

**MINUTES  
CONSERVATION COMMISSION**

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

**3:30 P.M.**

**APRIL 13, 2011**

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

**MEMBERS ABSENT:** Alternate Elissa Hill Stone

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

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**I. OLD BUSINESS**

A. Approval of minutes – March 2, 2011 (PULA Work Session)

It was moved, seconded, and passed unanimously (6-0) to approve the minutes as amended.

B. Approval of minutes – March 9, 2011

It was moved, seconded, and passed unanimously (6-0) to approve the minutes as presented.

**II. CONDITIONAL USE PERMIT APPLICATIONS**

1. Off Kearsarge Way  
Bonhomme Richard Realty, owner  
Assessor Map 212, Lots 118, 119, and 122

Mr. Jim Gove of Gove Environmental Services and Mr. John Chagnon of Ambit Engineering were present to speak to the application. Mr. Gove stated that there had been a lot of discussion concerning the project at the last meeting so he would talk today about the changes that have been made as a result of that discussion. He explained that the isolated ditches expanded out to a forested wetland and ultimately connected to a larger wetland off site which impacted Lots 11 and 12. He pointed out that there was discussion as to what might happen to the rest of the buffer on those lots such as tree cutting and the instability of the slope.

Mr. Gove displayed a plan showing an area highlighted in green. He pointed out on the plan the area that would be deeded to the City for the purposes of maintain the storm water system and to prohibit landowners from being able to cut down trees and maintaining the land. He said that this would result

in 28,000 square feet of buffer that extends along the entire length of the area. The plan provided protection to the entire area down to the railroad tracks. Retaining walls would be installed to clearly demark the boundary line. Mr. Gove felt that by deeding the land to the City, they could be assured that landowners would not be able to cut down trees.

Mr. Chagnon added that they looked at increasing the storms that could be captured in the pond. They have extended the pond another 50 feet so that they will be able to infiltrate up to the 10 year storm.

Chairman Miller pointed out that the minutes from the last meeting stated that the pond would handle up to a 50 year storm. Mr. Chagnon explained that the pond was designed to handle all of the storms so that there was not an increase in volume or peak flow of storm water that exits. He clarified that up to the 10 year storm it does not even exit. The new plan was to be able to infiltrate the entire 10 year volume.

Ms. McMillan asked how the monitoring and enforcement would work with the City easement. Mr. Chagnon explained that this proposal was a fee transfer to the City.

Vice Chairman Horrigan asked if the proposed retaining wall would be right on the property line and if so, did the slope begin at that point. Mr. Chagnon said that the retaining wall would not match the property line. The property line was back about 15-20 feet from the retaining wall because of the lot size and setback requirements. He also said that the plan called for tree mounted markers at each property corner point and every 40 feet along the property line. The markers would let people know that just beyond the retaining wall was City owned land.

Ms. Blanchard commented that she appreciated the applicant taking responsibility of accepting the run off even though it was not from their own property and that they were willing to rectify it. She pointed out that the run off came from the temporary access road. She also said that she was reassured that the property being deeded to the City responded to the Conservation Commission's concerns.

Ms. Tanner said that she still had misgivings about the impervious surfaces in the buffer but she agreed with Mary Ann's comments.

Ms. McMillan asked if the cul-de-sac would have trees as shown in the plans. Mr. Chagnon replied yes. Chairman Miller stated that he was interested in seeing the planting plan for the cul-de-sac. Ms. McMillan commented that it seemed like a nice opportunity for a rain garden to mitigate some of the run off from the two houses. Mr. Chagnon explained that the cul-de-sac was sloped to drain to the outside.

Chairman Miller had questions about snow plan. Mr. Chagnon thought that Public Works would plow the snow to the outside. He added that Public Works wanted the cul-de-sac to be as narrow as possible to minimize the number of trips.

Ms. Ennis asked if the development would have covenants. Mr. Chagnon stated that they would have covenants with suggestions and guidelines on the lawn care. Mr. Dave Louze of Chinburg Builders said that there would be a high end landscape plan.

Ms. Blanchard asked how wide the street would be. Mr. Chagnon said that it would be 28 feet wide. The standard was 32 feet but they received a waiver from the Planning Board.

Chairman Miller asked if there were any more questions for the applicants. Hearing none he asked for a motion.

Ms. Tanner made a motion to recommend approval of the application to the Planning Board. The motion was seconded by Ms. Blanchard. Chairman Miller asked for discussion.

Ms. Tanner stated that the applicant had significantly improved the plan. Chairman Miller agreed.

Ms. McMillan asked Mr. Britz how the City would follow through with oversight of the deeded property. Mr. Britz said that they would treat it like any other City property and that the Legal Department would be in charge of enforcement.

Ms. McMillan pointed out that the City's memo stated that the applicant has outlined the buildable area and proposed to clear ALL the vegetation within the buildable lot area. Mr. Chagnon clarified that there would be no clearing beyond the retaining wall.

Ms. McMillan commented that the sketch of the proposed houses were very helpful.

Hearing no other discussion, Chairman Miller called for the vote. The motion to recommend approval of the application to the Planning Board passed by a unanimous (6-0) vote.

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- 2. 3612 Lafayette Road  
Regeneration Park, LLC, owner  
Assessor Map 297, Lot 3

Mr. Shannon Alther of TMS Architects and Mr. Eric Weinrieb of Altus Engineering were present to speak to the application. He stated that they had been before the Commission for the project and were back before them for a couple of changes for work within the wetland buffer. He explained that a restaurant was now included in the scope of the project and as such; an outdoor deck was being proposed. Because of the restaurant, a sprinkler system was installed which required internal tanks. That required that infrastructure on the outside of the building be relocated. Mr. Alther explained that they have reduced the pavement by 17, 500 square feet and have gained a little green space.

