

**City of Dover Conservation Commission**  
Minutes for May 15, 2006 Meeting;  
5:30 pm, Council Conference Room, City Hall, Second Floor

**Regular Monthly Meeting**

Commission Members Present: Tom Fargo, Chair; Marcia Colbath, Vice Chair; Britt Schuman, Secretary; Bill McCann, Alban Lobdell

Commission Member Absent: Susan Eisler

1. Approval of minutes from March 6, 2006 meeting. **Not yet prepared.**
2. Approval of minutes from April 13, 2006 meeting. **Deferred approval to next meeting; passed out draft of minutes for Commissions review.**
  
3. RE: Unnumbered Transportation Parcels; Consideration of an application by University of New Hampshire, for input on a State of NH DES Wetlands Bureau Dredge and Fill Permit to temporarily impact 26,010 square feet of wetlands associated with the installation of a biogas pipeline between the University of New Hampshire in Durham and the Waste Management Landfill in Rochester. Approximately 6.6 miles of the proposed pipeline will pass through Dover, along the Spaulding Turnpike and the Boston & Maine Railroad Rights of Way. (NHDES File #2006-0717)

**Discussion:**

Chairman Fargo briefed the Commission on the application and commented on what city ordinances would be applicable. Since this is a State of NH (UNH) project, city zoning regulations do not apply. As per RSA 674: 54, the applicant is obligated to inform the Planning Board of the project and the Planning Board may decide to hold a public hearing. The Commission is obligated to provide comments to the NHDES as part of the Dredge and Fill permit review.

Chairman Fargo stated that he noted the NHDES had marked the application as administratively incomplete. Ian Trefrey (of NH Soil Consultants) explained that payment to the NHDES was outstanding. UNH has been having issues getting money released.

Chairman Fargo stated that he had reviewed the application carefully and noted the applicant is attempting to avoid most wetland impacts by using directional drilling. Based on his review, he sees no significant impact to the wetlands. Chairman Fargo mentioned that usually the Commission requires evidence of the restoration when a wetlands area is temporarily impacted. Mr. Trefrey stated that their proposed restoration plan is very thorough and he will make sure the Commission is copied on all correspondence.

There was a brief discussion of larger environmental issues related to the project. Both Tom and Marcia had previously attended a presentation by the applicants at the NHDES office in Concord where many details were presented. Fargo stated that he felt the concept was sound. The biogas would be collected by Waste Management, thereby reducing some of the odor problems that plague Dover residents in the vicinity of the landfill. With the recently approved expansion of the Waste Management's facilities, the biogas would provide heat and electricity for UNH for many years to come.

**Chairman Fargo moved to endorse the application as presented. Marcia Colbath seconded. All voted in favor.**

4. RE: Tax Map H, Lot 4; Consideration of an application by VC Dover Investments, LLC, for a State of NH DES Wetlands Bureau Dredge and Fill Permit and City of Dover Conditional Use Permit for approximately 121,211 square feet of wetlands impacts associated with the construction of a Mixed Use Development located at Mast Road and Route 108. The proposed development will impact approximately 67,208 square feet of Dover's 50-foot wetland setback area (RE: Zoning Chapter 170-27.1 G1). The proposed development is also located within a City of Dover Secondary Groundwater Protection District (RE: Zoning Chapter 170-28.3) and proposes more than a 20% lot coverage of impermeable surface.

Discussion:

Deb Brewster, of TFMoran, presented an overview of the project. The plan involves a mixed-use overlay development, residential in the back portion of the property and commercial in the front. Phase one will include the development of the commercial portion. The applicant has applied for a driveway permit from DOT for an entrance from Route 108, with a secondary access on Mast Road. The configuration of the entrance from Route 108 requires a substantial amount of wetland filling for access. In addition a City of Dover Conditional Use Permit is required for a non-residential development in the Secondary Groundwater Protection District. One limitation is the planned medical office, as a medical facility is not permitted in a groundwater protection district without Planning Board approval.

