



CONSERVATION COMMISSION

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MINUTES OF THE CONSERVATION COMMISSION

Wednesday, November 12, 2014 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chair Chip Hussey, Joe Fredericks, Kevin Lucey

Members Absent: Bill Bilodeau, Laura Byergo

Chair Hussey opened the Conservation Commission meeting at 7:05 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

1. Subdivision of Land, Conditional Use Permit: 239 Bayside Road [Map R16, 7]

Owner: Henry and Michelle Cowles

Applicant: Greenland Acres, LLC

The owner and applicant are proposing a five lot residential subdivision with approximately 600' of roadway on approximately 20 acres of land.

Frank Catapano, Greenland Acres, addressed the Board. J. Fredericks and K. Lucey participated in the recent site walk. There are no wetlands impacts; it's a short, simple road. With the turnaround, the road is approximately 600'. The Planning Board had asked one driveway be moved from Bayside Road to the new road; F. Catapano is attempting to contact a neighbor to move his driveway to the new road.

Responding to a question from K. Lucey, F. Catapano stated that the road will go over the culvert (pointed out on the plan). He added that there is no need to change the culvert. It was further explained that the culvert was not meant to drain; the property was a farm at one time. K. Lucey stated that if aeriels are looked at, it appears to connect two wetland systems. F. Catapano offered to replace the culvert; J. Fredericks suggested an engineer look at it.

The retention pond was discussed. The retention pond is built upland and adjacent to the wetlands. In an attempt to save some tree cover, J. Frederick requested the street trees be replaced with the like number of trees that are being removed. F. Catapano explained that they don't clear cut subdivisions, but clear a padded area.

K. Lucey asked about one-third of the road being in the wetland buffer. He continued that the house lot on the back side was barely outside the buffer. F. Catapano responded that it may be deceiving on the plan, explaining that the lot had a huge yard. K. Lucey stated that the project had an impact on the wetland buffers; F. Catapano agreed. K. Lucey continued that the Conservation Commission strengthened the wetland buffers last year and the impact stood out on the plans. J. Fredericks added that there wasn't a way to not impact the wetlands on this parcel. F. Catapano responded that this plan had the least impact, including sight distance.

A wetlands scientist has walked the property: wetlands have been flagged, test pits have been done, and high-intensity soils have been done. J. Fredericks asked if he looked for and/or identified vernal pools. F. Catapano stated none were found. There are no stand-alone shallow pools that could be classified as vernal pools. F. Catapano was reminded that they are required to be marked on plans.

Chair Hussey asked about the impact on the neighbor's wells that was a concern at a previous Planning Board meeting. F. Catapano didn't feel it would be an issue; Chair Hussey agreed. There were no further questions for the applicant from the Commission. For the record, K. Lucey expressed his concern regarding the total wetland buffer impacts (23,400 sq. ft.). Not only a conservationist but also a historic preservationist, J. Fredericks stated the impact could be lessened by taking down the existing house and bringing the road in that way. He didn't feel that would be an attractive option because it's a good Greek revival house and part of the fabric of the community. Lot 5 will be a difficult lot to build on, and the drive will have to go over the buffer.

2. Design Review: 75 Bramber Valley Drive [Map U7, 10]

Owner: Edward H. Fillmore, Jade Realty Corporation

Applicant: Richard Green, Green and Company

The owner and applicant are proposing an age restricted housing project consisting of 73 single family condominium units with a proposed roadway connecting Bramber Valley Drive to Post Road.

Chair Hussey explained that Design Review was a general review of the project. It will be a private road built to Town specifications. Test pits have not been done. The location and number of septic systems was questioned. J. Fredericks was very concerned with the impact of the development on the watershed and aquifer. The combined waste of 74 different units (including the club house) being dumped into a low spot in Town was an issue. Chair Hussey pointed out it was in the Aquifer Protection District; the major concern of Commission members was waste. There was a question if the City of Portsmouth could supply enough water pressure to support 73 new housing units.

J. Fredericks stated that from a Conservation Commission standpoint the biggest concern was how much stress would be put on aquifer; K. Lucey agreed.

3. Subdivision of Land, Conditional Use Permit: 34 Newington Road [Map R22, 23]

Owner: Bertha Patterson Trust

Applicant: John Chagnon, Ambit Engineering, Inc.

The owner and applicant are proposing a four lot residential subdivision with frontage on Newington Road; proposed Lot 3 will be a back lot. No new road construction is proposed.

John Chagnon, Ambit Engineering and representing the owner, addressed the Board. The application is for a four lot subdivision on an existing parcel located on the corner of Newington Road and Portsmouth Avenue. He pointed out the parent tract and briefly explained its history. Lots 1 and 2 have 200' of frontage on Newington Road, Lot 3 is a back lot with 20' of frontage on Newington Road, and Lot 4 has a PSNH easement on the back of the lot; the easement is in name only.

