

**REGULAR MEETING  
CONSERVATION COMMISSION  
PORTSMOUTH, NEW HAMPSHIRE  
1 JUNKINS AVENUE**

**Conference Room "A"**

**3:30 p.m.**

**April 13, 2005**

**Members Present:** Chairman, Charles Cormier; Vice-Chairman, Steve Miller;  
Members, Brian Wazlaw; Allison Tanner; Eva Powers;  
Alternates, Barbara McMillan; and Skye Maher

**Members Excused:** Don Green and J. Lyn Walters

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

---

Chairman Cormier called the meeting to order at 3:30 p.m.

**I. STATE WETLANDS BUREAU PERMIT APPLICATION**

**a) Pierce Island Boat Ramp for the City of Portsmouth**

Peter Britz, Environmental Planner for the City of Portsmouth presented the City's application for the state permit. He went over the plan from the handout to the Board depicting the proposed boat ramp for Pierce Island. He said that it would be a great improvement to the boat launch and that currently the very edge at low tide is crumbling and the asphalt is falling off. He stated the boat ramp was not very user friendly and with the strong current it is very difficult for boats to position themselves next to the ramp. He presented the materials proposed. They would use a concrete cable mat, 48 x 100 feet and 20 feet from the mean low water with a series of floating docks in the center held in place by a concrete anchor measuring 8 x 10 feet. Mr. Britz noted that the City would be seeking grant funds in order to fund the project.

Vice Chairman Miller noted that currently, the concrete is so bad that people have been going off to the side therefore making the site wider and wider. He commented that he liked the new ramp.

Ms. Tanner noted that the drop off is very scary.

Chairman Cormier asked if it was fair to say that it is an improvement from what is currently there now and the Board agreed, as did Mr. Britz.

Ms. Tanner asked Mr. Britz what the life span would be of the new ramp.

Mr. Britz answered about 20 years.

Chairman Cormier asked the Board to make a motion to approve or deny the permit.

Ms. Tanner moved for a motion to approve and Vice Chairman Miller seconded the motion.

Chairman Cormier asked the Board for all those in favor. The Board then voted on the motion to approve and the motion passed with a 7-0 vote.

**b) Piscataqua River Back Channel Pier for Charles and Melissa McLeod**

No one showed up to the meeting to present the proposal so the Board commented on the permit submitted. Vice Chairman Miller said that the photos were very helpful but noted the description of the land around the existing dock was depicted as sand and/or rocks but looking at the pictures taken of the proposed site the land appeared to look like salt marsh. He asked about the removal of the old dock and what the applicant proposed to do about the salt marsh area.

Since no one had come to the meeting to present and answer any of the Board's questions, Mr. Britz recommended tabling the permit to the end of the meeting to allot more time for someone to show up.

Ms. Tanner made a motion to table the permit to the end of the meeting and Vice Chairman Miller seconded.

Chairman Cormier asked the Board for all those in favor. The Board then voted on the motion and the motion passed with a 7-0 vote.

*At the end of the meeting*, Vice Chairman Miller made a motion to table to the permit to next month's meeting; Ms. Tanner seconded.

Chairman Cormier asked the Board for all those in favor. The Board then voted on the motion to table the permit to next month's meeting and the motion passed with a 7-0 vote.

**II. CONDITIONAL USE PERMIT**

**a) Campus Drive**

Bernie Pelech spoke on behalf of the applicant, the Engle Family Trust and brought with him the engineer on the project, John Chagnon of Ambit Engineering and Mark West of West Environmental.

Attorney Pelech stated that back in 2000, Mr. Engle and API of NH got site plan approval to build a warehouse on the back corner of West Road and Industrial Drive. He said that the existing building is about 6 ft from the wetland area and at that time, the wetlands were non-jurisdictional.

Mr. Britz asked Attorney Pelech if the wetlands were man made.

Attorney Pelech answered yes, that they were created when the whole site was mined down to its current state. He noted that there was a man made drainage swale constructed back in 2000 to handle stormwater runoff.

Attorney Pelech indicated that the new proposed building would encroach on the buffer zone, which made the determination that, a conditional use permit was necessary so they submitted the same.

