



CITY OF DOVER

DOVER CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting
Meeting Location: **1st Floor Conference Room** - 288 Central Avenue, Dover, NH
Meeting Date: Monday, October 7, 2019
Meeting Time: 5:30 pm

MEMBERS PRESENT: Bill Hunt (Chair), Steve Fellows, Abby Lyon, Robert Atwood (Secretary), Amy Kramer Perry, Jason Aube, Zach Schmidt (Alternate)

Absent (Excused): Richard Erickson

Absent (Un-excused):

STAFF PRESENT: Steve Bird (City Planner)

OTHERS PRESENT: Chris Berry, Catherine Cheney, Jessie Galt, Susan Galt, Rick Schnable, others

1. The meeting was convened at 5:31 PM and a roll call was done.

2. APPROVAL OF THE PRIOR MEETING MINUTES – September 9, 2019

Kramer-Perry moved to approve the September 9, 2019 minutes, Aube seconded. Vote: 3 in favor, Lyon and Atwood abstained

3. OLD BUSINESS:

- A. City of Dover Conditional Use Permit for STF Development Corp., Assessor's Map 32, Lot 35A, zoned R-12, located on Snow's Court.

Chris Berry was present to explain the proposal to construct a one family dwelling within the 100 foot Conservation District adjacent to the Cochecho River. House would be 73 feet from the river, with site grading being 61 feet from the river, with 4,600 square feet of disturbance in the Conservation District. We went from a duplex to a single family, which is allowed in this district, reduced the size of the footprint and increased the distance from the river by 4 feet. House is only 28 feet wide and is as far from the river as possible. I have a letter from Stoney Ridge Environmental stating that there are no vernal pools on site. We are proposing the same Best Management Practices and the driveway is smaller.

Kramer-Perry: How does the construction deal with flooding that will happen?

Berry: We are not in the floodway but in the floodplain. Construction is slab on grade with no habitable space below the flood elevation.

Hunt: How far from the street is the building.

Berry: The house is 17 feet from the property line but closer to 35 feet from the pavement.

Lyon: What relief would be needed to place the house closer to the street?

Bird: You could apply for a variance for a reduced front setback but there is no guarantee that a variance would be granted. Have to meet five criteria.

Fellows: We are being asked to bend the environmental rules but a variance is an option. We should be protecting the environment first.

Hunt: Could this lot be subdivided in the future?

Berry: Technically it could be but it would be very difficult to get another CUP for a second house.

Hunt: What would your options be if the CUP is not granted?

Berry: Frankly it would be superior court since the City would have taken any viable use of the lot that has been taxed as a building lot for years and the lot existed prior to the ordinance being put in place.



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Bird: Zoning puts restrictions in place on land but there are relief valves put in place to make sure there is not a taking of the owner's property rights. In this case you have the CUP for relief from the Conservation District setback requirements and you have a variance for relief from the front setback requirement.

Hunt: I will now let the abutters speak and ask that you speak just once.

Catherine Cheney: I live right across the street. Developer told me that the lot wasn't developable and would be used for TDR. Deck is the same size as before. Flooding goes to Snows Court. The lot could be subdivided in the future as you can't predict that. Not much has changed since last month. Vernal pools appear in April, but there study was done in February. I have a handout that has been updated. They need to do the study in the spring.

Lyon: Does the City have special protections for vernal pools?

Bird: They are protected as part of the wetlands ordinance, but there is no special protection.

Cheney: The site slopes back up as you go towards the river. There was no flood this year so the on-site water is from snow melt. The consultants are being paid by the developer so you need an independent study.

Berry: There are primary indicators for vernal pools which can be found at any time of year. There are no jurisdictional wetlands so how can there be vernal pools.

Fellows: The developer is not building a home to live here, he is going to sell or rent it.

Aube: Could the grading around the house be adjusted to reduce the footprint of disturbance?

Berry: We could look at that.

Fellows: I am at the same place as last week. Is this the least impacting plan? We are being asked to make accommodations. Planning Board can do as they see fit.

Aube: They are leaving a significant tree buffer between the house and the river and placing the house in the only place possible.

Aube made a motion to recommend the project as presented provided that a vernal pool study be conducted by a certified wetland scientist and if a vernal pool is present, the project be redesigned to minimize the impacts as much as practical and that a vegetative buffer be maintained in perpetuity around the vernal pool to the greatest extent possible, Lyon seconded. Vote: 4 in favor, 2 opposed (Fellows and Kramer-Perry) and 1 abstention (Schmidt)

4. NEW BUSINESS:

- A. City of Dover Conditional Use Permit for 46 Venture Drive Properties, LLC (Owner: Hussey Manufacturing Technology, LLC), Assessor's Map D, Lot 11-2, zoned I-4, located at 46 Venture Drive.

No one was present for the applicant so no action was taken.

- B. Preliminary Discussion with Berry Surveying & Engineering on a City of Dover Conditional Use Permit and a NHDES Expedited Wetland Permit for DRVP Developers., LLC, Assessor's Map 14, Lot 10-G, zoned R-12, located at 40A Cataract Avenue.

Bird: This project has not been to the Technical Review Committee yet so no vote will be taken tonight.



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Chris Berry was present to explain the proposal for 10 single family units along a 700 foot long road and associated drainage, creating 387 sq. ft. of wetlands impact and 5,979 sq. ft. of 50 foot wetland buffer impact. We are using TDR to get more units. There is finger of wetlands at the driveway that is impacted along with the buffer. Drainage uses rain gardens. There will be an HOA to maintain them. We will need a NHDES Shoreland Permit and Wetlands Permit.

Lyon: I recommend that the rain garden not use plants but use grass instead to make sure maintenance is easy.

Fellows: I would like to see you leave as much natural vegetation as possible.

a. Vote on request for expenditures from the Conservation Fund for:

1. Cassily Parcel Field Mowing on 8/23/19 by Bob Sherwood Landscape Co. - \$300

Bird explained that this is a payment for the second mowing of the field this year.

Lyon motioned to approve the requested expenditure of \$300 from the Conservation Fund, Fellows seconded. Vote: 7 in favor.

5. REPORT FROM THE CHAIR

A. Review of Correspondence Received From NH Department of Environmental Services:

1. Letter from DES to Patricia Rose of 17 Cote Drive regarding possible violations.
2. Letter from DES to Electrocraft NH regarding 2019 monitoring report being satisfactory.
3. Letter from DES to Stephen Lawrence Trust of 19 Wentworth Terrace requesting additional information.

6. OTHER BUSINESS:

A. Update on Forest Management Sub-committee Meeting Held on September 3, 2019

Fellows: We didn't have a meeting tonight but the RFP was issued last week and proposals are due back on 11/13/19.

B. Interest in Attending NH Association of Conservation Commission Annual Meeting and Conference on November 2, 2019?

Let Bird know within a week if you want to attend.

7. ADJOURNMENT

The Chair declared the meeting adjourned at 7:15 pm.