

**REGULAR MEETING
CONSERVATION COMMISSION
PORTSMOUTH, NEW HAMPSHIRE
1 JUNKINS AVENUE**

Conference Room "A"

6:00 p.m.

SEPTEMBER 13, 2006

MEMBERS PRESENT: Chairman, Charles Cormier, Vice Chairman Steve Miller, Brian Wazlaw, Barbara McMillan, Eva Powers, Alternate James Horrigan and Alternate MaryAnn Blanchard

MEMBERS EXCUSED: Allison Tanner and Skye Maher

ALSO PRESENT: Peter Britz, Environmental Planner

I. PRIME WETLAND PRESENTATION

Joint Prime Wetland Presentation by Mark West, West Environmental Services, with Planning Board Members

Present from the Planning Board: Chairman John Ricci, Vice-Chairman Jerry Hejtmanek, Donald Coker, George Savramis, and Deputy City Manager Cindy Hayden

Also present: Rick Taintor, of Taintor & Associates and Lucy Tillman, Chief Planner

Mark West, of West Environmental, made a presentation to the Conservation Commission and Planning Board members. Mr. West indicated that one of his goals was to engage the thoughts of the Conservation Commission and the Planning Board for prime wetland designation and resource protection for the City of Portsmouth. Gove Environmental did an inventory and came up with a list of 20 wetlands, plus a green area which represents all of the rest of the tidal wetlands throughout the City. Therefore there are 21 candidates. His job was to evaluate those recommendations through his grant. The Gove report had "Highly Recommended", "Should be Considered" and "Borderline consideration". Some are quite small wetland systems of 2 acres. He will be presenting his final wetland recommendations and then he will be trying to get input so that he can do the final mapping for a presentation to the City Council.

Mr. West stated that the process was for him to present the recommendations tonight, making a final decision on them, doing the final mapping, and conducting a final meeting to vote on those candidates. He will provide the exact wetland acreage that is proposed to be prime, how much is tidal and how much is fresh water and then he would prepare tax map overlays. By designating prime wetlands, they are essentially creating a new zone that goes to the State for added protection. The City Council would approve it and then it would be submitted to DES for their approval. He has never had a Prime Wetland designation denied by DES. Only about 26 towns in the State have prime wetlands. Mr. West has worked on ten and there is a lot of interest in southern NH. Of the 21 that Gove reviewed as

eligible for designation, Mr. West was recommending 10 of those for designation. Most of the tidal area was mudflats and wetlands have to have the three parameters: wetland vegetation, wetland soils and wetland hydrology. If a mudflat doesn't have wetland vegetation it does not qualify. They don't include things like bacteria or algae. He did focus on some salt marsh areas that they think should be considered for designation. He also found six additional wetlands, not reviewed as eligible for prime, many of them over 25 acres in size, that he felt should be looked at. He is recommending that two be designated as prime. They had to do some extensive re-mapping. In Gove's inventory, they were doing a whole City-wide inventory but when you are designating a prime wetland, you are setting a boundary on the ground that you are now saying you want special protection for. It has to be a jurisdictional wetland and cannot include any upland. It has to be very carefully mapped. Mr. West went back and looked at their 1994 stereo aerial photos to redefine some of the boundaries. They can only look at wetlands that are contiguous. They have to defend the prime wetland boundary in the town as you do not want to designate something that is not accurate. You don't want stormwater structures or detention basins as they would need longer term maintenance.

Mr. West displayed the Gove maps. He felt that they were grossly exaggerated. An example of some of the issues that they had to look at during the mapping process was the Great Bog by the Griffin Road where there was a lot of disturbance. When you get into ditches, ponds and disturbed areas and treatment swales, it can become problematic to designate those as part of the wetlands because if they need to do any maintenance of the treatment swale there would be a very complicated permitting system. The designated areas also should not include any uplands.

Mr. Coker asked if they would include buffers in the prime wetlands. Mr. West indicated that they already have buffers. The Town may consider bigger buffers. He explained they are not trying to reduce the protection of the Great Bog but they cannot include strips of upland in the prime wetland and they would also not want to include treatment swales and detention basins in the prime wetland.

