



CITY OF DOVER

DOVER CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting
Meeting Location: **Room 305 McConnell Center** – 61 Locust St., Dover, NH
Meeting Date: Tuesday, October 13, 2020
Meeting Time: 5:30 pm

MEMBERS PRESENT: Bill Hunt (Chair), Steve Fellows (Vice Chair), Robert Atwood (Secretary), Abigail Lyon, Amy Kramer-Perry, Jason Aube

Absent (Excused):

Absent (Un-excused): Richard Erickson

STAFF PRESENT: Steve Bird (City Planner)

OTHERS PRESENT: Lindsey Williams (City Council Liaison) Steve Riker, Chris Berry, Stephen Haight, Jase Gregoire, FX Bruton, Michael Khavari, Stephen McKinney, David Croft, others

1. The meeting was convened at 5:30 PM and a roll call was done.

2. CITIZEN'S FORUM:

David Croft: I am a member of the Davis Farm Owners Association and we have concerns with this development. Concerns include wildlife impacts, watershed and river, impacts to wetland buffers and steep slopes, cutting trees in the buffer, economic advantage alone, impacts on quality of life and property values, and environmental impacts.

3. APPROVAL OF THE PRIOR MEETING MINUTES – September 14, 2020

Lyon moved to approve the September 14, 2020 minutes, Kramer-Perry seconded. Vote: 5-0 Motion passes; Fellows abstaining

4. OLD BUSINESS: NONE

5. NEW BUSINESS:

- A. NHDES Permit by Notification for Anthony & Stephanie Retrosi Revocable Trust (Agent: Steve Riker, Ambit Engineering, Inc.), Assessor's Map L, Lot 114, zoned R-20, located at 318 Dover Point Road.

Riker was present to explain the proposal for the repair/replacement of an existing dock (3.5' x 40' fixed wood pier, an 8.5' x 8' pier section a 2.5' x 20' gangway and an 8' x 12' float) adjacent to the tidal Cochecho River. The work will result in 354 sq. ft. of permanent impacts to tidal wetlands. Seeking the Chair's signature on the application. The existing dock is in need of repair. It will be replaced in kind, same footprint and size. I have a letter from the NH Natural Heritage Bureau stating no impact. We are reducing the number of piles from 16 to 8.

Hunt: Will you be constructing the dock by barge?

Riker: Yes a barge will be used and sections will be constructed off site.

Fellows: How will the old piles be removed? How old is the dock?

Riker: Yes we will use a vibratory hammer to remove piles. Dock is present on a 1972 aerial.

Fellows moved to endorse the NHDES Permit by Notification, Atwood seconded. Vote 6-0 Motion passes

The Chair signed one copy of the application and returned it to applicant.

- B. City of Dover Conditional Use Permits for Gulf Landing Properties, LLC. (Agent: Chris Berry), Assessor's Map 38, Lot 9-A-2, zoned B-3, located off Central Avenue.



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Berry was present to explain the proposal to build a medical rehabilitation facility on a vacant lot with the building, parking, and drainage improvements impacting 14,000 square feet of the 50-foot wetlands buffer and a septic tank closer than 75 feet to a wetland. The site was subject to a DES action for illegal fill in past. We were before you in the past for a different mixed used proposal, but this requires less parking and we have an easement from Dover Bowl for parking. The storm water design uses a gravel wetland on site. The existing wetlands have low function and value. There is no wetland impacts. The second Cup is related to a septic tank for the sewer pump being closer than 75 feet to wetland.

Hunt: How does this wetland buffer impact compare to the last plan?

Berry: It is about the same but there is less impervious cover now.

Lyon: What do you consider full treatment for nitrogen and phosphorous?

Berry: We meet AOT standards even though a permit is not required.

Lyon: Can you reduce the number of parking spaces further?

Berry: This is the minimum number of spaces that we need on site.

Lyon: What kind of plantings are you proposing?

Berry: We are going to install native species and blueberry bushes along the back of the parking.

Lyon: Can we require the applicant to remove some of the invasive species?

Bird: The CUP process allow you to recommend conditions so you have to consider what is reasonable.

Fellows: The removal could further impact the wetland areas in the process.

Fellows moved to endorse the two Dover CUP's, Aube seconded. Vote 6-0 Motion passes

- C. City of Dover Conditional Use Permit for Michael Khavari, (Owner: Karen A. Towle, Trustee & James B. Towle & Karen A. Towle Revocable Trust), (Agent: Steve Haight, Civilworks NE), Assessor's Map I, Lot 4-A, zoned R-12, located on Leather's Lane.

Bird distributed copies of a letter from the Davis Farm Owners Association (DFOA) and copies of 10 e-mails supporting the DFOA letter

Haight was present to explain the proposal for 40 single family units, with impacts to the Conservation District 20% slopes of 15,389 sq. ft. and 12,029 sq. ft. of wetland buffer impacts. About 6-7 acres of the parcel will be undeveloped. We have been to the Planning Board for approval of the increase in number of units through TDR and to a couple of TRC meetings. This is phase 2 of the Davis Farm project from the 1980s. We were approved for 45 units by the Planning Board but are proposing only 40 units. The wetland buffer impacts are due to drainage and the 20% slope impacts are due to roadway and grading. We have talked with DES about the project and that is why we have a 400 foot buffer from the river. All drainage is being treated on site with a wet pond. No houses impact wetland buffers. We need an AOT permit from DES, but no wetlands are impacted so no wetlands permit is required. We have an extensive landscape plan.



