

**MINUTES
CONSERVATION COMMISSION
PORTSMOUTH, NH**

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2, III (b) the Chair has declared the 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 2021-01, 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.

April 14, 2021

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

MEMBERS ABSENT: Vice Chairman Samantha Collins

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

1. March 10, 2021

Ms. Tanner commented that the first paragraph of page 3 should say “if they do mark the buffer.” The word “mark” is missing.

Mr. Jankowski commented that on page 12 it should be Terry Shattock not Shaddock.

Ms. Tanner moved to approve the March 10, 2021 Conservation Commission Meeting Minutes, as amended, seconded by Mr. Jankowski. The motion passed unanimously by a 5-0 vote.

1. March 25, 2021

Ms. Tanner commented that the second paragraph on page 3 should say “would be seen as prime development land.” Also, the second to last paragraph on page 3 should say “take action” not “make action.” Lastly, Elizabeth Bratter commented on which ordinances the Commission should look at, and that comment should be added to the minutes.

Ms. Tanner moved to approve the March 25, 2021 Conservation Commission Meeting Minutes, as amended, seconded by Mr. Samonas. The motion passed unanimously by a 5-0 vote.

II. CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

1. 375 Banfield Road
Banfield Realty, LLC, Owner
Assessor Map 266, Lot 7
(This item was continued from the March 10, 2021 meeting to the April 14, 2021 meeting.)

Ms. Tanner moved to **postpone** the Wetland Conditional Use Permit to the May 12, 2021 meeting, seconded by Ms. Blasko. The motion passed unanimously by a 5-0 vote.

2. 500 Market Street
Nobles Island Condominium Association, Owner
Assessor Map 120, Lot 2
(This item was continued from the March 10, 2021 meeting to the April 14, 2021 meeting.)

Ms. Tanner moved to **postpone** the Wetland Conditional Use Permit to the May 12, 2021 meeting, seconded by Ms. Blasko. The motion passed unanimously by a 5-0 vote.

III. STATE WETLANDS BUREAU PERMIT APPLICATIONS (OLD BUSINESS)

1. 375 Banfield Road
Banfield Realty, LLC, Owner
Assessor Map 266, Lot 7
(This item was continued from the March 10, 2021 meeting to the April 14, 2021 meeting.)

Ms. Tanner moved to **postpone** the State Wetlands Bureau Application to the May 12, 2021 meeting, seconded by Ms. Blasko. The motion passed unanimously by a 5-0 vote.

IV. CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

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

Patrick Crimmins, Neil Hanson and Rob Simmons spoke to the application. Mr. Crimmins commented that they were seeking a CUP for a proposed multifamily project. The package provided includes the site plan, stormwater analysis, and wetland analysis. It also includes a series of exhibits including buffer impact and fire access. This project has been before the Planning Board, TAC and this Commission for work sessions. The feedback from those

meetings have been incorporated. They are currently working with the Wetland Bureau and have submitted a preliminary mitigation proposal. They have also prepared an AOT permit application. The proposed project is at 53 Green St. and the parcel is 1.66 acres. It is bound by Green St., the AC Hotel, the railroad and the North Mill Pond. It is in the CD-5 District and part of the North End Overlay. The onsite buffer is not very functional. The site is largely maintained lawn and impervious surface. The functions and value of the pond include recreation and aesthetics. Currently there is an L shaped commercial building that will be demolished. There are some small, forested areas to the west of the building and behind the railroad tower. There is a disturbed shrub thicket near the utility tower. The majority of the site is impervious surface and maintained lawn up to the water's edge. The property includes a portion of the City improvements to the shoreline of the North Mill Pond, which has been a focus of City planning for years. This section will help complete the community trail from Market St. to Bartlett St. This portion would connect Market St. to the park. The trail was included in the City's Bike and Pedestrian Plan, the North End Vision Plan, and the Master Plan. It will be a multiuse path with civic amenities. The plan will include wetland restoration and pond edge protection. The North End Overlay incentive was created to allow for taller buildings and encourage partnerships with developers on this trail effort. The proposed project is for a 5-story mixed use residential building with basement and first floor parking. The commercial space will front on Green St. There will be a total of 48 units on the upper floors. The building will largely take place within the existing impervious footprint. The building has been pulled further back from the pond. The project will create pedestrian connections.

