

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

Conference Room "A"

3:30 p.m.

November 8, 2006

MEMBERS PRESENT: Acting Chairman Steve Miller; Members, Barbara McMillan, Skye Maher, Eva Powers, Brian Wazlaw and Alternates Jim Horrigan and Mary Ann Blanchard

MEMBERS EXCUSED: Allison Tanner

ALSO PRESENT: Peter Britz, Environmental Planner

I. STATE WETLANDS PERMIT APPLICATIONS

- A. Standard Dredge and Fill Application
Pleasant Point Drive
Assessor Map 207, Lot 14
Kimberly Waldron Levy, owner

Mr. Glenn Normandeau of Pickering Marine spoke to the application. He apologized for his absence at last month's meeting. He said that the applicant was planning to put a home on the property and would like to put in a residential dock. The site for the proposed dock was chosen for its lowest elevation, with the lowest water possible, and with the shortest distance without crossing marsh vegetation. The ramp would be resting on exposed ledge with another ramp down to a 10' X 20' float. He said that there have been some concerns expressed by abutter Ms. Patricia Kish. He met with her at the site. They went around the point and took some elevations to see if there were other options. To achieve the lower elevation that the float would require, it would mean adding a minimum of 30 more feet of pier because the slope extends much further out when you go around the corner. He did not feel that there were any other viable options because of the narrowness of channel. He said to get a float in the water at low tide; the dock would have to extend out about 150 feet.

Ms. Powers stated that she took some photos of the area in response to the issue of it being a special place. She thought they might be helpful in looking at alternatives. She added that she understands the problems with the site.

Ms. Maher asked if the site had a path down through the water. Mr. Normandeau replied yes, it did; however, that was not where they were proposing to put the dock. He said he

looked at it at low tide. He felt it was a tide dam at one time but he was uncertain if it was a natural one or an artificial one. The proposed dock would be further down around the corner. Ms. Powers asked if the proposed dock was down at the point, into a cove. Mr. Normandeau said that was correct, it would be on the other side of the power lines.

Ms. Maher mentioned that if the dock is put where it is proposed, it would look like it is halfway across to Belle Isle. She pointed out that there was a dock on one side. Mr. Normandeau showed Ms. Maher on a map as to where the dock would be precisely located. Acting Chairman Miller stated that the map included in their packets showed dock locations. Mr. Normandeau pointed out the Clark's dock which is located about 200 yards down.

Ms. Maher stated that she is uncomfortable at times with these types of petitions and struggles with questions every time they come before them. She wondered if everyone has a right to have a dock as well as how much control does the commission have over the lots.

Ms. Powers said that there are a number of assumptions that the proposed dock does not interfere with the enjoyment of abutters. She pointed out that Mr. Normandeau's report said there was no negative impact.

Ms. Maher said she felt there was a negative impact on abutters. There is already a dock there, and then they want to add another dock. She thought it was a unique place and she wondered how many people would be affected by the loss of the unique view. She asked if the commission was the one to judge that.

Mr. Horrigan said that this is a site that has been used. He said there is a rope for small boats and anchor, he assumed for fisherman. He asked if the owner of the property intended to allow that access to continue. Ms. Kimberly Waldron Levy, owner of the property, spoke to that inquiry. She said that the property has been in her family since 1969. Her parents intended to build a home there in the 1970's but instead bought a home in Portsmouth. Her parents have given Ms. Levy and her husband the opportunity to build a home on the site, which they plan to do. She said they have never used the property for recreational purposes. Others have been using it and have been trespassing.

Mr. Wazlaw asked about the setbacks. Mr. Normandeau said that the State of New Hampshire use the property line extensions. He showed those extensions to the commission on the map.

Acting Chairman Miller commented that he felt everyone on the waterfront has a right to put in a dock; however, that is not the question before them, but one that they grapple with. Ms. Maher said it does relate to their judgment on areas of special uniqueness as well as impact on abutters. Ms. Powers interjected that they also have to take into consideration aesthetic interest to the general public.

