

City of Dover Conservation Commission
Minutes for June 20, 2005 Meeting
5:30 pm, City Hall, Council Conference Room

Members present: Tom Fargo, Chair; Marcia Colbath; Ed Millman; Dona Layton; Susan Eisler

Members absent: Bill McCann; Alban Lobdell

Also present: James Gaynor, abutter to Liberty Mutual (Map E, Lot 27A)

1. Approval of minutes from May 2, 2005 meeting.
2. Approval of minutes from May 16, 2005 meeting.
3. Approval of minutes from June 6, 2005 meeting.

Chairman Fargo suggested that discussion of minutes be deferred until after the Liberty Mutual project review. The Commission agreed.

4. RE: Tax Map M, Lot 101, Considering an application by Liberty Mutual Insurance Company, 175 Berkley Street, Boston, MA 02116, for a Standard State of New Hampshire Dredge and Fill Permit and a City of Dover Conditional Use Permit to impact 42,167 square feet of wetlands to construct a 350,000 square foot office building and 1,700 space parking lot off Indian Brook Drive and Sixth Street.

Discussion

Attorney McNeil started discussions by introducing representatives of the applicant, Liberty Mutual. Attorney Mc Neil introduced Dan Guinn, of Meredith and Grew Real Estate Services, Gordon Leedy and Peter Walker, Landscape Architect and Environmental Specialist, respectively, for VHB, the primary engineering firm. Mr. Leedy presented an overview of the project relative to the wetlands impact application for the state and also the Conditional Use application for the City of Dover. The Commission had previously heard a similar overview during the informational presentation on June 6, 2005. Chairman Fargo had requested that Commission members review the application materials submitted to the NHDES Wetlands Bureau during the two-week period before tonight's meeting.

Mr. Leedy then detailed of the wetlands impacts described in the applications to the NHDES and City of Dover. The proposed 350,000 square foot building and 1,700-space parking lot with associated roadways will require the filling of 42,167 square feet of wetlands (roughly one acre).

The Commission discussed the various aspects of the project in a roundtable fashion. Discussions have been documented herein by topic. Chairman Fargo also stated for the record that his wife works for Liberty Mutual and will likely be transferred to the new facility when it is built. Fargo stated that he had the Planning Director and City Attorney review his situation relative to conflict of interest. He was advised that he could lead discussions but that he should not vote. Attorney Mc Neil concurred on behalf of the applicant. Fargo also noted that the Commission is reviewing a plan that has not been through Technical Review Committee (TRC) review, nor accepted by the Planning Board, and some changes may subsequently be made to the plan as it progresses through review.

Wetlands Impacts

Mr. Leedy described the wetlands at the site as consisting of two types of wetlands, those associated with the Indian Brook drainage system and isolated wetlands that have developed within discontinuous depressions on the bedrock surface. The former were characterized as the more significant wetlands, providing greater functions and values. The latter, which are proposed to be filled to enable development, were characterized as less significant. The proposed impact to wetlands associated with Indian Brook is limited to a bridge for the primary vehicular access to the site. This bridge is proposed as a 30-ft span open-bottom culvert that would provide minimal restriction of water flow. Existing culverts both upstream and down from this bridge and smaller in size.

Approximately one acre of wetlands is proposed to be filled in the area of the building and parking area footprint. The applicant is required by NHDES to mitigate impacts greater than 10,000 square feet. The mitigation proposed is to establish a conservation easement on an area consisting of wetland and upland. Protective easements must cover at least 10-times the area that is impacted. The applicant has delineated approximately 10-acres of land along the Cocheco River and Indian Brook that will be placed under easement. The Commission discussed accepting stewardship responsibilities for this land.

The applicant expressed a desire to have the Commission endorse several proposed encroachments into the City of Dover's 50-foot setback from wetlands. Chairman Fargo suggested that since this proposal regards a lot of record, established before the setback requirement, a Conditional Use permit for such encroachments might not be needed. The applicants stated that Planning Staff had advised them to seek the Commission's endorsement for this regulatory review. Fargo stated that precedent had been established in the ETP and TDR zones for allowing encroachment into wetlands setbacks for grading and drainage improvements for both the Churchill Medical and Measured Progress projects. The justification is that use of uplands should be maximized in these areas in consideration of the permanent preservation of wetlands areas through conservation easements.

