

**City of Dover Conservation Commission**  
Minutes for November 7, 2005 Meeting;  
5:30 pm, Council Conference Room, City Hall, Second Floor

**Public Hearing**

The Dover Conservation Commission held a Public Hearing for the purpose of receiving input on a proposal to expend bond funds from FY04 & FY05 to purchase a ***Conservation Easement*** on a 64.5-acre portion of four parcels of land totaling 142 acres located Dover Point Road and Middle Road. The parcels are known as Map M, Lots 52, 53-A & 54 and Map L, Lot 1 on the Dover tax maps and are owned by William Penn Tuttle III.

Chairman Fargo opened the Public Hearing at 5:32 PM by welcoming all interested parties. Fargo gave a brief overview of the project and 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, most likely scheduled for December 14, 2005.

Carol Trefethen, an abutter at 130 Dover Point Road, stated that she came to the public hearing to learn about the process. She, and her husband (?) Phil, stated that they can now look over the fields and enjoy the vistas, as do other members of the community. They stated that they were in favor of protecting the Tuttle Farm from development.

Steve Bird, Dover City Planned, stated that the Open Lands Committee had endorsed the project.

Ed Millman, Commission member, inquired about the significance of the funds coming from bonded money or from the Conservation Fund. Chairman Fargo explained that the City Council had authorized that money for the purchase of conservation land or easements could be borrowed as needed. The City would pay interest on such loans. The authorization process for expenditure of such borrowed funds does not require Conservation Commission approval, since the funds are not subject to the restrictions of state law RSA 36-A:5. Planning staff decided to hold this Public Hearing in a process similar to expenditures from the Conservation Fund, although it is not a requirement. Steve Bird explained that there are insufficient funds in the Conservation Fund account to cover the cost of the Tuttle Farm project.

Ed Millman asked what portions of the Tuttle Farm were going to be protected by the easement. Steve Bird responded that all of the farm, with the exception of 5-acres near the store would eventually be protected. The exact areas to be protected by City funds is being negotiated. To optimize the use of outside grant funds, such as the Federal Farm and Ranchland program, some areas with high value soils will be left out of the City's agreement. Fargo noted that the City Manager had signed a Purchase and Sales agreement for the easement with Mr. Tuttle, along with Strafford Rivers Conservancy, on October 21, 2005.

Fargo asked if was anyone else who wished to provide input. Hearing none, he closed the Public Hearing at 5:48 PM.

**Regular Monthly Meeting**

Commission Members Present: Tom Fargo, Chair; Marcia Colbath, Vice Chair; Alban Lobdell; Ed Millman

Commission Members Absent; Bill McCann, Secretary; Susan Eisler

1. Approval of minutes from September 12, 2005 meeting.
2. Approval of minutes from October 3, 2005 meeting.

Chairman Fargo explained that there was some information that needed to be clarified in the draft minutes for the September 12<sup>th</sup> and October 3<sup>rd</sup> public hearings. He suggested that review and approval of the minutes be continued to the December meeting.

3. Possible vote on recommending an expenditure bond funds from FY04 & FY05 to purchase a conservation easement on the land described during the Public Hearing.

**Al Lobdell moved to endorse the expenditure from bonded money for the purchase of a conservation easement on the Tuttle Farm. Seconded by Marcia Colbath, the motion was approved unanimously.**

4. RE: Tax Map I, Lot 56, Further consideration of an application by Raymond J. Martineau, Jr., P.O. Box 1639, Dover, for a Standard State of New Hampshire Dredge and Fill Permit and a City of Dover Conditional Use Permit to construct a 48-unit townhouse style and 115-unit apartment style congregate care facility located off Back River Road.

Project entails temporary impact of 35,990 square feet of wetlands to construct utilities. Applicant also proposes construction in a Conservation District (>20% slope) area.

Discussion:

Marcia Colbath suggested that she should recuse herself from participating, as she is related to abutters of the project and her husband does some business with the applicant. Chairman Fargo noted that if Marcia doesn't participate, the quorum of Commission members would be lost. Chris Wyskel, attorney for the applicant, stated that he did not feel uncomfortable with Marcia's participation, so she withdrew her suggestion to step down from reviewing the application.