Ms. Blanchard asked for clarification that the dock will go out with a float that sits on the mud at low tide. Mr. Normandeau replied that is correct which is true of every dock on that shoreline.

Ms. Powers stated that for her the issue wasn't whether to have a dock, but instead, the exact location of the dock. She said there is an extensive point there.

Mr. Wazlaw made a motion to recommend approval of the application as presented to the State. The motion was seconded by Ms. Maher. Acting Chairman Miller asked if there was discussion.

Ms. Powers said that it was a rarity to see such a pretty and unobstructed cove. She said there are concerns about the aesthetic interest to the public and some objections from abutters. She said she would not vote in favor of the dock in the proposed location.

Mr. Horrigan stated that he would not be voting to recommend. He said that he finds it extremely difficult to feel the totality of the dock proposals when they don't know where a house is going to be located. He added that he felt the application fails on two of the criteria, interference of aesthetic interest of the general public and the benefit of the health, safety, and well being of the general public. He felt that the dock would severely change what is a very picturesque cove, especially for the neighbors. He also did not see how the dock contributes to the general public. Mr. Horrigan said he would like to hear a broader argument as to how docks contribute to health, safety, and well being of the general public.

Acting Chairman Miller said that he would be voting for the recommendation. He shared the concerns that he heard voiced; however, he felt that some of the questions that they struggle with are out of their hands. He said it is not the only dock in the area. He added that they try to minimize impacts when they can and he felt that that had been done.

Acting Chairman Miller called the vote. The vote was two in favor (Acting Chairman Miller, Mr. Wazlaw) and four in opposition (Ms. Powers, Ms. Maher, Ms. Blanchard, Mr. Horrigan) and one abstention (Ms. McMillan). The motion to recommend the application failed.

B. Standard Dredge and Fill Application
41 Salter Street
Assessor Map 102, Lot 30
Elizabeth A. Pruyn, owner

Ms. McMillan, Mr. Horrigan, and Ms. Powers recused themselves from the discussion and vote.

Mr. Alex Ross of Ross Engineering spoke to the application. Ms. Storlazzi-Ward from Gove Environmental Services was also present. Mr. Ross said that the lot is a narrow lot and the owner received approval to move the house back from the front line to allow for parking. He said they have been to the Historic District Commission, the Board of Adjustment, and the Planning Board and have received approvals. They are now seeking a wetlands permit. He said they are proposing to move the house 7 ½ feet to remain in conformance with State wetlands regulations. Mr. Ross stated that there would be no wetland disturbance.

Ms. Storlazzi-Ward stated that the reason they are applying for the application was because they are within a 100 foot tidal buffer zone. They are maintaining the 50 foot setback and they are not encroaching upon the shore land protected area.

Ms. Maher asked about the concrete footers currently in the ground. She asked if they were touching the 50 foot setback line. Mr. Ross replied no. He said what was originally approved by the City was 15 feet back from the front line. Due to the fact that that encroaches on the 50 foot tidal buffer, they had to move the house 10 feet. So the house is actually 5 feet closer to the front line, than approved.

Ms. Maher said she felt a lot of information has been left out. She said she would like to hear the whole story. Mr. Ross replied that he was not covering anything up. He said that they went through the City process and received a building permit. They went ahead with construction but failed to get a wetland permit. When the wetland permit was brought forth, the 50 foot buffer had to be adhered to. He said that the footers are probably beyond the 50 foot point. They were put in based on the City approval and not the State approval.

Acting Chairman Miller asked Mr. Ross to explain from the map, the easement for Lot 30 on the existing condition. Mr. Ross replied that on both the owner's deed and the abutter's deed, there is an easement has been listed for the past 200 years. He thought it was for access to get to the rear of the lot. Acting Chairman Miller asked if it was an active driveway for Lot 30. Mr. Ross replied no.

