

**REGULAR MEETING
CONSERVATION COMMISSION**

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

3:00 P.M.

JANUARY 10, 2007

MEMBERS PRESENT: **Vice Chairman Steve Miller, Brian Wazlaw, Barbara McMillan, Eva Powers, Skye Maher, Allison Tanner, and James Horrigan**

MEMBERS EXCUSED: **Alternate Mary Ann Blanchard**

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

Vice Chairman Miller called the meeting to order. He presented Charles Cormier, past Chairman of the Conservation Commission with a gift of appreciation for his twenty years of service to the City of Portsmouth. Mr. Cormier thanked the Commissioners, the Planning Department, and Mr. Britz for their help while he was serving as Chairman. He stated that it was a pleasure to serve and that he learned a great deal. He added that he had complete confidence that the Commissioners would continue to serve as watchdogs in protecting the wetlands.

Vice Chairman Miller introduced Ms. Dori Wiggin from the New Hampshire Department of Environmental Services who spoke to the Commission on wetland permitting.

Ms. Wiggin stated that she would like to address what the Commissioners were interested in learning more about and answering any questions that they might have. Vice Chairman Miller said that the Commission was interested in the dock permitting process through the State. He said that the Commission is often faced with a dilemma in terms of what property owners have a right to and how much input the Commission has regarding docks.

Ms. Wiggin stated that in tidal waters, individuals are allowed to have a fixed pier to a ramp, and to a float. Individuals have to comply with certain regulations that are in the wetlands rules under Chapter 400. In Chapter 600, which is tidal rules, those have mostly been repealed and they are in the process of rewriting them.

Ms. Wiggin said that all individuals have to fill out a Standard Dredge and Fill Application. She said that each application is evaluated on its own merits, on a case by case basis with the general criteria of the design type that they approve. There are setback requirements. Individuals have to have 20 feet off of abutting property lines on either side. She said the purpose for that was so that their vessel was not on the next person's frontage. She added that they have a slip count that they apply to the float structure. A slip is defined as an area that is 25 feet long by 8 feet wide.

Ms. Wiggin said that the way they evaluate whether a dock application is approvable or not is if they meet the setback requirements, if the length is justifiable to reaching usable water, and whether there are any threats to endangered species. They also take into account whether they

have any other structures on the frontage and whether the design details meet the criteria established by the federal agencies. She said that they do not take into account aesthetics. Ms. Wiggin said that if the property is under one ownership, then they would not allow multiple docks for that property. If there is a debate over a certain property, they will evaluate the proposal and give the applicant the option to withdraw the application versus the State denying it.

Ms. Tanner asked if there was some sort of detrimental recourse for having a denial, such as if the property changed hands. Ms. Wiggin said that all it means that someone applied for something and got denied. When you look at the facts of the denial, they may not apply to what someone else is going to apply for.

Ms. Wiggin stated that she goes out and inspects where the docks are going to go. She said that DES has less of a problem with floats sitting in the mud at low tide. National Marine Fisheries have had people put in pilings so that the float won't sit in the mud. Ms. Wiggin felt it had a greater impact to the area by having the pilings.

Ms. Wiggin said that when she writes up the permits, she approves them at the agency level and then they are sent to the Governor and Executive Council for final approval. She said that is because the individual is not building the dock on their own property but they are building it in the public trust area. She said that the only way to have a private structure is to get permission from the Governor and Executive Council.

Ms. Wiggin said that the only comments made by the Commission that they will consider are the ones that apply to their jurisdiction and the criteria that they have to evaluate the dock on. They first look at the need, and then the length. She told the Commissioners that when they review an application, these are some of the things they can think about. She added that if the Commission recommends denial, give specific reasons for that denial. Ms. Wiggin asked the Commission to keep in mind that everyone is entitled to have a dock if they meet the basic criteria of property ownership, meeting the sideline setbacks and frontage, and at least some reasonable amount of access to the water during the tidal cycle.

Ms. Wiggin stated that they are trying to get the docks shorter and trying to minimize the environmental impact. A grandfathered structure has to have been in existence within the last five years and the applicant has to have proof of what the dimensions were in order for DES to allow them to construct something. She added that if they have a non-conforming structure that is grandfathered, they can keep it and maintain it but it has to stay exactly the same. If it is changed, then they lose the grandfathered status.

