



CITY OF DOVER

DOVER CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting
Meeting Location: **2nd Floor Conference Room** - 288 Central Avenue, Dover, NH
Meeting Date: Monday, January 13, 2020
Meeting Time: 5:30 pm

MEMBERS PRESENT: Bill Hunt (Chair), Steve Fellows (Vice Chair), Robert Atwood (Secretary), Abby Lyon, Zach Schmidt (Alternate), Piper Bartlett-Browne (Alternate)

Absent (Excused): Jason Aube, Amy Kramer-Perry

Absent (Un-excused): Richard Erickson

STAFF PRESENT: Steve Bird (City Planner), Donna Benton (City Planner)

OTHERS PRESENT: Lindsey Williams (City Council Liaison), Rick Lundborn, Cynthia Balcius, Kyle Macdonald, Zachary Taylor, Steve Riker, others

1. The meeting was convened at 5:35 PM and a roll call was done.

2. ANNUAL NOMINATIONS AND ELECTION OF OFFICERS FOR 2020

Hunt opened the floor for nominations for officers. He confirmed that existing officers agreed to serve.

Lyon nominated Hunt as Chair, Fellows as Vice Chair and Atwood as Secretary, Schmidt seconded. Vote: 6 in favor

3. APPROVAL OF THE PRIOR MEETING MINUTES – December 9, 2019

Fellows moved to approve the December 9, 2019 minutes, Schmidt seconded. Vote: 5 in favor, Lyon abstained

4. OLD BUSINESS: NONE

5. NEW BUSINESS:

A. NHDES Wetlands Permit for the City of Dover (Owner: Osterman Propane, LLC), Assessor's Map 31, Lot 2, zoned CBD, located at 63 Fourth Street.

Rick Lundborn of Fuss & O'Neill was present to explain the proposal to construct a 10-foot wide, paved pedestrian trail adjacent to Cochecho River, with a permanent wetland impact of 1,220 square feet and a temporary wetlands impact of 510 square feet. The City has an easement on the Downeast Energy parcel to construct this section of the Community Trail to replace the informal trail. The Planning Board approved the CUP for this work in 2017.

Fellows: Are there steep slopes that the trail crosses?

Lundborn: Yes right where the existing trail comes off the parking lot.

Schmidt: What will happen to the existing trail that is being discontinued?

Lundborn: The areas where there is boardwalk will be removed and the gravel areas will be restored.

Hunt: With a ten foot wide paved trail, how will you prevent vehicles from getting on the trail?

Lundborn: The width is required by Federal Highways standards due to the work being funded by one of their grants, but we will install bollards.

Fellows: Will the work be done by hand or machinery?

Lundborn: Probably both but that depends on the contractor hired. A bio-retention pond will be constructed by machine.

Hunt confirmed that the pavement will be conventional not porous.

Fellows moved to endorse the NHDES Wetlands Permit as presented, Atwood seconded. Vote: 6 in favor



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- B. NHDES Wetlands Permit and City of Dover Conditional Use Permit for the Richard Farina Revocable Trust (Agent: Cynthia Balcius, Stoney Ridge Environmental), Assessor's Map N, Lot 8-A-2, zoned R-40, located at 232 Gulf Road.

Kyle MacDonald and Cynthia Balcius, of Stoney Ridge Environmental were present to explain the proposal to construct a 9,827 square foot pond partially in a wetland and wetland buffer with a permanent wetland impact of 4,322 square feet and a wetlands buffer impact of 4,535 square feet. There is a net increase in wetland area. The pond is located partially in the wetlands to take advantage of the hydrology needed for a pond. Need, minimization and avoidance was reviewed.

Lyon confirmed that the new wetlands will create new wetland buffers but that no structures were close.

Hunt: Where will the soil that is excavated for the pond be disposed of?

Balcus: Not sure of the owner's or contractor's plans but it will be outside of any wetlands area.

Lyon: It is a unique plan but the important point is that there is no net loss of wetlands.

Fellows moved to endorse the DES Wetlands Permit and City of Dover Conditional Use Permit as presented, Lyon seconded. Vote: 6 in favor

- C. NHDES Standard Wetlands Permit for Avishai & Orly Shachar, Assessor's Map N, Lot 3-3, zoned R-40, located at 98 Three Rivers Farm Road.

Zach Taylor of Tidal Ecological Consultants was present to explain the proposal to construct a dock adjacent to the tidal Cochecho River. Proposed dock has a 3' x 140' permanent pier, a 3' x 50' seasonal pier, a 3' x 50' seasonal gangway, and a 10' x 20' seasonal float, with a permanent tidal wetlands impact of 420 square feet and a temporary tidal wetlands impact of 500 square feet. This a unique property that is the confluence of the Cochecho and Salmon Falls Rivers. We tried to locate the dock on the Salmon Falls side of the parcel but could not get approval of SELT, which holds a conservation easement. Dock is only 3 feet wide to reduce impact. Part of pier will be seasonal and will use aluminum pier to reduce number of pilings.

