

**REGULAR MEETING
CONSERVATION COMMISSION**

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

3:30 p.m.

April 11, 2007

MEMBERS PRESENT: Chairman Steve Miller; Vice Chairman James Horrigan; Members, Allison Tanner, Brian Wazlaw, Skye Maher, Barbara McMillan, Eva Powers, and Alternates Mary Ann Blanchard and Richard Adams

MEMBERS ABSENT:

ALSO PRESENT: Peter Britz, Environmental Planner

I. PSNH PRESENTATION – Steve Fuller

Mr. Steve Fuller, Safety and Environmental Coordinator for the Transmission Group for the State of New Hampshire was present to speak about cutting in and around power lines. He said that in December of 2006 an incident was brought to their attention from residents and the Conservation Commission concerning the cutting of brush around power lines. He said that he did a walk down in the utility right of way with Peter Britz and a Dave Price, a representative of the Department of Environmental Services. He explained that they found several areas of soil impaction, one which was four inches deep. Mr. Fuller stated that they should have performed the cutting under dry or frozen conditions. He said that they received a Letter of Deficiency from DES which required them to create a restoration plan and file it with the DES by May 1, 2007 and complete the work by July 1, 2007. Mr. Fuller said that they hired the services of Gove Environmental to assist them with the impact assessment and the creation of the restoration plan. The proposed plan is to hand rake the area to regrade the contours, use a wetland seed mix and put a seed free mulch over it. He said that as soon as they get DES approval, they will begin restoration. He added that they plan to have DES come to the site on day one to make sure they are restoring it to their satisfaction.

Mr. Fuller explained to the Commission their vegetation management practice within the right of way corridors and within the substations. He said that within their substation fence, they use a herbicide. Outside of the substation, they use a mowing practice. He pointed out that there were two effective ways to perform the vegetation management. One would be the mowing and selective cutting. He said that PSNH has elected to not use herbicides to manage the right of way. He added that for wetlands around power lines, they will selectively leave what will not grow up into the power lines and hand cut the other vegetation. Mr. Fuller said that they have about 16,000 acres to maintain on a yearly basis. That equates to 1000 miles of right of way that they maintain on a 3-4 year basis depending on voltage. He said that they have to comply with some very strict standards to make sure that vegetation does not get into the volts. He mentioned

that Gove Environmental is assisting them in looking at their pilot studies for their regular structures program and Tighe Bond is assisting them in pilot studies on their vegetation management program. Mr. Fuller said that they are seeing how they can increase their effectiveness while being good environmental stewards. He said that the December incident has resulted in the drastic improvement of their program.

Mr. Fuller asked if the Commission had any questions for him.

Ms. Maher asked if they use pesticides. Mr. Scott MacGregor, an arborist, replied no, that they do not use any pesticides.

Ms. Powers asked how high the vegetation is allowed to get before it is mowed. Mr. MacGregor replied that in this case they would be mowing it once every three years. He said that in good growing conditions, the small woody brush could get about 15-25 feet high. Ms. Powers asked if they would mow it down to ground level. Mr. MacGregor replied yes. Mr. Fuller added that they cannot allow the vegetation to get too high.

Ms. Powers stated that when she went to the site that morning, there was a pair of mallards swimming around the remains of some cattails. She said that they have no good habitat around them. Mr. Fuller said that they incorrectly mowed that area. He assured her that that would not happen again. In the future, they will only cut down what will potentially grow into the power lines.

Chairman Miller asked for clarification about cutting. He asked if vegetation that does not grow to 15 feet, will get cut. Mr. Fuller replied that in most incidents, no, they would not cut it. If there is high growth vegetation within the low growth vegetation then they would hand cut that.

Ms. Powers asked how many contractors they have to do the cutting. Mr. Fuller replied they have one contractor to perform vegetation management.

Mr. Adams stated that he is on the board of the Southeast Land Trust and he said that they hold a conservation easement on the city owned Great Bog. He said that based on what they have done out there, he thought it was good work and he hoped that this is an admiration. Mr. Fuller said that they are doing everything that they can and will be aggressive in the restoration plan to meet all of the deadlines.

Ms. McMillan asked if this would be a statewide policy. Mr. Fuller replied yes. Ms. McMillan asked about buffer zones. Mr. Fuller said that they have not addressed buffer zones yet. He pointed out that they have employed the services of Gove Environmental to help them create a best management practices for their activities. He said it would address how to control sediment erosion. Mr. Fuller added that they would take her question under advisement.

