

**MINUTES
CONSERVATION COMMISSION

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

3:30 P.M.

SEPTEMBER 8, 2010

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman James Horrigan; Members, Allison Tanner, Barbara McMillan, Mary Ann Blanchard, Catherine Ennis; Alternate Elissa Hill Stone

MEMBERS ABSENT: Brian Wazlaw

ALSO PRESENT: Peter Britz, Environmental Planner

I. OLD BUSINESS

A. Approval of minutes – July 14, 2010

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

B. Approval of minutes – August 11, 2010

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

II. STATE WETLANDS BUREAU PERMIT APPLICATIONS

1. Standard Dredge and Fill Application
120 Ridges Court
Stephen and Karin Barndollar, owners
Assessor Map 207, Lot 61

Mr. Stephen Barndollar, owner of the property was present to speak to the application. He stated that Mr. John Chagnon of Ambit Engineering and Mr. Marc Jacobs, a wetland scientist were unable to attend due to prior commitments.

Mr. Barndollar explained the scope of the work. He said that he was asking to construct a retaining wall of which about 50% of it was completed by the previous owner and to remove some rip rap and restore the area. He also was seeking approval for a previously constructed wood storage shed and a clothesline.

Mr. Barndollar stated that as part of a consent agreement with the City, he has removed the rear walkway, the clothesline, and the canoe stacker. The wood chips placed within the buffer would be removed soon.

Mr. Britz informed the Commission that he and Mr. Jason Page, Code Enforcement Officer, went out to the site to investigate. He said there was concern about the height of the existing boathouse, the walkway around the boathouse, the clothesline, the wood storage shed and other items within the buffer. He said that the boathouse was to be used for storage but it may now be used as bunk space. The walkways added a new footprint in the buffer and so this application was an attempt to bring the property into compliance with the State. He also said that a City building permit was needed because the boathouse had exceeded the height that it was originally approved for.

Chairman Miller stated that he remembered when the boathouse application came before the Commission and his recollection was that it was being raised up and off of the marsh. Mr. Barndollar said that the 2008 approval was to add new pilings and cross braces for support. He said that the walkway was on the drawing that was submitted to the Inspection Department but that it has been disputed. The two foot addition to the height of the structure was something that Mr. Barndollar did not think needed review. He thought the Inspection Department was only concerned with the footprint. The original permit also allowed for the replacing of windows, shingles, and doors.

Ms. Tanner asked about the chimney. Mr. Barndollar explained that the original chimney was removed and an interior stainless steel chimney with wood stove was installed.

Vice Chairman Horrigan asked about the rip rap. Mr. Britz said that a permit was issued in the 1990's by the State to put in rip rap. Chairman Miller pointed out that there was a copy of that approval in the packet.

Ms. Blanchard asked if this was an after the fact permit. Mr. Britz stated that it had an after the fact component to it because of the wood storage shed and the clothesline. Chairman Miller asked if the raised walkway was also after the fact. Mr. Britz explained that there was an old walkway on the rear of the structure. He said that he did not have the dimensions of the original walkway in order to consider whether it was replaced in kind.

Ms. Blanchard asked about the Shoreland Protection Act and wondered if there would be additional work or documentation with regard to that. Mr. Britz thought work would be required but that Dori Wiggin of DES would determine that. Ms. Blanchard said that the application indicated that it was needed but she did not see any supporting documentation in the packet. Mr. Britz explained that there was usually a Shoreland Protection check list. He added that the application would need to be amended. Mr. Barndollar stated that he was not aware of it. Mr. Britz corrected his prior statement and informed the Commission that the Shoreland Protection Act worksheet was included in his packet.

Chairman Miller asked what the purpose of the retaining wall was. Mr. Barndollar stated that it was to retain the erosion and to hold back the bank. Ms. Tanner commented that there did not

appear to be an erosion problem. Mr. Barndollar said that there was not a big erosion problem and that the reason for the wall was also aesthetics.

Vice Chairman Horrigan observed differences between the three retaining walls. He pointed out that one wall looked very scattered, another looked roughly built and the new retaining wall looked to be very high tech. He wondered how the new wall would look with the other two. Mr. Barndollar explained that the intent was to remove the rip rap and build a stackable wall. He wanted it to look like an old wall.

