

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

3:30 P.M.

MARCH 14, 2012

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman Mary Ann Blanchard, Allison Tanner, Barbara McMillan, Elissa Hill Stone, Peter Vandermark

MEMBERS ABSENT: Rich DiPentima

ALSO PRESENT: Peter Britz, Environmental Planner

I. OLD BUSINESS

A. Approval of minutes – February 8, 2012

Chairman Miller recommended two changes to the minutes. It was then moved, seconded, and passed unanimously (6-0) to approve the minutes as amended.

II. STATE WETLANDS BUREAU PERMIT APPLICATIONS

1. Standard Dredge and Fill Application
Lafayette Road
U.S. Army Corps of Engineers, owner
Assessor Map 252, Lot 7

Mr. Larry Morse of GZA Environmental and Mr. Tim Coleman and Mr. Matt Groth of the U.S. Army Corps of Engineers were present to speak to the application. Mr. Morse gave the Commission a site plan for their review.

Mr. Morse stated that the Training Center would replace the Doble Center and would be located at this site on Lafayette Road. The facility would be about 20,000 square feet in size with a vehicle storage area and associated parking. He pointed out that there were two wetland areas on the site that are proposed to be impacted by the project. He explained that material has been removed from the site previously and that various materials have been brought back to the site to build it up. The cover materials are dense and heavy causing water to drain poorly from the site. He added that there were not a lot of functions associated with the wetlands on the site. Lastly, Mr. Morse passed out copies of photographs of the site.

Chairman Miller stated that he was mostly concerned about the storm water run off of the site. He wondered if there was a way to get water quality treatment in addition to the proposed detention pond. He said that he was looking for a way to get water into the ground rather than off of the site. Mr. Morse said that the project team filed an Alteration of Terrain permit and added that they could not address Chairman Miller's recommendation at this time but he assured him that the project team would look into it. Chairman Miller also suggested a gravel wetland in place of the detention pond.

Chairman Miller asked if there would be any landscaping. Mr. Morse said that he has not seen the final landscaping plans but assured Chairman Miller that the site would be landscaped.

Vice Chairman Blanchard asked how much paving there would be. Mr. Morse said that he did not have the exact figure but he was guessing it would be in the vicinity of 30,000-35,000 square feet. He thought the exact figure was in the drainage analysis. After reviewing the report, he told the Commission that the impervious areas totaled 1.62 acres including the building.

Ms. McMillan referred to the third photo that was taken looking toward Public Service of New Hampshire and asked if there would be any trees remaining. Mr. Morse said that the grading would be going to the property line. Ms. McMillan asked if there would be any trees on the Lafayette Road side. Mr. Morse said that there were some trees there but he was not sure what would remain. Mr. Britz explained to the Commission that this was a federal project so it did not have to go through the City process. Ms. McMillan recalled that the trees on Lafayette Road were planted by the abutters from across the street. Again, Mr. Morse said that he could take their recommendations back to the project team. Chairman Miller said that any landscaping with trees and shrubs to help soften the edges of the property would be appreciated.

Vice Chairman Blanchard asked if the access to the site would be from Lafayette Road. Mr. Morse replied, no, and said that access would be off of West Road because of the anti-terrorist protection rules. Mr. Morse added that there would be plenty of opportunity for landscaping.

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

Vice Chairman Blanchard made a motion to recommend approval of the application to the State Wetlands Bureau. The motion was seconded by Ms. Stone.

Ms. Tanner asked why the City was reviewing this application when it did not have to come to them. Mr. Morse explained that State law requires that they file the application through the City which would then allow the City the opportunity to provide comments about the project.

Ms. Tanner stated that she did not support the application at all. She felt it was a poor choice of location considering all of the security risks and the residential neighborhood across the street. She said that she did not have a report from a wetland scientist to support the statement that the wetlands were of low value.

Chairman Miller pointed out that the Commission has an opportunity to comment so he wanted to put some conditions on the recommendation.

Chairman Miller amended the motion to include the following stipulations:

- 1) that the applicant will look for opportunities to improve water quality through infiltration with the use of rain gardens, and the use of a gravel wetland, and/or other best management practices for stormwater management.
- 2) that the applicant will look for improvements on landscaping and replacement of trees and shrubs where possible to provide a visual buffer along Lafayette Road.

Ms. Stone suggested the idea of creating a replication wetland in the southwest corner of the property. Discussion ensued and the idea was ultimately withdrawn.

Vice Chairman Blanchard seconded the amendment.

Ms. McMillan commented that she thought the buffer area would work nicely with the City's desire to enhance that corridor.

Hearing no other discussion, Chairman Miller called for the vote.

The motion to recommend approval of the application to the State Wetlands Bureau with the following stipulations passed by a vote of 5-1 with Ms. Tanner voting in opposition:

- 1) that the applicant will look for opportunities to improve water quality through infiltration with the use of rain gardens, and the use of a gravel wetland, and/or other best management practices for stormwater management.
- 2) that the applicant will look for improvements on landscaping and replacement of trees and shrubs where possible to provide a visual buffer along Lafayette Road.

