



CITY OF DOVER

## CONSERVATION COMMISSION MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Council Conference Room – 288 Central Ave, Dover, NH  
Meeting Date: **Monday, January 08, 2007**  
Meeting Time: **5:30 pm**

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

1. Approval of minutes from December 4, 2006 regular meeting.  
**Ed Millman made a motion to approve the minutes, Al Lobdell seconded, the motion was approved by all except for Britt Schuman who abstained as she was not present at the December meeting.**
2. RE: Tax Map N, Lot 20; Consideration of an application by Brian Caven, (agent: Pickering Marine) 43 Mallard Lane, Dover, for a State of New Hampshire Standard Dredge and Fill Permit to construct a dock with a 6 ft. by 6 ft. pier, 3 by 40 ft. ramp, and a 10 by 20 ft. float for recreational access to the tidal Cochecho River at the subject address. (NHDES Wetland Bureau File # 2006-3128)

Discussion:

No one was present to represent the applicant, however Chairman Tom Fargo had received a copy of the application. Chairman Fargo provided comments to the Commission based on his review of the application. First, as the project falls within a conservation easement area associated with the Mallard Drive subdivision. The area is also part of the City of Dover Conservation District, so that any work altering the ground surface will need a Conditional Use Permit from the Planning Board. Fargo suggested that DES should be notified of these restrictions. In addition, Fargo noted that if stairs are also part of the project, according to NHDES Rule, they must be included in the dock permit.

**Bill McCann moved, in reference to the recommendations provided by Chairman Fargo, that the Commission should endorse the application with the following recommendations to the NHDES Wetlands Bureau.**

1. **The Dover Conservation Commission holds a conservation easement on the lot in question, see: SCRD Book 2557, Page 0198 and the “Conservation Easement Area Forest Plan”, dated May 1, 2002; referenced therein. The easement restricts disturbance of the land and requires the preservation of certain trees within 100 feet of the tidal reference line. The Commission requests that these restrictions be referenced in any permit granted to the applicant.**
2. **NHDES Wetlands Bureau Regulations Wt 402.10 states:**  
*Stairways for access to or from legally constructed docks shall be allowed as part of the dock permitting process, provided:*
  - (a) *The stairway width does not exceed 6 feet; and*
  - (b) *Construction over the bank does not require regrading or recontouring.*

**The application does not show how access will be provided between the house location and the dock. The Commission requests that the NHDES address the potential need for stairway construction in any permit granted to the applicant. The applicant is advised that the above-referenced conservation easement and City of Dover zoning regulations 170-27, Conservation District, place restrictions on land disturbance within 100 feet of the tidal reference line.**

**Al Lobdell seconded, all approved (except for Marcia; she did not arrive until after this vote).**



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3. RE: Tax Map 23, Lot 15; Consideration of a request by the City of Dover for the Children's Museum of New Hampshire (agent: ARQ Architects) for a State of New Hampshire Minimum Impact Expedited Dredge and Fill Permit to impact 2,484 square feet of previously-developed tidal buffer area adjacent to the Cochecho River. The proposed impact is associated with the conversion of the City's Butterfield Gym to the Children's Museum.

Discussion:

Paul Bonacci and Lucinda Schlaffer of ARQ Architects and Paul Connolly of Civilworks, Inc presented an overview of the application. Most of the work will be to the interior of the building, however there are two existing exterior fire escapes that are not up to code and therefore require work. Also a trash enclosure currently exists outside the building that they will remove during the renovation. Along the river, a twenty-foot wide paved river walk will be maintained by the city. Another area of exterior work will include a cantilevered bay window on the river side of the building. Additional exterior improvements include native plantings as a buffer between the building and the paved river walk. The design includes the use of pervious paving materials and possible use of a cistern to collect rain water for use in irrigating the plantings.

The Commission expressed concern regarding the management of excavated materials. Paul Connolly stated that all spoils would be removed and held offsite. Clean backfill material would be brought back after construction of the subsurface footers and foundations. Chairman Fargo pointed out that since this is a City of Dover project, no Conditional Use Permit for Conservation District zoning is required.

**Ed Millman moved to endorse the application as presented. Bill McCann seconded, all voted in favor.**

4. RE: Tax Map D, Lots 17, 17C, and 18; Consideration of a request by Northeast Federal Credit Union , Mo Y. Wong, and Davis Bartol Erickson Holdings, LLC (agent: Trittech Engineering) for a State of New Hampshire Dredge and Fill permit and a City of Dover Conditional Use Permit to impact 7,798 square feet of wetland and associated wetland setback areas to construct a 4-story 80,000 square foot office building and associated parking adjacent to Northeast Credit Union on Members Way and Indian Brook Drive. A small portion of the proposed development is also located within a City of Dover Secondary Groundwater Protection District (Zoning Chapter 170-28.3).

Discussion:

Barry Gier (Trittech) and Lenny Lord (Carex Ecosystems) were present to represent the applicant, Charles Kageleiry, who was also present. The project proposes to impact a reduced 6,433 square feet of wetland and associated wetland setback area. One of the main concerns of the Commission involves the amount of impervious surface and the storm water management. The plan proposes to direct runoff water from 70% of the parking area to a subsurface infiltration system. The other 30% would require a detention area, which on the current plan is located in a wetlands area. There was a discussion about the amount of parking necessary for the building, both from the perspective of zoning regulations and marketing needs.



