

City of Dover Conservation Commission
Minutes for July 10, 2006 Meeting;
5:30 pm, City Hall, Council Conference Room

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

Member Absent: Britt Schumann, Secretary.

Also Present: Dean Peschel, Dover Environmental Program Manager and Staff Liaison

1. Approval of minutes from March 6, 2006 meeting.
2. Approval of minutes from April 3, 2006 meeting.
3. Approval of minutes from May 15, 2006 meeting.
4. Approval of minutes from June 5, 2006 meeting.

The Commission members briefly reviewed minutes provided before the meeting. Minor edits were discussed.

Bill McCann made a motion to approve all the above minutes as amended, seconded by Al Lobdell, the Motion was approved unanimously.

Chairman Fargo asked the Commission to allow item #9 to move up the agenda to accommodate personal needs of Bruce Woodruff, Dover City Planner. The Commission OKed the change.

9. RE: Tax Map 40, Lot 17, Considering an application by the City of Dover for an Expedited Minimum Impact NHDES Dredge and Fill Permit to fill 395 square feet of wetlands for the construction of a curbed sidewalk and drainage along New Rochester Road (NH Route 108).

Discussion:

Bruce Woodruff, City Planner, gave an overview of the project. The construction of the sidewalk and curbing requires the installation of catch basins and a stormwater discharge. Collected stormwater will be treated through a Vortech water quality unit then discharged through an engineered outlet that will drain to Willand Pond. The construction will require one wetlands disturbance, with no permanent wetland impacts. Approximately 120 square feet of temporary wetlands impact is required. The construction is on a 6F property which means that US National Park Service, Land and Water Conservation Program funds were used on the property. Therefore, the NH Department of Resources and Economic Development (DRED) also needed to give permission. A temporary construction permit was already issued by DRED.

Tom asked how is the Vortex water treatment unit is going to be maintained? He suggested that this would be the first such unit owned by the City and it will need routine cleaning. Dean Peschel responded that the City of Dover does not have Vortex systems unit yet, but does have storm water management program and this unit could be put on list.

Ed Millman wondered what the maintenance period is for this system. Tom and Mr. Woodruff concurred that it depends on the amount of sediment captured in the system. Tom noted that recent data released by the UNH Stormwater Treatment Evaluation program suggests that such devices only filters 30% of solids, rather that the manufacturer's suggested 80% removal level. Tom suggested that routine cleaning would be essential to make this system as effective as possible.

Ed Millman expressed a concern about the discharge's impact to Willand Pond. Tom noted that currently there is untreated drainage from the road onto the pond. Bruce Woodruff suggested that the project will improve the protection of the pond because runoff will go through the Vortech system. Ed expressed a desire to see more of the existing runoff directed through the proposed treatment system. Dean stated that existing runoff discharges from the Strafford Farms and adjacent gas station parking areas would not be rerouted through the City's Vortech unit.

Bill McCann made a motion to endorse the NHDES Wetlands Bureau application with the recommendation that routine maintenance and inspection be instituted by the City to ensure that the system is operating to maximum effectiveness. The Motion was seconded by Al Lobdell and passed on unanimous vote.

5. RE: Tax Map 38, Lots 31, 33, and 33A, Considering an application by Mark Investments, Inc. (by Bohler Engineering) for an environmental review for a City of Dover Conditional Use Permit for the construction of a Walgreen's Pharmacy at the intersection of Central Avenue and Glenwood Avenue. The proposed development is located within a City of Dover Secondary Groundwater Protection District (RE: Zoning Chapter 170-28.3 D5) and proposes more than 80% lot coverage with impermeable surface.

Discussion

Jim Bernadino, of Bohler Engineering, gave an overview of the proposed development. He stated that he had prior discussion with Commission Chairman Fargo, as well as City Engineering and Environmental staff. He also stated that one of his colleagues had met with the Commission for preliminary discussions about this project (*Reference April 3, 2006 Commission minutes.*) He stated that the applicant has applied for a Conditional Use Permit from the Planning Board. Mr. Bernadino describe the project as consisting of a 14,823 sq. ft. building with 69 parking spaces on-site. Approximately 87% impervious surface is proposed on the site. A stormwater management system has been designed to collect, treat, and infiltrate the run off for up to 25 year storm event. The treated stormwater will be discharged through a ground water infiltration system consisting of 132 units of pre-fabricated "Cultec" chambers. Catch basins will discharge into a "Downstream Defender" water quality treatment unit, then discharge into the underground system. The groundwater discharge will be outside the 200 day travel time distance from the Smith and Cummings water supply wells.

