



**CITY OF DOVER**

## DOVER CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: First Floor Conference Room - 288 Central Avenue Dover NH  
Meeting Date: Monday, May 9, 2011  
Meeting Time: 5:30 pm

**MEMBERS PRESENT:** Marcia Gasses (Vice Chair), Lauren Jacoby, Jim Sorbello, Deborah Calabro, Cora Quisumbing-King, Bill Hunt, Ron Hebert (Alternate)

**STAFF PRESENT:** Chris Parker (Planning Director), Steve Bird (City Planner)

**OTHERS PRESENT:** Michael McDonough, Sherie Trefry, Bob Stowell, Doug Larosa, Chad Kageleiry, John Sullivan, Kevin McEneaney, Sara Callaghan, Mr. and Mrs. Reid

The meeting was convened by the Vice Chair at 5:35 PM.

Gasses asked everyone to observe a moment of silence to honor Bill McCann, Chair of the Conservation Commission, who passed away last week.

### 1. APPROVAL OF THE PRIOR MINUTES

Sorbello moved to approve the April 12, 2011 minutes as presented, Hunt seconded. Vote: Unanimous

Gasses asked if any member objected to moving agenda item 4-A under old business to the beginning of the agenda. Jacoby moved to change the agenda as requested, Quisumbing-King seconded. Vote: Unanimous

- A. Continuation of preliminary consultation with Fortuna North, LLC (Agent: Trittech Engineering Corporation), Assessors Map D, Lot 17C, zoned B-4, located on Sixth Street. Proposal is to impact 28,000± sq. ft. of wetlands to relocate drainage ditches for a commercial development.

Stowell presented a more detailed site plan of the property and explained the drainage plan. Gasses asked if the wetland impacts would change if the building and parking lots configuration were to be altered during the planning process. Stowell said it may change a little but that if it was more wetlands impact, they would return to the commission. Hebert asked about drainage. Stowell answered that site drainage would end up in the same location but through a different route and that the amount of runoff can not increase. Bird asked about the functions and values of the wetlands. Stowell said that the wetland scientist reviewed the wetlands and determined that they were man-made and functioned as drainage ditches and were not high value. Sorbello asked about protecting the orchards during construction. Stowell indicated that they would be staked prior to land clearing. Gasses asked for a recommendation from Bird. Bird stated that he had no issue with the wetland impacts but would have liked to see the NHDES application before now. Bird suggested voting on the state permit now and holding off on a vote on the CUP until the next meeting. Members liked that idea. Calabro motioned to endorse the NHDES wetlands application, but delay a decision on the Conditional Use Permit until the next meeting. Quisumbing-King seconded. Vote: Unanimous

### 2. NEW BUSINESS

- A. Discussion regarding FY2012 municipal budget and Conservation Fund – Chris Parker, Director of Planning and Community Development

Parker stated that last year the Conservation Commission agreed to use the Conservation Fund to 20% of the cost of a City Planner. The proposed budget calls for \$75,000 to be appropriated from



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the Conservation Fund for the planner next year. The City Council is considering a resolution to take all of the current use penalty funds and have them go into the general fund instead of the Conservation Fund. The existing funds would not be touched. Gasses suggested an alternative approach would be to take the first \$75,000 from the current use penalty funds and put that amount into the general fund and any amount above that would go into the Conservation Fund. Hunt asked if this change was for this year or long term. Parker answered that it was long term. There was a discussion about the impacts of this resolution.

Jacoby motioned that the Conservation Commission recommend that the resolution be amended to appropriate the first \$75,000 of the current use penalty funds into the general fund to support the city planner position, but that any amount above \$75,000 would go into the Conservation Fund. Hebert seconded. Vote: Unanimous. Gasses said that she would attend the City Council meeting and speak during Citizen's Forum to suggest this alternative to the City Council.

- B. City of Dover Conditional Use Permit and NHDES Permit by Notification for Michael C. McDonough, Assessor's Map 7, Lot 13A, zoned R-20, located at 29 Boston Harbor Road.

Michael McDonough was present to explain the proposal to replace a seawall to stabilize the shorefront on Little Bay, impacting 300 square feet (60 linear feet) of tidal buffer zone/shoreline. By going with a seawall instead of sloped rip rap, the roots of the trees will be untouched and the trees will be saved. He has received his state permit already. Hunt ascertained that the existing wall was made of wood and that the applicant was going to do the construction himself. McDonough stated that he had extensive construction experience. Quisumbing-King asked if the commission should be concerned about the impact of waves on abutting parcels. Gasses answered that this will be an improvement but we should still be concerned.