Mr. Jankowski noted that the number of units has been reduced from 52 to 48 and questioned if the building was still the same square footage. Mr. Simmons responded that they stepped the building back in some areas, which resulted in a reduced number of units and reduced square footage.

Mr. Crimmins commented that the driveway would be off Green St. There will be commercial space and a residential lobby on the first floor. The parking will be split level between the first floor and the basement level. The building was pulled back off the property line to create the greenway community connection from Green St. to the trail. The original design for a fire lane allowed trucks to come in and get access around corner of building. The Commission provided good comments about using an alternate treatment for the path. This plan has a grass pave in this location to eliminate impervious surface. The trail will be porous asphalt trail. One comment received in the staff memo was relative pulling the fire lane and path back further. That applicants are in agreement with that comment. The path and the fire access were combined to eliminate the section of path in the 25–50-foot buffer. Now fire trucks will be able to finish the turn on the little path coming through.

Ms. Tanner questioned if the grass pavers would be concrete blocks with grass plugs. Mr. Crimmins responded that it would be crushed stone and a plastic grid. The grass will grow thorough it. The plastic will not be visible when the grass grows in. It will look like lawn.

Mr. Crimmins noted that the site had no storm water treatment today. This plan will provide improvements. There will be treatment for the runoff of the new building and driveways. The design incorporates an underground detention tank that will collect water and detain it for 24

hours. This will help to regulate the temperature of the runoff before going into the pond. There will also be yard drains on the site and runoff will go through a storm water treatment unit. All of the runoff will be treated. The trail itself is designed as a porous asphalt path and will provide infiltration. The plan is providing more than the 20% required community space to achieve the extra story on the building. The community space includes the greenway, common space, the connector to the greenway and the wide sidewalks. The project is providing 35% open space when only 5% is required by zoning. Staff made a comment about changing the alignment of the path. That would add about 3,800 sf more community space. It would increase the proposed community space from 21% to 25%. Overall, this project is reducing the amount of impervious surface in the buffer. The proposal results in a net reduction of impervious surface in all stages of the buffer. There will be a total reduction of 3,058 sf impervious surface in the wetland buffer.

Ms. Tanner questioned if they could make the path that connects the greenway to Green St. porous as well. Mr. Crimmins responded that they would not want to be infiltrate storm water between the two buildings. That will be collected in yard drains and go through the storm water units.

Mr. Crimmins commented that the proposal includes a significant landscape enhancement. There will be a conservation seed mix in the lawn and native plantings in the buffer where very little exists today. The plan will add 7 new trees and there will be a significant landscape buffer along the building. They have no issue with staff's request to realign the path and can edit the plans before it goes to the Planning Board.

Mr. Samonas questioned if there would be a gate to block off the fire lane. Mr. Crimmins responded that the lane will look like lawn, so people won't drive on it naturally. Signage can be added if needed. Mr. Samonas applauded the reduction in the buffer but noted that there was still 8,000 sf of impervious surface in the buffer. The building can't be shifted but it could be reduced. There is still a significant amount of impervious in the buffer. Mr. Crimmins responded that they are providing a reduction overall. They are also reducing the amount of trip generations with the change of use. This proposal is a significant improvement from what exists today. Landscaping will be added, and impervious surface will be reduced.

Mr. Jankowski questioned if anything from the plastic in the fire lane would leach into the soil. Mr. Crimmins responded that it would not. This technology has been used for years for fire lanes. It is an open grid system, and the water will infiltrate to crushed stone.