Dean Peschel asked how effective the stormwater system would be for isolation of gasoline spills. Mr. Bernadino stated that the Downstream Defender would be effective in removal of floatable contaminants like gasoline. Dean asked what would happen to such contaminants in a storm with a greater volume than the 25 year event. Mr. Bernadino stated that the overflow from the on-site stormwater system would discharge into the existing City drainage system in Glenwood Ave.

Chairman Tom Fargo stated that he had attended the Technical Review Committee last week and had made some suggestions for the applicant to consider. Fargo stated that this is first application of the "Cultec" groundwater infiltration system in Dover. The primary difference between "Cultec" system and others, is the "Cultec" has an open bottom and sits on a 6-inch gravel layer base. Fargo suggested that the system may not operate efficiently in the long-term. Fargo referenced recent data from the UNH Stormwater Treatment Evaluation Project that suggests that sediment removal effectiveness of the "Downstream Defender" and other similar units is on the order of 30%, rather than the 80% reported by the manufacturer. Fargo suggested that the sediment that passes through "Downstream Defender" could clog up infiltration portion of the system. He recommended the applicant to look at the infiltration system installed at the nearby Comfort Inn, because that system was constructed with clean out ports to allow periodic cleaning. With the "Cultec" system, the applicant may be risking the possibly having to dig up the parking lot to keep the system working properly. Fargo also asked why the "clean" runoff from the roof drains is mixed with the "dirty" runoff from the parking lot. He suggested that it might be better to manage these stormwater components separately. Mr. Bernadino stated that the stormwater system was sized to handle the combined flow.

Ed Millman asked how much of the development site is within the secondary groundwater protection zone. The response was everything is in the secondary ground water protection area? Ed noted that when a larger stormwater flow comes there is an internal bypass, therefore that water goes past the water treatment unit and the floatables can be released. Ed stated that he hopes that floatables (such as gasoline spills) have been contained before then.

Al Lobdell asked if the 69 parking spaces were necessary? Mr. Bernadino stated that the number of spaces is down from 75 parking spaces. There is a separate parking area for employees. Mr. Bernadino stated that he did not anticipate having a full parking lot, the extra area would be used for snow storage. Al asked where the >25 year event overflow will go. Mr. Bernadino stated that it goes drainage system on Glenwood which discharges to the wetlands east of (behind) the Shaw's plaza, further way from well. Marcia Colbath stated that most runoff contaminants are associated with the "first flush" washed off the parking area or road. In larger storms, there is little contamination left to bypass treatment in a overflow situation. Mr. Bernadino stated that contaminant runoff generally follows a bell curve type of distribution.

Ed Millman asked if the infiltration system could be relocated, possibly to the adjacent City land? The answer was no.

Al Lobdell asked who will check this system? Mr. Bernadino stated that an operations and maintenance plan had been developed for the stormwater system. The land owner, or Walgreens - depending on whether Walgreens is owner or not, will at a minimum complete yearly cleaning with inspection every 6- months. There was a discussion about the applicant providing annual maintenance and inspection reports to the City's Environmental Division. Al stated that he thinks this is necessary. Marcia said that this is typically one of the Planning Board stipulations, that a yearly report be provided.

Tom had question for Dean, noting that the Smith and Cummings wells have had an MTBE contamination issue. Would additional test wells in the vicinity of the development site be beneficial? Dean responded there is a network of wells surrounding the Smith and Cummings supply wells. Additional water level and groundwater sampling points would be useful to define groundwater conditions and provide early warning for contaminant spills. Tom asked Dean if the applicant installed the wells, would the City add then to the on-going monitoring program. Dean answered yes, routine monitoring is being done 3 times a year. Dean noted that the City had requested the Promto oil change business to install one or two wells when they developed their site on Weeks Crossing. The precedent of requesting such protective measures has already been established.

