



**CITY OF DOVER**

## CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: Second Floor Conference Room - 288 Central Avenue Dover NH  
Meeting Date: Tuesday, November 12, 2013  
Meeting Time: 6:30 pm

**MEMBERS PRESENT:** Bill Hunt (Chair), Kevin Perron, Kris Houle, Michael Joyce (Alternate)

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

**OTHERS PRESENT:** Anna Boudreau, Sam Reid, Dennis Grzywacz, William Marshall, Zach Taylor, David Lemieux, Joseph Nichols, Bill Gove, Bernie Pelech, Ari Pollack

The meeting was convened by Hunt at 6:30 PM.

### 1. APPROVAL OF THE PRIOR MEETING MINUTES

*Perron moved to approve the October 15, 2013 minutes, Joyce seconded. Vote: Unanimous*

### 2. OLD BUSINESS

### 3. NEW BUSINESS

- A. Strafford Rivers Conservancy – Request for Conservation Commission Support for Huggins Trust Conservation Easement Amendment, Assessor's Map J, Lot 22, at 99 Bayview Road.

Anna Boudreau, Executive Director of the Strafford Rivers Conservancy, provided an overview of the history of the Huggins easement and the proposed amendment to the conservation easement deed. The amended deed will be updated to reflect the current deed provisions that have been developed over the years, which are much better than the earlier versions. The deed has been reviewed and approved by the NH Attorney General's Office, SRC attorneys, and the owner's attorneys. The revised deed eliminates the right for commercial recreation, which was the basis of the disagreement. In return for allowing a subdivision the deed was strengthened.

Bird explained that the City Council will be voting on a resolution tomorrow night approving the amended easement and the City Attorney thought it would be good to have your support.

Houle: Why is the right to remove clay being eliminated?

Boudreau: It was an obscure provision to allow clay for pottery making that is no longer needed.

*Joyce made a motion to endorse the amended Conservation Easement as proposed, Perron seconded. Vote: Unanimous*

- B. NHDES Wetlands Permit and City of Dover Conditional Use Permit for Susan Niedoroda (Agent: Kevin McEneaney, McEneaney Survey Associates, Inc.), Assessor's Map A, Lot 23-2-1, zoned R-40, located on Blackwater Road. Proposal is to

Withdrawn by Applicant

- C. Discussion with Dennis Grzywacz and others regarding disc golf proposal for Cassily property, Assessor's Map 34, Lots 20B & 21.



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Dennis Grzywacz was present to explain the plans to design and install a disc golf course on the Cassily property. Discs used are smaller than Frisbee. We formed as a club this year and will maintain the course, which is similar to a course we helped build on Bellamy Park. We would design the course to be sensitive to the trail and remove as few trees as possible. We would take pride in course and police the area and pick up trash. This will be an amenity to city owned property. It will take 1-2 months to set up. The club has some funds. We will do some mowing of the course if necessary. The disc golf association is on web. There are old fruit trees on property.

Joyce: How many members in the club?

Grzywacz: About 50 active members but we get almost 120 people that play at Bellamy course.

Perron: Can only members play on the course?

Grzywacz: No, the course at Bellamy is open to the public as would this one.

Perron: Who would maintain the course?

Grzywacz: At Bellamy we do most of the maintenance with some help from the Recreation Department. The course was mostly built by volunteers. We will use the gravel parking lot that exists on the City parcel near the Dover Baseball fields.

Houle: What is the surface of the tee boxes?

Grzywacz: Usually they are concrete, but that was one of the issues that the LCHIP representative had and we can use alternative surfaces such as gravel. We will have to some limited clearing to create the fairways, but it would mostly be the understory and brush.

Houle: What is the width of clearing?

Grzywacz: On average about 30 to 50 feet in width but not every tree. We use the path of least resistance.

Hunt: Did you get much assistance from the City in the construction and design at Bellamy?

Grzywacz: Not really, most of it was done by volunteers. Gary Bannon did oversee the overall project.

Hunt: There is a lot of invasive species on the property so clearing some of that would be beneficial.

Bird: I think that the Conservation Commission would be the appropriate venue to hold a public neighborhood meeting to invite the Autumn Street neighbors, Community Trail people, Dover Baseball representatives, and LCHIP staff to see if there are any issues that people may have. I am still exploring who at the City would need to approve the plan. This would get more public out to use the property to discourage vandalism and litter.

Houle: I think limiting the amount of impervious surface would be desirable given the sensitive nature of the property.

Grzywacz: We would try to keep the holes a good distance from the river and wetlands.

Hunt: Let's have Bird set up a public hearing for all interested parties in the near future.

- D. NHDES Permit by Notification for Michael & Jennifer Novelli (Agent: Riverside and Pickering Marine Contractors), Assessor's Map L, Lot 39, zoned R-20, located at 145 Spur Road.

Zach Taylor was present to explain the proposal, which is to conduct work adjacent to the Bellamy River in a tidal wetland to replace an existing permanent pier (168 sq. ft.) and eight pilings in the same locations and to replace the gangway and floats (250.3 sq. ft.) in the same location.



