

**MINUTES
CONSERVATION COMMISSION**

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

3:30 P.M.

MARCH 9, 2011

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

MEMBERS ABSENT: Chairman Steve Miller

ALSO PRESENT: Peter Britz, Environmental Planner

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I. OLD BUSINESS

A. Approval of minutes – February 9, 2011

It was moved, seconded, and passed unanimously (6-0) to approve the minutes as presented.

II. STATE WETLAND BUREAU PERMIT APPLICATIONS

1. Standard Dredge and Fill Application
15 Pickering Avenue
GRN Realty Trust, owner
Assessor Map 102, Lot 24

Mr. Zachary Taylor of Riverside and Pickering Marine Contractors and Ms. Robin Normandeau, property owner were present to speak to the application. Mr. Taylor stated that they would like to reconfigure a floating dock system for a commercial property. The property was the location of Pickering Marine for 19 years. Some years ago, they received approval from DES for the existing dock structure. Presently, Pickering Marine has moved off site and a new business has opened on the site that provides services for boaters to pick up miscellaneous supplies.

Mr. Taylor pointed out that there was a large piece of ledge submerged on the northern side of the existing structure that has resulted in damage to boats. He said that they would like to relocate and reconfigure the system to better service the existing building. By pushing the floats out 10 feet, it would bypass the ledge and boaters would be able to pull in safely and dock. He explained that they would like to alter the existing landing float system by cutting off two feet and removing a section to use it on the main stem.

Mr. Wazlaw clarified the new dimensions of the floats and Mr. Taylor confirmed he was correct. Ms. Normandeau added that the floats that are currently under the ramp are not necessary for the operation. Mr. Wazlaw asked if they would be taken out. Ms. Normandeau said that one or two will be taken out. Mr. Taylor explained that they would be removing three 8' x 6' floats and would replace them with one 6' x 10' float and two 6' x 16' floats. The new dimensions of the new landing float would be 6' x 42'.

Ms. McMillan asked if they would gain a boat slip. Mr. Taylor explained that currently there was one boat slip next to the ramp that was unusable at low tide because of mud so they would just be transferring that slip out to the end of the float. So in the end, there was no gain of a boat slip.

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

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

III. CONDITIONAL USE PERMIT APPLICATIONS

- A. Suzanne and Mariette Drives
City of Portsmouth, owner
Assessor Maps 292, 284, & 293, Lots 95, 4, & 2

Mr. Dave Desfosses, Engineering Technician with the City of Portsmouth, Mr. Jeff Clifford of Altus Engineering, and Mr. Jamie Long of GZA GeoEnvironmental, Inc. were present to speak to the application.

Mr. Desfosses stated that this project started gearing up about four years ago. The project dealt with solving the urban flooding in the Maple Haven area. He explained that the drainage pipes were all undersized. They were looking to construct two existing outfalls in slightly different configurations.

Mr. Clifford stated that Maple Haven was built in the 1960's and 1970's. The current drainage system was a haphazard system of pipes. He referred to a map and showed the Commission where the outfalls were located on Suzanne Drive and Mariette Drive. The current outfalls were twelve inch pipes and significantly undersized. It was determined that a thirty inch outfall was needed. He explained in detail how the pipes would be installed. There would be rip rap at the outlet and a shallow grass swale before the water discharges to the wetlands. Mr. Clifford said the two outfalls would drain to two different watersheds, the Great Bog, and Berry's Brook.

Mr. Clifford told the Commission that the direct wetland impacts on Suzanne Drive would be 1,580 feet square feet and 3,949 square feet in the 100 foot wetlands protection buffer. On

Mariette Drive, there would be 935 square feet of direct impacts and 1,461 square feet within the 100 foot wetlands protection buffer.

Mr. Desfosses stated that there was a large amount of sump pump water going into the Lafayette pumping station so this was a project to help fix the sewer system at the same time.

Mr. Clifford explained that they would be installing catch basins to help catch pollutants. Mr. Long added that the area on Suzanne Drive was a nice forested scrub brush system. He said that the functions and values would not change so this was taking a situation and making it better. He said it was the same situation on Mariette Drive although it was a more forested wetland. The impacts were temporary and the wetlands at both sites would not change. He pointed out that with the improvements, there would be less sediment going into the wetlands.

Ms. Blanchard stated that she thought it was not acceptable to tie a sump pump into the sewer system. Mr. Desfosses said that was correct but some homes in the Maple Haven area have done that. He explained that with this project, each home will be getting their own drainage pipe so that people will have the option to do the right thing. Mr. Clifford pointed out that the size of the pipes was based on the storm flows.

