

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

3:30 p.m.

Conference Room "A"

January 12, 2005

MEMBERS PRESENT: Chairman, Charles Cormier; Vice Chairman, Steve Miller; Brian Wazlaw; Don Green; J. Lyn Walters; Allison Tanner; and, alternates, Barbara McMillan and Skye Maher

MEMBERS EXCUSED: Eva Powers

ALSO PRESENT: Peter Britz, Environmental Planner

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I. STATE WETLANDS BUREAU PERMIT APPLICATION

a) 555 Market Street for Port of Portsmouth Market Street Marine Terminal

Mr. Noah Elwood, a representative from Appledore Engineering stated this application is before the Commission with grant funds from the Homeland Security Act to improve the facilities at the Marine Terminal. The project showed a floating dock and a boat ramp and the offices will be relocated closer to the street. The entrance will be more secure and will have more cameras. The lighting at the site is the minimum necessary to provide visibility for security cameras. The new boat ramp will be located in the vicinity of the existing barge pier on the landward side. The new small vessel boat dock will be located on the waterward side of the barge pier. The pier has four piles about 10' wide and 80' long and allows for small vessels to be tied up. The new boat ramp will be approximately 15' wide and will be placed shoreward of the ramp. A 4" gravel base will be constructed and the ramp will be constructed of precast cement and planks onto of the gravel base.

Mr. Britz stated this application is for a State Permit, however, the City of Portsmouth Conservation Commission makes a recommendation to the NHDES Wetlands Bureau to assist with their renew.

Ms. McMillan inquired about snow removal. Mr. Elwood replied that he did not have an answer or if the pavement would be salted.

Ms. Maher stated the proposal shows that 30 additional light poles will be installed and is concerned about the glare from the lights and asked if the lights would be shrouded to help diminish the glare. Mr. Elwood replied that the lights would be shrouded at a downward angle.

Mr. Green made a motion for a favorable recommendation and was seconded.

Ms. Tanner stated she was concerned about the water run-off being directed back into the water and added she would like to see the water run-off diverted into a catch basin. Ms. Tanner asked about the surface pavement in front of the ramp. Mr. Elwood replied there is a natural swale where the water run-off will flow and this is not being changed.

Mr. Elwood stated there are catch basins located in the area to catch any water that runs off as well as any rust dust. Silk sacks will be used to catch any rust. There is also a catch basin with an oil water separator that was installed recently.

The motion for a favorable recommendation passed with a 7 – 0 vote.



II. CONDITIONAL USE PERMIT

a) 1166 Greenland Road for Aranosian Oil Company, Inc.

Malcolm McNeill, the Attorney for the applicant, presented documents that showed photographs of the base of the sign that was built as a result of a Building Permit that was granted as well as photographs of signs located in other parts of Portsmouth. The sign is proceeding on schedule as it was approved. He added that Mr. Paul Kenney was present from Aranosian Oil Company to answer any questions the Commission members may have.

Mr. Kenney illustrated on a plan where the site was approved by the DES, the Planning Board and the Conservation Commission. However, an impact to the wetlands buffer has been created. As a result of various studies, a significant wall structure has been constructed to surround the site. Within that area, parking was permitted for tractor-trailer trucks; asphalt was to be built right up to the boulder-rock area. The photograph of the sign base shows it is contiguous to the pavement area.

Attorney McNeill stated that the applicant did not include a specific location for a new sign. The existing base is 20' from the roadway. However, Mr. Britz of the Planning Department, has determined appropriately that this was a structure within a 100' setback of the wetlands. This was not built blindly; however, he admitted that this should have been applied for previously. Where the sign is being proposed would be an area where a locking type structure could be placed. There are trucks and canopies existing within the setback. He feels there will be no environmental impact to the adjacent wetland buffer zone to allow this sign.

Attorney McNeill stated that he feels the location is the only appropriate place for the sign. The proposed placement of the sign will not interfere with the traffic flow and it does not harm or will be not environmentally damaging. It was clearly an oversight that an application was not applied for previously. He then showed a plan for the sign to the Commission members adding that this is an industrial zone as opposed to a commercial zone. The setback is 20' and is allowed in this zone.

