

**MINUTES  
CONSERVATION COMMISSION**

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

**3:30 P.M.**

**JULY 13, 2011**

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

**MEMBERS ABSENT:**

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

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**I. OLD BUSINESS**

A. Approval of minutes – June 8, 2011

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

**II. CONDITIONAL USE PERMIT APPLICATIONS**

1. 450 Spaulding Turnpike  
Portsmouth Ford Lincoln Mercury, Inc., owner  
Assessor Map 238, Lot 1A

Mr. Matt McCormack of MSC Engineers and Land Surveyors was present to speak to the application. He stated that they were seeking permission to do work in the 100' wetland buffer for property located at 450 Spaulding Turnpike. The project was conditionally approved at the January 16, 2011 Planning Board meeting. One condition of the approval was that they receive a conditional use permit for work beyond the buffer.

Mr. McCormack showed the Commission the site on a displayed map. He explained that the scope of the project consisted of the demolition of the existing one story building and the construction of a two story building. There would be three items of work proposed: 1) pavement shimming, 2) tapping the existing gas main, 3) and the demolition of an existing timber retaining wall and replacing it with a block retaining wall of the same size and shape. Mr. McCormack concluded his presentation and offered to answer questions.

Ms. Blanchard asked about the paved area that would receive the shimming and asked what the area was currently used for. Mr. McCormack said that it was an access road. Ms. Blanchard asked if he had considered not paving it but putting down a porous material since it was a road

that was not heavily used. Mr. McCormack pointed out that it was heavily travelled with deliveries of by Portsmouth Ford so he was not sure how the porous pavement would hold up. Since it was already pavement, they were just planning to put another layer of pavement over it to help eliminate the ponding. Ms. Blanchard asked which way the pavement would drain. Mr. McCormack said it would drain toward the wetland.

Chairman Miller asked Mr. McCormack to show him the property boundary on the map. Mr. McCormack explained that the red line on the map indicated the boundary.

Chairman Miller asked if the access road was considered a City street. Mr. McCormack thought it was privately owned but that there was an access easement that was shared between Portsmouth Ford and an abutter.

Chairman Miller commented that cattails grow right up to the pavement and that there was ponding at that location all the time. He added that he was looking for some way to treat the stormwater off the site but he was concerned about what could be done along that edge of pavement without doing more damage to the wetland. Ms. Blanchard stated that was her concern as well.

Chairman Miller asked if there would be any stormwater drains. Mr. McCormack stated that right now there are not any proposed. He pointed out the brown shaded areas on the map and explained that those areas were proposed permeable paver areas where the water would infiltrate into some under drains and would eventually be directed out into a closed drainage system. Currently there is no drainage system.

Ms. McMillan asked if any of the lighting would change. Mr. McCormack said that sheet L3 showed the lighting plan with ten light poles being proposed that would be black sky friendly.

Hearing no other questions, Chairman Miller asked for a motion.

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

Ms. Blanchard stated that the area was so close to the wet areas. She asked Mr. Britz if it was because it was a preexisting setback. Mr. Britz said that largely it was grandfathered. He said they were not putting any new areas of impervious surfaces in and they were improving the site by adding some new drainage systems.

Ms. Ennis asked if the access road was the same road that the large trucks deliver the new cars to Portsmouth Ford. Mr. McCormack replied yes.

Ms. Stone asked about the grid pavers and wondered if the water would discharge to the municipal water system. Mr. McCormack explained that there was six inches of crushed stone below the invert of the under drain pipe so it would allow some storage to reduce the peak flow of a storm and it could recharge in the ground but unfortunately the soils were not that great. Mr.

Britz asked if there would be a geo membrane underneath it. Mr. McCormack explained that it was not an impermeable membrane so there may be some infiltration.

Ms. Stone asked if they would be anticipating natural attenuation processes to be occurring in the traps to break down any oil or grease that collects. Mr. McCormack said that there would be some attenuation in the six inch layer of crushed stone and as a storm comes, the first flush would run in and infiltrate through the pavers, through the sand, and through the stone to a perforated pipe where the storm water would be collected. It then would be directed into the under drain and then out into the system.

Chairman Miller asked Mr. Britz if this application would go before the Technical Advisory Committee. Mr. Britz explained that it already did and received tentative approval. It would now need to go to the Planning Board.

Ms. Blanchard stated that she would support it but noted that the site has been used hard over a long period of time. It was an improvement with the addition of the drainage system.

Chairman Miller agreed but he wished they could get some additional treatment of the run; however, he did not have solution. Mr. McCormack commented that it was a tough site with poor soils and ledge.