Ms. Ennis asked how far the outflows would be pulled back from the wetlands. Mr. Desfosses said Suzanne Drive would be pulled back 120 feet and Mariette Drive would be 170 feet.

Ms. McMillan asked about the existing trees at the sites. Mr. Clifford said that they would lose some trees so they would be going to the Trees and Greenery Committee to review that plan.

Ms. Stone asked if the City would go to each homeowner and inspect their basements. Mr. Desfosses said he was not sure that at what point they would rein the sump pump situation in. He explained that the pipe would come to the property line and then the homeowner could hire the City's contractor to run it to their house.

Ms. Tanner arrived at this point in the meeting.

Vice Chairman Horrigan asked about the permanent turf. Mr. Clifford explained that it was artificial and would provide a much more stable environment. He said that the alternative would be to rip rap it the whole way. Vice Chairman Horrigan wondered if it required a maintenance plan. Mr. Clifford replied no and added that it would eventually fill in with some low growth.

Vice Chairman Horrigan asked if the sediment trap on Suzanne Drive needed a management plan. Mr. Clifford said it would be cleaned about periodically. He said that it would depend on how the roadways are managed but added that the catch basins will catch most of the sediment. Mr. Desfosses informed the Commission that the City now has a full time vac truck just to clean catch basins.

Vice Chairman Horrigan commented that swales were an attractive nuisance. They become trash collectors. He wondered if there was a way to put in adjoining vegetation for a natural barrier. Mr. Britz pointed out that there was a fence on one side and the other side was fairly wet so he did not think they would get a lot of foot traffic out there.

Ms. McMillan noted that there was a lot of brush placed along the Suzanne Drive swale. She wondered if it was the City's dumping. Mr. Desfosses said no, it was the neighbors' leaf depository. Ms. McMillan was concerned that the swale would be filled with brush. Mr. Clifford did not think it would be a problem because large rocks will be placed there and it would be difficult to get to the area.

Ms. McMillan also asked if the homeowners on either side of the outfall area would be notified and instructed on the importance of keeping the area clear of debris. Mr. Desfosses said that notices went out to all homeowners in the area informing them of a public hearing on the project. He said he would probably have a chance to talk to the two homeowners closest to the project to inform them of the issues.

Hearing no other questions, Vice Chairman Horrigan called for a motion.

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

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

- B. 58 Pleasant Point Drive
Bradley and Martha Stolzer, owners
Assessor Map 207, Lot 12

Mr. Brendan McNamara, a residential designer working with Mr. Jay McSharry, the new owner of the property, was present to speak to the application. He stated they were proposing a deck on the water side of the property that would fall within the 100 foot buffer zone. They were also proposing to re-grade the south side of the house and change the arrangement of the existing basement garage doors and extend the driveway. It also increased the area of impervious surface. Mr. McNamara explained that he was working with Terrence Parker, a landscape architect.

Mr. McNamara read a letter from Dori Wiggin to Terrence Parker regarding the project. Ms. Wiggin explained that a Shoreland Impact application would need to be filed. Mr. McNamara then guided the Commission through the submitted plans.

Mr. Wazlaw stated that he did not think enough information was submitted. Mr. Britz agreed that this was less than what they normally see but the plan was to scale and the overall area of impact was 270 square feet of new driveway. He felt that was offset by quite a bit of plantings

on the back of the property. He added that the applicant opted to not provide a separate narrative.

Ms. McMillan commented that she liked that they were planning to remove invasive species. She asked Mr. McNamara if he mentioned the removal to Dori Wiggin. Mr. McNamara replied yes. He also explained that the invasive species were on the lawn area and their method to remove them was by hand pulling and grabbing. He said that they were open to other suggestions. Ms. Tanner suggested using a sod cutter to remove the lawn area.

Ms. Tanner asked if they had thought about doing a pervious pavement driveway. Mr. McNamara said that they had thought of it and may do it but he did not want to commit to it yet.

With regards to the pulling of the invasives, Ms. McMillan cautioned Mr. McNamara about causing erosion or run off to the water during the construction of the landscaping.

Hearing no other questions, Vice Chairman Horrigan called for a motion.

Ms. Tanner made a motion to recommend approval of the application to the Planning Board. The motion was seconded by Ms. McMillan. Vice Chairman Horrigan asked for discussion.

Ms. McMillan asked the Commission if they felt they had enough information. She felt that there was a lot going on with the proposal but she understood it and felt it was right on the line. She added that she was okay with the proposal the way it was.

