

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

Conference Room "A"

3:30 p.m.

September 14, 2005

Members Present: Chairman, Charles Cormier; Vice-Chairman, Steve Miller; Members, Allison Tanner, J. Lyn Walters, Eva Powers, Don Green, and Brian Wazlaw; and Alternates, Barbara McMillan and Skye Maher

Members Excused:

ALSO PRESENT: Peter Britz, Environmental Planner

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

I. STATE WETLANDS BUREAU PERMIT

**a) Standard Dredge and Fill Application
206 Northwest Street, Portsmouth, NH
Sonny Iannacone and Melissa Bicchieri**

Wendy Welton, Architect on the project spoke on behalf of the petition. She went over the plans and indicated how any of the additions they had proposed to do were not conforming within their lot's fifty-foot setbacks' constraints. She turned the explanation and presentation to Adele Fiorello of NH Soil Consultants.

Vice Chairman Miller asked Ms. Welton about a paved area indicated on the plan submitted whether that was to be removed or not.

Ms. Welton answered yes.

Adele Fiorello explained the plan submitted to the Commission. She pointed out that the orange areas indicated on the plan were existing pavement. She further explained that they plans to replace the existing retaining wall along the property since it is in disrepair. They will be doing plantings to increase the buffer zone against the retaining wall. They chose shadlow, black chokeberry and gray dogwood. They request a total over 7,000 sq. feet of impacts.

Ms. Maher asked about the patio if it would be stone and concrete or grass.

Ms. Welton said it wouldn't be grass but something that would be hard enough to put table and chairs on.

Mr. Britz asked what the alternative was for the wall as indicated in the package.

Ms. Fiorello answered that Waterfront Engineers designed the retaining wall and that it would consist of concrete.

Ms. Welton added it would be determined when they dig as to what they find (i.e. bedrock).

Ms. Maher asked about the planting area how from the edge of the pavement down to the retaining wall there is quite a steep incline and wanted to know if they would be keeping the slope.

Ms. Welton answered that there would not be any change in the elevation.

Ms. Maher was concerned because of the size of the shrubs chosen and the presentation indicated a walkway.

Mr. Wazlaw asked about the addition if there was any alternative of moving the second addition.

Ms. Welton said that they had tried many different locations and stated that they looked for what would build the most reasonable amount of volume and what they ultimately chose was a labor of love but the best reasonable option.

Mr. Walters asked where the new driveway would go.

Ms. Welton said there was an existing driveway on the property that would remain.

Vice Chairman Miller stated that the plantings chosen may not suffice due to salt impacts since there's a lot of salt marsh area.

Ms. Fiorello said when it came time to planting, if the landscaper believes that there is better plantings to use, they will address that then.

Mr. Green was concerned about the impermeable surfaces on the existing property.

Ms. Welton stated that there will be at least a 49 % reduction of impermeable surface.

Mr. Green said that the house, additions, etc. were intruding into the wetland buffer and what was being proposed was not a valid reason to be intruding into the wetland buffer. He further stated that a half an acre parcel was not adequate to do what they wanted to do.

Ms. Powers agreed with Mr. Green's comments and position.

Ms. Welton tried to persuade Ms. Powers otherwise.

Ms. Powers stated that the people bought the house knowing its situation and nevertheless, she would stick with her position to vote in the negative.

Ms. McMillan asked about the retaining wall, if they were moving it or removing a portion of it.

Ms. Fiorello tried to explain their motives behind the retaining wall.

Ms. McMillan asked about a structure that was proposed in the package on top of the retaining wall.

Ms. Fiorello answered there needed to be a railing to be code compliant.

Ms. McMillan's concern was the overall height.

Ms. Tanner liked that they were removing a ton of pavement and thought that was more beneficial.

Vice Chairman Miller asked how the rooftops drain.

Ms. Welton referred to the plans and explained the direction of flow.

Vice Chairman Miller asked if the shed was guttered.

Ms. Welton answered no.

Vice Chairman Miller said he would like to see the direction of the flow runoff into the grassed buffer zone.

Ms. Maher noted that she appreciated Mr. Green's and Ms. Powers' concerns, although, she thought it was a substantial benefit to the marsh by the removal of the pavement. She felt that they had an obligation to do two things, adhere to the law and help the environment in any way.

Ms. Maher also noted that the existing driveway was one car wide and hoped that it would not be expanded to a two car width.

Mr. Wazlaw stated that 70% of the property is within the fifty-foot setback and he stated that this was a known fact when they people purchased the property.

Mr. Walters made a motion for a favorable recommendation of the project and Vice Chairman Miller seconded.

Chairman Cormier called for the vote on the motion for a favorable recommendation of the project and the motion failed via a vote of 4-3 with Ms. Powers, Mr. Green, Mr. Wazlaw and Mr. Walters voting in the negative.

II. **CONDITIONAL USE PERMIT**

a) **Anne Avenue (Beechstone Apartments) Forum Development, LLC**

Anders Albertson of Forum Development, LLC spoke on behalf of the petition. He stated that they presently have a salt shed building that is in quite disarray. There is existing pavement and they propose to demolish the shed and erect a new pole barn.

Ms. Tanner asked why they want to put the new building over the existing basketball court and not where the demolition is.

