



**CITY OF DOVER**

## DOVER CONSERVATION COMMISSION – MINUTES

Meeting Type: Regular Meeting  
Meeting Location: **1<sup>st</sup> Floor Conference Room** - 288 Central Avenue, Dover, NH  
Meeting Date: Monday, September 9, 2019  
Meeting Time: 5:30 pm

**MEMBERS PRESENT:** Bill Hunt (Chair), Steve Fellows, Amy Kramer Perry, Jason Aube, Zach Schmidt (Alternate)

**Absent (Excused):** Abby Lyon; Robert Atwood (Secretary) Richard Erickson

**Absent (Un-excused):**

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

**OTHERS PRESENT:** Chris Berry, Catherine Cheney, Mary Keays, George Law, Jr., George Law, Jessie Gault, Bob Smith, Steve Riker, Malia Ohlson, Dave Fenstermacher, Chris Wilkes, others

**1. The meeting was convened at 5:30 PM and a roll call was done.**

**2. APPROVAL OF THE PRIOR MEETING MINUTES** – August 12, 2019

*Aube moved to approve the August 12, 2019 minutes, Schmidt seconded. Vote: 3 in favor, Hunt and Fellows abstained*

**3. OLD BUSINESS:**

*Fellows moved to remove the applications from the table, Kramer-Perry seconded. Vote: 5 in favor*

- 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 for the construction of a two family dwelling within the 100 foot Conservation District adjacent to the Cochecho River. House would be 70 feet and site grading would be 55 feet from the river, with 1,953 square feet of disturbance in the Conservation District. Lot is being subdivided. House complies with flood ordinance as the lowest inhabitable floor is above the base flood elevation. It meets the Shoreland impervious rules. Lot is being donated to City.

Aube: What kind of storm water treatment is proposed?

Berry: There is a drip edge around the house with infiltration trenches. Snow's Court has a history of flooding.

Aube: What are your post construction impervious numbers?

Berry: We are at 13.8% not counting the storm water BMP's.

Fellows: The lot is almost entirely in the conservation zone, which was in place when the lot was purchased. This ordinance was designed to prevent this type of development. Move the structure closer to the street.

Berry: This is a lot of record that pre-dates zoning. It meets the building placement requirements of zoning.

Hunt: Would this house have been impacted by Mother's Day flood?

Berry: Yes it would be flooded but not the habitable space, only the garage.

Kramer-Perry: Would putting this structure and the fill increase the flooding elsewhere on Snow's Court?

Berry: We haven't studied that it is only the area of the slab.

Hunt: With the permission on the Commission I will allow the abutters to speak with questions and concerns.

C. Cheney: Original plans called for tow duplexes. Parcel has vernal pool that appears in the spring and dries up later in the year. Street has extensive flooding history. She distributed a handout to members. Whole parcel should be in conservation. No wetlands permit has been filed yet. This is a forested wetlands. If there is any development it should be a single family. Existing path is used for fishing. There is 3 foot drop at edge of river.

U. Cheney: The fill area is too large. They will end up cutting all the trees.



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M. Keays: I am concerned about the environment and wildlife. Water table is rising.

G. Law, Jr.: This area has a vernal pool and wildlife. River has been cleaned up and needs to be protected. More development on the river is not the answer. Open space is getting smaller and needs protection. River is not a huge kaya destination. Not better for traffic in neighborhood.

G. Law: There is no hardship here. It will only benefit the owner. This is not the spot to develop. Don't set a precedent. Don't allow this to happen. Did the City promise the owner approval in return for the launch?

J Gault: It is designated a floodplain for a reason. You are charged with protecting conservation land. This is right in the floodplain and is completely saturated. Allowing fil is not protecting the conservation district. House will tower over the trees. It is your responsibility to protect the area.

Berry: No deals have been made here. TDR is based on payment of a fee, not conserving land in return for more units. We are not hiding that this is a floodplain. This is a lot of record. Impacts would not be much different with a single family. We could have Stoney Ridge Environmental review the vernal pool issue. I am not an expert but it doesn't look like a vernal pool to me.

C. Cheney: Conservation Commission should walk the site at a minimum.

Fellows: Application is not being presented in bad faith, but this structure is being proposed in an area of known flooding with a garage that will be regularly flooded. This is not consistent with efforts to improve the watershed. We are tasked with protecting conservation district. We should not recommend the plan.

Aube: Did Stoney Ridge look for wetlands while on the site?

Berry: Yes they are charged with looking at entire site. Not sure they looked at vernal pools.

*Aube made a motion to table so that we can do a site walk with the Planning Board and ask for vernal pool analysis.*

Hunt asked for a second but none was made.

