



**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, December 9, 2013  
Meeting Time: 5:30 pm

**MEMBERS PRESENT:** Bill Hunt (Chair), Marcia Gasses, Kris Houle, Michael Joyce (Alternate)

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

**OTHERS PRESENT:** David Lemieux, Christian Smith, Bill Gove, Bernie Pelech, Ron Hebert, Ed Hoginski, Andrew Koellmer, Natalie Koellmer, others

The meeting was convened by Hunt at 5:40 PM.

### 1. APPROVAL OF THE PRIOR MEETING MINUTES

*Joyce moved to approve the November 12, 2013 minutes, Houle seconded. Vote: Unanimous*

### 2. OLD BUSINESS

### 3. NEW BUSINESS

- A. NHDES Wetlands Permit and City of Dover Conditional Use Permit for D.R. Lemieux Builders, Inc. (Agent: Beals Associates), Owner: Calvin Potter, Assessor's Map L, Lot 14A, zoned R-20, located on Spur Road.

Proposal is to build a single family house, driveway and seasonal dock on a landlocked vacant lot. The proposed work would have 1,162 sq. ft. of permanent impact and 4,084 sq. ft. of temporary impact with the Conservation District along the tidal Bellamy River and is fifty feet from the river.

Christian Smith of Beals Associates presented the revised plan. The wetlands scientist, Jim Gove, the builder Dave Lemieux, and Attorney Bernie Pelech are present. The house footprint is shown and porous pavement is proposed for the portions of the driveway that within 100 feet of the river. A rain garden is proposed to handle roof runoff.

Houle: Where would the rain garden be located?

Smith: The exact location has not been determined but it will be outside the 50 foot buffer.

Gove: The NH Wetlands Permit application number is 2013-03242. We had to refile the application because we did not include the NH Natural Heritage Bureau notice. We had to apply to the NH Division of Historic Resources and have hired an archeologist to investigate the site. We don't need a separate Shoreland Permit. We did a tree inventory to identify the trees to be saved and removed.

Houle: What are the plans for the driveway that is not porous?

Smith: It would be regular pavement.

Joyce: Is the house and driveway location locked in?

Smith: Yes, there is really no other location that works.

Hunt: Could you explain the tree removal plan to us?

Smith pointed out the tree symbols on the plan.

Gasses: I would like to see the plan include the dimensions of the house.

Lemieux: The footprint is about 1,728 square feet and it is two stories.

Houle: Will the dock be built by barge?



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Smith: Yes by barge.

Bird: Does the tree plan show which trees will be removed?

Smith: Yes, there are only three trees to be removed.

Joyce: Will there be a lawn around the house?

Gove: The temporary disturbance area will have to be replanted.

Smith: We will use a special mix.

Gasses: Confirmed that some form of erosion control will be placed at the edge of the temporary disturbed area.

Hunt: Are there any members of the audience that have questions or comments?

Ed Hoginski: I own the front lot that the driveway goes over. I bought this lot and thought the rules would protect my interests. This house will lower the value of my property. You should not issue any approvals until the state acts on the permits.

Gasses: No building permit will be issued until all the DES permits are granted.

Drew Koellmer: Does state have to approve their permits before the CUP is granted?

Gasses: No, we cannot delay action on an application to wait for the state permits to be issued.

Koellmer: I am concerned about the buffer impacts from my property. The proposed impacts of a house and driveway are a lot more than the small seasonal camp that was there. Can the tree buffer along my property line be preserved?

Gasses: I don't think we want to go beyond the scope of our jurisdiction in terms of limiting cutting trees that are not regulated.

Bird: Please show us on the plan the three trees to be removed.

Smith pointed out the trees which were in the area of the house and driveway.

Hoginski: Who enforces the tree removal requirements? I have seen lots on Dover Point Road clear a bunch of trees.

Gasses: The state does and the city does through zoning enforcement. Most are the result of complaints.

Hoginski: How long does the state permit process take?

Gove: 75 days for the state permit.

Bird: Let's try to list the issues that the members have raised so far.

After discussion, the following conditions were developed:

1. Provide erosion and sedimentation control plan
2. Add dimensions of the house on plan
3. More detail on the rain garden and driveway storm water management
4. Tree clearing to be limited to house and driveway
5. Temporary disturbance area to be planted with a New England grass and shade forb mix
6. Dock to be constructed by barge

*Gasses made a motion to endorse the NHDES Wetlands Permit application and the City of Dover Conditional Use Permit with six conditions, Joyce seconded. Vote: Unanimous*



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### 4. REPORT FROM THE CHAIR

#### A. Review of Correspondence Received

- i. Letter dated 11/19/13 from Ronald Hebert to Steve Bird regarding Washington Highlands Conservation Easement

Hunt explained that Hebert had sent a letter to Bird and members asking to on the agenda if the management plan was going to be discussed.

Bird: Since we did get the management plan, this wasn't an issue.

- ii. Letter dated 11/26/13 from City Manager to Ronald Hebert regarding Washington Highlands Conservation Easement

Hunt explained that the City Manager sent a letter to Ron Hebert dated 11/26/13 addressing his concerns about the lack of enforcement on compliance with the terms of the conservation easement deed.

Bird explained that he spoke with Attorney Chris Wyskiel on behalf of the Washington Highlands Homeowners Association, who indicated that they were not ready to present the management plan. It should be on the January agenda.

Hebert confirmed that he would be allowed to comment on the management plan once it is submitted.

Gasses: I would request that any information that people want to submit to Conservation Commission members be submitted through City Hall, not delivered to my workplace.

### 5. OTHER BUSINESS

Bird has begun the process of identifying the neighbors to the Cassily parcels so that a public hearing can be held in January. He will check with Dennis to make sure he is available for that meeting.

Bird distributed a copy of the 2014 meeting schedule.

### 6. ADJOURNMENT

*Gasses motioned to adjourn at 6:40 PM. Houle seconded. Vote: Unanimous*