

**MINUTES FOR THE April 9, 2003 CONSERVATION COMMISSION MEETING  
PORTSMOUTH, NEW HAMPSHIRE  
1 JUNKINS AVENUE  
Conference Room "A"**

3:30 p.m.

April 9, 2003

**MEMBERS PRESENT:** Chairman Alanson Sturgis; Members Carlton McNeil; Allison Tanner; Brian Wazlaw; Don Green; Charles Cormier; J. Lyn Walters; and, alternate Steve Miller

**ALSO PRESENT:** Peter Britz, Environmental Planner

**ABSENCE EXCUSED:**

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**1. Acceptance of minutes from meeting of January 8, 2003**

Mr. Wazlaw made a motion to approve the minutes from the January 8, 2003 meeting and Ms. Tanner seconded the motion and all approved with an 8 – 0 vote.

**2. Conditional Use Permit application:**

a) Kelley Property Trust for Woodbury Avenue.

**NOTE:** This item was tabled at the January 8, 2003 meeting pending receipt of the report of the independent wetlands scientist.

The motion was made and seconded to remove the application from the table and passed unanimously with a 7 – 0 vote.

Mr. Sturgis stated everyone should have a copy of the report from the Independent Wetlands Scientist.

Mr. Corey Colwell from Millette's Company, representing the Kelley Property Trust and Attorney Alex McEachern was also present to speak to the application. In 1963, Planning Board approval was granted to develop 72 units. Only 56 units were developed. There were some wetlands at that time on the site. Now, 30 years later, the owner would like to complete the project, but not to exceed the original 72 units; however, the site is mostly wet and presented a map where the wetlands were located. Mr. Colwell stated that many years ago the site drained northeasterly into a large wetland behind K-Mart Plaza. In the 40's the Government put sewer lines in that advance out to Pease and act as a dam causing the wetlands to occur. The applicant feels that because other parties caused the wetlands' situation, that he is justified in requesting the wetland fill described in this Conditional Use Permit application.

Mr. Colwell stated that the State has denied the request to fill the wetlands. The request for wetland fill is for 105,000 s.f. or basically 2-1/2 acres.

Mr. Colwell stated that he had photographs of the area dating back to the 50's or 60's that showed there were horses grazing and that there were no wetlands .

Mr. Wazlaw stated he had a 1956 USGS map showing there was wetlands on the location at this site.

Chairman Sturgis stated the Commission should make a favorable or unfavorable recommendation to the Planning Board on this application.

Ms. Tanner made a motion with the recommendation to deny the application which was seconded by Mr. Green and approved unanimously with a 7 – 0 vote.

Chairman Sturgis stated that he could not see how a favorable recommendation could be made since the last paragraph written by the Independent Wetland Scientist indicated that the lot does not comply with Article VI and is not suitable for development. At a site walk, Chairman Sturgis made a comment that the site was very wet. He added that he did not feel the sewer easement was the only reason the site area was wet.

Chairman Sturgis stated that the State Wetlands Board has denied the project and for the Commission to grant this application would have been futile.

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**3. Peter Britz: City Wetlands Mapping Project**

Mr. Peter Britz, the Environmental Planner for the City, gave a brief description of the material that was prepared by CLD Consulting Engineers for this project. He then presented each Commission member with a book and asked that the books be returned to him at the next scheduled meeting on May 14, 2003. Mr. Britz stated that he would schedule a combined meeting between the Planning Board and the Commission members later in the Spring probably in May to develop a recommendation for the City Council regarding Prime Wetland designations for some of the high value wetlands identified in the inventory process.

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**4) Other business**

At this time the Commission voted unanimously that Chairman Sturgis send a letter on behalf of the Commission to the State of NH DES in opposition to the Wetland Permit application of the development on the Greenland Shopping Center at the old Sylvania Plant.

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The Commission voted unanimously that Chairman Sturgis send a letter to the Town of Greenland as being in opposition to the proposed subdivision off Breakfast Hill Road that includes Eastern White Cedar wetland impacts.

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The Commission voted unanimously to recommend the City Council expend up to \$200,000 from the Conservation fund to be provided as match for the Sagamore Creek property.

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**5) Next scheduled meeting: May 14, 2003**

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**6) Adjournment**

There being no further business to come before the Commission, the motion was made and seconded to adjourn the meeting to the next scheduled meeting on May 14, 2003 in Conference Room "A" and passed unanimously with a 8 – 0 vote..

Respectfully submitted,

Joan M. Long  
Secretary, Planning Department

/jml