DRAFT: SUBJECT TO CHANGE

CONSERVATION COMMISSION
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MINUTES OF THE CONSERVATION COMMISSION

Wednesday, October 12, 2022 – 6:30 p.m. – Town Hall Conference Room

Members Present: Bill Bilodeau, Laura Byergo, Joe Fedora, Brad Lajoie, Lloyd Ziel, Stephan Toth (Alternate)
Members Absent: Kathleen Babin-Johnson, Chip Hussey

L. Ziel opened the Conservation Commission meeting at 6:30 p.m. Attendance was taken, and it was announced a quorum was present and the meeting was being recorded and live-streamed.

1. Approval of Minutes

MOTION: L. Byergo moved to approve the minutes of Wednesday, September 14, 2022. Second – J. Fedora; four in favor, two abstained (B. Bilodeau, S. Toth). MOTION CARRIED

2. Conditional Use Permit: 69 Tide Mill Road (Map R17, 65 – Commercial District A)
   Owner: River Tweed Properties, LLC
   Applicant: Sarah Greenshields, Little Tree Education
   The owner and applicant are proposing a mixed-use site to include the existing building as an office with studio apartments above. Also proposed is a 4,226 square foot, two-story school and two 1,200 square foot multi-family buildings.

Paige Libbey, Jones and Beach Engineering, and Sarah Greenshields, Little Tree Education and property owner, were present. Conservation Commission members received a sheet from the plan set pertinent to the Conditional Use Permit. There is a brook on the adjacent property that outlets toward the Winnicut River. The property abuts the Weeks Brick House, with conservation land behind it.

They are proposing to build a two-story childcare facility for Little Tree Education as well as supplementary staff housing on the back of the site. The existing building will remain as office space with studio apartments above. Portsmouth Water will service the facility; there will be onsite septic. They have applied to the Planning Board for Site Plan Review and a Conditional Use Permit (CUP). The Conservation Commission will need to review the criteria for the CUP due to wetland buffer impacts on the property. P. Libbey noted the location of the impact to the 50-foot buffer. The total impact is approximately 8,200 square feet. It is almost entirely for drainage and stormwater management. There will be a very small portion of a sidewalk and corner of pavement within the buffer area. The majority will be revegetated to act as a buffer after it is disturbed. P. Libbey noted that most of the property is an existing meadow that is mowed periodically (twice a year). There are trees along the wetland buffer on the western edge. To construct the pond for stormwater management and buffer impacts, a few trees will have to be removed, most of which are dead or dying. Other than that, all will be within a previously disturbed meadow area, which will be returned to a vegetated area to continue to act as a buffer. The proposed stormwater pond will be additional treatment currently not on site. Currently

there is no treatment for the existing small parking lot; they will be adding impervious surfaces. P. Libbey noted that runoff from the Dance Studio flows towards their property and has been included in their stormwater management plan.

P. Libbey explained that the proposed location of the pond is the best and only location. When drainage studies are done, State and local standards require the existing hydrology to be mimicked; it is best to put the pond at the lowest point on the property. P. Libbey noted the proposed stormwater management area on the plan. Responding to B. Bilodeau, P. Libbey pointed out the location of the septic system. There will be two separate septic systems: one will be a chamber system under the parking lot; the other, which will have a leach field, will be in the courtyard area (current location) between the two buildings.

S. Greenshields explained that the existing house will stay as is. She pointed out the location of the new school for children ages six weeks through six years. Little Tree Education does have other locations in Dover and Madbury.

L. Byergo questioned the square footage of the impervious area they are adding to the site. The proposed open space is 70% of the lot; 30% would be impervious (approximately 30,000 square feet). P. Libbey explained that of the 70%, none would be impervious. The 30% impervious includes the buildings and parking lot. The total lot is just over 100,000 square feet.