Mr. Coker asked about contiguous wetlands and asked how that was defined. He asked if they will be able to get into more of a definition on that. Mr. West stated they were working with their existing regulations and those regulations specifically exclude from the buffer stormwater structures. The longer term ability to regulate prime wetlands on the State and local levels become very complicated if they start to throw in treatment swales and things that potentially need maintenance and are more like a stormwater structure. Mr. West felt it was important for the designation to be defensible, clearly understood and one that can be acceptable by the public. Mr. Coker was concerned about Mr. Gove's prior presentation, identifying wetlands at Pease, and he used terminology of Level 1, Level 2 and Level 3. Level 1 was something that needed protection, Level 2 wasn't quite as important and level 3 didn't require any protection at all. He was trying to draw a distinction between what Mr. West was talking about for prime wetlands and Mr. Gove's prior work. Mr. Britz indicated that the Pease study was for responsive setbacks on the Tradeport. The distinction is that this is a statewide protection that merits the level of the wetlands that they want to protect. Therefore, they don't want to include items that don't meet the statewide criteria of this statewide status.

Mr. West added that the Prime Wetland was set up so that the town could pick out their most important wetlands to protect. The State would then more vigorously defend the protection of those resources. An example of a couple of candidates on the mid-level Gove that have a lot of issues are around the Portsmouth Hospital. There are a lot of uplands; there is a big treatment swale. Mr. West was concerned about the preservation because they have development right up to the edge of wetlands. Additionally, because of all of the stormwater run off into these systems and because of the period

which they were built and there wasn't as much water quality treatment, there are extensive phragmites and extensive water quality degradation. There is also a railroad bed running through it. Therefore, these wetlands should not be designated, in Mr. West's opinion. They talked in the field about designating and going out 25' into the wetland but then you are introducing a lower level of wetland into the prime wetlands designation.

Mr. West indicated that another issue that they had with the mapping was that exaggerated wetland boundaries were shown, wetlands that appeared larger actually were more fractured and not as connected. An example is at the High School wetland, wetland 13A. This was mapped through ortho photography which is computerized and flat level photography. All of his mapping is stereo photography. He looks through a scope and he can see topography. That changes the mapping of the wetlands areas. Mr. Coker asked if Mr. West was saying that it was no longer a wetland. Mr. West stated that it never was a wetland and is actually upland. It was incorrectly mapped. There was a discussion about this area.

Mr. West stated that the candidates that he looked at included a 51 acre wetland near the Girl Scouts site on Banfield Road, a larger wetland near the Hett Farm, a large wetland on Pease that is drained by Hodgson Brook and a couple of other large systems in other parts of town. Several of them did not meet very poorly drained soil criteria. Some did meet criteria but were degraded. One thing that he also noted in the Gove study, when they did their mapping, they used the Rockingham County Soil Survey Maps for the soils to determine whether it had 50% soils or not. He found that beavers had moved in and created very poorly drained soils in areas that the soil map didn't show. The beaver activity in NH changes hydrology. Two areas that Mr. West looked at that he did not designate were Banfield Road and Community Campus which are large wetlands but they don't have enough poorly drained soil to be designated. The system associated with the Hett Farm has some beaver activity and some of the soil is upland soil. He asked for a large area to be included in consideration but his final prime wetland map is going to exclude a large area by the cemetery. This area was not mapped as poorly drained soil in the survey but now it's a big marsh and it is relatively undisturbed in its buffers so it is a higher value system. No phragmites were observed in this system so it's not degraded. Final acreage will be about 40 acres. It meets the same criteria as other ones.

He pointed out the wetland on Pease where Hodgson Brook drains under the highway, which was a big beaver marsh and wildlife habitat. It drains into a ditch system which they got a grant to work on to create a little more diversity. It has a red maple swamp associated with it and has a lot of uplands around it. Mr. West's remapping of this shrunk it by about 30%. But, even with that it is still going to be about a 90 acre wetland. It includes open marsh areas and field and upland habitat adjacent to it. It drains into the red maple swamp system. There is a lot of diversity in it and large areas of upland hardwood and soft wood forests. It is currently used a lot for hiking.

