

**City of Dover Conservation Commission**  
Minutes for July 11, 2005 Meeting  
5:30 pm, Trustee Room, Dover Public Library

Members present: Tom Fargo, Chair; Marcia Colbath, Vice Chair; Bill McCann, Secretary; Ed Millman

Members absent: Alban Lobdell; Dona Layton; Susan Eisler

Also absent: Dean Peschel, City of Dover Environmental Program Manager & Staff liaison

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.
4. Approval of minutes from June 20, 2005 meeting.

*Chairman Fargo suggested that discussion and adoption of minutes be deferred until after the applicants' project reviews. The Commission agreed.*

5. RE: Tax Map N, Lot 8-3, Further consideration of 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.

*(Review was tabled at May 16, 2005 meeting for further information.)*

Discussion

Chairman Fargo started discussions by reviewing the status of the application's review. Fargo stated that he had notified the NHDES Wetlands Bureau that the Commission had tabled action on the application until issues related to impact avoidance could be better defined by the City and the applicant. Fargo reminded the Commission about the May 16<sup>th</sup> meeting when there was discussion about a previously approved right of way to the subject parcel. Fargo indicated the Commission's concurrence to "remove this item from the table" for further evaluation.

Dana Lynch, of Civilworks, then reviewed the specifics of the application. The proposal is to subdivide the parcel into five approximate one-acre lots and set aside approximately 3.5 acres as common open space. Each lot will have individual septic systems. A shared community water supply well will be drilled in the common open space to service all five houses. The proposed roadway will be private, not a City street.

Mr. Lynch stated that the proposed impact to wetland area #1 (associated with the entrance to the subdivision from Gulf Road) has been reduced from 4,087 square feet to 3,300 square feet, in part because of the proposed use of 8-ft high retaining walls on the side slopes of the roadway. A 2-ft by 6-ft box culvert will be used in construction of the crossing. Mr. Lynch stated that the NHDOT has issued a permit for the roadway at the proposed location. Wetland impact area #2 (associated with the roadway construction) has been increased from 1,738 square feet to 2,320 square feet, in part because of the proposed use of a rip-rap aprons at the ends of the culvert. New wetland impact areas #3 and 4 are due to slight changes the culvert on the access road for the well, accounting for a combined impact of 130 square feet. In total, the proposed wetland impact decreases from 5,823 square feet (as originally proposed) to 5,742 square feet.

Mr. Lynch then started discussion on the relative impacts for two alternatives that would utilize the previously-approved right of way (Dover Planning Board, January 2005), as compared to the proposed alternative described previously. This comparison is documented in tabular form in a July 7, 2005 letter to the Commission that was also transmitted to the NHDES. Mr. Lynch demonstrated to the Commission that in the categories of wetland impact, earth disturbance, 20% slope impact, wetland "buffer" impact, Conservation District impact (surface water setbacks), dam permitting issues, and several other zoning regulations and engineering considerations, the proposed alternative is the least impacting.

Ed Millman asked why the impacts associated with the right-of-way, as approved in January 2005 by the Planning Board, had not been better assessed. Mr. Lynch replied that the right-of-way might have worked OK for a single house lot, it was inadequate for the proposed five-lot subdivision. The proposal will essentially abandon the recorded access easement for the

previously approved right-of-way. Marcia Colbath asked about the differences in road length and width (related to impervious surface) for the various alternatives. Mr. Lynch stated that the road length for the proposal is slightly over 1,000 ft. Alternatives "A" and "B" that would utilize the right-of-way would be 1,375 and 1,483 ft., respectively, requiring significantly more impervious surface. Bill McCann asked about the wetland and Conservation District impacts that would be associated with building a roadway across the pond dam. Mr. Lynch explained that there currently is a substandard road across the dam but it would be inadequate to handle the load of construction vehicles and increased traffic for a subdivision. In order to upgrade the road, the dam would need to be rebuilt requiring a permit from the NHDES Dam Bureau and substantial impacts to wetlands near the pond and its outlet.

**Ed Millman made a motion to review the Della Penta project before concluding the review of the Woodwind Farm application, since the Della Penta application depends on latter for its primary access, Bill McCann seconded, all in favor.**

6. RE: Tax Map N, Lot 8-2, Further consideration of 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.

*(Review was tabled at May 16, 2005 meeting for further information.)*

#### Discussion

Fargo indicated the Commission's concurrence to "remove this item from the table" for further evaluation. Dana Lynch, of Civilworks, then reviewed the specifics of this application. The proposal is to construct a large single family home on an existing cleared patch of land set back at least 100-feet back from the river. The house would fall within the State's 250 ft. Shoreland Protection Zone, but all construction would be outside the required 100 ft. setback for both the State's and City's regulations. The proposed driveway will cross a wetland, requiring the approval of a permit to fill 1,870 square feet.

