

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

**Conference Room "A"**

**3:30 p.m.**

**October 11, 2006**

**MEMBERS PRESENT:** Chairman Steve Miller; Members, Allison Tanner, Barbara McMillan, Skye Maher, Brian Wazlaw and alternates Jim Horrigan and Mary Ann Blanchard.

**MEMBERS EXCUSED:** Eva Powers

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

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Mr. Miller announced that Mr. Cormier resigned from the Board earlier in the week, citing personal reasons. He praised Mr. Cormier for his many years of service. Mr. Miller stated that he would serve as acting Chair until elections are held in January 2007. He pointed out that the two alternates would be voting at this meeting.

**I. APPROVAL OF MINUTES**  
September 13, 2006

Ms. McMillan made a motion to approve the minutes as amended. The motion was seconded by Ms. Maher. The motion passed with a unanimous vote.

**II. STATE WETLANDS PERMIT APPLICATIONS**

- A. Standard Dredge and Fill Application  
330 Borthwick Avenue  
Assessor Map 240, Lot 2-2  
Jackson Gray Condominium Association

Mr. Steve Towne, civil engineer for Oak Point Associates spoke to the application. He stated that he is representing the Jackson Gray Condominium Association. They are proposing to add 50 parking spaces adjacent to the existing building and an extension of their existing parking lot. He said that there is a small wetland that goes into the expansion area. Early in the project, he and Mr. Britz looked at it and said they could hardly call it a wetland. It is a wooded wetland that is 600 sq. feet in size. Mr. Towne said that there was no other way to expand on the site. The site is bordered by a large wetland. He said that some of the features that they are proposing to help with the environmental concerns are to install sediment traps in the catch basins. The Technical Advisory Committee recommended this. Currently the site drainage is going across the existing lot and discharging out into the front of the property and into the large wetland across from the hospital. By putting traps in the basins, they will be able to insure that they will be taking care of suspended solids and storm water runoff that could possibly go into those wetlands. They are also going to be installing the proposed basin and the two existing basins that currently do not

have traps. Mr. Towne said that Mr. Cravens from the Department of Public Works, suggested that they install two monitoring wells to monitor water quality because the project is within the Sherburne Well Aquifer Zone. They will work with him in locating them and implementing them as part of the project. TAC also recommended that they construct a landscape area on the slope away from the wetland and away from the parking lot and plant it with native conservation seed mix and native shrubs. They will also be putting low native shrubs in the island areas.

Mr. Horrigan asked about a manhole cover that he saw in the photographs. Mr. Towne said that it is a city sewer line which goes through the middle of the site. He felt that probably the wetland was created when they installed the pipeline since the wetland is right over the existing pipeline. Mr. Horrigan asked what was going to happen to it. Mr. Towne replied that the City is currently doing an assessment on that particular length of line and depending on the outcome of that assessment; the City may have to make improvements to that line. He said that they are prepared to work with the City on this. Mr. Horrigan said that it looked like some of their proposed parking spaces are sitting on top of the manhole cover. Mr. Towne replied that some are already with the existing parking lot and two or three new spaces will be on it as well.

Mr. Horrigan asked if they would consider a pervious surface. Mr. Towne said they had not considered putting in a gravel lot because many of the people coming into the area have physical disabilities and they didn't want it to be hazardous to walk on.

Mr. Miller said that it was his understanding that the storm drains connect to the existing system and feed to the front of the property. Mr. Towne said that was correct. He said that the water comes into the system from the wetland and goes down into the drain system and catch basin, goes through a deep wooded landscape area, into the culvert and out into the larger wetland.

Mr. Towne stated that they would be adding about three tenths of an acre of new asphalt. The increase in the ten year storm will be about two cubic feet per second.

Ms. Maher asked about the water flow and the monitoring well. Mr. Towne said that they would be working with Mr. Cravens on where the monitoring wells will be located.

