of that will have a conservation mix and native trees. Mr. Samonas commented that the area with the dock has a very dramatic drop off. Adding any infiltration opportunities will be good.

Mr. Jankowski questioned where it was outlined in the regulations that a sidewalk was considered public realm improvements. Mr. Hansen responded that the section that lists the community space types includes wide sidewalks.

Vice Chairman Collins questioned how the pier and floats would be used and if they would stay in their current configuration. Mr. Simmons responded that it would remain a private dock for the tenants, and it would remain the same. Vice Chairman Collins questioned if there would be a gate on the pier. Mr. Simmons confirmed that there would be security measures.

Vice Chairman Collins commented that storing the floats out of the buffer when they were not in use would be preferable.

Chairman McMillan questioned what the parking requirements were for parking on the site. Mr. Hansen responded that they were required to have 75 spaces. The current plan has 94 spaces in the garage and 6 spaces in the drop off area. Chairman McMillan commented that the applicant should look at any opportunities to reduce the parking area size. Mr. Hansen noted that all of the parking is in the building footprint. Chairman McMillan questioned how many spaces were part of the surface parking. Mr. Hansen responded that there would be 6 spaces outside of the building and the rest of the 94 spaces are split pretty evenly between the underground and surface lot.

Chairman McMillan questioned who would be constructing the pathway. Mr. Simmons responded that it was part of their landscape plan.

Vice Chairman Collins questioned if the greenway path would be pervious. Mr. Simmons responded that they would defer staff preference.

Mr. Jankowski questioned if any part of the fire truck turn around was included in the public realm improvement. Mr. Simmons responded that it was not.

Chairman McMillan closed the work session by summarizing that they should look for as much protection of the pond as possible. The applicants should consider buffer enhancement, lighting, overall size of the building, and overall impervious surface.

III. CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

1. 105 Bartlett Street
Clipper Traders, LLC, Portsmouth Hardware & Lumber, LLC, and Iron Horse Properties, LLC, Owners
Assessor Map 157, Lots 1 and 2, Map 164, Lots 1, 2, and 4-2

(This item was postponed at the January 13, 2021 meeting to the February 10, 2021 meeting.)

Ed Hayes, Jeff Johnston, Attorney Rob Preveti, Robbi Woodburn, Nick Isaac and Patrick Crimmins from Tighe and Bond spoke to the application.

Mr. Hayes commented that he was the owner of the land in question. Mr. Hayes' grandfather established Ricci Supply in 1956. It was located near the railroad for easy transport of bags of mortar and bricks. Mr. Hayes' family members have worked for the business in various capacities over the years. Some of his fondest memories are playing around the lumber yard. The Mill Pond was not very clean back then. The Advocates of the North Mill Pond was formed in 1997 to help preserve and enhance the pond. They have put in a lot of work with that organization. Mr. Hayes and his business partner Doug Pinciero purchased the brewery and doggy daycare building and purchased more land from the railroad. The property was zoned Office Research at the time. It was a placeholder zoning until someone decided to develop it. With guidance from the Planning Department, it was rezoned. The work makes sense for construction in the 50-100 buffer zone because it is a previously disturbed area. The team showed the proposed development and the City passed the rezoning. The plan complies with zoning. The massing plan was to show what could be built on the property. This project has been well thought out and it was not a hasty decision. The team thought a lot about what the project will mean to the City and the pond. The goal is to offer a great place for the City and clean up the area. Once the parcel is activated and developed it will be self-policing. Most of the trash and dumping will be eliminated. The goal is to make the North Mill Pond a useful place for walking and biking. The plan is consistent with the City's Master Plan. The original plan had more units. The team has listened to the City's Boards and neighbors to get to today's plan. The plan improves the buffer zone, cleans up the area and provides housing to the City. The plan cleans up invasive species and replaces it with open spaces and native plantings. There will be 3,700 linear feet for the greenway. This greenway will connect the west end to the downtown. It also includes a half-acre park on the property. The changes have come at a cost to the landowners trying to improve the property. The project needs to be economically viable. The infrastructure, land, and building costs are significant. The team has made huge concessions and added numerous public benefits. The plan will be well executed and an asset to the community. Today they are asking for the Commission's recommendation for approval.

