

**City of Dover Conservation Commission**  
Minutes for May 16, 2005 “Extra” Meeting;  
5:30 pm, City Hall, Council Conference Room

Commission Members Present: Tom Fargo, Chair; Bill McCann, Secretary; Marcia Colbath, Vice Chair;  
Dona Layton; Alban Lobdell; Ed Millman; Susan Eisler

1. Approval of minutes from May 2, 2005 meeting Chair Fargo asked that Minutes be deferred
2. RE: Tax Map A, Lots 15 and 16, Further consideration of an application by Robbins, Brown & Westcott, LLC., 24 Varney Road Extension, Dover, for a Standard State of New Hampshire Dredge and Fill Permit and a City of Dover Conditional Use Permit to impact 6,971 square feet of wetlands to construct an 11-lot residential Open Space Subdivision located off Long Hill Road and Picard Lane. Ian ---- made a presentation. Discussion of Conservation Easement by Homeowners Assoc. Marcia Colbath moved to endorse dredge & fill permit and approve conservation easement, seconded by Susan Eisler. Alban Lobdell moved to amend by adding that Chair establishes standards for limited access, seconded by Bill McCann, amended adopted with all in favor. Motion as amended adopted with all in favor.

Chairman Fargo left the meeting at 5:45 pm.

3. RE: Tax Map N, Lot 8-3, Considering an application by Woodwind Farms, LLC., 278 Gulf Road, Dover, for a Standard State of New Hampshire Dredge and Fill Permit and a City of Dover Conditional Use Permit to impact 5,823 square feet of wetlands to construct a private roadway for a 5-lot residential Open Space Subdivision located at the subject address. Applicant also proposes construction in a Conservation District (>20% slope) area and within the 50-ft. setback from wetlands. This is tied to #4 with material still going to TRC.
4. RE: Tax Map N, Lot 8-2, Considering an application by David Della Penta, 6 Dancers Image Lane, North Hampton, NH, for a Standard State of New Hampshire Dredge and Fill Permit and a City of Dover Conditional Use Permit to impact 1,870 square feet of wetlands to construct a driveway for a private residence to be located off Gulf Road. Questions raised about roadway issues, culverts and 1/25/05 PB approval. Jim Schulte spoke on the issue. Chris Boldt spoke on matter. Motion by Ed Millman to refer 3+4 subject to TRC and Planning Board site walk with copies of tonight’s minutes, seconded by Alban Lobdell, motion carried with all in favor.
5. RE: Tax Map M, Lots 102-6 and 105, Considering an application by Rene R. and Elizabeth H. Dubois, 3 Emery Lane, Dover for an Expedited Minimum Impact State of New Hampshire Dredge and Fill Permit and a City of Dover Conditional Use Permit to fill 600 square feet of wetlands to construct a driveway for a private residence to be located off Back Road near the intersection with Emery Lane. Doug LaRosa made a presentation on behalf of applicant. Ed Millman moved to recommend as submitted, seconded by Dona Layton, motion carried with all in favor.
6. RE: Tax Map 20, Lot 114-8, Considering an application by Frank and Beth Arroyo, 13 Cobble Hill Drive, Dover for an **after-the-fact** Conditional Use Permit to alter the ground surface within 50-feet of a perennial stream. Bill McCann moved to recommend the Permit with existing sod to be stabilized, seconded by Susan Eisler, motion carried with all in favor.
7. RE: Tax Map M, Lot 101, Considering an application by Barry Williams, 196 Middle Road, Dover, for an **after-the fact** Standard State of New Hampshire Dredge and Fill Permit and a City of Dover

Conditional Use Permit to impact \_ square feet of wetlands to construct a driveway for a three-unit residential subdivision to be located off Middle Road. The plan as amended was presented. Ed Millman moved to recommend the concept and document as amended, seconded by Dona Layton, motion carried with all in favor.

8. Considering a request from the Open Lands Committee to review a draft "Memorandum of Understanding" (attached) and an associated authorization of appraisal expenses for a confidential land protection project. Dona Layton moved to go into non-public session to discuss land acquisition, seconded by Bill McCann

Roll Call:

Colbath	yes
McCann	yes
Layton	yes
Lobdell	yes
Millman	yes
Eisler	yes

Commission went into non-public session at 7:05 pm.

Commission reconvened in public session at 7:28 pm.

Ed Millman made a motion that failed for lack of a second.

Bill McCann moved to approve a conservation appraisal for parcel # 2 at a price not to exceed \$5000.00  
Motion seconded by Dona Layton, motion carried with all in favor.

## 9. Adjournment

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Ed Millman moved to adjourn, seconded by Bill McCann, motion carried with all in favor.

Meeting adjourned.

MEMORANDUM OF UNDERSTANDING

Between
THE CITY OF DOVER, AS GRANTEE
and

\_\_\_\_\_, THE OWNER OF \_\_\_\_\_ (the "Property"), AS GRANTOR.

This memorandum of understanding is a non-binding statement of mutual interest that describes potential terms for such purchase/sale contract.

WHEREAS,

- 1. Grantor is the owner of the Property located at \_\_\_\_\_ in the City of Dover; and
2. The Grantor desires to permanently protect the property from development and in doing so seeks reasonable compensation from the Grantee;
3. The property possesses conservation features of significant public benefit to the City of Dover, including watershed and water quality protection, significant agricultural soils, scenic views from public road and/or waterways, recreational value, wildlife habit, as outlined in the 2000 Open Space Recreation and Natural Resources Master Plans; and
4. The City of Dover, contingent upon the approval of the City Council, desires the purchase of a conservation easement on the subject Property from the Grantor by the Grantee; and
5. Said purchase is to be financed from the City's Conservation Fund, the sale of municipal bonds and/or bond anticipation notes by the Grantee; and/or through federal, state, county and other grants that may be received by the Grantor subject to approval by the Council; and
6. The Grantor and Grantee agree upon the initial terms of the purchase/sale of the conservation easement and remaining rights on the Property; therefore,

IT IS HEREBY AGREED by and between the Grantor and Grantee as follows:

- 1. The Grantor and Grantee agree that the fair market value of the conservation easement will be established by a real property appraisal to be performed on the property by a qualified professional appraiser as an independent contractor.
2. The parties agree that the actual purchase/sale is conditioned upon final approval of the Grantor,
3. The parties agree that the actual purchase/sale is conditioned upon the Grantee securing final approval of local funding by the Dover City Council, among other contingencies, and
4. The parties agree that this memorandum of understanding is not a contract but a statement of intent to provide all parties with adequate information to take the next steps required to formulate a contract, and that there is no obligation by either party to execute any contract, and that the actual purchase/sale closing is subject to final agreement on the normal terms and conditions inherent in every real estate transaction.

City of Dover (Grantee) Date Owner of the subject Property (Grantor) Date