Mr. Wazlaw asked if they had given any thought to alternatives to parking, such as two-tiered parking. Mr. Towne said that last spring they completed a lot line adjustment and a land swap. HD Realty negotiated with Islington Woods in order to acquire additional land for the parking expansion. He stated that they want to try to alleviate the parking out on Borthwick Avenue which is currently an unsafe condition.

Ms. McMillan asked if there would be changes to the winter maintenance program. Mr. Towne said that Evergreen Management currently maintains the lot and pushes the snow into areas where there is ample sunlight to help melt the snow, thus cutting down on the amount of rock salt that is used. He felt that they would keep that same strategy.

Ms. Blanchard asked for clarification that grease traps would be put in the new catch basin as well as the existing catch basins. Mr. Towne replied, yes, that is their proposal.

Mr. Miller asked if there were any more questions. Hearing none, he asked for a motion.

Ms. Tanner made a motion to recommend approval to the Wetlands Bureau. The motion was seconded by Ms. Maher. Mr. Horrigan said that he would like to include in the motion that the applicant consider a pervious surface. Ms. Blanchard stated that she would like to add that the

TAC recommendations be supported. Mr. Miller stated that he would like to add that they try to minimize the cutting of trees.

Mr. Miller told Mr. Towne that he should check out the Storm Water Center at UNH. They have pervious asphalt which is smooth and safe for handicapped people. Mr. Towne replied that he was not sure that that surface would benefit the site since it is full of ledge.

Mr. Miller called for the vote. The motion passed as amended with a 4-3 vote. Ms. Blanchard, Ms. Maher, Ms. McMillan, and Mr. Horrigan voted in favor. Ms. Tanner, Mr. Miller, and Mr. Wazlaw voted in opposition.

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B. Standard Dredge and Fill Application  
Pleasant Point Drive  
Assessor Map 207, Lot 14  
Kimberly Waldron Levy, owner

No one was present to speak to the application; however, abutters were present to speak. Mr. Horrigan said that they could vote to table it but he felt they should hear what the abutters had to say. Mr. Britz suggested that there were two ways they could handle the situation. They could go ahead and review the application and make a decision without the applicant's input. They could also request that the review be delayed but there is a 40 day statutory delay rule and that would make the deadline date October 30. The next Conservation Commission meeting would not be until November 8. Mr. Britz said that a letter could be written to the State explaining that the application has been tabled and won't be heard for 8 more days.

Mr. Horrigan asked that if they tabled it and heard next month, are they still in the 40 day time period. Mr. Britz said that he believed that the State would withhold their decision until they got permission from the Board. The Board would need to ask them to withhold that decision. Mr. Miller stated that it is his understanding that they could ask for a 30 day extension. They would then hear the applicant at the November 8, 2006 meeting.

Mr. Wazlaw stated that he thought they should move forward and hear the comments from the abutters and then table the application. Ms. Maher suggested that they could also recess to a future time and hear it at a later date.

Mr. Miller suggested that they hear the abutters' comments and then make a determination about asking for an extension.

Mr. Horrigan made a motion to hear from the abutters for Pleasant Point Drive. The motion was seconded by Ms. Tanner. The motion passed by a unanimous vote.

Ms. Patricia Kish of 70 Pleasant Point Drive spoke in opposition to the application. She stated that she received no notification of the meeting. Mr. Glenn Normandeau did not mention it to her.

Ms. Tanner asked if Ms. Kish was a direct abutter. Ms. Kish replied yes. Ms. Tanner said that in Mr. Normandeau's submission letter, he stated that "we believe that this project will have no negative impact upon abutters and no objections have been raised at the time of this writing." Ms. Kish said she was not aware of the project until she received the notice. When she went to

review it at City Hall ten days later, she saw that statement in the materials and she said that it is inaccurate.

Mr. Miller asked if she was talking about a notice on September 12. Ms. Kish replied that a copy of the one and only letter that she received was attached to the back of her letter to Chairman Cormier and Mr. Britz.