Fellow: How much water is the float in at low tide?

Taylor: The two feet that is required.

Hunt: How close to federal channel is the dock?

Taylor: It is 43 feet away and meets the setback requirements.

Fellows: How does removal of the seasonal pier work?

Taylor: Either by pulling is up onto the permanent pier of floating it to the shore for storage.

Bird: How will the dock be constructed?

Taylor: Most of it will be constructed off-site, installed by barge, using vibratory hammers for piles.

Fellows: I appreciate the attempts to reduce the impacts to resources.

Fellows moved to endorse the NHDES Standard Wetlands Permit as presented, Lyon seconded. Vote: 6 in favor



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- D. Preliminary Discussion with Steve Riker of Ambit Engineering on a City of Dover Conditional Use Permit and a NHDES Expedited Wetland Permit for Chad & Heather Holleman, Assessor's Map L, Lot 11, zoned R-20, located at 21 Nute Road.

Steve Riker of Ambit Engineering was present to explain the proposal for a new single family house and accessory dwelling unit to replace an existing house adjacent to the tidal Bellamy River, with 5,190 sq. ft. of permanent tidal buffer zone impact and 4,167 sq. ft. of temporary tidal buffer zone impact. This a complex project and I am looking for your feedback before finalizing CUP application. The entire lot is within the 100 foot tidal buffer zone. Odd shaped lot presents challenges. All existing structures will be removed. We are proposing an Accessory Dwelling Unit (ADU) in a separate building above a garage. There is another garage in the main house.

Lyon: Is there a plan to remove an existing septic system if one exists?

Riker: No plans for that. One may be uncovered during demolition and we will work with the Building Inspector to deal with it.

Bartlett-Browne: Any idea how old the existing house is? Are you concerned with asbestos or lead?

Riker: The camp is from the 1930's so we will deal with those issues during demolition with City.

Fellows: It looks like the floodplain is at 6 feet in this area. What elevation will the structure be built to?

Riker: The finished floor of the basement is proposed at 7 feet.

Bird: Dover's floodplain regulations require a 2 foot freeboard above flood elevation for any habitable space so the basement could not be finished living space. Hard to enforce that is no building permit is applied for in the future. How high is the water table here?

Riker: I assume it is right around 6 feet.

Lyon: Have you considered the impacts of groundwater rise in relation to sea level rise?"

Riker: I am aware of those issues and I have warned the owners of that possibility.

Fellows: Is it feasible to raise the building by one foot to meet the freeboard requirement?

Lyon: Where will the oil burner, oil tank and other utilities be located? Basement could be an issue.

Riker: Raising the building would increase the amount of fill required. The utilities could be raised off the floor in the basement.

Lyon: Is all the storm water generated on site being treated on site?

Riker: Most but not all.

Riker reviewed the storm water plans and discussed the tree score plans prepared for DES.

Lyon: The building with the ADU doesn't have a driveway to it, even though it has a garage.

Riker: We will have to figure that out. The driveway to the main house is porous pavement.

Lyon: A porous driveway has certain maintenance requirements that most homeowners are not familiar with. It is difficult to maintain porous pavement if sand is applied. The sand clogs the pavement.

Riker: Some landscaping companies now have commercial pavement vacuums for that purpose.



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Bird: Since the ADU regulations require on parking space and the garage is meant to meet that requirement, you have to show access. The driveway regulations don't allow 2 driveways on a lot.

Bird: Have you explored the possibility of shifting the house closer to the road to increase the distance of the house to the river?

Riker: We looked at that but the owner wants space to have parking in front of garage and walkway to front door of house.

Fellows: You need to be mindful of the proposed impacts and focus on minimization of impacts.

Lyon: Since this application was submitted prior to the new DES wetland rule changes, the homeowner needs to aware of the liability and risks of some of the building designs.

Riker: We have made the owners aware of these issues and warned them of the risks.

6. REPORT FROM THE CHAIR

- A. Review of Correspondence Received From NH Department of Environmental Services: None
- Letter from Piscataqua Region Estuaries Partnership with copy of 2019 PREP Annual Report

7. OTHER BUSINESS:

- A. Discussion on ideas for amendments to Wetlands Protection District, Conservation District, and Groundwater Protection Ordinances

Bird explained that the Planning Board is soliciting ideas for any potential amendments that the Conservation Commission wants to make to the environmental ordinances like wetlands, conservation or groundwater protection districts. Bird e-mailed the 3 ordinances to members.

Lyon: What about changes to storm water regulations?

Bird: Those are easier because they are not in zoning and can be amended by the Planning Board. I will send you a link to those regulations so you can review them.

- B. Reminder for Planning Board Meet and Greet – Tuesday, January 14, 2020 at 5:30 PM

Bird said that Hunt, Fellows and Lyon had indicated they would attend.

8. ADJOURNMENT

The Chair declared the meeting adjourned at 7:24 pm.