Mr. Chagnon went over a set of plans submitted to the Board. The first sheet was the existing conditions of the site, which he indicated that the original plans for the existing building built in 1999-2000 depicted the second phase as well (new addition/building). He noted that the Planning Board, however, made the applicant come back and approve the second phase at a later date. The second sheet showed the proposed 108 x 111 foot addition. He reiterated that none of construction would be in the wetlands but rather in the buffer zone. He noted the pavement and roof impact on the buffer zone and showed the Board that on the south side of the building there would be a loading dock with a paved ramp extending from the loading dock area which would allow them to drive around and meet the floor height in order to enter the warehouse. He pointed out to the Board that there would be some temporary grading impact. He explained that in order to allow the ramp to work they would have to fill in the grade and then cover it with grass when the ramp was completed.

Mark West from West Environmental performed a site analysis on the proposed property and evaluated impacts to the wetlands, wildlife and plant life together with the drainage systems. He pointed out the stormwater management system that was currently on the site depicted on the plans submitted. He indicated that there is an area at the end of the existing pavement about halfway on the south side of the existing building where all of the runoff on that point would flow to the east over a short grassed area between the dumpster and the drainage swale and not into the wetlands area which extends to a delineation point. He noted that there were no gutters on the square part of the existing building but there would be some over the proposed loading dock area. He said the site has a wooded area on the west side but that the new proposed building would not impact any of the wildlife inhabiting that wooded area. He showed the Board a picture he took looking from the south to the north where the proposed building would be constructed. He remarked that the whole area had been cleared back in 1999-2000 for the existing building but that natural vegetation had grown over the years. He performed a functional analysis and looked at physical

features of the wetlands and came to the conclusion that the pond did not hold a lot of water and the water quality was poor to begin with due to the water runoff from this site but also from the industrial area on West Road and from the other side of Campus Drive into the wetlands containing toxic and pathogen substances. He reiterated that the wetlands have a limited function and value. He pointed out again that some of the emergent vegetation that has grown over time on the building pad where the proposed building is intended to go but that it has fairly limited functions and that the impact of the development is not significant because the vegetation is basically nothing but weeds. He went over the photos contained in his analysis and explained them in detail to the Board. The first photo was the front of the site looking towards Campus Drive. The second photo showed the treatment swale and on the other side were the wetlands. The third photo was looking across the street at the wetlands. He stated that the site drains from the west to the east. The fifth photo was the existing paved area. The sixth photo was where the proposed addition that would be constructed and the existing building to the side. The seventh photo showed the back corner of the site. The eighth photo was just to the north and east, which depicted the ditch that was non-jurisdictional. He again reiterated to the Board that all of the water drains into the wetlands and that there is some existing water quality problems due to the runoff from the larger industrial area. He pointed out that there would be a buffer remaining to the north of the building and about 50 feet of vegetation. He said that any of the disturbed areas would be planted with grass. He then went through requirements set forth in the Conservation Commission's regulations and stated to the Board that the nature of the building pad was suited for development, that they would not be altering any vegetation and that the only other alternative then the proposed would be to not develop at all but that he didn't feel there was a significant impact.

Ms. McMillan asked Mr. West about the first photo whether the grassed area was all that was there for filtration of the water runoff.

Mr. West pointed out the treatment swale.

Ms. Maher asked if there were any mechanical system used in the treatment swale to treat the water.

Mr. West replied that it was built for the site and that it wasn't a detention system, therefore there was not a Vortech treatment unit.

The applicant told the Board that the anticipated frequency of use in the ramp buffer area would be about two to three times a month and that the unloading of a truck would not be a daily task.

Ms. Maher asked whether pervious pavement had been considered for the ramp/loading dock area.

Mr. Chagnon said he didn't think it would be a suitable use due to the weight of the trucks.

Vice Chairman Miller asked if there was any possibility of combining the ramp and the loading area.

A representative from the applicant's business noted that the original design idea was what Vice Chairman Miller suggested, but that it did not work due to truck turning movements.

Mr. Wazlaw pointed out that a lot of the building is in the buffer zone and asked what materials were used to create the building pad for the proposed building.

Mr. West said that they had removed lots of material and created building pads made of a gravel stone type mix or a sand silt stone mix but that there weren't any soil studies performed and that he didn't dig around those parts of the site. He reiterated that a new wetland formed due to the recent activity there. That it is a wetland now and, as such, the applicant must comply with the conditional use permit process.