Ms. Kish said she would be happy to return with signatures of others in the area that would not like to have the habitat disturbed and displaced. She has lived on Pleasant Point Drive for two years.

Ms. Blanchard asked if there is a house on the property. Ms. Kish replied no. Ms. Kish thought that maybe since the owner does not live there, she is unaware of what she is doing and where she is putting the dock.

Mr. Horrigan asked if Ms. Kish's house is the one that sits at the end of the cul-de-sac and overlooks the site. Ms. Kish replied yes.

Mr. Horrigan said that it appeared to him that this site had been used as a public boat launch. Ms. Kish replied that she was not aware of that and has not seen anyone there using the site. She said that there are fisherman who walk out and fish in the channel.

Ms. Kish stated that the proximity of the proposed dock from her front porch is distressing as well as the sounds from the boats. She added that on a larger scale for her is the issue of the wildlife.

Mr. Charles Vaughn of 50 Pleasant Point Drive read a letter that he wrote and submitted to the Board stating his concerns about the proposed dock.

Ms. McMillan asked for clarification about the dock. Ms. Kish said that when she spoke with Mr. Normandeau, he said that they had considered another site on the lot but the dock at that site would have to be much longer and he felt the neighbors would be opposed.

Ms. Tanner made a motion to table the application to the November 8, 2006 meeting with the request for an extension. The motion was seconded by Ms. McMillan. The motion passed with a unanimous vote.

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- C. Standard Dredge and Fill Application
  - 43 Pray Street
  - Assessor Map 102, Lot 39
  - Alan and Anne Weston, owners

Since the applicant was not present to speak to the project, Mr. Miller asked what the Commission would like to do with the application.

Ms. Maher stated that she went to see the property. She also said that the neighbors had included a statement in the material submitted that they had been notified and they have no objection. As a result, she felt there was no need to table this application.

Ms. Maher said that this is a replacement dock but it is longer. She added that it will be supported and won't sit in the mud.

Mr. Britz asked if it was going to be longer than the adjacent docks. Ms. Maher said that the homeowners said that it would be in line with the Saunders dock and the second dock down on lot 32.

Mr. Horrigan asked if the area was a marine business area. Mr. Britz said that the waterfront business zone extends that whole waterfront.

Ms. McMillan made a motion to recommend the application. The motion was seconded by Ms. Tanner. The motion passed by a unanimous vote.

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D. Standard Dredge and Fill Application  
99 Bow Street  
Assessor Map 106, Lot 54  
RRJ Properties, Limited Partnership

Attorney Malcom McNeill, representing the applicant, spoke to the application. He stated that the Commission has already recommended exactly what they are asking for but he said he would like to explain the circumstances for them. On September 27, 2006, Mr. McNeill provided the Board with a letter with regard to processing the application. He said that the project has been a difficult approval process with the City. The Historic District Commission had approved the project in January 2006. He pointed out that the Martingale structure will be in the center and new buildings will be added to both sides and will house retail, restaurant, and office space. The parcel encompasses 0.22 acres. In April of this year, the Planning Board approved the Site Review application. There were TAC recommendations, and one was that they receive all DES permits. In November 2005, a request for a Dredge and Fill permit was filed which was approved in December 2005. He said that they are seeking the same permit. He continued that since the property is impacted by the Shoreland Protection Zone, there is also a request in the packet that will go to the DES with regard to a waiver request relative to the Shoreland Protection Zone. Attorney McNeill said that additional items added to the application since the last time are an updated abutters certification and a letter from Cindy Hayden indicating the approval status from the City and also that this project will work nicely with the Riverwalk proposal.

Mr. Eric Weinrieb, civil engineer with Altus Engineering spoke next. He said that all of the work that they are proposing is within the tidal buffer. The benefits of the building in the area are that there will no longer be a parking area without storm water treatment. Mr. Weinrieb said that the roof drains would be discharging directly into the river. It will be into an area in the tidal zone. He said that there is no habitat in that area. He added that they went through the Planning Board process and there was very little site improvements involved with the project. They will be providing a loading zone which will benefit not only the applicant but others too as there are no loading zones in the area. It will also improve pedestrian traffic at the intersections of Market, Bow, and Penhallow Streets. Mr. Weinrieb added that it is a previously disturbed area; it is not a natural vegetative area. There is some evidence of erosion on it but it is a stable site.