Acting Chairman Miller asked Mr. Ross to speak to the equipment lay down area in the buffer area. Mr. Ross said that to pick up a house of this size requires steel beams and some timber cribbing. It needs to be placed all around the house. He said that the back yard is grass and that is what it will be returned to. Acting Chairman Miller asked if the equipment would be going near the water line. Mr. Ross replied that he did not believe it would be.

Ms. Maher commented that there would be disturbance getting the footing out of the ground and putting new footing in. She said she would like to request weekly cleanups and barriers to help with runoff. Mr. Ross said they would agree to the cleanups and a silt fence.

Ms. Maher made a motion to recommend approval with the following stipulations – that there be weekly cleanups and a silt fence be installed to help with runoff. The motion was seconded by Ms. Blanchard.

Acting Chairman Miller asked if anyone from the public wished to speak.

Mr. Charles Allard, a direct abutter at 35 Salter Street spoke in opposition to the application. He had a question about the plus or minus figures. He felt they were not complying with what they were approved to do. He felt the commission should be addressing the grade, especially the grade in the run off area. He said he is seeing a completely different plan now.

Acting Chairman Miller asked Mr. Ross about the plus or minus figures. Mr. Ross said it was originally 15 feet plus or minus from the front line. Because of the wetland primary setback, that had to be adjusted and is now 10.25 feet plus or minus. He said these are pretty firm numbers.

Mr. Allard asked about moving the house back 7 ½ feet. Mr. Ross replied that originally the house was 3 feet from the property line so that is where the 7 ½ feet comes from. Mr. Allard thought there was a lot of ambiguity in the plans.

Acting Chairman Miller asked Mr. Britz if this project would go before the boards again. Mr. Britz said he was not sure. There were a lot of things that needed to be decided yet. He thought it would have to go before the Board of Adjustment again.

Acting Chairman Miller called the vote. The motion to recommend approval passed with a 4-0 vote.

II. CONDITIONAL USE PERMITS

- A. 155 Borthwick Avenue
 Assessor Map 259, Lot 14-01
 Millenium Borthwick, LLC, owner

Ms. Adele Fiorillo from NHSC, Inc. spoke to the application. Mr. Michael Kane of the Kane Company, owner of the property and the applicant, Ian Trefry from NHSC, Inc., Dennis Moulton and Rob Alderman, engineers on the project were also present. Ms. Fiorillo said that this was a project that was approved some time ago. They submitted the conditional use permit to expand the parking lot. Previously two buildings were approved in the location, with associated parking and infrastructure. Since that time, there has been a change in use from regular office use to medical use. This has changed the needs for the tenants in the building. They are before the commission now because they are proposing work within the wetland buffer. Ms. Fiorillo stated that they have a revised plan. She said they have identified two wetland areas. One is a naturalized

wetland, of which the buffer applies to and the other is a manmade wetland which was created as retention for the original project. The first wetland (A) is a swale area and is located between I95 and the property. It is well vegetated. Ms. Fiorillo showed the Commissioners on a map where the wetlands were located on the property. The second wetland (B) is a freshwater emergent system.

Ms. Fiorillo said that they have added pervious pavement, revised the parking layout, and have pulled the parking area away from the wetland edge. She gave the Commissioners a parking layout plan. The dark gray area on the plan showed where they are proposing to expand the parking to. The original plan had the parking area much closer to the wetland edge. They have been able to pull the parking area back as much as 40 feet in certain places. Ms. Fiorillo also pointed out that in their packets was a flyer on what they propose to use for a surface. It will be a porous pavement. She said they are also proposing 4,977 square feet of planting area. That area is the dark green area on the map. It will include a seed mix to stabilize after the grading is complete and shrub plantings that will provide a buffer between the parking area and the proposed parking area and the wetland. There is a swale that runs along one edge of the property. With the current rains, they have noticed that it sheds towards the Liberty Mutual property and is causing ponding. To help with that, they will continue that natural swale to connect with the natural swale that is already there.

