

**MINUTES
REGULAR MEETING
CONSERVATION COMMISSION**

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

3:30 P.M.

February 11, 2009

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

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner

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I. NEW BUSINESS

A. Election of Officers – Chairman, Vice Chairman

Ms. Blanchard made a motion to place in nomination the names of Chairman Miller and Vice Chairman Horrigan for reappointment to their respective positions. The motion was seconded by Ms. Tanner. Chairman Miller asked if there were any other nominations to be brought forth. Hearing none, Ms. Tanner moved to close the nominations.

Chairman Miller called for the vote. The motion to reappointed Chairman Miller and Vice Chairman Horrigan to their respective positions for another year passed by a unanimous (6-0) vote.

Ms. Blanchard complimented Chairman Miller and Vice Chairman Horrigan for their leadership and their willingness to serve.

Ms. McMillan arrived at this point in the meeting.

II. OLD BUSINESS

1. Approval of minutes – January 14, 2009

Mr. Wazlaw arrived at this point in the meeting.

Chairman Miller pointed out that in the second paragraph on page two, he thought it should read “two tiered parking deck for the medical office building” instead of “two tiered parking deck for the hospital.”

Also on page two, the third paragraph from the bottom, Chairman Miller suggested removing the first sentence as it did not accurately represent his thoughts.

Lastly, on page five, the last paragraph, Chairman Miller suggested adding “the Right to Know Law” as clarification.

Ms. Tanner made a motion to approve the minutes as amended. The motion was seconded by Ms. McMillan. Chairman Miller called for the vote. The motion passed by a unanimous (7-0) vote.

III. OTHER BUSINESS

A. Continued discussion regarding proposed changes to the Conservation Commission Rules and Procedures document

Chairman Miller reviewed the proposed changes that were discussed at the last meeting. There was detailed discussion on the following: minimum impact expedited applications and permit by notification applications, site visits prior to signing off minimum impact expedited and permit by notification applications, the role and responsibilities of alternates, the submission of agenda items within five business days of the meeting, and the current order of business according to Roberts Rules.

Ms. Powers asked if the Chairman or a designate was visiting the sites of minimum impact expedited applications and permit by notification applications prior to signing them off. Chairman Miller responded by saying that he has not been going to each site but he was fine with stepping up the diligence. He added however, that he was not sure that it was necessary. Ms. Powers said that her concern was that the Rules and Procedures said this “shall” be done. Mr. Britz reminded the Commission that they had decided they wanted to review minimum impact expedited applications and permit by notification applications to make a recommendation before the Chairman signs them off. He explained that if they still wanted to do that, then the wording in this section of the Rules and Procedures would need to be changed. He also said that the reason for these applications was to expedite the process, not to complicate it.

Vice Chairman Horrigan stated that he would rather keep that section as written. He said he would like to go and assess the sites himself and did not think it was an inconvenience to the applicants. He added that they often get applications stating that the area will not be affected when in fact, in his opinion it would. Ms. Tanner disagreed stating there was a time constraint with these types of applications and having everyone go out and look at the site would tie it up. The applications were designed to eliminate this. Vice Chairman Horrigan pointed out that each Commissioner assesses things a little differently and that a group reaction was needed.

Chairman Miller wondered if bringing someone from the Department of Environmental Services to talk about the application process would increase everyone’s comfort level. He added however, that he felt DES did a good job of evaluating each application. Mr. Britz volunteered to get the criteria for both applications and present it at the next meeting.

Mr. Britz suggested that maybe when the next minimum impact expedited application or permit by notification application comes in, the Commission could be informed so that they could go and visit the site. If they had a problem with it, they could email the Chairman and a special meeting could be called to discuss it.

The Commission was in agreement that footnote #3 on page 3 should be changed to read five "business" days.

The Commission also felt the duties and responsibilities of the alternates should be more clearly defined in the document. It was pointed out that once a motion is on the table, an alternate cannot participate in the discussion that follows unless they are voting. Ms. Blanchard said that under Roberts Rules of Order, you cannot have discussion without a motion. Chairman Miller agreed but pointed out that Roberts Rules are not directly applicable to this Commission.

Vice Chairman Horrigan made the suggestion that when a presentation is being made, the Commissioners should probably direct their questions of the applicant through the Chairman. Ms. Tanner also suggested limiting the time of the presentations. Vice Chairman Horrigan made another suggestion that when there was a work session, Roberts Rules should probably be suspended so as to have an open forum.