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

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- 2. 220 Walker Bungalow Road  
Lawrence and Mary T. Ciotti Revocable Trust, owners  
Assessor Map 223, Lot 20

Mr. Zachary Taylor of Riverside and Pickering Marine Contractors was present to speak to the application. He stated that he presented this project back in January for a State Standard Dredge and Fill permit and received approval from the City as well as DES and the Army Corps of Engineers. They were before the Commission now for a conditional use permit for the same project.

Mr. Taylor explained that the most of the shoreline of the property has an existing timber bulkhead that was failing. Instead of replacing the timber bulkhead, they thought it would be a better fix to replace it with rip rap for stabilization. He said that DES and the Army Corps of Engineers agreed. There was a total of 187 feet of timber bulkhead that would need to be replaced.

Chairman Miller asked if this was the same application as before. Mr. Taylor replied yes and added that there have been no changes. Chairman Miller stated that he remembered looking at this application very closely the last time and he remembered asking for plantings on top of the rip rap to soften the shoreline. Mr. Taylor recalled that request and discussion but pointed out that DES did not require that when they issued their approval. He said that if the Commission

requested it as part of the conditional use permit, they would be agreeable to it. He asked if there were specific plantings they were thinking of. Chairman Miller said would like to see low shrubs to help improve the buffer in that location.

Vice Chairman Horrigan asked Mr. Britz why this application was back before them again. Mr. Britz explained that this was a City permit and that typically the State and City permits applications are heard at the same time, however, these two permits have come to the Commission separately.

Chairman Miller said that a lot of the rip rap projects that have been approved are now full of knotweed. He did not want to recommend plant species but perhaps the owner could come up with a planting plan. Mr. Taylor agreed to come up with a planting plan that could be presented to the Planning Board. Ms. Tanner suggested Beach Pea which would grow over the rip rap.

Hearing no other questions, Chairman Miller asked for a motion.

Ms. Blanchard made a motion to recommend approval of the application as presented to the Planning Board with the following stipulation:

- 1) That a gardening/planting plan of native species is introduced along the top of the rip rap to soften the shoreline, improve the buffer function and to discourage the growth of invasive species.

The motion was seconded by Ms. Stone. There was no discussion.

The motion to recommend approval of the application as presented to the Planning Board with the following stipulation passed by a unanimous (7-0) vote:

- 1) That a gardening/planting plan of native species is introduced along the top of the rip rap to soften the shoreline, improve the buffer function and to discourage the growth of invasive species.

### **III. OTHER BUSINESS**

#### **A. Discussion of possible acquisition of Spinney Road land for conservation**

Mr. Paul Sanderson, trustee of the Sanderson Trust who owns the property and Mr. Eric Weinrieb of Altus Engineering were present to speak to the proposal. Mr. Sanderson stated that they were in the pre-application phase of doing a nine lot subdivision on the property. In meeting with the neighborhood, a question arose as to whether the land could be conserved. As a result of that meeting, Mr. Sanderson said that he wrote a letter to the City manager with a proposal and the City manager has referred the matter to the Conservation Commission for review and discussion. He explained that the land has been in his family since 1841. He said that one of the first steps they took was to see if the Southeast Land Trust had any interest in the land since it had a significant wetland on it. Southeast Land Trust indicated that they did not feel there was any conservation value and they were not interested. Mr. Sanderson showed the

Commission on a displayed map where the parcel was located. He also showed the Commission the wetland area which was located behind some homes on Middle Road. Mr. Sanderson said that many of their neighbors were interested in purchasing small parts of the land to add onto their existing lots. He also showed them on the map the area that Mr. Peter Loughlin used as a tree nursery for City trees.

Ms. Tanner asked how large of an area it was. Mr. Weinrieb said that it was about 8 ½ acres of open space. Ms. Tanner asked what the pink areas on the map indicated. Mr. Weinrieb explained that it was the wetland boundary. He also showed them an isolated wetland on the parcel.

Ms. Blanchard asked if the land could be accessed by Middle Road. Mr. Sanderson explained that there was a 50 foot access area off of Middle Road. He added that there was also access from Thaxter Road.

Vice Chairman Horrigan asked what the source of the wetlands was. Mr. Weinrieb thought it was a combination of the houses on Spinney Road and the natural surface drainage. He said that the soils in that area were relatively tight. Vice Chairman Horrigan asked what would happen to the hydrological condition when the houses along Middle Road were built. Mr. Weinrieb said that have already talked conceptually at a TAC work session and explained in detail specifics of the site.

Ms. Blanchard asked Mr. Sanderson if he had a value for the 8 ½ acres. Ms. Sanderson said not really, that they have not set any numbers or values for the land yet. He added however, that they had no interest in conveying the land to the City without compensation.

Ms. Blanchard commented on the letter from the abutter, Leslie Dolleman. She wondered what value the land would have as conservation land and if it could have a public function. She pointed out that it had a terrific sliding hill and she wondered if the neighbors wanted that in their backyard. Mr. Sanderson said that when they talked with the neighbors, there was a lot of concern about the public having access because currently, people walk through the parcel.

