

**REGULAR MEETING
CONSERVATION COMMISSION**

**1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
EILEEN DONDERO FOLEY COUNCIL CHAMBERS**

4:00 P.M.

October 8, 2025

MINUTES

MEMBERS PRESENT: Chair Samantha Collins; Vice Chair Barbara McMillan;
Members: Jessica Blasko, Brian Gibb, Lynn Vaccaro, Stewart Sheppard, Alice Carey,
Alternates: Talia Sperduto, Oliver Chag

MEMBERS ABSENT:

STAFF PRESENT: Kate Homet; Environmental Planner, Peter Britz; Planning &
Sustainability Department Director

Chair Collins opened the meeting and introduced the draft meeting minutes to be voted in.

I. APPROVAL OF MINUTES

1. August 13, 2025
2. September 10, 2025

B. Gibb made a motion to approve both sets of minutes with the August minutes edited to change “Ms. Blasko proceeded to ask questions about this memo and express disagreement with statements of the applicant and team” on page 4 to read “Ms. Blasko proceeded to ask questions about this memo and **asked for clarification on the statements** of the applicant and team.” And both sets of minutes should include a note referencing the timestamps at the beginning of the document as a way for NHDES to refer to the Commission’s minutes. J. Blasko seconded the motion. The motion passed unanimously (6-0) with one member abstaining from the vote and one alternate voting.

[7:34] Chair Collins announced that it had been requested by City staff that the State permit by notification application be moved up in the agenda after the minutes. Vice Chair McMillan made a motion to move the application out of order on the agenda. O. Chag seconded the motion. The motion passed unanimously (7-0) with one alternate voting.

II. STATE WETLAND BUREAU APPLICATIONS (NEW BUSINESS)

1. WETLANDS PERMIT-BY-NOTIFICATION (PBN)
Sewer Replacement Project
Oriental Gardens, Greenleaf Avenue and Nathaniel Drive (various locations)
City of Portsmouth

Zach Cronin, Assistant City Engineer for the City of Portsmouth, came to present this application along with Elizabeth Oliver of Normandeau Associates and Jason Jancaitis of Woodard and Curran. Mr. Cronin noted that the project was for sewer rehab, not replacement as the agenda noted. Mr. Cronin went on to summarize the project proposal to repair multiple defects in the sewer lines and collection systems across three major areas in the City. Ms. Oliver described the proposed wetland and wetland buffer impacts and gave an overview of how access to the sites and site work would be performed. The applicants noted that for a permit by notification, they are seeking the Commission's signature on their application to expedite the review process by NHDES.

[19:02] Commissioners then asked questions of the applicant about invasive species, the pros and cons of rehabilitating vs. replacing, the material of the proposed sewer lining, and the preparation process for the pipe.

[24:15] S. Sheppard made a motion to sign and expedite the permit by notification application. A. Carey seconded the motion. A discussion ensued about the expedited process and its necessity along with revegetating any disturbed areas. The motion passed unanimously (7-0).

III. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (OLD BUSINESS)

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

Ms. Homet noted that Michael DeRosa, the third party engineer for this project, was online via Zoom and ready to give the results of his report when ready. Chair Collins allowed Mr. DeRosa to report out prior to hearing the rest of the application from the applicants.

[28:25] Michael DeRosa of DeRosa Environmental presented the results of his third party report to the Commission via Zoom. He went over how his team was retained, his methodology, the site walk performed and then presented his results and key findings.

[37:42] Commissioners then asked questions of Mr. DeRosa about his prior experience, the structural quality of coir logs, the impacts of riprap on the abutting properties and the building of riprap within 10 feet of an abutter's property.

[42:00] Tim Phoenix, John and Michelle Morris, Jay Aube, Eric Weinrieb, Ben Auger, Drew Wilson, Kirsten Fordham and Tom Ballestero came to speak to this application. Mr. Phoenix gave a brief historical timeline of the after-the-fact permitting process and noted that the Commission had the staff memo in hand which has a recommendation for approval with conditions which the applicants would be happy to address. Mr. Aube then presented briefly on the highlights of the project and went over the proposed strategy for a hybrid living shoreline.

