



CITY OF DOVER

CONSERVATION COMMISSION MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Conference Room – 288 Central Ave, Dover, NH
Meeting Date: **Monday, October 6, 2008**
Meeting Time: **5:30 pm**

Commission Members Present: Tom Fargo, Chair; Bill McCann, Vice Chair; Britt Schuman; Alban Lobdell; Marcia Colbath; Chris Hunt.

Also Present: Dean Peschel, City of Dover Environmental Program Director

1. Approval of minutes from September 8, 2008 meeting.

Chairman Fargo asked the Commission to defer the approval of the minutes. Members agreed.

2. RE: Map 21, Lot 5: Further consideration of an application by KPRP/165 Henry Law Ave, LLC. 28 Meadow Lane, Rochester, NH, 03867, (agent : Berry Surveying and Engineering) for a City of Dover Conditional Use Permit to re-grade a 2,219 square foot area with slopes greater than 20% as part of a nine-lot residential subdivision development at 165 Henry Law Ave. Chairman's note: *The project was tabled on Sept. 8th pending a site walk with the Planning Board that was held on Tuesday Sept. 23rd.*

Discussion:

Chairman Fargo requested a motion to remove the application from the table. Bill McCann moved, Marcia Colbath seconded, to remove the application from the table. The motion passed unanimously.

Chris Berry (Berry Surveying and Engineering) was present to review the changes in the site development plan. Following-up on Planning Department recommendations, the site plan has been modified to reduce the cul-de-sac size which allows for greater flexibility in locating homes further from wetlands and wetlands setback areas. The Commission reviewed the revised site plans.

The Commission heard testimony from Cathy Mack who is an abutter to the project. Mrs. Mack also provided written testimony and was advised to provide copies of the same to the Planning Department staff and the Planning Board.

Chairman Fargo noted that one of the site plans in the packet showed the presence of two drinking water wells that are to be decommissioned as part of the development plan. Fargo provided Mr. Berry with a copy of NHDES guidance regarding the State regulations for the proper abandonment of the wells. See:

<http://des.nh.gov/organization/commissioner/pip/factsheets/dwgb/documents/dwgb-1-7.pdf>

Two issues brought the application before the Commission. The applicant proposes to re-grade an area with slopes exceeding 20%. This area is alongside and behind the garage that will be removed. The Commission was told that slopes in this area are manmade and that a soil erosion and runoff control plan has been developed to comply with both the City of Dover Conservation District regulations and State of New Hampshire Alteration of Terrain permit requirements.

The second issue pertains to proposed disturbance of land within Dover's 50-foot setback from wetlands. The Commission revisited the issue of the proximity of houses to wetlands setback areas on lots 5-6, 5-7, and 5-8. The revised cul-de-sac allows a greater distance to be maintained between the houses on these lots and the wetlands setback areas. The Commission



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discussed the need for placing monumentation to delineate the boundaries of wetlands and the wetland setback areas and documenting the presence of the wetlands in deeds to these lots per Dover Zoning 170-27.1 D.1(c). Mr. Berry stated that in response to discussions with the Planning Department staff, the developer is proposed to plant an evergreen screen along portions of the outer lot lines. Mr. Berry stated that since this would constitute disturbance of some wetland setback areas, the Planning Department requested that the Commission include this proposed disturbance in its review.

The Commission then discussed issues related to application endorsements. The concern was that since the Commission is often the first municipal board to review a proposed development project, there is a potential for misinterpretation or misrepresentation about what our endorsement means. For this project, the Commission's purview is limited to the proposed impacts to steep slopes (Conservation District) and wetland setback areas. The Commission wanted to make it clear that their conditional endorsement of these two aspects is not somehow misrepresented by the applicant as receiving a "green light" from the Commission for non-germane or un-reviewed aspects of the proposed development.

Chairman Fargo then reviewed the discussions of the Commission by formulating the following motion:

The Conservation Commission endorses the amended application of KPRP/165 Henry Law Ave, LLC with the following notations:

- 1. The Commission's review is limited to the proposed impacts to existing slopes greater than 20% and disturbances of wetland setback areas. The Commission's endorsement is not to be construed as approval of any other environmental impact aspect of the project.**
- 2. The Commission endorses the re-grading of the areas identified with slopes greater than 20% with the understanding that the applicant will provide and follow a soil erosion and runoff prevention plan also reviewed by the Planning Board and the NHDES Site-Specific Bureau (for a NH Alteration of Terrain permit).**
- 3. The applicant will follow all State regulations for decommissioning of the two water supply wells.**
- 4. The wetlands and associated wetland setback areas will be noted in deeds to lots per Dover Zoning 170-27.1 D.1(c) and the applicant will present for Planning Board approval a proposal for monumentation of the boundaries of the wetlands and associated wetland setback areas in the field. The Commission recommends a monumentation plan that is consistent with the requirements in Rochester and/or Madbury as described by the applicant.**
- 5. The Commission endorses the planting of the proposed evergreen screen in the wetlands setback area, as proposed by the applicant.**

The above motion was made Bill McCann, seconded by Marcia Colbath and approved unanimously.