Mr. Crimmins commented that the materials that reflect responses to the comments from the land use boards and the public were included. The updated site plan set includes a revised drainage analysis, constraints exhibit, public open space exhibit, updated buffer impact exhibit, site plan comparison, wetland delineation, wetland function and values report, landscape plan, environmental summary memo, grade plan exhibit, truck turning exhibit, and trip generation memorandum. The existing conditions shows the lots and the private road. The front part has the Ricci Supply business, the private road, and parking areas. The storm water from these areas right now either sheet flow directly into the pond or go to catch basins. The development area used to be a railroad with structures that remain today. The rear portion of the property has the brewery, doggy daycare, and

the vacant mechanic shop. The paved areas go up to the water's edge. There still is not a lot of water treatment. Today there is a lot of crime and a homeless encampment in the area. This plan makes improvements to the shoreline of the pond. The plan has been the focus of the City for years. Many of the stated goals in the Master Plan from 2016 call for a recreation trail. This plan will create a linear greenway along the North Mill Pond. The subdivision was amended to move the cul-de-sac to an existing paved location closer to Bartlett St. The readjusted lines create a 4.72-acre development area lot. The front portion of the site will continue to be commercial with parking improvements and the private road. The pavement is pulled back further from the water's edge. The plan is adding landscaping and improvements to the traffic and pedestrian access. There will be new collection centers, deep sunk catch basins, and oil separator and treatment units. The proposal creates new public spaces and ensures biking and walking is safe and convenient. This all aligns with the Master Plan goals. The rear portion of the site will have three apartment buildings labeled buildings A, B and C on the site plan. There will be basement level parking below A and B. There will be surface parking too. The three buildings will house 152 residential units. They will be walkable to the downtown and provide housing stock to the City. The site has unique constraints. It is in close proximity to the pond, view corridors need to be accounted for, there is a 15 foot railroad setback, and a large sewer line that runs through the middle of the site. The proposal pulled the building footprints further back and shifted the density further from the McDonough St. neighborhood. The storm water improvements include putting in treatment where there is not any now. Runoff will go through treatment units in the development area before discharging to the pond. There will be underground detention tanks to mitigate the temperature of the runoff. That is not required by storm water regulations but was included based on this Commission's feedback. The rear of the buildings will have a series of yard drains in the open spaces which will collect runoff. Additionally, there will be a designed rain garden in the park. The team was repeatedly asked about providing porous asphalt along the path. This design incorporates an optional porous section to be designed where the path is located. The team does not think that is the most appropriate treatment because the storm water system has a higher nutrient removal rate. If staff wants the pathway to be porous, then it can be included. This plan includes 47,703 sf of greenway community space from the North Mill Pond high water line to the 50-foot setback. The plan will help the City realize their goal of creating access to the pond. In addition to the community space there will be a 22,252-sf adjacent park. There will be a total of 71,265 sf of public open space along the pond where none exists now. The site is only required to provide 15% open space and the plan is providing 50% open space. In addition to the open space the proposal includes buffer enhancement. The invasive plants will be removed and replaced with native plantings. Right now, the tidal buffer has pavement, building, and large gravel ways. Invasive plants will be removed within the construction areas and the 25-foot buffer. The disturbed areas will be planted with native grass or a conservation seed mix in the 25-foot buffer. The development area will have a mix of native and ornamental plantings, shrubs and trees. The rain garden will be planted with 90% native plantings and will be a pollinator habitat. The buffer impact exhibit shows that the project is proposing to remove 2/3 of an acre of impervious surface from the buffer. There is an improvement in the 25-foot, 50-foot and 100-foot buffer. All of the buildings were pulled back to be

