

**REGULAR MEETING  
CONSERVATION COMMISSION  
1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE  
EILEEN DONDERO FOLEY COUNCIL CAHMBERS**

**4:00 P.M.**

**October 9, 2024**

**MINUTES**

**MEMBERS PRESENT:** Vice Chair Barbara McMillan; Members: Alice Carey, Jessica Blasko, Stewart Sheppard, Lynn Vaccaro, Alternate: Brian Gibb,

**MEMBERS ABSENT:** Chair Samantha Collins, Alternate Talia Sperduto

**ALSO PRESENT:** Kate Homet; Environmental Planner

[7:19] Vice Chair McMillan announced that she would be acting chair in the absence of Chair Collins.

**I. APPROVAL OF MINUTES**

1. September 11, 2024

Ms. Homet announced that these would be available at the next meeting to vote on.

[7:55] Acting Chair McMillan announced that Brian Gibb was now a regular voting member of the Commission and no longer an alternate.

**II. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)**

1. 913 Sagamore Avenue  
Hogswave LLC, Owner  
Assessor Map 223 Lot 27

[8:25] John Chagnon of Ambit Engineering came to present this application and handed out updated application materials to the Commissioners. He went over how the application previously came before the Commission in September and what had been updated since. He then went on to respond to all the comments made within the staff memo and the previous comments by Commissioners.

[18:22] Acting Chair McMillan asked about the newest plan sets that had been handed out and what had been changed. Mr. Chagnon went over the changes shown on the newest plans

compared to what was in the October submission materials.

[19:08] S. Sheppard asked about the black locust proposed to be planted and whether it was considered invasive. Mr. Chagnon responded that not all black locusts are invasive but the tree that Mr. Sheppard referenced is an existing tree.

[20:38] J. Blasko asked for clarification on what was proposed for the existing gravel drive-way area in front of the proposed home close to the creek. Mr. Chagnon responded that the applicant planned to keep that area as gravel to ensure access to the garage. The concrete apron in front of the garage will be removed and replaced with gravel as well. Acting Chair McMillan asked for square footage of that new impact and whether the edge of the gravel was drawn on the plans. Mr. Chagnon responded that the edge of the gravel was depicted on Sheet C-102.

[24:02] Acting Chair McMillan asked about the original existing retaining wall height and Mr. Chagnon responded that it had been added to the existing conditions plan and went on to describe the different heights. Acting Chair McMillan then asked for clarification on when the applicant would be submitting a state wetland permit application. Mr. Chagnon responded that the goal was to get through the WCUP process first and then evaluate. They also needed Zoning Board of Adjustment approval for this project so they may wait until after receiving that to proceed with a state permit.

[27:04] A. Carey asked about the three existing trees to be removed and their size. She would like the owner to consider choosing replacement trees that will grow to a similar size as the ones to be removed. Mr. Chagnon responded that they could change the replacement trees to 2” caliper.

Ms. Homet discussed the staff memo requests.

[29:47] L. Vaccaro noted that there are regulations around fertilizer and pesticide use within the buffer zone and the applicants should be careful with the new sod area and ensuring that erosion does not occur, and proper establishment and maintenance occurs.

[31:26] J. Blasko made a motion to recommend approval of the application to the Planning Board with the following stipulations:

1. The proposed Northern Red Oaks should be at least of 2” caliper sizing.
2. The Conservation Commission recommends that the applicant follow NOFA standards on the site.
3. Wetland boundary markers shall be permanently installed prior to the start of construction in locations noted on plan set.

S. Sheppard seconded the motion.

A discussion continued about the proposed impact numbers for the gravel and their accuracy, as well as the importance of the revegetation portion of this project. The motion passed unanimously.

