

Minutes of the September 8, 2004 Conservation Commission Meeting

**REGULAR MEETING
CONSERVATION Commission
PORTSMOUTH, NEW HAMPSHIRE
1 JUNKINS AVENUE
CONFERENCE ROOM "A"**

3:30 P.M.

September 8, 2004

PRESENT: Acting Chairman, Charles Cormier, Donald Green; Steven Miller; Allison Tanner; Brian Wazlaw; and alternate, Eva Powers

MEMBERS EXCUSED: J. Lynn Walters; and, alternate, Barbara McMillan

ALSO PRESENT: Peter Britz, Environmental Planner

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Acting Chairman Cormier called the meeting to order at 3:35 p.m. in Conference Room "A"

Acceptance of Minutes – Meeting of August 11, 2004

Ms. Tanner made a motion to accept the minutes from the August 11, 2004 meeting; Mr. Green seconded and were approved with a 6 – 0 vote with Mr. Wazlaw abstaining from the vote.

Mr. Miller stated he voted against the PSNH application at that meeting because the application was poorly presented and the presentation was not very good. There was not enough information to make a qualified decision and he added that he felt this should be reflected in the minutes.

Acting Chair Cormier stated that after a motion is made, this should be discussed once the vote takes place, it is water over the dam.

Mr. Britz stated that it is very important to include the reasons for making their recommendation because the Planning Board uses the minutes from the Commission' s meeting to assist them in making their decision. Mr. Britz encouraged the members to follow this process.

Mr. Green suggested that a letter could be attached to the application reflecting why a member voted in the negative.

I. State Wetlands Bureau Permit Applications:

a) Ridges Court for S. Barndollar

Mr. Barndollar, the owner of the property, stated this application was tabled at the August 11, 2004 Conservation Commission meeting.

Mr. Miller made a motion to take the application off the table; Ms. Tanner seconded and was approved with a 7 – 0 vote.

Mr. Barndollar stated he resides at 160 Middle Street and purchased the property on Ridges Court. There is an existing duplex house on the property that we are proposing to demolish and construct a 3,500 s.f. home on a waterfront lot that has 29,220 s.f. maintaining the same setback to wetlands that the existing structure has. Therefore, we feel there will be no direct impact to the wetlands or tidal area. We have received approval from the Board of Adjustment to demolish the house and construct a new house with the 100' setback. We are on city sewerage and water. It is being proposed to remove 700 s.f. of existing asphalt and create a curb cut for the new parking. The new construction will be no closer to the water than what is existing and we are proposing to build in a westerly direction.

Ms. Tanner asked the materials of the existing foundation? Mr. Barndollar replied it is concrete. Ms. Tanner inquired about the pitch of the roof and if there were any plans for gutters. Mr. Barndollar replied that there were no plans for gutters; however, he presented elevation plans. There will lawn from the house to the water.

Mr. Barndollar stated the existing structure has 2200 s.f. and the footprint is 1100 s.f.. The new structure will be 3500 s.f. and the footprint 2349 s.f.. He added that a drainage scheme or retaining walls have not been planned. We decided after quite a few meetings not to move the house any closer because it would impede the neighbors, the Vandermark's, views.

Dr. Powers inquired about the hardship in this case

Acting Chair Cormier stated the Commission could make a favorable recommendation to the State; however, the State could say "no". The State does take into consideration our recommendation; however, they are not binding since they have their own guidelines to follow.

Mr. Green inquired why the setback cannot be reduced. You are asking for a 37' setback and feels that possibly a 45' setback would be better.

Mr. Barndollar stated he has had three meetings with the State and they were happy to see the asphalt removed.

Mr. Barndollar stated he had spoken with fourteen of his neighbors and they were all in favor of the application; however, there is one person in the neighborhood who is against any development on Ridges Court.

Acting Chair Cormier reminded the members that they are to vote on the plan that is in front of them.

Dr. Powers stated she will abstain from voting on this application.

