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MEMORANDUM

TO: Board of Selectmen

FROM: Town Staff

DATE: October 15, 2009

SUBJECT: **Expansion of Use of Wilson's Landing and Environmental Controls**

The Board posed two questions to Town staff during its last discussion on the Wilson's Landing dock proposal and requested additional information. Those questions included:

1. Is the proposal by the Friends of Hanover Crew (FOHC) an appropriate expansion from legal, abutter, traffic, site capacity, recreational, and environmental perspectives?
2. Whose role is it to evaluate the environmental impacts of the proposed dock?

Appropriate Degrees of Expansion:

Legal/Abutters:

The Zoning Ordinance's standards regarding this question are the criteria by which the Zoning Board of Adjustment would consider a Special Exception for Outdoor Recreation. These criteria are listed in Section 206, are quite general, and are subject in each case to the judgment of the Board:

“206.1 Such proposed Special Exception use shall not adversely affect:

- A. The character of the area in which the proposed use will be located;
- B. The highways and sidewalks and use thereof located in the area;
- C. Town services and facilities.”

The judgment the Zoning Board is expected to apply revolves around how to:

- Balance what is basically under law a permitted use of a property, in ways which would be respectful of neighbors' reasonable concerns and interests,
- Achieve or maintain a reasonable degree of safety, convenience, and reliability in access to and use of public ways, and
- Avoid overburdening available public services and facilities.

Traffic/Access:

This perspective also encompasses safe and reliable access to the site and a sense of how much vehicular use the site can safely and comfortably accommodate. It is part of one of the Special Exception criteria listed above.

This year in May, during the time period when the proposed Hanover High School crew training use of the site would be at its most intense, the Department of Public Works conducted traffic counts of vehicles entering and leaving Wilson's Landing. Over a 10-day period, from Friday May 9th through Monday May 18th, a total of 167 vehicles used the site, an average of 16.7 per day, with daily (24-hour) counts ranging from a low of 9 vehicles to a high of 32.

These vehicles enter and exit the site along a driveway that intersects with NH Route 10. Traffic counts done by the NH Department of Transportation in August 2008 on Route 10 just south of River Road measured an average of 4,591 vehicles per day ranging from a daily low of 3,395 vpd to a high of 5,217 vpd. As these figures are 85% of the average daily traffic (5,406 vpd) counted in August 2000, traffic volume has significantly declined.

Peak hour traffic in 2008 was found to be 387 vehicles on average, with a range from 310 vehicles per hour (vph) midday (10:00 AM to 2:00 PM), 401 vph mornings (6:00 to 10:00 AM), and 450 vph late afternoons (2:00 to 8:00 PM). Judged against a peak-hour design capacity of this section of Route 10 of 2,800 vehicles, there is considerable traffic capacity on the road, and thus considerable ease and safety for vehicles entering and exiting the Wilson's Landing driveway.

Site Capacity/Recreational:

The site was deeded to the Town for outdoor recreation and safe access to the river, and the Town has been using it that way, subject to the limitations imposed by respecting those purposes and by the physical constraints of the site.

Recreational and River Access Purposes:

The existing Town dock was designed for use by motorboats and is either difficult or not able to be used for small non-motorized craft because of size, height and railings.

The dock which FOHC proposes would remediate this deficiency and would provide a proper dock for non-motorized boats, including kayaks, canoes, sculls and shells. The proposed dock would also be handicap accessible.

Physical Constraints:

Parking:

The existing parking lot is somewhat irregular in shape, but is approximately 160 feet by 75 feet at its longest and widest, tapering down to 140 feet by 62 feet respectively. It can accommodate approximately:

- 12 pick-up trucks/cars with boat trailers, or
- 22 cars parked head-in around the perimeter of the lot without blocking the driveway, boat launch, or dock access.

With recent monitoring by Hanover Police Department staff in response to the dock request, the largest number of vehicles parked at one time has been seen to be 9 or 10, mid-afternoon on a September Saturday, including both vehicles with and without boat trailers. HHS Crew Coaches who regularly pass Wilson's Landing during early morning practices have reported that they have never seen more than one vehicle parking at the site at those times of day in the spring.

The originally approved plan for developing Wilson's Landing called for filling to a level above high water an area twice as large as that which was actually filled for the parking lot, dock access, and boat launch.