**III. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)**

1. 39 Dearborn Street  
Shawn & Michiyo Bardong, Owners  
Assessor Map 140 Lot 3

[38:53] Jeff Kiesel of Dockham Builders, Luke Taylor and Jason Aube of TF Moran came to present this application. Mr. Kiesel proceeded to go through the history of this project and the previous City approvals they had received. In addition, he also went over the proposed project and the current and proposed site conditions. Mr. Taylor addressed the criteria for approval and how this project applied to the criteria.

[48:10] Acting Chair McMillan clarified that there were updated documents that had not been submitted to Commissioners that the applicants were presenting on.

[48:58] J. Blasko asked for clarification on the proposed structures, specifically the mudroom and landing. Mr. Kiesel explained the proposed expanded landing that will be turned into a mudroom.

[51:03] L. Vaccaro asked for more information on the proposed rain gardens. Mr. Taylor explained the proposed elevations for the rain gardens and how it will be structured. The rain garden information was not provided in the Commissioner's application packet. A discussion continued about the existing and proposed stormwater on site. A. Carey asked if there was a plan that describes the proposed stormwater. Mr. Taylor said there was a note on one of the newest plans and noted that the Commissioners were having trouble reading the current plans due to graphic issues with the lines and colors. Additionally, it is hard to see the outline of the existing structures.

[57:35] A. Carey asked for the applicants to describe where a no-mow line would be compared to the water's edge. Mr. Taylor noted that the no-mow line would just be set back from the owner's property line by a few feet. The plantings at the water's edge will remain the same and the newly buffered area will be let to re-naturalize with some additional salt-tolerant plants added. A discussion continued about the existing mowing practices and the proposed line.

[1:02:13] Acting Chair McMillan clarified that she believed the Commission would be treating the application before them as a work session at this point due to the lack of the new plans being submitted on time. Mr. Taylor noted that they had already applied to the state for approval and were looking for planting and stormwater management recommendations from the Commission. Mr. Kiesel stated that this was not a work session in their opinion, but rather a full permit application and they had amended the plans since the site walk to be amenable to the Commission.

[1:03:42] Acting Chair McMillan asked about the proposed rain gardens and if they had calculations for the amount of runoff that would be directed into them and whether it could handle the flow. Additionally, she was curious if the applicants had done a perc test of the

proposed areas and figured out infiltration rates, and where the outlets were located for the overflow of the rain gardens. Mr. Taylor responded that the proposed rain gardens would help infiltrate the existing sheet flow before it reached the wetland resource, with the French drain acting as a filter as well. Mr. Aube noted that no calculations had been made for the stormwater capture but the rain gardens were proposed to help reduce the sheet flow. The rain gardens do not have outlets and they believe the vegetation would help with excess overflow.

[1:06:45] L. Vaccaro asked if there was a wetland delineation done as part of the project. Mr. Taylor responded that there was a delineation with a note on the plan set indicating the delineation. It was not TF Moran that conducted it, but rather it was conducted by Patrick Seekamp during a previous survey. Ms. Vaccaro expressed concern for the accuracy of the tidal wetland boundary due to the presence of salt tolerant wetland species in the areas further inland that are currently being mowed. She also mentioned her concern for the rain garden being proposed right next to the salt marsh. Mr. Kiesel noted that the delineation had been done in the last six months. Acting Chair McMillan noted that in the City's regulations, you are not allowed to place a best management practice, such as a rain garden, within the 25' vegetated buffer. Ms. Blasko then asked for clarification to be made on plans where the delineated 25' buffer line existed.

[1:10:07] Ms. Homet asked the applicants whether the delineation was done within the last six months. Mr. Kiesel responded yes. Ms. Homet asked if there was a stamped wetland delineation available, which there was not. She requested a date of delineation on a stamped wetland delineation plan.

[1:11:25] Ms. Homet brought up what appeared to be an active violation of a pile of fill being stored within the buffer on this site. A discussion continued about the sewer line install, the pile of  $\frac{3}{4}$ " crushed stone mix that had been spread in the buffer and a previous wetland conditional use permit application for this site that required the current driveway to be pervious pavement.

