

City of Dover Conservation Commission
Minutes for March 6, 2006 Meeting;
5:30 pm, City Hall Auditorium

Commission Members Present: Tom Fargo, Chair; Marcia Colbath, Vice Chair; Alban Lobdell; Ed Millman; Britt Schuman, Aimee Colbath

Members Absent: Bill McCann, Secretary; Susan Eisler

Also Present: Dean Peschel, Dover Environmental Program Manager

Chairman's Note: Meeting held on February 6, 2006 failed to meet quorum. No official business was conducted.

1. Approval of minutes from January 9, 2006 meeting.

Ed Millman noted that the date in the header is 2005 rather than the appropriate 2006.

Ed Millman made a motion to approve the minutes with the noted amendment, Al Lobdell seconded, the motion was approved.

2. RE: Tax Map E, Lots 49, 50, 51, and 52A; Further consideration of an application by MPJ Development, LLC, P.O. Box 69, Strafford, NH 03884, ***for an NHDES Minimum Impact Expedited Dredge and Fill Permit***, and for an environmental review as per Zoning Chapter 170-27 C2 for a City of Dover Conditional Use Permit to impact 4 areas with slope greater than 20%, ***and a review as per Zoning Chapter 170-27.1 G (1) for a City of Dover Conditional Use Permit to impact 50-foot wetland setback area*** for the construction of *sixteen* single-family homes at the subject parcels located off Upper Factory Road. (Bold italics represent new conditions).

Discussion:

Chairman's Note: A site walk was held on Saturday, January 14, 2006 at 9:00 AM. The Commission identified issues during the site walk were documented and attached to the minutes of the January 9, 2006 meeting.

Chairman Fargo asked for a motion to remove this item from the table. Marcia Colbath moved; Brit Schuman seconded; the motion was approved to remove this item from the table.

Barry Gier and Doug LaRosa, of Tritech Engineering were present to give an update of the project since the Commission last reviewed it on January 9, 2006. The proposal has been changed to add five residential lots to the conventional subdivision project to the east of Upper Factory Road. This addition will require that a wetland be crossed. Lenny Lord, of Carex Ecosystems, described the 539 square foot wetland impact area associated with an intermittent stream using photographs. Mr. Lord, described the proposed stream crossing culvert on Nye Lane and the wetlands impact that it would require. The Commission was generally OK with the proposed wetlands impacts.

Chairman Fargo stated he wanted to revisit the issues brought up during the site review (see attachment to January 2006 meeting minutes). Mr. Gier stated that a NHDES Site Specific Permit would be required. Mr. Gier also indicated that the owner was amenable to allowing a public access trail along the River upstream from Upper Factory Road, as part of the Open Space portion of the project. Marcia Colbath reiterated her desire to see access for fishing at from the end of Upper Factory Road. Mr. La Rosa stated that wetlands were delineated on the abutting parcel along the western boundary of the site. Combined with the wetland on site, this wetland creates an area where wetlands buffer impact will be required for the proposed driveway to the units #5 and #6 off Pacific Lane. Ed Millman stated his concerns regarding the wetland buffer impacts for the shared driveway off the end of Pacific Drive, but eventually agreed that the buffer impact should be accommodated. Chairman Fargo stated that with the five additional units being proposed, it might become more economical to service the units with city water rather than wells, as presently proposed.

Chairman Fargo summarized the permit issued associated with the application:

- a. Proposed development in areas with slopes greater than 20%. The ordinance states that a soil erosion and sediment runoff control plan needs to be developed. Fargo noted that the NHDES Site Specific Permit would address this.
- b. There are proposed impacts to wetlands setback areas associated with the shared driveway (off Pacific Drive) and Nye Lane. The Commission recognized that these wetland setback impacts are associated with access roads and similar buffer encroachments have been endorsed in other projects.

- c. The proposed 539 square foot wetlands filling, to extend Nye Lane to the five additional house lots, requires both a NHDES Wetlands Permit and City of Dover Conditional Use Permit. The proposed wetlands impact was regarded as minor and Chairman Fargo was authorized to sign the NHDES Minimum Impact application.

Marcia Colbath made a motion to endorse the application(s) as noted in the Chairman's summary. Al Lobdell seconded; the motion was approved.

3. RE: Tax Map N, Lot 2-2, Consideration of an application by the New Hampshire Department of Transportation for a State of New Hampshire Standard Dredge and Fill Permit to permanently fill 20,473 square feet of wetlands to construct an approximate 4.3-acre Park & Ride facility at the intersection of Sixth Street and Indian Brook Drive. The facility is also partially located within a City of Dover Secondary Groundwater Protection District (NHDES File #2006-0263)

Discussion:

Representing the NHDOT were Chris Waszczuk, Marc Laurin, and Mark Clifford. Mr. Waszczuk described the overall layout of the proposed Park & Ride. The site is comprised of two parcels; a City-owned 3.4 acre parcel and a privately-owned 2.7 acre parcel. The facility will include a 40 ft. by 56 ft. terminal building. The facility will provide 416 parking spaces and will be surrounded by an 8-foot fence plus a landscaped buffer between adjacent residential areas. The purpose of the Park & Ride is to help alleviate traffic congestion between Rochester and Portsmouth, and particularly at the Little Bay Bridges. The facility will also be part of a transit route including downtown Dover and the Downeaster train station. Meetings have been held with neighbors to the project site and their comments have been incorporated into the design plans.