located in the 50-100 foot. There is a reduction of 28,702 sf impervious surface. The proposal removes over 50% of the structure footprint that exists in the buffer. Right now, there is 14,275 sf of structure in the buffer after there will be 6,725 sf. All structure was pulled back to be in the 50–100-foot buffer. The proposal is a significant improvement from the existing conditions. The team has met with the Conservation Commission 5 times. They are seeking a recommendation of approval to the Planning Board. The plan included a comparison exhibit to show how the project got to this point with feedback from the boards and the public. The plan went from 272 units, to 174 units with net improvement to the buffer, to 170 units more improvement to the buffer, and now the plan has 152 units with the most amount of buffer improvement. The current proposal is a net reduction of impervious surface and a significant improvement to the buffer. Since the last meeting with the Commission the plan has been reduced to 152 units, the second story was removed from building A, building C's footprint has been pulled further back, and more open space was added to the courtyard. The surface parking was reduced from 103 spaces to 95 spaces, the edge of the pavement was pulled back to avoid impact to the vegetated area near Cabot St. The path was realigned be further off the pond and further reduce impact. This allows for fire access. The application received a recommendation for approval form TAC last week. Invasive species have been identified and bank stabilization measures have been included. Porous asphalt for the path was included as an option, the trip generation memo was updated. Traffic will be reduced in both the peak am and pm hours. The proposed parcel meets the zoning requirements without any relief. It is an urban site that is largely previously disturbed. Currently, there are large amounts of debris, invasive plants, and safety hazards. There is a homeless encampment and a lot of crime. This project will improve the buffer, reduce impervious surface and allow public access along the pond. All of the site constraints dictated where the buildings were located, but they were pulled from the pond and neighborhood. The parking was located between the building and the railroad. The plan creates expansive open space along the pond and has continued to make further effort to make improvements. The property has long been an urban site with a history of railroad use. The plan was designed in compliance with zoning. It has reduced the amount of traffic from the 2018 plan. There is no adverse impact to the wetland. The plan reduces the buffer impact and will remove invasive species. They are only altering the vegetated state to the extent necessary. The invasive plants except the Norway maples will be removed from the 25-foot buffer and the construction site. The applicant worked to reduce buffer impacts. The project will reduce buffer impact by providing underground parking to reduce impervious surface. The only other disturbance in the 0–25-foot buffer will be the 3 storm water outfalls. Treated storm water will discharge to the North Mill Pond. There is currently no storm water treatment. The Staff memo concurs with the applicant's position that they have met the criteria. The project meets the zoning requirements and achieves the Master Plan goals. For over 2 years they have listened to the Boards and public to get to this plan. Today they are requesting the Commission's recommendation for approval.

Attorney Preveti was asked by his client to speak to the Commission about the legal requirements they must follow. Mr. Preveti's client owns the property on 105 Bartlett St. This project will redevelop the abandoned railroad. The property has long gone without

maintenance and has a large amount of trash and debris. The team is before the Commission to request their recommendation for approval. The Commission has no right to review other aspects of the project environmental or otherwise. Nothing prohibits development in the wetland out right. The conditional use permit review is used to complete a project in the wetlands or buffer. This project requires a CUP to complete the development in the setback. The project meets the 5 criteria. If the applicant satisfies that criteria, then the Planning Board cannot deny the request. The team and City Staff recognize that the plan meets the ordinance and that entitles the project to the CUP. The proposal would make immediate improvements to the environmental conditions. It reduces impervious surface by almost 29,000 sf. The plan would improve drainage, stabilize banks, and replace invasive plants with native ones. The buildings were pulled back as far they could be from the pond. The current plan is a significant improvement to the previously proposed plans. Based on all feedback the proposed improvement will enhance the buffer area and drainage. The landscape plan provides native plantings, there is a reduction in the impervious surface, and the runoff will be treated with storm water management. It promotes conservation goals to create preserve and improve environmentally protected areas. The Commission should pay attention to this opportunity for long term protection of the pond. The easement to the City is for over 1 acre of shore way along the pond. It is a rare opportunity to conserve an important asset and protect land with no cost to the City. If this project is not approved, then the protection does not happen either. Future development proposals could encroach on the pond more significantly. If this project moves forward, then the conservation easement would lock in that shoreline from future development indefinitely. Mr. Perveti noted that his client was entitled by law to the CUP. City staff reviewed the application and recommended the Commission give a positive recommendation to the Planning Board. The Commission has had over a year to review the impacts. Criticism and personal opinions cannot apply. The team respectfully requests that the Commission give their recommendation to grant the CUP.

