

City of Dover Conservation Commission

Minutes of the Monday, August 7, 2006 Meeting;

5:30 pm, City Hall, Council Conference Room

Commission Members In Attendance: Tom Fargo, Chair; Marcia Colbath, Vice Chair; Britt Schuman, Secretary; Alban Lobdell; Ed Millman; Bill McCann, Aimee Colbath

1. Approval of minutes from July 10, 2006 meeting.

Alban Lobdell moved to accept the minutes, Ed Millman seconded, the motion was approved unanimously with Britt Schuman abstaining as she did not attend the July meeting.

2. RE: Tax Map G, Lots 25, 26 and 26A; Considering an amended application by Changing Places, LLC, 408 Lafayette Road, Hampton, NH 03842, for an **after – the-fact** State of New Hampshire Standard Dredge and Fill Permit and a City of Dover Conditional Use Permit for a wetlands disturbance associated with a storm drain installation at a residential subdivision an under construction on Lucy Lane, off Columbus Avenue. (*Plans for this subdivision were reviewed at the Commission's March and June 2004, and November 2005 meetings.*)

Chairman Fargo & Rueben Hull of Civil Design Engineering Consultants provided the Commission with some background on this project. Originally, the subdivision was approved with City sewer that was to be provided by an adjacent development. However, now the homes in the subdivision will use septic systems.

The un-permitted wetlands impact is associated with a topographic survey error that was discovered during roadway construction. In order to fix the stormwater drainage problems caused by the survey error, the contractor inadvertently excavated through a wetlands area on-site and also on an adjoining property. The construction temporarily impacted wetlands on Lot 19 as the applicant extended a drainage pipe convey stormwater to a low area on an abutting property. The wetlands impact on Lot 19 was not been part of the originally permitted fill, however the area impacted by the construction is being restored following the storm drain pipe installation. The construction of the drain outlet structure on the adjoining property will result in a minor (100± square foot) permanent wetland impact for which a drainage easement is being prepared and this wetlands impact permit is currently being sought.

Chairman Fargo stated that the applicant needs to submit an NHDES Wetlands Dredge and Fill Permit Application and a City of Dover Conditional Use Permit, however the person on the hook is the owner of the adjoining property (Map G, Lot 26A). As parcel G/26A is a lot of record, a wetlands buffer encroachment

Conditional Use Permit is not required, only wetland impact needs approval from the NHDES and City Planning Board.

Aimee asked if the untreated water to the wetlands was an issue of concern. Chairman Fargo pointed out that there are retention ponds. Ruben stated those are collecting water from Lucy Lane, however it is bypassing one wetland and going to another. Chairman Fargo stated the original plan was to discharge to the wetland area untreated, now it's discharging to another wetland.

Ed asked if the city engineer had approved the plan. Ruben replied that it had been approved as proposed.

Chairman Fargo stated that he felt the Conditional Use Permit for the temporary impact on lot 19 was a non-issue, because the impacted area is in the process of being restored. Ruben responded, yes, and that it will be fully restored.

Chairman Fargo made a motion to endorse the after-the-fact application to the NHDES and the Conditional Use Permit for the 100 square foot impact on adjoining property G/26A, as long as the applicant restored the impacted areas on Lot 19. Bill McCann seconded the motion. All voted in favor with Ed abstaining as he found the issue convoluted.

3. RE: Tax Map A, Lot 52-1, Discussion of a potential **after-the-fact** wetlands disturbance and possible construction encroachment into an area covered by a conservation easement held by the Conservation Commission.

Chairman Fargo provided some background, stating there are potential wetlands and conservation easement area encroachments. It has not yet been confirmed, however the City is in the process of determining if non-permitted construction has taken place on the site, in wetlands and/or on conservation land.

Marcia asked if the conservation easement is on the owner's lot or another lot. Chairman Fargo stated that it goes with the building owner's lot.

In addition there have been driveway changes without a permit as well. Chairman Fargo spoke with Tom Clark and they are currently waiting for an after-the-fact driveway application, which most likely will be denied based on the anticipated easement and wetlands impact. Eventually it is anticipated that the City will require the owner to remedy this impact.

Chairman Fargo stated the NHDES Wetlands Inspector and the City Building Inspector will most likely resolve this issue. Both agents have the authority to investigate potential violations. Therefore, Fargo suggested that no motion was needed at this time.

4. New Business

- Tuttle's Update

Marcia informed the Commission that the 2nd parcel of land has been obtained for a conservation easement. This parcel is approximately 11 acres. In September there will be a public hearing with the Department of Transportation regarding their mitigation project, it is hoped that \$1.5 Million will be secured for the Tuttle Project and possibly some for the Blackwater Brook area as well.

- Discussion of drinking water "Threat-Protection Matrix" review with NHDES.

Tom, Marcia, and Dean met with Pierce Rigrod of the NHDES Water Supply Engineering Bureau on earlier that day (Monday August 7th). The Commission briefly discussed the NHDES initiative to better protect Dover's drinking water sources. The City representatives and NHDES has identified five action areas to protect water quality.

- Blackwater Road Bridge

The City is in the process of re-engineering the bridge that washed out during the Mother's Day storm. It has been suggested that the bottom should remain open, instead of using a corrugated pipe. This should allow easier passage for wildlife and possibly allow the stream bed to adjust as it needs with potentially less impact on the bridge. Marcia added that there is the potential for a future upstream pond to be recreated where one used to be.

Chairman Fargo asked for an opinion of the Commission regarding endorsing the bridge design and NHDES Permit application. All agreed the plan for the replacement bridge appeared to be sound. Adjournment:

Ed moved to adjourn, Bill seconded and all agreed. Meeting adjourned at 6:30 pm.