

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

Conference Room "A"

3:30 p.m.

October 12, 2005

Members Present: Chairman, Charles Cormier; Vice-Chairman, Steve Miller; Members, Allison Tanner, J. Lyn Walters, Eva Powers, Don Green, and Brian Wazlaw; and Alternates, Barbara McMillan and Skye Maher

Members Excused:

ALSO PRESENT: Peter Britz, Environmental Planner

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

I. STATE WETLANDS BUREAU PERMIT

- a) **Standard Dredge and Fill Application
325 Little Harbor Road, Portsmouth, NH
Michael Clark**

Glen Normandeau of Pickering Marine Corporation spoke on behalf of the application. He explained that there is an existing, small building on a deck on piles, which they want to pick the building up and replace the deck under it. He noted that there would be no change in structure change, footprint, etc.

Mr. Green asked what they would do with the old pilings.

Mr. Normandeau stated they would just pull them out.

Vice Chairman Miller clarified that they were just picking the building up and replacing the deck underneath it.

Mr. Normandeau said that was correct.

Ms. Maher stated that it appeared that the pilings were sitting on mud.

Mr. Normandeau did not know if they were driven in or just sitting on the mud.

Chairman Cormier asked if there were any further questions for the applicant.

Ms. Maher asked why this application was before the Commission.

Mr. Normandeau stated that it was a minimal impact but an actual replacement and didn't qualify for an expedited permit so it would go through the regular process.

Mr. Walters made a motion for a favorable recommendation of the project and Ms. Tanner seconded.

Chairman Cormier asked the Commission for all those in favor and the motion for a favorable recommendation was approved via a unanimous vote.

**b) Standard Dredge and Fill Application
Walker Bungalow Road, Portsmouth, NH
Sagamore Landing Condominium Association**

Mr. Glen Normandeau of Pickering Marine Corporation spoke on behalf of the application. He explained that Sagamore Landing was a development built by Joe Sawtel in the early 90's as a cluster development. He further stated that there was an existing wharf that was rebuilt in kind years ago with a short wood ramp and float (10x12). The owners had installed it over the past few years and would like more people to be able to access the float so they were requesting that it would be moved further out than it currently is. He explained that there was a sandbar in the middle of the creek and then it gets deeper, shoals up and then drops off into the federal channel which was more towards the opposite shore line and they wanted the float out there where the float wouldn't beach out at low tide on both sides for easier access.

Mr. Wazlaw asked if they would be adding three floats (6x20).

Mr. Normandeau answered yes.

Chairman Cormier asked if there would be any pilings.

Mr. Normandeau said yes, probably four would be driven.

Mr. Green asked what the distance was from the end of the proposed pier to the one across the way.

Mr. Normandeau said it was about 130 feet from the face of the existing float to the edge of the federal channel and it was 84 yards from the end of the existing pier, and roughly 190 feet from the face of what was being proposed to the nearest float that would come and meet it at the other side (across the creek).

Mr. Green asked since the property was a Condo Association, whether all of the members were using the proposed dock as well as being on board with the proposal.

Mr. Normandeau said as far as he knew, they were since they had signed a contract. Chairman Cormier asked if there were any further questions for the applicant.

Ms. Maher asked Mr. Normandeau about the schematic that was provided. She said that she couldn't get it to match up with hers.

Mr. Normandeau said it was possible that he could've made a mistake.

Ms. Maher said it was more likely that she was not reading correctly. She stated that if started at the upperward edge, there was a 58-foot wharf.

Mr. Normandeau said that was the existing wharf.

Ms. Maher asked Mr. Normandeau to clarify the layout of the proposed docks. She asked if it would be similar construction.

Mr. Normandeau said yes that it was all timber.

Ms. Maher asked if that spacing was the recommended spacing.

Mr. Normandeau said on the floats there is no spacing requirements.

Ms. Maher was concerned about the vegetation and there being enough light for the same.

Mr. Normandeau explained the way the rules were now with the Port Authority make it so there is only one mooring allowed per residential household. He further noted that there were six households in question but combined into a condo association, so they are considered as one lot and therefore one household and are only allowed the one slip. That was why they were asking for the proposed.

Ms. Maher asked if they could remove the loose timbers laying horizontally below the ramp as depicted in some photos that Ms. Powers had taken and provided at the meeting.

Mr. Normandeau said he would have to take a closer look when he was out there.

Ms. Powers asked if any of members had their own dock.

Mr. Normandeau said the existing was all that they had; owned in common.

Ms. Powers asked Mr. Britz if the City had any comment on that.

Mr. Britz stated from his standpoint, it was a good case for a community dock, especially since it would reduce the impact since it wouldn't be sitting in the mud.

