

**REGULAR MEETING
CONSERVATION COMMISSION**

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

3:30 P.M.

March 11, 2009

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

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner

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I. OLD BUSINESS

1. Approval of minutes – February 11, 2009

Chairman Miller pointed out two errors in the minutes and asked that they be corrected.

It was then moved, seconded, and passed unanimously (7-0) to approve the minutes as amended.

II. STATE WETLANDS BUREAU PERMIT APPLICATIONS

Chairman Miller explained that because there was also a Conditional Use permit application on the agenda for the same project, they would entertain the information for both applications with the same presentation by the applicant.

- A. Minimum Impact Expedited Application
Griffin Road
Public Service of New Hampshire, owner
PSNH Right-of-Ways located at Map 259, Lot 1, Map 236, Lot 1-1,
Map 165, Lot 14

Mr. Patrick Crimmins of Appledore Engineering, Inc. and Mr. Jim Mayo of Public Service of New Hampshire were present to speak to the applications.

Mr. Crimmins explained that the overall project was to remove eight existing utility poles and construct eight new utility poles. He said that the work would be taking place in both the wetland buffer area and outside the wetland buffer area. He pointed out that was the reason for the minimum impact expedited application as well. In order to access some of these poles, Mr. Crimmins said they would hand cut the vegetation in the wetland areas in order to get their service vehicles into the site. They plan to lay down fifteen foot wide mats over the cut vegetation for the vehicles to drive on. He added that the vehicles can only move within the

PSNH right of way. The plan showed that the project would result in 5, 125 sq. feet of temporary impact within the inland wetland district.

Outside of the wetland buffer area, Mr. Crimmins explained that switches on two poles would be relocated to more serviceable locations. In order to access those poles, they will need to construct two small access drives and would be installing grass pavers in that area. He said that the grass pavers system was a better system than a gravel system.

Vice Chairman Horrigan stated that he visited the site and said that he observed a number of survey tapes. Mr. Crimmins told him that they were probably wetland flags. Vice Chairman Horrigan said that he had trouble matching the flags up to the submitted plans. Mr. Crimmins explained that the flags were wetland flag markings and were done by wetland scientist.

Vice Chairman Horrigan asked if the project was tied in with the bridge replacement project. Mr. Crimmins replied no.

Ms. Maher asked about the grass paving system. She asked him why he thought it was better than gravel. Mr. Crimmins explained that it would create a lawn area with additional treatment through the courses which would assist with filtration. He further explained that the system consisted of plastic circles filled with clean sand with a hydro mix added. Ms. Maher commented that she did not have a problem with the pavers. Mr. Crimmins said the grass would aid in the storm water treatment.

Ms. Powers asked if the grass would need to be mowed. Mr. Mayo replied that there was grass along the edge now but he was not sure if anyone mows it. He said that PSNH does not mow it.

Hearing no other questions, Chairman Miller asked if they were ready for a vote on the minimum impact expedited application.

Vice Chairman Horrigan made a motion to recommend approval of the application to the State Wetlands Bureau. The motion was seconded by Ms. Tanner. Chairman Miller asked for discussion.

Vice Chairman Horrigan stated that he appreciated the use of the grass paving system. He thought it would be an interesting experiment. He added that he has an interest in pervious surfaces so he was glad they were using the grass pavers for this project.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval of the application to the State Wetland Bureau passed by a unanimous (7-0) vote.

III. CONDITIONAL USE PERMITS

1. Griffin Road
Public Service of New Hampshire, owner
PSNH Right-of-Ways located at Map 259, Lot 1, Map 236, Lot 1-1,
Map 165, Lot 14

Ms. Tanner made a motion to recommend approval of the Conditional Use permit application to the Planning Board. The motion was seconded by Mr. Wazlaw. Chairman Miller asked for discussion.

Vice Chairman Horrigan stated that he appreciated the care they would be using in the area. He said it was a little urban wetland squeezed between a highway, a railroad, and a development.

The motion to recommend approval of the Conditional Use permit application to the Planning Board passed by a unanimous (7-0) vote.

IV. NEW BUSINESS

A. Discussion on Minimum Impact Expedited applications and Permit By Notification applications

Chairman Miller explained in detail the features of the minimum impact expedited application and permit by notification application. He said the permit by notification application was for projects such as installation of a culvert or a bridge for access, installation of a residential utility line, maintenance dredging of non-tidal drainage ditch, man-made pond, or non-tidal spillways, maintenance of non-docking structures, construction of a temporary cofferdam or other temporary water control devices, temporary impacts associated for maintenance and repair of existing utility lines. He pointed out that the application had a check list that the applicant has to initial to certify accuracy of the information submitted. Before and after photos of the site were required to be submitted as well.

Chairman Miller added that the minimum impact expedited application was much more beefy. He pointed out that the application has three sections and was very specific about what was to be submitted. It also had a check list and if the applicant answers yes to any of the questions then the project would not be eligible for the minimum impact expedited application.

Ms. Powers asked if the required site visit stated in the Conservation Commission Rules and Procedures was so it could be determined if the applicant was answering the questions to these types of applications correctly. Chairman Miller said that the State was not mandating that the Commission have a site visit but they are stating that the Commission has the right to go and visit the site if they deem it necessary. Ms. Powers pointed out that the Rules and Procedures did mandate a site visit.

Chairman Miller stated that his sense was that the applications are looked at quite carefully concerning the meeting of the criteria. If they do not meet the criteria, they are kicked out of that particular process. Ms. Powers said that the applicants still have to be trusted to mark all of the questions accurately. She said at past meetings with DES representatives, they say that the Conservation Commission is the "eyes and ears" of the DES. Chairman Miller felt that they did do that.

Mr. Britz said he would try to put together a chart that would help to show the differences and similarities of the different types of DES permits.

B. Consideration of Rules and Procedures document

Chairman Miller went over the proposed changes suggested at the last meeting. He explained that language was added to state how minimum impact expedited applications and permit by notification applications would be handled when they are received.

There was considerable discussion concerning whether a designated Commission member should visit the sites. Chairman Miller said that site visits have value but he felt they were not always necessary. Ms. Powers felt there were plenty of Commissioners available to visit the sites. Chairman Miller asked Ms. Powers if she wanted to make it a requirement to visit each site. Ms. McMillan pointed out that if the Commission does not do a site walk, then no one will because DES does not go out to the site. Ms. Powers commented that that was the “eyes and the ears” that she was talking about. Chairman Miller said that it made good sense but he wasn’t sure they wanted to require it. Vice Chairman Horrigan stated that he was happy with the proposed change.

Ms. Powers asked how everyone will be notified when a permit by notification or a minimum impact expedited application comes in. Mr. Britz answered that everyone who has email will receive an email. Ms. Blanchard would receive a phone call or letter. Ms. Powers asked if they would have seven business days to review the application. Mr. Britz said it would be seven calendar days. Mr. Wazlaw felt that the process seemed clear and set parameters.

There was discussion concerning the meaning of “waiver of intervention” referred to on the minimum expedited application. Ms. Blanchard suggested that Mr. Britz speak with DES and let them know that the language is complicated.

Chairman Miller asked if the Commission was ready to vote on the changes to the Rules and Procedures. Mr. Britz explained that in order to approve the changes, the meeting had to be noticed and a 2/3 majority would rule. He said that both requirements would be met.

Ms. Tanner made a motion to approve the changes to the Conservation Commission Rules and Procedures. The motion was seconded by Mr. Wazlaw. The motion passed by a unanimous (7-0) vote.

V. ADJOURNMENT

At 5:00 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 8, 2009.