

**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 2021-06, 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.

May 12, 2021

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

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner/Sustainability Coordinator

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I. APPROVAL OF MINUTES

A. April 14, 2021

Ms. Tanner moved to approve the April 14, 2021 Conservation Commission minutes, seconded by Ms. Blasko. The motion passed by a 4-0-1 vote. Vice Chairman Collins abstained because she was absent from the April meeting.

Chairman McMillan commented that they should move to postpone all the applications that have already requested to postpone before the meeting. Mr. Samonas was late to the meeting so did not participate in the postponement votes for the 375 Banfield Rd. applications, the 145 Lang Rd. application and the Shearwater Drive application.

II. CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

1. 375 Banfield Road
Banfield Realty, LLC, Owner
Assessor Map 266, Lot 7
(Request to Postpone)

Ms. Tanner moved to postpone the wetland conditional use permit application to the June 9, 2021 Conservation Commission 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

Jeremy Degler spoke to the application. The proposed project is to replace the 12-foot-wide decks on the ground floor. The deck is currently cantilevered with steel, which is now rusting. The replacement will still be the same footprint, but it will have concrete instead of steel. The project is within the 100-foot buffer, but there are no wetland impacts. The HOTL is 5 feet away from where the concrete piers will be placed.

Ms. Tanner questioned if the applicant was planning to revegetate the disturbed area. Mr. Degler confirmed that it would be restored to the previous conditions using native vegetation.

Vice Chairman Collins commented that the current condition looked like it was mostly grass and questioned if they could put in more than just grass. Mr. Degler confirmed that they could add some native shrubs. Mr. Britz added that he would work with the applicant on what specific plantings they put in.

Ms. Blasko questioned if they were switching from steel to concrete to prevent rusting. Mr. Degler confirmed that was correct. This will be a more permanent structure.

Mr. Jankowski questioned if the applicant was willing to follow the NOFA standards of organic lawn care. Mr. Degler responded that he would follow up with the applicant to see if that was amenable. The condo association may have something in place already and if not, Mr. Degler will pass along the NOFA standards.

Vice Chairman Collins questioned what the material of the decks would be. Mr. Degler responded that it would be wood with concrete piers. Vice Chairman Collins questioned if it would need to be stained or sealed periodically. If so, then measures should be taken to not get any drippings into the buffer. Vice Chairman Collins questioned if the decks would be cleared in the winter and if they would put salt or sand on them. Mr. Degler responded that he was not sure how they do snow removal on the decks, but he would follow up.

Chairman McMillan commented that the narrative says the deck material would be composite decking. Mr. Degler confirmed that composite is what will be used. There will not be any staining. Vice Chairman Collins confirmed that their preference would be composite. It lasts longer and there is less maintenance.

Mr. Samonas commented that they should be mindful on how they clean the composite material. They should not use any bleach products. Mr. Degler confirmed he would pass that along to the condo association.

Ms. Tanner questioned if there was anything different between the State Wetland application and the CUP application. Mr. Degler responded that it was the same application.

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

1. The applicant shall follow NOFA standards in the maintenance of the area between the decks and the waterline.
2. That applicant shall consider other salt tolerable plantings other than grass for planting along the area between the decks and the waterline.
3. That any treatment to the decks (i.e. bleaching) be done in a way to prevent overspray or contamination of soil or water.
4. The applicant shall use composite decking.

The motion passed unanimously by a 6-0 vote.

3. 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

Ms. Tanner requested that the applicants address the changes made from last month's presentation to this one. Chairman McMillan agreed because it was a full agenda.