- 2. Standard Dredge and Fill Application
58 Pleasant Point Drive
James McSharry, owner
Assessor Map 207, Lot 12

Mr. Joseph LeBlanc of LeBlanc Associates was present to speak to the application. He stated that he was proposing to construct a dock with a 4' x 20' access ramp, a 4' x 8' pier and 3' x 40' aluminum ramp. He said that the purpose of the access ramp was to avoid the salt marsh which would be no closer to the marsh than five feet. The pier would have an impact of 20 square feet of direct impact and 360 square feet of indirect impact. Mr. LeBlanc said that there would be 3/4 inch spacing between the deck boards and all work would be done by hand. He added that the float would rest on skids at low tide and would be secured with cross chains coming back to the pier. He pointed out that that was at the request of the Department of Environmental Services. He also filed a copy of the plan to the Army Corps of Engineers and has been in touch with the City's Inspection Department.

Mr. Vandermark asked how deep the pilings would go. Mr. LeBlanc stated that he was doing the permitting but would not do the building but he thought they would go about eight feet deep. Mr. Vandermark asked if there would be any pilings out at the dock. Mr. LeBlanc replied no, that was the reason for the chains. He pointed out that the pier would not be in the major current of the river. He added that during the winter, the ramp would be stored on the pier and the float would be removed. He explained how the float would be taken from the water.

Mr. Britz asked how the 8 foot holes would be dug by hand. Mr. LeBlanc said they would use a power auger. Mr. Vandermark asked if the spoils would be taken away. Mr. LeBlanc replied yes.

Chairman Miller asked where the boat would be at low tide. Mr. LeBlanc said that the boat would be out in the channel on a mooring. He said it would be accessed with a dingy.

Chairman Miller stated that he noticed in the report that two clumps of Marsh Elder have been located on the property. He wanted the contractors to know about them and to flag them to avoid interfering with them.

Chairman Miller commented that he liked to see a plan of the pier off the shore of the property to get a perspective of where it lies.

Ms. Stone was curious as to why DES did not ask for float stops. Mr. LeBlanc said that the Army Corps of Engineers recommended the skids. He explained in detail why the skids were the best option.

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

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

The motion to recommend approval of the application to the State Wetlands Bureau passed by a unanimous (6-0) vote.

- 3. Standard Dredge and Fill Application
 - 53 Pray Street
 - John and Joan Schorsch, owners
 - Assessor Map 102, Lot 40

Mr. Zachary Taylor, project planner for Riverside and Pickering Marine Contractors was present to speak to the application. He stated the applicant would like to install a 6' x 58' fixed pier with a 3' x 50' ramp to a 10' x 20' float. The pier would be centered on the property. Mr. Taylor also explained that the current shoreline was a combination of seawall which supports the existing boathouse area and some rip rap. He added that he would use float stops as directed by the Army Corps of Engineers.

Mr. Taylor informed the Commission that a similar dock was approved for the prior owners of the property but was never built.

Ms. Stone asked why float stops would be used with this project. Mr. Taylor said that the ice was minimal in the area. It was also being built like the dock next door which has not had any trouble. He explained in detail the advantages of using float stops in this situation.

Mr. Vandermark commented that this was a classic case where two people should get together and share a dock since the dock next to it would be practically identical. Chairman Miller added that it was a narrow spot.

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

Ms. Tanner 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 by a unanimous (6-0) vote.

III. CONDITIONAL USE PERMIT APPLICATIONS

- A. Off Spinney Road
 Lynn J. Sanderson and Frances T. Sanderson Revocable Trusts,
 Paul G. Sanderson, Trustee
 Assessor Maps 167 and 170, Lots 5 and 24

Mr. Eric Weinrieb of Altus Engineering was present to speak to the application. He stated that he has been before the Commission twice for the project. Each time he has taken the Commission’s comments back to the applicant which has resulted in revisions. He explained that they were now looking at a Planned Unit Development (PUD) for the site which added the area across the road into the project. He said that this approach would eliminate the internal lot lines and would allow them to stay out of the forested area. The stormwater management area would still be within the 100 foot buffer which would require a conditional use permit. Mr. Weinrieb said that one of the existing homes, currently owned by Alan Sanderson could be added into the PUD lot. The single family home could be made into a two unit home with a third unit constructed behind it to bring the total of units in the PUD to nineteen. He pointed out that he did not have final layouts yet. He also said that they were not withdrawing the other application at this point but only suspending it until they could get approval for the PUD project.

Ms. Tanner asked how the drainage would be handled on the site. Mr. Weinrieb stated that the stormwater management area was relatively flat. He said that they would have a couple of stormwater management areas.

Vice Chairman Blanchard asked if the Alan Sanderson house, Units 6,7, and 8, would structurally change. Mr. Weinrieb stated that it was a large house but they had not worked through the architectural elements of that plan yet.

Chairman Miller asked what the dark cross hatched areas signified. Mr. Weinrieb said that it indicated land that would be sold to the neighbors. He pointed out that the land on the curve of Spinney Road would be given to the City for the widening of the road.