Mr. Horrigan asked if the parking lot size and the number of spaces is being dictated by the zoning ordinance or is it a projection of demand for space. Mr. Kane replied it was a little of both. He said that if they do the entire project for medical use which he said appears to be the way they are going to go, they will need the additional spaces for the zoning ordinance. If they did not do it for medical use, the dynamics for office space has changed. He said they have had to increase the floor loads and the HDAC capacity assistance because of the number of people in such a small amount of space. He pointed out that you can see the effects with the Jackson Gray building. Mr. Kane said that they are looking at responsible ways to expand the parking. They are excavating down and putting parking underneath the buildings as well as in between the buildings.

Mr. Horrigan stated that Portsmouth currently has over 30% impervious surface which by some standards is the maximum of what the City ought to have. He asked what alternatives they are considering. Mr. Kane replied that they need to start working with impervious pavement, which they are proposing for a good portion of the Meadowbrook project.

Mr. Wazlaw asked where they saw the parking going in the future. He said that the area is wet. Mr. Kane replied that he feels that they are proposing enough parking for the building for the future. If, over the next 10 years it changes and people want more parking, they may have to build structured parking. Mr. Wazlaw said he believed that what they need in that location is elevated parking. He said that the way they are doing it now is not working. Mr. Kane agreed with Mr. Wazlaw and pointed out that that was one of their first moves on the project was to create structured parking underneath the building. He felt that that will be the direction that it will go in the future if and when

more parking is needed. He added that they are trying to design it so that it will be easy for drop off and for handicapped patients to get into the building.

Ms. Powers asked Mr. Britz if the staff recommendations have changed. Mr. Britz replied that it is a much better application than when it first came in because of the porous pavement. Mr. Britz asked if building two would have underground parking. Mr. Kane replied yes, that they would be going back before the Planning Board to get approval for the underground parking under building two as well as in between the two buildings. Mr. Britz said that the plan would have the potential to offset the impact to the wetland with porous pavement, underground parking, and the wetland plantings.

Ms. Powers asked what percentage of the additional parking is porous. Mr. Kane showed Ms. Powers the area of additional parking on the map. Ms. Powers said that her understanding about pervious surfaces is that the real expense is the manufacture switch to pervious. She asked Mr. Kane if there was a possibility that the whole stretch in the buffer could be made pervious at some point. Mr. Kane replied that pervious pavement is a new technology and expensive to put down. He said it would be a massive expense as excavation would have to be done and all of the various layers put down. You would be creating a treatment system.

Ms. Powers asked how much parking is required with the current use of the building. Mr. Kane replied 5 spaces per 1000 for medical office use. Currently, the requirement was somewhere around 3.8. He said that they over parked the project originally because buildings tend to require more parking than that. Mr. Kane said that if they did the entire complex with both buildings for medical office use, they would probably need somewhere between 470 and 500 parking spaces at a minimum per the city requirements. He said that there were 78 parking spaces under both buildings and 396 on the current surface. He stated that what they are proposing brings them to 509.

Ms. Powers asked if the current zoning requires more of the state of the art parking inside of the building. Mr. Kane said that if they used the building for 100% medical use, it would require about 500 parking spaces. They are proposing 509. If they did 100% non-medical use, the city zoning requirements would be approximately 380 spaces. If there was a mix of medical and non medical, the number would be somewhere in the middle.

Ms. McMillan asked about their inspection and maintenance plan. She asked if they were planning sanding and salting operations. Ms. Fiorillo replied yes for ice management. Ms. McMillan commented that sweeping twice a year was pretty standard. She said that her pet peeve is salting. She felt that there was an opportunity here to do it a little more often. She also wondered if they could not plow a portion of the parking lot if they are not using it, just until the new lot is needed. Mr. Kane said they would be happy to implement a plan that the Commission felt comfortable with and they could agree to not plowing the parking lot if it is not in use. He mentioned that Liberty Mutual is using some of their lot as they do work on their own parking lot. That is an issue that might require more plowing of the lot.

