

**MINUTES OF THE  
CONSERVATION COMMISSION MEETING**

**CONFERENCE ROOM "A"**

**3:30 P.M.**

**May 14, 2008**

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

**MEMBERS ABSENT:**

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

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Chairman Miller called the meeting to order at 3:30 p.m. He stated that he would like to take the agenda out of order to hear a brief presentation from City Manager John Bohenko and Deputy City Manager Cindy Hayden regarding a proposal to formulate an Open Space sub-committee.

City Manager Bohenko stated that he was bringing before the Commission a recommendation from the City Council to explore the possibility of forming an open space sub-committee of the Conservation Commission. He said that the idea came about from a letter dated March 7, 2008 from Friends of Sagamore Creek that indicated their interest in long term protection and enhancement of the Jones Avenue conservation land. He explained that when meeting with staff, they began to discuss the issues that relate to open space in general throughout the City. It was then suggested that they begin to take a look at all of the open spaces. Also, it was felt that the Conservation Commission would be the best group to take the project on. He said that the City Council agreed and so he wrote a letter to Chairman Miller asking that a sub-committee of Conservation Commission members along with other representatives of other boards and Commissions be formed. City Manager Bohenko said that this sub-committee would then go out and inventory all of the open spaces. He stated that the last time this was done was in 1972. He pointed out that the Conservation Commission has funds set aside that could be used to create a nice inventory that would be available in hard copy and on the City's website to anyone interested in knowing more about the City's open space. It would serve as a guide to see what might be available for recreational uses and also what is off limits to development and other uses. City Manager Bohenko explained that this sub-committee could determine the highest and best use for the specific parcels of land.

City Manager Bohenko stated that he was looking for the Commission's feedback. He added that he would get copies of the letter Chairman Miller received to help them better understand the concept.

Ms. Tanner asked if the City considered open space land that the City owns that has not been built on. City Manager Bohenko replied yes.

Chairman Miller asked what the timetable was, what needed to be done with regards to the report back, and what he needed from the Commission today. City Manager Bohenko said that what he would like today was an indication that they accept the concept and to think about the makeup of the sub-committee. He suggested that it be three members of the Conservation Commission, three members from other boards, like Trees and Greenery Committee, Recreation Department, and Pierce Island Committee as well as three members at large. He stressed that the end goal would be to create a nice work product that people can access.

Chairman Miller commented that he thought this was very timely as there seems to be an interest in sustainability and open space.

Mr. Adams also thought it was a great idea. He wondered how much effect the recommendations of this sub-committee would have. He gave an example of the Jones Avenue Sagamore Creek land which is labeled conservation land. He wondered if there would be some deeper level of protection for sites such as this. City Manager Bohenko replied that he thought the first step was to create the inventory. After that was complete, then they would take it parcel by parcel to look at specific issues such as vernal pools, etc. With that information, the sub-committee could then begin to make recommendations and/or place restrictions on particular parcels of land. He added that City staff could assist in that process. He then said that the information would be reviewed by the Conservation Commission for their input and then eventually it would go before the City Council.

Ms. Tanner stated that she thought the problem with that process was that the Commission members are not professionals to accurately evaluate the land. She wondered if it could be dovetailed into a natural resources inventory. City Manager Bohenko replied that they always want residents and citizens to be participants in something like this because at the end of the day, those are the individuals who need to accept it. He added that the City would bring in professional staff to work with the sub-committee. It may even require hiring a consultant.

Deputy City Manager Hayden stated that what was clearly missing with the open space now was a really clear inventory of all of the restrictions that are already applying to much of these parcels.

Ms. Blanchard stated that she also thought it was a good idea. She said that one of the issues that the Commission has talked about with parcels that we already have is stewardship. She pointed out that they do not really know if the conditions for these parcels are being met. She felt that a broader focus was a good way to bring in a litany of things that the Commission has been talking about for the last year.

City Manager Bohenko said that what could be done before the sub-committee meets, was a gathering of all information such as mapping, deed restrictions, etc. that would help to define a parcel. He added that it would be nice for a citizen to be able to go to the website and click on a property to get detailed information about that parcel.