Ms. Powers asked that a date be put on the front of the document to track the revisions. She also asked when a Commissioner should discuss a conflict of interest with the Chairman. Chairman Miller suggested discussing it prior to the meeting. He said it was up to the individual Commissioner to determine whether a conflict of interest exists.

Chairman Miller asked that the agreed upon changes be made to the document and the revision be sent to the commissioners.

B. Update on PULA (Public Undeveloped Lands Assessment) Request For Proposal

Mr. Britz reported that the Request For Proposal was sent out to a list of firms who had bid on the wetlands assessment. It was also published in the Portsmouth Herald and put on the City's website. He said that a mandatory pre-proposal meeting was scheduled for February 18 at 10 a.m. in Conference Room A of City Hall. He added that all bids are due March 6.

C. Update on Zoning Ordinance rewrite

Mr. Britz explained that the environmental section has been incorporated into the rest of the ordinance and the Planning Board was diligently working with the whole ordinance section by section. He felt the Planning Board would do something with it in the spring.

Ms. Blanchard said that the Commission's concern was whether the revised ordinance would incorporate all of their suggestions. Mr. Britz responded by saying that until the ordinance was put together into one package, they would not know.

Chairman Miller recalled that there was still discussion to be had on wetland size. He thought there was the possibility of a potential work session with the Planning Board to discuss it. Vice Chairman Horrigan stated that he thought the Commission had agreed to a 10,000 square foot minimum wetland size. He felt they were on solid ground with that figure.

Vice Chairman Horrigan asked if Mr. Taintor would continue to serve in a transitional role or would he be taking over as the head of the Planning Department. Mr. Britz said that he would be transitioning to be head of the Planning Department but he was still responsible for producing the draft of the ordinance. Mr. Britz added that he was not aware of the exact time table regarding this.

D. Discussion on new storm water regulations proposed by EPA

Chairman Miller stated that new regulations have been proposed. There was a good public comment session in the Council Chambers at City Hall that was well attended. He thought that the public comment period would continue until February 20. He said that if and when the rules change, he would find a way to educate the Commission on those changes.

E. Discussion of Department of Environmental Services correspondence packets

The Commission discussed at length the various letters from DES concerning ongoing projects: the proposed medical office building on Borthwick Avenue, 130 Crescent Way, and the Port Authority project.

Ms. Blanchard expressed concern about how the Shoreland Protection Act applications will interact with the City. She explained that the applications will not come before the Conservation Commission. She wondered if the City could notify them when an application is filed. Mr. Britz explained that these applications do not receive the same level of review. He went on to say that he thought DES would send a letter to the Commission informing them of the submittal.

Chairman Miller commented that he liked getting the packet of correspondence. He felt it was a nice way to follow up on applications.

Vice Chairman Horrigan mentioned the letter regarding the \$20,000 grant money promised in connection with the Meadowbrook project. He said that he felt uneasy about it and felt that it almost crossed the line as a bribe. Mr. Britz explained that the \$20,000 was mentioned by Mike Parsont who specified that the money was for the Hodgson Brook watershed. Mr. Britz gave a detailed account of what the minutes of the Conservation Commission and the Planning Board meetings indicated. He said that the City was not asking for the money, they were only reminding the applicant that they had offered it. Ms. Blanchard said that these things happen across the board at the top levels and it was an unattractive practice. Chairman Miller suggested having a deaf ear to that practice. He said that perhaps if an offer is made, the Planning Board or some other committee could find some way to get it in writing. Ms. Powers added that perhaps it could be suggested to an applicant making a proposal that they discuss it directly with the benefiting party.

Ms. Blanchard left at this point in the meeting.

Ms. Maher stated that she thought it was instructive for the Commission to think about a mitigation program in light of the hospital's proposed expansion. She pointed out that if they had not had that original mitigation project there would be no hospital there and there would be no development in the wetlands.

F. Renewal of membership dues - New Hampshire Association of Conservation Commissions

Ms. Maher made a motion to expend \$850.00 to continue the Commission's membership in the NHACC. The motion was seconded by Ms. Tanner. The motion passed by a unanimous (7-0) vote.

Ms. Maher asked the status of the second alternate to the Commission. Chairman Miller said that he had not heard from the mayor's office concerning a new appointment but that he would follow up on it.

IV. ADJOURNMENT

At 4:50 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 March 11, 2009.