There are wetlands on the site. Joe Noel, Soil Scientist, did the wetlands delineation. Test pits are indicated on the plans. Part of the Subdivision Approval is to obtain a driveway permit. Newington Road is a State highway. The State has a statute that limits the number of driveway cuts that can be done on a piece of property. The owner has been limited to three cuts; a shared driveway is proposed for Lots 1 and 2. The drive for Lot 4 will be on Portsmouth Avenue.

In order to properly construct the shared driveway, there is a total of 1,693 sq. ft. of buffer impact, but no wetlands impact. A catch basin was put in and pipe run across the road at some point; the State put in a ditch causing water to run onto the lot. J. Chagnon called it "an attractive nuisance"; however, they plan to direct it down towards the wetlands. A proper culvert will be put in when the driveway is built to allow that to happen.

As part of the application, a Conditional Use Permit (copy on file) has been submitted to the Planning Board. Under the Greenland Conditional Use requirements, applicants must comply with Section 18.6.2 of the Zoning Ordinance. J. Chagnon briefly reviewed the criteria. J. Fredericks felt the driveway could be moved forward towards the road to minimize the impact on the buffers. J. Chagnon responded that because it was two driveways, they wanted to provide ample room for turning as well as to meet the grade of the side slopes. They also want to give the State the ability to maintain the piping; they will be given an easement. J. Fredericks stated the Conservation Commission would like minimum buffer disturbance. J. Chagnon agreed they could move it up another 10' to minimize the disturbance.

They are waiting for permits from DOT, the State for subdivision approval, and septic approval from the Town; a stormwater management plan has not been developed. A subdivision with existing road frontage doesn't require a stormwater management plan, and is an option of the Planning Board. Drainage from the proposed driveway will drain into the buffer and eventually into the wetlands.

K. Lucey stated that area of Town has a certain quality to it, and the field is very nice aesthetically. He asked if they had considered bringing the houses on Lots 1 and 2 closer to the road and still keep the shared driveway; the landscape would be kept intact. To ensure the integrity of the neighborhood, they have decided the homes would be single family; it will be noted on the deeds. Chair Hussey noted that the Planning Board has asked in the past to show house locations on the plans. J. Fredericks added it is customary to show the buildable area on the plan. He continued that it would be useful to locate the houses closer to the road to shorten the length of the driveway to minimize the amount of run-off from the drives. He further suggested changing the configuration of the drives so they would be out of the buffer as much as possible.

K. Lucey asked if they had considered a conservation subdivision that would make the buildable lots much smaller and would have open space parcels. Chair Hussey noted they would need 20 acres, which they don't have. K. Lucey asked if Lot 4 could have the shared driveway. If the driveway was moved, they would avoid the need for a Conditional Use Permit. The driveway on Lot 4 could serve Lot 3, and Lots 1 and 2 would have their own. J. Chagnon thought you may to access your lot over your own frontage, adding the neighbor may not appreciate having a driveway the length of his yard.

The property was looked at in April by the soil scientist and no vernal pools were noted. J. Fredericks asked for confirmation that the wetlands scientist actually looked for vernal pools and found none. Chair Hussey reminded J. Chagnon that it's a new criteria in the Wetlands Ordinance.

Summarizing, J. Fredericks stated he would like confirmation there were no vernal pools on the property. He continued that they should return with a design that pulls the shared drive for Lots 1 and 2 up towards the road as much as possible, enabling them to get out of the wetlands setback. K. Lucey added that because the Conservation Commission is advisory, he would like the Planning Board to ensure that what is built on the lots is in keeping with the neighborhood.

Chair Hussey opened the meeting to public comments. Jack McGee, attorney representing Christine Marchulaitis, an abutter to the north: He asked J. Chagnon if the drainage report and study by Mr. Noel

was on file somewhere; it was filed as part of the application package. Does the report deal with any adverse effect on the easement area, causing it to increase or to have flowage onto the property to the north? J. Chagnon responded that Mr. Noel did a soil survey; there were no reports issued about drainage. At the conceptual review with the Planning Board, they noted that the topo doesn't drain onto the property. At the request of J. Fredericks, J. Chagnon explained how the water drains through the property. J. McGee clarified that most of the water would flow north to south, away from Mrs. Marchulaitis' property. He asked how much water flowed into the water pipe under control of DOT, and if it drained to the other side of the street. J. Chagnon responded they hadn't studied it; right now it's flowing onto the Paterson Trust property and it wouldn't be changed by making it easier to maintain. Responding to a question from J. McGee, J. Chagnon stated that the contours indicated that water would not be getting up to the Marchulaitis property. J. McGee asked if there was anything that would lead them to believe that the contours have an exception in some fashion. J. Chagnon responded they would be glad to walk the property with Mrs. Marchulaitis. Although it wasn't a problem now, J. McGee stated they didn't want a problem to happen. He also questioned if Lot 3 would need a variance due to the 20' of frontage; J. Fredericks responded that would be a question for the Planning Board. J. Chagnon referred J. McGee to Article 4.4.1.

