

**MINUTES OF THE
CONSERVATION COMMISSION MEETING**

CONFERENCE ROOM "A"

3:30 P.M.

September 10, 2008

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

MEMBERS ABSENT: Eva Powers

ALSO PRESENT: Peter Britz, Environmental Planner

Chairman Miller called the meeting to order at 3:30 p.m. He stated that since the first applicant had not arrived yet, the Commission would take up Other Business, the review of the draft letter to Demoulas Supermarkets.

III. OTHER BUSINESS

Review of draft letter to Demoulas

Ms. Blanchard informed the Commission that she and Mr. Britz drafted a letter to Demoulas regarding the trash in the wetlands behind the site. She felt it was important to start the conversation with the property owner and see what their response was. She hoped that there would be an effort to remediate the problem but if not, she felt it might be important to investigate the possibility of putting language in the City Charter stating that organizations would be fined if they engaged in this type of degradation.

Ms. Blanchard asked the Commission if they thought the letter was a good idea and if so, did they have any changes to make to it.

Mr. Wazlaw suggested that the third paragraph of the letter should be the second paragraph instead.

Mr. Wazlaw wondered if the City Health Department could help in some way. Ms. Blanchard said that the City Manager needed to be informed of all of the conversation that happens with various parties involved. She said that she suggested to Mr. Britz that he share the draft letter with the City Manager so that he was aware that the Commission is thinking about having this conversation.

Mr. Wazlaw felt that the letter should be more specific in pointing out the value of the wetland and its functions. Ms. Blanchard agreed but she also wanted the letter to just be a way to raise awareness and open up the dialog.

Chairman Miller thought it would be good to inform the owner as to just how much debris was on the site and that it was not properly disposed of.

Ms. Maher said that they might have a response back stating that all of the debris is not theirs. She added that that might be true but it was still their property. Ms. Maher reminded the Commission of the prior problems with Gerber Dental. She said that the Inspection Department needs to know of any stipulations like regular cleaning and maintenance of a site as part of the approval.

Ms. Maher asked who the letter would be addressed to. Ms. Blanchard stated that she and Mr. Britz looked up the property owners and said the letter would be sent to them. She added that the letter would also be sent to the Kane Company as well.

Mr. Britz informed the Commission that the Demoulas property manager had come into the Planning Department recently to talk about repaving the back of the site. He said that he informed them of the letter and advised them that the more they clean up in advance of the paving the better off they would be.

Mr. Britz said he would look into what kind of measures could be taken for non-maintenance. He felt maybe they should send a copy of the letter to the zoning officer and the Health Department.

Mr. Britz explained that with site review, a bond is required to make sure the project is completed as originally approved. He added that maybe they could add language to that process to make sure that the site is cleaned up on a regular basis. Ms. Blanchard pointed out that works for new projects but for existing projects, there needs to be a mechanism in place to make sure the sites are maintained properly. She felt owners respond best to a warning, another warning, and then a fine.

Vice Chairman Horrigan thought that the letter was a good first step. He said he would like to see a letter sent like this every time they find a site like this one.

Ms. Maher made a motion to authorize the sending of the letter to the current property owners of Demoulas Supermarket on Woodbury Avenue. The motion was seconded by Ms. Tanner. There was no further discussion.

The motion to authorize the sending of the letter to the current property owners of Demoulas Supermarket on Woodbury Avenue passed by a unanimous (7-0) vote.

I. CONDITIONAL USE PERMITS

- 1. NHDOT Right of Way off of Route 33 at the Portsmouth/Greenland City Line
NiSource/Granite State Gas, applicant
Assessor Map 280, Lot 2

Mr. Luke Hurley of Gove Environmental Services was present to speak to the application. He explained that an extensive amount of work has been done in the area to prepare for new retail stores coming to Greenland. He said that they would need to extend a concrete casing that runs under the road which serves as a protective layer for the gas lines. They need to extend it to both the east and west of each side of the road. He said that the wetland impact for the whole project was 5,000 square feet. He added that it was all temporary impacts. The actual wetland impact to the Portsmouth side of the project was 465 square feet. Additional buffer impact would be about 3,800 square feet. Mr. Hurley explained that those impacts were a direct result of using those areas as staging areas. He said it would all be re-vegetated when the project was finished. He added that they would be using timber mats to avoid any rutting.