Mr. Crimmins commented that one of the comments from the last session was about snow storage. It is a tight urban parcel and options are limited. The plan includes a snow management program, and any excess snow will be hauled off site. Note 22 on the plan addresses that. The Commission also requested that they look at ways to further reduce impervious surfaces. That was accomplished by making the fire lane pervious. The fire lane is not included in the community space calculations. The plan is currently providing 21% community space. The path revision will result in 25% community space. The Commission requested more information on the lighting. There will be building mounted lighting along the paved parking areas and garage. There will be lighting along the pedestrian connection for safety. There will not be any lighting

along the path design. The Commission provided feedback about the landscape details. A detailed plan was included in the package this round. There is a potential sculpture opportunity and seating could be incorporated into the landscape design. The Commission had a question about the existing dock. It will be a private dock and will have a locked gate. Lastly, there was the comment in the staff memo about realigning the path to be further out of the buffer. That will be updated in the plan. Mr. Crimmins reviewed the 6 criteria. The first is that the land is suited to the use. It is currently a previously disturbed site and is suited for enhancement. It is in the CD-5 district which allows for high density, mixed use buildings. The currently maintained lawn will be enhanced with landscaping and public access on the trail. The second is that there is no alternate location. The placement of the building and access drive was done to reduce impervious surface in the buffer while adhering to the setbacks and zoning. The third is that there would be no adverse impact on the wetland or surrounding properties. The existing conditions include a previously disturbed site and lawn. There is little function to the buffer area. This project will enhance that. This project will provide storm water treatment where none currently exists. The vegetated buffer will create habitat. It will enhance the aesthetic quality and recreation of the buffer. Residents and visitors will have access to the waterfront. The trail is very exciting for the City and this project is a piece of the puzzle. The fourth is that the alteration of natural vegetation will be only to the extent necessary. The proposed design will not alter the natural woodland area. Currently the site is all impervious surface and lawn. The fifth is this is the project with the least adverse impact. This project will enhance the buffer zone and provide public access to the waterfront. The sixth is that any area in the natural buffer will be returned to its natural state. The work is limited to the storm water outfall. The site currently does not have any stormwater measures on it. The implementation of treatment will be an improvement. The landscaping plans will replace the existing lawn within the buffer with a low mow grass mix. It will be mowed annually, and several native trees will be planted. The project as proposed will achieve many master plan goals, reduce impervious surface in the buffer, improve storm water treatments, and provide open space along the pond.

Ms. Tanner questioned why the path and fire lane access could not be in the same place. Mr. Crimmins responded that was the intent with the path realignment. The pavers come out to the point where the fire truck would need access, then it would blend into the path. Ms. Tanner questioned if the path could be tighter along the building. Mr. Crimmins responded that it could not because there was a utility pole that they needed to work around. The fire lane has to be 10 feet off the building.

Chairman McMillan requested more details about the low mow grass. Mr. Crimmins responded that it was a prairie moon nursery eco grass. It will be mowed once a year in the fall. Chairman McMillan questioned why they had a denser buffer planting closer to the building and not where the trees are. Mr. Crimmins responded that the intent was to create a buffer between the building and the path to make it feel like a public path. The trees within the buffer would allow some views out to the pond. The plan is to keep all vegetation that is not invasive. Chairman McMillan noted that the list of plants were not all native species. Mr. Crimmins responded that he would have to defer to Robbi Woodburn on why, but they would be open to looking at alternatives if the Commission stipulated that.

Mr. Jankowski questioned if there was a maintenance plan for the greenery on the property. Mr. Crimmins responded that there was an operations and management plan in the storm water management design and the detailed notations may address that. Mr. Jankowski questioned if they would be willing to follow the NOFA standards for organic lawn care. Mr. Crimmins confirmed they can incorporate that as a stipulation.

Chairman McMillan questioned what the maintenance plan would be for the pervious path especially in the winter. Mr. Crimmins responded that the fire lane would be plowed. The trail itself would be maintained by the City. Mr. Britz commented that he would need to confirm that with DPW, but that it the thought right now. Mr. Simmons commented that they would use a rubber blade on the edge for plowing. Chairman McMillan commented that there should not be any sand on the pervious surface. That should be added to the maintenance plan. It would also be good to specify a time of year for the biannual sweeping. Mr. Crimmins confirmed the plan would be updated.