Chairman Fargo stated that the applicant had initially presented the project for review at the August 2005 meeting that he was unable to attend. At that meeting, the Commission voted to table the application. In the interim, the applicant had revised the site plan and had conducted a site review on October 4<sup>th</sup>, attended by members of the Conservation Commission and Planning Board. Fargo stated that he had met with the applicant and suggested some changes to the site plan to minimize the environmental impacts of the proposal. The revised application is now significantly different from the August submittal. Fargo suggested that the Commission review the revised application as new. Fargo went on to state that there were three issues associated with the proposal that the Commission needed to review: 1) possible encroachments into the 50-foot setback from wetlands; 2) the temporary disturbance of wetlands for installation of water and sewer utility lines; and 3) proposed construction on slopes greater than 20% (Conservation District).

Lenny Lord, Certified Wetland Scientist for the project, described the wetland areas on the site plan and noted the 50-foot setback areas. Doug La Rosa (Tritech) described the redesign of the site grading and drainage. Based on recent revisions, there will be no grading necessary in the wetlands setback areas. There was some discussion about flared end sections of the level spreaders at the discharges from the detention basins being proposed within the wetlands setback. However, Bob Stowell (Tritech) provided recently revised plans (SP-2, dated 11/3/05) that showed this encroachment as being eliminated. Al Lobdell asked what happens to the water level in the detention ponds when there is a really heavy rain? Doug La Rosa responded that the ponds are designed to retain all of a moderate precipitation event. For large events, once the pond is filled, they discharge through a weir structure, over a rip-rap lined channel and then out through a level spreader. Fargo asked if the detention ponds would usually be dry. The answer was yes, they were designed to drain completely during dry periods.

Mr. Lord described the wetlands impact of 35,990 square feet as necessary for sewer and water utility installation. Lenny described the wetlands to be impacted as having lower value than wetlands on the adjoining parcel, and provided a map showing the various types of wetlands in the area. Fargo stated that he has had a long-standing issue regarding temporary wetland impacts for utilities. He stated that periodic sewer line maintenance is often required and providing access for the City's large 10-wheel sewer cleaning truck may eventually lead to permanent filling of the wetlands. Fargo noted that the proposed impact is also includes an adjoining parcel, Map I, Lot 19 owned by Dunn's Bridge Association. The wetlands application should reflect this. Doug La Rosa stated that appropriate permission agreements would be included in the application to the NHDES.

Doug La Rosa and Bob Stowell described the grading to be completed in the 20% slope areas. They presented profiles at several locations perpendicular to the proposed roadway showing proposed grading. They characterized the resulting slopes as not requiring significant stabilization. Retaining walls are proposed where elevation changes are significant. Marcia Colbath asked in the impact of changing the grade could be reduced by the design of the townhouse buildings. Doug La Rosa responded that the style of buildings will be varied to allow the structures to create "retaining walls" where appropriate. Al Lobdell asked how the stormwater will be directed away from sloped areas? Doug showed on the site plan how stormwater will be routed away from sloped areas thereby decreasing the likelihood of erosion and sediment runoff. Doug stated that erosion, both during and after construction, would be under control. Chairman Fargo requested that landscaping plans be developed that would address slope issues during and after construction. He referred to landscaping plans developed by Tritech for the Summit Development project along the Cochecho River between Third and Fourth Streets.

Al Lobdell asked if the stone walls, observed during the site review, will be retained for their historical and aesthetic value. Doug La Rosa stated that the walls along the northern external property line would be retained.