Ms. Tanner noted that commenting on the environmental impact was within their per view and it was the Commission's decision to make a recommendation or not.

Vice Chairman Collins commented that the comparison study was very helpful. Vice Chairman Collins questioned if they would be removing trees in the 25-foot buffer. Ms. Woodburn responded that the Norway maples would stay, but the buckthorn will be removed. Anything over 3 inches will be cut to the ground. Anything native would stay. All of the invasive plants coming out are shrubs or flowers. Chairman McMillan questioned if that was reflected in the plan. Ms. Woodburn responded that it was in the notes on the demolition plan and also in the pdf of the vegetation material.

Chairman McMillan questioned if the understory was being replaced with just a seed mix. Ms. Woodburn responded that the tree canopy would remain and anything in the understory that was not invasive would remain. The invasive plants would be cut to the ground or shoveled out.

Chairman McMillan noted that an article in the paper showed a rendering of this development and it did not look like what has been presented to the Commission. It looked like there were trees and grass and nothing on the buffer. Mr. Johnston replied that those renderings were on file with the Portsmouth Herald and represented the old plan for 272 units. New renderings have not been developed.

Vice Chairman Collins commented that the impact table showed 3,138 sf of impervious surface in the 25-50 buffer and questioned if that number included the path as an impervious surface. Mr. Crimmins confirmed that they counted it as impact. All of that square footage is relative to the pathway. Vice Chairman Collins noted that if the pathway was porous, then there should be no salting or sanding. Mr. Crimmins confirmed that was correct. That note can be added into the operations and maintenance plan.

Chairman McMillan questioned if the pathway was included in the recommendation to the Planning Board. Mr. Britz responded that this was the design for the pathway was in this location. Right now, the City is working on the first phase behind the AC hotel. This pathway is what this phase will look like. Mr. Crimmins noted that a porous pathway was not the best option given the existing soil conditions. The designed storm water system will get the same or exceed the solid removal as a porous surface. The storm water system achieves a higher nutrient removal. It is a better design without the porous path, but that can be decided by Staff. Chairman McMillan noted that a porous path wouldn't have salting or sanding, so that would prevent some of the harmful nutrients from being there in the first place.

Mr. Jankowski questioned what portion of the walkway was required for fire safety purposes. Mr. Crimmins responded that the path was designed so the fire trucks can get around the building and set up with their outriggers at the corners. That is why it has wider paved areas. The corners will have a gravel base shoulder to provide the 25-foot width, but the only paving is what's shown on the plan. The gravel edges will be loamed and seeded. Mr. Jankowski questioned if the path had to be 20 feet wide. Mr. Crimmins confirmed that it did. That is what was required by code. Mr. Jankowski questioned how a path could provide fire access and count as public benefit. Mr. Crimmins responded that emergency vehicle access was a benefit. It's not a negative aspect. This plan is further reducing the impact by using what would already have to be constructed to get fire access. Mr. Jankowski questioned what the alternative would be. Mr. Crimmins responded that there would be more paving to provide a separate fire access.

Vice Chairman Collins questioned if the pathway would be lit. Mr. Crimmins responded that they will have lighting along the backs of the buildings, but that pathway would not be lit. Mr. Jankowski questioned if the park would be lit. Mr. Crimmins responded that it would be lit from the buildings, but they are not looking to light the area. Vice Chairman Collins commented that the less lighting the better, so only put in whatever is needed for safety. Chairman McMillan noted that some or all of the lighting could turn off at a certain time of night.