Chairman McMillan commented that there should be more understory on the water side of the pathway. It won't block the view if it's done right. Mr. Crimmins responded that they could add that as a stipulation. Chairman McMillan commented that it would be nice to think about incorporating a green roof for the building and using bird safe windows.

Chairman McMillan allowed public comment.

Elizabeth Bratter of 159 McDonough St. questioned if the restoration of the living shorelines would be a combined private and public effort. Ms. Bratter also questioned if the water in the detention tanks could be used for irrigation on the site.

Mr. Britz commented that the developers are providing the space for the trail. The living shoreline piece is something the City is working on. The City is starting at the park but working on getting grant funds to expand that effort.

Chairman McMillan closed the public comment.

Ms. Tanner moved to recommend **approval** of the Wetland Conditional Use Permit Application to the Planning Board, seconded by Mr. Jankowski with the following **stipulations**:

1. Move the greenway path closer to the building and align it over the fire access that as shown on the plan set.
2. The applicant shall agree to maintain all greenway according to NOFA standards.
3. The applicant shall add an update the porous paving maintenance plan to include: no sand spreading and increase sweeping from once to twice per year.
4. The applicant shall add more native understory plants to the pond side of the greenway path.

The motion passed unanimously by a 5-0 vote.

2. 1 Raynes Avenue, 31 Ryanes Avenue, & 203 Maplewood Avenue
One Raynes Ave, LLC, 31 Raynes Ave, LLC, & 203 Maplewood Ave, LLC, Owners
Assessor Map123, Lots 10, 12, 13, 14

Mr. Samonas had to leave at 4:50 p.m., which left only four Commissioners. The applicant had the option to move ahead with the presentation or postpone to the next meeting. Mr. Tormey responded that they would be willing to do the presentation and wait on a decision.

Patrick Crimmins, Adam Morrill, Evan Tormey, Rob Previti and Olivia Stasin spoke to the application. Mr. Tormey commented that the application was for a CUP for work within the 100-foot buffer. The project will improve the function and value of the buffer and provide a welcome space for the public to enjoy. This project was here in December, and they have worked to incorporate feedback the Commission provided. Currently the site has 4 under-utilized parcels with buildings and surface parking. The buildings and parking are in the 25–100-foot buffer. There is an old pier, culvert, and headwall on the site. The wetland buffer currently has some vegetated permeable surface, but it does little to protect the water. The water in the culvert is untreated runoff from the neighborhood. This proposal will treat the water and provide buffer protections. The project consists of a half-acre of community space, a mixed-use building, and a hotel. A landscape buffer will screen the community space and trail from the rest of the development. The project plans to improve the boat launch and pier and provide access to both. There will be kayak storage near the boat launch that will be open to the public. The waterfront community space and multi-use trail will improve the buffer. The wetland buffer report noted that two important functions include recreation and aesthetics. The proposed development will improve the environment and protect the shoreline from future development of the waterfront. The North Mill Pond Greenway will be a safe option for pedestrians and bikers, and it will clean up the waterfront. The proposal will provide recreation access to residents via the path, pier, kayak boat launch, and improved buffer plantings. Other project improvements include the removal of pavement and invasive species in the buffer. The buffer will have new native plantings that will help stabilize the banks and infiltrate storm water. They have made a number of changes in response to the Commission's feedback. The surface parking has been reduced and pulled back. All parking and other impervious surface has been removed from the 50-foot buffer. A significant amount of landscaping was added to the buffer. They will be providing an easement to the City to access the culvert and headwall.

Mr. Previti commented that his client proposes to develop a mixed-use residential building and a hotel with parking. The property is a previously disturbed area with buildings and parking on it today. There is also an old boat ramp, pier, culvert and headwall. The culvert is discharging untreated storm water into the pond. The CUP request is primarily for the surface parking. The ordinance does not prohibit building in the buffer, but it does require a conditional use review using 6 criteria. The applicant must show that the property is reasonably suited, there is not alternate location out of the buffer, there is no adverse impact, alteration of the natural vegetation will only be to the extent necessary, the project is the least adverse impact, and any area in the buffer will be returned to its natural state. The team will show this project meets the requirements and is entitled to a CUP. The project reduces impervious surface in the buffer. There will not be any impervious surface in the 25 foot and 50-foot buffer. The building footprint is out of the wetland buffer entirely. Banks will be stabilized where it is appropriate.

