

**JOINT WORK SESSION
PLANNING BOARD AND CONSERVATION COMMISSION
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

6:30 PM

June 29, 2022

MINUTES

PLANNING BOARD

MEMBERS PRESENT: Rick Chellman, Chairman; Corey Clark, Vice Chair; Karen Conard, City Manager (Present on Zoom); Joe Almeida, Facilities Manager; Beth Moreau, City Councilor; Greg Mahanna; Peter Harris; James Hewitt; Andrew Samonas, Alternate

MEMBERS ABSENT: Jayne Begala; Franco DiRienzo, Alternate,

CONSERVATION COMMISSION

MEMBERS PRESENT: Barbara McMillan, Chair; Samantha Collins, Vice Chair (Present on Zoom); Allison Tanner, Abigail Gindele, Alternate; Thaddeus Jankowski (Present on Zoom)

MEMBERS ABSENT: Jessica Blasko; Henry Mellynchuk; Lynn Vaccaro; Mika Court, Alternate

ALSO PRESENT: Beverly M. Zendt, Planning Director; Peter Britz, Environmental Planner; Stefanie Casella, Planner 1; Kate Homet, Associate Environmental Planner

.....

I. Training Session with Attorney Stephen Buckley, *NH Municipal Association* and Sandy Crystall, formerly with New Hampshire Department of Environmental Services regarding State regulations related to Wetland Conditional Use Permits.

Planning Board Chairman Chellman called the meeting to order at 7:05 PM and introduced Attorney Stephan Buckley, Legal Services Counsel at the NH Municipal Association, and Sandy Crystall, Professional Wetland Scientist (formerly with the New Hampshire Department of Environmental Services).

Attorney Buckley introduced himself and his role at the New Hampshire Municipal Associate where he provides legal services to member communities around the State. Attorney Buckley's

presentation focused on the enabling legislature and relevant case law relating to the Wetland Conditional Use Permits with special attention to the following:

- NH RSA 674:21 – Innovative Land Use Controls
- Relationships and comparisons to Special Exceptions (NH RSA 674:33)
- Takings Clause and Standards

Ms. Crystall then introduced herself and began her portion of the presentation where she discussed the practical application and process of Wetland Conditional Use Permits with special attention to the following:

- Code structure
- The relationship between Wetland Conditional Use Permits and the City of Portsmouth Master Plan
- Wetland buffer anatomy and functions
- The 6 wetland conditional use permit criteria defined in the Portsmouth Zoning Ordinance
- Site walks
- Wetland resource protection considerations
- New Hampshire Department of Environmental Services wetland rules

II. Q&A session with Stephen Buckley and members of the Planning Board, and Members of the Conservation Commission.

Members of the Planning Board and Conservation Commission asked questions relating to zoning interpretations, spirit and intent of the current zoning, goals for future zoning amendments, standards for a functioning assessment, how the process in Portsmouth compares to other communities in the area, species population consideration, and State level permitting needs and triggers.

III. ADJOURNMENT

The Board Adjourned at 8:35 pm.

Respectfully submitted by Stefanie Casella, Planner for the City of Portsmouth