Marcia Colbath asked if the Route 108 entrance would be signalized. Ms Brewster stated it would not be. Bill McCann asked how far the entrance was from the existing signal at the intersection of Mast and 108. Ms Brewster stated it was about 700 ft.

Chairman Fargo informed the Commission that one of the reasons the Route 108 entrance would be required to impact wetlands is due to the separation distance the NHDOT requires from the intersection of Route 108 and Mast Road.

Marcia Colbath asked how much of the development site's surface was to be impervious. Ms Brewster stated that the exact amount has not been determined for the project as a whole, but she knows it will be more than 20% and therefore a Conditional Use Permit will be required. Marcia commented that there are two city wells in that area. Ms Brewster responded that the plan includes other open spaces. Test pits have been done all over the land parcel, the area with commercial development was found to be underlain by predominantly silt and clay soils that have low permeability. The residential area was found to be underlain by more sandy soils that promote recharge of precipitation and runoff. Accordingly, the stormwater management in the residential portion of the project will attempt to recharge the runoff. Marcia asked what impacts this might have on Johnson Creek and the dam near the intersection of Mast Road and Spruce Lane. Chairman Fargo stated he believed this project was affecting a different tributary of Johnson's Creek. Marcia asked if the upland criteria required for the overlay district had been met. Ms Brewster responded that it had. Marcia observed that the open space appeared predominantly under the power lines and in the stormwater management area.

Terry Ramborger of TFMoran spoke next regarding the wetland impact mitigation. A functions and values assessment of the wetland had been conducted. The section in question, the commercial zone, was found to have low value, primarily runoff storage function as it tends to hold waters. Mr. Ramborger passed out the assessment.

The mitigation plan has three parts. Part one includes the conservation easement or preservation of 13.92 acres of land adjacent to the development site. The applicant has agreed to purchase this area from the City of Dover. Marcia asked how much uplands was part of the preservation mitigation site, Mr. Ramborger responded that it was approximately a 50/50 split. Part two includes an area of wetlands that would not be developed, but would be planted to enhance the value or restore value to approximately 1.5 acres. A portion of this mitigation area would treat stormwater runoff from developed areas. Part three involves an

administrative agreement with PSNH, as they have the right to use herbicides on the right of way. The developer would extinguish this right and agree to mechanically remove excess vegetation from the right-of-way.

Chairman Fargo commented that the wetlands application had not yet been filed with the NHDES.

Marc Vanson of TFMoran gave an overview of the series of three retention ponds planned. The stormwater management plan would be sized for a ten-year storm and hydrologically release runoff at less than the pre-development rate. There would be one pond off the main parking lot with catch basins to allow the capture of volatile contaminants, followed by a sediment basin, then a bioorientation area and finally a bio-uptake area. A number of plantings are proposed to aid in the nutrient uptake area.

Chairman Fargo stated usually retention ponds are holes in the ground, he asked if the areas would be fenced off. Ms Brewster replied that no fence is proposed, the plan calls for mounds or berms to form the detention areas. She also mentioned that an irrigation system was planned to help maintain the plantings. Chairman Fargo commented that he had seen other projects where the systems got dried out and were then not able to perform when needed. Robert Cruz of VC Dover Investments stated that they are committed to irrigating so as to maintain the proper hydration of the system.

Chairman Fargo commented on the species of plants to be used. He expressed concern that is only a matter of time before a couple species will dominate and possibly degrade the intended function. Britt Schuman asked what impact salt might have. Mr. Vanson replied that they don't feel it will be much of an issue, they will strive to maintain the plant life as best as possible. Chairman Fargo stated that as this system relies heavily on plants we will want some detail as to what will be done if one species becomes dominant or if an invasive species such as purple loosestrife takes over.

Chairman Fargo suggested the Commission table discussion as the application to the NHDES has not yet been made. The plan is to take part in the site walk when scheduled by the Planning Board.

**Bill McCann moved to table; Al seconded. All agreed.**

5. Moved to later in the meeting
6. RE: Tax Map L, Lot 89H; Consideration of an application by Janet Butler, 196A Dover Point Road, Dover for a State of New Hampshire Standard Dredge and Fill permit to reconstruct an existing dock with a 4 by 100 ft. pier, 3 by 30 ft. ramp, and a 10 by 20 ft. float for water access to the tidal Piscataqua River at the subject address.

