



**CITY OF DOVER**

## DOVER CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Second Floor Conference Room - 288 Central Avenue Dover NH  
Meeting Date: Tuesday, October 15, 2013  
Meeting Time: 5:30 pm

**MEMBERS PRESENT:** Bill Hunt (Chair), Cora Quisumbing-King, Kevin Perron, Kris Houle, Ron Hebert, Michael Joyce (Alternate)

**STAFF PRESENT:** Steve Bird (City Planner)

**OTHERS PRESENT:** Chris Berry, Doug Dodd, Penny Wright, Richard Whitney

The meeting was convened by Hunt at 5:35 PM.

### 1. APPROVAL OF THE PRIOR MEETING MINUTES

*Quisumbing-King moved to approve the September 9, 2013 minutes, Perron seconded. Vote: Unanimous*

### 2. OLD BUSINESS:

- A. City of Dover Conditional Use Permit for STF Development, Owner: Taylor Family (Agent: Chris Berry, Berry Surveying & Engineering), Assessor's Map I, Lot 12, zoned R-20 & RM-SU, located at 72 Durham Road.

Chris Berry of Berry Surveying & Engineering was there to present the proposed 12-unit multi-family development with two buildings and 36-space parking lot that will require 13,500 sq. ft. of permanent impact and 1,000 sq. ft. of temporary impact within the 50-foot wetlands buffer for a driveway and retaining wall. We were not ready for the special meeting due to design changes. We have revised the plan to move the road to the south to reduce the impact to the trees along the common boundary. We moved the sidewalk to the north side of the road. Drainage will be sheet flow off the road into a bio-retention area. We have reduced the pavement width from 24 feet to 20 feet with to foot shoulders. This reduces the impervious cover.

Hunt: How far will the road be from abutting property line?

Berry: It starts at 14 feet and most is 17 feet. We also moved 2 parking spaces to the front of the lot. There are still no wetland impacts, but there is a small increase in buffer impact. We will be meeting with City Engineer tomorrow. I have a revised drainage analysis.

Joyce: The reason for the increased buffer impacts is to address the abutter concerns. He confirmed that no new trees will be planted in the wetlands.

Houle: What is the drainage plan for the 8 space parking lot in the front?

Berry: The parking lot will be graded to the rear to a stone apron for some infiltration and then to the wetlands area.

Hunt: How many parking spaces are required?

Bird: The ordinance requires 3 parking spaces per unit.

Perron: Are these three bedroom units?

Berry: Yes they are.

Houle: Have you prepared a cross section of the roadway?

Berry: Yes it is in the full plan set.

Joyce: Are you counting on plantings for your drainage calculations?

Berry: No, just a few proposed trees along the roadway.



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Houle: Can front parking lot be reduced in size to lessen the amount of run-off?

Berry: I could reduce aisle width to 18 feet but that would require a waiver.

Bird: Why do you have two extra parking spaces?

Berry: The extra spaces are not necessary. If this is desired we could remove two spaces.

*Houle made a motion to endorse the Conditional Use Permit with the design revisions to the small parking lot as discussed, including the wider level spreader stone apron, the reduced aisle width and reduction of two parking spaces, Quisumbing-King seconded. Vote: Unanimous*

### 3. NEW BUSINESS

- A. NHDES Wetlands Permit (Expedited Review) for Richard Whitney (Agent: Penny Wright, The Wright Choice Septics), Assessor's Map L, Lot 8, zoned R-20, located at 15 Nute Road.

Penny Wright was present to explain the proposal which is to conduct work adjacent to the Bellamy River to replace an existing failed septic system in the same approximate area. The work is in the Conservation District, but at least 75-feet from the river. The new septic field is further from the river than the existing. We are using the same septic tank to reduce impact. The front yard would not work for many reasons. The system is 14 feet in elevation above the river.

Houle: Why did the previous system fail?

Wright: It was more than 50 years old and not built to standards.

Houle: Did you do test pits?

Wright: Yes the water table was good – at 48 inches.

Perron: Is it still a 2 bedroom system?

Wright: Yes, but the leach bed was increased in size to meet state standards. We have received preliminary approval from DES for the system design.

*Joyce made a motion to endorse the NHDES Wetlands Permit application, Perron seconded. Vote: Unanimous*

- B. City of Dover Conditional Use Permit for Douglas Dodd General Contractors, Inc., Owner: John Leonard & Wiley Parsons, Assessor's Map B, Lot 21-13, zoned R-40, located at 127 Boxwood Lane. Rocks, fence and mulch bed were placed in 50-foot wetlands buffer.

Doug Dodd was present to explain the application for an after the fact permit to allow the wetlands buffer encroachment to remain. The rocks were left over after excavation of the site and the owner asked him to place them along the driveway. The rocks act as a buffer and grass is growing up between the rocks. The rocks will prevent further encroachment into buffer. Taking the rocks out will create a bigger mess.