Vice Chairman Collins questioned where the snow from the paths and parking areas would be stored. Mr. Crimmins responded that there was a location identified in the island and at the ends. There are also notes in the plan that indicate owners are required to remove snow storage when it exceeds 3 feet.

Chairman McMillan opened public comment for this application.

Chris Bennet commented that they moved to Portsmouth for the active lifestyle, and he strongly supported the project. Approval of this project will provide residents additional benefits of a clean and remediated outdoor space. Right now, the site has shoreline erosion and ecosystem degradation. The project is in compliance with the zoning ordinance and will improve the site. It will help complete the greenway and give access to the public to walk along the waterfront. This plan aligns with the Master Plan. It will deliver essential housing to the City as well. The greenway will allow people to walk or bike to Hannford instead of driving.

Jonathan Sandberg of 160 Bartlett St. spoke in favor of the project. Mr. Sandberg is an environmentalist who rides his bike everywhere. That is possible because they live in a complete neighborhood. This property with 152 units will permit residents to do the same. It will reduce traffic and pollution. The building density is green. Conservationists need to think of this as a whole system not just one parcel. Sprawl has conservation impacts as well. Mr. Sandberg is looking forward to taking advantage of pond trail and park. Cleaning up the area will be good.

Elizabeth Bratter of 159 McDonough St. commented that the neighborhood wanted to support a project that will protect the area and the neighborhood. The parcel needs to be cleaned up, not wiped out. There is no lighting plan in the packet. It is unclear how close buildings B and C are from the buffer. Heavy equipment will be used for the 25–50-foot buffer. This is the first plan that shows the Commission's comments being applied. The CUP should be denied. The plan does not address noise containment, snow removal, lighting, etc.

Liza Hewitt commented that the wetland protection ordinance requires use of best management practices and low impact development. This plan is not low impact in the wetland setback. The Commission's decision will impact the area, so please be careful. The buildings and fire lanes should be removed from the buffer. Ms. Hewitt questioned why the project could not be moved out of the buffer at the site walk. Mr. Johnston replied that this was the project that they wanted to build. That is not a good enough reason to grant a CUP.

Chairman McMillan closed the public hearing.

Vice Chairman Collins moved to recommend **approval** of the Wetland Conditional Use Permit Application to the Planning Board, seconded by Ms. Blasko with the following **stipulations**:

1. That the bike/ped path be porous pavement and include an operation and maintenance plan which includes no salting or sanding.
2. That the site use only dark sky friendly lighting.

Ms. Tanner commented that she would support the motion because there is going to be storm water treatment where there wasn't any before and that is important. A lot has been moved out of the buffer and the added treatment is a positive. There has been a lot of improvement in the plan.

Mr. Samonas commented that the public made a lot of valid points. The public space and walkways are great and makes a complete neighborhood. People can walk everywhere. The operations and maintenance plan has to be resolute and strong for the site to continue to be great. That will ensure that it all comes to fruition and is maintained appropriately.

Vice Chairman Collins noted that she would support the motion. It would be good to see more come out of the buffer, but a lot was removed from the last iteration. The amount existing in buffer is reduced by about half. The pathway is still wide, but it is good that it will be porous. The maintenance will not be detrimental to the buffer or pond.

Mr. Jankowski commented that he was not going to support the motion. In his opinion the project doesn't meet the 6 criteria for the CUP. It could be better. If the Commission approves this, then there could be more development along the pond in the 100-foot buffer.

Chairman McMillan commented that she would reluctantly support the motion. The plan has made positive changes and there has been a lot of improvements. However, there is still concern about the buffer vegetation and habitat that will be taken out with construction. This is not setting a precedent. Each site is different. Some of this is a little ambiguous. The hope is that it looks like a nice natural buffer at the end. Chairman McMillan felt that the plan met the criteria at this point.

The motion passed by a 5-1 vote. Mr. Jankowski voted against the motion.