Mr. Wazlaw asked about the area across from the hospital. He said that that area was cut by the road. He wondered if that was standard cutting procedures because the cattails were cut. Mr. Fuller said that was a piece of the project that went wrong. He said they should not be cutting down the cattails. He added that the restoration plan will encompass every area. Ms Powers stated that in part their concern was cutting, but also their concern was habitat.

Chairman Miller thanked Mr. Fuller, Mr. MacGregor and Mr. Gove for coming and explaining the situation to them.

II. STATE WETLANDS PERMIT APPLICATIONS

- A. Standard Dredge and Fill Application
North of Echo Avenue, West of Woodbury Avenue
Assessor Plan 238, Lot 3
Public Service Company of New Hampshire, owner

Mr. Steve Fuller, Safety and Environmental Coordinator for PSNH spoke to the application. He stated that when walking down the corridor with Peter Britz and Dave Price, they noticed an anchor that had recently been installed. He said that it was an anchor that had to be replaced on the 345,000 volt line. He said that the company Tighe Bond has assisted them with the after the fact application.

Mr. Dave Cameron of Tighe Bond explained that what happened was that someone noticed that the anchor that holds the guide wire was deteriorated and the guide wire became loose and was not functioning the way it should. The anchor was located in a wetland. He said the problem was discovered when they were mowing.

Mr. Fuller mentioned that this was an angle structure and need to be replaced as quickly as possible. He pointed out to the Commissioners that there was a photo of the area in their packet. He said that this work was conducted in an emergency situation so there was not time for proper filing of an application.

Ms. Blanchard asked if the anchor was concrete. Mr. Fuller replied that the old one was concrete and he believed the new one was as well.

Mr. Horrigan stated that when you work on a site like this, suddenly trash appears. He asked if the contractors have any obligation to remove trash. He wondered who was responsible for it. Mr. Fuller did not have an answer for Mr. Horrigan. Mr. Horrigan said that it was disturbing to see ducks swimming around tin cans.

Chairman Miller asked Mr. Britz if this was something that the City Code Enforcement Officer would address. Mr. Britz said that if it was dumping they would, but because this was trash that was catching and accumulating over time it would not be covered. He said that it was a common problem and he tries to address it during the site review process.

Ms. McMillan asked if it was possible for a volunteer group to clean it up if they could gain access. Mr. Fuller said that they keep the gates locked and so he would have to find the answer to that.

Mr. MacGregor stated that they only own 10 percent of the right of way. The rest is owned by private property owners. He felt every property owner would have to be contacted to get their permission to remove the trash.

Chairman Miller asked if there were any more questions. Hearing none, he asked for a motion.

Ms. Blanchard made a motion to recommend approval of the application. The motion was seconded by Ms. Tanner. There was no discussion. The motion to recommend approval of the application passed by a unanimous vote.

III. CONDITIONAL USE PERMITS

- A. 100 Campus Drive
 Foundation for Seacoast Health, applicant
 Assessor Map 234, Lot 51
 Foundation for Seacoast Health, owner

Attorney Peter Loughlin, Mr. Bob Iafolla representing Foundation for Seacoast Health, Mr. Joel Noel, wetland scientist, and Mr. Phil MacDonald of Underwood Engineering were present to speak to the application. Attorney Loughlin reminded the Commission that they had been before them in October 2006 for a Standard Dredge and Fill application, for which they received approval. He said that since that approval, they have made several changes to the project.

Attorney Loughlin stated that at the October meeting, there was a concern expressed about a forested area being removed to make way for a playing field. He reiterated that that was still the plan; however, they plan to soften the open view by placing plantings along the edges of the field. He added that low phosphorus fertilizer would be used to maintain the playing field.

Attorney Loughlin said that another change to the project was that originally, three tennis courts were proposed, the third of which would intrude into the buffer. He said that they are now proposing only two courts so there will be no impervious surface in the buffer.

The third change was to the parking lot. Attorney Loughlin pointed out that the parking lot has been pulled back by 20 feet from the road to preserve the vegetation along it as you drive into the campus. He said that the driveway that comes from the traffic circle to the south end of the parking lot would be eliminated to reduce the amount of pavement. The parking lot would be constructed of porous pavement. He added that there would be no impervious material in the buffer.

Attorney Loughlin stated that he felt they had met the purpose and intent of the ordinance with regards to their project. He asked if the Commission had any questions.