Marc Laurin described the proposed wetlands impact of approximately 20,500 square feet. Marc stated that preliminary review of the plans with the NHDES, Army Corps, and EPA have been received positively. The NHDES required impact mitigation would be added to the mitigation plans associated with the Newington-Dover (Little Bay Bridges) project. At present the mitigation plan is to contribute to the preservation of the Tuttle Farm, partnering with the City of Dover and the Strafford Rivers Conservancy. Mr. Waszczuk explained that the NHDOT has developed a stormwater management plan that utilizes existing swales and wetlands for treatment. The entire site will be raised with fill approximately two feet in elevation. The southwestern portion of the site will drain under Indian Brook Drive through existing culverts to a privately-owned lot (owner identified as Mo Y Wong on the site plan). As they are sized, these culverts will restrict the rate of discharge under Indian Brook Drive. Drainage from the northeastern portion of the site will be directed through a small treatment swale (to be constructed) and then discharge to the existing swale running northeast along Indian Brook Drive toward the Spaulding Turnpike.

Aimee Colbath questioned the effectiveness of the proposed stormwater management plan to handle chemical contaminants (drips from automobiles) and deicing salts. Chairman Fargo noted that the NHDOT was not required to have the City of Dover review the project and he thanked the NHDOT representatives for their willingness to seek the Commission's input. Fargo noted that there are three aspects that the Commission would review if this development plan was not a state project: 1) the wetland impact and proposed mitigation; 2) the effectiveness of stormwater management system, and; 3) the impervious surface and water quality and recharge issues associated with the project being partially within the secondary groundwater protection zone of the City's Smith and Cummings water-supply wells. Fargo asked for clarification as to when the wetlands mitigation for this project would be implemented. Mr. Waszczuk stated that mitigation (preservation of the Tuttle Farm) would follow federal approval of the EIS and preferred alternative of the Newington-Dover project. This could happen in late 2006 – early 2007.

Discussion ensued regarding the Commission's desire to have the NHDOT manage stormwater and groundwater pollutants potentially released onto the parking lot. There was a suggestion that porous pavement be used. Mr. Waszczuk stated that the natural permeability and thickness of the soils under the site makes porous asphalt inappropriate in this application. The Commission stated that the site operator should have a spill control and countermeasures plan for vehicle leaks. The site operator should reduce, to the maximum extent possible, the amount of deicing salt used in the winter. Fargo noted that increasing chloride pollution is a concern being recognized in surface waters and also in the water pumped from the Smith and Cummings wells. Fargo also stated that preliminary results from UNH's CSTEVE project to evaluate stormwater treatment technologies suggests that grassed swales are

one of the least effective means to treat parking lot drainage. Fargo suggested the NHDOT incorporate a created wetland or an engineered detention/settling basin into the design for treating the drainage from the northeastern portion of the site.

Ed Millman asked for clarification on who will be running the buses and would be responsible for implementing the site management plan. Mr. Waszczuk responded that COAST, C&J Trailways, and possibly a City of Dover transit service would make routine stops at the Park & Ride facility. A site operator, possibly a bus service company, would be contracted to manage the terminal. This company would also be responsible for maintaining the parking areas. The Commission indicated a desire to see environmental protection and spill response plans incorporated into the contract for the terminal management company.

Ed Millman moved to endorse the application for the NHDES Dredge and Fill Permit, seconded by Marcia Colbath, with the following recommendations:

- 1. The NHDOT should provide improved stormwater detention and treatment for the drainage from the northeastern portion of the site (the discharge along Indian Brook Drive toward the Spaulding Turnpike)**
- 2. The NHDOT will develop a stormwater management plan that includes routine maintenance and spill response requirements to be implemented by the site operator. Annual reports will be provided to the City of Dover Community Services, Environmental Program Office.**
- 3. The NHDOT will document that the wetlands mitigation (land preservation) for this project will be implemented as part of the Newington-Dover Project as soon as practical. In the event that the Newington-Dover Project is delayed or not approved, the NHDOT is requested to implement the appropriate wetlands impact mitigation separately.**

The motion passed unanimously.