The project supports numerous Master Plan goals including creation and enhancement of open spaces in the City. The project will further the City's goal of creating the North Mill Pond greenway and park. It is a major opportunity to improve and conserve a watershed of the City at no cost to the City and taxpayers. The landscaping is designed to help watershed restoration, protect the banks, and provide habitat. The Master Plan prioritizes trails, pedestrian facilities, and access to natural resources. This project includes a section of the greenway which will connect Market St. to Bartlett St. and access to the waterfront. The greenway will allow residents to access downtown without needing a car. It will be a public resource that will be available to everyone. The Master Plan prioritizes stormwater drainage treatment and infrastructure. The project will generate significant improvements to storm water treatment and will reduce runoff. A drainage easement will be granted to the City for the stormwater drainage system.

Mr. Crimmins reviewed the site plan. The applicant has attended work sessions at TAC and the Conservation Commission and a design review at the Planning Board. The proposed project is on Raynes Ave. The existing lots are highly disturbed. There is 425 linear feet of tidal wetland. There are three existing buildings on the property as well as paved parking and maintained lawn. There is a boat ramp, old pier, culvert and head wall. The concept of restoring the pond has been part of the City's plan for years. The final plan calls for a linear greenway and park along the North Mill Pond from Bartlett St. to Market St. In 2016 the City zoning was amended to create an overlay district that would allow taller buildings. This was to encourage developers to join in partnership for the greenway. This project will include construction of a 5-story mixed use residential building with commercial space on the first floor. There will also be a 5-story hotel building with 128 rooms on the corner of Raynes Ave. and Vaughan St. The site lies in the North End Overlay District. There will be 110 parking spaces on site. The parking was designed to allow for emergency vehicle to access to all parts of the buildings. The site will include wide pedestrian friendly sidewalks and bike storage. The lighting will be dark sky friendly. There will be no lighting along the greenway. The storm water treatment will include 2 treatment units and 2 detention systems. The project also includes landscaping enhancements. The project team listened to the Commission's feedback. They made an effort to reduce the parking. The original plan had 139 parking spaces. This proposal has 10,000 sf less impervious surface compared to the original plan. The current proposal has 110 surface parking spaces on site. The proposal also includes a parking agreement to share 25 spaces with new office building across the street. The reduction of pavement allows for a significant landscape buffer. The parking is out of the 50-foot buffer. The existing runoff sheet flows into the pond today. This project will provide storm water management improvements that will treat all of the impervious surface on site. Over 90% will be treated by the system. The treatment will have detention tanks to address temperature concerns. They will be designed with a 24 hour draw down time. It will reduce peak rates. The greenway trail will be porous asphalt. The storm water design will include making improvements to the culvert. They will grant an easement for the culvert which will allow the City to access it. The project applicant will replace the culvert and allow the City to replace the downstream culvert and headwall. This project will provide 22,332 sf of community space. The community space consists of 20.2% of the development parcel. That allows for the additional story incentive. Overall, the lot has 25.3% open space on the lot. The existing buffer includes impervious surface, building, and maintained lawn. The project will reduce impervious surface in the tidal buffer. The lawn will be replaced with native grass and

trees. Overall, there is a 3,732 sf net reduction of impervious surface. All of the building was pulled from the 100-foot buffer. The pavement was pulled back beyond the buffer where it was feasible.