Tom stated that he felt it would be appropriate to have a recommendation for Planning Board to consider that two to three monitoring wells be required. The wells should be in locations to be determined by ground water flow patterns, generally one upgradient, and two downgradient of the groundwater infiltration system. Ed asked why such a recommendation would be appropriate for this particular property? Tom responded that the total volume of stormwater that the applicant is proposing to infiltrate is quite large and could represent a contamination threat. The responsibility for well monitoring would be at city's expense, but the wells' installation should be at the applicant's expense. Tom estimated the monitoring installation cost to be \$2,500, with not much additional cost for a third well.

Bill Mc Cann asked if the Commission should take action tonight, or should we see what the applicant will do with the questions that have been asked? Marcia suggested that our questions should be addressed by Planning Staff and the Planning Board.

Al Lobdell made a motion to endorse the application for the Conditional Use Permit with the following recommendations:

- 1. Applicant will provide the City with an Operations and Maintenance Plan for routine inspection and cleaning of the stormwater management system. The Plan should include annual reporting of inspection and maintenance activities to the City's Environmental Division.**
- 2. Applicant to install 2 to 3 monitoring wells to be added to city's monitoring system.**

The motion was second by Bill McCann and passed unanimously in favor.

6. RE: Tax Map 28, Lot 26A, Considering an application by MGIA Development, LLC. (Groen Builders) for an environmental review for a City of Dover Conditional Use Permit for the construction of a single family home at High Ridge Drive and Oak Street. The proposed development is located within a City of Dover Conservation District (RE: Zoning Chapter 170-27 C2) and proposes construction in an area with slopes > 20%.

Discussion:

Fenton Groen, representing Groen Builders, gave an overview of the proposed project. The subject parcel (building lot) was part of a subdivision approved in May of 1991. Mr. Groen stated that the lot was not built on because it had significant slope issues. The originally approved building location was to gain access from the Oak Street side. Mr. Groen is asking to be allowed to build on High Ridge side. This alternative would have less impact to Conservation District (areas with >20% slope) and also relocated the driveway off the heavily traveled Oak Street. A building plan that includes soil erosion and sediment runoff control measures was prepared by Trittech Engineering. The Commission reviewed the plans.

Marcia stated that the plans only depict the contours on half of the lot. Mr. Groen shared a copy of the site plan with additional contours depicted. Al Lobdell asked where the developer plans to place the building. Mr. Groen outlined where he wanted to build and noted that its an areas of about 25% grade. Aimee Colbath asked why isn't the proposed location in the bottom third of the lot where it was previously approved. Mr. Groen responded that he felt the proposed

location was better relative to slope impact and traffic issues.

Chairman Fargo read the requirements of the Conservation District Ordinance (170-27) that states the three requirements for the Conditional Use Permit; 1) The Conservation Commission needs to provide a written review of the environmental effects of the proposed use, 2) All required State and Federal permits are obtained, and 3) A soil erosion and sediment run-off control plan is prepared. Fargo suggested that there are probably no state or federal permits required, our job is to make recommendations to ensure that soil erosion and sediment runoff are controlled.

Marcia noted that the lot was created lot in 1991 and wondered what is most environmentally sensitive solution to placing a house on the lot.

Dean Peschel asked if there would be less disturbed Conservation District area if the house was built in the previously approved lower section of the lot. He also asked how the proposed house will be designed relative to the grading for the foundation. He stated that a grading plan for the proposed construction would be helpful. The Commission reviewed plans showing the land surface contours and Mr. Groen described the house would be situated on the lot.

Marcia stated that it looks like the driveway might be less impacting coming off Oak Street, as the previously approved driveway seems to be less sloped.

Tom directed the Commission to review the erosion and runoff specifications in the construction notes on side of map, hay bales, silt fences, etc

Ed Millman made a motion to table this item for site walk, seconded by Marcia, the motion passed unanimously. The site walk was scheduled for Wednesday, July 12th at 5pm - meet on High Ridge Drive.

July 12th Site Walk:

The Commission reconvened on Wednesday, July 12th at the High Ridge Drive location. All were present except Aimee Colbath and Britt Ulinski. The Commission voted to remove the item from the table for consideration and formulation of recommendations at the site. Chairman Fargo suggested that any potential buyer of the house might like to fill and landscape the severe slope to the south of the proposed of the house. While sediment runoff would be controlled by the measures proposed in the site plan during the construction, subsequent work might not follow the City's regulations.

