

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

Conference Room "A"

3:30 p.m.

December 8, 2004

MEMBERS PRESENT: Acting Chairman, Charles Cormier; Vice-Chairman, Steve Miller; Don Green; J. Lynn Walters; Brian Wazlaw; Allison Tanner; Eva Powers; Alternates, Barbara McMillan; and Skye Maher

MEMBERS EXCUSED:

ALSO PRESENT: Peter Britz, Environmental Planner

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I. Acceptance of Minutes - Meeting of November 10, 2004

Acting Chairman Cormier stated that since the Commission had just received the minutes for the above meeting, that approval of the minutes be moved to the next scheduled meeting in January 12, 2005. The Commission members all agreed with a 7 – 0 vote.

II. State Wetlands Bureau Permit Application

a) 20 Pleasant Point Drive for John Lindenthal

(This application was tabled at the November 10, 2004 meeting)

Mr. Walters made a motion to take the application off the table; Mr. Green seconded and was approved with a 7 – 0 vote.

Mr. Glen Normandeau of Pickering Marine and representing Mr. Lindenthal, explained the reason he could not attend the previous meeting was because he had a conflict. He added that the proposed pier is short; however, the ramp is long and is needed to get over the ledge and rocks. The previous owner of this property had submitted a permit application for a dock at this location which had been reviewed by this Commission; but the dock was inadequate to meet the needs of the Lindenthal's so it was withdrawn.

Mr. Normandeau stated at the previous meeting that Mr. Vaughan, a neighbor and speaking for Mrs. Baroni, who is a direct abutter, who is a neighbor and representing Mrs. Baroni, a direct abutter, stated the dock should be 10' – 15' shorter. Mr. Normandeau stated that there is no way that this can be done since there is a sharp drop off at the edge of the water.

Acting Chair Cormier stated that some of the Commission members were sympathetic to the abutter, Mrs. Baroni and her concern was that the dock could be made shorter. Mr. Normandeau stated that Mrs. Baroni has her dock and Mr. Lindenthal's dock will not interfere with her dock; however, it does need to be 20' back from the adjacent property line. Mr. Normandeau stated that the Baroni's dock runs perpendicular to the Lindenthal's lot line making a dock of any length is difficult to keep inside of the required 20' setback if the Baroni's did ever wish to extend their dock.

Acting Chair Cormier stated the objection at the previous meeting was that Mrs. Baroni has her dock and to build a new dock on the adjacent property would put the docks within 20' of each other and cause overcrowding.

Mr. Normandeau stated he did not believe the docks would be anywhere near that.

Mr. Lindenthal stated he has spoken with Mrs. Baroni to discuss any problems that they may have and they indicated to me that they had no problems.

Mr. Normandeau stated that after looking at the photograph presented showing where the float would be located, a written agreement would be needed from the Lindenthal's for the Baroni's to construct a larger dock.

Mr. Normandeau stated that a 10' x 20' dock is nothing today and has become a standard size for most waterfront properties.

Mr. Britz stated the dock looks pretty large for just sitting in the mud. Mr. Lindenthal stated he has three small children and wanted something stable that would be safe and the ramp will not be too steep for them to climb down when the tide is out.

Mr. Green stated the plans show a 21' setback from the Peyser home who own a 6' x 9' dock. It could be simple for Mrs. Baroni to go ½ the distance and get permission or a letter of no objection from the Peyser's if she wanted to go in that direction for a dock.

Mr. Lindenthal stated there is a lot of sea grass in this area.

Mr. Wazlaw made a motion to accept the dock and make a favorable recommendation to DES; Mr. Walters seconded and was approved with a 7 – 0 vote.

III. OTHER BUSINESS

a) Discussion Regarding Commission member to sit on Site Review

Mr. Britz stated that since the existing members on Site Review are City staff, Mr. Holden, the Planning Director, has recommended that it would make sense that the Environmental Planner sit on TAC. This recommendation will then go to the next Planning Board Agenda for approval. The Site Review Board consists of staff members with expertise of storm water supply, utilities, Fire Department Chief, Building Inspector and a member of the Planning Department, the Environmental Planner.

Dr. Powers asked if it would be possible to have a rotation of Conservation Commission members sit at Site Review. Mr. Britz replied that Alan Sturgis talked about moving it so that other members could attend. There are not a lot of projects that end up as a wetland issue. Mr. Britz replied that it would be possible to have a rotation but it should be on a long term basis.

Mr. Miller stated he liked the idea of Mr. Britz sitting in and is comfortable with this arrangement. Mr. Britz stated that TAC does review landscaping plans; however, Ms. Tillman is the Planner involved in this process.

Mr. Britz asked if it would be possible to have someone from the Commission review the plans and possibly flag anything up if there was any questions. Mr. Miller replied he would be interested in doing this. The Commission members agreed it would be a good idea.

Mr. Miller and Mr. Britz will co-ordinate anything pertinent to an application and bring the subject up at the meeting.

Ms. McMillan inquired about an Ordinance to regulate docks or to address the neighbor's concerns. Mr. Britz replied there is no Ordinance on docks only a 100' setback that is deferred to the State for over-water structures.

b) Discussion on the December 8, 2004 meeting for election of officers for the upcoming year 2005

Acting Chairman Cormier stated he felt it would be wise to nominate officers for next year at this meeting; think about it during the month; and in January vote on a Chairman and Vice-Chairman.

Mr. Walters stated he would like to nominate Mr. Cormier as Chairman; Mr. Tanner seconded. Acting Chairman Cormier accepted the nomination.

Mr. Green nominated Mr. Miller as Chairman; Dr. Powers seconded. Mr. Miller stated he does worry about proper procedure and is very informal. My strength is that I talk a lot. He feels the Chairman requires to move applications along and he is not sure he would vote for himself. Mr. Green stated that whoever loses the Chair nomination would become the Vice-Chair. The Commission members agreed.

Dr. Powers asked about the duties of the Vice-Chair? A Commission member stated that in the absence of the Chair, the duties of the chair shall be maintained.

Mr. Cormier stated that he is a Fireman and may be absent on occasion for some of the meetings. The Vice-Chair will assume the duties of the Chair.

Mr. Miller stated a sub-committee could be formed to take up issues the Commission does not have time to discuss.

Mr. Green suggested that on the Agenda, we should have Old Business first and accept the minutes after the Public Hearings.

Ms. Tanner stated there is a wealth of knowledge located in the Conservation Commission office if any members would like to investigate.

c) Report from members who attended Great Bog monitoring

Dr. Powers stated she attended the Great Bog monitoring and added there is some trash and illegal cutting of some small trees.

Mr. Britz stated there was some unauthorized cutting in this area.

Acting Chair Mr. Cormier was wondering about elimination of phragmites.

Mr. Green stated you could dig phragmites out. There are tractors with large arms that will help with this process.

Mr. Miller stated that there will be a class next fall to educate people on phragmites especially on what is native and what is not.

Ms. McMillan stated there is a Public Hearing regarding Regional treatment of sewage in Rochester at the Frisbee Memorial Hospital to allow for public input on this topic.

IV. NEXT MEETING – January 12, 2005

V. ADJOURNMENT

There being no further business, the motion was made and seconded to adjourn at 5:00 p.m. and approved with a 7 – 0 vote.

Respectfully submitted.

Joan M. Long
Acting Secretary

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