2. 375 Banfield Road
Banfield Realty, LLC, Owner
Assessor Map 266, Lot 7
(This item was continued at the January 13, 2021 meeting to the February 10, 2021 meeting.)

Ms. Tanner moved to postpone the request to the March 10, 2021 meeting, seconded by Ms. Blasko. The motion passed unanimously by a 6-0 vote.

IV. STATE WETLANDS BUREAU PERMIT APPLICATIONS

1. Standard, Dredge, and Fill
375 Banfield Road
Banfield Realty, LLC, Owner
Assessor Map 266, Lot 7

Ms. Tanner moved to postpone the request to the March 10, 2021 meeting, seconded by Ms. Blasko. The motion passed unanimously by a 6-0 vote.

2. Standard, Dredge, and Fill

1 Clark Drive
Frederick W. Watson Revocable Trust,
Robert D. Watson Trustee, Owners
Assessor Map 209, lot 33

Mr. Samonas recused himself from the application.

Eric Saari from Altus Engineering spoke to the application. Watson's Landing is off Clark Dr. and accessed off of Cutts St. This was originally envisioned as a subdivision, but it was never built. Now the applicant is proposing a 4-lot subdivision. The whole area had been developed and regraded. Most of it is grass. The entire pool and part of the house is in the buffer. The proposal is to bring a cul-de-sac in and add 4 lots. All of the houses will be outside of the buffer. All of the impervious surfaces will be taken out of the buffer. There will be storm water treatment at the bottom of the hill. The DPW asked that the plan include an access way to get to a sewer along the edge of the wetland. There is no access to it now. The access way will have a gravel base with loam and seed above it. It will be reinforced lawn. Sewer lines will tie into the new houses in the back. Impact in the buffer will include demolition, storm water treatment, and the access road. It will be a total of 15,500 sf of impact. There will be very little vegetation removed. All of the vegetation in the sewer line area is invasive. The plan doesn't have any plantings, but they will install a salt tolerant species along the existing tree line. Mr. Saari questioned if *rosa rugosa* was the preferred plant.

Ms. Tanner noted that as long as it was not a solid wall of it, then it should be fine.

Mr. Britz commented that the TAC committee heard the application as a public road but now it has been changed to a private road. Mr. Britz requested that Mr. Saari speak to that and also to the storm water volume coming off of the road. There is a little concern about moving forward without TAC's approval. The application may need to come back if major changes are made. Mr. Saari responded that the storm water plan doesn't change if it is a public or private road. The only way this would work for a public road would be to move the rain garden. The earthwork required for that would be more. Right now, it is at the bottom of the site. They are in that area already for the pool removal. This is the better design. A rain garden in the middle of the cul-de-sac will not work. The site is not well suited for infiltration. But is going to tidal water. Mr. Britz noted that this plan has to be approved as subdivision and accepted as a private street. It is unclear what the outcome will be. Mr. Saari noted that the applicant likes the design and doesn't want to pursue other avenues. Private roads are allowed in Portsmouth. They are here for a wetland permit because the majority of the work is in the 100-foot buffer. The plans is removing impervious surface and adding plantings where possible.

Ms. Tanner noted that *rosa palustris* is a swamp rose and would be fine to add.

Ms. Blasko questioned if the application would come back when the houses were being planned. Mr. Saari responded any house plan that encroached on the buffer would need a CUP. There is no intent to put any of the houses in the buffer. Mr. Britz noted that a subdivision application requires the applicant to show where the houses would generally fit, but they are not tied to that location.

Ms. Tanner questioned if the lots were already subdivided. Mr. Saari responded that they were not. Ms. Tanner questioned if they could include deed restrictions for low nitrogen fertilizer and no dumping compost waste in the buffer area. Mr. Saari responded that could be added.

Mr. Jankowski commented that it would be a good opportunity to ask that the property owners follow the NOFA organic lawn management program. Mr. Saari responded that they could include that in the motion. Then he would review the standards and consider adding it before the application went to the Planning Board.