Tom Fargo made a motion to endorse the project with the following recommendations: 1) that the specifications of the submitted soil erosion and runoff control plan would be followed; and 2) that the deed for the lot specify that any future alteration of the ground surface in the area to the south of the silt fence shown on the site development plan must first receive a Conditional Use Permit from the Planning Board as required by the Conservation District Ordinance (170-27). Bill McCann seconded the motion which passed unanimously.

7. RE: Tax Map M, Lot 95, Considering an application for April Moyer (by Brown Industrial Group) for an Expedited Minimum Impact NHDES Dredge and Fill Permit, and a City of Dover Conditional Use Permit, to fill 375 square feet of wetlands for the construction of a driveway and utilities for single family home located on Dover Neck Road.

Discussion:

Kevin McEneaney, of McEneaney Survey Associates, gave a brief description of the project on behalf of the applicant. Mr. McEneaney described the site development plan for the 2.3 acre lot on end of Dover Neck Rd. The lot is accessed by private drive from end of Dover Neck Rd. A 1984 subdivision plan created these lots. There are houses on three of the four lots created at that time. The lot includes a 10,000 sq. ft. back area that was sectioned off for a septic system. The plan is to install a sewer force main to carry wastewater to the septic area. A Dredge and Fill Permit is needed to allow for the installation of the proposed PVC sewer line. Approximately 375 sq. ft. of wetlands fill is proposed to install a 30-inch diameter culvert over which the proposed sewer line will be installed. This qualifies for a Minimum Impact Expedited NHDES Application.

Tom Fargo stated that the OLC was requested to evaluate the conservation value of the property several years ago, but the Committee decided not to pursue the purchase of the parcel or an easement on it. Chairman Fargo stated that the Public Service property abutting the lot is an Ash landfill. Fargo stated he had discussions with the applicant and the Building Inspector about the City's 50-foot setback from wetlands. Since this is a lot of record, the lot is not subject to 50ft. setback requirement. Fargo characterized the project as a straight forward for small wetland impact.

Mr. McEneaney suggested that this project does not go through Planning Board review. Chairman Fargo stated that he thought it should for a Conditional Use Permit for both the wetlands impact and the proposed work within the Conservation District associated with the stream. There was a brief discussion about the soil erosion and run-off control measures to be used during construction.

Ed Millman asked for a characterization of the kind of wetlands that would be impacted. Mr. McEneaney described the wetland as being confined to a drainage channel that developed due to slopes both on and from off site. The channel drains into Piscataqua River. Ed asked if the pipe will not affect wetlands other than 375 sq. ft. impact area? Mr. McEneaney stated that the stream crossing has been proposed at the narrowest part of wetlands and that the 30-inch diameter culvert was been engineered with an hydraulic capacity much more than necessary considering the size of the contributing watershed.

Marcia Colbath made a motion to endorse project as presented; Bill McCann seconded; the vote was unanimous. Chairman Fargo signed the NHDES Minimum Impact Expedited Dredge and Fill Permit application.

8. RE: Tax Map H, Lot 33, Considering an application for Kevin Cooper (by Civilworks, Inc.) for an Standard NHDES Dredge and Fill Permit, and a City of Dover Conditional Use Permit, to fill 3,520 square feet of wetlands for the construction of a proposed driveway, parking area, and 13,000 square foot commercial building located on Knox Marsh Road. Construction is also proposed in areas within the City's fifty foot setback from wetlands.

Discussion:

Steve Haight, an associate of Civilworks, Inc, was present to give an overview of the proposed development. The plan is to construct a 13,000 square foot commercial building with associated driveways and parking areas. The parcel is zoned B-4 for retail commercial use. A house that was on the site was taken down 6-8 months ago. Wetlands have been delineated on the on site. The primary driveway, directly across from Trestle Way and wetlands along the eastern boundary of the site constrain the proposed location of the building. The building location requires approximately 3,520 sq. ft. of wetland fill. The impacted wetland is isolated in the middle of building lot. More extensive wetlands (labeled wetland A and wetland B on the site plan) have no proposed direct impact. A 3,000 sq. ft. wetlands setback encroachment is proposed in the southeast corner of the parcel for a right-in only driveway provided mainly for truck traffic.