Mr. Alther said that they were proposing a larger generator than originally planned due to back up power required for the water pumps. They had to move the location of the generator because the decibel level was just too much next to the property line. He added that they were also proposing a shed for additional storage. Mr. Alther said the final change was that a few parking spaces were lost because of the deck.

Chairman Miller asked if there were any more questions for the applicants. Hearing none he asked for a motion.

Ms. McMillan made a motion to recommend approval of the application to the Planning Board. The motion was seconded by Ms. Tanner. Chairman Miller asked for discussion.

Ms. Tanner stated that any time impervious surface was removed, she was happy. Chairman Miller agreed.

The motion to recommend approval of the application to the Planning Board passed by a unanimous (6-0) vote.

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- 3. 6 Sagamore Grove  
William Pingree, owner  
Assessor Map 201, Lot 5

Attorney Bernard Pelech, representing the property owner and Mr. Bill Pingree, property owner were present to speak to the application.

Attorney Pelech stated that currently the owner has a detached garage and it became apparent this winter that it was not the best situation. He said that they were proposing to move the existing garage closer to the house and build an addition to connect it to the house. He also said that they were proposing to remove approximately 1,000 square feet of pavement. The existing circular driveway was mostly in the 100 foot buffer so they were proposing to remove 150 square feet of pavement from the buffer. The addition would add impervious surface but he felt it was a good trade off because it was hot top versus roof top and the run off from the roof top was more desirable. He explained that they were proposing to remove 1,050 square feet of impervious surface but adding 1,126 square feet of impervious so it was an increase of 76 square feet within the buffer. He added that the lot was well over an acre in size and was well vegetated.

Attorney Pelech informed the Commission that they met with Mr. Britz about the plan. He said that Mr. Britz suggested additional plantings. He pointed out that there was a well traveled path leading down to the dock on the property. This was the area that they were proposing to add some native plantings. The trees that were proposed to be removed where shown on the submitted plan.

Ms. Tanner asked about the drainage from the roof top. Attorney Pelech stated that currently it sheet flowed and they were proposing to leave it drain the same way. He pointed out that about half of the water flowed toward Sagamore Creek and the other half flowed toward the paved driveway. Ms. Tanner asked if a rain garden would be useful to help with runoff. Attorney Pelech said he was not sure where they would locate one with so much ledge on the property. He thought they might be able to locate it where the existing garage was. Ms. Tanner was concerned about the water running into Sagamore Creek.

Ms. McMillan asked for a more detailed explanation as to the proposed plantings along the walkway. Mr. Pingree said that he would like to restore it to more of a pine forest floor. He pointed out that the house was built in the 1930's and people have been walking that path to the dock for a long time. Ms.

McMillan suggested stone on the path. Mr. Pingree pointed out that there were a lot of exposed roots. Chairman Miller suggested using mulch to protect the roots but the mulch would give them something to walk on. Mr. Pingree said he would like to not walk on the path for a while to give the plantings a chance to take hold.

There was discussion about how to best phrase a motion to recommend a stipulation regarding run off from the new impervious surface. Discussion continued with suggestions on how best to handle the run off. Mr. Pingree commented that he did not think there would be a problem with the run off since the area was already ledge.

Chairman Miller asked if there were any more questions for the applicant. Hearing none he asked for a motion.

Ms. Blanchard made a motion to recommend approval of the application to the Planning Board with the recommendation that the applicant address drainage from the new addition in order to prevent run off to Sagamore Creek. The motion was seconded by Ms. McMillan. Chairman Miller asked for discussion.

Ms. McMillan recommended the booklet "Landscaping to the Water's Edge" to assist the applicant in the restoration of the path down to the water. Chairman Miller added that it was produced by the UNH Cooperative Extension.

Hearing no other discussion, Chairman Miller called for the vote.

The motion to recommend approval of the application to the Planning Board with the recommendation that the applicant address drainage from the new addition in order to prevent run off to Sagamore Creek passed by a unanimous (6-0) vote.

### **III. OTHER BUSINESS**

#### **A. Conservation Commission membership/terms**

Chairman Miller informed the Commission that Brian Wazlaw did not seek re-appointment to the Commission. He also reminded any Commissioners whose appointments were up that they would need to re-apply if they wanted to continue to serve. He said the Elissa Stone would need to apply to fill the full member spot. There were two openings for alternates.

#### **B. NH Association of Conservation Commissions annual dues**

Mr. Britz stated that the annual New Hampshire Association of Conservation Commission dues were now due. Chairman Miller stated that although it was worth it, the dues of \$850.00 were costly. He added that they should find ways to take full advantage of what the association has to offer.

Chairman Miller informed the Commission that the association holds their annual meeting each November. Vice Chairman Horrigan commented that the annual meetings were very good and recommended attending them.

A motion was made, seconded and passed unanimously to approve the expenditure of \$850.00 to the New Hampshire Association of Conservation Commissions for annual dues.

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In additional business, the Commission discussed the Charter Commission with regards to the Tree Ordinance, shoreland impact permits, and invasive species at Prescott Park.

Discussion was also had concerning the purchase of the Sagamore Creek island. Mr. Britz stated that he received an estimate of \$400 from Mark West to do a natural resource assessment of the island. It was decided to have Mr. Britz contact the owner and ask him to pay for a natural resource assessment, similar to the PULA. Ms. Blanchard said it was needed to help the Conservation Commission determine if it was important for the City to purchase it. Vice Chairman Horrigan stated that he thought they should act on it since it was waterfront property and waterfront property was disappearing at a rapid rate. Ms. Tanner said she did not understand why they would want to save it without any conservation value. She felt they needed evaluation criteria. Chairman Miller suggesting waiting for the assessment and then make the decision.

**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 May 11, 2011.