Evan Tormey, Rob Preveti, Patrick Crimmins, and Olivia Statsin spoke to the presentation. Mr. Tormey commented that they were seeking a recommendation for a CUP for work in the buffer. This project will improve the functions and values of the buffer. It will protect the pond. The dilapidated buildings that are currently on the site will be replaced with LEED compliant buildings. One will be a mixed-use store front/residential building. There will be 60 residential units. The second building will be a 5-story hotel. The property right now has a large parking lot and invasive species. There currently is no storm water treatment. This project will implement best practices for storm water treatment. The site has an old boat ramp and deteriorating pier. There is a headwall where untreated runoff from the neighborhood flows into the pond. This project will handle treatment and provide a buffer to help prevent erosion. There will be a half-acre of community space, part of which will include the North Mill Pond Trail. All parking and impervious surface will be outside of the 50 foot buffer. There are no buildings in the 100-foot buffer. There will be a net reduction to the impervious area and dramatic improvements to storm water treatment. The parking, invasive plants, and maintained lawn in the 50-foot buffer will be replaced with native landscaping. Last month there were questions about the pier and boat launch. This plan includes a rendering of the launch, pier and kayak storage. The pier, ramp, and storage will be part of the community space and available to the public. They will work with the City on safety measures needed for that area. Last month the Commission had some hesitation on plan about rehabbing the pier and launch. If the Commission felt that giving the public access to that was not appropriate, then they would be open to eliminating them from the plan. The Commission had concerns about where the trail connected to the City Park in the buffer. That location was coordinated with the City easement. They are happy to revise that location if the City can relocate their easement out of the 25-foot buffer. The Commission requested that trees or shrubs be added between the path and the water. Those were added to the plan to ensure there would not be any clear-cut mowing. Notes were added to the O and M plan to address some of the Commission's concerns. The site will be

mowed twice a year and will not be mowed less than 3 inches. The snow storage locations were identified, and it will be removed off-site if the banks are over 3 feet. There will not be any sand or salt used on the porous asphalt. It will be swept twice a year. All maintenance will be consistent with NOFA standards. Last month the Commission questioned if the parking lot could be porous. AOT regulations prohibit onsite infiltration in this site because of the areas of soil contamination. This plan includes a letter from an environmental consultant detailing the onsite contamination and AOT regulations. The memo summarizes historical uses and the current condition. It outlines how the contamination will be removed onsite and any mitigation potential. This project will improve the buffer.

Mr. Crimmins commented that he would address the Commission's comments and summarize how they improved the project. This plan provides additional plantings between the trail and water. The porous pavement will be vacuumed twice a year, and that note was added to the O and M plan. A note was added to ensure there would not be any sanding or salting where it was not permitted. Snow storage areas were identified on the site plan. The development property manager will be responsible for snow removal when it exceeds 3 feet. Mowing notes were outlined. The project will need to adhere to Portsmouth zoning requirements. There will not be any fertilizer in the 50-foot set back. Mr. Crimmins showed renderings of the boat launch. McVail Associates provided a letter about the contamination environment. Measures will be implemented to mitigate any contaminants during construction and onsite infiltration is not allowed. Mr. Crimmins addressed how the project complied with the six criteria. The first criteria is that the land is reasonably suited to the use, activity or alteration. Mr. Crimmins responded that the site is previously disturbed, and it is suited for enhancement. The CD-4 district allows for medium to high density. The project will have an impervious surface reduction, enhance the buffer, and provide access to the North Mill Pond. The second criteria is that there is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration. Mr. Crimmins commented that the placement of buildings and parking was done to reduce impervious surface. The project design nets a 3,732-sf reduction in impervious surface. Buildings were removed from the 100-foot buffer and parking is outside of the 50-foot buffer. Invasive species will be removed and replaced with native plantings. The third criteria is that there will be no adverse impact on the wetland functional values of the site or surrounding properties. Mr. Crimmins responded that this is a previously disturbed site with parking and buildings. The buffer does not have any real function today. The project design will vastly enhance the tidal buffer area and provide recreation to the public. The fourth criteria is that alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. Mr. Crimmins commented that the proposed project will not alter any natural woodland or wetland. The fifth criteria is that the proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section. Mr. Crimmins commented that the project design would enhance the buffer and reduce the impervious surface. It will provide public access to the North Mill Pond. The impervious surface will be reduced by eliminating the buildings and parking in the buffer. The sixth criteria is that any area within the vegetated buffer strip will be returned to a natural state to the extent feasible. Mr. Crimmins responded that the project design will vegetate the buffer strip, remove parking from the buffer, construct a porous North Mill Pond trail, provide storm water runoff treatment and replace the existing storm water outlet. The project will provide treatment for runoff from Raynes Ave., Vaughan St. and Green St. The project will treat

onsite impervious surface where none is provided today. The storm water measures will vastly improve the water quality in the North Mill Pond. Temporarily disturbed areas will be restored after construction. The lawn will be replaced with a native grass mix in that section of buffer. There will also be several native trees. This project meets the criteria and has been reinforced with the updated materials. The Staff Memo agrees that this project meets the criteria. It meets the requirements and aligns with the City's Master Plan Goals.