Ms. Powers said that she was at the site that day and observed many small children playing on the trails. She had concern that losing some of the forested areas might devastate other programs. Mr. Iafolla responded by saying that although they are giving up a small portion of trails, there are still many trails on the site that can be used, including a fitness trail. Mr. MacDonald pointed out a trail system that started down by the pump station. Mr. Iafolla showed the Commission some of the trails on the map and assured them that they would be sensitive to relocating the existing trails. He did not think that this project would affect existing programs.

Ms. Maher commented about a conversation at their October meeting about a freedom field. She said that she was talking about a field that was of natural vegetation that can be mowed but does

not require pesticides and herbicides. She said that she was looking for something like that. Mr. Iafolla replied that he found information about freedom fields online and felt that that would not be the best application for this project. He said that in order to establish turf, you cannot allow the intrusion of other grasses. He added that you have to go through two growing seasons before anyone can play on it.

Mr. Iafolla stated that they have significantly altered the project to reflect the concerns of the Commission as well as to respect the sensitivity of the Foundation. He said that they will have a pre-construction meeting and they intend to invite city staff and members of the Commission to attend. He said it would be an opportunity to discuss types of grasses as the landscape architect will be present.

Ms. Maher commented that she felt this was a much improved plan and that she appreciated their changes, especially the tennis courts.

Chairman Miller asked if the baseball field sloped toward wetland b. Mr. MacDonald, engineer for the project, replied that the grading was crowned so that everything drains off in that direction. Chairman Miller said he was looking for a way to minimize the impact. He thought that maybe when they get closer to construction they could find a way to buffer that. Mr. MacDonald said that they could possibly do a small, low berm. Mr. Iafolla pointed out that these issues could be addressed at the pre-construction meeting.

Ms. McMillan stated that she liked the idea of participating in the pre-construction meeting. She thought that in that meeting, maybe they could find out what the maintenance plan would be.

Ms. Tanner made a motion to recommend approval of the application. The motion was seconded by Mr. Wazlaw. Chairman Miller asked for discussion. There was none. The motion to approve passed by a 5-2 vote with Mr. Horrigan and Ms. Powers voting in opposition.

- B. Mill Pond Way
Heather Parker, applicant
Assessor Map 143, Lot 9
Estate of Emerson McCourt, owner

Mr. John Chagnon of Ambit Engineering, Attorney Paul McEachern, Mr. Dean Rykerson, architect, and Heather Parker, applicant were present to speak to the application. Mr. Chagnon stated that the property was located on Mill Pond Way. They are proposing to put a single family dwelling on the northern part of the property. The applicant was hoping to construct a project that would meet LEED (Leadership in Energy and Environmental Design) certification and that was why the house was oriented on the lot the way it was.

Mr. Chagnon said they would be using techniques to minimize the impacts. He explained that the applicant was going to remove some invasive species and replant with native species. That would be done in an area in the tidal buffer zone. He said the wetland was less than ½ an acre. They contacted abutting property owners to get permission to access the wetland to do some extensive mapping. He said that the 100 foot buffer required in the ordinance would pretty much render the lot unusable. Mr. Chagnon explained that they were doing nothing in the state wetland area. He said that the applicant was offering to take a portion of the lot and dedicate it

to the City for use as a public park. He pointed out that Olde Port Development had also dedicated a portion of land a while back. The applicant was also planning to plant additional plantings to provide for enhanced wildlife habitats.

Mr. Chagnon stated that there are procedures in the building construction that are environmentally conscience and respectful of the site like the use of propane fuel, a shallow protected foundation, and a porous concrete driveway. The property will be connected to public sewer. In addition, by placing the structure in such a way, it allows the abutters to continue to have the view of the water.

Mr. Chagnon said that he felt that they have met the four criteria. He asked if the Commission had any questions.

Mr. Horrigan asked if the history of the site was known. He said that along the shoreline it looked like fill. Attorney McEachern, trustee of the Emerson McCourt estate, said that the late Mr. McCourt allowed the city to dump in that location. When the city built roads, that was probably where the debris was dumped.

Mr. Horrigan asked if the vegetation on the portion of the property that would be deeded to the city would remain. He wondered if there needed to be some understanding between the applicant and the City that it not be turned into lawn later down the road. Attorney McEachern replied that he drafted a deed and put in a view easement so that in the future, no one can build there. He said that the adjoining parcel has always been lawn and the City has not done anything to that.