Tom Fargo made a motion to endorse the project, in accord with discussions above:

1. Regarding the temporary impact of 35,990 square feet of wetlands to construct utilities, the Commission requests the applicant prepare a wetland restoration documentation report for the wetlands disturbed by the utility line installation;
2. Regarding the Conditional Use Permit for construction in an area with slopes greater than 20%, the Commission requests the applicant prepare a landscaping plan that requires the installation of natural plants with deep roots to control erosion in the cut and fill areas;
3. Regarding the wetlands setback areas, the Commission recognizes that the applicant has redesigned the site plan so as to not impact these areas. However, the Commission recommends that the applicant prepare a Stormwater Operation and Maintenance plan for the detention ponds.

The motion was seconded by Ed Millman, and was approved unanimously.

5. Further review of eight applications, submitted by Pickering Marine Corp., for State of New Hampshire Standard Dredge and Fill Permits for constructing new (or removal of collapsed) boat docks at the following locations:

Discussion:

Glen Normandeau, of Pickering Marine, was present to describe, in detail, the dock installation proposals for the applications listed below. Chairman Fargo stated that he would like to go through the applications one at a time so the Commission could formulate recommendations for each project.

Chairman Fargo stated that during his preliminary review of the applications, he had noted one common issue; the relationship between the proposed dock and the residence. His concern is the preservation of the shoreland buffer area (within 250-feet of the tide line) while providing access to the dock site. This issue is generally not addressed in the applications. The State's Comprehensive Shoreland Protection Act (RSA 483-B) restricts the cutting of trees within the shoreland buffer area to 50% of the basal area within a 20-year period and requires the owner to preserve a healthy well-distributed stand of trees.

The City's Conservation District Zoning Ordinance (170-27C2) requires the applicant obtain a Conditional Use Permit from the Planning Board for: "*The undertaking of a use not otherwise permitted in the Conservation District, which may include the erection of a structure, dredging, filling, draining or otherwise altering the surface configuration of the land.*" The Conservation District encompasses the area within 100-feet of the tide line and areas with slopes greater than 20%. In order to obtain a Conditional Use permit, the applicant must;

- 1) Prepare a soil erosion and sedimentation control plan to verify the planned avoidance of erosion along bodies of water;
- 2) Obtain the necessary state and federal approvals; and
- 3) Obtain a written review by the Conservation Commission of the environmental effects of the proposed use upon the area in question.

Fargo stated that not every dock application presented concerns about preservation of the shoreland buffer or indicated a Conditional Use Permit might be required. Applications generally did not describe how paths would be built between the residence and the dock. If such paths did not require the cutting of trees, filling with gravel or mulch, re-grading, or the erection of structures, then additional permits would not be required. If the applicant planned to undertake any of these activities, a City of Dover Conditional Use Permit would need to be obtained.

The Commission's recommendations for each application are listed in **bold type** below:

- Map N, Lot 22C-7, Owner: Mark Uhlar, Gerry's Landing, construct fixed pier, ramp and float, Cochecho River. Discussion: This is a small residential dock, 20-ft. pier, 40-ft. ramp, 10 x 20-ft. float. The float is proposed to be constructed 35-feet from the federal channel. The dock location requires an access path to go around a small tidal wetlands inlet between the dock location and the proposed residence. **The Commission endorsed the application with the recommendation that the applicant review and adhere to the requirements described above for construction of the path from the residence to the dock.**