Chairman McMillan responded that normally regulations say not to do storm water management in the buffer. It is hard to picture especially because they don't know the footprint of the houses. The site is not totally wooded, but there is a fair amount of woody vegetation in the buffer. The plan needs more information on what is coming out of the buffer and what will be planted. Mr. Saari responded that the impervious roadway was not going to change. The houses were included in the drainage analysis. They were estimated at 3,500 sf per house plus the driveways, so the total impervious surface was 20,000 sf and that was accounted for in the system. A 3,500-sf house is huge, so it allows them to do anything within that limit with patios etc. The size of the houses won't be known until they are approved and sold. A planting plan can be incorporated to present to the Planning Board. There will not be a lot of vegetation clearing. There will be a little for the sewer, but there are not a lot of big trees in the buffer in that area. Chairman McMillan noted that it would be good to see if there was opportunity to move the storm water management out of the buffer. Mr. Saari responded that the flat area is down by the pool. It is all grass already. This is the reasonable place to put it.

Vice Chairman Collins questioned if vegetating the entire 100-foot buffer would infiltrate the same as putting a storm water system down there. Mr. Saari responded that they can't use it as a best management practice because it's lawn and a slope. It is pre-existing lawn with million-dollar homes going on it. Property owners would not want to sacrifice their lawn or view. Vice Chairman Collins commented that it was not beneficial to take away natural buffer to put storm water treatment in the buffer. Mr. Saari responded that the soils don't infiltrate. The whole area has been regraded and flattened.

Vice Chairman Collins questioned if the storm water management had to be recommended now or if it could wait until the house designs were complete. Mr. Saari responded that the lots and road were part of the same package. They need to capture and treat every inch of impervious surface runoff.

Vice Chairman Collins commented that this application should not move forward at this time because the Commission should see a planting plan. Ms. Tanner agreed that they needed more information.

Ms. Tanner moved to continue the request to the March 10, 2021 meeting, seconded by Vice Chairman Collins.

Vice Chairman Collins commented that they needed to see a planting plan. The plan should include as many plantings as possible.

Chairman McMillan commented that it would be good to include what is in the existing 100-foot buffer and be clear about what is being removed. Mr. Saari noted that the existing conditions shows all the big mature trees. Ms. Tanner commented that they should try to preserve anything that has a 6-inch caliper or higher.

Mr. Jankowski questioned if the road would meet fire standards. Mr. Saari confirmed the road was 20 feet wide and the cul-de-sac was 24 feet wide. It was reviewed by the fire department at TAC.

The motion passed by a 5-0-1. Mr. Samonas abstained from voting.

3. Standard, Dredge, and Fill
McEachern Park (Mill Pond Way)
City of Portsmouth, Owner
Assessor Map 143, Lot 8

Corin Hallowell and Peter Rice spoke to the application. Mr. Hallowell commented that the application was presented in December. There is a granite fish sculpture that is being donated by Mr. Wycoff to the City to install in the park. Mr. Wycoff will have his contractor install it while the City oversees the work. The permit is requesting to allow the digging to occur for that installation. It will be 4.5 square feet.

Mr. Britz noted that there was also a stone sign in the buffer with the name of the park. That is on the application. Those are the only two disturbances in the buffer. Mr. Hallowell noted that the sign has already been installed because no digging was involved. It is just sitting on the ground. Mr. Britz commented that it was included because it's in the buffer.

Chairman McMillan noted that it was a minor disturbance.

Ms. Tanner moved to recommend approval of the State Wetlands Bureau Application as presented, seconded by Mr. Samonas. The motion passed unanimously by a 6-0 vote.

