

**City of Dover Conservation Commission**  
Minutes for January 3, 2004 Meeting  
5:30 pm, City Hall, Council Conference Room

Members present: Tom Fargo, Chair; Marcia Colbath; Alban Lobdell; Ed Millman; Bill McCann; Dona Layton; Joyce El Kouarti; Susan Eisler (Alternate – not voting)

Also Present: Dean Peschel, City of Dover Environmental Program Manager & staff liaison

1. Approval of minutes from December 6, 2004 meeting.

**Dona Layton moved, seconded by Alban Lobdell to approve the minutes. Alban Lobdell moved to amend item #3 to reference the 13-acre portion of the site proposed for protective easement. The amendment was accepted, and the motion to approve the minutes as amended carried with all in favor except Joyce El Kouarti who abstained since she was absent from the December meeting.**

2. RE: Tax Map N, Lot 19 & 21, Considering an application by Daniel Ayer, Back Road and McKone Lane, Dover, for an environmental review regarding construction of a house within the 50-foot setback from wetlands in Phase 1 of a proposed 21-unit residential Open Space Subdivision at the subject parcels.

Discussion

Chairman Fargo gave a brief introduction by reminding members of the Commission of the issues covered during the informational discussion of the proposed project at the December 2004 meeting. The Commission is being asked to review and provide input to the Planning Board on the proposed development plan for Phase I, in which the footprint of a single home (on proposed Lot 2) would encroach into the 50-foot setback from wetlands. A Conditional Use permit may be needed to address proposed construction of a culvert on Falcon Drive where it crosses small stream channel.

Mr. Ayer gave an overview of the entire project. He reviewed site plans prepared by KEM Land Survey dated December 5, 2004. The Commission reviewed copied of each of the plans. Mr. Ayer described the yield plan, and conceptual plans for Phases II and III. In the first development phase, there would be four proposed lots off Back Road, and a fifth lot with access from McKone Lane. Phase I encompasses 5.52 acres of which 2.30 acres would be set aside as open space. The four lots created off Falcon Drive would average approximately 24,600 square feet in size, over the minimum requirement of 20,000 square feet. The lot off McKone Lane is over 41,000 square feet. There would be no direct impact to wetlands, but the building envelope for one house would encroach within the 50-ft. wetland setback area. To lessen the potential for backfill to grade into the wetland, Mr. Ayer proposed that the house would be built with a walk-out basement on the side toward the wetland.

Joyce El Kouarti asked what conservation values were being protected in the proposed open space areas. Mr. Ayer responded that the development plan is intended to preserve the existing open fields and their associated scenic views. Chairman Fargo noted that not all open space has same conservation value. Fargo pointed out that Dover adopted the Open Space Subdivision requirements following recommendations of Randall Arendt. Fargo noted that Arendt's book, *Rural By Design*, describes how developers and planners should seek to protect, as open space, those areas with the highest conservation value. He expressed concern regarding the conceptual plans for Phase II and III where the house lots are concentrated very close to the river, within the ecologically sensitive riparian zone. Fargo noted that most of these lots would provide their owners with access to the river, thereby presuming that each property owner would have the opportunity to construct a dock and accessory structures that would in turn degrade the highest value natural resource area of the site, the riverfront. Fargo pointed out that Phases II and III were configured to maximize their economic value of the waterfront lots and this is in conflict with the guidance of Randall Arendt.

Mr. Ayer responded that he was careful to configure the lots so that the building envelope for only two lots would need to fall within 250-feet of the river, the limit of the state's Shoreland Protection Zone. Fargo pointed out future waterfront lot owners would not be bound to locate their primary residential structures outside the 250-ft shoreland zone and would most likely want to place their homes as close to the river as possible. (*Chairman's note: Dover's Conservation District Ordinance establishes a minimum setback of 100-feet from mean high tide line.*)

Discussion shifted back to the issues associated with Phase I. Ed Millman asked what size building is being proposed for Lot 2, and what amount of wetland setback encroachment is necessary. Mr. Ayer responded that the plotted building envelope is approximately 30 ft. by 80 ft. The actual encroachment area is only about 10 ft. by 80 ft. and is likely to be less if a smaller house is built.