Attorney McNeill explained why they were coming back to seek the same permit. He stated that the time period for finalizing matters with the DES had expired before they had been able to

complete all of their reviews. He said that rather than have a denial of the permit, they withdrew the permit. So it is a reapplication seeking the same thing except for the additional waiver that was mentioned earlier.

Mr. Weinrieb stated that the requirement with the Shoreland Protection Zone is that they maintain the 50 foot setback. Attorney McNeill pointed out that there is a relief provision under 483 – B:11 Nonconforming Structures II.

Ms. Blanchard asked about exceeding the 50 foot setback. Mr. Weinrieb replied that all of the buildings starting with the Harbour Office building up to the salt piles are all within that buffer. It predates that regulation.

Mr. Horrigan asked if they were building on what was the original footprint, out to the concrete wall. Mr. Weinrieb replied yes. Mr. Horrigan asked if there would be any additional disturbance of the area. Mr. Weinrieb said no, they would be working all in upland dry areas.

Mr. Horrigan pointed out that they did not have letters from abutters in their packets. Mr. Weinrieb said that there was one in the packet. Attorney McNeill stated that they have had about 10 hearings within various boards within the City and abutters have appeared. They have always been notified.

Ms. Maher asked who does the abutter notification. Mr. Weinrieb replied that his company does. Ms. Maher asked how they determine who the abutters are. Mr. Weinrieb said that abutters, according to the Wetlands Bureau, are abutters that directly abut, but does not include abutters across the street. He said that when they went before other City boards, other abutters are included.

Ms. Maher stated that one thing she remembered from the last time they were before the board was the concern for the loss of the view. She added that one thing they asked them to be specific about was that they would have continued access to the waterfront. Looking at the site plan, they would have to cross down under Harpoon Willy's access gate. She said that she didn't see any easement to get to the walkway.

Mr. Butch Ricci replied to Ms. Maher's question. He stated that they are giving the City permission to cross the entire front of the property. The view from the parking lot will be lost but there will be a view from the waterfront. He said that their proposal to the City is for the public to use the steps of Harpoon Willy's to get down to the water and go either right or left to the Riverwalk. Ms. Maher said that this is a fairly significant item and the City is giving up a lot. She wondered if the board should make a stipulation in the approval. Mr. Ricci pointed out that they don't own the stairway so he didn't feel there could be a stipulation. Ms. Maher asked if they had this stipulation with them the last time they were before the board. Mr. Ricci replied no, he didn't think so. He added that the Ricci family has committed to the Riverwalk.

Attorney McNeill stated that at every public hearing, every municipal board has addressed that issue and they have gotten approvals.

Ms. McMillan said that she is finding the proposal even more unacceptable this time around. She felt they are not making an attempt to preserve what little vegetation there is. Mr. Weinrieb replied that if you have vegetation between a dock and a building, it is going to be full of trash or trampled and dead, leading to a corrosive condition. He said it is not an area where you want to save green space because it is compromising the area. Ms. McMillan pointed out that they are

100% in the 50 foot buffer. She felt they should try to preserve the little bit that is there. Mr. Weinrieb said that they are following the historic structure line of the other building. He said that he did not see how that small vegetative area would provide any environmental benefit. Ms. McMillan thought it would provide some benefit in regards to infiltration and add some space that is not pavement.

Mr. Miller asked if there were any more questions for the applicant. Hearing none, he asked for a motion. Ms. Maher made a motion to approve the application as presented. The motion was seconded by Mr. Wazlaw. The motion passed with a 6-1 vote with Ms. McMillan voting in opposition.