Mr. Hurley informed the Commission that they have filed an expedited application with the State and that the town of Greenland has signed off on it.

Chairman Miller asked Mr. Hurley to point out on the map where the proposed pipeline would be going. Mr. Hurley said that one gas line runs down the length of Route 33. The other pipeline runs under the road.

Chairman Miller commented that after the first pipeline was put in some years ago, the phragmites grew up and down both sides of the road as fast as they could. Within a couple of years, it became a phragmites wetland on both sides of the road. Mr. Hurley said that was something that they would have to work on with the State. Chairman Miller said that he just wanted to voice his concern.

Hearing no other discussion, Chairman Miller asked for a motion. Ms. Tanner made a motion to recommend approval to the Planning Board for the project as presented. The motion was seconded by Mr. Wazlaw. There was no discussion.

The motion to recommend approval of the project to the Planning Board as presented passed by a unanimous (7-0) vote.

II. STATE WETLANDS BUREAU PERMIT APPLICATIONS

- A. Permit By Notification Application
180 Greenleaf Avenue
City of Portsmouth, owner
Assessor Map 243, Lot 67-1

Mr. Peter Rice, City Engineer for the Water and Sewer Divisions was present to speak to the application. He explained that this application was an extension of the Permit By Notification that was before the Commission a couple months ago. He reminded them that the project was to address a collapsed head wall on the property behind the Comcast property and adjacent to the Boyle property. Mr. Rice said that he had a site visit with Mr. Boyle and Mr. Boyle stated that he had a concern about the down stream head wall. That was what the first Permit By Notification application was for. Later, Mr. Boyle said that the City should have done both head walls. So it was decided to address the upstream side of the culvert as well and that was what the application before them today was for.

Mr. Rice asked Ms. Tanner about a specific vetch that she had mentioned at the last meeting that might be good to use. She suggested Lantana and added that she would like to see them use something that did not have to be mowed. It was also suggested to use the short variety of white clover. Mr. Rice said that he would investigate it and come up with a good ground cover.

Mr. Rice explained that the application had already been submitted since no action was required by the Commission but he wanted to explain the situation to them and keep them updated.

- B. Standard Dredge and Fill Application
3618 Lafayette Road
City of Portsmouth, NH
Assessor Map 297, Lot 1A

Mr. Peter Rice explained that this application was a resubmittal of a previous application. He said that there was an administrative deadline for submission of additional information that had lapsed. He said that it was now a complete application and should go right through. He also pointed out that the Commission recommended approval of a Conditional Use Permit for the same project which was still in effect.

Mr. Britz stated the additional information to be submitted pertained to an abutters' notice and a natural heritage request.

Mr. Adams made a motion to recommend approval of the application to the State Wetlands Bureau. The motion was seconded by Ms. Tanner. There was no discussion.

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

At this point in the meeting, there was detailed discussion regarding the various State Wetlands Bureau permits. Chairman Miller asked if it was possible to get a cheat sheet explaining the various permits. Mr. Britz replied yes.

There was also discussion about receiving training for the recent changes to the Shoreland Protection Act. It was suggested to invite other towns (Rye, Newington, Greenland, New Castle)

to join them if they could get a workshop scheduled in Portsmouth. It was also suggested to hold it at the library where there was adequate space.

There was additional discussion on dumping trash in the wetlands and how to enforce it, possibly with fines.

The Commission was reminded that the next Open Space Sub-Committee meeting would be held on Thursday, October 2, 2008 at 3:30 p.m. in the Planning Department Conference Room.

IV. APPROVAL OF MINUTES

June 19, 2008

It was moved, seconded, and passed unanimously to approve the minutes as presented.

July 9, 2008

It was moved, seconded, and passed unanimously to approve the minutes as presented.

Mr. Britz informed the Commission that the minutes from the Open Space sub-committee meetings would be in a more abbreviated form than the regular Conservation Commission meeting minutes.

V. ADJOURNMENT

At 4:15 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good
Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on October 8, 2008.