Another wetland that Mr. West looked at was a marsh off Jones Avenue, by the old land fill, and east of the high school. This is all upland with ledge and vernal pools. This system is just a small marsh and it is pretty developed around it and it has phragmites so it wasn't recommended.

Another system by Middle Road by the Chase Home and Riverbrook Condominiums was looked at because it has poorly drained soils but it has been degraded and the habitat around it isn't very high value and its function is not as high so it's not being recommended.

Mr. West indicated that the only thing they didn't have a slide of was the salt marshes but basically of the whole system, they are looking at designating six small salt marsh components near the Little Harbor School. Because salt marshes are relatively rare, he felt that those wetlands are rare in the town, have a very high function and deserve prime wetland designation.

Mr. West then talked about what that means and why you would designate it. It means higher protection and the Wetlands' Bureau examines development in and adjacent to prime wetlands. Therefore you can have a significant project that is building a stormwater detention basin next to a prime wetland and even if they are not directly filling or dredging, they can be reviewed by the DES. It is important on the local level that DES is notified within 14 days of application that it is in or near a prime wetland. The State then does a more stringent review. Prior to approving, they have to show no net losses of values set forth, avoid impacts and they have to go through a more significant alternatives analysis. They have to show they are having the minimal impact practical. They have to do compensatory mitigation at a higher level and mitigate for the functions and values that were the basis for the prime wetland designation. If the final prime wetland designation finds that a prime wetland was designated because it was important habitat for water fowl and they impact that, they have to provide mitigation for that impact. For the mitigation they have to specifically look at the functions of the prime wetland, they have to do as much as they can on site and they are only allowed to do it off site if they don't have appropriate areas on site to mitigate and they again have to go through a functional evaluation. It may happen a little more in Portsmouth because of our buffer but in a lot of other towns, many people file wetlands applications and don't provide very detailed functional analysis. If someone is working adjacent to a prime wetland, you will have to go that extra step and provide the data.

Mr. West also mentioned that the State has to hold a public hearing unless they have findings that show they don't think there is an impact on the prime wetland.

Mr. Coker asked how they define contiguous. Mr. West stated that they flag anything within 500' but they don't have a definition and they give themselves leeway. If someone is putting a deck on their house and working in an area that is a yard, they may say even if you are 200' away, they don't think this is going to impact the prime wetland. But, if someone is doing a residential subdivision with detention basins and stormwater runoff, they may consider it. If someone is putting in wells, they may consider something 600' away that is going to draw down into the prime wetland. Once the City sends a letter saying this is near or in a prime wetland, they by law have to look closer. They can waive the public hearing if they think it is far enough away. Mr. West reiterated that these were all State rules, separate from the City rules.

Mr. West did aerial photo-mapping, looked at beaver flows and how much area was very poorly drained soils and he also did borings to test the poorly drained soil. He is trying to be as exact as he can so that it is accurate enough so that they can go back out on the ground and know exactly where it is. That will eliminate boundary disputes.

Finally, he got back to why they want to designate prime wetlands. Portsmouth has some very high function, State importance wetlands, like the Atlantic White Cedar swamps that are associated with Packer Bog, Berry's Brook watershed. These are very valuable systems that deserve the protection and that are still functioning and are not degraded yet. Of course, everything has some human influence to it but these swamps are very high value wetlands.

Mr. Savramis indicated that he had a problem with Mr. West not considering the wetland on Borthwick Avenue a prime wetland. Mr. West indicated there is a lot of disturbance around there. If they feel strongly that the wetland has importance as far as water supply, etc., it can be considered, however, he is seeing it at a different level. This is a municipal process and the two Boards need to discuss which wetlands they want to consider.

Mr. Coker felt that the Borthwick Avenue wetlands is a good example of development destroying valuable wetlands. What would it do for a wetlands in terms of its evolution and improvement, to designate it as a prime wetland? Mr. West indicated that the wetlands were not going to enhance itself until you fix the problems that are causing the degradation. There are grant monies to help with stormwater improvement projects in a wetland and the State is specifically looking for these prime wetlands. Mr. West was going on existing conditions but others can be designated. Mr. Coker felt that projects that are contiguous to a prime wetland would have to go to a higher scrutiny. Mr. West stated that even if they were putting in a drainage system around a parking lot, it would require a prime wetland permit.

