

**MINUTES  
CONSERVATION COMMISSION**

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

**3:30 P.M.**

**JANUARY 19, 2011**

**MEMBERS PRESENT:** Chairman Steve Miller; Vice Chairman James Horrigan; Members, Mary Ann Blanchard; Alternate Elissa Hill Stone

**MEMBERS ABSENT:** Allison Tanner, Barbara McMillan, Brian Wazlaw, Catherine Ennis

**ALSO PRESENT:** Peter Britz, Environmental Planner

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Note: This meeting was rescheduled to this date due to a snowstorm on January 12, 2011.

**I. NEW BUSINESS**

A. Election of officers – Chairman, Vice Chairman

The election of officers was postponed to the February 9, 2011 meeting.

**II. OLD BUSINESS**

1. Approval of minutes – November 10, 2010

It was moved, seconded, and passed unanimously (4-0) to approve the minutes as presented.

**III. CONDITIONAL USE PERMIT APPLICATIONS**

A. South Mill Pond / Parrott Avenue  
City of Portsmouth DPW, owner  
Assessor Map 1, Lot 114

Chairman Miller informed the public that the Commission received information about this project at the November 2010 meeting. He explained to the applicants that they had a quorum with four Commissioners; however, the applicant would have to receive a vote of 3-1 in order for the application to pass. He told them that they had the option of postponing the application to next month's meeting when more Commissioners would be present. The applicants indicated that they would like to go ahead and move forward with the process.

Mr. Phil McDonald and Mr. Ben Dreyer of Underwood Engineers, and Mr. Bob Procop, wetlands expert were present to speak to the application. Mr. McDonald reiterated that they

were present at the November meeting to give the Commission an outline of the project and now they were back with all of the engineering details. He added that they have also submitted an application to the Department of Environmental Services.

Mr. McDonald gave a set of pictures to the Commission for their review and explained that the project was a long term program to separate the storm water from the sewage. Two of the projects have been completed and the third one was under construction. He said that this project was related to the next project in line.

Mr. McDonald said the project would start with a new drainage outfall on Parrott Avenue. They were proposing a new outfall pipe to run along the South Mill Pond, the Middle School and the south side of Parrott Avenue. Currently there are two combined sewer pipes with combined flows. Over time, the flow has increased resulting in overflow.

Mr. McDonald said that there were plans to make improvements at the Middle School as well. He explained that currently all of the drainage at the school was tied into the sewer system. Along with the plans to modify the Middle School, they are also planning to make their flow separate from the sewer system.

Ms. Blanchard asked if this would be a new outfall in addition to the other two that are currently in place. Mr. McDonald replied yes. Ms. Blanchard also asked if the set of pictures going around were pictures of the site. Mr. McDonald replied yes.

Mr. McDonald commented that the pipe is not going in very deep so it should be able to be installed quickly, followed by reseeded. He said they were probably looking a 2011 construction. Coordination with the Middle School project would be important and they would pick a time when school was not in session.

Vice Chairman Horrigan pointed out that the sewage line crosses under a sidewalk system which was a major passageway for foot traffic from many neighborhoods to the downtown. He hoped that the passageway would not be blocked for long. Mr. McDonald said that was a good point because a lot of the time pedestrian traffic was overlooked. He said that they would have to have some barricades and would have to fence it off as well.

Ms. Stone asked how long the excavation would be open. Mr. McDonald explained they would like to install about 50 to 100 feet of pipe a day but that at the end of each day, the trench would be covered over and there would be nothing exposed.

Ms. Stone asked if there would be more stormwater going into the South Mill Pond with the new sewer separation. Mr. McDonald replied yes, but added there would be less sewage. Ms. Stone asked if there would come a time when there was more fresh water coming in than the salt water system could handle. Mr. Procop said that was not likely because it was flushed daily with the tides. He explained that there would be a temporary dilution drain for big storm events.

Vice Chairman Horrigan commented that there has been a marked improvement in the South Mill Pond since the two outfalls have been installed. He said that they are seeing bird life there that they have not seen before.

Mr. McDonald stated that they are still a long way off before they are able to eliminate all of the sewage going into the South Mill Pond. This was a big step toward that goal. Chairman Miller said it was nice to see the progress.

Ms. Blanchard asked if there was any money that helped to finance these projects. Mr. McDonald said that they have received some grants. He said that the State fund finances most of it in the form of a low interest loan.

Hearing no other discussion, Chairman Miller asked for a motion. Ms. Blanchard made a motion to recommend approval of the application to the Planning Board. The motion was seconded by Ms. Stone. There was no discussion.

The motion to recommend approval of the application to the Planning Board passed by a unanimous (4-0) vote.

**IV. STATE WETLAND BUREAU PERMIT APPLICATIONS**

- 1. Standard Dredge and Fill Application  
 South Mill Pond / Parrott Avenue  
 City of Portsmouth DPW, owner  
 Assessor Map 1, Lot 114

Chairman Miller asked Mr. McDonald if there was any additional information they would like to share besides what had already been presented. Mr. McDonald replied no.