Vice Chairman Horrigan said speaking for himself and not as a commissioner, he would find it very difficult to propose that kind of restriction on publicly acquired conservation land. He felt it could provide a lot of opportunities for conservation education for children. He did not like the idea of keeping the land locked up. Mr. Sanderson said that he understood and that what they were trying to do now was to get some of these issues hashed out. Vice Chairman Horrigan added that the open space would be ideal for community gardens. Chairman Miller informed Mr. Sanderson and Mr. Weinrieb that the Commission had just completed a public lands assessment and they were currently grappling with these same types of issues.

Mr. Weinrieb pointed out that Lots 4 and 5 were in the buffer and would require conditional use permits. He said that they liked this layout the best because it was efficient and more respectful of the land.

Ms. Tanner stated that she would like to give a homework assignment to the owner. She asked him to come back to the Commission with the fair market value. She also said she would like to see it evaluated like the Commission had done with the other City parcels.

Ms. Blanchard pointed out that as they get into a more serious level of discussion, they would need to think about the access piece and parking because any recreation would require parking.

Ms. McMillan commented that they should be looking at the parcel's conservation value and not fair market value.

Mr. Britz said that it was his understanding that the Planning Board would look at this proposal as well and he thought it was on their upcoming agenda. He thought the Planning Board would be interested in some sort of feedback from the Conservation Commission. Chairman Miller said that the Commission would want more information about use of the land.

Mr. Britz asked if the dollar amount of the land would be different after the subdivision was approved. Mr. Weinrieb thought this would be part of the subdivision. He pointed out that some neighbors may want some land so the shape available to the City might change. Mr. Sanderson said that as the owner, he was looking to have complete disposition of the property at the end of the process. He did not want to own any portion of it.

Ms. Blanchard said that at a minimum, she was interested in the entire open space shown on the proposed subdivision plan. She stressed the importance of being good stewards of conservation lands as well.

Mr. Sanderson stated that he would be happy to get more information to City staff. Ms. Ennis said that she would be curious to see what land was left after the neighbors have been queried. Mr. Sanderson said that the neighbors were talking about very small parcels.

Ms. McMillan asked what would happen with the land if the City did not buy it. Mr. Sanderson said there were a couple of possibilities. He said that the first one was that at the end of the subdivision process, all of the land would go as an amenity to the nine lot subdivision. He said they could also hold it and sell it for mitigation services. He added that that was the least preferred alternative. Mr. Sanderson said it was probably more likely that it would become an amenity to the subdivision. Ms. McMillan thought that would be fine. Chairman Miller added that the cost would be a big consideration. Ms. Tanner interjected that it was important to do an evaluation. Mr. Sanderson said that he would give them permission to do that.

Chairman Miller thanked Mr. Sanderson and Mr. Weinrieb for coming and talking to them about the proposal.

#### B. Discussion with Chris Keely from Clean Air-Cool Planet

Mr. Chris Keely of Clean Air-Cool Planet spoke to the Commission about a climate directory that was in the process of developing that would be a resource to Planning Boards, Conservation Commissions, Regional Planning staff, etc. to make it easier to identify and find sources to use

for climate preparedness. Discussion ensued with regard to what information the Commission would like to see in the directory. Mr. Keely told the Commission that the information would be available to the public in 3-6 months.

In additional business, the Commission received an assessment of the Sagamore Island property from Mark West. The Commission was pleased with the information contained in the assessment. There was discussion about what the original offer was for the property.

Ms. Tanner commented that there has been discussion about other parcels around the City such as the land behind St. Catherine's Church and the Stokel property. She pointed out that they have limited funds and she wants to make sure that they use those funds where they will do the most good.

Vice Chairman Horrigan recalled that the dollar amount was somewhere around \$28,000. He felt that was very reasonable and did not think the Commission should delay in making an offer. Mr. Britz stated that the Commission needed to recommend a dollar amount to the City Council. The City Council would have to approve that dollar amount. Once the dollar amount was approved by the City Council, then the offer would need to be approved by the owner.

Ms. McMillan suggested that they needed to consider the conservation value as well as whether this parcel would be pulled out of the list of parcels to be developed to sustain that conservation value. She had concern about the process not being complete. There was discussion as to whether the island could be built on.

Vice Chairman Horrigan stated that the assessed value of the property was \$150,000 and if this were put on the market for \$28,000 it would be snapped up. Ms. Stone agreed with Vice Chairman Horrigan and said they should buy the property at the offered price.

The Commission was in agreement to try to purchase the property. Ms. Blanchard felt they should talk with the City manager. Mr. Britz said he would talk with the City manager and/or the legal department. He said a meeting of the Conservation Commission could be convened if needed.

#### **IV. 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 August 10, 2011.