Deputy City Manager Hayden felt that it was a good point that Salem has had four phases. The City Council will eventually vote to adopt this and they have to be careful not to anger too many people so that it doesn't go through. Mr. Coker stated that politics doesn't come into his logic. Mr. West stated that it doesn't for him either. Deputy City Manager Hayden felt it was a bigger hurdle as there are two different efforts – the bigger wetlands and the smaller wetlands. Mr. Britz felt there is a degradation point but some wetlands are much bigger areas and are on a whole different level. Mr. West reminded the Board that you can come back and re-designate any time. Or, do an inventory of invasive species and stormwater mitigation sites next to wetlands, whether they are prime or not. Deputy City Manager Hayden felt it was a good starting point to go out and get grant fund and restore some of the wetlands.

Mr. Miller supported Mr. Coker. A lot of wetlands are degraded and the Pease issue was an example of that. He hates the loss of wells or degradation of the water quality. Mr. Britz stated that this doesn't do anything with the 100' buffer. Deputy City Manager Hayden stated that she would like more information to come back and further discuss. Mr. Miller thought for the first cut they want to go through with the really important ones but they need to get some strength in the new Zoning Ordinance to help improve the systems and then maybe they can get them back. Mr. West did not consider the political issues which is why he picked a wetland on Pease. From a scientific basis, he could not ignore a wetland of that size that drains to Hodgson Brook.

Mr. Horrigan asked how permanent this project is. Beaver ponds are not stable systems and they change yearly. Can they change the prime wetlands? Mr. West stated it would be permanent. You can add to them and towns can "undesigned" a wetland. Historically the beaver flows can last up to 5 years so that won't dry them out. Mr. Horrigan would like to see them designate as much as possible. Invasive species is used as a variable but those can be removed. Otherwise they are permanently degrading them. Mr. West stated there are invasive species in many of the wetlands. But, that is not the sole reason for their rejection. Several components were looked at. He has trouble designating something under ½ acre as the threshold is supposed to be two acres but Little Harbor is a cluster of areas.

Deputy City Manager Hayden asked when would they expect the written report. Mr. Britz indicated it will be a series of recommendations to the City Council. The idea tonight was to show areas that were going to be designated and then come back with the mapping. Mr. Coker felt that having a physical

copy of the report would be helpful. He had concerns with Gove's analysis of some of the wetlands and therefore he would like to see Mr. West's criteria. Mr. Britz confirmed that this was based on Gove's report and Mr. West just took a second look at the data. He is not condemning anything but is identifying wetlands that should be prime. They are not saying wetlands that aren't prime aren't worthy of protection.

Mr. West stated they would not designate an entire treatment swale as a wetland as the State would question that.

Mr. Coker stated he would like to have data in front of him, supporting Mr. West's findings.

Ms. Blanchard felt there was a nexus between the marsh/wetland and the well and what other provisions protect the city's water supply. Mr. West indicated that the wellhead protection area is either 200' or 400'. Mr. Britz felt it was more of 1/4 mile.

Mr. Britz felt they could come back with a report for the Boards to review. Mr. West stated that the Gove study rated the wetlands and he would rather put the information together with a map. He should be able to do that by next week. He reiterated that the State does not want to accept too many wetlands at a time.

Mr. West indicated that he works for the Town of Salem and every year he gets a call, requesting that he find more wetlands to designate. They designate around 4 every year. For political reasons they do not want to take on too many challenges. He has attended public meetings on this and people get very territorial and upset about how this may affect their personal land.

Mr. Britz stated that the idea was to show the Boards the areas that they wanted to designate and then come back with a final set of maps to look at. It will add up to about 6 wetlands. Mr. Coker indicated that he would like to see Mr. West's work; his criteria, his analysis and how he came to the same logical conclusion that Gove came to about which are prime and which are not.

Mr. Britz felt that they should be as inclusive as possible however in reality they are not saying that wetlands that aren't designated as prime are not worthy of protection.

Coker asked about wetlands vs. uplands. Mr. Britz stated that the developer would need to hire a wetlands scientist. For the most part, Gove was conservative and inclusive. Mr. Coker felt this was all the more reason so designate these areas as prime.

