

**City of Dover Conservation Commission**  
Minutes for November 17, 2005 Site Review & Special Meeting;  
4:30 pm, Vacant Land Lot #7 Gerry's Lane

Members present: Tom Fargo, Chair; Marcia Colbath, Vice Chair; Ed Millman; Alban Lobdell; Susan Eisler

The Dover Conservation Commission held a site review and special meeting on Thursday, November 17, 2005 at 4:30 pm at vacant land located at Map N, Lot 22-7 Gerry's Lane. The purpose of the meeting was to complete review of an application by Mark & Heather Uhlar, for an **after-the-fact** City of Dover Conditional Use Permit to construct a driveway in an area with slopes exceeding 20% (Dover Conservation District, Reference Zoning Code 170-27 C 2) for a private residence located at the subject address.

Background:

The applicant was incorrectly issued a driveway permit by the City of Dover Engineering Department and construction had been started. Review by the Building Inspector indicated that a Conditional Use Permit from the Planning Board was required. This special meeting was scheduled to allow the applicant to appear before the Planning Board on November 22, 2005 and avoid costly delays in completing construction.

Discussion

Chairman Fargo started discussions by reviewing the background described above. Fargo stated that the requirement for the **after-the-fact** Conditional Use Permit pertains to the area on the lot of record where the partially constructed driveway crosses a slope that was originally greater than 20%. Dover Zoning Ordinance 170-27 C2 requires the applicant to: a) submit a soil erosion and sedimentation control plan, and b) obtain the necessary state and federal approvals. The Commission is obligated to: c) provide the Planning Board with a written review of the environmental effects of the proposed use.

The applicant (Mark Uhlar) stated that he had submitted the soil erosion and sedimentation control plan to the Planning Department. Conservation Commission members inspected the silt fence and hay bale runoff control measures and found them effective to date. Chairman Fargo noted that most of the on-site work was outside the 100-foot setback from tidal waters (as delineated by a surveyed line). Tree cutting previously completed in the protected Shoreland Zone appeared to comply with the State's Shoreland Protection Act requirements, therefore a consensus was reached that a State permit was not needed as long as no additional tree cutting is done.

Discussion turned to the Uhlar's application for a dock permit that was reviewed at the November 7, 2005 Commission meeting. Chairman Fargo stated that he had informed Mr. Uhlar of the Commission's recommendations to the NHDES regarding access to the dock area from the house site. The Commission expressed its desire that only limited clearing take place between the house and the proposed dock site.

Fargo stated that prior to the meeting he had discussed his desire that the soil erosion and sedimentation control plan address how soil excavated from the house footprint is going to be stockpiled, removed and/or reused, and stabilized. Fargo noted that there had been little runoff of the sandy fill previously imported to the site, but excavated soils will have more silt and clay that is likely to erode more easily. Fargo stated that he would like to see this issue addressed in the soil erosion and sedimentation control plan, as well as in the recommendations from the Commission to the Planning Board.

Susan Eisler made a motion that the Commission endorse the application for the Conditional Use Permit with the recommendation that Chairman Fargo suggested.

Ed Millman and Al Lobdell asked Mr. Uhlar how he was going to landscape and stabilize the filled areas. Mr. Uhlar said that his plan was to landscape with a boulder retaining wall, lawn, and trees. Ed Millman requested that the applicant prepare a landscaping and grading plan that addresses soil and fill stabilization, especially in those areas where the fill will be sloped toward the river.

Chairman Fargo summarized the issues discussed in a motion:

**Sue Eisler moved to endorse the application for a Conditional Use Permit with the following recommendations:**

- **The applicant will address how soil excavated from the house footprint is going to be stockpiled, removed and/or reused, and stabilized in the soil erosion and sedimentation control plan submitted to the Planning Board, as required by Zoning Ordinance 170-27 C2a.**
- **The applicant will prepare a grading and landscaping plan that addresses soil and fill stabilization, especially in those areas where the fill will be sloped toward the river.**
- **The applicant is advised that additional tree cutting in the protected Shoreland Area (within 100 feet of tidal water) should be limited to removal of underbrush.**

**Al Lobdel seconded the motion which passed unanimously.**

The Commission recommended that invasive plants be targeted for removal and offered to advise the applicant how to identify invasive plant species.

Meeting adjourned at 5:10 PM.