Tom Fargo stated that his initial reaction was that the application would have problems with NHDES, and the Commission, because it proposes fill for development. Fargo stated that even though the impact was less than the 10,000 sq. ft. minimum for required mitigation, the proposal would benefit from some type of mitigation for the wetland area filled for development. Prior to the meeting, Chairman Fargo requested the applicant to look into enhancing the functions and values of other wetlands on the site, or modify the proposed stormwater detention basin to create wetlands that would offset those lost to development. Preliminary discussions with Dana Lynch, of Civilworks, indicated that such a modification could be made. Fargo stated that based on data from the UNH Stormwater Treatment Evaluation program, the modified stormwater detention basins (with the created wetlands) would actually do this better job treating the runoff.

Mr. Haight showed the Commission a plan for a development in Exeter, that was engineered by Civilworks, that included such a created wetland. Mr. Haight indicated that Mr. Lynch had started looking at making the modifications to the development plan to include a planting schedule for the proposed 5,000sq. ft. detention basin at the subject site. Fargo stated that he understood the Mr. Lynch would look into amending the NHDES application to reflect the requested changes.

Marcia Colbath asked what type of use would the building have, heavy equipment? The applicant, Kevin Cooper, who was in attendance, responded that the building would be used for an undetermined retail establishment.

Ed Millman asked about the total amount of parking area ? Mr. Haight responded that there would be approximately 15 to 20% impervious surface overall. Marcia Colbath interjected that the commercial land in this area of Dover is very wet. The more we can work with commercial developers in this area the better off we (the City) are.

Mr. Cooper indicated that he was OK with including some wetlands impact mitigation in the development plan. Tom stated that he thought this would make the application stronger with the DES.

Ed Millman expressed a concern about the proposed wetlands setback encroachment in the southeast corner of the parcel. Ed stated that "wetland A" is a decent sized wetland with higher inherent value. He asked if the developer needed to encroach on buffer of this valuable wetland. This led to a discussion about the need for right hand turn in only entrance from the highway, and a right-in lane at the primary driveway location. This led to discussions about truck circulation around the building, the proposed width of the driveway, truck turning radius, the anticipated number and size of the delivery trucks, etc.

Tom asked if we should add these issues to the Conditional Use Permit recommendations? Ed responded that he was concerned that the proposal might be to build more than is needed at this point, which increases the environmental impact of the project. Tom noted that the forgoing discussions would be communicated to the Planning Board.

Tom Fargo made a motion to endorse the application to the NHDES with the recommendation that: 1) The applicant should amend the application to include the creation of a wetland treatment area in the 5,000 sq. ft. stormwater detention basin, as discussed; and 2) That the Planning Board encourages the applicant to minimize the amount of buffer impact for the southeastern truck entrance driveway. The motion was seconded by Bill McCann and passed unanimously.

10. RE: Tax Map E, Lots 27, 27B & 27D, Considering an application for 171 Watson Road Holdings Corp (by T F Moran, Inc.) for an Standard NHDES Dredge and Fill Permit, and a City of Dover Conditional Use Permit, to fill 7,042 square feet of wetlands for the construction of a proposed a 50,000 square foot parking lot expansion. Construction is also proposed in areas within the City's fifty foot setback from wetlands.

Discussion

Jeff Kevan, of T.F. Moran, and John Woodman, of Measured Progress, were present to describe the proposed project. The site is an 80 acre parcel. The plan is to extend and loop a waterline between Measured Progress and Liberty Mutual, construct an emergency access road (both requested by the City of Dover), and construct a 50,000 square foot parking lot expansion. There has been an increase in staff in the newest office building. Measured Progress finds that additional parking is needed. The company wants to add parking to get to 488 parking spaces. Mr. Kevan stated that the project requires the filling of 7,042 square feet of wetlands for the construction of the parking lot expansion. He characterized the impacted wetlands as an area where current storm water run-off collects with little wildlife values as well. An improved drainage system has been designed and was outlined for the Commission. If possible, open bottom infiltration chambers would be used in infiltrate collected stormwater under the parking lot expansion area. The applicant has submitted a City of Dover Conditional Use Permit application and an NHDES Standard Dredge and Fill Permit application.