Deputy City Manager Hayden felt that our maps are just a general guide. Developers need to hire their own wetland scientist and it gives the City better information. Mr. West felt his edits in the mapping will be reflected, especially around the prime wetlands. Mr. Britz stated they will also get improved wetlands boundaries. Mr. West stated there is no substitute for on ground flagging.

Ms. Powers asked if there was a connection between conditional use permits and prime wetlands. Mr. West stated it was State vs. City. Ms. Powers asked what would actually happen. One of the main things that the Conservation Commission does is process Conditional Use permits. If it is near a prime wetland what will happen? Mr. West stated the Conservation Commission will send a letter to DES to notify them and they will have to provide a functional evaluation of the wetland, indicating that they have minimized impacts, evaluated alternates and mitigated for impacts. Mr. Britz added that at a

local level it doesn't change anything. At the State level the applicant will have a higher hurdle to cross. The City could use it as a stepping stone to increase their regulations. Right now, it gets the State to look at our wetlands closer.

Mr. West stated that DES will be notified if they are working in a wetland. If someone is working in a wetland, you would need a permit. The City will have the tool to notify the State of a prime wetland disturbance. The burden is on the City to notify the State. Mr. Britz would be the one to write the letter to the State.

Mr. West felt that the last thing they will do is to name the wetlands. A name has a much better value in long term protection. The Great Bog is well known in Portsmouth because it has a name.

Mr. Horrigan questioned how the State would be notified. Wouldn't it be the responsibility of the Conservation Commission?

Mr. Britz felt this is new to them so they will have to work it out but he would probably flag them and notify the Commission, who would decide whether to notify the State.

Ms. Powers asked what was involved in starting and stopping and doing this in stages. How would it be funded for another series of mapping?

Mr. Britz stated that Mr. West was paid for by the NH Estuaries Project as a technical assistance grant. Mr. West added that he was able to get an additional \$2,000 from them for the mapping. Ms. Powers asked who would pay for a review in another year or so. Mr. Britz felt they would probably have Mr. West set up to submit additional wetland requests to the State. The documentation and work would already be done and the City would be able to do that anytime they wanted.

Mr. West indicated that the prime wetland candidates include:

- 1) Great Bog ("3A");
- 2) "23" is connected with Packer Bog;
- 3) Across the railroad bed is a wetland system that drains into Berry's Brook by Coach Road;
- 4) "5" is the Berry's Brook system which drains into "2", so it could be considered one wetland system by Lang Road;
- 5) Sagamore Creek is the largest tidal marsh in town, as is the upper section of Sagamore Creek. The two sections are separated by Route One;
- 6) Urban Forest Center;
- 7) Little Harbor wetlands;
- 8) Heritage/Constitution Avenue are connected ("018" & "26");
- 9) Pease wetland. Although Mr. Britz indicated that the City probably won't recommend it because they won't do land use control at the PDA. Mr. Coker and Mr. Miller would like to see Pease included in their recommendations. Mr. Britz indicated that the City tries to cooperate with Pease; and
- 10) The Hett Farm.

Mr. West indicated that there are 12 candidates of the 21 from Gove's report, but Gove didn't recommend two of them. The bubbles ones are "15", "22" and "29". That would be Borthwick Avenue, the municipal well site, Jones Avenue and one down by the Elks Club.

Mr. Warzlaw asked if Mr. West would rate them as the top 10 wetlands. Mr. West stated he would not. Mr. Warzlaw asked, out of the 12, what is top? Mr. West stated that Gove didn't do a cumulative function. You have to look at various functions. Berry Brook and Great Bog would be #1 and #2.

Mr. Miller asked if his report will give value to connections to large systems. Mr. West stated that in his write up he will have a verbal discussion on why this is important to the City of Portsmouth. Mr. Miller asked about data on the two systems which connect. Mr. West indicated that would be included. Each wetland will have a page of description.

Mr. Britz suggested getting that report out to the Planning Board before the September 28th Meeting and send the same information to the Conservation Commission. The report will have more information on the bubble wetlands. (Bubble wetlands mean marginal.)

