

February 6, 2008

RE: Dover Conservation Commission Action on Thornwood Commons, a.k.a. Elliot Rose Company of Dover (NHDES File#: 2007-00288)

To: Whom It May Concern

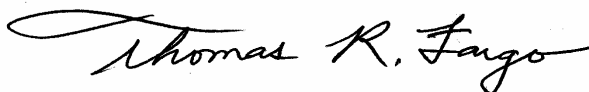
On Monday, February 4, 2008 the Dover Conservation Commission voted unanimously to accept stewardship responsibility for a conservation easement, described below, with the following conditions:

1. The Dover City Attorney reviews the proposed easement language and either finds it acceptable, or proposes changes that are mutually agreed upon by parties named in the easement.
2. The easement will contain conditions that requires the owner to complete earthwork associated with the proposed dam repairs, and restore impacted areas, by a mutually agreed upon date.
3. The applicant will complete a lot line adjustment so that the easement will be over only one parcel owned by a single entity.
4. The Dover City Attorney will review the liability of the City holding a conservation restriction over the pond. The pond will be subject to a NHDES-approved Remedial Action Plan to isolate contaminated soils present in the bottom sediments. The easement should clearly separate the City from any liability associated with the Remedial Action Plan or soil contamination.

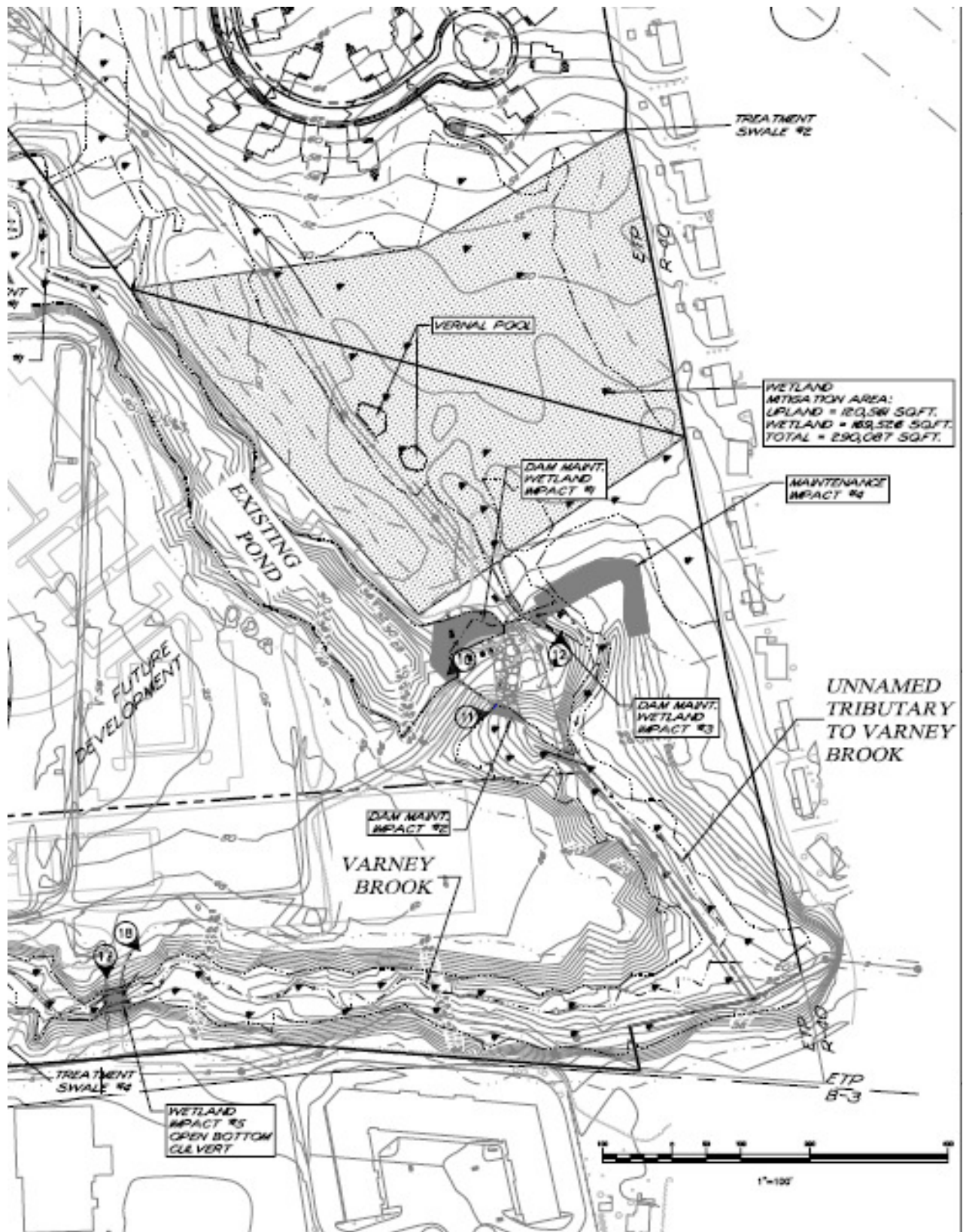
Project Description from the Meeting Agenda:

RE: Tax Map K, Lots 19 and 26; and Map M, Lot 4; Consideration of a request by Elliott Rose Company of Dover and Thornwood Holdings, LLC. (agent: Trittech Engineering) for the City of Dover to accept stewardship responsibilities for a conservation easement for wetlands impact mitigation associated with a State of New Hampshire Dredge and Fill Permit Conditional Use Permit to impact > 10,000 sq. ft. of wetland to construct a Mixed Use Development consisting of 48 single family homes and various commercial and residential uses located off Dover Point Road and Middle Road.

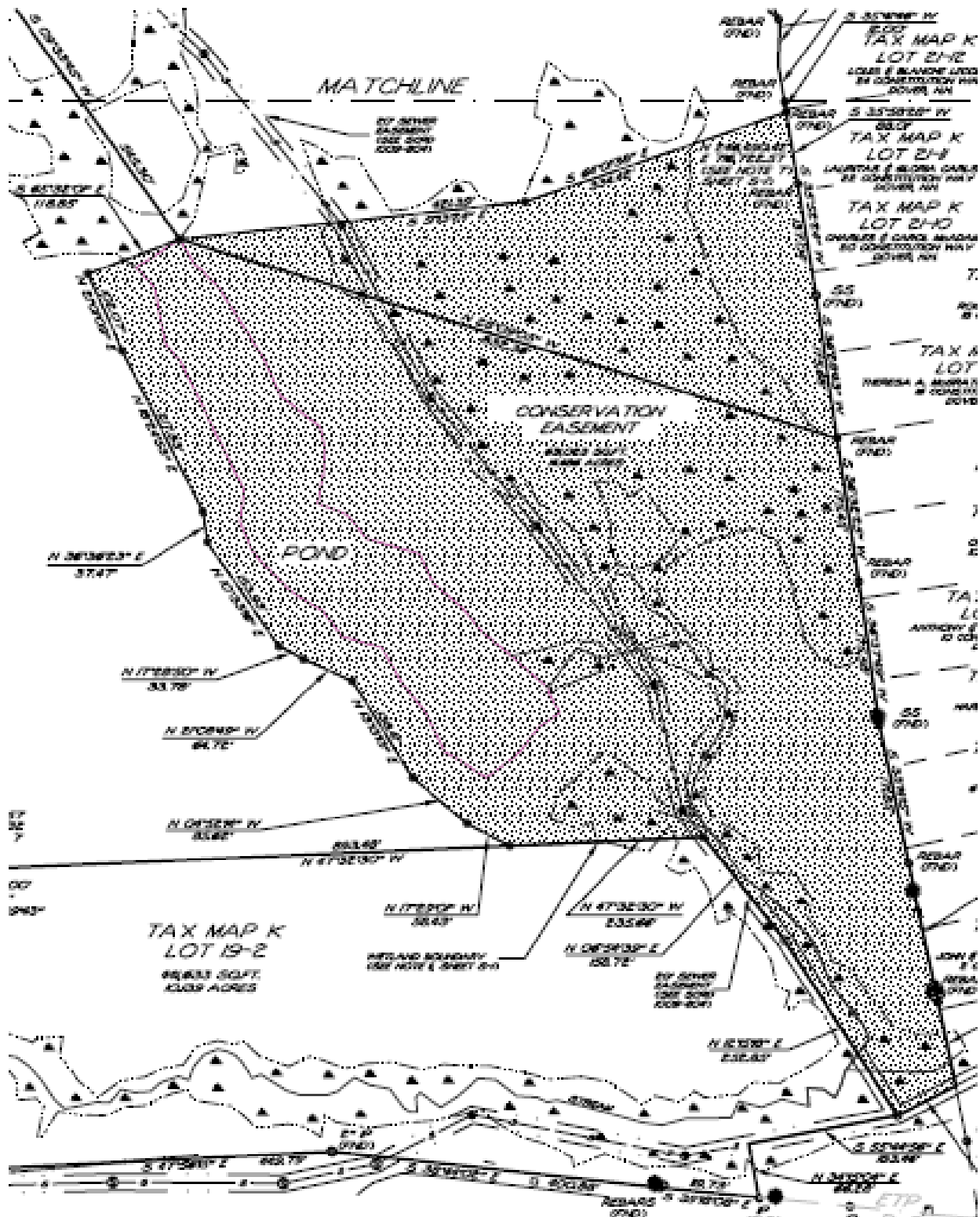
Sincerely,

A handwritten signature in black ink that reads "Thomas R. Fargo". The signature is written in a cursive, flowing style.