Vice Chairman Horrigan agreed with Mr. Wazlaw that they should have had a narrative.

Ms. Ennis asked if the plan was approved, would the landscape plan involve the species listed. Vice Chairman Horrigan referred the question to Mr. McNamara who responded yes.

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

C. Off Kearsarge Way
Bonhomme Richard Realty, LLC, owner
Assessor Map 212, Lots 118, 119, & 122

Ms. Stone stated that she would be recusing herself from the discussion and vote.

Mr. James Gove of Gove Environmental Services, Mr. John Chagnon of Ambit Engineering, and Mr. Dave Lauze of Chinburg Builders were present to speak to the application.

Mr. Gove passed out some aerial photos and other photos for the Commission's review. He referred to a large plan to acclimate the Commission to the site. He pointed out a railroad corridor along the site and a ditch that ran along it. Ms. Tanner asked Mr. Gove if the ditch was considered a wetland. Mr. Gove replied yes, it was a manmade wetland.

He pointed out that work within the buffer would be 8,200 square feet.

Mr. Chagnon explained that they were proposing a 20 lot subdivision on the property. They would install a public street that would terminate in a cul-de-sac. He pointed out that the lots slope from north to south and the slope steepens as you get closer to the railroad corridor. He said that it has presented some challenges with regards to getting proper drainage and treatment of the stormwater run off. All of the water would flow back towards Kearsarge Way and would be picked up in a system of catch basins and would bring it to an area between Lots 18 and 19. Mr. Chagnon showed an area on the map where they were proposing to install a large surface sand filter that would decrease the peak rate of flow and the actual flow volume. He pointed out that the water that reaches the wetland area would now be treated water.

Mr. Chagnon informed the Commission that the Technical Advisory Committee asked them to make two changes to their plan which was not reflected in these plans. He stated that the intent was still the same.

Ms. Blanchard asked if the existing road would remain. Mr. Chagnon said it was a temporary road that was used when the bridge was reconstructed. They plan to remove the entire road. Ms. Blanchard asked if the only entrance to the subdivision was off of Kearsarge Way. Mr. Chagnon said yes.

Ms. Blanchard stated that she was concerned with the back slope and the depth of the lots. She asked why the lots needed to be that deep. Mr. Chagnon said that they wanted to keep as much of a wooded buffer as possible. They also were proposing to put in retaining walls. Ms. Blanchard was concerned that the property owner may wish to do something on the back of the lot. Mr. Chagnon thought that was a good point but he did not think they would be putting any additional structures or driveways on the lots.

Mr. Britz explained that the applicant was before the Technical Advisory Committee recently and the committee had an issue with the drainage. Mr. Chagnon explained to the Commission changes that were discussed at the TAC meeting.

Mr. Gove stated that the wetlands were flagged by a wetland scientist. He added that he did not see any wetland vegetation or standing water along the railroad tracks. He said that without the wetland plants and the wetland soils, he did not think they should be connecting the two areas. There was a 50 foot break between the two areas.

Vice Chairman Horrigan said that the first time he saw this site a couple of years ago, he was surprised at how dry it was. He wondered where the water goes from the steep slope. Mr. Gove thought that the layers under that area had sediment build up because he found places where the railroad has dug selectively along that area. He added that in major storm events, the water has to drain in the direction of the wetland.

Vice Chairman Horrigan asked what type of capacity the retention pond had. Mr. Chagnon said that the detention pond would handle up to a 50 year storm which was considerably more than the design requirements. Vice Chairman Horrigan had a concern on the size given that we get

100 year storms regularly. He asked what would happen if it overflowed. Mr. Chagnon said it would most likely drain down to the tracks and off in the direction of the wetland.

Ms. Blanchard asked what the retaining wall would be made of and whose responsibility it would be for maintenance. Mr. Chagnon said the walls would be made of a granite type block. He explained that they would use rock excavated from the site.

Mr. Lauze explained that the retaining wall would be the responsibility of the owner. It would be one continuous wall for aesthetic purposes. The wall would give the owners on complex lots a decent backyard instead of a sloped yard. He pointed out one particular lot.

Ms. Tanner commented that given the circumstances on that lot, maybe it should not have a house on it.

Ms. McMillan asked why they were proposing a detention pond instead of a retention pond. Mr. Chagnon said it was actually a surface sand filter and would serve both functions.

Vice Chairman Horrigan asked if there were any more questions. Hearing none, he asked for a motion.

Mr. Wazlaw made a motion to recommend approval of the application to the Planning Board. Ms. Blanchard, for the purposes of discussion seconded the motion.