Stormwater Management

According to the application materials, the project will result in the construction of approximately 14.2 acres of impervious surface. Mr. Leedy described the components of the stormwater management system. He stated that all precipitation that falls within the developed area will be directed to a closed drainage system. This system was sized to handle a 10-year storm. The parking lot and roadway runoff will enter the system through deep sump catch basins. The water will then pass through Vortech® hydrodynamic separators and will then be conveyed to subsurface storage galleries consisting of 48-inch diameter perforated pipes. Some of the water will be discharged to groundwater from the galleries, the overflow will discharge to a detention basin and treatment swales, which then discharges through a weir to be constructed over the abandoned railroad bed. The discharge will then be directed to a wetland area adjacent to the Cochecho River. Roof drains will discharge directly to the detention basin.

Susan Eisler asked: "Will snow be trucked off-site?", expressing a concern about deicing salt. Mr. Leedy stated that with the exception of large storms, snow will be managed on-site with the snowmelt being directed to the stormwater management system. Chairman Fargo noted that he has observed deicing salt used liberally at Liberty Mutual's existing facilities and that salt will pass right through proposed drainage system. He stated that the NHDES Watershed Protection division is becoming more concerned about the aquatic toxicity of chloride as more water quality monitoring is revealing significant chloride concentrations in runoff during the late winter and early spring. Peter Walker stated that he was aware of the growing concerns, as VHB is working on chloride pollution issues along the I-93 corridor for NHDOT. Fargo asked if there was guidance for maximizing the effectiveness of deicing salts that might allow Liberty Mutual to reduce the total amount that is used. Mr. Leedy stated that there are no real guidelines available. Mr. Quinn stated that this issue was discussed with the property manager following the June 6th meeting and Liberty Mutual has committed to reducing excessive salt.

Chairman Fargo started discussion about non-structural best management practices to limit pollution runoff. The practices should include parking lot sweeping, catch basin cleaning, maintenance of the subsurface storage galleries and the detention basin. Fargo stated that as part of Dover's EPA-mandated Phase II storm water management plan, the City has requested that applicants for similar projects prepare a stormwater management system operations and maintenance plan that includes annual reporting to the Environmental Program Division. Fargo suggested that such a plan should apply to existing facilities at the Liberty Mutual campus. Both Attorney McNeil and Mr. Leedy expressed significant reservations about re-engineering the stormwater management system at the existing facilities. Following discussion, Fargo explained that he wasn't looking for the applicant to upgrade the structural components at the existing facilities, but that he felt that following a consistent program for reducing runoff pollutants and verifying the periodic maintenance of stormwater management facilities should be instituted campus-wide. The applicant agreed to look at this issue site-wide.

Mr. James Gaynor, an abutter to the project, was given an opportunity to provide input. Mr. Gaynor stated that he was concerned about the total amount of impervious surface proposed and asked if the applicant could increase the amount of parking deck space. Mr. Leedy explained that VHB had analyzed the parking requirements thoroughly and were using Liberty Mutual's current requirements as a basis for total number of parking spaces in the plan. The anticipated 2,050 employees will require approximately 0.85 spaces per employee, based on current needs, or approximately 1,700 spaces. Dover's zoning requires 1,400 parking spaces for the 350,000 square foot office building. Fargo noted that he has observed that parking is in short supply at Liberty Mutual's existing facilities due in part to the many non-employee consultants that routinely work on-site. Regarding an expansion of the parking deck, Mr. Leedy explained that many factors went into sizing the deck. A primary design factor is to access the structure from at-grade entrances and exits so that internal ramps would not be needed. This would significantly affect the construction cost and safety issues such as ventilation. The proposed size of the deck represents a maximization of parking spaces while minimizing cost and safety issues. Fargo noted that the Commission's discussions at the June 6th meeting had focused on possible ways to reduce parking requirements, such as Liberty Mutual's partnership in promoting transit and possible shuttle services to the proposed park & ride lot on Indian Brook Drive, as well as facilitating non-motorized modes of

transportation such as bicycle trails. Fargo also stated that Mr. Gaynor should understand that the Conservation Commission is an advisory board, without regulatory powers, and that he could bring his concerns the Planning Board.