Mr. Britz confirmed they will send out the draft report to the Boards, bring it back at the next Conservation Commission meeting and then make a recommendation to the City Council.

Mr. Coker stated that the Gove report was very interesting and he ranked the wetlands in his report.

Chairman Cormier confirmed that the Commission will receive a hard copy and discuss it at their next meeting. Mr. West confirmed that they are waiting on mapping because it is very expensive.

Ms. McMillan asked if the three bubble properties would hold up to any dispute. Mr. West felt that as long as they qualify with the State, it is up to the Town on whether they want to designate them.

II. STATE WETLANDS PERMIT APPLICATIONS

- A. Standard Dredge and Fill Application
30 Walden Street
Assessor Map 101 Lot 18
James H. Sanders, owner

Glenn Normandeau, of Pickering Marine, presented for the applicant. The entire shoreline is a retaining wall that is falling apart. He indicated that they want to remove the old timber retaining wall, grade it back and riprap it. There is an existing section of wharf, ramp and floats. And they want to reconfigure it into a proper, short pier/ramp and float and at the same time they will haul out all of the old timber out and dispose of it. The timber wall eventually turns into a concrete wall which they will leave alone. A few feet borders the marsh grass which runs into the curved area of Newcastle Avenue. The rip rap will start at the toe of the existing wall and cut back on a 1 to 1 slope. The riprap is stone laid on grade and it will be a sloped wall. The elevation at the highest point is around 5 ½' ± so they are looking at 5 ½' to 6' back into the yard.

Chairman Cormier asked if the work was done from the land. Mr. Normandeau confirmed that it was. Chairman Cormier asked how do they keep the tide from interfering. Mr. Normandeau stated that they don't tear it out all at once. They have a good amount of time to work when the tide is out and they

will take 40' of wall out at a time. By the time the tide is back, they will have that section done. They will do the same each day until they are done.

Mr. Normandeau stated that there would be no filling. They are removing, rather than filling. Riprap is the preferred method as it does not reflect waves as much as a vertical wall. If they don't replace it, the wall will fall in. The alternative is to replace the wall which is more costly and less preferred.

Mr. Normandeau felt it was a cut and dried process. He did a similar job about a year ago across the pond. Mr. Britz mentioned that he also did this on Mechanic Street. Mr. Normandeau indicated that was correct and it was for Esther. He explained that down Bow Street, the wall is all bulkheaded waterfront and this was done around the 1890's – 1900's. They have riprapped several pieces over time. The stone have held up longer than the old wood ones. Mr. Britz asked what they will find behind the wall. Mr. Normandeau stated there will be a lot of rotten timber which they will get rid of. It's pretty much hollow once they pull everything else out. They rarely have to dump truck material out. Once they get rid of the old timber and tie-backs they normally never take anything else out.

Mr. Horrigan asked if the rip rap will go to the shed as he noticed seaweed growing and it looks like the riprap has been pulled out. He asked if that is where Mr. Normandeau is working. Mr. Normandeau indicated that is the next lot over and that is totally stable as it is a combination of riprap and retaining wall. Mr. Horrigan asked if they put a membrane in the riprap they install? Mr. Normandeau confirmed that once they drain it and get a slope cut in it they actually put a toe in so everything doesn't slide down the hill. They will lay a layer of fabric down before installing the rock. Mr. Horrigan asked about a large piece of concrete that was shown on the diagram provided. Mr. Normandeau confirmed that was the next lot.

Ms. Powers asked why riprap was preferable. Mr. Normandeau explained that there is an overall distaste for retaining walls as they make land where there wasn't land before. They also have a problem as they reflect waves. That is not a big issue at this site but it can be. Also every kind of creature likes holes and cracks to crawl into.

Vice Chairman Miller thought they had a really nice plan and liked that they were going to pull the wall back.

Mr. Britz reminded Mr. Normandeau that they will have to submit for a City building permit. Mr. Normandeau acknowledged that he will be doing that.

Ms. McMillan asked if the grade or slope of lawn will change. Mr. Normandeau confirmed that it would not change. It is quite flat and will stay grass.

Vice Chairman Miller made a motion to recommend approval. Mr. Warzlaw seconded the motion. The motion passed unanimously with a 7-0 vote.