Ms. Parker pointed out that the sale of the property was contingent on whether she can make these improvements.

Chairman Miller said that the wetland is an odd shape. He wondered if it was an artifact of the fill. Attorney McEachern replied that his memory was that it was. Chairman Miller said that he wanted to point out that that particular wetland was fairly nonfunctional.

Ms. Powers wondered if there needed to be a deed restriction to protect what the applicant is doing. Mr. Britz suggested that when it gets to the Planning Board, there could be some language with the approval that states that this area remain in its natural state.

Chairman Miller stated that when the City increased the buffer from 75 to 100 feet he thought there was language in the regulation that allowed for up to 15% for additions to homes that were preexisting within the 100 foot buffer. Mr. Britz said that the ordinance states that you can build an addition up to 25% of the area of the principle heated area of your existing structure if you do not get any closer to the wetland. He said that it would apply to this house in the future. Mr. Wazlaw pointed out that Section 10-609 of the ordinance spoke to the issue.

Ms. McMillan asked if they would have to have a wetlands permit to do the vegetation work in the buffer. Ms. Parker replied that Ms. Dori Wiggin said no, it would not be required. She added that Ms. Wiggin said that the roots of the invasive species would have to remain. The

applicant would have to dig and put the native species, using organic gardening practices, in and around that root system. Ms. Parker said that she thought she would be able to kill the invasive species by placing something over them to deprive them of light and water. Ms. Powers told her that carpeting works well for that situation. Ms. Maher interjected that jute backed carpeting worked the best.

Ms. Maher commented that this was a low functioning wetland and that this project was an enormous benefit and opportunity to do a better job in buffer. She also stated that she was excited to see this type of housing and when it was finished, she hoped the applicant will tell others about it.

Mr. Horrigan made a motion to recommend approval of the application with the following stipulation:

- 1) That measures are taken to insure that the stated improvements to the buffer zone are protected over time through some type of legal mechanism such as a deed restriction or conservation easement for native landscaping in the wetland buffer area.

The motion was seconded by Ms. Tanner. Chairman Miller asked if there was any discussion.

Mr. Horrigan stated that he felt this was a great plan. He also appreciated the applicant's generosity to the City by donating some of the land.

Chairman Miller agreed with Mr. Horrigan. He said that he was excited to see this side of the pond receive some good buffer enhancements. He added that he was hoping that it could extend down along the shore to the next parcel over. Attorney McEachern said that an abutting owner is interested in donating some land as well.

The motion to recommend approval of the application with the following stipulation passed by a unanimous vote:

- 1) That measures are taken to insure that the stated improvements to the buffer zone are protected over time through some type of legal mechanism such as a deed restriction or conservation easement for native landscaping in the wetland buffer area.

IV. OTHER BUSINESS

A. Prime Wetlands Assessment Update – Peter Britz

Mr. Britz reminded the Commission that they have received the report in a previous packet and that they had a joint meeting with the Planning Board last fall concerning the Prime Wetlands study. He said that the next step would be to get together with the Planning Board and then making a recommendation to the City Council. The City Council would make a recommendation to the State as this is a State process.

Mr. Britz stated that he and Mark West have mapped all of the boundaries of the prime wetlands.

Mr. Britz presented a map that had the prime wetlands outlined in green and the other wetlands outlined in red. He said that he would talk about the red areas that are not designated. The first wetland he pointed out was the one by Jones Avenue and the high school. He said that the biggest reason that it was tagged as do not designate was because there were a number of errors in the mapping of this area. To map it properly, it would be much smaller in size.

Ms. Maher asked Mr. Britz to show the Commission where the new middle school is being proposed. Ms. Maher asked if there was a lot of wetland out there. Mr. Britz replied that no, there was not that much wetland there. He said that there are some nice vernal pools. Ms. Maher stated that they would have to get accurate mapping if the school is put in that area. Mr. Britz said that he and Mark West have written letters to the City Council to highlight the vernal pool complex on the site.

Mr. Horrigan thought the site was incredibly wet. Mr. Britz reiterated that the area was one of the worst areas of over counting. He said that he could not explain why it was over mapped. He added that he would try to get a map that was more approximate.

Mr. Britz talked about wetland 14 which was the Pine Island area. He said that it was historically impacted in the back. He added that the wetland area is drainage area for the hospital. It does not have the high quality that is typically seen in a prime wetland.