4. Minimum Expedited
355 Banfield Road (a.k.a 315 Banfield Road)
Hope for Tomorrow Foundation, Owner
Assessor Map 266, Lot 5

Eric Weinrieb and Corey Belden from Altus Engineering spoke to the application. Mr. Belden commented that this project was to provide a security fence for St. Pat's Academy. The fence will help provide security for the children at the school. The Academy has had issues with trespassers coming up the pathway from the Community Campus trails and the paths that run in

the woods behind campus. The fence will run along the back of the property line above the pathway. There will be two gates the lead up to the campus. The fence will be on the other side of the pathway. It will cross through a 137-foot area of wetlands and buffer. The posts will be driven in, so there would not be any significant impact. There were some comments about whether or not to move the fence up to the school, but the intent is to maximize the property to still utilize the woods in that area. The fence will have barbed wire on top to prevent people from climbing over. There was a comment about leaving a gap at the bottom of the fence to allow for the passage of small animals. The gates would be flush with the ground, but the other parts could be 6 inches above the ground. This is a safety project for the school.

Ms. Tanner noted that it was important to keep the fence elevated 6 inches off the ground to help with animal movements. Mr. Belden confirmed that would be added to the plan.

Mr. Jankowski commented that the wetland area and fence could be a teaching moment for the kids. Mr. Belden noted that he could pass that idea on.

Mr. Samonas commented that the installation of the concrete pilings should be treated with care because it is a sensitive area over there. Mr. Belden responded that all posts in the wetland and 25-foot buffer would be driven in. There would be no concrete. The posts at the gates will have concrete foundations.

Chairman McMillan commented that there could be markers at the fence that could educate the students on the wetland area. Mr. Belden noted that the area was flagged prior to the school being built and some flags are still out in the trees. No additional markers are planned. Chairman McMillan commented that the buffer should be marked. Mr. Weinrieb commented that he was out there a lot overseeing the construction for the gym. They really do not go out past the tree line. If they did, it would be part of a classroom environment. Flags should not be needed. The 100-foot buffer is the clearing limit. Everything else is thick brush. The school does not go down into the area.

Ms. Tanner moved to recommend approval of the State Wetlands Bureau Application, seconded by Vice Chairman Collins with the following stipulation:

1. That the fence shall be 6 inches off the ground within the wetlands.

The motion passed unanimously by a 5-0 vote. Ms. Blasko had to leave the meeting early.

V. CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

1. 1 Clark Drive
Frederick W. Watson Revocable Trust,
Robert D. Watson Trustee, Owners
Assessor Map 209, lot 33

Ms. Tanner moved to continue the request to the March 10, 2021 meeting, seconded by Vice Chairman Collins. The motion passed by a 5-1-0. Mr. Samonas abstained from voting.

2. 355 Banfield Road (a.k.a. 315 Banfield Road)
Hope For Tomorrow Foundation, Owner
Assessor Map 266, lot 5

Ms. Tanner moved to recommend approval of the State Wetlands Bureau Application, seconded by Vice Chairman Collins with the following stipulation:

1. That the fence shall be 6 inches off the ground within the wetlands.

The motion passed unanimously by a 5-0 vote. Ms. Blasko had to leave the meeting early.

3. 500 Market Street
Nobles Island Condominium Association, Owner
Assessor Map 120, Lot 2

Ms. Tanner moved to postpone the request to the March 10, 2021 meeting, seconded by Ms. Blasko. The motion passed unanimously by a 6-0 vote.

VI. OTHER BUSINESS

Chairman McMillan commented that they have scheduled a meeting time for the subcommittee to meet on February 24, 2021 at 3:30 p.m. Also, Brian Goetz from the DPW and Phoebe Rafferty would like to get together this spring to talk about moving forward to coordinate fertilizer efforts. That can be discussed on the February 24th meeting as well.

Mr. Jankowski commented that they were meeting next week to discuss the results of the organic land management pilot of the athletic fields that were possible through a grant from Stonyfield Yogurt. It would be good to discuss the organic land management program with the Commission. Chairman McMillan confirmed that could be discussed at the February 24th meeting as well.

VII. ADJOURNMENT

Mr. Jankowski moved to adjourn the meeting at 7:15 p.m., seconded by Ms. Tanner. The motion passed by a 5-0 vote.

Respectfully Submitted by,
Becky Frey,
Acting Recording Secretary