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Aube: What is the total impact area of the project?

Haight: About 300,000 square feet is disturbed.

Aube: Is there any alternative that would have less impact?

Haight: The 20% slope impacts are where there is bedrock at the surface. No houses are in wetlands buffers. Road design affects impacts. Impacts are less than the 1986 plan. 8 acres are being left undisturbed.

Perry: What is the condition of the land now?

Haight: It is mostly trees. There was a timber harvest in the past and some gravel excavation. A 400 foot buffer from the river will be preserved.

Williams: What year was the wetlands delineation done?

Haight: It was done last year by Damon Burt.

Aube: Did you do a design with no impacts?

Haight: We went through multiple designs and reduced the number of units to minimize impacts as much as we could.

Williams: Were any designs done with consideration for not cutting off the wildlife corridors?

Haight: We had Mark West look at the site for wildlife impacts. The river corridor is prime area.

Aube: Did he look at the NH Fish & Game Wildlife Action Plan?

Haight: Yes that was part of his review and it is now a requirement of the AOT permit.

Hunt: What is impacting the wetlands buffer the most?

Haight: It is the grading for drainage.

Aube: Can you reduce the impact area by using a retaining wall along the road?

Haight: It is possible but the height would have to be quite tall. We need to keep the pond width due to the required width to length ratio. Rather than a retaining wall we could look a side slope along the road of 2:1 instead of 3:1 to reduce buffer impact.

Bird: Are the wetlands on the Davis Farm lot more or less valuable? Could you shift the wet pond in that direction to reduce impacts on the larger wetlands on site?

Haight: We have not looked at that wetland but we can't shift the pond and still keep grading on our lot.

Kramer-Perry: Did you consider less buildings to lessen the impacts?

Haight: Yes but we looked at what is allowed and we are proposing less than the 45 approved.

Bird: How does your project density compare to the adjacent condominium projects?

Haight: We are at a lower density than Davis Farms and Ford's Landing.

(Perry left the meeting at 6:55 PM)



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There was a discussion of various road layout options and dead end roads.

Lyon: Have you considered designs to benefit wildlife like box culverts for wildlife passage?

Haight: No we have not looked at those, but there is not really a good location.

Khavari: The wildlife report from the state says that there are no impacts to rare and endangered species.

Fellows: Can we see the 45 unit plan? How many units could you have with zero impacts?

Haight: Part of the process is determining a viable project.

Bruton: If we went down to the baseline of 33 units we wouldn't have any reductions to the infrastructure so it would be similar impacts.

Haight: We have a landscape maintenance plan and a storm water operation and maintenance plan that has to be approved by the Planning Board and it is part of the AOT review and is included in the HOA documents.

Aube: How can we be assured that the open area is being protected long term?

Bruton: The notation is on the plan, included in the conditions of approval and in HOA documents.

Lyon: Could we ask for a retaining wall and guardrail to reduce the wetland buffer impacts?

Haight: I would prefer a 2:1 side slope instead of a retaining wall.

Williams: What is the process for communicating with the abutters and residents who have expressed concerns in these e-mails?

Khavari: I have offered to meet with any abutters and have sent letters with my phone number.

Lyon: Wildlife impacts are a major concern for abutters. Can we make a recommendation?

Aube: I like that the land adjacent to the river will be undisturbed, that no wetlands are impacted, the project has already been reduced in number of units, there is only a small part of the parcel that is in the highest tier for wildlife habitat, a wildlife action plan has been prepared by West, it is not practical to eliminate all impacts, they have made a good faith effort to avoid impacts and the plan strikes a balance.

Fellows: I was originally skeptical, but it seems that impacts have been minimized and without a drastic cut in the number of units you would not reduce impacts. Further reduction in wetland buffer would be desirable. Overall I am favorable to the plan.

Hunt: I am sympathetic to abutters concerns which will be addressed at the Planning Board level.

Fellows moved to endorse the Dover CUP application with the recommendations that the plan be modified to change to a 2:1 side slope on the road and add a guardrail in the area of impact G and insure that the area within 400 feet of the river be maintained as undisturbed in perpetuity, Atwood seconded. Vote 5-0 Motion passes



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D. Request for expenditures from the Conservation Fund for:

1. Open Lands Committee - Conservation Easement Appraisal – not to exceed \$6,000

Bird explained that the Open Lands Committee was working with a landowner on a potential conservation easement and they need to have an appraisal completed to determine a value of the conservation easement. The property is confidential at this time. \$6,000 should be enough to complete the appraisal. There is adequate funding available in the fund.

Fellows moved to approve the expenditure as requested, not to exceed \$6,000, Lyon seconded. Vote 5-0 Motion passes

6. REPORT FROM THE CHAIR

A. Review of Correspondence Received From NH Department of Environmental Services: None

7. OTHER BUSINESS: NONE

8. ADJOURNMENT

Lyon moved to adjourn at 7:54 PM, Fellows seconded. Vote 5-0 Motion passes