Vice Chairman Horrigan pointed out that the plan showed that when the rip rap was removed, the area would be re-vegetated but there was no plan showing the plantings. Mr. Barndollar said that the intent was to have Mr. Jacobs come up with the plan. Vice Chairman Horrigan thought this was one of the most important issues with the proposal. He added that he saw no reason why the rip rap was added in the first place.

Ms. McMillan commented that there was a lot of landscaping leading to the boathouse. She did not recall that on the original application. Mr. Barndollar stated that five steps were added with landscaping.

Mr. Barndollar wondered if it would make more sense to come back with Mr. Chagnon and Mr. Jacobs. Chairman Miller thought that was a good idea. He said that the Commission was still trying to digest the information.

Ms. McMillan stated that she had a concern with the retaining wall. She thought the best solution was to remove the rip rap and restore the area with marsh grass. Mr. Barndollar said that if the wall was denied, he could leave the rip rap where it was.

At this point in the meeting, there was discussion about postponing the application to the next Conservation Commission meeting.

Ms. Blanchard felt it would be helpful to have a little more time to review the project. She said that she needed to go view the area again. She was also concerned that she did not have all of the pieces in front of her. She stated that she would not support a motion to approve the application because she needed more time to review it. She said that it sounded like Mr. Barndollar would allow them more time. A motion to postpone would allow that.

Ms. Tanner said that she would not support the application. She added that if the applicant comes back with the same plan, she would deny it. She would only like to see the clothesline. She felt there was too much destruction in the tidal area.

Chairman Miller commented that he had concern with the walkway. He said he would accept the front walkway. He was not happy with the wood storage shed because he dislikes after the fact approvals. He felt the retaining wall looked like it was built to keep the sea from coming into the front yard and that would be a losing battle. It would only shift the problem to someone else. It was also limiting the habitat's ability to migrate.

Ms. McMillan commented that she thought the retaining wall would be a losing battle with the Commission. She said that in terms of cumulative impacts, if everyone did that, the area would be a mess. She would like to see the rip rap removed and the area restored.

Chairman Miller encouraged the applicant to submit a planting plan and added that he would prefer plantings to a lawn.

Ms. McMillan recalled that when the boathouse came to them it was stated that the building would be used for storage. Mr. Barndollar explained that what was being stored in the structure were two kayaks and a canoe so it was being used as a boathouse.

Hearing no other discussion, Ms. Blanchard made a motion to postpone the application to the October 13, 2010 meeting. The motion was seconded by Vice Chairman Horrigan. There was no additional discussion.

The motion to postpone the application to the October 13, 2010 meeting passed by a 6-1 vote with Ms. Tanner voting in opposition.

Mr. Britz explained that the Commission would request a 40 day delay from the Department of Environmental Services. He said that State would probably delay the application until the Conservation Commission meets again.

Mr. Barndollar stated that he understood that the wall was not a positive element in the application. He also understood that the removal of the rip rap and the restoration of the area with marsh grass was a positive thing; however, he wondered if the boathouse, the walkway, the wood storage shed and the clothesline would stand on their own.

Ms. Tanner wondered if there should be a conditional use permit for the wood storage shed. Mr. Britz replied yes. Chairman Miller pointed out that it would be difficult to separate out the 4-5 different items. He said they would have to wrestle with that at the next meeting. Ms. Blanchard thought that a motion could be crafted to list only the approved items. She said it has been done in the past.

III. PUBLIC UNDEVELOPED LANDS ASSESSMENT (PULA) PRESENTATION

Mr. Britz gave a brief power point presentation explaining the large amount of data collected for the PULA study. There was considerable discussion regarding how to use all of the information to the City's advantage, how to present it to other City boards and the public, how to keep the assessment updated and how best to make the information available for the public's use. It was also determined that the Planning Board should be the first to see it.

Mr. Britz stated that he thought it would be beneficial for the Commission to have a work session to review the final draft and work out specific details. Chairman Miller, Ms. McMillan, and Ms. Tanner offered to do the final legwork to prepare the final document for public viewing.

The Commission set the date of Monday, September 27 at 3:30 p.m. for a work session to finalize the report.

IV. OTHER BUSINESS

Ms. Blanchard asked about a correspondence letter from the Department of Environmental Services concerning a violation at 149 Sparhawk Street. Mr. Britz explained that there was a concern that trees were cut down in the buffer and DES was following up on it.

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 October 13, 2010.