- Map L, Lot 40-23, Owner: Jack MacLatchy, 147 Spur Rd, construct fixed pier, ramp and float, Bellamy River. Discussion: This is a moderate-sized residential dock, 40-ft. pier, 24-ft. ramp, 10 x 20-ft. float. The applicant proposes to install “float stops” that the float will rest on at low tide. The boat will likely rest on the mudflat. **The Commission endorsed the application with the recommendation that the applicant review and adhere to the requirements described above for construction of the path from the residence to the dock.**
- Map L, Lot 95L, Owner: Leo Bosse, 10A Roberts Road, construct fixed pier, ramp and float, Piscataqua River. Discussion: This is a large residential dock, 115-ft. pier, 40-ft. ramp, 20 x 30-ft. float. The pier length appears to be needed to get to water at low tide. The shoreland buffer area is shown in the application materials as being partially cleared and landscaped (lawn). **The Commission endorsed the application with the recommendation that the applicant review the requirements of the Comprehensive Shoreland Protection Act (RSA 483-B), relative to maintaining a lawn within the shoreland zone. The applicant is encouraged to incorporate natural, native (non-lawn) plants within 100-feet of the tidal waters.**
- Map L, Lot 95-1A, Owner: Russell Lyon, 19 Landing Way, construct fixed pier, ramp and float, Piscataqua. Discussion: The Commission has previously reviewed an application for this location at its May 1, 2000 meeting (application for a Conditional Use Permit for construction of a house by Thomas Hopper). Portions of this site are very steep. The Commission had previously recommended that the shoreland buffer be preserved. Based on photos in the application, these requirements appear to have been followed during the construction of the house. This is a large residential dock, 90-ft. pier, 40-ft. ramp, 20 x 30-ft. float. The pier length appears to be needed to get to water at low tide. Al Lobdell asked if there is some way that the City or State could encourage adjacent landowners to share docks. Mr. Normandeau replied that the current rules actually encourage individual land owners to construct their own private docks. **The Commission endorsed the application with the recommendation that the applicant review and adhere to the requirements described above for construction of a path from the residence to the dock.**
- Map M, Lot 90D-10, Owner: Miles Cook, Isaac Lucas Circle, construct fixed pier, ramp and float, Piscataqua. Discussion: The Commission has previously reviewed an application for this location at its March 7, 2005 meeting (NHDES File # 2004-3086). That application originally included a dock. Issues identified at the March 2005 meeting included the linkage between the residence and the dock. Mr. Normandeau stated that he had encouraged the applicant to start a new application for the construction he was contracted to undertake. The dock location requires an access path to go down a steep slope between the dock location and the proposed residence. This is a large residential dock, 60-ft. pier, 40-ft. ramp, 10 x 30-ft. float. The float is proposed to be constructed 35-feet from the federal channel. The applicant proposes to install “float stops” that the float will rest on at low tide. The boat will likely rest on the mudflat. **The Commission endorsed the application with the recommendation that the applicant review and adhere to the requirements described above for construction of the path from the residence to the dock.**
- Map N, Lot 8A, Owner: Montgomery Childs, 287 Gulf Rd, construct fixed pier, ramp and float, Cochecho River. Discussion: This is a small residential dock, 6-ft. pier, 36-ft. ramp, 10 x 20-ft. float. The float is proposed to be constructed 32-feet from the federal channel. The dock location requires an access path to traverse a steep heavily wooded area between the dock location and the proposed residence. **The Commission endorsed the application with the recommendation that the applicant review and adhere to the requirements described above for construction of the path from the residence to the dock.**
- Map N, Lot 8-2, Owner: David Della Penta, off Gulf Rd, construct fixed pier, ramp and float, Cochecho River. Discussion: This is proposed to be a huge residential dock, 150-ft. pier, 30-ft. ramp, 38 x 30-ft. float. The pier length was described as needed to get to water at low tide. Mr. Normandeau stated that alternate sites where a shorter overall length could be used do not exist at this location. The float is proposed to be constructed 48-feet from the federal channel. The dock location requires an access path to traverse a steep slope between the dock location and the proposed residence. Based on photos in the application, some clearing of the nearby shoreland buffer area appears to have been completed. **The Commission did not endorse the application because of its concern regarding the overall length of the**

**proposed structure. The Commission decided that it would need to conduct a site review prior to making a recommendation for the proposed dock. Should the NHDES choose to issue a permit, the Commission recommends that the applicant review and adhere to the requirements described above for construction of the path from the residence to the dock.**

- Map I, Lot 2, Owner: Tideview Condominiums, Shaw's Lane, remove collapsed concrete pier, Bellamy River. Discussion: Chairman Fargo stated that he added this application to the list from Pickering Marine following discussions with Mr. Normandeau. No formal application has been submitted yet, but Tideview has requested that Pickering Marine remove their dilapidated concrete pier. Fargo stated that he wanted to complete the review of this project so that should a Permit By Notification or Minimum Impact application be submitted, the Commission would have already completed its review. Mr. Normandeau described how he might remove the pier.  
**The Commission indicated that it would endorse an NHDES Wetlands Bureau application for the pier removal as described by Mr. Normandeau.**