Ms. Stasin commented that the goal is to enhance people's relationship with the pond and recreation. The landscaping plan will help restore the health of the buffer and ecology on site. There will be coastal perennial grasses closer to the path and pier. There will be a low mow lawn restoration. The plantings closer to the building and parking will be coastal shrubs and trees. The intent is to have seamless landscaping between this site and the community park. The plan includes stormwater management, and the infiltration will help slow down and capture storm water. Today the site has a lot of invasive species, pavement, and building in the buffer. There will be highly visible entrances to the trail with wayfinding signs. Planting beds will have plants with seasonal interest. The focus is to enhance pedestrian circulation on the site and to ensure access to the shoreline was easy to identify and safe to reach. There will be three access points on site. One on Maplewood Ave., one in the middle of the buildings which will be demarcated with granite posts, and the third will be between the hotel and 3S Artspace. The buffer planting around the parking will have hardy evergreens, shrubs, and trees. The plantings will be clustered and organized into a drift design to establish communities together. The site has a net reduction in impervious surface. Native plants will help stabilize the banks. There will be two seating niches with wood and metal benches and chairs. The timber pier will be reconstructed. There will be storage for boats and kayaks near the boat launch. There needs to be further coordination with NHDES for the pier and boat launch. Right now, the plantings are underperforming. The proposal will create a healthier native shoreline with tall grasses at the edge and shorter species closer to the path. There will also be some small flowering plants. Habitat restoration is a significant element of the design. The design will create a more resilient site that accounts for an increase in precipitation. The new design is trying to increase canopy and understory.

Mr. Crimmins reviewed the criteria required for a wetland CUP. The first criteria is that the land is reasonably suited. The site is currently previously disturbed and suited for enhancement. The project includes an impervious surface reduction, significant buffer enhancement, and will provide public access. The second is that there is no alternate location. The placement of the building and parking were done in a way to reduce impervious surface in the buffer. They are removing invasive species and replacing the maintained lawn with grasses and shrub. The third is that there is no adverse impact to the wetland function and values. The existing site is previously disturbed. There is no real function for the wetland buffer on the site as it stands today. The functions include recreation and aesthetic. The fourth is that the alteration of natural vegetation will be only to the extent necessary. There will be no alteration to any natural woodland or wetland area. The previously disturbed areas and maintained lawn will be resorted and improved. The fifth is that this project is the least adverse impact. The project design would enhance the buffer and reduce the overall impervious surface on the site. The project is proposing to reduce the impervious surface by over 3,000 feet. The project is exceeding net 0 and adding pervious surface to the buffer. The sixth is that any disturbed area in the vegetated buffer strip should be returned to its natural state. The project will remove impervious surface, add the greenway, and restore the existing stormwater outlet. The site has no storm water treatment today. The plan will collect and treat onsite surfaces and implement treatment

measures for the neighborhood as well. In order for the system to work disturbance is necessary to restore the stormwater outlet. The native grasses will only be mowed to discourage invasive plants. There will be a vegetated screening buffer between the parking and the trail. The plan meets the criteria to get a CUP. It complies with zoning and achieves the City's Master Plan goals with the greenway, buffer, and storm water buffer enhancement. There will be public benefits for open space along the pond.

Ms. Blasko questioned if there were concerns about contamination from the cleaners building. Mr. Tormey responded that any contaminated soils would be handled under the supervision of an LSP. They will ensure there is no spreading into the pond. Ms. Blasko questioned if the soils had been tested at all yet. Mr. Crimmins responded that there was public documentation on the NHDES site that shows the contamination in the area. They would be obligated to remediate anything within the NHDES regulations. Ms. Blasko requested more details on the snow removal plan. Mr. Tormey responded that it was designed with a meandering landscape buffer to provide some snow storage areas. Snow would go in some of the voids between the parking and trees. If there is too much, then it would be removed from site. Ms. Blasko questioned if there was any way the path could be pulled back a little bit further away from the pond. Ms. Blasko questioned why the shoreline only has grasses and no trees or dense vegetation. Ms. Stasin responded that the rendering was not representative of all that will be there. It is not all grasses. There will be a shrub and perennial grass mix as well. Wet meadow plantings are not really viable in this location. Ms. Blasko questioned if the boat storage would be available to the public. Mr. Tormey responded that it would be open to anyone who wanted to rent a space there.