Ms. Statsin commented that they coordinated landscaping with the adjacent city park project. The updated site plan has additional plantings between the path and pond. They will add more habitat. The green infrastructure is another layer for storm water treatment as well. Another positive benefit is the recreation space. There will be two different seating niches. The proposal includes reconstructing the timber pier as an overlook feature. There will also be a kayak launch with kayak storage nearby. The launch will have crushed gravel and concrete transition stones with a small planting bed on the side. They will coordinate signage with the City. The adjacent pier will have guard rails and seating options. The parking lot buffer will have a mix of evergreens, deciduous trees, and shrubs. The drift style of plantings will allow for snow storage. The plants will capture run off from parking lot and help reduce peak flow. There will be a blend of 3 grass species that will help with soil health. It will grow and flop over into 1–2-foot mounds. It will help reduce weeds and discourage pedestrians from crossing through to the edge. The plants will be monitored and watered during the establishment period. Mowing will not occur in the summer. It will happen during the spring and fall. The Commission commented that the plan lacks healthy native trees and understory. The plan will bring in more plant communities. The goal is to be forward thinking and increase the tree canopy. The goal is to create a more resilient site.

Mr. Preveti commented that the site has a long history of industrial use. The application is for a CUP to perform work in the buffer. The wetland protections do not prohibit construction outright, but they do have to comply with the 6 criteria. This site has heavy existing impacts and very little buffer. The proposed project will not worsen the site. It will have a positive impact and it meets the 6 conditions. The first criteria is that the land is reasonably suited to the use, activity or alteration. Mr. Preveti noted that this was a previously disturbed site. The CD-4 zone permits this density. The second is that there is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration. Mr. Preveti noted that there were several site constraints. It is an irregular shape with a variable wetland boundary. They must comply with the parking requirements. The third is that there will be no adverse impact on the wetland functional values of the site or surrounding properties. Mr. Preveti responded that the buffer did not have any functional value. The project will activate the buffer with new plantings and treat storm water. There is a net impervious surface improvement. The plan is a positive impact. The fourth is that the alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals. Mr. Preveti responded that the site is previously disturbed with a long history of industrial use. The project will not alter any natural woodland. The fifth is that the proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section. Mr. Preveti responded that there were no adverse impacts because the area has heavy existing impacts. The project will mitigate some of those impacts. The only other alternative would be to put the parking on the street side and the buildings were put on the water. That would conflict

with zoning and create a higher impact. The sixth is that any area within the vegetated buffer strip will be returned to a natural state to the extent feasible. Mr. Prevetti responded that any area in the vegetated buffer strip will be returned to a natural state. Right now there is no natural state to speak of. They will be removing impervious parking to construct the trail. The plan will also replace the headwall outlet. The landscape plan will replace existing lawn in the 25-foot buffer with native grass mix and trees. This plan should be entitled to a CUP. The plan would create a vibrant buffer where it does not exist today.

Mr. Tormey reiterated that this project will be a positive impact on the site. The City Master Plan calls for creating open space and trails, providing pedestrian public access improvements, and storm water drainage and infrastructure improvements. That is all part of this project. There is no buffer here today. The purpose of the buffer is to reduce erosion and sediment from getting into the wetland and protecting the habitat. Right now, there is nothing out there treating the storm water for this site or the neighborhood. That has contributed to the degradation of the pond. There is no natural shoreline or buffer. The site will continue to suffer without this project. The project will improve the shoreline and contribute to the protection of this resource. It will improve the existing conditions and give the public access to the pond.