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E. Standard Dredge and Fill Application  
 100 Campus Drive  
 Assessor Map 266, Lot 4  
 Foundation for Seacoast Health

Mr. Phil McDonald, a civil engineer, Mr. Bob Iafolla, Joe Noel, and Attorney Peter Loughlin spoke to the application. Mr. McDonald began by giving an overview of the project. He stated that the site for Foundation for Seacoast Health was approved and built in 1996. It is a non-profit organization and the facilities and programs have expanded. The primary reasons for the project are to provide more parking and to provide an athletic field. Currently, there is a gravel access road that extends to the quarry. The site overall is 96 acres. Mr. McDonald said that they are trying to accomplish two things with the application. They are trying to mitigate some of the run off that is coming from the large gravel parking lot and provide some treatment for that. The other thing they are trying to do is to determine the best use for the limited areas adjacent to the large wetland parcels. He stated that what is proposed is a multi-purpose athletic field.

Ms. Tanner asked why they wanted this field when they have a large field on the other side of the property. Mr. McDonald replied that the other field is not easily accessible and it creates a problem transporting kids to the field. The proposed site is within close proximity to the campus and would be a more functional athletic field.

Mr. McDonald pointed out from his map that the property is located at the end of Campus Drive. He said that a large portion of the property is wet. There is a large wetland off of Banfield Road. A large amount of water comes down through the site off of the gravel area. This may or may not have contributed to the current situations. He said that they have been studying it for a couple years now. The Foundation for Seacoast Health has been working with its neighbor, Water Country, to mitigate the water situation and as a result, they obtained an easement to try to intercept some of the water and direct it toward treatment swales. Mr. McDonald said that they have met with planners to gather suggestions so that they can put the best light on the project. One suggestion was the use of pervious asphalt. They attended a work shop at UNH. With an engineered sub drainage system, they could provide treatment through the asphalt and discharge it into the grass swales. He said that they would try to do everything they could to protect the red maple wetlands. Mr. McDonald also mentioned that parking is a problem now on the site. The overflow parking is currently on an access road and they would like to eliminate that. He stated that they would like to balance the needs of the Foundation with this application.

Mr. Bob Iafolla, a consultant to the Foundation, spoke next. He felt it was important to mention that in 1996, when they first did this project, the Foundation was sensitive to conservation issues.

He said that the campus is built as a cup and there is no drainage out of it except with it going through treatment swales. He added that that was done consciously to try to eliminate and minimize any salt runoff into any wetland areas. Mr. Iafolla pointed out that the Foundation is a non-profit organization that houses about a dozen non-profit agencies. The use of the facility has increased tremendously and the facilities are just not big enough now. The current athletic field is a half mile trek into the woods and is not easily accessible to the building. Mr. Iafolla said that they have worked to design a project that minimizes the impact and there is not much more that they can do. He felt this was a benefit to the community.

Attorney Peter Loughlin spoke and pointed out that two of the most special properties were on the agenda, the Creek Farm and the Community Campus. Both properties provide services to many people. He said that on a spring afternoon, you can see kids playing Frisbee in the parking lots. He felt it was human nature to not have to walk far, so this new athletic field will give them a space within close proximity to the building. They are concerned with the health, safety and well being of the general public. They are balancing the public benefit of preserving wetlands and promoting and facilitating the use of the Community Campus.

Mr. Horrigan said that he visited the site in August and said he was swarmed with mosquitoes and deer flies. He said that he went back two days ago and was still being pursued by mosquitoes in October. He wondered if this was a good site for children walking through swamp land. He also said that he envisioned spraying in order to keep the site viable. He asked the applicant if this entered into their planning.

Mr. McDonald pointed out sites close to the area where it was wide open. He said that he did not notice any abnormal amounts of insects when he was on the site.

Attorney Loughlin pointed out that the property is located next to Water Country and so he did not know if that factored in.

Mr. Iafolla stated that they hoped to clean up the boundaries with Water Country. He became aware that the mosquito populations were low this spring due to the fact that their breeding grounds were washed away by the heavy rains.