The FOHC proposal does not call for any structure that would encroach on the existing parking area or would increase the filled area of the site. If the HHS Crew and other rowers access Wilson's Landing only on foot, which is what the group has proposed with the assumption that parking would occur at the Fullington Farm site, they cannot add to the demands on existing vehicular access or parking.

Shoreline:

Because the only area of the site that can actively be used is the area that was filled in order to raise the level of the land above the river's level at high water, the only usable shoreline is the approximately 158 feet where the filled area lies adjacent to the river's main channel. Approximately half of that shoreline already accommodates a boat launch and the town float ("town dock") with its bulkhead.

Thus, there is room along the existing usable shoreline for only one more dock with bulkhead. The FOHC proposes such an additional dock, with a bulkhead of approximately 20 feet in width so as to accommodate a dock ramp of 10 feet in width. Because of the proposed ramp angle, the effective use of the available shoreline is

much less than is the case with either the Dartmouth Crew dock or the Chieftain sculling dock.

Environmental:

The entire 2.98-acre Wilson's Landing property is located in a federally delineated 100-year floodplain. Moreover, except for the area that was filled, having an area of approximately one-half acre, almost all of the property is inundated when the river is at its highest water levels. This is the only part of the property that can accommodate active uses; however, no habitable structures, or structures that would block the free flow of flood waters, would be allowed there. None could be reasonably built given the poor subsurface conditions. The majority of the site is not suitable even for nature or hiking trails.

Evaluation of Environmental Impacts:

There are three agencies which are both legally and technically required to evaluate environmental impacts of any proposal involving use and addition of structures on or near the banks of the Connecticut River, to require mitigation measures or change in design for environmental reasons, and to issue permits. These are the New Hampshire Division of Environmental Services (NHDES), the United States Army Corps of Engineers, and the Hanover Zoning Board of Adjustment.

For the FOHC proposal on both Wilson's Landing and the adjoining Fullington Farm, the following 12 reviews and actions (7 environmental permits, 1 environmental notification, 2 site plan approvals, and 2 zoning approvals) will be necessary:

NHDES:

- Comprehensive Shoreland Protection Act permit per RSA 483-B for Fullington Farm.
- Comprehensive Shoreland Protection Act permit per RSA 483-B for Wilson's Landing.
- Dock Permit: Minimum Impact Expedited Permit per Env-wt 506, 303.04, and 402 for Wilson's Landing. It is possible that the Shoreland Protection Act permit for Wilson's Landing and the dock permit could be combined into one application.

US Army Corps of Engineers:

- Programmatic General Permit for Navigable Waters, for Wilson's Landing, regarding wetlands, wildlife, floodplains, per 33 CFR Part 329.

Hanover Zoning Board of Adjustment (per Hanover Zoning Ordinance):

- Floodplain Special Exception at Wilson's Landing Zoning (Section 701).
- Waterbody Buffer Special Exception at Wilson's Landing (Section 702).

- Waterbody Buffer Special Exception at Fullington Farm (Section 702).

In their reviews of environmental permit applications, these agencies:

- Require environmental analysis to be performed by qualified consultants retained by a project proponent. Particular subjects include affects on wetlands, floodplains, bank stability, fish and wildlife, riverbank and wetlands vegetation, navigation, currents and water flows, aesthetics, access and circulation, surface water quality, groundwater quality.
- Receive and consider input from interested state, regional, and local agencies, such as the NH Natural Heritage Bureau, the NH Division of Historical Resources; the Connecticut River Joint Commissions, the Connecticut River Watershed Council (including its River Steward), the Upper Valley Lake Sunapee Regional Planning Commission; and the Hanover Conservation Commission; and from interested private organizations, such as the Hanover Conservation Council, and private citizens.
- Retain professional services of independent peer-review consultants, at the applicant's expense, when the reviewing agency deems it necessary.
- May hold public hearings, or, as in the case of our Zoning Board, are required to hold public hearings, to receive and consider input from abutters and the general public.

In addition to the required environmental reviews and permits, the following related Town reviews and approvals will be necessary:

- Site Plan approval for Wilson's Landing from the Hanover Planning Board.
- Site Plan approval for Fullington Farm from the Hanover Planning Board.
- Seasonal Dock Notice to Zoning Administrator (Section 702).
- Special Exception for proposed use at Fullington Farm from the Hanover Zoning Board of Adjustment (Sections 204.7 and 206).
- Variance for proposed second driveway at Fullington Farm from the Hanover Zoning Board of Adjustment (Section 210.1A).