Ms. Tanner stated the Commission would need a detailed mitigation plan showing the water run off and that pervious material be used rather than solid as much as possible to help reduce water run off.

Mr. Britz stated that from the City's standpoint, there is no way to support this project since there is an impact to the wetland area. This project would need a State Permit as well as a Conditional Use Permit that we would have to review.

Mr. Green thanked the applicant for the discussion and coming before the Commission requesting their thoughts.

Chairman Cormier feels that the Conditional Use Permit and the Wetlands Permit should be kept separate and cannot imagine this Commission voting to fill two or three acres of wetlands. Mitigation has been problematic because there are not enough sites available.

Mr. Green feels it is important to keep the land as it is functioning and he added that to give up three acres to get fifty or sixty would be a good deal especially in this area.

Mr. Britz stated that this will be a very expensive project.

Mr. Parson replied that they know the project will be difficult and costly; however, they would like some feedback from the Commission members.

Ms. Maher inquired if there had been any discussions with neighbors on whether there was any open land. Mr. Parson replied if there as a possibility of moving forward, we would work with the Seacoast Land Trust.

Mr. Green reiterated that the Seacoast Land Trust has a list of properties to work with and to contact them.

Mr. Parson stated we will come back with a plan to try and reach a thresh-hold that they could work with since this project will be done incrementally.

Mr. Britz stated that of course you can go through the process; however, the applicant would have to figure out a solution.

Mr. Parson replied that the discussion with the members has satisfied him and will return for further discussion.

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IV. ELECTION OF OFFICERS

The Commission members decided that a secret ballot would be taken for the Chairman and Mr. Cormier and Mr. Miller have been nominated at the last meeting.

Mr. Cormier was elected the Chair and Mr. Miller was elected the Vice-Chair.

Congratulations to both Chairman Cormier and Vice-Chairman Miller.

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V. ACCEPTANCE OF MINUTES

Ms. Tanner was listed as being present at the meeting of November 10, 2004 and she was not since she was in Italy. Let the record reflect this change has been made.

Dr. Powers stated that she did not vote on the application when in fact she did. Let the record show that Dr. Powers did recuse herself from the application; however, when the motion came up for a vote, she did vote.

Dr. Powers stated on page 4 it is indicated that there were no endangered species on the site but the applicant indicated they did not visit the site.

Strike the paragraph at the end since it is a redundant statement.

The motion was made and seconded to approve the November 10, 2004 minutes as amended with a 7-0 vote.

Dr. Powers noted page 3 and mentioned the elimination of the paragraph that mentioned Peter Britz sitting on TAC as an alternate when he in fact is an advisor.

The motion was made and seconded to approve the December 8, 2004 minutes as amended with a 7-0 vote.

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VI. OTHER BUSINESS

Mr. Green stated that the Portsmouth Herald has reflected that the Gray's could build a deck and it seems that we only approved that it could be built on the existing footprint; however, the Herald has reflected that the Board of Adjustment has overthrown the wetlands buffer and does not feel they should have anything to do with that. It should be our decision. The Gray case seems to be a moot point because the wetland setback is 50'.

Mr. Britz stated the State wetland buffer is a 50' setback and this is a very complicated issue. He added that he would talk to Bob Sullivan, the City Attorney regarding this property and added that he didn't know if the Commission should even be talking about it since it is still in Court.

Mr. Green stated he feels this issue should be resolved and requested that Mr. Britz contact the City Attorney and report back to the Commission of their findings.

Mr. Britz stated that he and Vice-Chairman Miller are working on a demonstration project to enhance wetland buffers in the City for owners to use as a reference point

to restore their properties. This is a grant application to the moose plate conservation fund. If the grant application is successful, the project will go forward. Lists of options are being addressed as well a list of what plantings would be appropriate for this option.

Ms. Tanner stated the tree purchased for Mr. Sturgis's retirement was not \$360.00, but in fact \$279.00.



VII. NEXT MEETING – February 9, 2005



VII. ADJOURNMENT

There being no further business to come before the Commission, the motion was made and seconded to adjourn and meet at the next scheduled meeting on February 9, 2005 and passed with a 7-0 vote.

Respectfully submitted,

Joan M. Long
Secretary

/jml