Ms. Maher asked if there was a vision of any City properties that might be built on. City Manager Bohenko replied not right now. He thought there were about six properties that have

been looked at such as the old library, Rock Street garage, and the Plains School but he suspected that those properties would head in another direction than open space. He added that the City Council is currently looking at 241 Bartlett Street.

Mr. Wazlaw commented that the City has some great land, such as the Lang Road property and the Sagamore Headland. He thought it would be nice to have an inventory of the plants in these open spaces. He added that they did talk a number of years ago about having a volunteer ranger type program to help to maintain them properly.

Vice Chairman Horrigan stated that they just finished the prime wetlands study. He assumed that any City owned land over wetlands would already be inventoried. City Manager Bohenko agreed but clarified that this inventory was more of going from A to Z in terms of what we have for open space. He pointed out that in the prime wetland areas there would not be a lot of usage available.

Ms. McMillan stated that it would be helpful to touch base with City staff to prioritize what spaces the City might want to preserve for certain uses. City Manager Bohenko said that that would be up to the committee. He pointed out that City staff would be there to support them. He felt that this should be done in an orderly manner because there are going to be more and more requests. He added that he did not want a lot of different groups working on open space issues.

Ms. Maher commented that conservation land that belongs to the City is not always safe because it is always available for a school, a fire department or other municipal needs. She thought it would be helpful to know if there are things that will be needed within the next 25 years that would require using some open space. She said it would be helpful when looking at each parcel. City Manager Bohenko said another way to deal with it was to recommend an ordinance that would restrict these lands in a certain way with the idea that in order to have an ordinance undone, it would take a lot of doing, three readings and a public hearing. Mr. Maher clarified that she was not so concerned about protecting as she was about urban planning. City Manager Bohenko stated that then that would be a function of staff.

City Manager Bohenko explained that what he would need was a letter back to the Mayor from Chairman Miller stating their recommendation and indicating how the committee would be formed, stating the committees that would be tapped. He added that the City Council would appoint the three members at large. He suggested nine members or less.

Chairman Miller stated that he felt his general impression from the Commission was favorable. He said that the key would be to work out the details of the mission of the group. He felt it was a doable project.

City Manager Bohenko suggested that part of Chairman Miller's report back to the City Council should involve not only the recommendation of who should participate but also the charge. In addition, a beginning and end date to the sub-committee would be recommended as well.

Ms. Blanchard suggested the Commission work out those issues at the conclusion of their regular business today. City Manager Bohenko said that he would provide copies of the letter that was

sent to Chairman Miller at the conclusion of their business. Chairman Miller was agreeable to that.

City Manager Bohenko thanked the Commission for their time.

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**I. STATE WETLANDS BUREAU PERMIT APPLICATIONS**

- A. Standard Dredge and Fill Application  
 50 Martine Cottage Road  
 Jean R. Johnson, owner  
 Assessor Map 202, Lot 16

Mr. Paul Goodwin, owner of Watermark Environmental was present to speak to the application. He stated that the application was a typical dock installation. He pointed out that there would be a 93' walkway out to the water. He has also angled the dock 90 degrees to the right to help minimize the impact. Mr. Goodwin added that they have heard back from the harbormaster saying he had no issues with the proposal.

Ms. Maher stated that she was not sure if she should vote on the application since she was a neighbor. She decided to recuse herself so Chairman Miller stated that Ms. Blanchard would be voting in her place.

Ms. Blanchard asked what the actual frontage of the property was. Mr. Goodwin replied that the property had 437 feet of frontage.

Chairman Miller asked what the setback from the abutting properties was. Mr. Goodwin replied that it was 20 feet. He added that the dock was just about center of the property.

Chairman Miller asked what the substrate was for the area between the high tide line and the mean low tide line. Mr. Goodwin said that it was rocky gravel.

Chairman Miller asked if the existing piles would be removed or cut off. Mr. Goodwin said that it did not matter to him but by cutting them off it was less impact.

Vice Chairman Horrigan asked Mr. Goodwin if he had an estimate on how large the original dock was compared to the proposed one. Mr. Goodwin did not know.

Vice Chairman Horrigan thought that four boats slips was a lot of slips. Mr. Goodwin said that the State rules would allow for six boat slips. Mr. Goodwin said it was based on a calculation of 25 feet of water. He did not know how the dock would be used.