Chairman Miller asked about the PUD process. Mr. Britz stated that it was a subdivision process. Vice Chairman Blanchard asked what the goal of a PUD was. Mr. Britz said the goal was to concentrate development. Mr. Weinrieb pointed out they do not come up very often in Portsmouth. He said that the remaining land would be open land for all properties. The PUD he thought would be a condominium association with the wetlands and forested areas managed by that condominium association.

There was discussion about where the drainage from across the street would go. Mr. Weinrieb said that they had not done the calculations yet for that.

Chairman Miller asked if lots 9, 10, and 11 would have driveways on Spinney Road. Mr. Weinrieb replied yes.

Ms. Tanner asked what the style of the units would be. Mr. Weinrieb said that they did not know yet but hoped that they would not be cookie cutter.

Chairman Miller stated that he would have to get more familiar with the PUD. He thought it was an interesting idea. He said that he was interested in how the association would manage the open space.

Vice Chairman Blanchard asked Mr. Britz that if the open space becomes part of the ownership of the condominium association, wouldn't they still have to comply with the regulatory process of the City of Portsmouth. Mr. Britz replied yes.

Chairman Miller asked if the public wished to comment.

Mr. Donald Green of 277 Middle Road read a prepared statement which was submitted for the record.

Attorney John Lyons stated that he felt it was a step in the right direction. He remained optimistic that the applicant would engineer the roadway and the lots to avoid additional run off. He added that any approval of the PUD subdivision would require that the remaining land would be left open.

Hearing no other discussion, Vice Chairman Blanchard made a motion to conclude the work session. The motion was seconded by Ms. McMillan. The motion passed by a unanimous (6-0) vote.

B. 225 Borthwick Avenue
Liberty Mutual Insurance
Assessor Map 240, Lot 1

Mr. Mike Leo of VHB, Inc. was present to speak to the application. He stated that he was representing the applicant for a proposed generator expansion. The property was just over eleven acres in size with two buildings connected by a causeway. There were currently three generators on the site and they would like to expand the area to accommodate two more generators with gravel access.

Mr. Leo said there would be a total disturbance of 4,230 square feet in the wetland buffer. The new impervious area would be 1,085 square feet. Permanent impacts for the generator, enclosure, pads, and gravel would be 740 square feet.

Ms. Tanner asked if there would be any replanting. Mr. Leo said they included a planting list in the submission but it was mostly for screening. Ms. Tanner asked if they would be putting in new trees since they would be taking some trees out. Mr. Leo said that they would prefer to leave it open because of the fuel involved with the generators. Vice Chairman Blanchard asked what kind of fuel he was referring to. Mr. Leo said it was diesel fuel. Ms. Stone asked if they had a spill containment plan. Mr. Leo replied yes.

Mr. Britz asked the square footage of the path that would be removed. Mr. Leo said it was 430 feet that would be removed.

Ms. McMillan asked about the use of the water in the pond. Mr. Leo said that the water could be pulled out of the pond for fire protection. He added that the purpose of the fountain in the pond was to help keep the algae down. Ms. McMillan pointed out that having vegetation along the edge would help to naturally keep the algae down.

Mr. Vandermark asked if the buildings would be self-sufficient once the generators were installed. Mr. Leo said the purpose of the generators was to help them through power outages so they were for emergency use only. Vice Chairman Blanchard asked if they would kick in when the power shuts off or did they need to be activated. Mr. Leo said they were set up for both scenarios.

Ms. Tanner pointed out that the fertilizing of the lawn was not a good thing to do. Mr. Leo said that he could talk to the grounds keeper about that concern.

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

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

The motion to recommend approval of the application to the Planning Board as presented passed by a unanimous (6-0) vote.

IV. OTHER BUSINESS

1. Discussion of Draft Tree Ordinance

Vice Chairman Blanchard updated the Commission on the Tree Committee meeting held that morning. She shared the agenda, the minutes of the February 8, 2012 meeting, and the proposed changes to the draft tree ordinance. She added that she felt they owed a tremendous debt of gratitude to the members of the Tree Committee for their work and expertise.

2. New Hampshire Association of Conservation Commission dues

Chairman Miller stated that the annual NHACC dues in the amount of \$865.00 were now due.

Ms. Tanner made a motion to approve the annual expenditure of \$865.00 for dues to the New Hampshire Association of Conservation Commissions. The motion was seconded by Vice Chairman Blanchard.

Mr. Vandermark asked what benefits the Commission received from the annual dues. Chairman Miller said that the Association represents the various Commissions on relevant issues at the State House, they track bills that might be coming before the Legislature, and they hold annual educational workshops.

Hearing no other discussion, Chairman Miller called for the vote. The motion to approve the annual expenditure of \$865.00 for dues to the New Hampshire Association of Conservation Commissions passed by a unanimous (6-0) vote.

In one final piece of other business, Mr. Britz informed the Commission that they were now members of the New Hampshire Association of Natural Resource Scientists.

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 11, 2012.