Vice Chairman Miller asked if there were questions for Ms. Wiggin.

Ms. Powers asked if it is to be assumed that the float will be removed in the winter months. Ms. Wiggin replied that there is a fee for a permanent structure and a fee for a seasonal structure. She said that they are trying to send a clear message with the fees that they would like the float removed in the winter. Ms. Powers commented that it is getting more difficult to find people to do the removal work.

Mr. Wazlaw asked what the criteria for the length of the docks were. Ms. Wiggin said the length is the length that is necessary to reach usable water. The applicant has to show that they have water that can be used for some sort of a boat. She said that it is up to the applicant to be responsible to understand what the water limitations are.

Mr. Horrigan commented that if a vacant lot does not have a structure on it, it makes it difficult to make an informed decision on a dock. Ms. Wiggin agreed. Mr. Horrigan pointed out that one of the criteria of the application is public benefit. He said he found it difficult to see public benefit on a private dock that people will never use. He wondered what those criteria meant. Ms. Wiggin said that there is other law that speaks to a property owner's right to have access to the water. She said in terms of public benefit, there probably isn't any, but there is other law that speaks to the ability to access waterfront property.

Mr. Horrigan asked if there was some point where they say that they have enough docks. Ms. Wiggin said that the same questions came up in Newcastle several years ago where they were not signing wetland applications and not sending in the applications. She said that that was not legal.

Ms. Powers asked Ms. Wiggin about the need for minutes from meetings. Ms. Wiggin replied that minutes would be very helpful. She said that she would greatly appreciate it. Ms. Powers stated that in November of 2006, the Attorney General reviewed the issue of minutes and said that the public had a right to see the minutes within a week or two of the meeting, even if they are in draft form. Ms. Wiggin replied that some Commissions send her the minutes of their meeting in lieu of correspondence.

Ms. Wiggin stated that it is detrimental to the Commission to send in a letter that just says that we approve of an application, without any other background. She said that when you send in the response that way, then it is stating that the Commission approves it the way it was presented.

Vice Chairman Miller thanked Ms. Wiggin for her time. She stated that if the Commission wanted, she could conduct a separate workshop in the future.

Vice Chairman Miller asked the Commission if they could hold election of officers and the approval of minutes to the end of the meeting. They were in agreement with the suggestion.

III. STATE WETLANDS PERMIT APPLICATIONS

- A. Standard Dredge and Fill Application
30 Franklin Street
Assessor Map 102, Lot 58
Barbara Renner, owner

Mr. Anthony Holt, of Holt Landscaping spoke as representative for the applicant. Mr. Holt said that he would like to repair a retaining granite wall. He is proposing to dismantle the existing wall and rebuild it, probably adding a few more granite blocks. He felt that it would be a fairly straight forward project.

Mr. Horrigan said that the original wall ends before the property line. He said there was a jog to the right and there seemed to be some recent stones placed there. He asked which line was being restored. Mr. Holt replied that he would like to replace that original wall as well as that short jog area. It would be about 30 feet plus the jog. Mr. Horrigan asked Mr. Holt if knew the history of that wall. Mr. Holt replied that he did not. Mr. Horrigan wondered why that jog turned out into the shoreline.

Mr. Horrigan stated that it said in the application that there was erosion of the lawn. He commented that he did not see any erosion. Mr. Holt replied that it is not a gully but the stones have been moving over time.

Ms. Powers asked where the reseeded would be. Mr. Holt replied that it would be behind the wall on the house side. Ms. Powers wondered if he would consider planting perennials so that there was not so much fertilization and watering. Mr. Holt felt his client might be amendable to that since she has existing perennials.

Ms. Maher stated that the area is open and she thought it may at one time been an access way to the water. She said that she would like to see some low shrubs in that area. She felt the lawn was eroding. She too had a concern with seeding that area.

Vice Chairman Miller pointed out that there were timbers in the pictures provided. He asked Mr. Holt if he was planning to pull up the timbers on the tidal side of the granite. Mr. Holt said they would like to remove them. He said they would be reusing the granite that is there and use granite block as a base course. The top of the granite wall will be flush with the same elevation as the lawn. Vice Chairman Miller asked if the line of the wall will stay the same. Mr. Holt replied yes.