Discussion:

The applicant, Janet Butler, was present to describe her application. She stated that Glen Normandeau from Pickering Marine would be doing the work. She stated it would be almost the same as the existing dock with the same location. A section of the pier that goes over the eel grass will be higher.

**Marcia Colbath made a motion to endorse the application ad presented. Bill McCann seconded. All accepted.**

7. RE: Tax Map B, Lots 10C and 13; Consideration of an application by F. Doyle Skeels, for an environmental review as per Zoning Chapter 170-27.1 G1 and G2, for a City of Dover Conditional use permit to impact two areas of wetland setback for the construction of a driveway and septic system at a proposed three-lot residential subdivision at the subject parcels off County Farm Cross Road. No direct

wetland impact is anticipated.

Discussion:

Mr. Skeels and his engineer, David Vincent, were present to describe the project. The plan is to subdivide the property in a three-lot residential Open Space Subdivision. The lots would share a driveway located approximately where the former railroad bed was located. During the construction of the driveway, berms or silt fences will be used until it is stabilized.

Chairman Fargo stated the set back for septic near wetlands is 75ft. He stated that this is the first time in eight years on the Commission that he has seen this issue. Fargo stated that he does not find the city ordinance to be significant, if the state approves it, that it should be protective enough. Chairman Fargo stated the Commission received a letter from a neighbor concerned about the activity on the land. Fargo read the letter from D. Ferrara dated April 5, 2006.

Discussion sidetracked to a discussion about the City's desire to extend a trail along the former railroad bed to the Rochester city line. Fargo stated that OLC and Commission members had discussions with the applicant's realtor about the City purchasing the property. Fargo also stated that the property is included in the Draft Environmental Impact Statement for the Newington-Dover (Little Bay Bridges) Project as a proposed wetlands mitigation area. The NHDOT has also conducted a preliminary engineering assessment of the granite arch bridge over Blackwater Brook on the back of the property and found it to be in good condition.

Mr. Skeel stated that he favors a public trail type of use, however he wants the buyers of the properties to make that decision. He will recommend to them or the developer that buys.

Chairman Fargo stated he could look into creating subdivision language that could possibly allow the trail use on the proposed open space portion of the subdivision, and the possibility that access to the bridge and trail on the back (western) portion the land might be made from the adjoining Gabriel- Kirkwood LCIP open space area. It was agreed that the Commission should ask the Planning Board to address a public access trail agreement in the subdivision's approval.

**Marcia Colbath made a motion to endorse the application with the following notations:**

- 1. The Commission had no issues with the septic setback Conditional Use Permit request; and**
- 2. The Commission recommends appropriate erosion sediment runoff control measures are made.**

**Bill McCann seconded. All agreed.**

5. RE: Tax Map L, Lot 112; Consideration of an application by Henry Kuziomko, 308 Dover Point Road, Dover for a State of New Hampshire Standard Dredge and Fill Permit to reconstruct and reposition an existing dock with a 6 by 40 ft. pier, 3 by 30 ft. ramp, and a 10 by 20 ft. float for water access to the tidal Piscataqua River at the subject address. (NHDES File #2006-0953)

Discussion: Chairman Fargo provided overview. The existing dock is to be removed and replaced with a Normandeau design. The dock would come off of an existing stonewall.

**Motion to endorse by Bill McCann. Seconded by Al Lobdell. All agreed.**

8. New Business

- Berry Brook- Horne St. and 6<sup>th</sup> St. Area  
City is working with the NHDES, experts from the UNH Stormwater Center, and a consultant to address seasonal flooding and stoprmwater detention issues in the Berry Brook watershed. A neighborhood meeting will take place in early July probably after the Commission's June

meeting.

- Tree Stewards- applications available
- NH Coverts Project – applications available

**Bill McCann made a motion to adjourn. Marcia Colbath seconded. All agreed. Meeting adjured at 7:58pm.**