Ed Millman asked if the wetland impact would be required if the driveway followed the right-of-way approved by the Planning Board in January 2005. Mr. Lynch stated that the impact would actually be greater if the driveway followed the right-of-way. Ed asked how much impervious surface is proposed and how water runoff would be handled. Mr. Lynch replied that approximately 15,000 square feet of impervious paving would be needed. The runoff in the area of the house will be directed away from the river through a treatment swale. Ed suggested that the applicant consider the use pervious paving, explaining that several Commission members had seen it in use during a recent tour of the UNH CSTEVE facility. The advantages of pervious paving were discussed.

Tom Fargo expressed a concern about the applicant following the requirements of the Shoreland Protection Act for the preservation of the forested buffer. Mr. Lynch explained that the applicant has worked closely with a landscape architect to ensure that views of the river will not require additional tree cutting. Notations on the site plan specifically limit tree cutting.

#### **RE: Woodwind Farms**

**Marcia Colbath made a motion , seconded by Bill McCann, to endorse the project as presented. Ed Millman offered an amendment to recommend that appropriate soil erosion and sediment runoff prevention measures be specified for the construction in sloped areas in the vicinity of wetland impact area #1. The amendment was approved unanimously as was the amended motion.**

#### **RE: Della Penta**

**Marcia Colbath made a motion , seconded by Bill McCann, to endorse the project as presented. Ed Millman offered an amendment to recommend that the applicant consider the use of pervious asphalt paving. The amendment was approved unanimously as was the amended motion.**

7. RE: Tax Map 31, Lot 4-D, Further consideration of an application by Summit Land Development, P.O. Box 186, Dover, NH, for a Expedited Minimum Impact State of New Hampshire Dredge and Fill Permit and a City of Dover Conditional Use Permit to fill 1,094 square feet of wetlands to construct a 13-unit residential development along the Cochecho River between Third and Fourth streets. Development also impacts Dover's Conservation District for development on slopes greater than 20% and within a 100-foot setback from the river.

## Discussion

Chairman Fargo noted that this project was originally reviewed by the Commission in April 2005. He confirmed that the State Dredge and Fill Permit application had not yet been submitted to the NHDES Wetlands Bureau.

Doug La Rosa, of Tritech Engineering, explained that the applicant had reconfigured the development plans, making substantial changes to the project. The applicant had made the revisions to appeal to a higher-end market and at the same time the changes also reduced environmental impacts. The number of units has been reduced from 16 in three buildings to 13 in six buildings. The six buildings have been repositioned in a way that allows a more natural drainage plan, such as avoiding the construction of a large retaining wall along the river side of the units. The amount of impervious surface of the previously proposed parking lot has been reduced by providing garages and individual driveways for ten of the units. Total wetlands impact has been reduced from 1,145 square feet to 1,094 square feet. Piping of the stormwater management system has been reconfigured to eliminate the previously proposed plunge pool.

Chairman Fargo read the previously approved motion from April 2005:

*“A motion was made by Ed Millman; seconded by Marcia Colbath; that the Commission endorse the plan for the wetland impact to NHDES. The Commission recommends that the applicant provide a stormwater management system inspection and maintenance plan to the City of Dover as part of the soil erosion and runoff control plan required by 170-27 C2a.”*

The Commission expressed satisfaction that the proposed changes in the development plan will result in less environmental impact and the building would fit better into the environment. There was discussion about the landscaping plan, as the plantings were recognized as an integral part of both the stormwater management system and the site's erosion control measures.

**A new motion was made by Ed Millman; seconded by Marcia Colbath; that the Commission endorses the application for the wetland impact to NHDES. The Commission reiterated its recommendation that the applicant provide a stormwater management system inspection and maintenance plan to the City of Dover as part of the soil erosion and runoff control plan required by zoning ordinance 170-27 C2a. The inspection and maintenance plan should include landscape maintenance requirements for the Homeowners Association since landscaping represents an integral part of the stormwater management system and the site's erosion control measures.**

Return to Items 1-4, approval of minutes.

Chairman Fargo stated that he had made some revisions to draft minutes for the May 2, June 6, and June 20 meetings. He said that since he wasn't present for the entire May 16<sup>th</sup> meeting, he was unable to provide clarification where the minutes were uncharacteristically brief. Marcia Colbath noted that the May 16<sup>th</sup> minutes were accurate as is.

**A motion was made by Marcia Colbath, seconded by Bill McCann to approve the four sets of minutes, May 2, May 16, June 6, and June 20 as is. The motion passed.**

## 5. New Business:

- Marcia noted that Planning Board had revoked the operating permit for gravel extraction operations at the Tyra pit. The owners had recently withdrawn their application for appeal of this action from the ZBA.

## 6. Adjournment:

**Motion to adjourn by Ed Millman, seconded by Bill McCann, motion carried all in favor. The Commission adjourned at 7:10 PM.**