



CITY OF DOVER

DOVER CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Second Floor Conference Room - 288 Central Avenue Dover NH
Meeting Date: Monday, February 10, 2014
Meeting Time: 5:30 pm

MEMBERS PRESENT: Bill Hunt (Chair), Marcia Gasses (Vice Chair), Cora Quisumbing-King, Kris Houle, Kevin Perron, Richard Erickson, Michael Joyce (Alternate)

STAFF PRESENT: Steve Bird (City Planner)

OTHERS PRESENT: Councilor Jason Gagnon, Mark West, Kevin McEneaney, Brendan Newall, Jill Bartollotta, Lisa Graichen

The meeting was convened by Hunt at 5:32 PM.

1. APPROVAL OF THE PRIOR MEETING MINUTES

Gasses moved to approve the January 13, 2014 minutes, Erickson seconded. Vote: Unanimous

2. OLD BUSINESS

A. Discussion regarding disc golf proposal for Cassily property, Assessor's Map 34, Lots 20B & 21.

Hunt asked Bird to update members on the meeting he had with City Attorney Anthony Blenkinsop. Bird: I met with him on January 30th to discuss the LCHIP deed. We reviewed the deed from 2005 and the e-mail sent by Jess Charpentier of LCHIP on 8/15/13. The deed clearly prohibits active recreation fields like a soccer field but transitory, low-impact outdoor recreation is allowed. Whether a use like disc golf is allowed is less clear, but based on the preliminary okay in the Charpentier e-mail, he recommended a procedure to follow. The Conservation Commission can take a position based on the preliminary LCHIP okay. If it is a positive endorsement, with reasonable conditions, then the City would contact LCHIP to see if they have objections to the final plan. If the Conservation Commission does not support the proposal, the disc golf group will probably walk away. If LCHIP finds that the proposal violates or is not consistent with the deed, then the proposal is dead. If LCHIP agrees that disc golf is allowed, the next step is to take a resolution to the City Council for a license agreement.

Perron: Could we get a copy of the deed?

Bird provided the deed to Perron for his review.

Joyce: There are no other proposals for using the property other than the Community Trail.

Perron: I have done a little research and this group has a good reputation based on their work at Bellamy Park. They have a good working relationship with Gary Bannon.

Hunt: When we did monitoring 2 or 3 years ago there was a lot of trash. It is good to get more people using the property.

Gasses: In my opinion this is not prime wildlife habitat compared to other conserved property. At first the neighbors were concerned with the Community Garden, but that worked fine. They should limit clearing as much as possible.

Houle: I would like to see the holes stay away from the river to leave a buffer.

Joyce: They should avoid wetlands and reduce the number of crossings.

Hunt: Let's talk about potential conditions we would recommend.



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Items discussed included: reasonable setbacks from the river; limit agreement to two years in case there are any problems; use pervious material for tee boxes; guidelines for vegetation removal including size and species; flag trees and brush to be removed so they can be checked ahead of time.

Gasses: They could use photographs to illustrate how much vegetation they would be removing for each hole.

Councilor Gagnon: I grew up in the area and I used to run through the property. Some parts of the Community Trail may already be within 200 feet of the river so the holes would be closer than that.

Erickson: They could do a more accurate plan if they used a property survey.

Bird confirmed that there was a survey plan prepared when the property was purchased.

Joyce: I would like to see a more complete proposal and the disc golf group seemed willing to make some amendments based on the feedback received at our last meeting.

Hunt: I think the best course of action would be to have Bird meet with the disc golf group again and review the plan in light of the issues discussed tonight to see if they are willing to prepare a more complete plan that addresses the issues raised by neighbors and be Conservation Commission members.

The consensus was that was the best way to proceed.

3. NEW BUSINESS

- A. NHDES Wetlands Permit (Expedited Review) and City of Dover Conditional Use Permit for Susan Niedoroda, Owner: Russell & Frances Browne Living Revocable Trust of 1999 (Agent: McEneaney Survey Associates, Inc.), Assessor's Map A, Lot 23-2-1, zoned R-40, located on Blackwater Road.

Kevin McEneaney and Mark West of West Environmental, Inc. were present to explain the proposal to construct a 12-foot wide asphalt driveway to access a building lot in Somersworth. The proposed work would fill 990 sq. ft. of wetlands and impact 6,870 sq. ft. within the 50-foot wetlands buffer. This lot is in both communities, with the frontage and access in Dover and the building location in Somersworth. The land is owned by an estate and they are trying to maximize the number of lots. This was part of a larger lot mostly in Somersworth and they did a lot line adjustment.