Ms. McMillan asked if there was curbing. Ms. Fiorillo replied that there is no curbing now in the existing parking. She did not know whether it was something they were proposing. It was a question for the engineer. Ms. McMillan felt it was something that did not need to be added to the proposal.

Mr. Horrigan made a comment about the parking area that comes up directly to the retention pond. He felt it was a big mistake to put those spaces there. They are very close to the retention zone as well as in the buffer zone. He said that currently the area next to those parking spaces is being mowed. He thought natural vegetation should be allowed to grow in that area. Mr. Horrigan suggested that they consider changing those spaces next to the retention pond. Ms. Powers asked if he wanted to have them changed to a pervious surface. Mr. Horrigan replied that that would be an improvement. He thought maybe curbing would be helpful so that people won't drive on the grass. Ms. Fiorillo said that if they stopped mowing that strip between the retention pond and the parking spaces and let the grass grow up, that would tend to make people park back.

Mr. Britz asked about the timing of the new parking lot since the new building is not being built yet. Mr. Kane replied that they are contemplating building the second building in the spring. He added that they have an issue with a swale that Liberty Mutual has asked them to move. He pointed out that that was part of the application as it seemed like the right time to do both.

Ms. Powers stated that she would like another month to look at the plan since so much has changed. She said it would give the City staff a chance to take another look. Acting Chairman Miller said that it is a new plan but he felt they should move ahead.

Ms. Maher made a motion to recommend approval with the following stipulations – that sweeping take place four times a year, that there will be no plowing of the lot if it is not being used, that natural vegetation be allowed to grow at the edge of the pavement on the northwest property line, and that there be no mowing in those areas. The motion was seconded by Ms. McMillan.

Mr. Horrigan thanked the applicant for introducing pervious surface. Ms. Maher added that she would like to thank the applicant for putting parking under the building. She said that the issue of parking was a planning issue that they will have to address. She said that she recognized that the cost of rental in Portsmouth is about providing parking for public transportation and she encouraged Mr. Kane to weigh in with some creative ideas about how to deal with less land and more people.

Mr. Kane said that they were trying to find that balance for both and they would see them back before them with more pervious parking.

Ms. Powers stated that her concern was sprawl with the parking. She said that according to City staff, there is not a heavy use of the parking spaces currently. She said that she would not like to see the buffer used up for parking. Mr. Kane replied that he will not build the parking lot until they build the second building.

Mr. Britz said that if they want that as a stipulation, it would be a good one to add. Ms. Powers said that she would feel comfortable with that additional stipulation.

Acting Chairman Miller stated that as much as he appreciated the underground parking and the pervious surface, he had some concern about the site, with the wetland protection area that they are in. He said he could not vote in favor of it. Mr. Kane responded by saying that he was concerned with people parking in areas that are unsafe. They are trying to find the most responsible way to address the issue of parking.

Acting Chairman called for the vote. Ms. Maher, Ms. McMillan, and Mr. Horrigan voted in favor of recommending approval. Ms. Powers, Mr. Wazlaw, Acting Chairman Miller, and Ms. Blanchard voted in opposition. The motion to recommend failed by a 4-3 vote.

- B. Christmas Tree Shops, Inc.
Durgin Lane
Assessor Map 239, Lots 13-2, 16 & 18
The Home Depot U.S.A., Inc., owner

Attorney Malcolm McNeill, representing the project spoke to the application. He said that this was a site that the Commission was familiar with. It is a redevelopment of a site that has been used for many years for retail purposes. The proposed new users are Bed, Bath, and Beyond and Christmas Tree Shops, as well as a third retailer yet to be determined. The professionals involved in the project are Greg Mikolaities, with Appledore Engineering, Jim Gove, with Gove Environmental Services, and Dave Cameron, representing Bed, Bath, and Beyond.