Ms. Tanner commented that she was concerned the snow storage areas would damage the plants. Ms. Statsin responded that the hatched areas showed where the fescue grasses will go. They can manage snow on top. There are pockets in the drift pattern that will allow for storage larger volumes of snow. Ms. Tanner questioned if they were anticipating damage to plants. Ms. Statsin responded that they were not. Ms. Tanner commented that there should be something preventing people from using the pier between dusk and dawn for safety. Ms. Statsin confirmed they could include that. There can be a gate and signage. Ms. Tanner liked the idea of moving the path out of the 25-foot buffer and questioned what needed to be coordinated by the City. Mr. Britz responded that they needed to negotiate the easement location with the owners. Mr. Crimmins commented that the abutter was amenable to working with the City.

Vice Chairman Collins commented that the O and M plan says that the snow will be removed offsite at 6 feet not 3 feet. Mr. Crimmins responded that would be corrected to 3 feet. Vice Chairman Collins requested more details on the salt storage areas. The plan should address where those would be located and what they will be treating. Mr. Crimmins responded that they would be happy to further detail and amend that. There will not be any salt or sand on the porous asphalt. Vice Chairman Collins commented that salt storage needs to be out of 100-foot buffer. Mr. Crimmins agreed.

Ms. Blasko commented that if the pier and kayak access moved forward, then there should be more plantings along the pond. There will be a lot of pedestrian traffic and grass will encourage people to walk up to the shoreline. There should be more plantings to encourage habitat along the shoreline. Ms. Blasko was concerned that they were not seeing a soil management plan for the contamination. The environmental memo mentioned that one would be prepared. Ms. Blasko asked Mr. Britz what the Commission's role in that review was. Mr. Britz responded that the management of that contamination is part of the State environmental cleanup review. The applicant will be working with them and it sounds like they are complying with their process. The site design will be reviewed by the State.

Vice Chairman Collins questioned if any of the wells for the ongoing ground water monitoring program would need to be relocated. Mr. Tormey responded that they will likely need to relocate at least one. That will be done under the supervision of DES. That program will continue until they determine there is no longer any contamination risk. Vice Chairman Collins questioned if there were plans for surface water monitoring. It would be good to have a base line to look back to. Mr. Crimmins responded that a storm water pollution plan will be implemented during construction. After construction the applicant will be obligated to maintain the system according to the O and M plan. The applicant will be required to provide reports to DES, and they can provide a copy to the City as well. Vice Chairman Collins questioned if they would be sampling from the pond. Mr. Crimmins responded that there will be no surface runoff treatment. The surface water would not correlate to the subsurface because they can't infiltrate on site. Chairman McMillan clarified that they would not be testing for contaminants in the water. Mr. Tormey responded that they were not, but the water wells would be. Samples are collected twice a year and submitted to DES for testing.

Mr. Jankowski commented that it was important for the Commission to know about contamination on site. The environmental letter was provided to the Commission earlier that day, so it was hard to review it fully before the meeting. The Commission has a responsibility to know about contamination and make sure they are protecting the water. Mr. Jankowski questioned if there was any opportunity to use pervious surfaces on site. Mr. Crimmins responded that they were not allowed to infiltrate on site. Everything will be captured in a closed drainage system. The path will be porous, but it will be lined to filter to an under drain. The path will be porous to match the rest of the path, but it won't infiltrate. Mr. Jankowski questioned if they had done any testing of the property the City will be taking care of. Mr. Tormey responded that the contaminants were found around the former tanks. Wells are in place to monitor if any contaminants start moving away from that area. The preliminary testing showed the site has typical urban fill which is found all over Portsmouth. It is not something that poses a risk but has to be managed properly. It will need to go to a facility that accepts urban fill. Mr. Jankowski questioned if the City would be responsible for contaminated land in the land transfer. Mr. Britz was not sure. Mr. Tormey responded that the letter does point out the design of the project will essentially cap and treat the site and will prevent further contamination exposure. Mr. Britz commented that many sites in Portsmouth have ongoing monitoring and requirements from DES to manage the contamination. This applicant has shown the work they have put in and talked about the contamination. The City requirements is that the applicant comply with the State regulations. They will monitor ground water impacts will be monitored until the contamination is gone. That is typically how a site like this is handled. It is not an unusual situation. The State permit get into the specifics.

Mr. Samonas questioned if there was a way to follow up with benchmarks or status updates during construction to ensure they are still protecting the site.

