

**MINUTES OF THE
CONSERVATION COMMISSION MEETING**

CONFERENCE ROOM "A"

3:30 P.M.

MARCH 12, 2008

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman James Horrigan; Members, Allison Tanner, Brian Wazlaw, Barbara McMillan, Skye Maher, Eva Powers; and Alternates Mary Ann Blanchard, Richard Adams

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner

I. STATE WETLANDS BUREAU PERMIT APPLICATIONS

- A. Standard Dredge and Fill Application
U.S. Route One over Piscataqua River (Memorial Bridge) and Scott Avenue Bridge
State of New Hampshire, Department of Transportation, owner
Assessor Map 105, Lot n/a

Mr. Kevin Nyhan, Mr. Bob Landry, and Mr. Matt Urban, from NH Department of Transportation were present to speak to the application.

Mr. Nyhan stated that the intent of the project was to rehabilitate the Memorial Bridge as well as the Portsmouth approach of the Scott Avenue Bridge. He explained that the Scott Avenue Bridge would be replaced as well. Other work that would take place was the rehabilitation of the two flanking spans and the two tower spans. The moving span would be floated out and a new span would be fabricated and floated in. Also, there would be rehabilitation on the Kittery approach span.

Mr. Nyhan stated that there would be minimal environmental impact with the project. He explained that the barge would account for about 40 feet of impact. He went on to say that there would be no work done in the river or on the bed of the river.

Mr. Nyhan explained that they are aware of contamination from an Esso gas station that was located in the area many years ago but he did not anticipate any real involvement with it. Ms. Powers asked how far away from the work site was the contamination area. Mr. Nyhan could not say exactly but informed the Commission that the information would be on file with the NHDES. He added that they would have archeological experts available should they unearth anything of significance.

Mr. Nyhan concluded his presentation and asked if there were any questions.

Ms. Tanner asked about the Pier II property located nearby. She stated that that property would be developed in the near future and wondered how the rehabilitation would affect that project. Mr. Landry replied that the State's work would be done outside the property limits of Pier II. He explained that they would not be doing a lot of construction; however, there could be a noise issue for the Pier II property as well as for Harbour Place, located on the other side of the bridge. Ms. Tanner thought that it would be advantageous to only disturb the area once rather than twice.

Vice Chairman Horrigan commented that the current conditions under the Scott Avenue approach were bad. He asked if the State owned that property under the bridge. Mr. Landry replied that he thought it was City owned. He explained that there is a current agreement that the bridge workers be allowed to park there. Vice Chairman Horrigan thought that it would be nice to have an observation site in that area under the bridge. He said that he had hopes that either the Department of Transportation or the City could clean it up.

Mr. Adams asked how much maintenance would be involved with the out fall system. Mr. Landry said that he thought it would be cleaned approximately once a year. Chairman Miller confirmed that that was the frequency reported in the storm water report and he added that the report did a good job of evaluating the system.

Ms. Maher asked what the current situation was with the River Walk. Mr. Britz replied that there was not a specific plan for the River Walk in that area. Ms. Maher asked if the State had been informed about the River Walk. Mr. Landry replied that they had been told that the City wished to have a River Walk. He added that they had discussion with Deb Finnigan, the City's Traffic Engineer and Suzanne Woodland, the Assistant City Attorney.

Ms. McMillan asked about the mitigation measures they planned to use. Mr. Nyhan replied that they would use something that looked like netting while they did the concrete work. Mr. Landry added that there would be containment for any lead removal. He continued to say that they may run plywood planks on the bridge bottom to catch debris but added that there are many options to consider. He said that the Coast Guard was very strict concerning particles falling through into the water.

Ms. McMillan asked if they would be following Coast Guard procedures. Mr. Landry replied yes and explained that they would have to get a Coast Guard permit to do the work.

Chairman Miller asked when they planned to start. Mr. Landry said that they would start the work in March 2009.

Vice Chairman Horrigan commented that on page 11, figure 5 of the plan, it showed a vast improvement to the area.

Chairman Miller asked if there were any more questions for the applicants. Hearing none, he awaited a motion.

Vice Chairman Horrigan made a motion to recommend approval of the application to NHDES. The motion was seconded by Ms. Tanner. There was no discussion.

The motion to recommend approval of the application to NHDES passed by a unanimous (7-0) vote.

II. OTHER BUSINESS

1. Renewal of membership dues – New Hampshire Association of Conservation Commissions

Chairman Miller explained to the Commission that the annual membership dues for the New Hampshire Association of Conservation Commissions were due. He said that the amount was \$825.00.

Ms. Tanner made a motion to approve the expenditure of \$825.00 for the annual membership dues for the New Hampshire Association of Conservation Commissions. The motion was seconded by Ms. McMillan. There was no discussion.

The motion to approve the expenditure of \$825.00 for the annual membership dues for the New Hampshire Association of Conservation Commissions passed by a unanimous (7-0) vote.

2. Discussion of possible dates for requested work sessions

Mr. Britz stated that a new date needed to be scheduled for a joint work session with the Planning Board to meet with the applicants of Lafayette Road Properties project and the Commerce Way project. The Commission agreed that April 10, 2008 was the best date for them. They gave back up dates of May 1, May 8, and May 22. Mr. Britz said that he would relay the information to the Planning Board Chairman and report back as to which date would be chosen.

Ms. McMillan asked if site walks would be scheduled prior to that meeting. Mr. Britz felt it would be a good idea and asked the Commissioners to send him, via email, dates that they would be available for a site walk.

III. APPROVAL OF MINUTES

February 13, 2008

It was moved, seconded, and passed unanimously (7-0) to approve the minutes as presented.

In other business, Chairman Miller informed the Commission that he had received an invitation to a community celebration recognizing the recent work of the Hodgson Brook Committee and students at New Franklin School. He encouraged the Commission to attend.

Ms. McMillan reported that she spoke with Phil Auger concerning conservation easements on City owned land. She said it was possible to do and that other towns do it; however, there are sizable costs involved such as surveying costs. She said that Mr. Auger would be willing to come and speak to the subject at a future meeting.

Ms. Maher felt that this would be helpful to the Commission. Ms. Blanchard that this was an interesting topic and thought that maybe they should consider opening it to a larger audience. She suggested having Mr. Auger come and speak on a Monday evening before a City Council meeting so that City Council members could attend.

At this point in the meeting there was informal discussion on the following issues: the reengineering of the watershed at Pease, redefining the role of the Conservation Commission, term limits, new setback rules regarding the Shoreland Protection Act and upcoming workshops regarding those changes.

Ms. Powers asked Mr. Britz about the status of the site regulations review by the Planning Board. He replied that it was still ongoing.

Ms. Powers also asked when the prime wetlands report would go before the City Council. Mr. Britz said he was hoping it would be on the April agenda.

Ms. Powers asked if a letter responding the Friends of Sagamore letter that was received last month had been sent. Chairman Miller said not to his knowledge but that he and Mr. Britz would begin working on it.

IV. ADJOURNMENT

At 4:35 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good
Conservation Commission Recording Secretary