Chairman Miller asked for a motion. Vice Chairman Horrigan made a motion to recommend approval of the application to the State Wetlands Bureau. The motion was seconded by Ms. Stone. There was no discussion.

The motion to recommend approval of the application to the State Wetlands Bureau passed with a unanimous (4-0) vote.

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- 2. Standard Dredge and Fill Application  
 220 Walker Bungalow Road  
 Lawrence and Mary T. Ciotti Revocable Trust, owner  
 Assessor Map 223, Lot 20

Chairman Miller explained to the applicant that only four Commissioners were present so if he chose to move forward with the application, a vote of 3-1 was needed in order to for the application to pass. Mr. Zach Taylor, project planner for Riverside and Pickering Marine

Contractors, representing the applicant stated that he would like to move forward with the application.

Mr. Taylor stated that the applicant has a ditch that runs along the eastern border of the property line. The drainage ditch has been there for a long time and collects a lot of water from the upland and then runs out to Sagamore Creek. He said that the bulkhead has fallen into disrepair and has collapsed in some areas. As a result, it has clogged the drainage ditch and caused erosion. Mr. Taylor said that they would like to stabilize the area along the drainage ditch and up along the creek itself. He said that instead of replacing it with a timber bulkhead, they would like to replace it with rip rap which would be a more permanent solution and a more environmentally sound one as well. He added that Dori Wiggin came to the site and seemed agreeable with the project as it was proposed.

Mr. Taylor also said that the owner would like to install a dock to replace a dock which was previously on the property. This is a smaller dock that is proposed to be 6' x 20' with a 20' ramp and a 10' x 20' float.

Chairman Miller commented that a section of the bulkhead had already collapsed where the dock would be going in. Mr. Taylor said that just the base of the bulkhead was left. He explained that they would rebuild the rip rap embankment from the toe up with a minor amount of fill to meet the rip rap in the back.

Chairman Miller asked how the work would be done. Mr. Taylor said they would do the work with a mini excavator from the bank. Chairman Miller asked if any of the vegetation on the other side of the creek would be disturbed. Mr. Taylor replied no.

Ms. Blanchard asked what the height of the area was. Mr. Taylor said it was about 6 feet. Ms. Blanchard asked about the linear distance on the piece of land. She was trying to get an idea of the sheer mass of the structure he was proposing. Mr. Taylor said that it was approximately 108 feet along the ditch and the total rip rapping would be approximately 79 feet.

Mr. Taylor stated that the neighbors are noticing a change in the flow of the water. He said that he felt it would only take a few more large storms before the rest of the bulkhead collapsed into the stream.

Ms. Blanchard asked about the inclusion of the dock structure in the application. Mr. Taylor said that the rip rap, the stabilization and the dock could be put on the same application.

At this point in the meeting, Mr. Taylor explained in detail how the pilings would be installed and how the float stops would work.

Vice Chairman Horrigan noted that this area was a condominium association. Mr. Britz explained that this was a separate property and not a part of the association.

Vice Chairman Horrigan stated that he was not a fan of rip rap. He asked if alternatives had been considered like geotextile materials. Mr. Taylor said that he thought the rip rap was the best alternative.

Vice Chairman Horrigan asked if the pilings would first be driven in then followed by the rip rap. Mr. Taylor replied yes and said that when the rip rapping was done, the dock would be completed. Geotextile will go down first before the rip rapping.

Chairman Miller stated that something had to be done where the wall has collapsed but he wondered if the rip rap could be softened by adding vegetation along the top of the bank. Mr. Taylor said he thought that was a reasonable request.

Ms. Stone asked how they knew that the date that the fill was put in over the wetland predated the regulations. Mr. Taylor said that he had a tax card that showed that the bulkhead was constructed in 1963.

Ms. Stone asked if they planned to go down to the native soils when working in the stream bed. Mr. Taylor replied yes and explained that there was a collection of debris. Ms. Stone added that there were shady areas where the work was to be done so she suggested looking for shade tolerant shrubs for the vegetation along the top of the bank.

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

Ms. Blanchard made a motion to recommend approval of the application to the State Wetlands Bureau with the additional recommendation:

- 1) That a strip of native vegetation is planted along the top of the rip rap to help mitigate erosion and to aesthetically soften the rip rap shoreline.

The motion was seconded by Ms. Stone. There was no additional discussion.

The motion to recommend approval of the application to the State Wetlands Bureau with the additional recommendation passed by a unanimous (4-0) vote:

- 1) That a strip of native vegetation is planted along the top of the rip rap to help mitigate erosion and to aesthetically soften the rip rap shoreline.

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- 3. Standard Dredge and Fill Application  
13 Salter Street  
Nicole R. Gregg Revocable Trust, owner  
Assessor Map 102, Lot 28

Mr. Zach Taylor, project planner for Riverside and Pickering Marine Contractors was present to speak to the application. He said that this was a very old property with a large rip rap shoreline

that had no access to the waterway. They were requesting a large 6'x10' fixed pier with a 35' gangway and a 10'x 20' float. It would be a relatively small structure and would be constructed by the standard method. He said that after talking with Dori Wiggin, she did not have any issues with it as proposed. He also spoke with the Natural Heritage Bureau and discovered there were no hits for any rare species.