Vice Chairman Miller made a suggestion to take up the wall, grade it back to the lawn and let the salt marsh take over. It would be a low maintenance option that would be ecologically sounder than a granite wall.

Ms. McMillan asked where the high water line was. Mr. Holt replied that he was not exactly sure where the line was but he did know that the water comes up to the lawn area. Ms. McMillan asked if they would be doing their construction below the wall. Mr. Holt replied yes, that was really the only access point. He said that they would not be working from above because there was no way to get down there. Vice Chairman Miller stated that if they are going to be having equipment in the tidal zone, they will need a state permit to do so. Mr. Holt said that they have applied for that.

Ms. McMillan stated that she would have to recommend that they not approve it. Ms. Maher stated that she did not understand that the work would be done from the pond side. She thought it was going to be done from the lawn side. Mr. Holt said that if they could be allowed access, they could put the equipment on the lawn. They would have some damage to the lawn but it could be repaired. Ms. McMillan said that she would not approve it any other way.

Mr. Britz stated that the area between the wall and the pond is a rip rap sloped area. Underneath that is the sewer line. He said he would request that the applicant contact Mike Jenkins to make sure there was no concern about impacting the sewer line. He said in terms of disturbance in the area, he did not feel that the equipment will do much but to maybe compact some of the small vegetation. He said that the area that was going to get disturbed was the wall area. Mr. Britz said that if the Commission wants them to work from the lawn, they should put that in their recommendation.

Vice Chairman Miller asked Mr. Britz if it was required to reestablish the mean high water or the tide line to do this. Mr. Britz replied that he thought the State would probably ask for more information because it is a controlled system.

Ms. Maher made a motion for the purposes of discussion to recommend approval of the application. The motion was seconded by Ms. Tanner. Vice Chairman Miller asked if there was any discussion.

Ms. Maher said that she misunderstood where the construction was going to take place. She thought the construction would take place by the lawn side. She felt that the sewer line location was a big concern. She stated that she would ask that the construction be from the lawn side instead of the water side.

Vice Chairman Miller commented that he too thought the equipment would be on the lawn.

Ms. Powers stated that her concern would be to reseed the area with native vegetation instead of lawn. She asked Mr. Britz if he had a list of recommended plantings for an area like this. Mr. Britz replied that he could provide some guidance with that.

Vice Chairman Miller asked Mr. Holt if it was possible to do the work from the lawn side. Mr. Holt replied yes, it was possible. He added that working from that area would open up the lawn area to more erosion. He felt it would be less impact if they worked from below. He said that they could walk the machine straight in and it would remain fairly stationary because it is capable of rotating 360 degrees to do the work.

Vice Chairman Miller asked how the material would be removed from the site if he was working from below instead of from above. Mr. Holt said they would use a mini track loader to load the debris and take it out of the site.

Ms. Tanner felt that there probably would be less damage if the work was done from below. She thought if they had a good storm, a lot of the lawn would wash right in and so it might be better to leave it as it is.

Mr. Holt described the process with the work. He said they would walk in the machine. It has a hydraulic pump to pick up the granite pieces. They would load the debris into a loader bucket, take it out the access area and get it off site. He said that for bringing in materials they would lay in a sediment control fabric up against the excavated embankment. They will reset the granite blocks and put some processed stone similar to the surface that is below the wall now and then put it all back. He said that they always try to be conscience of what they disturb. Mr. Britz asked if the only area that they would be digging in would be where the granite blocks are. Mr. Holt replied yes. He said from the front of the existing wall back about 4 feet is the area that they will be excavating.

Mr. Horrigan stated that he would be voting against the application. He said that he had no concern about Mr. Holt's abilities. He felt that he had a sound proposal. Mr. Horrigan did not think there was a pressing need to repair the wall. He felt that the worst that was going to happen was that that natural vegetation would come in.

Ms. Maher made a motion to recommend approval of the application with the following stipulations:

- 1) That construction takes place from the lawn area.
- 2) That natural buffer vegetation is planted in the disturbed area.
- 3) That the sewer line be located and the weight of the machines be discussed with Mike Jenkins at DPW prior to construction.

Ms. Maher felt that the third stipulation was irrelevant because they are stipulating that the work be done from the lawn area. Mr. Holt commented that they would still have to access the lower area for some of the work. Ms. McMillan pointed out that Mr. Holt said that there would probably be erosion in the lawn area from working in that area.