[48:05] The Commission proceeded to ask the applicants questions about the amount of plants to be added to the riprap, the maintenance of the new plantings and quantifying the volume of boulders that were already placed.

[51:52] B. Gibb made a motion to recommend approval of this after-the-fact permit and O. Chag seconded the motion. A discussion ensued about the applicant's efforts to reduce the impacts of the riprap, a need for monitoring of the pocket plantings to ensure survival and the conditions included in the staff memo. B. Gibb added the following conditions to his motion along with conditions from Chair Collins, to recommend approval:

1. The plan for the restoration of the as-built site shall follow that shown on the plan titled "Hybrid Living Shoreline Plan" on Sheet C-01.
2. If permitted, this application shall not replace the full permit granted on December 21, 2023 by the City of Portsmouth Planning Board but rather will only replace the previously permitted living shoreline plan taking place between the HOTL and 25' vegetated buffer strip.
3. In addition to this application, the applicant must receive an approved amended permit from NHDES that reflects the 36 s.f. of as-built impacts below the HOTL and the extended shoreline footprint as noted in the third-party report (see executive summary) but not part of the NHDES approvals.
4. Prior to Planning Board submission, the applicant must quantify the amount of fill that was brought in for the shoreline structure that exists today, how much is to be removed as part of this new proposal for dirty riprap, and the square footage of impact of the extended shoreline that was not originally permitted by the City nor NHDES.
5. Applicant shall provide a report back to the Planning and Sustainability Department one year after the proposed hybrid living shore has been planted with pocket plantings, demonstrating at least an 80% survival rate of new plantings within the wetland buffer. If plantings have not achieved an 80% survival rate after one year, applicant shall replant areas of failure.

6. Applicant shall copy the Conservation Commission and Planning & Sustainability Department staff on all communications with NHDES regarding this project moving forward.

[56:26] S. Sheppard discussed his struggle to assess this application because he felt that ultimately, this project was the right thing to do, but it was done in the wrong way. He noted his surprise that multiple professional contractors working on this application that are used to working with the Conservation Commission did not recognize the requirement to seek a new wetland conditional use permit. He noted that giving approval to this work creates a precedent for people to come in, do exactly what they want, and walk in later with lawyers and state that they did the right thing. Chair Collins noted the requirement of the third party review and that in terms of setting a precedent, this after the fact process would not be an easy thing to do. B. Gibb noted that he somewhat agreed with S. Sheppard's point but noted that there was a kerfuffle and miscommunication between parties involved. He noted he was not concerned about it setting a precedent and appreciated the efforts of the client to secure the resources necessary to do the right thing and come before the Commission while also working with them to bring in a third party. O. Chag noted his agreement with the conditions of the motion on the table. L. Vaccaro discussed the issue of needing a stamped engineer on the NHDES plans and the trigger for the change in shoreline planning. The Commission voted 7-0 to recommend approval with the previously stated conditions, with two members recusing themselves from the vote and two alternates voting.

IV. WETLAND CONDITIONAL USE PERMIT APPLICATIONS (NEW BUSINESS)

1. 325 Little Harbor Road
ADL 325 Little Harbor Road Trust
Assessor Map 205 Lot 2

[1:02:12] Jay Aube of TF Moran came to present this application on behalf of the property owners. Mr. Aube went over the timeline of this project and the previous approvals this site had received for wetland permitting. He then went on to describe how interactions with the Army Corps of Engineers caused the design of the bridge project to change and this resulted in a new wetland permit needed. He proceeded to go through the changes and the new impact numbers associated with this project.

[1:09:00] The Commission then asked questions of the applicant about the decrease in impact numbers, the proposed retaining wall, the need for updated plans, the staff memo recommendations, the use of acrylic polymers, wetland boundary markers and educational signage.

