

City of Dover Conservation Commission
Minutes for October 3, 2005 Meeting;
5:30 pm, Council Conference Room, City Hall, Second Floor

Public Hearing

In accordance with RSA 36-A:5, the Dover Conservation Commission held a Public Hearing for the purpose of receiving input on a proposal (endorsed by the Open Lands Committee) to authorize an expenditure from the Conservation Fund to purchase a **Conservation Easement** on a 38.7-acre portion of two larger parcels of land located at 181 and 203 County Farm Cross Road. The parcels are owned by or under agreement to Winning Ways Stable, Inc. and are known as Map B, Lots 17 & 17B on the Dover tax maps.

Chairman Fargo opened the Public Hearing at 5:32 PM by welcoming all interested parties. Fargo gave a brief overview of the process through which the funds may be expended. Fargo stated that the public will have an additional opportunity to provide input at a subsequent Dover City Council meeting.

Joyce El Kouarti, Open Lands Committee member and Manager for this land protection project, described the attributes of the property that led to the Open Lands Committee's recommendation that the expenditure should be made.

Steve Bird, City Planner and staff assistant to the Open Lands Committee, described the process of appraising the property and how the purchase price (\$400,000) of the conservation easement was determined.

Phyllis Smith Pierce, a resident of County Farm Cross Road, spoke in favor of the project. Bob Callahan, of 147 County Farm Cross Road, stated that he was very much in favor of protecting the land.

Chairman Fargo closed the public hearing at 5:41 PM.

Regular Monthly Meeting

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

1. Approval of minutes from September 12, 2005 meeting.

Chairman Fargo stated that he had not had an opportunity to edit the draft minutes provided by Bill McCann. Fargo explained that there was some information that needed to be clarified in the draft minutes for the September 12th public hearing. He suggested that review and approval of the minutes be continued to the November meeting.

Ed Millman moved to table the approval of the minutes. Motion seconded by Susan Eisler and carried with all in favor.

2. Possible vote on recommending expenditures from the Conservation Fund for the land protection project described during the Public Hearing.

Discussion:

The Commission discussed a recommendation for the expenditure from the Conservation Fund. Ed Millman had some questions related to RSA 36A:5 and the future limitations for development that would be placed on the land. It was discussed that the owner intended to subdivide the unprotected portion of the property near County Farm Cross Road, but the back portions would be available for public use.

Susan Eisler moved, seconded by Bill McCann to recommend an expenditure of \$400,000 to purchase a conservation easement on 38.7 acres. Motion carried with all in favor.

3. Considering a request from the City of Dover Planning Department for approval of an expenditure from the Conservation Fund to complete a survey of land owned by Downeast Energy (located on Fourth Street) to facilitate the recording of a Conservation and Trail Access Easement along the Cochecho River.

Discussion:

Commission discussed a request from Planning Department to approve expenditure from The Conservation Fund to complete a survey on land of Downeast Energy. Steve Bird stated that an agreement is under negotiation regarding this property that will provide public access from Fourth Street to a trail easement already in place on the Sixth Street Station condominium property. The trail easement will be part of the trail system that parallels the north side of the Cochecho River to Whittier Street, then to Watson Road. The survey will allow the public access agreement to be finalized.

Marcia Colbath moved, seconded by Alban Lobdell to authorize an expenditure of \$2,000 for the survey. Motion carried with all in favor.

4. RE: Tax Map 38, Lots 6A-4 and 6A-2, Consideration of an application by NP Dover, LLC., 532 Page Street, Stoughton, MA, 02072, for a City of Dover Conditional Use Permit to construct a proposed 5,750 square foot restaurant and associated parking lot located Central Ave in front of the Shaw's Plaza. The proposed construction will result in greater than 20% lot coverage within a Secondary Groundwater Protection Zone and requires a Conditional Use Permit per Zoning Code 170-28.3 D (5).

