

**REGULAR MEETING
CONSERVATION COMMISSION**

**1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE
CONFERENCE ROOM "A"**

3:30 P.M.

January 13, 2010

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman James Horrigan; Members, Allison Tanner, Barbara McMillan, Brian Wazlaw, Mary Ann Blanchard, Catherine Ennis

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner

I. OLD BUSINESS

A. Approval of minutes – December 9, 2009

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

II. NEW BUSINESS

1. Election of Officers – Chairman, Vice Chairman

Ms. Tanner made a motion to reappoint Chairman Miller and Vice Chairman Horrigan to another term as chairman and vice chairman respectively. The motion was seconded by Ms. Blanchard. The motion passed by a unanimous (7-0) vote.

2. Friends of Sagamore Creek update

Ms. Pat Gormley stated that the name of their group has changed to Friends of the Environment and Open Space. She said that she had a couple questions and issues to bring to the attention of the Commission for their consideration.

Ms. Gormley asked about the status and future of the open space study. She hoped that when it was completed that it would be available to the public as well as the commentary by the Commission on how the study will be used. She felt it would be a very important public document.

With regards to the new zoning ordinance, Ms. Gormley asked if the process had changed or has it simply expanded the scope of review by the Commission.

Ms. Gormley said that one of the group's biggest concerns was the ongoing recreation needs study. She said that she and other group members attended the public meeting on December 16, 2009. She pointed out that they see significant impacts involving the Commission. She explained that the issue of acquiring the Stokel land was brought up which would be a significant acquisition for the City as it was approximately 170 acres of which approximately 17 acres would be used for ball fields and parking lots. She pointed out that the land backed up to the Great Bog and so a large part of the land would not be developable. The group wondered how much the Commission was involved with this discussion. She also wondered if funds from the Conservation Fund could be used to assist in acquiring the Stokel land. This would be a big acquisition at a time when the City Council is calling for budget cuts. She also hoped that the Commission would be involved in the process for evaluating its uses.

Ms. Gormley said that there was also a "Plan B" which was going back and looking at the Jones Avenue land which she said raised concern with the group. She asked if there should be a push to keep "open land" open.

Lastly, Ms. Gormley informed the Commission that there had been a hearing on the "Pierce Trust" eminent domain funding. It was discussed that approximately \$560,000 dollars were at stake and she thought perhaps some of that money could be used to preserve natural resources. She said that she wanted to bring these issues to the Commission's attention and said that they would happy to discuss any or all of the issues further.

To respond to Ms. Gormley's comments, Mr. Britz stated that they would probably be seeing a draft of the PULA (Public Undeveloped Lands Assessment) study at the next Conservation Commission meeting. He said that there would be a chance for input from the public.

Chairman Miller said that with the new zoning ordinance, the process has remained the same although there were new requirements. He said that the Commission would hold a work session to familiarize them with the new document.

Chairman Miller explained that he did not have much to say about the Stokel property but that if it moved forward, the Commission would see it in one form or another. The use of any Conservation funds would need to be voted on by both the Conservation Commission and the City Council for any use.

With regard to the recreation study, Chairman Miller said that the Commission has not been actively involved in it but they were aware of it and were trying to keep up on what was going on. He said it did relate to the PULA study.

Chairman Miller also explained that the Conservation Commission did not have a say into how any eminent domain funds are used.

Vice Chairman Horrigan said that with the Jones Avenue property, the obvious issues there are the presence of vernal pools. He asked the status of the vernal pool study. Mr. Britz said that he believed it was complete and was on the City website.

Chairman Miller thanked Ms. Gormley for her questions and comments.

III. STATE WETLAND BUREAU PERMIT APPLICATIONS

- A. Standard Dredge and Fill Application
Between 202 and 230 Maplewood Avenue
Maplewood Avenue Culvert Replacement and North Mill Pond Restoration
City of Portsmouth, owner
Assessor Map 123, Lot N/A

Mr. Eric Weinrieb of Altus Engineering was present to speak to the application. He stated that he was one of three team consultants involved in the project. He said that since the last meeting, they submitted a wetlands application and they were in the process of getting the permits at this time.