Mr. Britz said that wetland 4 and 16, which are on either side of Banfield Road do not meet the criteria for prime wetlands because prime wetlands have to have more than 50% very poorly drained soils and they do not have that.

Mr. Wazlaw asked about wetland 1 on Coach Road. Mr. Britz said that that wetland was recommended for designation. Mr. Wazlaw asked about the wetland across from Allen's Wayside. Ms. Maher pointed out that the field there is being mowed. Mr. Britz said that that wetland is included in the prime wetlands because even though it is being mowed, it has poorly drained soils. Ms. Powers asked if it was designated as prime wetlands, would it have any impact on how often it gets mowed. Mr. Britz replied that he did not think so. He said that if activity is not permitted in a wetland, then an activity in an adjacent wetland is reviewed. He said that he would look into it.

Mr. Horrigan asked about wetland 31. He said they had a case out there recently where there was an old house that was to be remodeled. He said that it had wildlife. Mr. Britz said that for this wetland, water quality and water degradation in addition to surrounded by development down graded it.

Mr. Britz said that there is always the opportunity to try to improve the wetlands that are on the line up to up to the prime wetland standard. He said that the Commission could make a recommendation to the City Council regarding it.

Mr. Britz talked about a wetland at Pease at Martins Point. He said that it meets the criteria but because it is on Pease, the City does not designate it. He said that they could send a letter to Pease and let them know of the work that has been done regarding prime wetlands and recommend that they treat it as a prime wetland. Ms. Tanner asked about Newington. Mr. Britz said that they are tied up at the moment.

Ms. Maher stated that a letter could be sent to Pease using strong language asking them to designate it. If Pease tried to develop that area in the future, at least there would be a letter on record and possibly the City could weigh in on any development.

Ms. Blanchard asked at what point in the process would they do that. Mr. Britz thought it would probably be the strongest if it came from the City Council. He added that it could also be a letter from the City Council, Conservation Commission, and Planning Board which would be even stronger. Mr. Britz said that some members of the Planning Board were concerned with this as well.

Mr. Britz asked the Commission if they thought the next step was to meet with the Planning Board and then go to the City Council with a recommendation. Ms. Blanchard replied that they will want to achieve consensus.

Ms. McMillan asked about the wetland on Borthwick Avenue. Mr. Britz replied that they had considered taking some of the degraded areas out because of impacts from the parking lot. Ms. Maher said that it would be valuable to keep it in because it is acting as a buffer.

Mr. Horrigan said that when they met with the Planning Board, he felt they had a different set of criteria. He wondered how the two boards would balance their views.

Chairman Miller said the first step would be to establish a definition of prime wetlands and what is required to designate it as such.

Ms. Maher said that the joint meeting will give them an opportunity to have these discussions. Ms. Blanchard said that she sensed that from the meeting that they had that there was a great amount of commonality and support for the majority of the site. She would not like the Commission to appear adversarial at this point. She agreed that both boards have different orientations. She said that they want the project to go as far as possible.

Mr. Horrigan asked that if at some point they make a recommendation. Ms. Maher replied yes, but the Commission is advisory to the Planning Board.

Chairman Miller asked Mr. Britz that when they meet with the Planning Board to try to come to some consensus, is there protocol for how that will happen. Mr. Britz replied that they are trying to reach a consensus about the wetlands designations. He recommended that they vote and get a majority vote.

Ms. Tanner asked if they could be compromising. She said that she would like to see the areas of vernal pools be designated as prime. She also wondered if there was a way to get upland protected from development. Mr. Britz said that one of the outcomes of a prime wetland is that adjacent wetlands get looked at by the State. He said that he has already looked at adjacent areas with a 100 foot buffer. He added the vernal pools do not meet the criteria for prime wetlands.

Ms. Blanchard said that this could be a conversation that the two chairmen might have. She did not think you could meld the boards for one common vote. Mr. Britz said that both boards could vote on it separately and then get the boards together to discuss it.

Ms. Powers stated that the Commission is advisory when it comes to conditional use but she said the State's description of what Conservation Commission's should do says it "shall" determine, do mapping, etc. She said that they should not think of themselves as advisory in matters like this. Mr. Britz said that he did not think it was spelled out anywhere, that there was no real process.

Chairman Miller asked the Commission if they wanted to set up a meeting with the Planning Board. He advised that they should not include anything that does not meet the criteria.

Ms. Maher said that all of the areas designated in green on the map are the areas that she would like to support as identified as prime wetlands. She said that the wetlands designated in red should receive more attention in working toward improving them.