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Chairman Fargo noted that there is 1.5 acres of buffer encroachment which will be off set by 5 acres of protected land in a Transfer of Development Rights (TDR) plan. The Commission discussed the large amount of wetland buffer impact, noting that the Enterprise Park development plan contemplated maximizing development in non-wetland areas and offsetting such encroachments with TDR preservation requirements.

Lenny Lord discussed the pale green orchid which had been documented in a field adjacent to the project area. In 2003 only 16 orchids were found and it was noted that they were in decline due to the meadow becoming overgrown. Chairman Fargo asked if anything could be done to preserve or protect what plants might remain. Lenny believes they may be gone, however an occasional mowing may help. Chairman Fargo asked Mr. Kageleiry how he thought the area would be maintained. Mr. Kageleiry stated that it is not their preference to make that area protected, thus the plan outlines an off-site TDR. However, Mr. Kageleiry stated that he would not mind maintaining the area as a wet meadow.

Matt Taylor asked how the roof drainage was going to be handled. The roof drainage would be sent to the detention area. The Commission discussed the very small amount of project development area that falls within the Groundwater Protection District and decided that this was not an issue as most runoff will be directed away from the Smith and Cummings wells.

**Chairman Fargo moved to endorse the project with the following recommendations:**

- 1. The Commission notes that the applicant has attempted to avoid and minimize the direct impacts to wetlands by redesigning the stormwater management system to maximize subsurface infiltration. Therefore, the Commission endorses the NHDES Wetlands Permit application.**
- 2. The Commission recommends that the applicant develop a habitat maintenance plan to re-establish the wet meadow in an attempt to protect and enhance the occurrence of the rare pale green orchid.**
- 3. The Commission recommends that the land to be preserved for off-site wetlands buffer impact mitigation be contiguous with previously-preserved TDR areas associated with the Northeast Credit Union and Dover Equine Facility projects.**

**Bill McCann seconded, all voted in favor.**

*Chairman's Note: The NHDES Wetlands Bureau required further decrease in direct wetland impacts that reduced the proposed wetlands fill to 1,543 square feet.*

5. RE: Tax Map D, Lot 18; Consideration of an application by Northeast Federal Credit Union (for Bowden Dover Hospitality, LLC; Opechee Construction agent) for a preliminary environmental review of a revised site development plan that would impact areas within the City of the Dover's 50-foot wetland setback area to construct a hotel and restaurant complex adjacent to Northeast Credit Union on Members Way (off Indian Brook Drive). The proposed development is also located within a City of Dover Secondary Groundwater Protection District (Zoning Chapter 170-28.3) and proposes more than 20% lot coverage with impermeable surface.



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### Discussion:

Representing the applicant was Steve Long and Mark Woglom (Opechee), and Kevin Bowden. Chairman Fargo noted that an earlier version of this projects plan was presented to the Commission at its June 2006 meeting and that two versions of project plans had been submitted to the NHDES Site Specific Bureau, even though the City had not seen the applications. Steve Long explained that the new plan was to be less complex and less intense and the NHDES Site Specific permit would be revised accordingly. Chairman Fargo suggested that since the revision of the development plan is ongoing, the Commission's review should be regarded as preliminary. The Commission would expect to review a more complete revised plan at a future meeting.

Mr. Long continued with an overview of the project. The original U-shaped extended stay hotel is now linear in form with less impervious surface due to the structure. The Commission discussed the possible use of an infiltration basin or detention area near the rear of the site. The previously reviewed plan incorporated a subsurface infiltration system beneath the parking lot. There was discussion about whether this would be feasible. The applicant was advised to consider the requirements of the Groundwater Protection District zoning regulations (Chapter 170-28.3) when designing stormwater management plans.

Chairman Fargo noted that, as proposed, some of the restaurant is within the 50-foot wetland setback area. Fargo made reference to the VC Investments Mixed-Use project on Durham Road where the Commission recommended against such a configuration, and Planning Staff and the Planning Board required the "Coffee Shop" be located outside the setback area. The applicants and the Commission discussed the differences in the zoning requirements for both locations. Mr. Long stated they could possibly use the Transfer of Development Rights (TDR) regulations to allow this proposed use. It was noted that the applicant is looking into purchasing TDR land adjacent to the area described in the previous application. Marcia Colbath stated that the Commission has never endorsed a building within a buffer zone. Mark responded that they would work to decrease the impact of the building located in the 50-foot wetlands setback buffer.

**Chairman Fargo made a motion to table until the applicant had time to prepare revised plans that considered the Commission's comments. Bill McCann seconded, all voted in favor.**

### 6. Election of Officers

#### Discussion:

The current officers all stated they would be willing remain in their position. The Commission members were agreeable to this.

**Therefore the board voted unanimously to elect members to the following positions,**

<b>Chairman:</b>	<b>Tom Fargo</b>
<b>Vice Chairman:</b>	<b>Marcia Colbath</b>
<b>Secretary:</b>	<b>Britt Schuman</b>

### 7. New Business:



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

8. Adjournment:

**Ed Millman moved to adjourn. Bill McCann seconded, all in favor. Meeting adjourned 7:45pm.**