[1:19:05] S. Sheppard made a motion to recommend approval of this application with conditions and J. Blasko seconded the motion. The Commission then proceeded to discuss the conditions of the recommendation which include:

1. Applicant shall consider installing educational signage or wetland boundary markers in the restoration area to notify users of the site about the restoration work in place and the sensitivity of the area to foot traffic.
2. Staff recommend this condition which was part of the last Planning Board Letter of Decision from April of 2022: There will be an inspection and report submitted to the Planning Board on the bridge status and safety every 5 years.

3. Applicant shall clarify areas of reduced impact and the reasoning behind it prior to Planning Board submission. In addition, a note shall be included in the updated plan set to be submitted to the Planning Board stating that no impact numbers have changed since submitting to the Conservation Commission.
4. Applicant shall submit all required NHDES reporting according to Condition #38 & #39 from the NHDES Letter of Decision to the City of Portsmouth Planning & Sustainability Department at the same time.
5. Applicant shall include all correspondence on the acrylic polymer spraying to be used for the bridge construction as well as the EPA correspondence on the finish to be used for the pilings in the application to the Planning Board.

The Commission then voted 7-0 to recommend approval with the stipulations stated.

2. 224 Broad Street Unit 3
Perkins Kwoka Joint Revocable Trust
Assessor Map 131 Lot 13

[1:21:55] Rebecca Perkins Kwoka, one of the property's trustees, came to present this application. Ms. Kwoka noted that it was an amendment to a previous site plan and an application for a wetland conditional use permit that had been approved previously but the approval had expired due to no action taking place. Ms. Kwoka was hoping for another recommendation of approval for the wetland permit so that they can start scheduling site work. Chair Collins asked if anything had changed in the permit since it was last approved and Ms. Kwoka stated that it had not changed. Chair Collins asked about the previous approval's condition that information on the proposed pavers be submitted and Ms. Kwoka responded that they did not yet have information on the pavers but she would be more than happy to share it once they are closer to design. Chair Collins noted that the interest in the pavers was about how permeable they would be so it would be good to see a cross-section and the materials to be used, this would be recommended as a condition again. Ms. Homet noted a previous condition to consider wetland signage and discussing the possibility with the abutters. Vice Chair McMillan asked about proposed plantings and the landscaper to be used for this project. Ms. Kwoka noted that the landscaper would stay the same.

[1:24:59] J. Blasko made a motion to recommend approval of this application with the following stipulation:

1. Applicant shall provide details of the proposed paver entry and their permeability. This should include a cross-section of the pavers, the proposed depth of materials and the materials to be used.

S. Sheppard seconded the motion. The motion passed unanimously (7-0).

3. 150 Portsmouth Boulevard
BRORA LLC
Assessor Map 213 Lot 12

[1:25:56] B. Gibb announced that he was recusing himself from voting on this application.

Patrick Crimmins from Tighe & Bond came to present this application along with a team from ProCon, some of the owner representatives and more Tighe & Bond members. Mr. Crimmins described the proposed project, the site walk that occurred the week prior and then he went over presentation materials further describing the details of the proposal, impacts to the wetland buffer and how the proposed project meets the six criteria for a wetland conditional use permit.

[1:45:04] The Commission then asked questions about the applicant's review of this proposal at the Technical Advisory Committee, the impacts that may change due to that Committee's review, the possibility of saving the existing large trees in the buffer, where exactly the removal line is for the trees to be removed at the rear of the property, the possibility of adding more street trees and shrubbery and decreasing the spacing in between them, the proposed use of fertilizer, management of stormwater, the right to maintain the street, where electric services would be located, the proposed regrading, existing and proposed stormwater sheet flow, the proposed parking and community spaces, the provided operations and maintenance plan, using a Green Snow-Pro certified winter maintenance company and the existing easement for the area across the street.