Attorney McNeill stated that when Home Depot moved to the site, there were similar wetland buffer issues. In all of those cases, the buffers were already in areas that were impacted either by buildings or impervious surfaces. Attorney McNeill said that what is happening in this case is a reduction in the building footprint as well as a reduction in the pervious surfaces and a reduction in the areas that are impacted within the wetland buffer. The total lot area involved with the site is 26.15 acres. The total disturbance site is 10.18 acres. The existing parking condition is 624 spaces. The new reconfigured parking is 627 spaces. The existing Home Depot footprint is 127,856 square feet. The proposed new building is 111,819 square feet. That is a reduction of over 16,000 square feet. Presently, the existing building is partially in the wetland buffer zone as well as some of the parking. The building was built prior to the impact of the ordinance. Attorney McNeill said that the on-site impervious area on the site presently is 516,000 square feet. The proposed development has 479,421 square feet. That is a reduction of over 36,000 square feet, close to an acre of reduction in impervious surface. He added that the on-site impervious area within the existing buffer, whether it be paved surfaces or buildings on the Home Depot site is 72,343 square feet. With the proposed development the impact will be 50,311 square feet.

Attorney McNeill pointed out that the present site contains no storm water treatment. They are proposing a system to treat the impervious area that will result in treatment of over 380,000 square feet where none exists now. Approximately 9 acres of treatment will exist on the site that did not exist before. He mentioned that a collateral benefit of the site is that a portion of the treatment that they are doing comes from the Hilton/Hampton Inn property which drains into this area which will also be treated as a result of this project. Attorney McNeill also pointed out that there is a proposal in regards to sweeping. He added that there will be no disturbance of natural areas within 100 foot buffer associated with the project. There will be more green space with the development of the project that the parcel currently has. Attorney McNeill felt it was a win-win situation.

Mr. Mikolaities showed the Commission a map and pointed out that the red area designates the new building. He showed them that everything in green on the map were areas where pavement would be removed. He said there would be fairly extensive landscaping and a more conventional traffic pattern.

Mr. Mikolaities then showed the Commissioners a map of the current drainage system. He pointed out that the water in the green area on the map discharges down to a wetland untreated. As part of the project, they will be treating that water that is coming from the Hampton Inn. The dark yellow area on the plan is preexisting predevelopment watershed. Mr. Mikolaities presented the post development project drainage plan. The green area on the plan flows into an area with a downstream defender after which it will discharge to the wetland. The water in the dark yellow area on the map will flow through a couple downstream defenders before it gets to a wetland. They are also introducing a couple bio retention rain gardens. The dark green area indicates those treatments. He said that they tried to introduce the bio retention rain gardens everywhere but they couldn't.

Mr. Jim Gove of Gove Environmental Services spoke to the project. He showed a map and pointed out two wetlands that are scrub shrub. They do not develop into much more than that. They are under power lines and approximately every 10 years, they get cut back significantly. He felt they still had a function. Another wetland is in a forested state. Another wetland area on the site is mostly emergent and it does an excellent job of providing storm water storage. He said that they found a fair amount of sand that had gotten there because of the fact that there is not much in the way of storm water treatment on the site. The downstream defenders will address the sand issue.

Ms. Powers asked how much of the scrub shrub gets cut by PSNH. Mr. Gove replied that the amount that is cut has to do with the right of way. They cut it down as low as possible. Ms. Powers asked if the cutting degrades the wetlands. Mr. Gove replied that it certainly changes it from the standpoint that it disturbs nesting activities. Ms. Powers if the ground had firmed at the time of cutting. Mr. Gove replied no.

Ms. Blanchard asked if the power lines were the same ones that run up Echo Avenue. Mr. Gove replied yes, it is a significant power line.

Mr. Mikolaities stated that for their operation maintenance schedule, they are proposing street sweepings which will be once a month, with debris removal as needed. Catch basin cleaning will be once yearly in the spring. Rain gardens and bio retention cells will be cleaned and inspected twice a year.