Tom Fargo stated that his first concern was that the site development has occurred in several phases. The proposed stormwater management for this expansion phase is being engineered as separate entity but is part of larger system. Tom stated that his observations suggest that the existing stormwater management system may not be operating properly. Tom has noted that the furthest downstream detention basin is filled to capacity for long periods after a rain event. This suggests that runoff from each successive rain immediately discharges to the Cochecho River with little or no treatment. Tom suggested that the stormwater management system should be evaluated for overall efficacy. Tom also noted that an NHDES Site Specific Permit should be applied for because a portion of the site falls within the Shoreland Zone associated with the fourth-order Cochecho River and more that 50,000 sq. ft. of disturbance is proposed.

Dean Peschel asked several questions related to the necessity of the proposed wetlands impact. First, why is the applicant not proposing to build the additional parking lot in an area where future lots were anticipated? Parking areas planned for future phases could be built and utilized now. Mr. Kevan and Mr. Woodman both stated that construction

and use of parking areas associated with future building phases would hinder the construction of those phases and that employees would have to walk a greater distance to the office building in which they now work. Dean suggested that Measured Progress could provide transportation to shuttle employees to the more remote lots.

Dean next asked why the parking lot expansion could not be accommodated with a parking deck? This would eliminate the need for the wetlands filling. Mr. Kevan stated that construction of a parking deck would be uneconomical. Tom stated that Liberty Mutual is constructing a parking deck at their expansion site on the adjacent parcel. A deck may be expensive, but it is an option.

Marcia Colbath asked if other areas are available. The Commission briefly reviewed a copy of the multi-phase site development Master Plan. From this review it became clear that there were several areas where parking lots could be constructed with not wetlands impacts.

Tom stated that he agreed with Dean, Measured Progress could establish shuttle service or find some way to administratively deal with the current parking shortage, such as encouraging ride sharing, adjusting shift changes, etc. This spurred discussion about the need for additional parking. At one time it was suggested that the parking was needed to cover overlapping shifts, then it was stated that the needed parking was due only to an increase in personnel. Ed Millman asked: What is the zoning standard for number of spaces per square feet of office space? It was revealed that Measured Progress is requesting twice the amount parking that the zoning regulations specify.

There was a consensus that the proposed wetlands impact could be avoided at this point. With continued growth, it may be appropriate to reevaluate justification for the proposed wetlands impact in the future. There a multiple measures available to accommodate the parking needs of current employees. The current plan to expand the parking area, as proposed, is a significant deviation from the overall multi-phase site development Master Plan.

Tom Fargo made a motion to not endorse the applications for a Conditional Use Application and the NHDES Dredge and Fill Permit for the following reasons:

- 1. Concerns related to the efficacy of the existing stormwater management system and its inability to accept additional discharges;**
- 2. Poorly demonstrated need for the proposed wetlands impact. Other non-wetland areas are available and are designated as future parking areas in the overall multi-phase site development Master Plan;**
- 3. Poorly demonstrated need for additional parking. From a planning perspective applicant is requesting double the amount of parking spaces specified in zoning requirements per square foot of office space. The applicant has not expressed a willingness to explore administrative measures to reduce parking demand such as ride share, subsidized bus or enhanced public transit service, staggered shift changes, or other mechanisms.**

The motion was seconded by Bill McCann and passed with unanimous approval.

11. Old Business

- **Non-Public Session**– Considering requests by the Open Lands Committee for funding authorization for appraisals for confidential land protection efforts/transactions.

Tom Fargo made a motion to enter into non-public session to consider the acquisition of real property which, if discussed in public, would likely benefit parties whose interest are adverse to those of the general community (per RSA 91-A:3 II(d)). Motion seconded by Marcia Colbath and approved by roll-call vote.

Tom Fargo made a motion to end the non-public session at 8:21 PM; Marcia Colbath seconded; Motion approved unanimously.

12. New Business

- Concerns of the Commission (Open Forum for Commission Members)
No new business discussed.

13. Adjournment:

Meeting adjourned by unanimous consent at 8: 22 PM.