Mr. Miller suggested that they really look to the drainage ditches to prevent the breeding habitats to keep children safe from diseases. He encouraged them to look to alternative approaches of control because it is a concern for the City.

Ms. Maher had a question for Mr. Britz. She said that the narrative suggested that the increase of parking area at Water Country has increased the amount of water on this site. She asked if they could do anything to address Water Country's involvement in the current water issues. Mr. Britz replied that they could look at the site review to see what they were approved to do. There is a section in the ordinance that talks about not creating a nuisance with drainage for your neighbor so there are a couple areas to investigate. Ms. Maher said she would like to follow up on that and see if they could reduce the problem.

Ms. Maher asked about the applicant's suggestion to use low phosphate and slow release nitrogen fertilizer. She stated that the Board has been talking about putting some regulations in place concerning lawns adjacent to wetlands. She said that she would really like to see the site have a freedom lawn. She added that they haven't set their regulations yet.



Mr. Horrigan said that the site that currently exists is a magnificent site. From a conservation standpoint, he said that he was impressed by the walking trails and exercise stations. He asked if the trails would remain. Mr. McDonald replied that they were going to retain the trail system and it will feed right into the parking lot. They will be losing one connection trail. He mentioned that some of the stations could be relocated to other areas of the trails.

Ms. Maher asked how people would get from the parking lot to the playing field. Mr. McDonald showed Ms. Maher on his drawings three points of entry to the playing field.

Mr. Iafolla pointed out to the Board that there is an extensive system of trails that wind their way around the wetland area.

Ms. Maher said that she shared Mr. Horrigan's concern about the beauty of the site. She asked why they are asking for more parking when they had the access road. She said she understood that they are trying to provide more controlled parking. Mr. Iafolla replied that one of the programs offered through the Foundation is for individuals with brain and spinal injuries. The requirement for handicapped spaces is much larger than what was expected. He said they had to take into consideration the handicapped spaces and the fact that four months a year, a portion of the lot is used for recreational purposes, they felt it was a good tradeoff. They need the spaces. He added that they will be using pervious pavement.

Mr. Miller asked if they looked into pervious pavement for the basketball and tennis court. He felt that they drain quicker and dry faster. Mr. McDonald said that the surface is not as smooth as finished pavement.

Mr. Iafolla said they would be back for a Conditional Use Permit and will have to go through the site review process. He said they will look at the issues of the freedom lawn and the use of pervious pavement on the playing area. If there is anything that can be done, he said they would do it.

Ms. Tanner asked where they would be putting the snow from the parking lots. Mr. McDonald said along the edge of the parking lot and in the swales. He said that they have not designated it on the plan.

Ms. Maher asked what determined the size of the configuration in the no cut area. Mr. McDonald replied that they initially had a 3 ½ acre designated along the road. He said if there were already restrictions on development in these areas, what benefit was it to have a self imposed easement when there are already restrictions in place. He felt it would mean something more to have a no cut area that did not have a restriction. The feeling was something more meaningful would be better received.

Ms. Maher asked about a couple vernal pools that she saw on the site. Mr. Joe Noel replied that he looked at the site this spring during the time period when amphibians would be there and there were none.

Mr. Miller asked if someone would like to make a motion. Ms. Tanner made a motion to recommend approval of the application. The motion was seconded by Ms. McMillan. Mr. Miller asked if there was discussion.

Mr. Horrigan stated that he had a strong feeling, after looking at the proposal, that it is a bad idea. He said that he wished the applicant would have brought some alternatives with them. From a

conservation standpoint, he said that he cannot vote for a proposal to destroy this site. Mr. Horrigan said that he was aware of the fine reputation of Campus Community and Underwood Engineers. He stated that he didn't want to vote against it but he could not support it either. He asked acting Chair Mr. Miller what one is to do when he is torn between the issues. Mr. Miller said that it is a dilemma that they face almost every single time. He stated that they have to look at what their jurisdiction is and work to make it the best proposal that they can.