Vice Chairman Collins noted that they cannot infiltrate onsite but questioned how rainfall on vegetated areas would be handled. Mr. Tormey responded that surface vegetation doesn't influence the ground water. They just can't infiltrate in a way that would alter the hydrology, for example by using a rain garden. Mr. Crimmins added that the concentrated flow from storm water is the concern.

Ms. Tanner questioned if the monitoring wells in between the pervious walkway and parking area would need to be relocated, and if they would be relocated to the 25-foot buffer. Mr. Tormey responded the wells will remain accessible in the parking area. If any wells have to be relocated, it will be done in coordination with DES. Mr. Tormey did not anticipate any to be located in the 25-foot buffer.

Chairman McMillan commented that there should be more detailed plans for the boat ramp and pier. Mr. Tormey noted that they added a rendering and more details to this packet, but they did not have construction drawings. Chairman McMillan noted that normally the Commission would see drawings not just renderings. There is not enough information about this on here. It is still unclear on what the pier will look like. Chairman McMillan requested clarification about their comments on not allowing access. Mr. Tormey responded that the Commission had some reservations about the people in the pond at the last meeting. If the Commission felt it was inappropriate to provide access, then they would eliminate that. Or they can come back with more detailed plans for the boat launch and pier. It could be a condition of approval.

Chairman McMillan requested more details on what plantings were added. Ms. Statsin responded that they added dogwood, viburnum, perennial butterfly weed, blue false indigo, seaside goldenrod, and ornamental grasses. The trees are labeled on the plans.

Mr. Jankowski commented that the building on the left was in the 100-foot buffer. Mr. Crimmins confirmed that it was in the 100-foot buffer for the wetland that was across the street. It was not in the 100-foot buffer of the pond along the edge of the property.

Chairman McMillan commented that there was a U-shaped area that did not have any plantings in it and questioned why it didn't. Ms. Statsin responded that they focused on the drifting flow along the parking. If the path alignment changes it would open the area up and give more space to add more plantings.

Chairman McMillan opened public comment.

Elizabeth Bratter of 159 McDonough St. comment that she was concerned about the snow storage and removal and questioned how it would be clearly marked for snowplow driver.

Ms. Statsin responded that they will use small poles and key stone trees to mark the storage areas. They will also ensure the maintenance workers walk the site before the snow falls to see where the snow will go.

Chairman McMillan closed public comment.

Mr. Samonas commented that it sounded like there was more progress that needed to be made on this application. Chairman McMillan agreed and noted that the Commission could motion to postpone.

Ms. Tanner moved to approve the application, seconded by Vice Chairman Collins with the following stipulations:

1. The O and M plan would be updated to reflect that snow would be removed at 3 feet in height.
2. The O and M would be updated to reflect salt storage would be out of the 100-foot buffer.
3. The applicant would return to the Conservation Commission to present detailed plans for the boat launch and pier.
4. More native plantings would be installed along the U-shaped area to the right of the pier

Mr. Samonas agreed that the U-shaped area could use more of a barrier. It would be good to see what the proposal for the pier would look like because it could have a big impact on what the site looks like.

Vice Chairman Collins agreed there should be more plantings along the shoreline in general, but specifically around the boat launch area. There should not be any snow storage in the 100-foot buffer at all. The parking lot is impervious, and the snow will contain salt. Once it is plowed into banks, then it will be in a concentrated area. Concentrated runoff is an issue for this site.

Ms. Blasko appreciated a lot of the efforts made for water treatment and landscaping to create habitat. There are still outstanding concerns and Ms. Blasko was not sure if this application fully met criteria number 2. It seems like there could be some alternatives. There have been a lot of efforts for improvement but there are still some issues.

Mr. Jankowski commented that he could not support the motion because more work has to be done. Mr. Jankowski was supportive of the boat launch and pier, but they need more information on them. It would be good to have more time to review the environmental report. The City will take some of this land and the Commission has to ensure that the property is acceptable. Mr. Jankowski questioned if there had been any testing of the pond itself. Mr. Tormey responded there had not been.