Ms. Tanner commented that it would be good to keep the path out of the 50-foot buffer and questioned why the path went toward the pond trees. It could be moved to go between the two oaks that are close to the open area. Ms. Tanner requested more details on how the pier would be rebuilt. Mr. Crimmins responded that the pier would be restored and replaced in kind. They are coordinating with NHDES to research how it would occur. Ms. Tanner questioned if they would dig out all the earth that is there now. Mr. Crimmins responded that it is likely the soil will be left as is and the pier would be built around it. The path is aligned to meet the City park where the easement is. They are tying into where the City has rights to cross that parcel of land. Ms. Tanner questioned how often the grasses would be mowed. Ms. Stasin responded that the grasses would need mowing more than once a year for the first two years. As they grow together, they can reassess the mowing conditions.

Chairman McMillan commented that the mowing instructions should be more clearly outlined in the plans. Ms. Stasin confirmed that the plan would be updated. Chairman McMillan commented that she was excited about the plants that were talked about in the presentation, but the landscaping plan shows all of the plants on the building side. Ms. Stasin noted that the rendering did not do a great job accurately representing what will be there. The Joseph Finnegan Park is a better example of how it would look.

Mr. Jankowski questioned if they had any objections to following the NOFA standards for lawn maintenance. Ms. Stasin did not think they did. Mr. Jankowski questioned if the boat launch would just be for carry in boats or motorboats as well. Mr. Tormey responded that it would just be for kayaks and paddle boards to launch at the right tide. Mr. Jankowski commented that

would be a good public benefit, but there are still details that need to be worked out. Mr. Jankowski questioned where the boat storage would be. Mr. Tormey responded that the storage would be between the 25- and 50-foot buffer. Mr. Crimmins noted that it was a recent addition. It was not in the initial plan. Mr. Jankowski questioned if the parking surface could be pervious. Mr. Crimmins responded that it could not. Because of the site proximity to the pond and potential contamination, they are not allowed to infiltrate on the site. The system that will be implemented system will provide a better nutrient removal than a porous asphalt. Mr. Jankowski questioned if they had done test borings on the site. Mr. Tormey responded that there have been previous tests done on this site and adjacent sites that have raised flags. They indicate whether or not they can use infiltration. Mr. Jankowski questioned if they had access to that information. Mr. Crimmins responded that it was all public information on the NHDES web site.

Mr. Britz noted that they only had 4 Commissioners at the beginning of the presentation, but Mr. Samonas has rejoined the meeting. There are 5 Commissioners now. Mr. Samonas commented that he has reviewed the materials and felt comfortable talking about and voting on this application.

Mr. Jankowski commented that he still had questions about the contamination on site and noted that the cleaners had been on that site a long time. Mr. Jankowski requested that they provide the contamination reports. He noted that he did not feel confident voting for approval until they had answers to the contamination and boat launch questions. Mr. Tormey commented that the boat ramp will be a big benefit for the public. They are working on permitting with DES and are confident they will get it done.

Chairman McMillan questioned if they would see City plans for the outfall at some point. Mr. Britz responded that there were no details on it yet. Mr. Tormey responded that they have had conversations with DPW and they would pursue permitting for the headwall replacement. They will provide the easement to allow that, but the City would be taking on the reconstruction of the outfall and culvert.

Chairman McMillan commented that they did not see anything for the boat launch and pier because they are in the NHDES application. That puts them at a disadvantage, but it is understandable. Mr. Crimmins commented that they were working with DES on how to best to proceed. Their next step is to determine if the pier was built legally and when it was built. Then they can pursue replacing it in kind.

Chairman McMillan allowed public comment.

Elizabeth Bratter of 159 McDonough St. commented that she's been working with the EPA for 4 years to get them to test the sediment. It has not been tested since 1998. The North Mill Pond report will show what was in there. Ms. Bratter was concerned about further contamination if they were putting in a boat launch. The water quality has not been tested in 10-15 years. The pond is considered impaired for boating and fishing. That is something that should be considered before allowing kayaking. There should at least be signage to warn people. The landscaping plan is appreciated. It is the first one to mention restoration and habitat protections.