Joyce: What was there before the rocks?

Dodd: Fill was put in during road construction. There must have been a permit to fill the wetlands for the road crossing.

Perron: Where did the rocks come from?



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Dodd: All were from the site.

Hunt: The wetlands and buffer are supposed to be flagged before construction. Were they installed?

Dodd: I don't know why the buffer wasn't flagged. It should have been.

Houle: In the photo sent to us by Bird, it shows a stake that looks to mark the 50-foot buffer. Was that there during construction?

Dodd: No that was recently installed by the engineer to see where the buffer is located.

Perron: I don't think it would be a good idea to pull out the rocks.

Houle: I disagree. They could be removed by machine or by hand.

Quisumbing-King: What is the size of the encroachment?

Dodd: About 400 to 500 square feet.

Houle: I don't think we would have approved this plan if they had asked permission.

Joyce: The rocks could be taken out by machine, the same way they were placed.

Hunt: The rocks serve no beneficial function. The area would have to be restored.

Perron: You would do more harm with taking them out.

Houle: I am concerned with approving this after the fact and I don't want to set a precedent.

Bird: You could approve only parts of the application. There are three encroachments – the rocks, the fence and the mulch bed.

Hunt: We need to look at the original intent of the wetlands buffer.

Joyce: If this was presented as a proposal, we would not approve. Silt fence should be installed before the rocks are removed to prevent erosion into the wetlands and the area should loamed and seeded.

*Quisumbing-King made a motion that the Conservation Commission recommend that the rocks and fence in the wetlands buffer be removed, Houle seconded.*

Joyce: I would like to add that the area be seeded and loamed after the rocks are removed.

Quisumbing-King: I agree to amend my motion to add that the area be seeded and loamed.

Houle: I agree to that amendment as the second.

Hunt: Now that the motion has been amended, let's vote on the motion as amended:

*Quisumbing-King made a motion that the Conservation Commission recommend that the rocks and fence in the wetlands buffer be removed and that the area be seeded and loamed after the rocks are removed, Houle seconded.*

*Vote: 4 in favor, 1 against (Perron), and 1 abstention (Hebert); motion passes.*

- C. Request for expenditure from the Conservation Fund for Cassily Community Trail Mowing by Bob Sherwood Landscape Co.

Bird explained that an invoice had been submitted in the amount of \$520 for mowing of the trail on the Cassily property. Upon further review it was determined that the invoice should be paid by the Sewer Department because it was for the sewer easement not the fields. So this request is withdrawn.

- D. Request for expenditure from the Conservation Fund for conservation easement appraisal for Open Lands Committee



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Bird said that the OLC is working with a property owner on a potential conservation easement and one of the first steps is to have an appraisal done to determine the value of the easement. The City will go out to bid to select an appraiser to conduct the appraisal, so the final cost is not known, but it is expected that the cost would not exceed \$4,000 in total.

*Quisumbing-King made a motion to approve an expenditure not to exceed \$4,000 from the Conservation Fund for an appraisal for a conservation easement for the Open Lands Committee, Houle seconded. Vote: 5 in favor; 1 abstention (Joyce)*

Hebert: How often do these appraisals result in an easement and what is the source of the money?

Bird: About 2 out of 3 appraisals result in a finished project. Sometimes the owner doesn't like the value and will walk away. The money comes from the Conservation Fund which for the most part is comprised of Current Use Penalty payments from landowners that remove their land from the program. The first \$75,000 each year goes into the Planning Department budget to pay for a planner.

#### 4. REPORT FROM THE CHAIR

##### A. Review of Correspondence Received

Bird reported that the City of Dover has received a wetlands permit from NHDES on October 2, 2013 for the floating fountain on the Cochecho River.

Bird reported that Andrew and Natalie Koellmer of 59 Spur Road have sent a letter to the Conservation Commission regarding their concerns about an abutting vacant lot that may be built on in the future. No applications for a conditional use permit or variance has been submitted yet. Copies of the letter were distributed.

Bird: For members that could not attend the session sponsored by the Conservation Commission, there is another Climate Change Meeting is coming up at 6:00 PM on Thursday, October 17<sup>th</sup> in the McConnell Center. Members are encouraged to e-mail Casey Stein directly if they are attending. A flyer was distributed.

Hunt: The group proposing constructing a disc golf course on the Cassily property will be coming to the November 12<sup>th</sup> meeting.

#### 5. OTHER BUSINESS

Perron: If a lot had a wetlands or wetland buffer impact, could we approve mitigation by the landowner on another lot in the development?

Bird: That hasn't been done but it could be allowed because the regulations allow for mitigation. It would be a fairly unique situation and there are issues about how to measure impacts and secure the mitigation.

#### 6. ADJOURNMENT

*Perron motioned to adjourn at 7:25 PM. Joyce seconded. Vote: Unanimous*