West: This is a minimum expedited permit because there is less than 50 feet of stream impact and is for a single family house.

Hunt confirmed that the stream flows southerly towards the road.

Houle asked about the size of the culvert under Blackwater Road.

West: Not sure, maybe 24 inches.

Houle: Have you prepared septic plans yet?

McEneaney: No because the house has not been designed yet.

Gasses: Did you go to the Somersworth Planning Board yet?

McEneaney: Yes we went for a lot line adjustment last year but it was contingent on getting state subdivision approval

West: The driveway has wetland buffer impact due to the driveway running parallel to the stream.

Houle: What was used to size the proposed culvert?

McEneaney: We had Paul Connelly of Civilworks look at that issue. It is a very flat area.

Hunt confirmed that the driveway will be paved.

Gasses: I can support this because they had a prior allowed access.



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Gasses made a motion to endorse the NHDES Wetlands Permit application and the City of Dover Conditional Use Permit, Perron seconded. Vote: Unanimous

The application was signed by the Chair and returned to the applicant.

- B. NHDES Wetlands Permit and City of Dover Conditional Use Permit for McEneaney Survey Associates, Inc. (Owner: Susan McCooey Drady), Assessor's Map 8, Lot 34, zoned R-20, located at 9 Wentworth Terrace.

Kevin McEneaney and Mark West of West Environmental, Inc. were present to explain the proposal to replace an existing concrete rubble sea wall with a new dry stone retaining sea wall, within the Conservation District adjacent to the tidal Piscataqua River. The proposed retaining wall is 435 sq. ft. and the area of fill behind the wall is 680 sq. ft. The new wall will be more vertical and cover a smaller area.

West: I have talked with Dave Price of DES on this application. We have received positive response from the NH Natural Heritage Bureau.

Perron: How high is the existing wall?

McEneaney: It runs from 4 feet to 6 feet. We will raise it to 7 feet which is the flood elevation in this area. It will be a very natural stone wall.

Houle: Do you have a plan for restoration at the base of the wall?

West: The tide line comes right up to there. I suppose we could try to revegetate the area or cover it up with seaweed.

Perron: What happens to the existing wall material?

McEneaney: It will be removed off-site.

Bird: Does wetland application say that material will be removed off-site and will all the construction be done from the land side?

West: We can amend the application to specify that.

Houle: What are you doing for erosion control?

West: We could do a turbidity curtain.

Houle: I would like to see a revegetation plan that addresses density of plants.

McEneaney: We will amend the wetlands application and the plan to address these items.

Gagnon confirmed that the project will take a week or week and a half to complete.

Perron made a motion to endorse the NHDES Wetlands Permit application and the City of Dover Conditional Use Permit with the condition that the plan and application be amended to include the requirement that material removed from the existing wall be removed off-site, that construction will take place from the upland, a turbidity curtain will be added for erosion and sedimentation control, and a revegetation plan for the base of the wall area will be added, Quisumbing-King seconded. Vote: Unanimous

- C. NHDES Wetlands Permit and City of Dover Conditional Use Permit for McEneaney Survey Associates, Inc. (Owners: Elbert Kelley Jr., Kevin Kelley, & Jerry Kelley), Assessor's Map 8, Lot 46, zoned R-20, located at 31 Wentworth Terrace.

Kevin McEneaney and Mark West of West Environmental, Inc. were present to explain the proposal to replace an existing stone retaining wall with a new dry stone retaining wall, within the Conservation District adjacent to the tidal Piscataqua River. The proposed retaining wall is 379 sq. ft. and the area of fill behind



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the wall is 1,358 sq. ft. An existing garage and shed is to be removed and a new garage (576 sq. ft.) is to be built. The owner will be making some last minute changes to the garage location and size, so we are not asking you for any action tonight and we realize we will have to come back with a final plan. The house foundation acts as a retaining wall. The northern portion of the wall will be moved back from the water. The wall will be 2 feet higher than the existing wall.

West: This application requires a Shoreline permit also.

Joyce: Is the wall going to be constructed in sections due to the tides?

West: Only the 45 feet of wall between the house and garage will be demolished.

Houle: When doing the excavation of the footings, how will you be handling the dewatering.

West: We can add that to the plan. I would add silt bags to dewater.