Mr. Miller said that there will be other opportunities to have a larger impact City wide in terms of some of the initiatives that are going on with sustainability and perhaps there is an avenue there to make a larger impact.

Ms. McMillan asked if the applicant had to come back for a Conditional Use permit. He said that at some point they will have to come back for that. When they come back, he felt they may be able to report back on some of the concerns stated.

Mr. Miller called for the vote. The motion passed with a 6-1 vote with Mr. Horrigan voting in opposition.

**III. CONDITIONAL USE PERMITS**

- A. 155 Borthwick Avenue  
Assessor Map 259 Lot 14 - 1  
Millenium Borthwick, LLC, owner

Ms. Tanner made a motion to table the application to the November 8, 2006 meeting. The motion was seconded by Ms. Maher.

Mr. Wazlaw pointed out that this is the second time that the application has come before them and they have been asked to table it. He asked how many times they can continue to do this. Mr. Britz said they would usually table it to a time indefinite. It is not set in stone so the Board could set its own rule regarding it.

Ms. Tanner asked that when you table, does it table it indefinitely. Mr. Britz replied yes, it takes it off of the agenda. Mr. Wazlaw agreed but he added that it keeps the application active. He made a suggestion that if they table the application to the November meeting and the applicant does not show up, then their application is withdrawn at that meeting.

Mr. Horrigan stated that at the last meeting with the applicant, he asked about the brand new paving that was inside the buffer zone. He heard that they got permission for it. He wanted to know who gave them permission. Mr. Britz said that the applicant submitted a statement to the State notifying them of that. Mr. Britz pointed out that it was just resurfacing of the existing parking lot.

Mr. Miller called for the vote. The motion passed by a unanimous vote.

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- B. 400 Little Harbor Road, Creek Farm  
Assessor Map 203, Lot 8  
Society for the Protection of Forests, owner

Mr. Eric Weinrieb of Altus Engineering spoke to the application. He stated that Creek Farm is located on 29.7 acres of land and is now owned by The Society for the Protection of New Hampshire Forests. The property is open to the public so they would like to provide a parking lot for better public access. He said that after they get the permit approval, they are planning to have a grand opening with public notification.

Mr. Weinrieb said that he believed that they are also working with the Planning Department on building trails on the site. Mr. Peter Britz confirmed that and said that he had talked with a staff member of The Society for the Protection of New Hampshire Forests who said that they are talking with property owners on Little Harbor Road about the possibility of making a network of trails on a larger scale. Mr. Britz also added that they are looking to provide public access down to the water from the proposed parking lot. Mr. Wienrieb added that they are looking at it for a kayak launch area but also for a recreational stopping off point where kayakers could paddle up to and stop to recreate.

Mr. Weinrieb showed the Commission a map of the Creek Farm area. The green area on the map indicated the conservation area. The red area indicated a gravel area. He said that there are two parcels within the parcel and that gives them some flexibility with what they propose to do. Mr. Weinrieb stated that they would like to provide public access to the Creek Farm property and Sagamore Creek area by building a parking a lot. It would provide about 20 spaces with very little impact to what's around it and keep it within area B that is near the Carriage House. They have designed a site that minimizes the cutting of trees, vegetation, and changes in grade. He said that the red area on the map is what they propose as gravel surface. It was their opinion that a gravel surface was the best option with the amount of traffic that is expected. The plan is to sheet flow out into the woods and into the lawn areas. From the parking lot, it would sheet flow onto the existing lawn and the dense vegetation along the buffer. He said that by using natural filters, it would provide the least amount of impact possible. Mr. Weinrieb also stated that there were some ledge outcrops that they will work around. They will create a couple swales to get in and around the ledge and then back into the grassy areas. He pointed out that there is a five percent slope coming down. There is a twelve foot wide roadway coming into the site. The City would like them to provide an access road 24 feet down to the 12 foot access road. He stated that the Department of Public Works required at a Technical Advisory Committee meeting a stipulation that they extend the pavement. That would result in a greater increase in runoff. He said that they have provided additional rip rap along with a swale in that area. Mr. Weinrieb pointed out that the Society is a low impact organization so they will not be sanding, salting the driveways or fertilizing the lawn.