P. Libbey, responding to B. Bilodeau, stated none of the buildings will be in the buffer. There are a couple of sidewalk areas that will be slightly in the buffer and the only impervious surfaces in the buffer. B. Bilodeau suggested they move the proposed school building closer to the existing building. S. Greenshields explained it was partly the topography and it was technically a one-story building; each level is at ground level and is situated to cause the least amount of disturbance as possible. Both levels will have egress at ground level. P. Libbey added there are site constraints, and they are working with the topography.

L. Byergo noted that the Planning Board has not really done a site plan review and was more focused on traffic. P. Libbey stated that the complete application was submitted on August 24, 2022, and they were at the Planning Board in September. L. Byergo responded that the Planning Board may make changes after their site plan review that could affect the buffer; the Conservation Commission was not seeing the final plan. P. Libbey stated it was a fully designed plan set; the drainage modeling has been done, there is a full drainage report, and it is being reviewed by Altus Engineering.

The walkway will go from the school building to the multi-family building. Any staff living in the multi-family building will be able to travel safely to the school. There are 42 parking spaces; they have submitted a waiver for a reduced number of spaces. There was a discussion about the parking lots. S. Greenshields explained that the goal was to remedy stormwater runoff with better paving technology.

P. Libbey explained that their stormwater management system filters the runoff through a filter course under the pond; there is an underdrain under the pond that will outlet, and slow down and detain and treat the stormwater. P. Libbey explained that the stormwater management system is a bioretention system. It goes through an 18” filter course that removes pollutants from the stormwater. Below that will be a stone reservoir that helps detain and hold water that will be released slowly through an underdrain. Bioretention systems have a pollutant removal efficiency of approximately 60% for nitrogen and phosphorous as well as 80% for total suspended solids. They are required to drain within 72 hours. The filter is a mixture of 20% topsoil, 20% to 30% mulch, and 50% to 55% sand; the mulch has specifications. The lifespan of this type of system is beyond 10 years. Regular mowing is required for

maintenance. The site is currently draining to the wetland. The goal is to collect the runoff, treat it, then outlet it to the wetland. P. Libbey stated there are no specific regulations for bioretention and deicing. S. Greenshields stated that due to the number of children, they use sunflower seeds.

L. Byergo clarified that most of the buffer impact would be changing the landscaping. P. Libbey stated it would be regrading; some sections are a cut, and some are a fill. P. Libbey pointed out the ponded area on the plan and explained the grading at a top that functions like a berm that will expand down into the wetland. L. Byergo clarified they would be filling a small portion of the wetland buffer; the impacts to the wetland buffer were not going to be just the sidewalks in that corner: they would be regrading the wetland buffer. P. Libbey agreed, adding they would be replanting that area. That section will be reseeded for grass to grow. They would be willing to use a mix on the back berm that the Conservation Commission recommended. Elevation and grading were discussed.

The detention pond is 1.5 feet deep. S. Toth questioned possible overflow. A drainage analysis is required and must be planned for large storm events. The pond has been designed so it will not overflow during a 100-year storm event. S. Greenshields noted there is drainage within the parking lot. The pond would not be handling everything at once. It was clarified that the pond would treat the stormwater. P. Libbey stated there are six catch basins and several yard drains around the property. There is no filtration within the catch basin system; each catch basin has a three-foot sump in the bottom and there are spots for sediment to settle out. It will outlet to the settlement forebay which are lined with riprap. The system has been designed to not infiltrate due to the soils. It has been designed to filter the water, store it in a stone reservoir, and outlet it slowly through an underdrain.

B. Bilodeau: Did they consider a pervious parking lot rather than hot top? P. Libbey responded a pervious parking lot requires a substantial amount of separation to the water table and they are designed to infiltrate. Because this site has a high-water table, a substantial amount of fill would be needed for the required separation. Responding to L. Byergo, P. Libbey stated they were into the water table from the bottom of the pond, but it was lined with an impermeable liner and is designed not to infiltrate. It was designed to hold the water and outlet it through an underdrain. S. Toth questioned the liner. P. Libbey stated they typically do a 30-mil liner, similar to vinyl that is impermeable.