Gasses: Where will the rocks come from?

McEneaney: Not sure they will come from but they will be clean.

Bird: Why not move the location of the new garage outside of the 50-foot buffer?

Gasses: I agree. That would be closer to the house.

McEneaney: Really owner's preference. They could rehab the existing garage in place if they wanted. I doubt that he will want to move it further away.

Houle: Will trees be removed for the garage?

West: If we have structures closer to the river it would apply but we are moving it further away. It could be a Shoreland issue if the new location removes some trees.

Houle: If the garage has a poured slab foundation it could impact tree roots.

Hunt: There is no need to take any action tonight due to the change in garage location.

4. REPORT FROM THE CHAIR

A. Welcome to City Councilor Jason Gagnon – liaison to Conservation Commission

Hunt welcomed Councilor Gagnon.

Gagnon: I have recently been elected as Ward 6 councilor and we have been encouraged to get involved with other boards. I have an environmental background from UNH. I view my role as being an advocate for the Conservation Commission on any issues you feel are important. I may not make every meeting but I will be available.

Bird: Could use some assistance to get Michael Joyce moved up from an alternate to a regular member. He was overlooked the last time new members were appointed.

Gagnon: I will follow up with Deputy Mayor Carrier on this.

B. Information on Proposal from Tender Crop Farm (Owner of Tuttle Farm) for Conversion of up to 50 Acres of Forest to Farmland

Bird reviewed a proposal by the owners for converting up to 50 acres of forest to active farmland consisting of crops, fruit orchards and cattle grazing. He and Anna Boudreau met with Tyler Matteson and a forester to find out more information. He has been in contact with NHDOT, who holds an executory interest in the property. They are reviewing the proposal with all the state and federal resource agencies. The Forestry Management Plan will likely have to be reviewed and approved by the Conservation Commission. There may be an issue with the accuracy of the wetlands delineation.



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Hunt: The new owner has done a good job with his farm in Newburyport.

Gasses: Dot may have an issue with potential wetlands impacts. There are some exemptions for agricultural uses. The area along Little Johns Creek could be an issue.

Hunt: They want to remove the trees along the turnpike to increase visibility.

C. Request for Letter of Support for Resilient NH Coasts Grant Application from Planning Dept.

Bird asked for a letter of support from the Conservation Commission for this grant application.

Gasses made a motion to support the grant application, Perron seconded. Vote: Unanimous.

D. Special Meeting of Conservation Commission Scheduled for 3/3/14 – Sawyer Mill Dam

Bird explained that a special meeting is going to be held to hear a presentation by a consultant and representatives of some state agencies related to the dam removal. Interested parties would be invited to attend the public meeting.

Consensus was that 6:00 pm would be a good time for the meeting. Bird will prepare agenda and send it out to members.

E. Review of Correspondence Received

i. Letter dated 1/22/14 from Ronald Hebert to Conservation Commission regarding Washington Highlands Conservation Easement

Bird distributed a copy of the letter. He contacted the Board of Directors but they were not ready to present their management plan yet. Bird offered to show any members pictures of the property and the mowing that takes place. It is time to schedule another easement monitoring visit in the spring.

Gasses: This is not an ideal open space subdivision design. The lots are too small. I don't have an issue with mowing the field but am more concerned with the encroachment of lawns. It is an easement monitoring nightmare.

Bird: I will see if the association will ready to submit their plan soon. It would be a good reason for all members to monitor the property.

ii. Letter received 1/15/14 from Vicky Stafford – Strafford County Conservation District

Hunt: I think it would be a good idea to ask her to attend a future meeting to discuss the services they offer.

5. OTHER BUSINESS

Bird distributed a letter from the NH Association of Natural Resource Scientists (NHANRS). They offer a group membership option for \$20 that would allow all members reduced fees for workshops.

Consensus was to try to find funding for the membership, especially with the EPA ruling coming soon.

Gagnon: I was approached by Mr. Falzone, the owner of the Sunningdale Golf property. He has two plans for redevelopment, one with 170+ houses and the other with fewer houses and more preserved open space.



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He had received support for the conservation option from the Strafford Regional Planning Commission and he is looking for more support from surrounding communities. None of the land is in Dover.

Gasses: I think we need more information before we can take any action.

The Conservation Commission took the matter under advisement and took no action.

6. ADJOURNMENT

Perron motioned to adjourn at 7:40 PM. Quisumbing-King seconded. Vote: Unanimous