4. RE: Tax Map N, Lot 2-2, Consideration of an application by Michael Davis, 34 Three Rivers Farm Road, Dover for a State of New Hampshire Standard Dredge and Fill Permit to construct a dock consisting of a 6 by 75 ft. pier, 3 by 46 ft. ramp, and a 10 by 30 ft. float for water access to the tidal Salmon Falls River at the subject address. (NHDES File #2006-0071)

Discussion:

Chairman Fargo noted that the timeline for responding to this application is likely to have expired due to the cancellation of the February meeting. Fargo stated that his concerns regarding this application related to how access is going to be provided between the dock and the house. NHDES rules state that if stairs are proposed, they need to be considered as part of the dock permit application. Such provisions are not in the application. The City also has requirements for a Conditional Use Permit for all construction on >20% slopes and within 100-feet of the tidal waters.

Fargo stated that he would follow up with the Dover Building Inspector regarding City Conservation District Ordinance requirements. No other action on this application was taken by the Commission.

5. RE: Tax Map 8, Lot 46B, Consideration of an application by Debra Bergeron Revocable Trust, 49 Lexington Drive, Bluffton, NC 29910, for a State of New Hampshire Standard Dredge and Fill Permit to reconstruct a deteriorated dock structure located on the Piscataqua River at 27 Wentworth Terrace.

Discussion:

Chairman Fargo noted that the proposed design for the dock is unusual in that it includes a 9ft. by 8ft. platform on the pier that appears to be inconsistent with NHDES requirements for water-dependent structures. The Commission agreed that endorsing a dock application with such a recreational deck would set a bad precedent. Fargo noted that the NHDES would not likely approve the configuration.

Al Lobdell motioned to not endorse the application as submitted, Ed Millman seconded. The motion passed unanimously.

6. RE: Tax Map L, Lot 58P, Consideration of an application by Alexander Nossiff, 23 Cote Drive, Dover, for a State of New Hampshire Standard Dredge and Fill Permit and a City of Dover Conditional Use Permit to construct a shorefront retaining wall that will impact 1,697 square feet of tidal buffer zone of the Piscataqua River at the subject address.

Discussion:

Ian Trefry, of NH Soil Consultants, was present to describe the proposed project. The applicant contends that the land surface above the shoreline is sinking and a retaining wall will stop this process from accelerating. The applicant stated that the abutting property owner installed a retaining wall that has reduced the sinking of the upland on that property. The application is to impact 1,697 square feet of tidal buffer area to construct a retaining wall. The wall would have an exposed vertical face 36-inches in height, and would be 140± feet in length. The permanent impact area (after construction) would be 136 square feet. The construction will all be done landward of the mean high water, with no impact to tidal wetlands.

Chairman Fargo stated that he had concerns about how the proposed structure would solve the stated sinking of the land. Fargo noted that the Commission had requested other applicants in this area of the City to stabilize shorefront soil losses by planting vegetated buffer strips. Ed Millman stated that since the proposed construction is landward of tidal action, he didn't have a problem with the proposal. The Commission generally agreed with Mr. Millman.

Chairman Fargo stated that if the Commission was going to endorse the application, that he would want conditions to include close adherence to the sediment erosion and runoff control plan as per the City's Conservation District requirements. Fargo noted that City Planning Board approval should also be sought per the same ordinance. The applicant was also requested to supply the Commission with a report documenting restoration of the impacted areas following construction.

Ed Millman made a motion to endorse the application incorporating conditions noted by the Chairman above; Brit Schuman seconded the motion which passed unanimously.

7. RE: Tax Map D, Lot 2A-1, Consideration of an application by Krishna Realty Group, Inc, 25 Washington Street, Methuen, MA 01844, for an environmental review for Conditional Use Permit (per Groundwater Protection Zoning Ordinance 170-28.3 D(5)) to construct a hotel located off Webb Place.

Discussion:

Chairman Fargo noted that he determined that the proposed construction is within the City's Secondary Groundwater Protection zone. The Planning Director, Steve Stancel, determined that the project was outside the zone and therefore did not require the Commission's review. The applicant, wishing to facilitate full evaluation of the project, agreed to appraise the Commission of their efforts to protect the quality and quantity of groundwater derived from precipitation on the project site.

Doug LaRosa, of Tritech Engineering, described the accommodations for future development of the project site that were incorporated into the design of the adjacent commercial/residential development. Stormwater management systems were developed that allows the recharge of runoff outside the 200-day travel time radius. Stormwater collected on the hotel site will be treated through two "Downstream Defenders" prior to discharge to an on-site infiltration system. Over flow from that system, (from storms greater than a 10-year recurrence interval) will be discharged via drains to an off-site recharge basin constructed for the adjacent development project.

The Commission thanked the applicant for describing the project and provisions for groundwater protection.

Marcia Colbath moved to endorse the project as presented; Al Lobdell seconded the motion which passed unanimously.

8. Old Business

- Election officers for 2006 (not completed January 9, 2006)

Following considerable discussion, the following slate of officers was agreed to:

Chairman: Tom Fargo

Vice Chairman: Marcia Colbath

Secretary: Brit Schuman

The Commission voted unanimously to elect officers as outlined above.

9. Adjournment:

Ed Millman made a motion to adjourn, seconded by Al Lobdell, the motion passed unanimously.