Vice Chairman Horrigan asked how deep it was at low tide. Mr. Goodwin thought that maybe the channel has been dredged because there is about 6 feet of water at low tide.

Vice Chairman Horrigan pointed out that there is a lot of traffic in and out of the channel. He wondered how much space would be left when the dock was in place. Mr. Goodwin replied that they have tried to stay as close to the mean low water line as possible. He pointed out that the harbormaster, Tracy Shattuck, stated that it would have no negative effect in the channel.

Ms. McMillan asked where the four boat slips would be. Mr. Goodwin replied that they would be along the face of the structure. Mr. Goodwin explained that boat slip was a term. A boat slip is 8 feet wide, 25 feet long, and 3 feet deep. He added that that houses four boats but he was not saying that it would be used as four. Ms. McMillan asked how deep the water was on the shore side of the dock at high tide. Mr. Goodwin thought close to 9 feet. Ms. McMillan thought maybe he had too many boat slips. Mr. Goodwin suggested that they could make a stipulation in their recommendation that there be no boats parked on the shore side of the dock. Ms. McMillan said that was her concern, that they would park boats on the shore side at high tide.

Ms. Blanchard asked if this was permanent. Mr. Goodwin replied that it is a permanent pier but the float part was where the boats would be docked.

Ms. Powers asked if the Commission has every approved such a long boat dock. Mr. Britz replied that it is unusual to have such a deep water access. Chairman Miller pointed out that most of the applicants that come before them do not have as much frontage as this applicant. Mr. Goodwin explained that for the first 75 feet of frontage you get two boat slips. For each additional 75 feet you get one more boat slip.

Ms. Powers asked if there was any basis to not vote for it. Mr. Britz replied that she would have to base her vote on whether she saw an environmental impact. He pointed out that it is minimizing the allowed amount and that the applicant is staying within the State law boundaries.

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

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

- 1) That no motorized water craft or dingy storage/tie up area be allowed on the shore side of the dock to protect the fragile salt marsh vegetation.
- 2) That the rules pertaining to the number of allowable slips are clarified prior to final approval.

The motion was seconded by Ms. McMillan. Chairman Miller asked for discussion.

Ms. Maher spoke as a member of the public. She pointed out that the “junk” along the shore was new; it was not remnants of an old dock. It was less than 10 years old and was put there by a tenant who lived in the house. She said that it had nothing to do with the existing dock. Ms. Maher said that she had a concern about the inside edge of the dock because there was very little marsh vegetation. She thought that kayaks and other non-motorized vessels would be fine but it was not a good location for dingys.

Hearing no more discussion, Chairman Miller called for the vote. The motion to recommend approval of the application with the following stipulations passed by a unanimous (7-0) vote:

- 3) That no motorized water craft or dingy storage/tie up area be allowed on the shore side of the dock to protect the fragile salt marsh vegetation.
- 4) That the rules pertaining to the number of allowable slips are clarified prior to final approval.

Mr. Adams left at this point in the meeting.

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**II. CONDITIONAL USE PERMITS**

- A. 1840 Woodbury Avenue  
Francis Daddario, owner  
Assessor Map 239, Lot 8

Attorney Bernard Pelech, Mr. Rich Vaccarre, proposed owner, and Mr. Andrew Nowacki of MSC, Inc. were present to speak to the application. Attorney Pelech explained that this building was the site of the former Kentucky Fried Chicken Restaurant. He reminded the Commission that this project was before them at a joint meeting of the Planning Board and Conservation Commission recently. He said that the proposal has not changed dramatically since their last meeting.

Attorney Pelech stated that they have not come up with a good alternative for relocating the building on the site. He said that what they are proposing is the best location that they can find. They are staying within where they are now.

Mr. Nowacki explained that they are taking the existing building and adding a 1,750 sq. foot addition. The existing building is about 2,500 sq. feet. The building will be for retail use. In addition, there will be a five foot concrete sidewalk around the building with some landscaping features. He said that they looked into areas where they could remove existing pavement and found a couple of areas. One is along the northern parking area and the other area is at the back of the property. Mr. Nowacki stated that they are proposing eight parking spaces in the back of the building that would be eco pavers. Also in the back, they are proposing a swale which will take the sheet flow runoff from the majority of the site to an infiltration pond on the northern edge of the site.