**Ed Millman moved that the Commission approve each of the recommendations described above. Seconded by Marcia Colbath, the motion was approved unanimously.**

6. RE: Tax Map M, Lot 76-11, Consideration of an application by Park Avenue Development, 255 North Road #135, Chelmsford, MA, 01824 for a State of New Hampshire Standard Dredge and Fill Permit to construct a dock consisting of a pier, ramp and float for water access at a home site on Waterloo Circle.

Discussion:

Steven Oles, of Ames MSC, was present to describe the dock installation proposal. The application under review has been modified from a previously submitted (September 16, 2005) version that proposed two docks on the property. Chairman Fargo stated that he had informed the applicant that Dover zoning requirements and a conservation easement on the subject parcel restrict the number of docks to one per lot. Mr. Oles explained that the applicant had modified the previously submitted application to comply with the restriction of the conservation easement held by the Commission. Mr. Oles added that the applicant was also aware of the forestry management restrictions of the conservation easement.

Ronald Burd, a resident of 51 Waterloo Circle (present at the meeting for a separate application), asked: What is the status of the dock that was anticipated for use by other residents of the Captain's Landing subdivision. Mr. Oles responded that the application for the dock permit is for use only by the eventual owner of lot 76-11. Chairman Fargo stated that the Dover zoning restriction of one dock per lot could be waived by the ZBA. The one dock per lot restriction in the conservation easement would need to be modified through approval by the Conservation Commission and possibly other lot owners.

**Al Lobdell moved that the Commission approve endorse the application as amended to reflect one dock with the recommendation that the applicant maintain the forested buffer as required by the conservation easement. Seconded by Marcia Colbath, the motion was approved unanimously.**

7. RE: Tax Map M, Lot 98, Consideration of an application by Marie T. Donner, 12 High Street, Goffstown, NH, 03045 for a State of New Hampshire Standard Dredge and Fill Permit to construct a dock consisting of a deck, pier, ramp and float for water access at a new home site at 340A Middle Road.

Discussion:

Ray Donner, husband of the applicant, was present to describe the dock installation proposal. The proposal is to build a 10 by 16 foot deck approximately one foot above the ground that would serve as base for a 42-ft articulated gangway/ramp and an 8 x 20 foot float. Additional anchors and cables would be used to secure the ramp and float assembly from tidal action. The float, ramp, and gangway would be removed in winter and stored on the waterside deck. Mr. Donner explained that access to the dock would be along an improved path with possible gravel fill and steps where necessary.

Chairman Fargo stated that he had visited the site last spring with the Dover Building Inspector to investigate a

neighbor's complaint of possible excessive tree removal. Fargo explained that he and the Building Inspector were satisfied that there were no violations of the City's Conservation District or the State's Shoreland restrictions at that time. Fargo stated that the site visit had familiarized him with site conditions. As with other dock applications reviewed previously in the meeting, Fargo stated that the connection between the house site and the dock presented some challenges with steep slope and the preservation of wetlands and the forested buffer. Fargo informed Mr. Donner that any filling or altering of the ground surface within 100-feet of the water would need a City of Dover Conditional Use permit as required by Conservation District ordinance 170-27 C2. Any placing of fill in wetlands would be a violation of both State and City regulations. Regarding the proposed deck, Fargo suggested that because of its size the NHDES might regard this as a non-water dependent structure, in which case the application might be denied. The issue, as Fargo described, it is the potential use of the 10 by 16 foot deck structure for picnics, etc., which is not a water-dependent activity.

Marcia Colbath asked if the dock application could be reviewed separately from the access path issues. Fargo stated that the application did not mention how the access path would be completed. Ed Millman stated that he didn't like the idea of endorsing the dock application without knowing how the applicant would get there.