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3. RE: Tax Map L, Lot 58Y; Considering an application by Maureen Kelliher and Robert Labrie, 27 Cote Drive, Dover (agent :Watermark Planning and Permits) for a NHDES Standard Dredge and Fill Permit to reconstruct an existing 4 ft. by 45 ft. dock, 32” by 16 ft. ramp, and 8 ft. by 21.5 ft. float system, at the subject address.

A representative of Ms. Kelliher and Mr. Labrie was not present at the meeting despite being notified by Chairman Fargo of the Commission’s scheduled review. The Commission briefly reviewed the application and noted that the proposed dock reconstruction is essentially a replacement-in-kind.

Chairman Fargo made a motion to endorse, noting that the intervention period for the NHDES is nearly expired. Bill McCann seconded with everyone present voting to endorse. (*Chairman Fargo notified the NHDES of the Commission’s action.*)

4. RE: Map E, Lot 27: Consideration of an application by 171 Watson Road of Dover Holding Co. (Measured Progress; agent : TF Moran) for a City of Dover Conditional Use Permit to impact 10,250 sq. ft. of wetland setback area to construct an additional 42 parking spaces (21,650 sq. ft. of impervious surface) at the Measured Progress facility on Education Way.

Discussion:

Jeff Kevan (TF Moran) and Bob Metz & John Woodman (Measured Progress) were present at the meeting to describe the project. The plan is to construct the additional parking spaces in an area that is presently lawn adjacent to wetlands. Chairman Fargo noted that this is the third time the Commission has looked at a project to increase the number of parking spaces and briefly contrasted the current plan with previously-reviewed plans (with the help of the applicants and the Commission’s meeting minutes from July and October 2006). Al Lobdell noted that the Commission is concerned about how to assess the cumulative impacts of this phased approach to construction and regulatory review.

Chairman Fargo noted that some of the Commission’s previously-noted concerns remain with the current proposal:

- The existing storm water management system’s ability to handle the additional runoff from the proposed parking areas. My Kevan indicated that an evaluation of the capacity of the storm water management system would be completed. Alternatives such as pervious sphaly and grass pavers were discussed. Chairman Fargo asked Mr. Kevan to include non-structural Best Management Practices in the storm water system evaluation. Fargo noted the increasing concern about deicing salts causing regulatory-significant chloride impacts within the Indian Brook sub-watershed.
- The need for additional parking spaces. Participation in the City’s “Fast Trans” shuttle, employee ride sharing, and work-shift staggering were all discussed as possible measures to decrease or eliminate the need for the additional parking spaces. Mr. Woodman indicated that employees were collecting data on



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commuting/parking alternatives and this information would be valuable to a parking needs assessment.

- Chairman Fargo noted that a Planning Board subcommittee, that includes Conservation Commission members, is currently looking at revising Dover's zoning regulations for wetlands setback areas. These revisions may include impact mitigation measures such as enhanced plantings in the wetlands setback areas.

Noting that the Commission's review is preliminary (the plans have not yet been submitted for review by other City officials or boards):

Bill McCann made a motion to table the Commissions review, pending review by the Planning Department and the City's Technical Review Committee. Marcia Colbath seconded. The motion passed unanimously.

5. RE: Tax Map N, Lot 3A; Considering an application by Robin de Campi, 55 Adams Point Road, Durham (agent :Waterfront Engineers, LLC) for a NHDES Standard Dredge and Fill Permit to construct an 4 ft. by 100 ft. dock, 3 ft by 27 ft ramp, and 18 ft. by 10 ft. float system, at 53 Three Rivers Farm Road, Dover. Proposed structure includes 50+ ft. by 3ft. stairway with a landing within the Conservation District, requiring a City of Dover Conditional Use Permit.

Discussion:

Robin de Campi and Duncan Mellor (of Waterfront Engineers, LLC) were present to describe the project. The Commission noted the long length (approximately 140 feet total) of the proposed dock system. Ms. de Campi responded that the length is necessary to accommodate the shallow water conditions at low tide. Chairman Fargo noted that such a length could be plagued by ice damage in the winter. Mr. Mellor responded that there is very little ice movement due to currents in the tidal portion of Fresh Creek. Chairman Fargo noted the plans include a stairway to the dock and reminded the applicants of the new Comprehensive Shoreland Protection Act requirements. Fargo also noted that a City of Dover Conditional Use Permit is required to disturb the land within 100-feet of tidal waters. The proposed stairway construction will need a Conditional Use permit from the Dover Planning Board.

Bill McCann made a motion to endorse the application as presented; Tom Fargo seconded; all present voted to endorse.

6. Other Business:

- Discussion of possible change in conservation easement area for Thornwood Commons mixed use development. *This agenda item was not reviewed due to lack of time and the need to vacate the room.*

7. Adjournment: Meeting adjourned by unanimous consent at 7:10 PM.