Mr. Nowacki pointed out the drainage report that was included in their packet. He said that it was determined that the pond would probably be dry most of the time as it has excellent soil characteristics. He said that they were proposing a three foot deep pond that would be dry most of the time except when there is a rain event. It will have a stone swale outlet overflow on it which will be able to handle large rain events. It will drain water through a rip rap spill lane. Page three, table 2, of the report showed the peak elevation of the pond for storm events.

In summary, Mr. Nowacki stated that they have a reduction of impervious surface of a little under 10% and they will be removing 2,260 square feet of pavement as part of the plan.

Mr. Wazlaw asked what direction the sheet flow would go from the front of the building. Mr. Nowacki said it goes to the street. He added that there was no proposed impervious surface in that area. It goes into the closed drain system.

Mr. Wazlaw asked how the swale in the back would be maintained. Mr. Nowacki explained that it would be grass and would be mowed. He added that it would be inspected once or twice a year to determine if sediment has accumulated. There are no culverts going in or out of it so it was fairly low maintenance. Mr. Wazlaw pointed out there has been some problems on Woodbury Avenue, particularly on that side of the road where trash has been blowing into the wetland. He said that he was hoping that there would be a concerted effort to eliminate trash from the parking area and from the immediate borderline of the wetland. He thought there needed to be some sort of plan as to how that would be accomplished. Also, a plan for sweeping would be desired too. Mr. Vaccarre said that would not be a problem to pick up the trash multiple times per week and to sweep every other month or two. He said that was standard operating procedure for him with his other properties.

Chairman Miller asked for a more detailed description of the proposed eco-pavers. Mr. Nowacki stated that there was a detail sheet in the packet. Chairman Miller asked if they were concrete. Mr. Nowacki replied that he thought they were. He said that he could provide a cut sheet of the eco-pavers. Chairman Miller thought the eco-pavers were a great idea and he encouraged the use of that type of pervious technology, however, he was concerned about maintenance and plowing and the longevity of some of the pavers. He pointed out that one potential problem with the pavers was having a block shift and lift and having a plow catch it and push some pavers into the buffer. Mr. Nowacki replied that if that happened they would just put the pavers back in place. Chairman Miller just wondered if it would become a yearly winter and spring chore to do that. He explained that there was another technology but has not seen it in use and does not know how it holds up. He said it was some type of rolled product.

Ms. Maher stated that she preferred the concrete block pavers as the rolled product is plastic and with a rolled product, a car cannot turn on it.

Chairman Miller said that he liked the concept of using pavers but he requested that if the maintenance becomes a problem, he would want to make sure that another porous application is used. Mr. Vaccarre explained that that area would be employee parking so he would ask the employees to notify him if it becomes a problem.

Ms. Maher stated that since most of the building is in the buffer, she asked if they would consider a turf roof. Mr. Vaccarre replied that he thought it was a good idea but his tenant would not accept it. He explained that they would have antennas and satellite dishes on the roof that are an important part of their operations. He added that because they said no to it, they have tried to make other improvements to the site to help with drainage.

Ms. Maher asked since there would not be a green roof, how would the drainage from the roof be handled. Mr. Nowacki explained that there are a couple of downspouts currently. He said that most of the pollutants would be coming from the parking lot. Attorney Pelech interjected that it would not be a problem of have the roof drains go through the treatment swale and into the filtration pond.

Ms. Maher asked if the pavement needed to go right up to the edge of the building. Mr. Nowacki replied that it was not pavement but instead it was sidewalk. He explained that if they put more landscaping there they would be pushed closer to the wetland. Attorney Pelech stated that they would have a landscape plan that would have to go before the Planning Board. He said that they could enhance the landscaping around the perimeter and on the slopes. Ms. Maher said that she would like to see native vegetation. Attorney Pelech stated that they could work with Mr. Britz on that. Chairman Miller cautioned that snow will be plowed over the edge in that area.