Sea level rise was discussed. L. Byergo stated they needed to seriously consider sea level rise and how it may affect their project. There are sites, example: NH Coastal Viewer, that can provide information based on the latest FEMA maps. P. Libbey stated they would be willing to consider adding foundation drains. P. Libbey stated they almost always added a foundation drain, and they were willing to consider it. On this site there was room to add a daylight drain. All those things must be considered when the foundation is designed; the design would be stamped, indicating the foundation was properly designed for these soils and water tables.

P. Libbey explained that the organic filter berm is a temporary erosion control that is put in place during construction. Mulch, wood shavings or a sediment sock would be used to stop sediment during construction from eroding into the wetland. P. Libbey explained the liner in the bioretention pond using the bioretention cross-section plan. It is to prevent any groundwater from getting into the system. Only stormwater will be treated; groundwater will not be dumped into the wetland. Everything in the parking lot will go into the pond. S. Toth questioned the life of the liner; P. Libbey responded it does not deteriorate over time. L. Byergo asked what is considered a 100-year storm. P. Libbey: 8 inches to 9 inches over 24 hours.

L. Ziel stated that 40% nitrogen and phosphorus would be filtered into the wetlands. He did not know what the impact would be and if the wetlands could handle that burden. P. Libbey responded nitrogen

and phosphorus are naturally occurring and will always be present. They are trying to reduce the impact, but the wetlands can filter it and that is the purpose of the wetlands. S. Toth questioned the current nitrogen levels: they would be adding 40%. P. Libbey explained they were not adding 40%; the amount of runoff being added was very small. It would be 40% of what was on the site but would be a tiny amount comparatively with the brook. L. Byergo explained it would be the increased water. The impervious surface has been expanded and that will increase the speed of water runoff. Nitrogen will be increased due to the septic system. The septic system and bioretention are reducing the increased impact from the school and two buildings by 60%. They will be adding 40% above what is existing; the buffer will be modified to create a better way to maintain it with the bioretention. P. Libbey added they compare pre-construction to post-construction so there is not a massive difference between the two. She noted they were exceeding the Town's regulations.

J. Fedora questioned if the parking lot could be reduced to move the walkway out of the buffer. P. Libbey stated that they must meet the Town's requirements for aisle width and length of parking spaces. They have reconfigured the parking lot to minimize the impact to the buffer. S. Greenshields added they have used a Trex material at their school in Madbury so the walkway is like a floating deck above grade; she would be willing to consider that type of option.

B. Lajoie commented that it looked like access to the Weeks Trail would be cut off. S. Greenshields assured him it was behind her property.

There was a discussion about the two buildings that are proposed. S. Greenshields explained it would be staff housing. The buildings will be duplexes: four homes with two bedrooms and one to two bathrooms each. The existing house has offices on the bottom floor and studio apartments on the top floor. Water is supplied by the City of Portsmouth and there is on-site septic.

S. Greenshields stated there will be a full site plan review with the Planning Board. There have been very little comments about the site plan from the Planning Board and Altus Engineering. S. Greenshields and P. Libbey were hoping unless there were significant changes from the Planning Board, they would not have to come back to the Conservation Commission. P. Libbey commented they were requesting a Conditional Use Permit: these uses would be allowed within the buffer provided the Planning Board approves the project. Typically, the Planning Board looks to the Conservation Commission for their input. A Conditional Use Permit was submitted with the application; the Conservation Commission has not received a copy or seen comments from Altus Engineering.

Recap: P. Libbey's potential changes included the foundation drain, bringing the 30-mil liner up to roughly the top of the system rather than ending it at the seasonal high to prevent intrusion of groundwater into the system, potentially consider other materials for the walkways, and conservation blend for grass. L. Byergo added they would like to look at the landscaping plan for the contouring and changes in the buffer using native species. S. Toth stated he did not feel the property was planned enough to consider future long-term maintenance of the buildings due to sea level rise.