**Tom Fargo made a motion to inform the NHDES of the Commission's concerns, as noted above. Seconded by Ed Millman, the motion passed unanimously.**

8. RE: Tax Map L, Lot 15D, Consideration of an application by Patricia Anderson, 10 Washington Road, Rye, NH, 03870 for a State of New Hampshire Standard Dredge and Fill Permit to construct a dock consisting of a stone footing, ramp and float for water access at 77 Spur Road.

Discussion:

Pat Anderson, and her husband Mike, were present to describe the dock installation proposal. The proposal is to place a 5 x 10 foot, 18-inch thick granite block on the ground that would serve as an anchor and base for a 3 by 30-ft ramp and an 20 x 20 foot float. Mr. Anderson explained how the granite block would rest on existing rocks in the installation area. The Commission reviewed photos in the application.

**Marcia Colbath moved that the Commission endorse the application as described. Seconded by Al Lobdell, the motion was approved unanimously.**

9. RE: Tax Map M, Lot 76-21, Consideration of an application by Ronald Burd, 51 Waterloo Circle, Dover for an NHDES Minimum Impact Expedited Permit, and a City of Dover Conditional Use Permit to temporarily impact 110 square feet of wetlands to construct a basement drain at the subject address.

Discussion:

Ronal Burd was present to describe the proposal. The proposal is to cross a small wetland with a drainage pipe that would allow his foundation drain system to gravity drain. Mr. Burd explained that the proposed wetlands disturbance is necessary in order to maintain proper slope on the proposed drain pipe. Chairman Fargo stated that he didn't have a problem with the proposed temporary disturbance, as long as the impacted area was restored.

**Al Lobdell made a motion to endorse the application with the understanding that a plan would be developed for the replanting and restoration of the disturbed wetlands area. The motion was seconded by Ed Millman and passed unanimously.**

10. RE: Tax Map K, Lot 22, Consideration of an application by Paolini Brothers Development, LLC. 15 Briarwood Ave, Dover for an NHDES Minimum Impact Expedited Permit, and a City of Dover Conditional Use Permit to temporarily impact 145 square feet of wetlands to construct a sewer line for a seven-unit condominium development (Harvest Place) at 48 Dover Point Road.

Discussion:

Lenny Lord, of Carex EcoSciences, LLC., was present to describe the proposal. The proposal is to temporarily impact a small wetland during the installation of a sewer connection to an existing manhole. Chairman Fargo stated that, like the previous application, he didn't have a problem with the proposed temporary disturbance as long as the impacted area was restored. Fargo also noted that the impact area included a small portion of the abutting property of Elliot

Rose Company. Mr. Lord responded that the Elliot Rose Company is included as a co-applicant.

**Marcia Colbath made a motion to endorse the application with the understanding that the applicant would prepare and submit documentation showing the restoration of the disturbed wetlands area. The motion was seconded by Al Lobdell and passed unanimously.**

11. RE: Tax Map L, Lot 94-E, Consideration of an application by Frank Cassidy, 216 Dover Point Road, Dover for an NHDES Minimum Impact Expedited Permit, and a City of Dover Conditional Use Permit to repair existing foundation supports and replace an existing deck with a stone terrace within the State's Shoreland and City's Conservation District (within 100 feet of the tidal Piscataqua River) at the subject address.

Discussion:

Mr. Green, of Noldesign, was present to describe the proposal. The proposal is to make several modifications to the existing residence. A deck is to be replaced with a stone terrace. Supports for other raised decks will be constructed as masonry piers, replacing post and sonotube construction. All work will be at least 75-feet from mean high water.

The Commission discussed management of excavated soils and the Conservation District ordinance requirement to have a soil erosion and runoff control plan. There was a question about the requirement for a Conditional Use Permit, as the Conservation District ordinance 170-27 E5 and E6 allows the Building Inspector to approve construction or modifications of existing structures, respectively, up to 75-feet from the mean high water line.