III. CONDITIONAL USE PERMIT

A. 155 Borthwick Avenue Assessor Map 259 Lot 14 - 1

Millenium Borthwick, LLC, owner

Mr. Britz advised the Commission that he spoke to AMES MSC and advised them he did not have sufficient information to make an educated statement to the Commission. The engineer indicated that he was working on it but would not have it in time for this meeting. They have requested to table this matter until next month. Therefore Mr. Britz would recommend that they table it to the October 11, 2006 meeting.

Mr. Horrigan asked if the 100' buffer zone was where the parking lot has already been built and asked if they get permission to do that. Mr. Britz confirmed that they did when they received approval for the original project.

Ms. Powers asked if they have the right to mow the area adjacent to the parking lot. Peter indicated that they can mow in the detention pond as they need to maintain it.

Ms. Powers asked if a retention pond should have water in it. Mr. Britz indicated that it should after it rains. Ms. Powers indicated that this does not have much water at all.

Ms. McMillan made a motion to table to the October 11, 2006 meeting. Vice Chairman Miller seconded the motion. The motion to table passed unanimously with a 7-0 vote.

IV. APPROVAL OF MINUTES

May 10, 2006
June 14, 2006
July 12, 2006

Ms. McMillan indicated that her name is misspelled several times in the May set. Ms. Powers had no recollection of her comment in the May 10th set of minutes on Page 3 where she stated that the invasives "slipped and duplicated". She asked that that be removed. On the June 14th set at the bottom of Page 6, Hodgson Brook Watershed was misspelled. On the June 14th set on page 2, Ms. Powers asked that the second paragraph be stricken regarding the length of the dock as she has no recollection of making that statement.

There was a request that the minutes should state when a member abstains from a vote and also which members voted for and against a motion.

Mr. Powers indicated that on May 10th she did not stay until the end of the meeting so she didn't vote and the Minutes should have reflected that.

Ms. McMillan made a motion to approve the three sets of minutes, as corrected. Mr. Horrigan seconded the motion. The motion to approve the minutes, as corrected, passed unanimously.

Mr. Horrigan had a general comment regarding the minutes and the Mill Pond Way hearing. He read the minutes but they didn't reflect what they discussed at the end. It was his impression that they declined not to vote yet they still wrote a letter to the State. He was concerned about this because at

the State hearing the developer represented that they voted to approve at their meeting. Also, paperwork that went out from City Hall gave the impression that they approved it. He feels that the Commission needs to better word their motions to convey what they are doing for the record. Ms. Blanchard also noted that the motion that they made was not as inclusive as what they actually decided. Mr. Britz felt that was a good point and agreed with Mr. Horrigan and added that they corrected their letter to the State. He felt it was important when they make a motion to be very clear about what they are approving.

Ms. McMillan also mentioned that the minutes should also be sent to DES every time they make a recommendation to the State. Ms. Powers agreed this should be done every time.

Vice Chairman Miller agreed with Mr. Horrigan and felt they should speak to their motion better. This would help articulate what they are trying to say and it would be better reflected in the minutes. Mr. Britz added that the Commission has been doing a better job with their motions but it is very important to say exactly what they mean.

Ms. Blanchard indicated that she kept waiting for a copy of the letter which they sent to the State. Mr. Britz confirmed that a copy of the letter that goes to DES does not go to the Commission members. It was suggested that a copy of future letters to DES be sent to the Commission members. It was also suggested that the choices between “approve” and “disapprove” on the form be expanded to include “other”.

Ms. Blanchard asked if she could get a registration form for the Estuaries Workshop. Mr. Britz indicated he would print out a copy for her.

Ms. Powers asked about the UNH stormwater workshop. Mr. Britz indicated that there are tours available. Vice Chairman Miller confirmed that the Estuary Center will pay for municipal boards to attend. Vice Chairman Miller advised they should go on the website to register.

V. ADJOURNMENT

A motion was made and seconded to adjourn at 8:20 p.m.

Respectfully submitted,

Jane M. Shouse
Acting Conservation Commission Secretary

These minutes were approved at the Conservation Commission meeting on October 11, 2006.