Discussion:

Jennifer Verrango, of Appledore Engineering, made a presentation describing the proposed project. The Commission reviewed site plans. Chairman Fargo stated that the Commission is obligated to review the project for the Conditional Use Permit associated with construction in the City's Secondary Groundwater Protection Zone. The issue is the protection of groundwater quality and quantity (recharge capacity). Chairman Fargo stated that he had attended the Technical Review Committee meeting where the project was discussed. At the TRC meeting, the City's Engineering Department had requested the applicant to recharge stormwater on-site. The applicant is currently conducting field test designed to reveal the feasibility of installing a stormwater recharge system involving an analysis of the recharge capacity of the soils. There was some discussion about the feasibility of using pervious asphalt in the project. Ms. Verrango stated that her company had looked at the appropriateness of pervious asphalt in the proposed application and had concluded that it was not a workable alternative.

Dona Layton moved, seconded by Marcia Colbath to endorse the request for a Conditional Use Permit with the recommendation that: 1) the applicant will engineer a stormwater infiltration system to the satisfaction of the Engineering Department, and 2) the applicant will implement an operational maintenance plan for the stormwater management system including routine inspection and reporting to the City. Ed Millman had a question, which was answered. Motion carried with all in favor.

5. Discussion and preliminary review of eight applications for State of New Hampshire Standard Dredge and Fill Permits for constructing new (or removal of collapsed) boat docks at the following locations:
- Map N, Lot 22C-7, Owner: Mark Uhlar, Gerry's Landing, construct fixed pier, ramp and float, Cochecho River.
 - Map L, Lot 40-23, Owner: Jack MacLatchy, 147 Spur Rd, construct fixed pier, ramp and float, Bellamy River.
 - Map L, Lot 95L, Owner: Leo Bosse, 10A Roberts Road, construct fixed pier, ramp and float, Piscataqua River.
 - Map L, Lot 95-1A, Owner: Russell Lyon, 19 Landing Way, construct fixed pier, ramp and float, Piscataqua.
 - Map M, Lot 90D-10, Owner: Miles Cook, Isaac Lucas Circle, construct fixed pier, ramp and float, Piscataqua.
 - Map N, Lot 8A, Owner: Montgomery Childs, 287 Gulf Rd, construct fixed pier, ramp and float, Cochecho River.
 - Map N, Lot 8-2, Owner: David Della Penta, off Gulf Rd, construct fixed pier, ramp and float, Cochecho River.
 - Map I, Lot 2, Owner: Tideview Condominiums, Shaw's Lane, remove collapsed concrete pier, Bellamy River.

Chairman Fargo gave a brief overview of the above-listed applications. Fargo stated that Glen Normandeau, of Pickering Marine, was not available to provide details, so he suggested that the applications be reviewed at the November 2005 meeting.

6. New Business:

- Dean Peschel, Dover Environmental Program Manager, presented an overview of a pending application by NH Fish and Game to dredge approximately 1,250 cubic yards of sediment from the upstream end of the lower falls

fish ladder in the Cochecho River. The plan is to place the sediment in the dredge spoil cell that was built for material dredged by the Army Corps from the tidal portion of the river. Siltation near the upstream end of the fish ladder is impeding the movement of anadromus fish. The river level will be lowered by diverting water around the dam prior to the dredging.

Alban Lobdell, moved to endorse the Standard Dredge and Fill Permit application when it is completed by NH Fish & Game. The motion was seconded by Susan Eisler, and carried with all in favor.

- October 4, 5:30 PM: A site review, with Planning Board, is scheduled regarding the application by Raymond J. Martineau, Jr. for two proposed congregate care facilities to be located off Back River Road (Tax Map I, Lot 56). *(The Commission tabled action on this application on August 1st, pending this site review.)*
- October 18, 7:00 PM: A proposed Workshop Meeting with Planning Board to discuss issues related to development encroachments into the 50-foot setback from wetlands (Zoning Code 170-27.1 G 1).
- Concerns of the Commission *(Open to input from all Commission members.)*

7. Adjournment:

**Bill McCann moved, seconded by Ed Millman to adjourn. Motion carried with all in favor.
Meeting adjourned at 7:03 p.m.**