Ms. Powers stated that the industry has developed better materials than asphalt that are more permeable.

Ms. Maher suggested using native vegetation versus grass due to maintenance issues.

Mr. West reiterated that the grass would be low maintenance.

The Board stated that porous pavement would be supported.

Attorney Pelech noted that porous pavement was suggested in his Walmart application before the Planning Board but that the DOT does not recommend it due to this area's climate; that they have had much difficulty with the freezing and thawing. He stated that the ramp/loading area wouldn't be a lot of pavement.

Mr. Chagnon noted that he wasn't very familiar with the product but he suggested if the issue was runoff related that they could tilt it so the water would runoff onto the grassed area.

Ms. Maher was concerned about how they could address the filtering and pavement issue.

Mr. Britz suggested a hooded catch basin on the southeast corner of the lot to catch any oil so that the water quality impact would be properly addressed and they could use some type of native vegetation to provide better filtration and hopefully improve the wildlife habitat in the wetland buffer area.

Chairman Cormier asked the applicant how they felt about the suggestions made by the Board.

Everyone seemed to think what was suggested was appropriate.

Ms. Powers asked Mr. Britz about the pervious asphalt.

Mr. Britz said that he would support it.

Mr. Chagnon thought the suggested type of pavement would be better suited if it were a parking lot area and not a delivery area with huge delivery trucks; the weight would be too much and it's a sloped area.

Vice Chairman Miller stated that the pavement product suggested is better than the norm, in that, it has a longer life span but that he thought it was a legitimate argument made by the applicant not to use the new pervious pavement due to the comment made by Mr. Chagnon.

Mr. Chagnon reiterated that the only new impervious area other than the roof in the buffer zone would be the ramp.

Chairman Cormier asked the Board for a motion.

Ms. Tanner made the motion to recommend the permit with the condition that the applicant meets the guidelines set by Mr. Britz's memo submitted to the Board on this permit application. Ms. McMillan seconded the motion.

Chairman Cormier asked the Board for all those in favor. The Board then voted on the motion and the motion passed with a 7-0 vote.

**b) Lafayette Road**

Chairman Cormier read a letter to the Board submitted by Attorney Pelech on behalf of the applicant requesting that the current permit be tabled to next meeting of May 11, 2005.

Ms. Tanner made a motion to table the permit to next month's meeting and Mr. Wazlaw seconded.

Chairman Cormier asked the Board for all those in favor. The Board then voted on the motion and the motion passed with a 7-0 vote.

**III. WORK SESSION**

**a) Little Harbor Road Subdivision**

Bernie Pelech spoke on behalf of the petition. He informed the Board that the subject property is located on Belle Isle or Lady Isle, as more often referred to, and approximately 1.6 acres fronts Little Harbor Road. He stated that they are asking to subdivide the property into two lots and that they have stipulated via a letter submitted to the Planning Board that there would be no further subdivision of those acres and the island. He noted that his client would like to build two houses on that lot. He also pointed out that there is no development between Belle Island Road and the conservation land located to the east of Belle Island Road that the City has ownership over. He also noted that his client has agreed with his neighbor to maintain a no cut zone of approximately 25 feet along the property line.

Ms. Powers asked Attorney Pelech about the proposed driveways in that they are quite a distance between the existing driveway and if there was any reason as to why the proposed driveways couldn't be minimized.

Attorney Pelech said that the length of the driveways were that way due to the location of the proposed homes on the lot. He also said it was due to location of the wetlands that they positioned the driveways in that way.

Ms. McMillan suggested a shared driveway.

Attorney Pelech stated that currently they share the existing entry driveway and then the second spurs off.

Ms. Maher remarked that the second driveway goes over the leech field.

Attorney Pelech said that was allowed.

Chairman Cormier asked if there would be any conditional use problems with the houses or the driveways.

Attorney Pelech noted that there may be a request for docks in the future but that was it.

Mr. Wazlaw asked Attorney Pelech to clarify that they would not be seeking a conditional use permit.

Mr. Britz asked what were the stipulations made by the Planning Board.