Mr. Weinrieb explained that the project was the replacement of the underside arched metal culvert. It would be replaced with a triple, precast culvert to increase flow. They would also do replacement and improvements of the utilities. He added that they would relocate the sewer and explained how that would be done. It would be similar design to what was on Lafayette Road next to the Bratskeller. On the north side, the disturbance was in the water area and on the south side there was rip rap on the slopes. There would be about 3,700 square feet of disturbance on non-previously disturbed areas. He pointed out that they were proposing to run the utilities underground.

Mr. Britz explained that this was a grant funded project from NOAA.

Mr. Wazlaw asked if the flow rate would increase with the three openings. Mr. Weinrieb said that the water would release quicker and the velocity would decrease.

Mr. Wazlaw asked if this would increase the water quality. Mr. Weinrieb explained that there would be better flushing. They were also putting rip rap and vegetation on the side slope to improve the native habitat.

Ms. McMillan asked why a turbidity curtain was not feasible. Mr. Weinrieb explained that they would be digging down relatively deep for the foundations of the triple culverts and they were not sure how a turbidity current would work in that area. Ms. Mc Millan wondered if there was any way to divert the water. Mr. Weinrieb explained that it was tricky in that area and it was going to be very challenging.

Vice Chairman Horrigan asked which utility lines would be buried. Mr. Weinrieb said they were PSNH lines and he showed where they were on the plan. He explained in detail how the lines would be encased.

Chairman Miller asked when this project might take place. Mr. Weinrieb said in 2012. Mr. Britz said it would probably be done in conjunction with the renovation of the whole Maplewood Avenue corridor. Chairman Miller commented that it was an exciting project and he liked the idea of burying the power lines. Mr. Weinrieb explained that they would be widening the area and would

be replacing the bike lanes. Chairman Miller said that he liked the design and added that it would be nice to have kayak access.

Hearing no other questions, Chairman Miller asked for a motion.

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

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

IV. CONDITIONAL USE PERMIT APPLICATIONS

1. 327 Dolphin Drive
Ronald J. Knopka, owner
Assessor Map 291, Lot 7

Mr. Ronald Konopka, owner of the property, was present to speak to the application. He stated that he would like to replace a previously existing shed but found out that his entire property was located in the buffer zone. The recently approved zoning ordinance required him to seek a conditional use permit. In order to minimize the impact, he was proposing to install a shed that was 40% smaller than the previously existing shed. He also pointed out that the land was suited for the use as it was currently lawn. There were no other alternative locations to consider as his entire property was in the buffer zone. Mr. Konopka also pointed out that the shed would be mounted on 8" x 8" blocks. The proposed shed would be located 38 feet from the wetland line. The shed would be constructed off site, delivered and installed in about 1 ½ to 3 hours.

Ms. Tanner stated that she had concern about the shed being installed during the mud season. Mr. Konopka said that the shed could not be installed with snow on the ground or during torrential rains. He said he would have to wait until spring for the installation. Ms. Tanner complimented Mr. Konopka on a nice submission and presentation.

Ms. Ennis asked if the shed would be put directly on the blocks when it was delivered or would it be placed on logs just prior to installation. She had concern about disturbing the lawn area. Mr. Konopka was not sure but said that the delivery truck would stay on the asphalt road and driveway.

Chairman Miller commented that this was the first application under the new zoning ordinance requirements and that it would be a challenge to get the word out for anyone else wishing to do work within the new buffer zone.

Mr. Wazlaw felt this application conformed to similar sheds in the area. He did not have a problem with it.

Vice Chairman Horrigan asked what kind of fill was used when the yards were built up. Mr. Konopka did not know and said he just bought the house in June. Vice Chairman Horrigan wondered if he ever had flooding. Mr. Konopka said that the backyard stays damp most of the time.

Ms. McMillan asked if digging would be required when putting the blocks in place. Mr. Konopka replied no, the blocks would just be laid in place.