Mr. Samonas questioned if runoff treatment had been accounted for, for the portion of the building that was in the 100-foot buffer of the land across the street. Mr. Crimmins responded that the project was treating runoff from the entire neighborhood. The runoff will go through a treatment system.

Chairman McMillan agreed with the Commission's comments about not wanting to wait to review and approve the boat launch and pier later on. There were other comments about plantings and snow and salt storage that the Commission should see updates on. Chairman McMillan was concerned about the water quality but trusted the process in place for monitoring.

Ms. Tanner withdrew her motion to approve. Vice Chairman Collins withdrew her second.

Ms. Tanner moved to **postpone** the Wetland Conditional Use Permit Application to the June 09, 2021 meeting, seconded by Vice Chairman Collins.

Ms. Tanner commented that the applicant should address snow storage and removal in the buffer. Salt and sand should be out of the 100-foot buffer. The plan should include the construction plans for the pier and boat launch. The plan should include more native plantings along the U-

shaped area. Vice Chairman Collins noted that there should be more plantings along the shoreline as much as possible. Mr. Jankowski commented that he would like more information about the soil management plan. It would be good to see the tests that were done in April of 2020.

The motion passed unanimously by a 6-0 vote.

4. 145 Lang Road
Arbor View & the Pines, LLC, Owner
Assessor Map 287, Lot 1
(Request to Postpone)

Ms. Tanner moved to postpone the wetland conditional use permit application to the June 9, 2021 Conservation Commission 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
(Request to Postpone)

Ms. Tanner moved to postpone the wetland conditional use permit application to the June 9, 2021 Conservation Commission Meeting, seconded by Ms. Blasko. The motion passed unanimously by a 5-0 vote.

2. 60 Pleasant Point Drive
120-0 Wild Rose Lane, LLC, Owner
Assessor Map 207, Lot 13

Ms. Tanner moved to extend the meeting beyond 5:30 p.m., seconded by Mr. Samonas. The motion passed unanimously by a 6-0 vote.

Steve Riker from Ambit Engineering spoke to the application. The application was for a dock. The lot has a single-family home on it. It is an oddly shaped lot with 508 feet of frontage. The proposal is to construct a tidal dock. The applicant is proposing a 6 by 20 stairway, 6 by 150 pier, 3 by 40 gangway, and 10 by 40 float. It will be secured by chains and blocked moorings. An alternate location was considered, but there was concern about other boats navigating around it. The proposed dock is consistent with the other docks nearby. Harbor Master Tracy Shattuck approved the proposed location. It will extend beyond the mean low water and will float in 3 feet of water. There is no need for float stops because there will be water under the float at low tide. There will be appropriate depth to keep the boat there. The construction sequence is included in the plan. There is some marsh elder on the site and it has been flagged. The NHB identified marsh elder and sturgeon in the area to take care around. They have been in discussion

with fish and game to determine the best way to construct the dock without impacting the sturgeon in the river.

Vice Chairman Collins questioned how high off the ground the fixed pier would be. Mr. Riker responded that it would be 13-14 feet. It will be consistent with most docks.

Mr. Jankowski questioned how many boats will be at this dock. Mr. Riker responded that he would assume one, but the slips are determined by the amount of frontage. This property will be entitled to 5-6 slips, but the dock could probably only hold 2 or 3 boats. The gangway interrupts one area of slip space.

Chairman McMillan commented that they should make sure they don't put any lighting out there or any furniture for gatherings. Chairman McMillan commented that there was a pile of brush down by the water that needs to be moved. Mr. Riker agreed.

Mr. Samonas moved to recommend **approval** of the Minimum Impact Application to the State Wetlands Bureau, seconded by Vice Chairman Collins with the following **stipulations**:

1. The applicant shall remove the brush pile from the 100 ft. buffer.
2. There shall be no lighting or use of the dock other for boating purposes.

The motion passed unanimously by a 6-0 vote.

3. U.S. Route 1 Bypass
New Hampshire Department of Transportation, Owner

Rick Lundborn spoke to the application. This is required as part of the Cate St. project. They are required to do offsite improvements to US Route 1 Bypass. They will fill in the ditch near the Bypass closer to the Tuscan Market area. The wetland impact is shown on the plan set. DOT needed to improve that section of road along the Bypass. There will be 1,504 sf of impact in the ditch. The improvement proposed is to widen the Bypass to add in a turn lane at the Cate St. intersection. This will shift the shoulder into the wetland ditch that is there today. It is a manmade ditch. There will be a small impact between the parking lot and the Bypass.