Ms. Powers asked how many parking spaces are in the plan and wondered how did that compare to what was mandated. Mr. Nowacki replied that 11 spaces are required but 31 spaces are provided. Ms. Powers said that it always disturbs her to see more parking spaces than are required. Mr. Vaccarre replied that 7 or 8 employees would be working at the store at all times that would use up most of the 11 spaces. Ms. Powers pointed out that having an excessive number of parking spaces was not good for the environment. Attorney Pelech pointed out that there are 38 spaces there currently and they have reduced the number to 31 with their plan.

Ms. Maher commented that this parcel was one that they would not be developing if it were a new application. She said that it was troubling and she thought they should make a motion to reduce it.

Vice Chairman Horrigan made a motion to recommend approval of the application. He stated that he was open to adding stipulations. The motion was seconded by Mr. Wazlaw. Chairman Miller asked for discussion.

Vice Chairman Horrigan stated that although they were planning an expansion of a building in a wetland buffer, he felt that what the application was asking for was quite acceptable because they were offering some improvements with the filtration system and a reduction of the impervious surface. He added that he would consider this proposal to be a model for the City. He said that he did have a question about maintenance and how to work that into the motion.

Mr. Wazlaw said that he would like to see a stipulation concerning maintenance of the site. He recommended that there be maintenance of the storm water management system and the treatment of it. Attorney Pelech was agreeable to that and pointed out that he thought there was a set of Best Management Practices for this type of infiltration plan. Mr. Wazlaw also stated that the removal of trash from the parking areas and general sweeping of the parking lot should be considered as well as removal of the trash from the wetland border.

Ms. Powers asked why just one section was proposed to have eco-pavers. Attorney Pelech explained that when the drainage was designed, the sheet flow would go to the drainage swale.

Ms. Maher suggested that another stipulation should be that the sloped areas are vegetated with native plant materials rather than grass that needs to be mowed.

Chairman Miller stated that he would like to see the first stipulation stated that maintenance be performed as to Best Management Practices standards.

The motion to recommend approval of the application with the following stipulations passed by a 6-1 vote with Ms. Powers voting in opposition:

- 1) That there is routine maintenance as recommended by Best Management Practices for the storm water management system.
- 2) That there is routine trash removal from the parking areas and general sweeping of the parking lot.
- 3) That the sloped areas are vegetated with native plant materials to minimize the need for mowing.
- 4) That there is routine trash removal from the wetland border.

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**III. OTHER BUSINESS**

- 1. Formulation of Open Space Sub-Committee – report back to City Council

This item was moved to the beginning of the meeting.

- 2. Fund authorization requirement – funding for Prime Wetland boundary mapping

Mr. Britz reported that he went to the City Council with Mark West to forward the recommendations of the Planning Board concerning prime wetlands. He said that the City Council requested that they authorize funding of up to \$5,000.00 to come from the Conservation Fund to complete the mapping so that it can be forwarded to the State following their final review. He pointed out that the Conservation Commission and the City Council both have to authorize the use of the funds.

Ms. McMillan made a motion to authorize \$5,000.00 from the Conservation Fund to be used for prime wetland mapping. The motion was seconded by Mr. Wazlaw. Chairman Miller called for the vote.

The motion to authorize \$5,000.00 from the Conservation Fund to be used for prime wetland mapping passed by a unanimous (7-0) vote.

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**IV. APPROVAL OF MINUTES**

March 12, 2008

Ms. Blanchard made a motion to approve the minutes as presented. The motion was seconded by Ms. McMillan. The motion passed.

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In additional business, Chairman Miller pointed out a Low Development Workshop that is being put on by the EPA that will be held in Somersworth on June 12. Mr. Britz indicated that there were probably funds in the Conservation Commission budget to pay the registration fee.

Ms. Blanchard asked if there were going to be any new dates for meetings with the Planning Board. Chairman Miller stated that there was a joint meeting concerning the Commerce Way project on May 29 with the Planning Board. It would begin with a site walk at 6:30 p.m. at Commerce Way followed by a work session back at City Hall at approximately 7:30 p.m.

Ms. Blanchard pointed out that at the last meeting; one of the sticking points about the project was the size of the parcels. She wondered if they might have a conversation about that at the next Conservation Commission meeting.