*Fellows made a motion to recommend that the Planning Board not approve the CUP as presented, Kramer-Perry seconded. Vote: 4 in favor, 1 (Aube) opposed.*

- B. City of Dover Conditional Use Permit for STF Development Corp., Assessor's Map 32, Lot 35A-1, zoned R-12, located on Snow's Court.

Chris Berry was present to explain the proposal for the construction of a 70 square foot public kayak storage building and gravel trail within the 100 foot Conservation District adjacent to the Cochecho River. The building is proposed to be 57 feet from the river, with 5,334 square feet of disturbance in the Conservation District. City approached us to obtain the CUP to allow access to river for life safety issues and passive recreation. A small kayak storage rack is proposed. There is an existing access in that location. Parking will be in the right-of-way of Snow's Court. Shoreland Permit is ready to be submitted pending this meeting and Planning Board. Planning staff has reviewed the plan.

Hunt: What will the surface of the approach be to the river?

Berry: It will be crushed gravel and transition to crushed stone near the water's edge. Parking will be gravel.

Kramer-Perry: Will the gravel be washed away by flooding?

Berry: Not really since the flooding will be gradual rise in water, not wave action.

Fellows: We consider need as part of the application, so what is the need?

Bird: While this has not gone to TRC, the Planning Director has indicated that the Fire Department expressed a need for better access to this part of the river.



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R. Smith: I have kayaked by putting in by the Fourth Street Bridge and there is 2 foot drop there. It is not easy to put in. This is not a safe location for a launch.

J. Gault: The public will use it. Not the best site to put in. City should purchase a site if there is a need for one. Storage on site doesn't make sense. Who will maintain it?

C. Cheney: There are other locations to access the river near the ball field. Not sure if we need this.

G. Law: Nobody would give this land without expecting something in return.

Berry: We would need a wetlands permit if we got rid of the 2-3 foot drop.

Kramer-Perry: Is this the best spot for this or is this just coming about due to the proposed development?

Berry: We can speak with City officials about modifications to emphasize public safety.

*Fellows made a motion to table to allow City officials to comment on the need for access and request a statement for need and potential changes to the plan, Aube seconded. Vote: 5 in favor*

#### 4. NEW BUSINESS:

- A. NHDES Standard Wetlands Permit for Scott & Rachel Filion, Assessor's Map 7, Lot 10, zoned R-20, located at 17 Boston Harbor Road.

Steve Riker was present to explain the proposal to construct a dock adjacent to the tidal Little Bay. Proposed dock has a 4' x 10' access ramp, a 4' x 100' fixed wood pier, a 3' x 30' seasonal aluminum gangway, and a 10' x 20' seasonal float, with a permanent tidal wetlands impact of 690 square feet and a permanent tidal buffer zone impact of 40 square feet. We were here in 2017 for the new structure. Application has been submitted to DES. We meet the 20 foot DES abutter setback requirement but we have obtained abutter concurrence anyways. Dock will have float stops to keep it off the mud.

Kramer-Perry: How does this compare to neighbor docks?

Riker: It would be similar distance from shore. It would be considered one slip and the float is as smallest size.

Bird: How will the dock be installed?

Riker: We will use a crane barge to install piles and transport the dock pieces that are constructed of site.

*Fellows moved to endorse the NHDES Wetlands Permit as presented, Schmidt seconded. Vote: 5 in favor*

- B. City of Dover Conditional Use Permit for Wentworth-Douglass Hospital (Owner: Weathervane Seafood), Assessor's Map K, Lot 30-N, zoned B-3, located at 130 Stark Avenue.

Dave Fenstermacher and Chris Wilkes of VHB were present to explain the proposal for the construction of paved parking and associated grading and drainage impacting 3,107 square feet of wetlands buffer, an increase of 431 square feet over existing.

Fenstermacher: The propane tanks will be removed and dumpster will be moved. There are no wetland impacts. Storm water sheet flows into wetlands now. We will collect storm water and add generator pad. We have been to TRC. Using standard erosion control measures. We are decreasing total impervious area.

Aube: Is there a management plan for the bio-retention area?

Fenstermacher: Yes that is part of the overall plan that is part of the Planning Board packet.

*Aube moved to endorse the Conditional Use Permit as presented, Kramer-Perry seconded. Vote: 5 in favor*



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### 5. REPORT FROM THE CHAIR

- A. Review of Correspondence Received From NH Department of Environmental Services: None

### 6. OTHER BUSINESS:

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

Fellows: We mainly discussed the draft RFP document and potential urban street tree projects. We are asking you for permission to move forward to issue the RFP. We are using a two-step process to vet the proposals first and then review the price.

*Fellows moved to have the Conservation Commission endorse moving forward with the RFP prepared by the sub-committee, Schmidt seconded. Vote: 5 in favor*

### 7. ADJOURNMENT

The Chair declared the meeting adjourned at 7:59 pm.