Ms. Tanner questioned if there will be improvements to the drainage in the Bypass with this project. Mr. Lundborn responded that right now there is an old 15-inch corrugated pipe that is undersized and backs up. That pipe will be upsized. It will go to an existing culvert and will ultimately end up in the brook. A larger pipe will help the water get where it's going faster. It will be appropriately sized. The water is now being treated in the DOT right of way. Anything in the DOT right of way will be cleaned up and the upsized pipe will help prevent back up. They will provide standard catch basins with sumps.

Ms. Tanner clarified that the water off the DOT right of way would not be treated before entering the brook. Mr. Lundborn confirmed that was correct. It is not treated today and will not be treated tomorrow. They are doing as much as the DOT will allow them to do. This is their property and their requirements. They are making vast improvements to the West End Yards

site. That site will treat some of it in a roundabout way. Ms. Tanner commented that they should include water treatment recommendations in the letter to DES.

Vice Chairman Collins questioned if there was any routine street cleaning on the Bypass. Mr. Lundborn responded that they are required to maintain the systems as best they can. There will be new catch basins with full sumps.

Mr. Samonas commented that this was an opportunity to address treatment issues and have DOT recognize issues. Mr. Lundborn responded that the DOT has noted that this is their plan.

Ms. Tanner moved to recommend **denial** of the Minimum Impact Application to the State Wetlands Bureau, seconded by Vice Chairman Collins for the following reason(s):

The Commission would prefer to see an alternative method or design that adequately treats the water before entering into Hodgdon Brook.

Ms. Blasko agreed with the motion but questioned how much of the responsibility was on the applicant and how much was on DOT. Ms. Tanner responded that the DOT needs to change and one way to give that indication is to not recommend the application.

The motion passed unanimously by a 6-0 vote.

IV. CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

1. Shearwater Drive (at the intersection of Portsmouth Boulevard and Market Street)
Brora, LLC
Assessor Map 217, Lot 2-1975

Ms. Tanner moved to postpone the wetland conditional use permit application to the June 9, 2021 Conservation Commission Meeting, seconded by Ms. Blasko. The motion passed unanimously by a 5-0 vote.

V. STATE WETLANDS BUREAU PERMIT APPLICATIONS (NEW BUSINESS)

1. 500 Market Street
Nobles Island Condominium Association, Owner
Assessor Map 120, Lot 2

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

1. The applicant shall follow NOFA standards in the maintenance of the area between the decks and the waterline.
2. That applicant shall consider other salt tolerable plantings other than grass for planting along the area between the decks and the waterline.

3. That any treatment to the decks (i.e. bleaching) be done in a way to prevent overspray or contamination of soil or water. 4. The applicant shall use composite decking.

The motion passed unanimously by a 6-0 vote.

2. Sarah Mildred Long Bridge
Maine Department of Transportation, Owner

Chairman McMillan recused herself from the application. Vice Chairman Collins noted that she needed to leave the meeting.

Mr. Britz commented that the Commission would still have 4 members present if they wanted to vote in a temporary Vice Chairman to review the application, or the Commission can move to postpone to next month.

Ms. Tanner moved to recommend **postponement** of the Standard, Dredge, and Fill Application to the State Wetlands Bureau to the June 09, 2021 meeting, seconded by Vice Chairman Collins.

Christine Perron requested that the Commission review the application and promised a brief presentation. This project is on an aggressive schedule.

The motion passed by a 4-1-1 vote. Mr. Jankowski voted against the motion. Chairman McMillan recused herself from the application.

VI. OTHER BUSINESS

Mr. Britz commented he would try to schedule a meeting to continue the discussion on the conservation land for the end of the month.

VII. ADJOURNMENT

Ms. Tanner moved to adjourn the meeting at 6:08 p.m., seconded by Ms. Blasko. The motion passed unanimously by a 6-0 vote.

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