Ms. Powers said that she was sensing a need for urgency. Mr. Britz said the sooner the better. Ms. Powers asked if a public hearing would be held. Mr. Britz replied yes, at the State level.

Chairman Miller asked if the Commission was ready to vote.

Ms. Maher made a motion to recommend designation of all of the areas in the prime wetlands study in green be nominated as prime wetlands to the Planning Board and City Council. Mr. Horrigan added to the motion that the City recommends to Pease Development Authority that the green area on the PDA map be designated as prime wetlands. The motion was seconded by Mr. Wazlaw.

Ms. McMillan asked if they would still be meeting with the Planning Board to get consensus. Chairman Miller said that the Commission would vote, and the Planning Board would vote and then they would see where the two lie and then get together to discuss the differences. Mr. Britz asked if the Planning Board recommended all of the green designations, would the Commission still want to meet with them. Chairman Miller said no, he did not see the point.

Mr. Wazlaw stated that meeting with the Planning Board was important.

Ms. McMillan asked if the Commission might be sabotaging the possibility of coming together in agreement. Mr. Britz stated that a letter to the Planning Board could state that the Conservation Commission accepts the recommendations for prime wetlands as provided by Mark West's report and invites the Planning Board to join them in requesting these go to the City Council as a strong recommendation to the State. The Commission felt that should be included in the motion.

Chairman Miller called for the vote. The motion to recommend the following passed by a unanimous vote:

- 1) That all of the areas designated in green in the prime wetlands study be nominated as prime wetlands to the Planning Board and City Council.
- 2) That the City Council recommends to the Pease Development Authority that they too designate their green areas as prime wetlands.
- 3) That the Commission send a letter to the Planning Board asking them to join them in accepting the recommendations for prime wetlands as provided by Mark West's report

and invite the Planning Board to join them in requesting these go to the City Council as a strong recommendation to the State.

V. APPROVAL OF MINUTES

March 14, 2007

It was moved, seconded, and passed unanimously to approve the minutes as amended.

Additional business:

Ms. McMillan stated that the Martingale, 99 Bow Street, project was denied by the State. They denied the waiver for the Shoreline Protection Act. She wanted to point it out because there is a new Commissioner who follows the law. Ms. Powers said they need to talk as a Commission about the Shoreline Protection Act. Chairman Miller said that he hoped they could talk about it once the changes they are proposing to make are finalized.

Chairman Miller mentioned that Ms. Powers and Mr. Horrigan wanted to discuss Jones Avenue as one of the sites proposed for the middle school. They wanted to know if the Commission could make a statement as to the location of the middle school. He wanted to know how the Commission would go about that. Ms. Tanner said she did not know why they could not write a letter to the School Board in opposition of that location. Mr. Wazlaw said that if they were going to make a statement like that, he would like to do a site walk first. Chairman Miller said that he had concerns that they might create more problems than they are trying to resolve.

Mr. Britz said that he cannot tell the Commission what to do, he can only advise. He mentioned that they could share their concern that no one has come to ask the Commission's advice from a regulatory standpoint as to what should occur out there. If it does move forward, Mr. Britz said there would be a chance to weigh in on it. He advised against weighing in on the project prematurely because it may effect their weighing in on it when it does come before them. He said that he saw that happen to a Planning Board member. He said he would rather ask the legal department for advice. Ms. Tanner asked why the Commission can't get out there and say that they should not be looking at this site.

Ms. Maher felt that what was going to change the criteria in the conversation was the educational narrative that is going on. She said that would be argued out without any consideration to location.

Ms. McMillan stated that the educational issues are being argued now without much consideration to location. She felt they would get so much ownership in their decision that the Conservation Commission will be lost in the shuffle.

Mr. Wazlaw said that the Conservation Commission needs to get more information so that they can speak from some level of knowledge on the site. He said that there has been no firm decision on either site.

Mr. Horrigan commented that at a workshop on the subject, the environmental consultant was asked by a school board member if vernal pools could be moved. He said that the environmental

consultant said yes. He also said that a city councilor told him that there was a document somewhere in City Hall that was published when the Jones Avenue landfill was closed and the councilor thought the land was designated as a natural area. Mr. Britz said that he has gone through the Jones Avenue documents and he did not see anything about that. Mr. Britz said that these are all worthwhile conversations to have with the legal department.

V. ADJOURNMENT

At 5:55 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 May 9, 2007.