The motion to recommend approval of the application with the following stipulations failed by a 6-1 vote. Mr. Wazlaw voted in favor of recommending approval.

- 1) That construction takes place from the lawn area.
 - 2) That natural buffer vegetation is planted in the disturbed area.
 - 3) That the sewer line be located and the weigh of the machines be discussed with Mike Jenkins prior to construction.
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III. CONDITIONAL USE PERMITS

- A. 1800 Woodbury Avenue
Gerber Dental
Assessor Map 239, Lot 7-3
SGB & RGB Ventures, LLC

Mr. Dennis Moulton of AMES, MSC spoke to the application. He pointed out to the Commission that he was before them a month ago. He is before them with a new plan. The site was previously approved by the Conservation Commission for a new building to include the existing paved parking with the exception of additional spaces removed in the corner. He said the client has reconsidered the original approval and now feels that the removed spaces are very valuable to him in terms of his operation of the dental office. Mr. Moulton said that the proposal today is to keep some paved parking the same and restripe two sides, providing handicapped parking and 18 additional spaces. He said they would remove some existing pavement and will replace it partially with loam and seed. They would also like to incorporate some permeable pavers in that area for additional overflow parking. The application also states that the area behind the building would be seeded with a wetland seed mix. In summary, Mr. Moulton said there would be an additional 361 sq. feet of permeable service in one area, and additional 81 sq. feet in another area. There would be a gain of 31 sq. feet of permeable service due to the relocation of the dumpster. He also pointed out that one of the concerns expressed at the last meeting was that the site had not been maintained as outlined in the previous approval. He presented the Commission with some photos of the site. He said that there has been marked improvement in regards to the trash. They have also added some erosion control blankets on the slope to stabilize it for the winter and have added some rip rap below the downspouts to the rear of the building.

Mr. Wazlaw stated that they were going to need some extension of rock. What was provided below the downspouts was not sufficient. He also stated that the trash was not coming from the dental site but from Circuit City. Mr. Horrigan interjected that there was still trash down in the wetlands. He also felt that the owner was dumping brush into the wetland. Ms. Powers pointed out that the shopping cart, that has been in the wetland from some time, was still in there, according to Mr. Moulton's pictures.

Vice Chairman Miller asked for clarification about the parking changes. Mr. Moulton replied that the existing pavement is right up to the lot line. They would be removing approximately two and half parking spaces. What they would put in its place would be eco-pavers with dimensions of eight feet wide and 19 feet deep. Vice Chairman Miller asked for clarification on the following: that they are maintaining 361 sq. feet of pervious surface, new dumpster area is adding 81 sq. feet, that removal of the old dumpster is 55 sq. feet and the area of existing pavement to be removed was 503 sq. feet. Mr. Moulton replied that he was correct with the figures.

Ms. Powers stated that she is still concerned about the maintenance because the shopping cart still shows up in the current pictures. Vice Chairman Miller asked if they could address that issue in the conditions of the motion. Ms. Powers said that she thought that it was already addressed at the last meeting. Mr. Moulton said that it is a clear issue and they would be addressing it. Vice Chairman Miller said that they will address it in the conditions for the approval and if the conditions are not met, then they will have to pursue it by other City means.

Ms. Powers pointed out that there looked to be a vernal pool. Vice Chairman Miller said that that did not change anything.

Ms. McMillan asked if they were gaining two parking spaces. Mr. Moulton replied yes. Ms. McMillan pointed out that when they originally approved the building, the client said that they did not need any more parking spaces.

Ms. Maher made a motion to recommend approval with the following stipulations:

- 1) That the downspouts on the back of the building are addressed properly.
- 2) That the buffer is regularly cleaned of trash and cigarette butts.

The motion was seconded by Mr. Horrigan. Vice Chairman Miller asked if there was any discussion.

Ms. Maher stated that she did not know why they were entertaining this application. This was the third time they have been before them and some of the original issues have not been addressed.

The motion to recommend approval with the following stipulations failed by a 4-3 vote.

- 1) That the downspouts on the back of the building are addressed properly.
- 2) That the buffer is regularly cleaned of trash and cigarette butts.