Mr. Horrigan said that one of the rain gardens looked like it was under the power lines. Mr. Mikolaities confirmed that the rain garden was outside the PSNH area.

Attorney McNeill stated that when his clients came to him about the building, he suggested that they put their use in the existing building and nothing would have to be done. He said that this proposal will be an improvement and is conscientious with regard to the on site issues that exist. Attorney McNeill read from Mr. Britz's memorandum, which recommended approval of the proposal.

Mr. Horrigan asked if the old asphalt would be removed. Mr. Mikolaities answered that it would be ground up, impacted, and reused. Mr. Horrigan asked if they could use a pervious surface. Mr. Mikolaities replied that the issue would be the sub base. The sub base would have to be pulled out. He said that the entire lot, with the exception of an area at the back would be pulled up. Mr. Horrigan said the he would like to see them use a pervious surface. Mr. Mikolaities replied that the client has made huge strides with the proposal. Attorney McNeill added that the pervious surface is not a viable alternative at this point for them.

Mr. Horrigan asked what the success rate of the rain gardens is. Mr. Mikolaities stated that he has seen data ranging from 70-90% reduction in filtration. Mr. Horrigan asked the likelihood that the vegetation survives. Mr. Mikolaities said they listed plantings in their packets that have a high survival rate. Mr. Gove added that what would be planted would be low growing shrubs. He said there may have to do some replanting for maintenance. He added that when they have seen problems is when the rain garden is used for snow storage.

Ms. McMillan asked about the slope with the rain garden. Mr. Mikolaities said that it is about 3 feet. It is a shallow basin. Ms. McMillan asked about the plantings in the new green space. Mr. Mikolaities showed the areas on the map that would be loamed and seeded. In the bio retention swales, they would use a woodland mix. Mr. Gove pointed out areas where grasses and shrubs would work. He also pointed out an area where a wildflower mix could be.

Ms. McMillan said that everything that was done at Home Depot has been destroyed with the recent rain and the construction. She said that there are inches of sediment in the wetlands. Mr. Mikolaities stated that the State is aware of what is going on at the site and they have been out there inspecting. He also suspected that the City has inspectors there as well.

Ms. Powers asked if they were required to get an EPA permit for water running into wetlands. Mr. Mikolaities replied yes. Ms. Powers asked how often it was monitored. Mr. Mikolaities said it was monitored about every week. Ms. Powers asked if it would be possible to get a copy of the EPA permit and monitoring. Ms. Mikolaities replied that it is a public document and is probably on file with the City. Attorney McNeill added that Altus Engineering is working for the City monitoring it. Mr. Britz said he would get copies of the permit and the monitoring status.

Ms. McMillan made a motion to recommend approval of the application. The motion was seconded by Mr. Wazlaw. Ms. McMillan wanted to add the stipulations that the area being returned from pavement to natural be planted with a wildflower conservation seed mix and that the areas at the edge of the buffer not be mowed.

Mr. Horrigan added that he appreciated the efforts of the applicants to improve the adjacent wetlands. He felt their planning was inconsequential given what PSNH did. He added that PSNH has thwarted their good intentions to improve the general environment of the immediate area. He thanked the company for a good proposal.

Mr. Miller agreed. He added that when he was at the site he not only noticed the amount of cutting, but also the amount of trash in the wetland. He said that maybe in the future they could organize a stewardship activity to clean up the area.

Mr. Miller called for the vote. The motion passed by a 7-0 vote.

III. OTHER BUSINESS

A presentation was made by Mr. Steve Walker from LCIP (Land and Community Investment Program). He provided binders of the Hett Farm Conservation property which are available by contacting Nancy Carmer, Economic Development Manager.

IV. APPROVAL OF MINUTES

October 11, 2006

It was moved, seconded, and passed unanimously to accept the minutes as presented.

V. ADJOURNMENT

At 6:20 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 January 10, 2007.