Ms. Allison Tanner asked why the DPW was so concerned. Mr. Weinrieb replied it was because of public safety. He said that he walked the site with Mr. Britz, Mr. Steve Parkinson, Ms. Deb Finnigan, and Mr. Steve Griswold. He said that there was concern over access. On the access drive it is twelve feet wide with a low canopy. For life safety issues, the DPW want to make sure that there was a 14 foot minimum clearance so that emergency vehicles could get in.

Mr. Weinrieb continued to say that along the 12 foot wide road, they are proposing to cut the scrub vegetation and keep it low. They will not be cutting any specimen trees. He said that they would be also providing pull outs and have identified three areas along the road where it will allow two vehicles to pass one another.

Mr. Joe Noel was present to answer any wetlands questions of the Commissioners. Mr. Weinrieb said that they are not impacting any wetlands.

Ms. Blanchard asked if they would be using a porous pavement. Mr. Weinrieb replied that he preferred not to because it would require maintenance. He added that it would be up against a gravel drive so after the first winter with water, grit, and dirt going across it, it would not be porous anymore. He said that they are providing binder course pavement.

Mr. Britz asked about the reason for the additional pavement. Mr. Weinrieb said it was because of erosion.

Mr. Horrigan thanked Mr. Weinrieb for his care and sensitivity to the project. Mr. Weinrieb said that this parcel is a unique piece of land and is a jewel to the city.

Ms. Blanchard made a motion to recommend approval of the application. It was seconded by Ms. McMillan. The motion passed with a 6-0 vote. Ms. Skye Maher abstained.

In other business, Mr. Wazlaw asked if the Commission could get a copy of the letters that are sent to the State in regards to State Permits. Mr. Britz said that would be possible to do via email.

Ms. Blanchard had a question about notification to abutters. Ms. Maher pointed out that the contractor sends the notification but they are under no obligation to let the abutter know that there is a Conservation Commission meeting that will review the application. Mr. Britz stated that the Conservation Commission meeting is not a public hearing. This is a State process. This is a recommendation to the State. Ms. Maher felt that people would be more inclined to get involved with a local board than with a state board.

Ms. Blanchard stated that it would have to be a local ordinance, saying that in Portsmouth, we want to do it this way. Ms. Tanner said that she was concerned that individuals showing up to the meetings feel the Commission has some sort of power. Mr. Britz said he was concerned with that as well.

Ms. Maher pointed out that they never see anything negative about an application. It all goes to the State. The Commission would not know. Ms. Tanner said that the Conservation Commission meeting is listed in the paper. Mr. Britz stated that the City does the minimum necessary to advertising since it is not a public hearing. Mr. Britz said they could try to find a way to change that. He added that this is the time since the zoning ordinance is being updated. Someone would need to put their suggestions in writing and get them to the Planning Board Chairman.

Ms. Tanner stated that she is concerned with things that are happening in the City but she feels powerless to do anything. She asked how you make a stand. Mr. Britz said that you can with the zoning ordinance. State law would have to allow you to do it though.

Ms. Maher said that she would like to put this conversation on for the November meeting. Ms. Tanner suggested that then they could meet with the Planning Board to move the issue further along.

Ms. Tanner shared a map with the Commission concerning the buffer assessment.

Mr. Miller pointed out that he would not be available to sign letters going to DES as he would be out of town. Mr. Wazlaw was designated to sign for Mr. Miller.

Mr. Britz updated the Commission on two applications that will probably be forthcoming soon, 41 Salter Street and the Jones Avenue site for the proposed middle school.

**IV. ADJOURNMENT**

At 6:20 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good, Conservation Commission Secretary

These minutes were approved at the Conservation Commission meeting on November 8, 2006.