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- B. US Route One Bypass
Meadowbrook Inn Redevelopment
Assessor Map 234, Lot 51
Key Auto Group, Inc., owner

Mr. Horrigan stated that they have been informed that the City will be requesting an independent review of the wetland issues in this proposal. He said that this was a very large, complicated proposal and they have only had a few days to review the materials. He said that it was premature to go into a lengthy presentation. Mr. Horrigan felt it would be advantageous to table the application to next month.

Vice Chairman Miller felt it was important to get the application on the table. He said that there were individuals present that would like to speak to it. He felt it would be a good opportunity to begin to get familiar with the project.

Mr. Britz said that he sent a letter requesting an independent scientist look at the site and he was assuming that some information will be available to them next month.

Mr. Gordon Leedy, landscape architect and planner with Vanasse Hangen Brustlin, Inc., Mike Parsont of NHSC, Inc., Mike Leo from VHB, Inc., Michael Kane of the development team, and Brian Woodman and representatives from Irving Oil were present to speak to the project.

Mr. Leedy introduced Mr. Parsont who spoke to the existing site conditions as well as the functions and values on the site.

Mr. Mike Parsont stated that because it was a big project it was wise to start early talking about it. He said that the Hodgdon Brook runs through the site. It is not a natural brook. In the 1950's it was applied for by Pease to straighten the brook and now a large area is mowed lawn. He said that the wetlands associated with Hodgdon Brook watershed is a fairly healthy system but a disturbed system. There is a water main line that comes through the area. In another area there are a lot of relic soils that show old relic conditions of wetlands. Mr. Parsont said that they have spent a lot of time on the site and their conclusion is that there are only two active wetland systems on the site, one is an isolated pocket, and the other is an area associated with Hodgdon Brook.

Mr. Parsont said that they were able to determine that the hydrology is not present in the areas that they are showing as non-wetland.

Mr. Horrigan asked how deep the ground water was in the light green area on the plans. Mr. Parsont did not know the actual depth but he did say that it was not deeper than two feet. He said he would find out the information.

Mr. Parsont said there were many principal functions and values. He pointed out that they could read about those in the functions and values assessment report.

Mr. Wazlaw asked Mr. Parson to outline the wetland buffer for him on the plan. He said that they have quite an extensive project when there is a limitation of a 100 foot buffer. Mr. Parsont replied that they understand the City's rules and they will be proposing impacts in the buffer but they will also be discussing the view of low impact development and water quality issues. He said that they believe very strongly that the development will improve the functions of the site overall as to what it there currently. He added that they have met with the Hodgdon Brook Watershed Committee for a couple meetings and site walks.

Mr. Horrigan asked that inside the buffers where there is mowed lawn, was he suggesting that that area did not have potential in regards to functions and values. Mr. Parsont replied no, he was not suggesting that.

Mr. Leedy stated that he wanted to talk about the existing conditions in the development that took place over 50 years ago. He said that the storm water on the site has little or no treatment when it goes into the Hodgdon Brook system. It does not meet with modern standards currently. He also stated that there is a current entrance/exit area that will need to be moved back to allow easy

access in and out of the site. He said that the site plan shows that they are planning a series of drives that lead to a hotel, retail building, a small coffee shop type restaurant, a fast food restaurant, and a family themed restaurant and then a gas fueling facility and convenience store.

Mr. Leedy said that what they are proposing is approximately 15,000 sq. feet in direct wetland impacts. He said that the buffer impact will be approximately 101,000 sq. feet. He said that if you put that figure in context of breaking it into three pieces, approximately 29,000 sq. feet are currently impacted. Approximately 34,000 sq. feet is associated with establishing an access. Of the remaining 38,000 sq. feet, approximately 27,000 sq. feet of it is for the establishment of a water quality treatment area. Mr. Leedy pointed out that the area has been previously modified.

Mr. Leedy stated that the Hodgdon Brook Committee's concerns for the project were centered on two areas – water quality of storm water run off in Hodgdon Brook and storm water peak flow attenuations. He felt that they can address these by doing several things. One is to provide subsurface detention and infiltration. Another is to provide permeable paving areas that cover a significant portion of the area immediately adjacent to the brook. And lastly, by providing a gravel wetland area that is a bio filtration system designed to improve water quality in run off streams.