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

Ms. Tanner made a motion to recommend approval of the application to the Planning Board. The motion was seconded by Mr. Wazlaw. There was no additional discussion.

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

2. 175 Gosport Road
Eugene N. Short Revocable Trust, owner
Assessor Map 224, Lot 1

Mr. Eric Weinrieb of Altus Engineering and Mr. James Archibald, prospective buyer of the property at 175 Gosport Road were present to speak to the application. The property was currently owned by Eugene Short Revocable Trust. Mr. Weinrieb stated that they were proposing to tear down one of the two existing structures on the property and build a new home. The remaining structure would be converted into a guest house on the property. Currently, it is used as two separate residences so this proposal would make the lot much less intensive with only a single family residence with a guest house for visitors.

Mr. Weinrieb explained that the parcel had an on-site septic system and on-site well. He said that they would be eliminating the on-site septic system and would tie into the municipal sewer system. The on-site well would be maintained for irrigation but it would be separated from the domestic water supply.

Mr. Weinrieb showed the Commission a plan and pointed out a concrete sluiceway that ran around the building and back into a culvert and finally discharging into Sagamore Creek. He was proposing to remove the sluiceway and change it to a closed drainage system with perforated piping. That would involve removing concrete in the buffer area. Additional concrete would be removed from the pool area.

He also explained that the new sewer and water lines would be coming from Gosport Road down along the driveway. This would result in the driveway needing to be replaced and re-graded. Mr. Weinrieb pointed out that catch basins would be located throughout the site. The lawn would also be re-graded to allow for positive pitch away from the basement walkout of the house down to the water. They were also proposing some native plantings.

Mr. Weinrieb informed the Commission that they have already obtained the Shoreland permit and a variance from the Board of Adjustment.

The property encompassed over four acres and currently has 87.7% open space. They would be decreasing that slightly by going down to 86%. He said that they were not disturbing any of the native vegetation on the site. There was a large forested area on the site that would remain undisturbed. Mr. Weinrieb showed on the plan where the pedestrian access route to the water was located on an abutting property.

Mr. Wazlaw asked about the existing culvert. Mr. Weinrieb explained that the culvert had a 12" diameter orifice with no protection on it so it was a little bit dangerous. He informed the Commission that the owner was having a cover made for it. He showed on the map the path of the culvert.

Mr. Wazlaw asked what the elevation was where the driveway entered the road. Mr. Weinrieb stated that the driveway elevation was at 24 feet. The basement slab was at 10.5 feet. It was a 14 foot drop in grade. He added that it was a 4 foot drop from the road to the finished floor of the home. Mr. Wazlaw pointed out that the new ordinance has a 10% slope rule. Mr. Weinrieb stated that the project conforms to the standard due to the shallow slopes in the area of disturbance.

Vice Chairman Horrigan asked about the sewer system, specifically the frequency of the pumping. Mr. Weinrieb explained in detail how the proposed system would work.

Vice Chairman Horrigan asked about the removal of a couple large trees. Mr. Weinrieb said there are a 20 inch maple and a 15 inch ash tree. He explained that the maple tree was not healthy. Vice Chairman Horrigan thought that there might be restrictions with the new zoning ordinance. Mr. Weinrieb stated that it met the Shoreland requirements. Mr. Britz explained the new requirements regarding tree removal in the tidal area must comply with the Shoreland Protection Act.

There was discussion on the planting of native species and the location of where they would be planted. There was also discussion as to where the catch basins would be located.

Ms. McMillan stated that she thought the project was great; there was not a lot of disturbance. She was not sure whether they gained anything by the catch basins but rather would lose more with regard to water treatment.

Ms. McMillan's biggest concern was what was put on the lawn. Any fertilizers would end up in the water. Mr. Archibald said that they had three dogs and two children and he was not a fan of fertilizers.

Chairman Miller said that he found the map very difficult to read as it had so much information on it. He wondered if it would be possible to have some natural vegetation at the water edge. It would help with water quality.

Hearing no other questions, Chairman Miller asked for a motion.