Ms. Tanner made a favorable recommendation to the Wetlands Bureau for a Wetlands Permit; Mr. Miller seconded and was approved with a 5 – 0 vote.

b) **Mechanic Street for John P. Gregg**

Mr. Gregg, the owner of the property, stated he resides at 69 Hunking Street and he owns a piece of property on Mechanic Street. He is proposing to put in a pier, a ramp and floating dock at the location near the Wentworth Gardner House. The pier is designed to be built at an angle towards the left of the property that would allow access easily. The existing seawall has deteriorated and we would like to build a new seawall using large granite blocks and we have received a permit for the seawall. The location of the pier will not impede back channel navigation. It is proposed in an area that is not used for navigation; therefore, it will be less intrusive than the neighboring dock structure.

Mr. Gregg stated the pier would be 45' x 6' mounted on treated wood pilings with appropriate spacing between boards; the ramp will be 30' x 3' prefabricated aluminum; the float will be 16' x 10' treated wood. The work will be done by Pickering Marine and they anticipate construction in the spring of 2005 which will take approximately one week.

Mr. Gregg presented photographs of the property to the members to review. He added that he would like to receive a favorable recommendation for the pier.

Mr. Miller asked the height of the pier? Mr. Gregg replied 8' – 10' and the base of the pier pilings rest on the sea wall and protrudes straight out.

For purposes of discussion, Mr. Green stated he would like to make a favorable recommendation to the DES; Ms. Tanner seconded.

Mr. Geno Marconi and Francesa Marconi, the trustees of 77 Wentworth Street, and a direct abutter, stated the past three owners of his property have requested this type of application. It is a negative use of our Waterfront Business property. The plan presented by Mr. Gregg is awkward because the setbacks would not allow the pier to be in the middle so he is proposing to place the pier on one side of the property. Mr. Marconi stated he has used the side adjacent to his pier to bring in fishing boats to load and unload.

Acting Chair Cormier stated the Commission will make a decision based on wetland issues and you are talking about zoning issues, etc.

Mr. Miller asked if there were any guidelines on whether this particular dock will have a negative impact that is not acceptable to this buffer zone. If a positive recommendation is made, the Wetlands Bureau can still say "no".

Mr. Britz stated the Wetlands Bureau is interested in any input by the Commission regarding an application and will take the information provided into consideration upon making their decision. Mr. Britz stated that in the end, the State has to follow their own rules.

Mr. Green stated that he has always been opposed to this kind of application because of the difficulty it creates for boaters trying to get around the docks. The water is very shallow in some areas.

Acting Chairman Cormier asked the Commission members if they wanted to discuss any further issues.

Mr. Marconi stated that he is objecting to this application because he will not be able to get to the pier with his fishing boats.

Mr. Gregg stated he will be 25' away from Mr. Marconi and added that this space has not been used since he purchased the property.

Chairman Cormier stated the Commission will have to vote on the environmental impact. The other issues will be taken care of through the process after us.

The motion for a favorable recommendation passed with a 6 – 0 vote.

III. Other Business

Discuss Chairman and Vice-Chairman issues

Chairman Cormier stated there will be a regular election at the January 2005 meeting and inquired about electing a Vice-Chair at this time because some of the meetings do conflict with working at the Fire Department. The members agreed to wait for the January 2005 for elections.

Ms. Tanner stated another member will be appointed. She added that Mayor Sirrell did indicate that Skye Maher was being considered by Council at their last meeting and at their next meeting should be appointed.

Ms. Powers inquired if the Commission could have meetings even if there were no permits to discuss issues that we would have an interest in? The Commission members all agreed that the Commission should pursue this though and it was a good idea.

Steve Miller inquired about job descriptions but we also discussed having how important have representation to sit at the site review because Alan had sat on that and wondered who would do the representation and felt this would be an important issue to reflect in the minutes.

Mr. Miller asked if there would be a job description posted for the Chairman and Vice-Chairman on the Conservation Commission. Mr. Britz replied there would not be any job descriptions posted.

Mr. Miller stated he felt it was important to have a Conservation Commission member sit during the Site Review process. Mr. Sturgis had always attended these meetings, representing the Conservation Commission, and asked if a member would be appointed. Mr. Britz replied that until a determination is made, that he would attend these meetings. The Commission members all agreed.

IV. Next scheduled meeting: October 13, 2004

V. Adjournment

Since there was no further business to come before the Commission, at 5:00 p.m. the motion was made and seconded to adjourn to the next scheduled meeting on October 13, 2004 in Conference Room "A".

Respectfully submitted,

Joan M. Long
Secretary

/jml