Mr. Mike Leo, an engineer for VHB, Inc. spoke next. He presented an overview of a storm water management system that is proposed for the site. He said they are looking to put porous pavement in the area around the hotel. He stated that as they grade the site it will be slightly above the existing grade in the front and continuing that grade as they go back. From the front main section of the parking lot, they will be collecting the water in an underground system which will be routed into a gravel wetland. He explained how the water would pass through a three bay system. He said they would also be using, in the upper portion of the parking lot a tree box filter. He explained that this works similarly to porous pavement. He said that would take care of the hotel area, the retail area, and the restaurant area. Mr. Leo pointed out that the convenience store and fueling area would have a single pipe into the drainage system. They will put either an oil/water separator or a coalescing tank so that any oil on the surface of the pavement would go through a catch basin and then into a coalescing filter.

Mr. Parsont said that he as discussed the proposed plans with Dori Wiggin and that she did not have any problem with the wetland impacts. They were in agreement that the project would be beneficial to the site. In addition, she agreed with the location of the entrance for safety reasons. He said that they have already chosen what vegetation will go into the area, which include some buffer and transition buffer zone plantings that are supposed to be good for wildlife and other functions and values. He added that there is a certain amount of development that has to happen here to make it economically viable to do the kind of water quality treatment and low impact development techniques that are being discussed.

Mr. Leedy said it was important to note that under a redevelopment scenario, even though there are buffer impacts, they are containing all of the water from the pavement with the exception of the permeable pavement. All of the paved areas and impervious areas on the site will drain back into the property away from the wetland and will be treated prior to discharge. He said he felt that the land is reasonably suitable for this development and that wetland values will not be adversely impacted. There will also be no adverse impact to adjacent properties, in fact, there may be improvements.

Mr. Brian Woodward, a convenience retail growth manager with Irving Oil spoke next. He stated that he was part of the decision process to move their home office to the Portsmouth area. Their U.S. corporate office is now located on Commerce Way.

Mr. Rob Wilson, public affairs manager for Irving Oil spoke about their involvement in environmental projects. He said that they have a strong record of support for environmental projects throughout Canada and the United States. He continued to say that they are the first oil company to win the United States environmental protection award for producing low sulfur gasoline more than three years before regulation. Mr. Wilson said that they wanted the proposed fueling center to be the flagship store for their company. He added that want to construct a facility that can be used as a model of how to build a gas station in the future using all of the best proven technology.

Mr. John Casey of Irving Oil was also present to answer any technical questions.

Ms. Candice Dolan, coordinator of the restoration plan for Hodgdon Brook watershed mentioned that it is stated in the Master Plan that they have a restoration plan that they are working from. She said they had not heard any mention of a gas station proposed for the area. She pointed out that they are not an advisory board; they are just a group of concerned individuals. She said that they would probably meet as a board after a more formal presentation.

Mr. Horrigan made a request that they hear from the Hodgdon Brook Committee again at their next meeting.

Mr. Horrigan asked about the intrusion of MTBE. Mr. Wilson replied that there is no MTBE in their gasoline. He said that they have not used it for eight or nine months. By January 1 it was removed from all gasoline.

Ms. McMillan asked for clarification as to where the gas station would be located. Mr. Leedy replied that the current proposal is to put it on the corner of Route 1 and Coakley Road.

Ms. Maher pointed out that that area is currently exposed ledge. She asked if it would be a problem for the tanks. Mr. Leedy replied no.

Ms. Powers asked if this was the entire mitigation package. She said that they had mentioned that this was part of another package. Mr. Leedy replied that it was his understanding that \$90,000 was appropriated for a study to create a restoration plan for Hodgdon Brook about a year and a half ago. He said that that money has gone back into the pot because they needed matching funds. He said that it could be reapplied for but it was impossible to do right now.

Mr. Parsont stated that they are proposing \$20,000 to a restoration project within Hodgdon Watershed. The project can be determined by the Conservation Commission, the State Wetlands Bureau and the Hodgdon Brook Watershed Committee. He said that everyone can be involved. Mr. Leedy added that this is an informal proposal. He said they are committed to making that proposal; they just have not made it formally yet.

Mr. Britz asked if would be separate from a payment in-lieu-of fee for mitigation. He said that in the past he has heard that when an offer is made, DES gets to decide where it will go. Mr. Parsont replied that they are not intending this to be an in-lieu-of fee proposal. He said he did not know what will happen when they get into discussions with DES. If that scenario were to happen, they would not back off on their commitment to the City. If that means that they will

have to do something else to please the State, then they will deal with that. He said that they will not say the money is here and then have it disappear on them.

