

**MINUTES OF THE  
CONSERVATION COMMISSION WORK SESSION**

**CONFERENCE ROOM "A"**

**3:30 P.M.**

**June 19, 2008**

**MEMBERS PRESENT:** Chairman Steve Miller; Vice Chairman James Horrigan; Members, Allison Tanner, Barbara McMillan, Eva Powers; Alternate Mary Ann Blanchard

**MEMBERS ABSENT:** Brian Wazlaw, Skye Maher, Alternate Richard Adams

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

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**I. WORK SESSION**

A. Discussion of possible modifications to Article VI of the Zoning Ordinance

Chairman Miller had a list of the unresolved issues that arose from the joint meetings of the Planning Board and Conservation Commission on April 3, 2008 and April 10, 2008.

The list was as follows:

- Manmade structures in the wetland buffers
- Minimum wetland size - .5 acres/5,000 square feet
- Tidal setbacks from NMP/SMP
- Exemption of small additions – 1 or 2 family homes
- Economic considerations in criteria
- Independent wetland scientist regulations

Chairman Miller suggested discussing one topic at a time.

**Manmade structures in the wetland buffers – Section 10-816.10 (5.)**

The Commission was in agreement to remove item #5, referring to water impoundments, from Section 10-816.10. They felt they should not be a permitted use and if one is proposed then the applicant would need to file a conditional use permit which would be reviewed and evaluated on its own merits.

**Minimum wetland jurisdictional size - .5 acres/5,000 square feet – Section 10:813.10**

The Commission had lengthy discussion debating 5,000 square feet and 10,000 square feet for the minimum wetland size. It was determined that it would be difficult to map all of the wetlands that are 5,000 square feet in size and would also be difficult to regulate. Some parcels might slip through the cracks where others won't and then the issue of fairness arises. It was felt that 10,000 square feet would be easier to map. It was pointed out that the State still has jurisdiction over fill so that would offer protection for wetlands smaller than 10,000 square feet.

**Tidal setbacks from NMP/SMP – Section 10.813.40 and Section 10.814.24 (2.)**

Mr. Britz pointed out that there was never a setback on the South Mill Pond. The Commission recommended adding the South Mill Pond to Section 10.813.40 and to create a geographic definition for that area. The Commission was also in agreement to include all of North Mill Pond starting at Bartlett Street and ending at Market Street. It was also recommended to bring the tidal wetland areas into the inland wetland areas.

**Exemption of small additions – 1 or 2 family homes – Section 10.816.10 (4.)**

The Commission recommended the addition of “no impervious surface can be used” to this section.

**Economic considerations in criteria – Section 10.818.14, Section 10.818.20 and Section 10.818.30**

The Commission recommended that in Section 10.818.30 (2) that the underlined wording be added to the sentence to read: “Design, construction, and maintenance methods will utilize best management practices to minimize any detrimental impact of such use upon the wetland and will include restoration of the site as nearly as possible to its original grade, condition, and vegetated state;”

**Vegetative Buffer restrictions – Section 10.818.23 and Section 10.818.24**

The Commission was generally satisfied with the way the sections were written however, they felt that Section 10.818.24 (2) was difficult to understand and should be reworked to be more reader friendly.

**Independent wetland scientist regulations – Section 10.817.32**

The Commission indicated that they were in agreement with the revision to this section.

Chairman Miller asked the Commission if they felt they needed to schedule another work session to discussion any additional topics that were not covered. Ms. Blanchard suggested adding it to the next meeting’s agenda for further discussion.

Chairman Miller and Mr. Britz indicated that they would write a letter to the Planning Board to recommend the changes discussed.

Ms. Blanchard stated that she would like to add to the next meeting’s agenda a discussion concerning the conditions of the woods off Commerce Way. She said that when the Commission did the joint site walk with the Planning Board, she was appalled at the amount of trash. She felt it was important to relay to applicants that if they want to do business with the City of Portsmouth, they need to be responsible for their trash clean up on their properties. Ms. Blanchard suggested that Mr. Britz and the City’s Code Enforcement Officer determine how to

best enforce it. Mr. Britz informed the Commission that he received a call from a citizen with the same complaint. He said he was going to call the Kane Company to see if they could work together to solve the problem.

## **II. ADJOURNMENT**

At 5:10 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 September 10, 2008.