

**WORK SESSION
CONSERVATION COMMISSION**

**1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
PLANNING DEPARTMENT CONFERENCE ROOM**

3:30 P.M.

July 30, 2007

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman James Horrigan; Members, Allison Tanner, Barbara McMillan, Brian Wazlaw, and Eva Powers

MEMBERS ABSENT: Skye Maher; Mary Ann Blanchard, Alternate, and Richard Adams, Alternate

ALSO PRESENT: Peter Britz, Environmental Planner
Rick Taintor, City Zoning Ordinance Planning Consultant

I. Discussion of potential changes to Article VI of the city's Zoning Ordinance

Mr. Rick Taintor, the City's Zoning Ordinance Planning Consultant was present to discuss possible changes to Article VI.

Mr. Taintor gave the Commission draft copies of the Table of Contents for the entire ordinance and Article VIII which was the new version of Article VI. He explained to the Commission where he was in the process. He added that he wanted to hear from the Commission about specific areas that were of concern to them.

He explained that initial reviews were held in September 2006 to identify particular issues with the ordinance. He said that it was somewhat difficult to follow. The focus has been to get it into shape. He said that the draft Table of Contents and Article VIII represents where they are right now in the process. Mr. Taintor explained in detail the reasoning for moving sections around in the Table of Contents was to make it more user friendly.

He highlighted some of the changes – Article V will deal with special use regulations. He pointed out that in Article VI, a wetland district was not listed because in most places, a wetlands district was based on the actual characteristics of the site rather than on a generic City wide mapping. If it wasn't, the ordinance would have to be amended constantly.

Mr. Britz explained in detail how the wetland boundaries are mapped and the use of wetland scientists to determine boundaries. He said that it is a task that is subject to interpretation.

Vice Chairman Horrigan stated that there are three types of wetlands that they would like to have included in the Ordinance - natural wetlands, vernal pools, and manmade wetlands.

Mr. Taintor said that if you map the wetlands then it is a district but if you do an on site inspection, it is no longer a district.

Mr. Britz pointed out that it needs to be clarified in the ordinance what a vernal pool is and what will be done with manmade drainage structures, manmade wetlands, and natural wetlands.

Mr. Britz said that maybe there should be a section in the ordinance that talks about updating the Citywide wetland inventory.

There was discussion about changing the ordinance to allow the City to have jurisdiction over wetlands that were smaller than ½ acre.

Mr. Taintor pointed out that in Article VIII they have the wetlands protection status, riparian corridors, and then they have added two new sections entitled Earth Product Removal and Earth Product Placement that are orientated to the major environmental protection areas. He added that there were sections in Article X and Article XI that pertain to the Conservation Commission as well.

Ms. Tanner stated that she would like to see protection addressed beyond the wetland areas. Chairman Miller said that there are other environmental interests of the Commission that they would like to see incorporated into the Ordinance. He thought that maybe some of the concerns would be addressed with site review. He added that the State regulates certain things like pesticides and fertilizers with the Shoreland Protection Act.

Ms. Powers stated that they are not only trying to prevent destruction of wetlands but also encouraging the enhancement of them.

Chairman Miller asked Mr. Taintor what the best process was for handling the content of Article VIII. He wondered if there was a timetable. He also asked how the Conservation Commission could be part of the discussion to really work with the content of Article 8. Mr. Taintor replied that up to this point it he has been primarily working with the staff. He stated that they were behind in regards to the timetable. He said there were not a lot of content changes right now; it was primarily to simplify the ordinance and make it easier to read. He explained that once he has a revised draft, then that would be the starting point for the content. Mr. Taintor added that it would be more helpful to him to have the Commission work from his Article VIII.

Chairman Miller asked that if the Conservation Commission suggested particular changes to the Article VIII document, what would be the procedure to implement those changes. Mr. Taintor said he would discuss the possible changes with the Planning Department and Legal Department.

Mr. Britz suggested that once the Commission has all of their edits, additions, and deletions together, maybe Mr. Taintor, after talking with staff, could review it with the Planning Board for their response.

Mr. Taintor suggested that the Commission go through the entire Article VIII, make their changes, then get together with him one more time to discuss it before going to the Planning Board. He also suggested that they might want to review the Site Review regulations as well.

Chairman Miller stated that the Commission has a very real interest in site review, particularly pertaining to storm water treatment and LID.

There was considerable discussion concerning whether the Dredge and Fill and expedited Dredge and Fill applications should be referenced in the Ordinance. Mr. Britz said that they are currently referenced in the Rules and Procedures of the Conservation Commission. Mr. Taintor said that it should not be in the Ordinance because they are State applications.

There was also extensive discussion concerning the amount of impervious surface allowed with projects. Ms. Powers pointed out that in the Audit Report, it was mentioned that there needed to be clarification concerning parking lots near wetlands. Chairman Miller said that they needed more tools to deal with impervious surfaces on a site by site basis. Ms. Powers pointed out that some towns have a maximum and minimum parking allowance.

Chairman Miller pointed out another area of concern for him. If they allow manmade technology in the buffer, it should be jurisdictional.

Mr. Britz said that there were two broad categories - a natural resource category and a low impact development category. He wondered if they should form two different groups to work on them.

Chairman Miller recommended that the Commission begin work on reviewing Article 8 at next week's regularly scheduled meeting.

II. ADJOURNMENT

At 5:20 p.m., the meeting was adjourned.

Respectfully submitted,

Liz Good
Conservation Commission Secretary

These minutes were approved at the September 12, 2007 Conservation Commission meeting.