Mr. Normandeau noted that they had been trying to promote the idea of a community dock but it was tough because of the rules.

Mr. Wazlaw made a motion for a favorable recommendation and Mr. Green seconded.

Chairman Cormier asked the Commission for all of those in favor and the motion for a favorable recommendation was approved via a unanimous vote.

**c) Standard Dredge and Fill Application
199 Gosport Road, Portsmouth, NH
Christopher O'Neill**

Lies between two other with docks on them. For mud docks, the latest technology is to put in float stops so that the floats don't get on the mud when the tide's low. There is a band of marsh vegetation but there is a bare ledge where the ramp would go over and there isn't any pier construction that would go in the marsh area, just on total rock area.

Mr. Britz asked about the float stops and how it worked.

Mr. Normandeau explained.

Mr. Britz asked if there would be wood on the bottom as a frame.

Mr. Normandeau answered no.

Mr. Green asked how many lots there were in the cove and how many had docks.

Mr. Normandeau answered 13 lots and that there were 4 docks directly in the cove and a couple of others over by the Elks Lodge.

Vice Chairman Miller asked what the height and width requirements over the marsh substrate.

Mr. Normandeau stated 1 to 1 and the dock shouldn't be any problems with that.

Mr. Green made a motion to approve and Mr. Walters seconded.

Approved.

II. CONDITIONAL USE PERMIT

**a) Woodbury Avenue, Portsmouth, NH
Starbucks Coffee**

Bernie Pelech spoke on behalf of the application, for the applicant, Starbucks Coffee. He introduced Luke DiStefano of Bohler Engineering and Ian Trefry of NH Soil Consultants that were working on the project. He turned over the presentation to Mr. DiStefano to explain what was proposed for the subject property. He explained that Starbucks would like to redevelop the property into a Starbucks without any changes to the footprint. The only major impact is the addition of a drive-through, which would require an additional encroachment along the northern part of the side. The eastern side of the site is bordered by a wetland area which results in two

impacts by creating more green space within the wetland buffer and adding more impervious cover of the buffer area. Within the wetland buffer area it would be an increase of 1257 sq. feet of impervious surface as well as enhance the drainage capabilities on the site. He turned it over to Mr. Trefry of NH Soil Consultants explained the wetland boundary. The area adjacent to the wetland area is a scrub shrub and they are in the process of performing a functions and values assessment. They haven't finished with that assessment so they can't compare the drainage of then and now.

Chairman Cormier asked if the total amount of impact of 1257 s.f. would include the areas of removal.

Mr. DiStefano answered that it would.

Chairman Cormier asked what would be the total number returning back to green.

Mr. DiStefano answered 700 s.f. plus.

Ms. McMillan asked if there were any photos from the site.

Ian said that there would be some provided after the functions and values assessment analysis had been completed.

Ms. Powers handed out a photo she took of the site to Ms. McMillan.

Mr. Green asked how that site would accommodate the traffic back flow since it was such a small site and a busy area to accommodate a drive-through.

Mr. Green asked if they would be opposed to other products for the proposed area that would be more Eco friendly and absorb and dissipate water.

Mr. DiStefano said that they would look at other ways to limit the amount of outflow and drainage, grading, etc. before they look at other alternatives for pavement.

Mr. DiStefano reminded the Commission that the runoff would be collected through either additional catch basins or detention tank.

Mr. Green thought there should be a way to maximize the absorption instead of adding more detention tanks or catch basins.

Mr. DiStefano stated that they would explore all sort of option if they would be allowed to move forward.

Chairman Cormier noted the project may be premature to be seeking approval since they had not met all four requirements set forth in the ordinance.

Mr. Britz and Ms. Maher agreed with the Chairman.

Ms. Maher applauded the applicant for attempting to reuse an existing building but asked that they provide a new plan since the one distributed was not accurate and she didn't feel comfortable making a decision with so much lacking information.

Vice Chairman Miller agreed with Ms. Maher and asked for more detail on the stormwater treatment plan.

Ms. Maher wanted more information.

Chairman Cormier asked when the function and value assessment analysis would be completed.

Mr. Trefry answered next week.

Mr. Wazlaw was not comfortable because there was not a lot of data therefore it was hard to make an informed decision without all of the pertinent information.

Mr. Green made a motion to table and Ms. Tanner seconded.

Approved.