[1:20:18] B. Gibb noted that there were enough remaining issues that required further clarification, and the current conversation was not resolving the issues. He recommended that they clarify to the applicant, in the essence of time, that they will or will not be making a recommendation for approval to then give the applicants a list of what to work on for the next submission.

[1:21:46] B. Gibb made a motion to postpone the application until the issues could be addressed. S. Sheppard seconded the motion.

[1:22:58] Mr. Taylor requested that the previous 2015 WCUP application be sent to their office for review. Ms. Homet said she could scan the document for them.

[1:23:31] S. Sheppard started the discussion on what the commissioners would like to see come back in the next application submission. These requests included:

- A 25' wetland buffer line delineated on all plans
- A stamped wetland delineation plan with the date of delineation
- The inclusion of topography/elevation lines depicted on plans

- The planting plan included in the next submission plan
- Clarify on plans the existing and proposed state and dimensions of the driveway area (including materials). This must be converted to pervious area as originally approved.
- Distances of the proposed rain gardens to the wetland resources
- The rain garden detail should be included in the next submission plan with exact dimensions and a better understanding of the existing soil types in those areas
- More information on the French drain, its proposed slope, the detail sheet, whether it would be surrounded by gravel, depth of gravel, etc.
- No mowing or cutting should be allowed within the 25' buffer
- A relocation of the rain gardens outside of the 25' buffer is preferred
- Applicant should locate on plans where permanent wetland boundary markers will be placed, preferably along the no-mow line and installed prior to any construction.

The motion passed unanimously.

## **VI. STATE WETLAND BUREAU APPLICATIONS (NEW BUSINESS)**

1. Dredge and Fill - Minor Impact  
39 Dearborn Street  
Shawn & Michiyo Bardong, Owners  
Assessor Map 140 Lot 3

[1:37:45] S. Sheppard made a motion to recommend postponement of this application to the State. B. Gibb seconded the motion. The motion passed unanimously.

2. Dredge and Fill - Major Impact  
1 Peirce Island Road  
Pease Development Authority c/o Portsmouth Fish Co Op  
Assessor Map 208 Lot 1A

[1:38:35] Ms. Homet announced that the applicants for this application had let her know ahead of time that they would not be physically present to present the application. Acting Chair McMillan stated that if people had questions for the applicants, then they should probably postpone. If not, they could deliberate and make a motion. S. Sheppard made a motion to postpone the application. A. Carey seconded the motion. Acting Chair McMillan mentioned some of the questions she had for the applicants regarding marsh elder. A. Carey also noted one of her questions regarding the area of work and the driveway alignment. A discussion continued about the issues brought up by commissioners. The motion passed unanimously.

3. Dredge and Fill - Minor Impact  
333 Borthwick Avenue  
HCA Health Services of NH  
Assessor Map 240 Lot 2-1

[1:44:27] Acting Chair McMillan introduced this item and noted that nobody was there to present the application. Again, there were a few questions she had for the applicant. Ms. Homet

briefly went over the work proposed and noted that this application would also be submitting a City permit for this work as well as this NHDES permit. S. Sheppard made a motion to recommend postponement of this application to NHDES. B. Gibb seconded the motion. The motion passed unanimously.

## **V. OTHER BUSINESS**

[1:47:04] B. Gibb noted that for the Dearborn application, he could tell the applicants were quite frustrated with all the requests and it reminded him of the conversation the commission has previously had about being more vocal during site walks about what is needed in applications. A discussion continued about missing pieces of the application and being able to clearly put forth a solid recommendation with a full application to the Planning Board for final review.

[1:55:20] Acting Chair McMillan noted that the commission had really great comments and recommendations during this meeting. She also noted that the commission now had an opening for an alternate member, and it would be great if they could fill that spot.

[1:55:58] J. Blasko noted that tomorrow would be Children's Environmental Health Day, which the Mayor had just made a proclamation for.

## **VI. ADJOURNMENT**

The meeting adjourned at 5:55 p.m.