Mr. Albertson said it made for a better means of access and esthetically more pleasing.

Ms. Tanner asked if the old pavement would be removed.

Mr. Albertson said yes, they would be decreasing the amount of permeable area.

Mr. Wazlaw asked if they were moving the dumpster and removing the garage, so there wouldn't be three structures.

Mr. Albertson said that was correct.

Mr. Wazlaw asked if they would be removing the paving under the existing building.

Mr. Albertson said that was correct.

Ms. McMillan asked about where the salt and sand would be stored.

Mr. Albertson said it would be under a building.

Mr. Greene asked about a highline's area off to the side of the basketball court area outside of the buffer zone and why they wouldn't be using that area.

Mr. Albertson said the area they chose is already paved and wouldn't be building a new foundation and there is a baseball field where Mr. Greene was suggesting.

Mr. Greene said they would be building within the buffer area and that was a problem for the environment.

Mr. Albertson said that their existing buildings were really close to the buffer area now.

Ms. Maher agreed with Mr. Greene.

Mr. Britz said that the entire project may not be in the buffer area and thought if there was a concern, to have him get a wetland delineation and get better plans before the Commission starts recommending alternative locations that may be in the buffer area.

Ms. Maher withdrew her comment and stated she didn't understand why they would recommend the places chosen since they would be putting it on top of a permeable surface.

Mr. Greene wanted to see a map showing the impermeable surfaces and the wetland boundary delineation.

Mr. Albertson said the area suggested by Mr. Greene would be in the buffer area as well and noted his other alternative was to rebuild the existing buildings where they were currently. He thought that the new solution was better and a positive development as to wetlands, pollution, etc.

Chairman Cormier reminded the Board that they were dealing with Article 6 and that there were four (4) criteria that the applicant needs to adhere to and to keep that in mind before than making the decision.

Ms. Tanner agreed with Mr. Albertson's comments.

Chairman Cormier read aloud the four (4) criteria and told the Commission that they need to consider them and not to disregard.

Mr. Wazlaw thought the changes were an improvement and a gain.

Mr. Tanner made a motion for a favorable recommendation of the project and Vice Chairman Miller seconded.

Chairman Cormier called for the vote on the motion for a favorable recommendation of the project and the motion passed via a unanimous vote.

III. APPROVAL OF MINUTES – August 10, 2005

Ms. Tanner moved to approve the August 10, 2005 minutes and Mr. Walters seconded.

Chairman Cormier asked the Board for all those in favor and the motion passed via a unanimous vote.

IV. OTHER BUSINESS

Mr. Britz noted an expedited permit for the seawall project at Prescott Park, which was signed off on by Chairman Cormier and stated that he had it if the Commission would like to review it.

Mr. Britz pointed out to the Commission that the NH Estuary Project has an on-going Community Technical Assistance Grant Rally. He noted that they formed a sub-committee to get together and decide what they wanted to submit. NH Estuary Project contacted him to inform him that they would assist the Commission with technical assistance to point out the City's prime wetlands. He asked the sub-committee if they wanted to go to a pre-meeting on the 22nd or the 23rd of September in the morning held at the Planning Department to brainstorm with a wetland consultant about what the Commission was looking for in classifying the City's prime wetlands and specific criteria to be adhered to when an application comes in.

Ms. Tanner asked Mr. Britz about the clearing that has been taking place in the buffer area at the Toyota Dealership along Greenleaf Avenue and the Route 1 by-pass.

Mr. Britz answered that the owner of the dealership said that he wouldn't expand his parking area without the proper approval of site review, however, he had Gove Environmental come to the site to look at the wetland areas. Gove Environmental informed the owner that they couldn't see the wetland area very well so the owner mowed it all down so that Gove could delineate the wetlands and subsequently, the mowing created ruts in the wetland areas. Mr. Britz further stated that the City is aware of it and would be keeping a close eye on the property.

Ms. Powers asked Vice Chairman Miller to discuss the Moose Plate Grant.

Vice Chairman Miller explained that he and Peter were trying to do site selection by looking at all city properties to eventually choose one or two sites that could be restored (up to an acre of buffer). They would then create a demonstration site to show people what buffers could be esthetically functionally.

Ms. Powers asked Vice Chairman Miller how much money they received for the Grant.

Vice Chairman Miller stated it was around \$16,000.00 or \$17,000.00 and further explained how that money would be allocated.

Ms. Powers thought it was a wonderful idea and that it would be beneficial to the community.

Mr. Green noted the Packard Development project on Rte. 33 and asked where they were with the project as well as whether or not the Commission had any say on it.

Mr. Britz explained the project's state and that the project was in Greenland but the City has had say due to the regional impact of the project.

The Commission was very upset with the Town of Greenland and their boards for letting such a project get as far as it has due to the total amount of impact to the wetland areas as well as the traffic impact to both the Town of Greenland and the City of Portsmouth.

V. ADJOURNMENT

There being no further business to come before the Commission members, at 5:00 PM a motion was made and seconded to adjourn to the next scheduled meeting and the motion passed via a unanimous vote.

Respectfully Submitted,

Christina V. Staples
Conservation Commission Secretary

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These minutes were approved at the Conservation Commission Meeting on November 9, 2005.