**Chairman Fargo moved that the Commission endorse the NHDES Minimum Impact Application and advised the applicant to check with Planning and the Building Inspector regarding the requirement for Conditional Use Permit. The motion was seconded by Al Lobdell, and was approved unanimously.**

12. RE: Tax Map N, Lot 20-4, Consideration of an application by Frank Alexandropoulos and Patricia Anderson, 10 Washington Road, Rye, NH, 03870 for a State of New Hampshire Standard Dredge and Fill Permit to construct a dock consisting of a pier, ramp and float for water access at a new home site on Mallard Lane.

Discussion:

Chris Wright, Project Manager for the applicant, was present to describe the proposal. Also present were applicants Pat Anderson and Frank Alexandropoulos. The proposal is to construct a 6 by 6 ft. fixed pier, a 3 by 40 ft. aluminum ramp, and a 10 by 20 ft. float. The applicant stated that the dock construction would likely be completed by Pickering Marine.

Chairman Fargo stated that the Commission had previously conducted a site walk of the area that includes the property when the Mallard Lane subdivision was reviewed in 2002. Fargo stated that the subdivision approval included a requirement that a conservation easement be established for the areas within 100-feet of the tide line. The Conservation easement, recorded in August 2002 (SCRD Book 2557, Page 198) requires that the easement area:

*“will be forever retained in its undeveloped and scenic condition and no use of the property will be made that will impair or interfere with the conservation value of the property. All tree cutting shall conform to the conditions set forth in the “Conservation Easement Area Forest Plan for the Leslie Moeller Subdivision, Back Road Dover, New Hampshire”, by Charles A. Moreno, Consulting Forester, dated May 1, 2002, said plan being on file in the City of Dover Planning Office.”* **(references added after the meeting)**

Chairman Fargo stated that, as was the case with the other dock applications reviewed at the meeting, he is concerned with the access from the house site to the dock location. Fargo stated that the conditions of the conservation easement and associated forestry management plan would need to be followed. Any alteration of the ground surface within 100-feet of tidal water, for construction of stairs or a path, would also need a Conditional Use Permit as required by Zoning Chapter 170-27 C2.

**Chairman Fargo moved that the Commission endorse the NHDES Dredge and Fill Permit application to be engineered by Pickering Marine, with the understanding that dock dimensions would be the same as proposed. The motion was seconded by Ed Millman, and was approved unanimously.**

### 13. Old Business (late addition to agenda)

- Considering an amended NHDES Dredge and Fill Permit application for temporary wetland impacts associated with the "Cotswold" Subdivision on Columbus Avenue, Map G, Lots 25, 26, and 27B. (Previously issued NHDES Permit # 2005-01017.)

#### Discussion:

Reuben Hull, of Civil Design, presented an overview of the project. The applicant would like to modify their NHDES permit for 2,722 square feet of temporary impact in order to preserve an existing like of evergreen trees that forms a screen along the northern boundary of the project site. The applicant proposes to shift the location of a proposed sewer line to avoid the removal of the trees. The shift will result in an additional 1,205 square feet of temporary wetland impact to result in a total impact of 3,927 square feet.

The Commission discussed the merits of having greater temporary wetland impact verses the loss of the existing tree buffer. The Commission reviewed photographs of the trees and wetlands that would be impacted. The consensus was that the wet meadow type of wetland that would be impacted could be more easily restored than the existing trees.

**Al Lobdell moved to endorse the 1,205 square foot additional impact amendment to the original wetlands permit with the understanding that the Commission's previous recommendations for the applicant to provide documentation of the wetlands restoration would be honored. Ed Millman seconded, the motion passed unanimously.**

### 14. New Business:

- November 7, 7:00 PM, Dover City Hall Auditorium: NHDOT Public Information Meeting regarding alternatives development and proposed wetlands mitigation and noise abatement plans for the Draft Environmental Impact Statement for the Newington Dover (Little Bay Bridge) Project.
- November 9, 7:00 PM, UNH Alumni Center: The Changing Face of the Seacoast Forum, NH Coastal Program et al.

### 14. Adjournment:

Meeting adjourned by motion from Ed Millman at 8:35 PM. Al seconded. All in favor.