

**REGULAR MEETING
CONSERVATION COMMISSION
PORTSMOUTH, NEW HAMPSHIRE
1 JUNKINS AVENUE
Conference Room A**

DRAFT MINUTES

3:30 p.m.

June 12, 2002

MEMBERS PRESENT: Chairman Alanson Sturgis; Members Charles Cormier, Donald Green, Carlton McNeil, Allison Tanner, J. Lyn Walters, Brian Wazlaw

ALSO PRESENT: Peter Britz, Environmental Planner

ABSENCE EXCUSED: Alternate Steve Miller

Chairman Sturgis called the meeting to order at 3:30 p.m.

I. Acceptance of Minutes

Mr. McNeil made a motion to accept the minutes of the May 8, 2002 Conservation Committee meeting. Mr. Walters seconded the motion and all voted in favor.

II. Presentation by school students on work done in various tidal areas

Ann Reid, of UNH Cooperative Extension Sea Grant Coordinator of the Great Bay Coast Watch, gave the Commission a presentation explaining the work students and volunteers had done on the ecosystem of the South Mill Pond and North Mill Pond. She introduced David Burdick, Associate Professor at UNH, who was the technical advisor to the grant and Nancy Johnson, a teacher who worked with the students on this project. Ms. Johnson gave a history of the tide gates in the North Mill Pond area, which existed until the mid 1950s when an auto accident wiped out the tide gates. Because of economic reasons, the City did not replace the tide gates until 1979. In the fall of 1980 the City Council made a final design to replace the tide gates and the tide gates were closed twelve days a month.

In 1981 Clotilde Straus, Chairman of the Conservation Commission, stated that the North Mill Pond had appeared totally dead, but due to normal and healthy tidal action over the past 15 years, now there was a healthy marine and algae population. In February 1981 the City identified twelve homes on Clinton Street as dumping sewerage into the North Mill Pond. Money that had been appropriated for the tide gates was used to hook up eleven of the twelve homes, and only just recently was the final home hooked up to the sewer. Twenty years later the process is ongoing for restoration of the North Mill Pond and a beginning restoration project for the South Mill Pond.

Ken Hawkins, an eighth grade teacher at Portsmouth Middle School, along with three students, gave a presentation on the South Mill Pond project that began four years ago. Dave Allen, Deputy Director of Public Works, showed the students the effects of pollution in the water system

and what was happening in the sewage system for the upcoming year. The project has helped students to learn about the environment, how it affects them, and promotes student involvement with the community.

Ann Smith, a fourth grade teacher at New Franklin School, and two of her students reported to the Commission about a science project with storm drain stencilling, water quality testing, and putting river mussels into North Mill Pond. The project showed students the importance of volunteers and how even fourth graders can make a difference in the community.

III. Dredge & Fill Permit Application

A. City of Portsmouth for South Mill Pond

Peter Rice, the City's Environmental Engineer, spoke to the Commission about the sewer separation project that will eliminate the sewerage going into the North Mill Pond. The project will begin at Court Street with the replacement of the sewer system and water mains. In order to do this project a new location for clean water storm drainage is needed. Two storm drains will be installed near the blue PVC pipe located near Portsmouth Middle School in the South Mill Pond.

Ms. Tanner inquired if there were any trees on either side of the blue PVC pipe drain. Mr. Rice replied that there are trees across the road, but none on the proposed side where the storm drain will be located.

Mr. McNeil asked if the storm drains would be permanent. Mr. Rice replied yes and the CSO (combined sewerage overflow), which is the blue pipe, will be eliminated eventually.

Mr. Cormier made a motion for favorable recommendation to the Planning Board for a Dredge & Fill Permit. All voted in favor.

IV. Conditional Use Permit Applications

A. Millenium Borthwick LLC for Borthwick Avenue

Dick Millette, of Millette, Sprague & Colwell, spoke on behalf of the application. Mr. Millette stated this project was approved in 1999. It was not built at that time because of economic reasons. All the permits have expired and the city's buffer zone has increased from 75-ft. to 100-ft. The roadside drainage ditch along Route 95 is a manmade wetland built in 1948. There is an encroachment of 25-ft into the 100-ft buffer zone that mandates seeking a Conditional Use Permit. Mr. Millette feels this land is reasonably suited for this use and the adjacent wetland values and surrounding properties will not be adversely affected. There are thirty-one parking spaces in that area, which had been previously disturbed upland. A basin will be designed to send runoff across four sedimentation traps followed by four recharge basins to recharge the water into the groundwater. This combination treatment method protects the adjacent wetlands and fulfills the wetland function and value criteria, such as groundwater recharge, flood flow mitigation, sediment retention, and provision of wildlife habitat. Mr. Millette feels that this proposal would have the least adverse impact to areas under jurisdiction of the ordinance.

Chairman Sturgis inquired if the volume of water flow would be increased off the site, which is now a pervious surface. Mr. Millette stated the water flow would go into the Liberty Mutual Pond. He felt the recharge basins would help in smaller storms.

Mr. McNeil asked if the water would dissipate into the soil in normal conditions. Mr. Millette, referring to the soil catalog, said this soil is an urban, reworked type of soil.

Mr. Walters inquired if a parking garage was considered instead of asphalt. Mr. Millette replied there would be height limits and also would be too expensive to build on columns.

Ms. Tanner asked about the proposed monitoring well located near the recharge area. Tom Cravens, from the City Water Department, has said that a monitoring well is required at each of the four corners of the property located in this area.

Mr. Walters inquired how much of the parking area would be reduced if required to stay within the 100-ft buffer zone. Mr. Millette replied the parking area would be reduced by 40-45 parking spaces.

Mr. McNeil made a recommendation for favorable recommendation to the Planning Board. Mr. Green seconded the motion. All voted in favor.

B. Micronics Realty Trust for West Road

Jessica Winston, representing Millette, Sprague & Colwell, spoke on behalf of the applicant. Micronics, located on West Road behind 210 West Road Condominiums, is a manufacturer of filter fabric. This fabric is primarily used for treatment plants and there are no chemicals or hazardous materials used in the manufacturing process. Micronics is outgrowing their existing building and would like to build a 4,400-sq.ft. addition to store filter fabric. This will be located within the 100-ft. buffer zone. Ms. Winston stated there is no adverse impact to surrounding property. Of the proposed addition, 4,100 sq-ft. is on the existing paved area. Runoff of the property flows to a manmade wetland area. There will be no alterations to the natural vegetation.

Ms. Tanner asked about the current use of the paved area, and Ms. Winston stated that there are three loading docks on that side of the building, although only two docks are used at the present time.

Chairman Sturgis inquired if the plans could be changed so that the proposed building would be located on the previously paved area. Ms. Winston stated it would eliminate useful warehousing for the client.

Mr. McNeil made a recommendation for favorable recommendation to the Planning Board. Ms. Tanner seconded the motion.

Mr. Green stated his major concern is that a large part of the lot is located within the buffer zone. Chairman Sturgis replied that it was built before there had been a buffer zone. Mr. Green felt this is an industrial area and since this is a quiet, peaceful industry, he could support this application.

All voted in favor.

C. Portsmouth Associates LLC for 1465 Woodbury Avenue

Jessica Winston, of Millette, Sprague, & Colwell, spoke on behalf of Portsmouth Associates who would like to relocate the historic 1853 schoolhouse building. It has been donated to the City and it is necessary to relocate it from its existing location. A new restaurant will be going into the schoolhouse's present location. With City approval, Portsmouth Associates has chosen the area to the right of the Market Basket supermarket for relocation of the schoolhouse building. The proposed area is within the wetland buffer which is 50% developed. The wetland values are not affected by this relocation and there will no further run-off to enter the existing wetlands. The proposed parking will be graded away from the wetland. An existing fence will be relocated along the backside of the parking lot, which will encourage the use of existing walkways and reduce impacts to the wetlands. The proposed area in the buffer zone are entirely previously disturbed upland areas, so there will be no alterations to natural vegetation.

Ms. Tanner inquired why this particular site was chose. Ms. Winston stated there is a need to move that building and this area was chosen for the visibility to the road. Ms. Tanner asked why the area beside Wendy's was not chosen, which was highly visible. Ms. Winston did not have a reply.

Chairman Sturgis inquired if it were possible to move the building forward out of the buffer zone. Ms. Winston stated that would entail losing twelve parking places near the Market Basket and with the proposed building additional parking spaces will be needed.

Mr. Walters asked what would be the intended use of the proposed building, and Ms. Winston replied a museum/meeting center.

Dennis Moulton, of Millette, Sprague, & Colwell, stated that although losing twelve parking spaces may not seem a lot, parking calculations had been done and there were not enough spaces for all the uses for the site.

Chairman Sturgis stated Wendy's had been placed in their present location after strong objections and didn't see why the museum couldn't be placed in that area, too.

Mr. Green stated he couldn't possibly see putting this building entirely within the buffer zone. Chairman Sturgis agreed that this was not the location for this proposed building.

Mr. Walters made a motion to send a favorable recommendation to the Planning Board. Ms. Tanner seconded the motion.

Mr. McNeil stated that this is the only existing green area in that area and he is opposed to placing the building there.

Mr. Millette stated the City told his client where to place the building.

All voted (0 - 7) in opposition to send a favorable recommendation to the Planning Board on the grounds that the Commission was unwilling to place a building entirely in the buffer zone as this is an intrusion to an existing open area which has some value.

D. Portsmouth Associates LLC for 1465 Woodbury Avenue

In case the Planning Department reverses the Conservation Commission recommendation or a different location is chosen for the relocation of the 1853 schoolhouse building, Chairman Sturgis stated this application should be considered independently from the previous application that was denied favorable recommendation to the Planning Department.

Don Moulton, of Millette, Sprague, & Colwell, stated this proposal involves constructing a restaurant building with a larger footprint in the existing location of the 1853 schoolhouse building. Mr. Moulton is proposing reconfigured parking around the building and landscaping required by the City ordinance. A Conditional Use Permit is being requested as the building lies within the wetland buffer zone.

Mr. Green inquired of Mr. Moulton how much of the schoolhouse building was in the wetland area, and he replied quite a bit. Mr. Moulton is proposing to create a closed drainage system to collect the storm water, which will go into a water quality inlet, then go across the street and empty into the wetland. Mr. Moulton feels that all the criteria have been met for the Conditional Use and the wetlands will not be adversely affected.

Mr. Cormier made a motion to make a favorable recommendation to the Planning Board. Mr. Wazlaw seconded it.

Chairman Sturgis felt this proposal had minimal intrusion into the buffer zone and most of it had already been paved.

Mr. Walters stated only 1800-ft. of the wetlands would be diminished.

Mr. Green stated he would like a treatment swale be installed for better filtering. Mr. Moulton replied it was a possibility, but he was encountering a design problem with a shallow drainpipe.

All voted in favor.

V. Other Business

Chairman Sturgis reported to the Commission that the House & Senate passed Chapter II:63 Laws of 2002, the Shoreland Protection Act, which will be effective July 17, 2001. It adds requirements that when existing structures within the protected shoreland are expanded or replaced, the original footprint and outside dimensions shall not be increased.

Chairman Sturgis informed the Commission of a workshop on Understanding and Enforcing Shoreland Regulations that will be held at the Brentwood Town Office on Wednesday, June 26, 2002.

Peter Britz, City Environmental Planner, asked the Commission if there were any additions or changes to the Conservation Commission Rules & Regulations that was given to the members at the previous meeting. Chairman Sturgis would like to add the rule to not take up any new applications after 5:30 p.m. Mr. Britz will make the additional changes and the updated version will be included in the next Conservation Commission packet.

Ms. Tanner pointed out that it was very helpful to receive the packets from the Planning Board prior to the meeting.

VI. Next Scheduled Meeting

The next scheduled meeting will be on July 10, 2002.

VII. Adjournment

The meeting adjourned at 5:15 p.m.

Respectfully submitted,

Terry L. Provencher
Planning Department Secretary