Ms. Blanchard stated that she had a problem with the fragility of the site, especially with the retention wall and drainage issues. She said that she would not approve the proposal with those lots in the wetlands as they are. She explained that the Commissions' jurisdiction was wetlands and not the economics of the project. She said she would not support the motion.

Ms. Tanner concurred with Ms. Blanchard's comments.

Vice Chairman Horrigan asked to add a recommendation: that a 100 year storm system be considered given its proximity to the homes and nature of the site.

The recommendation was agreeable to both Mr. Wazlaw and Ms. Blanchard.

Hearing no other discussion, Vice Chairman Horrigan called for the vote. The motion to recommend approval of the application to the Planning Board with the following stipulation **failed** to pass with a 2-4 vote:

1) that a 100 year storm system be considered given its proximity to the homes and nature of the site.

Vice Chairman Horrigan and Mr. Wazlaw voted in favor and Ms. Blanchard, Ms. Ennis, Ms. McMillan, and Ms. Tanner voted in opposition.

Ms. Ennis left at this point in the meeting.

IV. OTHER BUSINESS

Ms. Blanchard reminded the Commission of the discussion at last month's meeting regarding the role of the tree commission. She suggested at the time that it be placed on the next agenda for further discussion. In an effort to tidy up the agendas, Ms. Blanchard stated that if an issue is brought up, then she thought it should be discussed. If the Commission was too busy to take it up, then the Commission should say so.

Mr. Britz followed up on last month's discussion and said that he talked with Steve Parkinson and found out there was a tree ordinance in place but there was currently a draft update to it. Mr. Britz thought it would make sense to have someone come and talk with the Commission regarding it. Ms. Blanchard asked who the chairman of the tree committee was. Mr. Britz said Peter Loughlin was the chair. Ms. Blanchard said that if Mr. Parkinson could not come to speak with them, she was comfortable with Mr. Loughlin coming in his place. She felt it was important that the Conservation Commission have some sense of the direction of the City and make sure it was compatible with their interests. Vice Chairman Horrigan asked Mr. Britz if the Commission could get a copy of the draft tree ordinance. Mr. Britz replied yes.

Ms. Blanchard also said she would like to discuss the City's position concerning fining or challenging people about trash. She wondered if there was a tool available to issue a fine. Mr. Britz said that there was nothing on the books about fines. He explained that the City would file suit against someone instead. He thought that it was the Commission's position to issue a warning with a letter. Mr. Britz said that he could find out about putting a fine system in place. Mr. Wazlaw pointed out that the Commission did a good job of enforcing the trash dumping at the gas station on Route 33 many years ago. He thought the code enforcement officer had something to do with that by citing them. Vice Chairman Horrigan added that the Board of Adjustment became involved with the site for other reasons but the trash dumping became one of their stipulations to the approval.

In other business, Mr. Britz brought up the topic of the island in Sagamore Creek that has been offered to the City to purchase. The land has been offered to the City for a price of \$28,000.

He told the Commission that they would be able to post the property informing the public of restrictions on the property. Ms. Tanner also recalled that the Commission was interested in an appraisal of the natural resources and the animal habitat on the property.

Mr. Britz informed the Commission that the annual taxes on the property were \$2,600.00 on an appraised value of \$153,000.00. He also said that the property owner filed for an abatement asking that the value of the land be reduced to \$24,000.

Ms. Tanner said that she would be in favor of keeping people off of the property. She said that in the past it has been a spot for partying.

Vice Chairman Horrigan pointed out that this issue was not listed on the agenda for today. Mr. Britz said that the Commission could authorize the use of money from the Conservation Fund to have someone like Mark West do an evaluation of the property.

Ms. Blanchard said that she was not comfortable making a decision today about the purchase but she did not want to leave the offer out there too long because she knew someone else was interested in it. She did not want to see the City miss an opportunity. She suggested requesting the owner undertake a natural resource evaluation. Ms. Tanner agreed. Mr. Britz said that he could get a quote and see if the owner would be willing to pay for it.

Ms. Blanchard made a motion to direct Mr. Britz to get a quote for a natural resource inventory (similar to PULA) for the Sagamore Creek island property and then ask the owner if he would be willing to pay for it. The motion was seconded by Ms. Tanner. The motion passed by a unanimous (6-0) vote.

It was decided to check with Chairman Miller about picking a date for the next PULA meeting. Possible dates would be emailed to the Commission.

V. ADJOURNMENT

At 5:30 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 April 13, 2011.