Attorney Pelech noted that the only reason they were before the board was due to a stipulation made by the Planning Board to hold a work session with this Board.

Attorney Pelech remarked that he did not see why the applicant would not be able to use Ms. McMillan's recommendation to combine the driveways and that they had agreed to reduce from 50 feet to 25 or 30 feet on the private way.

Vice Chairman Miller asked where the 100 ft buffer was on the first map provided because it was on the second map, which said map did not show the proposed lots and he also asked if the proposed lots were currently wooded.

Attorney Pelech stated that they are mostly wooded; that there is some clearing area but mostly wooded.

Vice Chairman Miller expressed concern about the enforcement of the Shoreland Protection Act.

Mr. Britz said that there would be no clear cutting for 250 ft.

Mr. Britz asked when the freshwater wetland was delineated since the citywide wetland map shows more wetland on this site than the plan presented by Attorney Pelech.

Attorney Pelech answered within the last couple of years but that he would get him that information.

Ms. Powers asked when the land was sold if there would be any stipulations in place about the dimensions or the layout of the buildings' restrictions.

Attorney Pelech said that he was not aware but that he did not think so other than the zoning ordinance requirements and setbacks.

Vice Chairman Miller asked if the owner was building or selling.

Attorney Pelech said that his client wants to subdivide the property and sell it.

Ms. Maher asked to see the wetlands delineation, compared to our City maps and she wanted to see the proposed driveways to consist of gravel due to the proximity to waterway and she also commented on the presentation; that she was surprised at the quality of the materials because they were not adequate, in that, they did not have a scale and she thought that they could have been better.

Chairman Cormier asked if the property had been subdivided yet or if it was still one lot.

Attorney Pelech remarked no, that it was still one lot.

Ms. Maher asked if there could be language reflected in the deed that would denote the restriction of no further subdivision.

Attorney Pelech said that could be accommodated.



Ms. McMillan inquired about possible cutting or thinning on the shorefront area and asked about the enforcement of the Shoreland Protection Act. She also asked about the possible future docks request and if there was a way to have one shared dock versus two.

Attorney Pelech said he would take the suggestions directly to his client.

Ms. Powers noted that Michael Clark would appreciate all of the input because he wants to keep his island lovely.

Ms. Powers asked how the Planning Board hears the recommendations made at the meeting by the Conservation Commission.

Mr. Britz answered by memorandum.

## **VI. OTHER BUSINESS**

### **a) UNH Stormwater Technology Workshop**

Ms. McMillan informed the Board that she had sent an email to check for the availability of dates.

Vice Chairman Miller said the same and that he suspected that they would fill up quickly.

Ms. McMillan noted that it would be well worth the time to go.

Ms. Powers asked if it would be an all day workshop.

Vice Chairman Miller said it would be midmorning to mid to late afternoon, serving lunch in between.

Ms. McMillan thought the topic of the workshop was relevant to what the Conservation Commission does and covers.

Mr. Wazlaw suggested getting a representative to come in to explain pervious/permeable surfaces and talk about the pros and cons on using the same.

Vice Chairman Miller said he knew of someone that may know of someone who could do what Mr. Wazlaw suggested and that he would see what he could find out.

Ms. Maher liked Mr. Wazlaw's suggestion.

### **OTHER BUSINESS DISCUSSED**

Ms. Powers wanted to start performing site walks as a group.

Chairman Cormier said it was a possibility.

Vice Chairman Miller said they have done it before on areas that certainly needed it.

Mr. Britz said that it was a good idea and he would see what he could do to arrange that.

Mr. Wazlaw noted that the maps submitted for the Lafayette permit application were the same maps that were previously submitted in 2004. He was curious what the owner's strategy was for that lot due to a previous owner selling it because of the wetland impacts on the property.

Vice Chairman Miller wanted to know how the proposed would affect the wetlands due to an additional lot being purchased.

**VII. NEXT MEETING – May 11, 2005**

**VIII. ADJOURNMENT**

There being no further business to come before the Commission members, at 5:30 p.m. a motion was made and seconded to adjourn to the next scheduled meeting on May 11, 2005 in Conference Room "A" and passed with a 7-0 vote.

Respectfully submitted,

Christina V. Staples  
Conservation Commission Secretary

/Cs