Mr. Wazlaw made a motion to recommend approval of the application to the Planning Board. The motion was seconded by Ms. Blanchard. Chairman Miller asked for discussion.

Vice Chairman Horrigan wondered if they could incorporate the planting of native vegetation along the shoreline.

Mr. Weinrieb commented that the adjacent area at high tide was deep. He anticipated children trampling through that vegetation to jump into the water to go swimming. Mr. Archibald added that it would be difficult to keep an eye on the children with vegetation there. Mr. Weinrieb said it was their recommendation to not plant anything but grass in that area. Ms. McMillan asked for clarification that the area would not be disturbed during construction. Mr. Weinrieb replied that was correct. He also pointed out that if they were asked to plant vegetation in that area then they would have to disturb it.

Vice Chairman Horrigan stated that when they have the chance to increase vegetation, he thought they should take it. He pointed out that there would be more direct runoff from the structure.

Chairman Miller said he was okay with no stipulations. He felt there had been plenty of talk regarding the restrictions with the Shoreland permit. Ms. Blanchard and Ms. McMillan stated that they were okay with it as well. Ms. McMillan said that she was much more concerned with the drainage that will go into the catch basins and then out into the creek.

Ms. Tanner addressed the prospective owner, Mr. Archibald, and said that any time someone is on an open body of water; they need to consider the environment and consider their role as a steward. Mr. Archibald responded by saying that he grew up on the water and as a result, had a great respect for conservation. His father serves on the Conservation Commission in Hampstead so he was well aware of his responsibility.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval of the application to the Planning Board passed by a unanimous (7-0) vote.

Ms. Blanchard left at this point in the meeting.

V. OTHER BUSINESS

Mr. Britz reminded the Commission of the 800 Lafayette Road application in which they wanted a more detailed plan. He said that Mr. Peter Loughlin was present to speak to the additional information that was requested. Mr. Britz also said that after consulting the City attorney, it was acceptable to make a recommendation based on the plan even though he was not listed on the agenda.

Mr. Loughlin passed out additional plans to the Commission. He stated that he was able to meet with the Department of Environmental Services yesterday. He pointed out on the submitted plan the area where the pavement would be removed and what type of vegetation they were proposing to

use in that area. Ms. Tanner said that she would not like to see lawn in that area. She preferred to see something that did not require mowing like a wildflower mix or clover.

Mr. Wazlaw commented that this would be an improvement to the site; however, he was still concerned about the runoff at the front of the property. Mr. Loughlin said that it was his understanding that there was a catch basin near the front of the building. Mr. Wazlaw asked if they would be retaining the existing catch basin. Mr. Loughlin said that it would be retrofitted to put in a separation device.

Ms. Tanner asked how the water coming off of the building would be handled. Mr. Loughlin said they were thinking about some type of swale but had not decided on anything definitive. Ms. McMillan explained that the State would want to know about how the roof water would drain so she said the applicant would have to figure that out beforehand. Mr. Loughlin read a section from the engineer's report explaining some of the drainage issues. Ms. Tanner commented that she would rather see the water go toward the front of the building rather than to the wetland behind the building. There was considerable discussion concerning the drainage.

Mr. Loughlin told the Commission that they would probably be seeing a wetlands application at their next meeting.

Vice Chairman Horrigan pointed out that the plan called for four inches of loam on the re-vegetated area. He wondered if that amount would be enough. He said that it was not know what was underneath the pavement. Mr. Britz pointed out that that issue would be addressed with site review. Mr. Wazlaw commented that it was fairly flat there and so maybe some sort of grasses would help with erosion.

Vice Chairman Horrigan commented that the removal of the asphalt was a real plus.

No action was taken on the application as Mr. Loughlin said he would return with more details.

In additional business, Chairman Miller stated that he would like to have work session to discuss the new zoning ordinance and what it would mean for the Commission. Vice Chairman Horrigan also wanted to review the Comprehensive Shoreland Protection Act. The date of Tuesday, February 9 at 3:30 p.m. was tentatively chosen as the date for the work session.

V. ADJOURNMENT

At 5:05 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 February 10, 2010.