[2:02:15] S. Sheppard made a motion to recommend approval of the application with the following conditions as discussed by members of the Commission:

1. Applicant must confirm an acceptable location for releasing stormwater offsite. This should include all necessary permissions needed by abutters. This must be reviewed and approved by the Department of Public Works before submission to the Planning Board. If the impacts must change and the change is deemed significant by Planning & Sustainability Department staff, the application must return to the Conservation Commission.
2. Construction fencing shall be shown on plan and shall be placed at the limit of tree cutting at the rear of the property. A note shall be added to the landscaping plan pointing out exactly where cutting and vegetation removal is not to occur.
3. Applicant should consider a higher density of plantings with shrubs or trees, to be planted in the vegetated area between the new buildings and the City street.
4. Applicant should consider the use of NOFA land management standards throughout the property and shall make a note on the plan set to not use fertilizers within the wetland buffer.

5. Applicant shall make a note on landscaping plans indicating best management practices for mulching are to be used. This should include practices that discourage the use of mulch around the base of new plantings.
6. Applicants shall make a note on plans that all winter maintenance shall be performed by Green SnowPro-certified contractors.
7. Applicant should provide a report back to the Planning and Sustainability Department one year after the proposed plantings have been installed on the slope in the rear of the property. This report must demonstrate at least an 80% survival rate of new plantings. If plantings have not achieved an 80% survival rate after one year, applicant shall replant areas of failure.
8. Prior to submission to the Planning Board, permanent wetland boundary markers shall be shown on the updated plan set. At least two permanent wetland boundary markers shall be placed within the wetland buffer on the northern side of the road in the newly planted area of the City ROW. These shall be evenly spaced and installed prior to the start of construction.

J. Blasko seconded the motion. The motion passed 5-1 with B. Gibb recusing, one alternate voting and J. Blasko opposed.

[2:12:54] Chair Collins noted that it was past 6:00 p.m. and the Commission needed to vote whether to continue the meeting. It was discussed which members could stay late and which needed to leave. O. Chag made a motion to extend the meeting to 6:30 p.m. Vice Chair McMillan seconded the motion. The motion passed unanimously (7-0).

4. 6 Regina Road
Carlson Family Trust
Assessor Map 225 Lot 26

[2:13:43] Josh Carlson, property owner, came to present this application. Mr. Carlson gave an overview of the proposed pool removal project, the wetland buffer impacts, the erosion control plans and the planting plans. The Commission then asked questions about the timeline for this work, the seasons for planting and seeding, the existing fencing, the access route for construction equipment, the revegetation plans, the existing shed buildings and pool equipment, the plans for disposal of the existing concrete and other pool materials as well as the new fill materials for the pool area.

[2:24:41] J. Blasko made a motion to recommend approval of this application with the following conditions that were discussed by Commissioners:

1. Disturbed area to be filled and loamed should receive either a wetland buffer-friendly seed mix, buffer plantings or a mix of both. In addition, any areas disturbed by equipment during construction shall be reseeded or replanted with a similar wetland buffer-friendly mix. Applicant shall include this as a note on the plan.
2. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.

3. Applicant shall update plans to reflect the silt fence being installed closer to the edge of the wetland to encompass the entire area to be disturbed by equipment and demo work.
4. Applicant shall include a note on the plans reaffirming that no fertilizer shall be used within the wetlands and wetland buffer.

A. Carey seconded the motion. The motion passed unanimously (7-0).

V. OTHER BUSINESS

1. Raynes Avenue – clearing

[2:27:50] Staff notified the Commission about a wetlands violation that occurred on City land by a contractor working on another property. They noted that this violation would be resolved by the City through the already planned living shoreline and park project that is scheduled to be built in the cleared area. Further information on how this project will work will be available at a future meeting. Staff also reminded the Commission about the upcoming date change for the November regular meeting which will take place on Thursday November 13th.

Vice Chair McMillan updated the Commission on a wildlife sighting at the newly conserved 100-acre woods property and noted that a video of the bobcat sighting would be sent around.

VI. ADJOURNMENT

The meeting adjourned at 6:38 p.m.