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Hunt: Is this just a replacement with no increase?

Taylor: Yes, it is the same size.

Joyce: Will you use wood to replace what is there?

Taylor: Yes it will be southern yellow pine.

Houle: Will the construction be done by barge?

Taylor: Yes.

Hunt: Will the dock be seasonal or permanent?

Taylor: Only the first 46 feet will be fixed, the rest will be seasonal.

Houle: Will you be increasing the spacing of the boards?

Taylor: Yes we will use  $\frac{3}{4}$  inch spacing.

Joyce confirmed that abutter with 20 feet approval was not required due it being a replacement.

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

The Chair signed the copies of the application and returned them to the applicant.

- E. Preliminary Discussion with Beals Associates regarding a proposal by D.R. Lemieux Builders, Inc. to build a house on a landlocked vacant lot on Spur Road owned by Calvin Potter, Assessor's Map L, Lot 14A. Entire property is in the Conservation District along the Bellamy River.

Joseph Nichols of Beals Associates was present to explain the proposal which is to build a house on a landlocked parcel adjacent to the Bellamy River. The wetlands scientist, Jim Gove, the builder Dave Lemieux, and Attorney Bernie Pelech are also here. Great care has been taken to limit the impacts. We will need permits from the DES. We will be back once the permit has been prepared. We are looking for any input.

Gove: I walked the driveway into the parcel and did not see any wetlands that would be impacted. It will be a standard wetland application to DES. The proposed house location is on the highest elevation, quite a bit higher than the river. It is not in the floodplain. There is evidence of an old foundation and dock. The new dock will be closer to the channel.

Houle confirmed with Gove that there would be no wetland impact to upgrade the driveway.

Hunt: How wide is the ROW?

Pelech: The deed from 1943 does not specify a width. The camp that was on the property burned down in the 1970's.

Lemieux: According the owner, the driveway was drivable when the camp was used.

Hunt: You will have to deal with the property owner that the driveway passes over. Will it stay within the ROW?

Nichols: There is a subdivision plan from 1988 that shows the ROW as being about 12 feet wide.

Houle: What driveway material will you be proposing?

Lemieux: A paved driveway is planned.

Houle: You should consider how to manage the runoff from the driveway.

Pelech: We are willing to consider pervious driveway.



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Bird reported that this is the property that abutters at 59 Spur Road sent a letter to the Building Inspector regarding their concerns. Copies were provided at the last meeting.

Gove: Looks like we have a deep water table and well drained soils.

Hunt: Parking area looks larger than it needs to be.

Nichols: It is oversized and it will not be that large, depending on if there is a drive under garage.

Pelech: We would welcome a site visit.

Attorney Ari Pollack: I represent Andy and Natalie Koellmer, abutting owners at 59 Spur Road. They are concerned about the impacts to their property. Will there be another opportunity to present their concerns and ask questions before the Conservation Commission makes a final report?

Hunt: Yes this will likely come back to use on December 9<sup>th</sup> after we determine if we are going to do a site walk.

Bird explained the normal procedure for a conditional use permit.

Hunt: We will discuss a possible date for a site walk at the end of the meeting and let all parties know.

#### 4. REPORT FROM THE CHAIR

##### A. Review of Correspondence Received

###### i. Letter of Resignation from Ronald Hebert

Hunt reported that Hebert has submitted his letter of resignation dated October 28, 2013. We are sorry to see him resign. We are now short two regular members and need to work on getting some new members appointed.

###### ii. Letter from New Hampshire Association of Conservation Commissions regarding membership

Hunt: We received a letter from Nicholas Coates of the NH Association of Conservation Commissions dated October 18, 2013 inviting us to the 11/2/13 annual meeting and asking us to consider becoming members of the association. The annual dues would be \$870. Members could attend the conference if there is money in the Planning Department budget.

###### iii. Wetlands Permit #2013-00686 issued to Gary and Elizabeth Boukus – 139 Spur Road

Bird reported that a NH Wetlands Permit has been issued to the Boukus property for a new dock that would have to be installed by a barge.

###### iv. Letter dated 10/28/13 from Ronald Hebert to City Manager regarding Washington Highlands Conservation Easement

Bird distributed a letter that Ron Hebert sent to the City Manager dated 10/28/13 stating his concerns about the lack of enforcement on compliance with the terms of the conservation easement deed. Bird also distributed a letter dated 11/7/13 that he received from Attorney Chris Wyskiel on behalf of the Washington Highlands Homeowners Association.

Hunt and Bird provided a review of the history of the issues related to the conservation easement.

Hunt: According to the Wyskiel letter it appears that the management plan will be presented to the HOA at their annual meeting in November and hopefully to us after that. Let's wait until then.



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### 5. OTHER BUSINESS

Hunt: What dates would work for a site walk on the Spur Road project?

It was decided that Sunday, November 17<sup>th</sup> ay 10:00 AM would work best given how early it gets dark and the desire to do the walk before we get snow.

Bird will prepare an agenda and notify all parties.

### 6. ADJOURNMENT

*Houle motioned to adjourn at 8:08 PM. Perron seconded. Vote: Unanimous*