J. Fredericks asked C. Marchulaitis if she was experiencing wetland problems at the back of her lot. She responded that it was very wet there and was concerned about it affecting her. She continued that when it rains, there is quite a bit of water and it doesn't drain. J. Fredericks asked J. Chagnon if, in their hydrological studies, if they had looked at the possibility of the development increasing flow into the wetlands. J. Chagnon stated that according to the Greenland ordinance, a drainage analysis is not required for a subdivision on an existing road. As stated previously, a drainage analysis has not been done.

J. Fredericks stated that the shared drive between Lots 1 and 2 encroaches on the wetlands setbacks and the length of the driveway should be adjusted to minimize the amount of hard surface that gets runoff. From a conservation standpoint, less hard surface is better. That would mean short drives and impermeable surfaces where it's feasible. They would like the amount of surface runoff minimized.

J. McGee stated that PSNH may not have the right to bar structures on that easement. He asked if the developer would be willing to state that no structure or impermeable surfaces could be put in that easement on their own deeds. Colby Gamester, representing the Paterson Trust, responded: the Trustee, Lorna Boucher, and the other beneficiaries are going to great lengths to ensure that the conformity of the neighborhood is not changed. He deferred to J. McGee in terms of the easement, but was willing to speak to his clients regarding further deed restrictions. Their hope and intent was to get as many appropriate lots as possible, and swallow the entire parcel so nothing could be built in the back. The existing easements will go with all four deeds. J. Fredericks stated that with the amount of wetlands in that area and the setback requirements, rear of the property would be undevelopable.

K. Lucey asked if there was a State requirement for drainage that impacts an existing infrastructure. Is the culvert on Newington Road adequate to handle the additional runoff? J. Chagnon stated there was no requirement. There was continued discussion about drainage on Newington Road and Portsmouth Avenue.

Chair Hussey summarized: the Conservation Commission recommended that the houses be brought closer to the road, the shared driveway with Lots 1 and 2 be moved out of the buffer as much as possible, and that no construction be allowed imperviously in the PSNH easement.

J. McGee commented that because of the way the Greenland ordinance is written and based on J. Chagnon's statement that there is no requirement for a drainage study, none had been done. The entire tract, including his client's and that of her neighbor, was funneling down to the intersection of Newington Road and Portsmouth Avenue, and through a culvert to Pickering Brook. His concern was that four new lots were being created on much more impervious sources; drainage would be affected. J. Fredericks stated that although the Conservation Commission was advisory, they were concerned about runoff. Chair Hussey added they would be more interested about treatment when it left the site.

Members took a short break.

4. Trail Update

Chair Hussey updated members on the trail. L. Byergo will be meeting at Me and Ollie's on Thursday, November 20, 2014, at 10:00 a.m. with members of the Appalachian Mountain Club. They will be discussing plans to help with the trails. She has also talked to Trout Unlimited about a trail from Thompson Brook. It had been discussed at earlier meetings that the Greenland trails should connect to the larger system between communities, and should be included in the plan. The Board of Selectmen approved that requested funding for the AMC.

5. Other Business

Chair Hussey told members that at the next Board of Selectmen meeting on Monday, November 17, the purchase of land should be approved.

CIP: Chair Hussey gave a brief update on the CIP. He has been in contact with NHDOT about a pedestrian bridge over the Winnicut River on Rt. 33. He would like to run a walkway under the bridge from Bayside to the other side of Rt. 33. There is funding available through the Transportation Alternative Program (Safe Sidewalks to School and recreation trails). Plans to widen the bridge do not include sidewalks due to lack of room. Through the TAP, the Town would have to provide approximately 25% of the funding. The plan would include sidewalks from the pedestrian bridge to the existing sidewalks at the furniture store. J. Fredericks suggested it should be part of the overall plan of the Town to extend sidewalks.

Suggestions for the Conservation Commission's CIP: maintenance of the trails, Phase 2 of the trail system and any associated maintenance.

J. Fredericks suggested a parcel that's heavily forested should be looked at for conservation purposes if one becomes available. There was also discussion about the parcel behind the Church in the center of Town.

6. Approval of Minutes: Wednesday, October 08, 2014

MOTION: *J. Fredericks moved to approve the minutes of Wednesday, October 08, 2014. Second – Chair Hussey; all in favor. MOTION CARRIED*

7. Adjournment

MOTION: *Chair Hussey moved to adjourn at 9:05 p.m. Second – J. Fredericks; all in favor. MOTION CARRIED*

NEXT MEETING

Wednesday, December 10, 2014 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Wednesday, December 10, 2014