Thomas Fargo, Chairman
Dover Conservation Commission

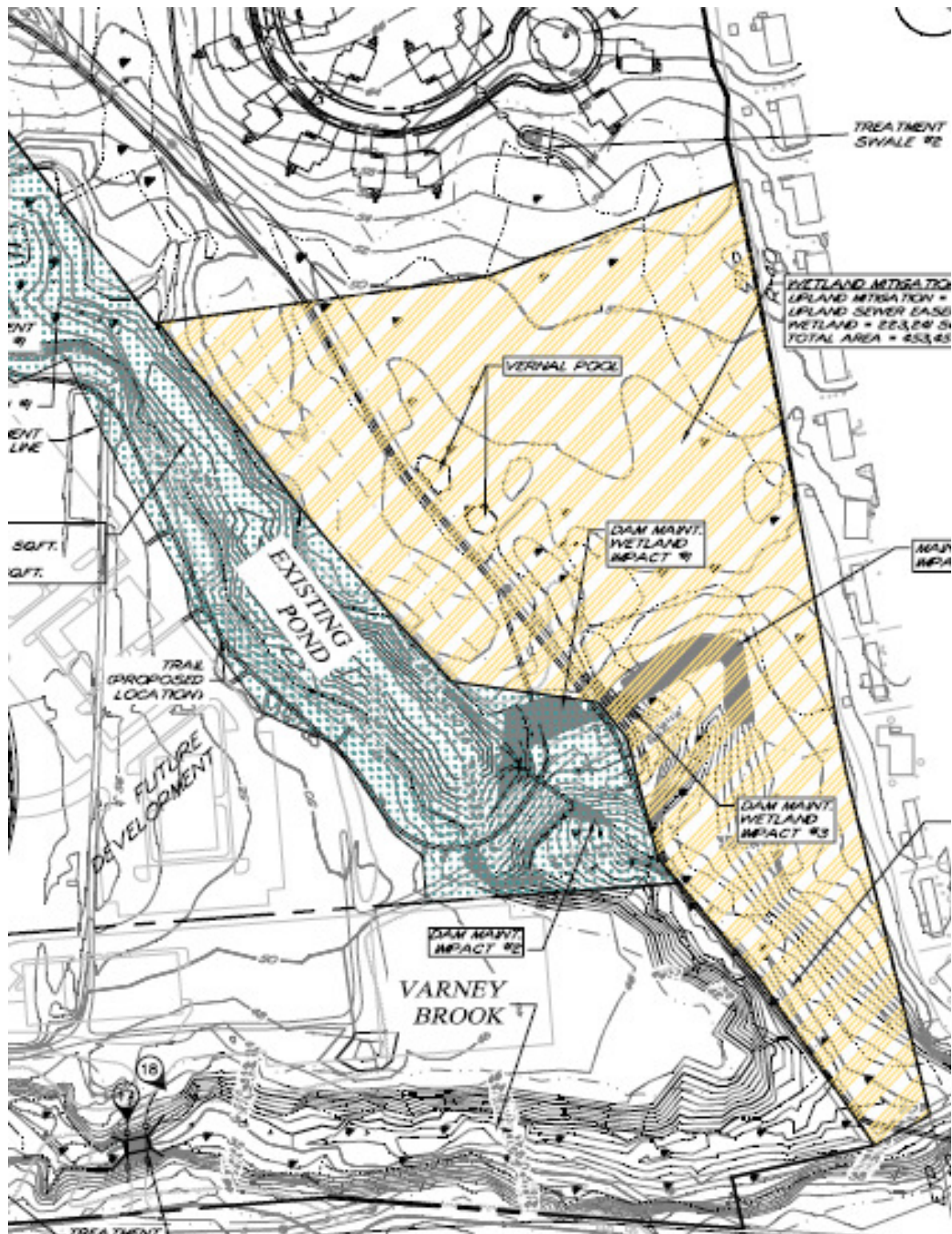


Original proposed conservation easement area, Thornwood Commons - Nov. 2007



Revised proposed conservation easement area, Thornwood Commons - June. 2008

This wetlands impact easement area is specified in NHDES Wetlands permit #2007-00288.



Second revision proposed conservation easement area, Thornwood Commons – Sept. 2008

This revised easement area has been proposed to respond to City of Dover concerns about potential liability associated with the dam and the contaminated sediments in the pond.