Chairman McMillan closed public comment.

Chairman McMillan commented that Ms. Bratter had good concerns about the North Mill Pond water quality.

Mr. Tormey noted that they had received good feedback and could come back to the next meeting with updated plans.

Ms. Tanner moved to **postpone** the Wetland Conditional Use Permit Application to the May 12, 2021 meeting, seconded by Mr. Jankowski.

Mr. Samonas questioned if there were any safety precautions on the ramp like railings or a gate with signage. Ms. Stasin responded that nothing was planned at this stage but it would be incorporated as needed.

Chairman McMillan commented that some of the takeaways included that it would be good to see a plan for the boat launch and pier. It would be good to see more details on the plantings. The maintenance plan should include more details for the landscaping. The snow storage areas should be highlighted on the plan. Mr. Jankowski commented that it would be good to see the environmental reports.

The motion passed unanimously by a 5-0 vote.

3. 145 Lang Road
Arbor View & the Pines, LLC, Owner
Assessor Map 287, Lot 1

Mr. Britz noted that they had to end the meeting at 6:30 p.m.

Cory Belden from Altus Engineering commented that the project was at the Arbor View Apartments. The project is to create and relocate a playground area in the area located behind the beach stone drive. Currently is a development storage area. They came in before with another application for an outfall last year. Someone mentioned this area would be a good park. The current condition is a mowed field with debris piles. The debris piles will be cleaned up as a condition from the previous approval. The proposal is to create a small playground area at an existing site on campus. They have a number of pieces of equipment that they would like to relocate into that area. There will be standard park benches down there with swing sets and other equipment. They will clean this area up which will be a benefit to the site. The proposal includes playground equipment with bark mulch landing areas around the equipment. There will be a small amount of excavation for fabric and edging. They may add some new pieces of equipment. There will be park benches and bike racks. The bike pads will be out of the buffer area. They tried to minimize impacts.

Mr. Jankowski questioned what the size of the area was and questioned if they would be putting down the chips. Mr. Belden responded that all of the green areas add up to 5,300 sf. There will be mulch 6 feet from the edge of the equipment for fall zone regulations. Mr. Jankowski questioned if they would be willing to follow the NOFA standards for lawn care maintenance. Mr. Belden responded that they were not familiar with the standards, so he can't speak to it. There is a grass field that is mowed. Mr. Jankowski responded that he could provide them with information and noted that it was a flexible organic land management. Mr. Belden noted that they were not using fertilizer and pesticides.

Chairman McMillan commented that there was not sufficient time to review this project and vote on it before 6:30 p.m. It's disappointing that nothing has been done to clean up that area since the last time. Mr. Belden responded that the last project is starting in June of this year. That's why the site has not been cleaned yet. Chairman McMillan commented that they would need a plan for the debris removal.

Ms. Tanner moved to **postpone** the Wetland Conditional Use Permit Application to the May 12, 2021 meeting, seconded by Mr. Jankowski. The motion passed unanimously by a 5-0 vote.

V. STATE WETLANDS BUREAU PERMIT APPLICATIONS (NEW BUSINESS)

1. 60 Pleasant Point Drive
120-0 Wild Rose Lane, LLC, Owner
Assessor Map 207, Lot 13

Ms. Tanner moved to **postpone** the State Wetlands Bureau Application to the May 12, 2021 meeting, seconded by Ms. Blasko. The motion passed unanimously by a 5-0 vote.

2. U.S. Route 1 Bypass
State of NH, D.O.T, Owner

Ms. Tanner moved to **postpone** the State Wetlands Bureau Application to the May 12, 2021 meeting, seconded by Ms. Blasko. The motion passed unanimously by a 5-0 vote.

VI. OTHER BUSINESS

VII. ADJOURNMENT

Chairman McMillan adjourned the meeting at 6:30 pm.

Respectfully Submitted by,
Becky Frey,
Acting Recording Secretary for the Conservation Commission