S. Greenshields and P. Libbey were hoping for feedback to the Planning Board regarding the Conditional Use Permit. P. Libbey noted that the CUP criteria submitted to the Planning Board was discussed at this meeting. S. Greenshields suggested the Conservation Commission could include in their comments if the Planning Board made significant alterations to the encroachment, they would need to return. L. Byergo asked if they could come back to the November Conservation Commission meeting, after the Planning Board meeting on October 20th. It was noted there may be some zoning issues requiring them to go to the Zoning Board of Adjustment. S. Greenshields suggested a joint Planning Board/Conservation Commission meeting or a representative from the Conservation Commission attend

the Planning Board meeting. She needs to 'put a shovel in the ground' by February. L. Ziel noted the Conservation Commission needs more information from the Planning Board and Altus Engineering. The Conservation Commission could not vote without the additional information. He proposed continuing further discussion until the November meeting. S. Greenshields commented that her financing package was done but could not be sent without Planning Board approval, which she was hoping to get at their meeting on October 20th; her drop-dead date was November 01st.

MOTION: B. Lajoie moved that barring any substantial changes to the plan, or setbacks from Altus Engineering, the Conditional Use Permit be accepted by the Conservation Commission with the conditions outlined. Second – J. Fedora

Discussion: L. Byergo stated that the Conditional Use Permit has not been reviewed by the Conservation Commission. P. Libbey clarified that the CUP was for the impacts to the buffer. L. Byergo stated they would want to see the responses regarding to the buffer, the corner of the building and the sidewalk as well as what was happening to the groundwater. P. Libbey stated they would try to keep any daylighting and foundation drains within the already previously disturbed area or outlet it into the pond. It would be kept within the proposed disturbance. S. Toth wanted to have comments from the Planning Board and Altus Engineering; B. Lajoie noted that his motion was conditional on that. B. Bilodeau did not feel a motion should be made at this point.

AMENDED MOTION: B. Lajoie moved that barring any substantial changes to the plan, including a change to the disturbance footprint or impact to the wetland buffer, and pending comments from the Planning Board and Altus Engineering, the Conditional Use Permit be accepted by the Conservation Commission with the conditions outlined. Second – J. Fedora; roll call vote: B. Lajoie – yes, J. Fedora – yes, B. Bilodeau – no, S. Toth – no, L. Byergo – no, L. Ziel – yes. Three in favor, three against. MOTION DENIED

P. Libbey stated, with all due respect, the Conservation Commission was advisory to the Planning Board. The Planning Board will listen to the Conservation Commission's input and may vote 'yes' even though the Conservation Commission voted 'no'. P. Libbey will take this information to the Planning Board, review the CUP with them and let them decide.

3. New Business

NH Association of Conservation Commissions Annual Meeting: L. Ziel informed members the NH Association of Conservation Commissions annual meeting will be held on Saturday, November 05, 2022. There is education money available. L. Byergo commented it was a day-long format, the law and RSA for Conservation Commissions are explained, Right-to-Know Law was reviewed, etc. In addition, there are workshops. More information is available here: https://www.nhacc.org/annualmeeting. Members should let L. Ziel know if they were interested in attending. S. Toth is interested.

UNH Water Stormwater Center: L. Byergo explained this is a premier institution in New Hampshire that looks at larger stormwater runoff treatment systems. She suggested that in January 2023, the Conservation Commission may want to take a field trip to the stormwater center rather than have a meeting. A link will be sent to members.

4. Other Business

There was no 'Other Business' to discuss.

5. Adjournment

MOTION: B. Bilodeau moved to adjourn at 8:28 p.m. Second – J. Fedora; all in favor. MOTION CARRIED

NEXT MEETING

Wednesday, November 10, 2022 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant