

**Minutes of the October 9, 2002 Conservation Commission Meeting
CITY OF PORTSMOUTH
CONSERVATION COMMISSION**

3:30 P.M.

CONFERENCE ROOM A

OCTOBER 9, 2002

Present: Chairman Alanson Sturgis; Members, Charles Cormier; Carlton McNeil; Allison Tanner; Lyn Walters; Brian Wazlaw; and, alternate, Steven Miller

Also Present: Peter Britz, Environmental Planner

Members Excused:

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

Let the record reflect that Mr. Cormier and Mr. McNeil had not yet arrived.

1. Acceptance of minutes of meeting of August 14, 2002

Mr. Walters made a motion to accept the minutes of the August 14, 2002 meeting; Ms. Tanner seconded and all approved unanimously with a 5 – 0 vote.

Let the record reflect that both Mr. Cormier and Mr. McNeil arrived.

2. Public Hearing: Adoption of Commission Rules and Procedures

Chairman Sturgis stated that the Commission approved the Commission Rules at their last meeting on August 14, 2002; however, it was discovered that the State RSA require that the rules cannot be adopted until a Public Hearing has been scheduled.

There being no further speakers, the Public Hearing was closed.

Ms. Tanner made a motion to re-adopt the Rules and Procedures; Mr. Walters seconded and were approved unanimously with a 7 – 0 vote.

3. Conditional Use Permit application

(a) Dr. Cahill for 2837 Lafayette Road

Chairman Sturgis stated that Mr. Britz had written a memo concerning the above application and suggested that it be tabled to the next scheduled meeting on November 13, 2002 until an independent wetland scientist, Mr. Joseph Noel has submitted the results of a study on the site to verify the location and determine the suitability of the site for the proposed use.

Mr. Green made a motion to table the application to the next scheduled meeting on November 13, 2002; Mr. Miller seconded and all approved unanimously with a 7 – 0 vote.

Mr. Britz stated he would schedule a Site Walk to verify with the Commission members where the WetLands are located on the property. He added he would notify members when this meeting will take place.

4) Presentation: West Environmental

Mr. Lenny Lord of Carex Ecosystem Sciences, stated he was working with West Environmental and State Planning to identify and map potential freshwater mitigation opportunities in 19 towns that border coastal or estuarine habitats. He stated that the funding for the project is through the U.S. Environmental Protection Agency.

Mr. Lord stated that their goal of the inventory is to empower local communities to protect and restore freshwater resources by providing specific wetland data. Scientists will work with the Conservation Commission to study various properties throughout the City. He stated that what they are looking for is wetland restoration, creation or upland buffer preservation around valuable wetlands sights as well as water quality that has been degraded by water runoff. A lot of this information will be received from the State.

Mr. Lord stated that after the report is completed, a final presentation will be made to the Conservation Commission.

Chairman Sturgis stated that Portsmouth requires that a 100' buffer be required from any wetlands larger than half an acre. Mr. Lord replied that he was aware of this and wished that the State would adopt this requirement.

Mr. Lord stated he was not sure that any resource maps had been done or any kind of inventories that would access that information. Chairman Sturgis replied that a wetlands inventory map study that was in progress.

Mr. Britz stated this study would be completed in December of this year. The last wetland inventory was completed in 1985. All the wetlands will be identified that are greater than half an acre.

Mr. Lord stated that since this is a State project, he asked that an attendance sheet be signed.

Mr. Lord stated that State Planning is requiring a Letter of Introduction that he would like the scientists involved in the project to carry when out in the field and presented the letter to Chairman Sturgis. He thanked the Commission for their time.

5) NHACC Ballot

Chairman Sturgis stated that the only item he has heard any concern over is Item #3 on the Ballot "To amend the Dredge and Fill Statute". The City may not want to do this; however, he felt the Zoning Officer would not object.

Mr. Britz felt this would be a great help; however, now that it is a known fact that an issue has been violated, what are we going to do about it. There is really nothing that can be done unless we go to Court.

6) Other Business

Chairman Sturgis stated that he had another Dredge and Fill Application; however, it arrived a day late and did not put it on the Agenda. He asked the Commission members if they wanted to address this issue or have the applicant wait to the next scheduled meeting. The Commission members had no objection.

A) The application is for Coventry Assets, Ltd. – Robert Thoreson, owner, for property located at 755 Banfield Road.

Mr. Thoreson explained there is a wet area on Constitution Road that was created by road construction; therefore, this request. He stated he is proposing to provide office space for an expanding company that is located in the area; however, the proposed access road to Constitution Avenue crosses a seasonally wet area where an existing logging road was built prior to purchasing this property. He added that the only alternative, other than the wet area is to cut down an area of mature trees, which he added that he did not want to do. The developers are willing to enter into an easement which would stipulate that the mature trees remain except for the removal of any materials required to maintain proper sight distances as well as any dense undergrowth or dead plant materials. Mr. Thoreson added that the owners would submit an easement to the Wetlands Bureau after an agreement in principle has been reached.

Mr. Thoreson stated that 11,140 feet of the wetlands will be filled which is less than a half acre; therefore, we do not need a Wetlands Permit and this calculation was done by Millette, Sprague and Colwell. Site Review has requested two accessways and added that he is willing to put an easement where the mature trees are located to make the lot compatible. There will not be a culvert; however, the water will flow through and dry up.

Mr. McNeil made a motion to approve the application with the stipulation that there be a culvert to take care of the flow of water to the wetlands area as long as the easement is approved; Mr. Walters seconded and was approved unanimously with a 7 – 0 vote.

B) Chairman Sturgis stated there was another Dredge and Fill Permit being requested at the Port Authority dock to remove the existing 480 s.f. dock with six pilings and build a new 480 s.f. dock with six pilings; however, it will be moved one way 40' and sideways 20'. Chairman Sturgis stated this dock is being replaced in-kind; however, since it is being moved, the dock will require approval from the Commission

The Commission members all agreed to defer this application to next scheduled meeting on November 13, 2002.

C) High Liner Seafood located at One Borthwick Avenue

Mr. Britz stated he had another item he wanted to add under Old Business. The High Liner Seafood business on Borthwick Avenue is requesting to install four natural gas tanks to run their operation and possibly a cooling tower that will produce approximately 20,000,000 kilowatt hours per year for their sole use. There will be less than 50 tons of nitrogen oxide released annually.

Ms. Tanner questioned the noise level. Mr. Britz replied the units will be 70 decibels from the site and cannot be heard from the property line.

Mr. Britz stated the proposed permit is a draft air quality permit that will become final after all public comment has been received. The City has requested a Public Hearing for this permit. He added that the applicant has satisfied all of the State requirements and the final permit will include any comment from the public or Vision power before the comment period closes.

D) Henry Hyder property located behind Appleby's Restaurant

Mr. Britz stated that Mr. Hyder would like to donate 5 acres to the City for open space and recreation. City Council has asked that this request be referred to the Planning Board. The Commission offered their support verbally for accepting this land as City property.

7) Next Scheduled Meeting: November 13, 2002

8) Adjournment

There being no further business to come before the Commission, the motion was made and seconded to adjourn the meeting at 4:50 p.m.

Respectfully submitted,

Joan M. Long
Secretary