Ms. Tanner asked what City or State Board should get in front of this proposal. Mr. Parsont replied that it would be the Conservation Commission and the Hodgdon Watershed Committee. She wondered how this proposal would impact the City's and the State's future plans for the traffic circle.

Mr. Leedy responded that they have those plans and it was his understanding that they are still very much up in the air. Mr. Parsont added that they have had informal conversations with the Department of Transportation and that everyone was aware of the plans.

Vice Chairman Miller thanked the team for their presentation. He felt they did a good job of explaining the existing conditions and their proposal for redeveloping the site. He said that the Commission will be concerned with looking at the buffer. He added that they are getting into an area within the City without the best guidance from the ordinance in terms of where to draw the line in the buffer. Vice Chairman Miller said that it would be helpful if they could give them more qualitative data to help them understand the water quality benefits and the function of the buffer to understand what they are trading and gaining with the project.

Mr. Leedy asked for clarification. He asked if the Commission would like a qualitative discussion of storm water issues with respect to what the conditions might be now and what the conditions will be when they are done. Vice Chairman Miller replied yes, and if it was possible to obtain some quantitative data that would help them compare "apples to apples" since they are getting into a gray area.

Mr. Horrigan made a motion to table the application until the February 14, 2007 meeting with the request that the Hodgdon Brook Committee be invited to attend. The motion was seconded by Ms. Tanner. Vice Chairman Miller asked if there were any comments or questions.

Ms. Maher stated that she thought it was very exciting project and that it could make a real difference in the way development is done.

The motion passed by a unanimous vote.

ELECTION OF OFFICERS

Mr. Horrigan nominated Vice Chairman Miller to serve as Chairman. The nomination was seconded by Ms. Maher.

Ms. Tanner nominated Mr. Wazlaw to serve as Vice Chairman. Mr. Wazlaw declined the nomination. Ms. Powers nominated Mr. Horrigan to serve as Vice Chairman. The nomination was seconded by Ms. McMillan. All voted in favor of the nominated slate.

APPROVAL OF MINUTES

Ms. Powers made a motion to approve the minutes from November 8, 2006. The motion was seconded by Ms. Tanner. The motion to approve the minutes as presented passed by a unanimous vote.

Ms. McMillan made a motion to approve the minutes from December 13, 2006. The motion was seconded by Ms. Tanner. Vice Chairman Miller asked if there were any corrections. Mr. Horrigan asked that an addition be made to page 6, second to the last sentence, referencing his experience from serving on the Board of Adjustment. The motion passed to approve the minutes as amended.

IV. OTHER BUSINESS

PSNH Update

Mr. Britz stated that he and Mr. Dave Price spent almost an entire day walking from Borthwick Avenue to the Home Depot site and they found wetland impacts along the way. He said that Mr. Price is working with PSNH to come up with ways to avoid impacts in the future. Mr. Britz said that there would be a violation of some sort forthcoming. He said that PSNH agreed that they did not need to cut anything down that is in the wetlands and will avoid those areas.

Ms. Powers asked if there would be a penalty. Mr. Britz replied no, he did not think so. He felt that the positive outcome was that PSNH will do some training of their employees.

Prime Wetlands Update

Mr. Britz reported that on or by the date of the next Planning Board meeting he will have an update on prime wetlands.

Ms. McMillan asked if they could have PSNH come to one of the meetings. Mr. Britz responded yes, they could.

Ms. McMillan asked if the minutes could be sent to DES. Mr. Britz said that it is not a problem to send the minutes. The problem lies in the time frame for preparing the minutes. He worried about sending out "draft" minutes. He made a suggestion of sending DES the Action Sheet from the meeting and then when the minutes are approved, the minutes could be sent to them. Mr. Britz stated that he did not think he could get approval to send draft minutes but he would check into it.

Ms. McMillan asked if they could have a formal site walk of the Meadowbrook site. Vice Chairman Miller suggested that they coordinate the date and the time via email.

V. ADJOURNMENT

At 5:35 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good
Conservation Commission Secretary

These minutes were approved at the Conservation Commission meeting on March 14, 2007.