Chairman Miller asked if they would like to set a date to talk about the Commerce Way project as well as some zoning issues. Mr. Wazlaw asked if the Commission would be getting some sort of rough draft back from the Planning Board. Chairman Miller thought at some point, but not yet. Mr. Britz felt it might be in the fall. Ms. Blanchard pointed out that the Chairman of the Planning Board was very firm about having another work session with the Commission to discuss a number of sticking places. That was the date that she was looking for.

Deputy City Manager Hayden replied that it would be great for the Commission to deliberate on some of the issues and then report back to the Planning Board. Chairman Miller suggested meeting for a work session on an additional date to talk specifically about the zoning. He suggested that Liz Good be in touch with the Commission to determine a date to meet.

Vice Chairman Horrigan asked if it was possible to have Mr. Taintor, the consultant, come back again to meet with the Commission. He commented that the process was very frustrating and that it was hard to respond on the spot. Deputy City Manager Hayden explained that it is a challenge to bring the consultant in as he has very little time. They are trying to use his time judiciously.

Ms. Blanchard suggested that in preparation for the work session that Mr. Britz review the sticking places that will help to define the agenda. Vice Chairman Horrigan commented that that would be helpful to him.

Chairman Miller indicated that he would like to revisit the discussion held earlier concerning the formation of an open space sub-committee.

Ms. Blanchard felt the sub-committee was a good idea. She said that it sounded like it would be a lot of work but it was a real compliment to the Commission to be asked to take the leadership

roll on it. She reiterated that it was a daunting task but that the Commission should accept the responsibility.

Mr. Wazlaw said that open space was a priority issue – how to determine the use of the land and how to manage it.

Ms. Tanner pointed out that four of the Commissioners were still awaiting word as to whether they would be reappointed. She added she would like to volunteer but she's not sure if she will be reappointed as a member of the Commission.

Vice Chairman Horrigan commented that one member of the sub-committee should be from the Friends of Sagamore Creek group since they provided the emphasis for this. He thought they could be one of the At Large members.

Ms. Blanchard thought that nine members was a good number for the sub-committee. Chairman Miller said that the real challenges would be to work out the scope of the committee and what skills do they want the members to have.

Ms. Tanner recommended that three members from the Conservation Commission and one member from the Trees and Greenery Committee be on the sub-committee. Deputy City Manager Hayden asked the Commission if they had any concerns involving someone from the Recreation Department. Ms. Tanner said that they would be good consultants to understand their needs but they would not be able to evaluate the land. She added that she did not want this to become a search for more recreation land for the City. Deputy City Manager Hayden assured Ms. Tanner that that was not the City Manager's intent. Vice Chairman Horrigan felt they needed a representative from the Recreation Department because looking into the future, the largest demand for open space will probably be for recreation fields.

Chairman Miller stated that he would like more time think about who might make up the sub-committee and maybe work out a mission statement.

Ms. Maher stated the need to have someone on the committee who understands the municipal needs for land. Deputy City Manager Hayden replied that the Planning Department is in charge of future planning. Their needs could be communicated by having the Planning Director come to a meeting to discuss their future needs. She said that other than the Wastewater Treatment Plant, she was not aware of any other municipal needs currently.

Deputy City Manager said that the Commission would probably not want to craft the mission statement. They would probably want the sub-committee to craft it.

Mr. Wazlaw stated that he felt that the focus needed to give direction. He felt they needed a management plan.

Ms. Blanchard thought it would be a good idea to send communication right away to the City Council stating that the idea is supported but that they would like to have more time to work out the details.

Deputy City Manager thought they should work out the details at a regular Commission meeting and not at a work session.

Ms. Blanchard said that she liked the idea of having four members from the Conservation Commission serve on the sub-committee. She felt it should be the Chairman and three other members.

Vice Chairman Horrigan made a motion to indicate to the City Council that they agree to take the leadership on the open space sub-committee to be comprised of four members of the Conservation Commission, one member from Pierce Island Committee, one member from Trees and Greenery Committee, one member from the Recreation Department and four members from the public with one of those members to be from the Friends of the Sagamore Creek group. The motion was seconded by Ms. McMillan. The motion passed by a unanimous vote.

## **V. ADJOURNMENT**

At 5:45 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good  
Conservation Commission Recording Secretary

These minutes were approved at the Conservation Commission meeting on June 11, 2008.