Chairman Miller pointed out that the section on the application pertaining to whether there were vernal pools on the site was circled yes. Mr. Taylor said that was an error; there were no vernal pools on the site.

Chairman Miller asked about the submitted landscaping plan. Mr. Taylor explained that he received the plan from MSC Engineering and was using it as a base plan to show the location of the project on the shore in relation to the waterway. He said he was not proposing any landscaping.

Chairman Miller commented that it would be a real challenge to put a dock in that location given the strong flow going in and out of the creek. Mr. Taylor explained in detail how the dock and ramp would be anchored.

Ms. Blanchard asked how much of the dock was permanent. Mr. Taylor said only the 10' pier was permanent and would be located primarily in the upland. The rest would be seasonal.

Vice Chairman Horrigan pointed out that the application mentioned an existing dock that would be removed. Mr. Taylor stated that it was another error and that no dock currently existed.

Vice Chairman Horrigan stated his concern for the tidal current in that area and wondered how they would be able to anchor the dock. Mr. Taylor explained how they would use giant screws and screw into the substrate. Vice Chairman Horrigan wondered what kind of use the owner would get out of the dock. Mr. Taylor said that there would be full tidal access and the owner was looking to use small boats with nothing larger than a 20-22 foot boat.

Hearing no other questions, Chairman Miller asked for a motion. Ms. Blanchard made a motion to recommend approval of the application as presented to the State Wetlands Bureau. The motion was seconded by Ms. Stone. The motion passed by a unanimous (4-0) vote.

4. Minimum Impact Expedited Application  
Kearsarge Way  
Richard Bonhamme Realty, Inc.  
Assessor Map 212, Lots 118, 119, & 122

Mr. Jim Gove of Gove Environmental Services and Mr. John Chagnon of Ambit Engineering were present to speak to the application. Mr. Gove stated that he had been informed by the Department of Environmental Services that the proposed work was not in a jurisdictional area so it did not require a permit. He gave the Commission a copy of an email from Mr. Collis Adams confirming that it was not a jurisdictional area. So they did not need a recommendation from the

Commission at this time but as the project progressed, Mr. Gove said that they may be back in front of them.

Mr. Gove gave the Commission an overview of the project. He explained that the project ran along the railroad tracks and encompassed a portion of forested area. He said that the wetlands were delineated by New Hampshire Soil Consultants.

Mr. Gove said that they are still trying to determine whether they had a connection with wetland #35.

Chairman Miller asked how the runoff from the site would change once the site was developed. Mr. Chagnon said that was the task they had before them. He explained that there would be a collection system in the roadway that would collect it and direct it to a treatment area. There would also be some sort of a backyard infiltration system. He added that trees by the ditch area and the terracing of the soils will help to accept the runoff from the roofs.

Chairman Miller stated that he did not want to see a culvert if it was not necessary. He said that he knew it was a non functioning wetland from a definition standpoint but he felt there were ecological values of the open drain ditch. He added that he hoped they were open to trying something else when they put the road in.

Mr. Chagnon pointed out that one lot would be deeded to the City because of a main waterline in its proximity that feeds all of Atlantic Heights.

Mr. Britz asked if there was an opportunity to improve the wetland along the railroad tracks. He thought that maybe they could expand the width or add some plantings. Mr. Gove pointed out that most of the ditch was on railroad property.

Ms. Blanchard asked where the project currently stood with regard to other City boards. Mr. Chagnon said that they had preliminary Planning Board approval but has been sent to the Technical Advisory Committee to work out a few issues.

Ms. Blanchard asked about the lot sizes. Mr. Chagnon said that the lots ranged from the minimum required for zoning which was 5,000 sq. feet to 17,000 sq. feet.

Vice Chairman Horrigan stated that this site was designated for low income housing a number of years ago. Mr. Chagnon said that was correct. He explained that the Housing Partnership had an option on the lot and went through a zoning change that would allow work force housing. The project did not move forward for a number of reasons. Mr. Chagnon said that this development would be a single family development with affordable housing but it was not going to be work force housing.

Chairman Miller thanked Mr. Gove and Mr. Chagnon for coming and updating the Commission on the project.

## **V. OTHER BUSINESS**

1. Public Undeveloped Land Assessment (PULA) update

The Commission received copies of the PULA Assessment. Chairman Miller stated that a meeting would be helpful in determining how to move forward with the results of the study. He felt they needed to now think of the bigger picture so that they do not create conflicts with particular properties.

Chairman Miller thought it might be best to schedule the meeting at the next Conservation Commission meeting on February 9. Ms. Blanchard suggested that if the agenda was light for the February meeting, perhaps there could be some discussion on the matter for a half hour or so.

**VI. ADJOURNMENT**

At 5:15 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 February 9, 2011.