Mr. Gaynor, Ed Millman, and Dona Layton expressed additional concerns of regarding the amount of impervious surface proposed. Mr. Leedy responded to their concerns by stating that even though approximately 14.2 acres would be covered, significant areas of land adjacent to the development site will be preserved in a natural state through conservation easement. Of the approximate 25-acre area of the Liberty Mutual property within the development site bounds, approximately 40% will remain open and undeveloped. Chairman Fargo suggested that phase lines could be delineated to reflect this statement. Attorney McNeil stated that the ETP zone was established by the City with the purpose of promoting balanced land use. Marcia Colbath concurred by stating that commercial development can be more environmentally sensitive than residential development.

Public Access Trail

Chairman Fargo noted that the response #10 on page four of the NHDES Wetlands Bureau application is incorrect. There is a public access trail that passes through the site. Fargo cited condition #4 of the March 12, 1996 Dover Planning Board approval of Liberty Mutual's original project, as well as a June 2000 Strafford Regional Planning Commission local planning priority document, that established both the right of way and long-term plan (respectively) to develop a trail on the former railroad bed. Attorney McNeil conceded that public access to the former railroad bed was agreed to by the applicant in 1996, but has not yet been realized due to the inability of the public to access the trail from locations other than Liberty Mutual's facilities. Fargo noted that the City had recently secured an access agreement from the NHDOT to cross under the Spaulding Turnpike and is also negotiating with Measured Progress for access from the Watson Road end. Marcia Colbath stated a concern with the ability of pedestrians or horses to cross the proposed weir structure for the stormwater discharge. Commission members want to be sure that this structure will not present an impediment to using the trail, even in inclement weather.

Landscaping

Susan Eisler reiterated her concern, expressed at the June 6th informational presentation regarding limiting pesticide and fertilizer run off. She suggested planting a more natural landscaping scheme. The applicant re-stated that Liberty Mutual has expectations for a certain level of a more formal or manicured landscape, in keeping with other corporate installations. The proposed plantings do become less formal away from the buildings.

Marcia Colbath moved, seconded by Dona Layton, the following motion:

The Commission endorses the NHDES dredge and fill permit application with the following recommendations:

- **The applicant will amend the NHDES application response #10 on page 4 to reflect the fact that a public access trail exists and will be impacted by the project.**
- **The applicant will prepare a stormwater management system operations and maintenance plan that will address reasonable limitations on the application of deicing salts, the management of snow stockpiles within the catchment of the stormwater management system, the periodic cleaning of paved surfaces, the periodic maintenance of stormwater management system components, and the annual reporting of maintenance activities to the City of Dover Community Services Department, Environmental Division.**
- **The applicant will establish a Conservation Easement as wetlands impact mitigation as outlined in the NHDES Wetlands Bureau application. The Conservation Commission is willing to accept stewardship responsibility for said easement.**
- **Finally, the Commission recommends that the non-structural best management practices for stormwater management (the operations and maintenance plan noted above) be instituted at Liberty Mutual's existing facilities at its Sixth Street campus.**

The motion carried with all in favor, with Chairman Fargo abstaining from voting.

In a separate motion by Susan Eisler, seconded by Dona Layton, the Commission voted to endorse a Conditional Use application for the proposed encroachments into the City of Dover's 50-foot setback from wetlands with the recommendation that the applicant document the restoration of any impacted areas in a report to the Commission and Planning Department.

Items 1 through 3: Approval of minutes

Chairman Fargo stated that the minutes were not yet in a form he felt comfortable approving. Detail is lacking, particularly for the June 16th meeting that he had to leave early. It was agreed to finalize the minutes for approval at the July 11th meeting.

5. New Business:

- Fargo stated that he had secured invitations for Commission members to tour the UNH CSTEVE (stormwater) research facility on July 6th. Marcia, Ed and Tom to attend.
- Marcia noted that she and Tom presented several concerns regarding gravel extraction operations at the June 16th Planning Board meeting.

6. Adjournment:

Motion to adjourn by Ed Millman, seconded by Susan Eisler, motion carried all in favor. The Commission adjourned at 7:20 PM.