Hunt motioned to endorse the application. Sorbello seconded. Vote: Unanimous

- C. City of Dover Conditional Use Permit and NHDES Dredge & Fill Permit for 163 Spur Road, LLC (Agent: GZA GeoEnvironmental, Inc.), Assessors Map L, Lot 43, zoned R-20, located at 163 Spur Rd.

Sherie Trefry of GZA was present to explain the proposal to impact 2,596 sq. ft. of the Conservation District (1,132 sq. ft. permanent impact, 1,464 sq. ft. temporary impact) for the removal of an existing garage and impervious driveway and the reconstruction of a garage and pervious driveway in a different location. She explained that there is a new owner now. The house is partially constructed. The garage would be moved to the north and will conform to the side setbacks. The planting is not completed yet. Calabro asked about permanent impacts. Trefry answered that the deck and driveway are considered permanent impacts. The wetlands permit has been filed with the state.

Sorbello motioned to endorse the application. Hunt seconded. Vote: Unanimous



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- D. City of Dover Conditional Use Permit and NHDES Minimum Impact Expedited Permit for Jean L. Reid Revocable Trust (Agent: Tritech Engineering Corporation), Assessor's Map L, Lot 49-C, zoned R-20, located at 300 Dover Point Rd.

Bob Stowell of Tritech Engineering was present to explain the proposal to impact 286 sq. ft. of wetlands and 7,000 sq. ft. of wetland buffer for the upgrade an existing woods road for access and to impact 2,200 sq. ft. of 20% slope Conservation District for the construction of a proposed house. Stowell distributed a revised plan that shifted the house to the north to reduce the wetland buffer impacts to 5,000 sq. ft. and reduced the 20% slope impact to 1,500 sq. ft. Gasses asked if the house could be moved more to eliminate the 20% slope impact. Stowell said that they have to be careful not to move it too close to the property lines and the wetland buffers. Bird stated that because the steep slope impacts had dropped below 2,000 sq. ft., the CUP was not required based on the new definition. Gasses ascertained that the driveway was 12 feet wide and crossed at the narrowest point. Calabro asked about plantings in the shore land area. Bird said that they are proposing no impacts in that area so plantings would not be required.

Sorbello motioned to endorse the application. Jacoby seconded. Vote: Unanimous

Sorbello left the meeting at 7:05 PM.

- E. Discussion on proposed 2011 Great Bay Music Festival on the Huggins Trust parcel (Map J, Lot 22) on Bay View Road. Dover Conservation Commission holds executory interest on the conservation easement held by the Strafford Rivers Conservancy.

McEneaney and Callaghan of the Strafford Rivers Conservancy were present to discuss the festival being planned for the Huggins Trust property on Bayview Road. The SRC holds the primary conservation easement and the City hold executory interest. The festival has been held for three years and has gotten larger every year. SRC will be sending a letter to the owner to tell them that the festival violates the terms of the easement. A draft of the letter was provided and Gasses read excerpts from it for the commission. Issues are the commercial nature of the festival and the impacts on the conservation values. Gasses said the festival would have a negative impact on the wildlife in the area. McEneaney stated that the Conservation Commission may want to consider requiring a wetland delineation to measure impacts. Hunt asked if the SRC monitored after the last event. McEneaney answered that they had and the biggest impact was the compaction of the soils from all the vehicles and people. The commission thanked them for keeping them informed of the situation.

### 3. REPORT FROM THE CHAIR

Gasses stated that the June agenda will include selection of a new Chair, since she can not continue as acting chair due to her being chair of the Planning Board.

Hebert left the meeting at 7:30PM.



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### 4. OLD BUSINESS

#### A. Update on Morrison Lane Conservation Easement Monitoring

Bird informed the Commission that an easement monitoring visit was conducted at the Morrison Lane Conservation Easement on May 5, 2011. Gasses, Hunt, Jacoby and Quisumbing-King attended along with many homeowners. Bird explained that there were issues with encroachment of lawn areas into the conservation easement and the lack of a management plan to address maintenance of the open space. Rear property corners may need to be marked so owners know where the open space is located. The commission will work with the association to educate the homeowners about the proper maintenance of the open space. Bird will finish the easement monitoring report and send it to commission members for review prior to sending it to the association.

### 5. OTHER BUSINESS

### 6. ADJOURNMENT

Jacoby motioned to adjourn at 7:45 PM. Quisumbing-King seconded. Vote: Unanimous