**Joyce El Kouarti moved that the Commission had no problem with proposed Lot # 2 of Phase I, with a maximum encroachment of the wetland setback of 10 ft. by 80 ft. Given current conceptual plan, the Commission asks for future reconsideration of the placement open space in the riverfront areas of Phases II and III. The motion was seconded by Ed Millman, and passed unanimously.**

*(Chairman's Note: A joint Planning Board and Conservation Commission site review of this project was held on Saturday January 22, 2005.)*

3. RE: Tax Map M, Lot 90D-10, Considering an application by Nelson Miles Cook, 14 Deborah Lane, Dover, for a Standard State of New Hampshire Dredge and Fill Permit and a City of Dover Conditional Use Permit to fill 254 square feet of wetlands to construct a 965-foot driveway, a single family home with attached 4-car garage, a 700 square foot swimming pool, and a 120-foot long fixed pier, ramp and dock at the subject parcel located on Issac Lucas Circle.

**This item was continued to a subsequent meeting on request of the applicant.**

4. Considering a request from the Dover Cable Franchise Review Committee for input on how the anticipated Comcast cable franchise renewal may be structured to better serve the needs of the Commission.

Discussion

Chairman Fargo gave a brief introduction by reading portions of a letter received from the Dover Cable Franchise Review Committee. The Commission discussed how they felt cable television service could be improved. Specifically, the Commission would like to see improved ability to tape public meetings and conservation-related presentations outside of Council Chambers for subsequent broadcast on the public access channel.

**It was agreed that the above and any additional input would be given to Chairman Fargo, who would provide data to the Dover Cable Franchise Review Committee.**

5. Informational discussion with David Sears regarding potential wetlands impacts associated with the proposed development of a 75-unit age-restricted residential Open Space Subdivision located on parcel Map G, Lot 24J, Tolend Road and Columbus Ave.

Discussion

David Sears was present to give an overview of his proposed project. He described the project with the aid of an overall site development plan.

Chairman Fargo stated that had had discussions with Mr. Sears and the consulting engineers regarding the project. Having attended the Technical Review Committee (TRC) meeting with City Staff. Fargo noted that the wetlands impact applications to the state Wetlands Bureau and the City of Dover have not yet been completed. Mr. Sears stated that the wetlands consultant had delineated wetlands on the site, but the applications were not yet finalized.

Chairman Fargo presented several issues that he had previously stated at the TRC meeting. Fargo expressed concern about so-called temporary wetland impacts associated with sewer line installation. He stated that installation of sewers have long-term implications for wetlands since ten-wheel truck access to manholes must be provided to perform routine sewer line maintenance. Such temporary impacts tend to become permanent. There were additional discussions regarding land being donated to the City for recreational and conservation purposes.

Fargo asked if the anticipated wetland impact would be greater than 10,000 square feet, in which case the NHDES Wetland Bureau would require impact mitigation. Mr. Sears stated that wetland impacts would be greater than 10,000 square feet and that the open-space acreage to be placed in conservation would greatly exceed the minimum NHDES requirements for impact mitigation.

**Further discussions were deferred to a future meeting, when the wetlands impact applications have been submitted.**

*(Chairmans Note: A joint Planning Board and Conservation Commission site review for this project was held on Saturday January 8<sup>th</sup>, at 9:00 AM.)*

6. Informational discussions with Steve Vermette (Kevin McEneaney, agent) regarding repositioning the designated non-easement building area within a 39-acre conservation easement area on a parcel of land (Map A, Lot 36) located off Parson's Lane. The Commission accepted the conservation easement as part of an open space development plan in October 2001.

Discussion

Kevin McEneaney was present to give an overview of a potential lot line adjustment and an associated re-configuration of the conservation easement area . He described the project with the aid of a draft site plan. On the plan, the non-easement building area would be reflected across a repositioned lot line. The purpose for making this change would be to preserve an unobstructed view from the home currently owned by Steve Vermette. It was noted that the current non-easement building area was configured to allow development in a previously disturbed soil borrow area. Now that this area has been cleaned up and is becoming re-vegetated, the building area might be repositioned to have less impact to the viewsheds on the property. Joyce El Kouarti expressed concern about the precedent of allowing conservation easements to be modified. Chairman Fargo noted that this easement was "donated" to the City. Fargo also stated that he had no problem with changes, if conservation features would be better protected by reconfiguring the non-easement building area.

**Further discussions were deferred to a future meeting, following a site review. A site review for this proposal was scheduled for Saturday January 8<sup>th</sup>, at 10:30 AM.**

7. New Business:

- **Election of Officers**, the following slate of officers were nominated, as discussed at the December 2004 meeting: Tom Fargo, Chair; Marcia Colbath, Vice Chair, Bill McCann, Secretary.

**Joyce El Kouarti moved to elect the officers, seconded by Dona Layton, motion carried and the officers were elected.**

8. Adjournment:

**On a motion by Dona Layton seconded by Marcia Colbath, with all in favor the meeting adjourned at 7:20 p.m.**