**b) Maple Haven, Portsmouth, NH
City of Portsmouth**

David Moore of the Community Development Department for the City of Portsmouth spoke on behalf of the application. He explained that they had met with the neighborhood on the proposed design of the park and that the project would be funded by funds raised by the neighborhood as well as money from the Capital Improvement Plan. The park in question contains a lot of mature pine grove that he noted were characteristic of the park however have created some overgrowth and problems. They wished to increase the amount of impervious surface in the wetland buffer area since some of the existing mature pines' root systems have grown so large that they have uprooted the basketball court area. This as such, has made it unsafe. They decided to change the orientation of the basketball court which unfortunately further encroached into the wetland buffer area. He noted that they had made every effort to mitigate the impact by proposing drainage swales and vegetative buffer areas. He further noted that there would be a reduction of the square footage of impervious area into the buffer area of the wetlands. He stated that they had looked into possibly using pervious pavement, however it did not seem feasible since the cost of using pervious vs. impervious was about a ratio of 4-1.

Ms. Powers asked if there were other companies (smaller) that specialize in pervious product.

Mr. Moore said not that he knew of but asked Ms. Powers to please recommend some if she knew of any.

Ms. Powers asked if it were possible to use any of the Conservation Funds to help with the funding of the pervious payment for the basketball court.

Mr. Britz was not sure but thought it was a great idea and worth looking into.

Mr. Green asked how much it was estimated to cost.

Mr. Moore said it was about 4-1 or anywhere from \$5,000.00 to \$20,000.00 plus.

Chairman Cormier asked about the wetlands and asked if there was any value assessment performed.

Mr. Britz stated that there was a delineation performed that determined the wetland area in the rear was very high value but that the little wetland was not.

Chairman Cormier asked if Mr. Britz felt the requirements had been satisfied.

Mr. Britz felt so and thought it was an improvement.

Chairman Cormier asked what the difference would be in comparison for use from now till then if approved.

Mr. Britz answered more use by kids and probably more strollers.

Mr. Wazlaw asked if they would be removing the current basketball court.

Mr. Moore answered yes.

Vice Chairman Miller wanted to know if there would be a way to prohibit the use of fertilizer and pesticides on City property.

The Commission thought that was a good idea.

Chairman Cormier added that there are some organic fertilizers that are available.

Vice Chairman Miller acknowledged that and appreciated the suggestion.

Mr. Walters made a motion for a favorable recommendation and Ms. Tanner seconded.

The Chairman called for the vote and the motion was approved unanimously.

III. OTHER BUSINESS

a) Work Session Sagamore Avenue-Expansion of Harmony Grove Cemetery

John Chagnon of Ambit Engineering presented explaining that it would be a state wetlands permit application but that they wanted to meet with the Conservation

Commission before they proceeded formally with the application. There's need for more sites for the cemetery to create more space for the needs of Portsmouth residents for time to come but it does border the edge of the Sagamore creek area, Belle Isle and Little Harbor School. Fill to maintain a flat elevation where the sites are now and at the edge there would be a slope down to a fifty-foot primary reference line. They would be within the tidal buffer zone.

Mr. Chagnon indicated that they want to make an application soon.

A couple of things that have come up are the invasive species. Down the path in the upland there are a lot of Japanese knotweed, aka bamboo, and that is a great place to hide, it is evasive and is something that should be removed and replaced with some sort of natural vegetation, probably low growing vegetation. Also, regarding the permit, this is considered a previously developed lot as most of the lot has been developed so from the State's perspective this would be a minimum impact permit. As long as they stay out of the 50' minimum zone.

The area that they want to drain slopes down from Sagamore Avenue and the water pools on its way into Currier's Cove. In the springtime it's just unpleasant to look at for people coming in.

A permit was previously obtained for the catch basin which goes under the road and out near the playground. However, the clearing is within the guidelines. They could look at enhancing it.

The Commission was concerned about maintaining the vegetation so that it doesn't grow back. They discussed alternative plantings.

They are only allowed to develop a certain amount of land for grave space. Most people plan ahead for their needs. If things are developed the way they have drawn up, it should probably last 20 years or so.

It was asked if there were any creative practices to place the graves closer together to disturb less land and increase the density in the zone. Some people may just want a marker, without actually burying a coffin, it would disturb less land and could be put in the buffer.

It was unknown whether that could be done at this location or whether it would be allowed.

Chairman Cormier closed the work session and hoped that the parties received some sort of direction for their project. He felt there had been some great ideas discussed.

b) Prime Wetlands Grant

Mr. Britz indicated that this would be scheduled for the November meeting for an update by Mark West and for feedback from the Commission on what they

considered to be important criteria and what wetlands were important and should be designated.

III. APPROVAL OF MINUTES – September 14, 2005

Minutes were not approved and will be placed on the November Agenda.

V. ADJOURNMENT

At 5:30 pm, a motion was made and seconded to adjourn to the next regularly scheduled meeting.

Respectfully submitted,

Jane M. Shouse
Acting Conservation Commission Secretary

These minutes were approved at the December 14, 2005 Conservation Commission Meeting.