



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers 288 Central Avenue Dover, NH 03820
Meeting Date: **Tuesday, September 26 2017**
Meeting Time: **7:00 pm**

Members Present: Kirt Schuman (Chair), Gina Cruikshank (Vice Chair), Dennis Ciotti (Councilor), Tom Clark, Frank Torr, Lee Skinner, David Landry, Catherine Plante, James Burdin (Alternate), Tristan Donovan (Alternate), Hayley Harmon (Alternate)

Members Not Present: Dave White

Staff Present: Steve Bird (City Planner)

The Chair called the meeting to order at 7:00 p.m., and asked Harmon to sit in for Dave White

1. CITIZENS' FORUM

Citizens Forum Open. Nobody spoke. Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- September 12, 2017 Regular Meeting Minutes

Motion: T. Clark made a motion to approve the September 12, 2017 Regular Meeting Minutes. Seconded by F. Torr. Vote: UA

3. OLD BUSINESS

None

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Changing Places LLC/Thornwood Commons, (Owner: Thornwood Commons), Assessor's Map M, Lot 4, zoned ETP, located at Thornwood Commons behind 8 & 10 Sonia Drive. (Proposal is to bury an existing dry stack stonewall by placing fill at a 2:1 slope that will impact 1.239 sq. ft. of wetlands buffer). *(P06-55B)

S.Bird stated that during the construction of the residential subdivision, the developer created various decorative walls on the site. In this case, the wall was greater than 4 feet in height and qualified as a structural wall. Ideally, a structural engineer would have designed the wall, prior to construction. The Association wishes to have the wall adjusted to make it more structurally sound. Staff has been working with the Developer and the residents. This application was endorsed by the Conservation Commission on September 11, 2017.

Chris Berry represented the application. He described the buffer encroachment and how the wall will be backfilled and stabilized. No wetlands will be impacted. Wetlands have increased in size over 10 years. The wall can't be removed in the area where it is directly adjacent to the wetlands. The owner has Severino ready to begin once a decision is made.

D. Landry: If the wall were built properly, would we be here tonight?

C. Berry: We looked at various options to fix the wall. The residents would like the wall removed for safety reasons. We will be using smaller equipment to do the work to lessen potential damage to lawns.

Motion: F. Torr made a motion to accept the application for item 4.A. Seconded by L. Skinner Vote U/A

Public Hearing Opened

Beverly Wilbur of 10 Sonia Drive: I could not hear what was said about where the equipment would access the wall. What will happen if there is damage?



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C. Berry: The primary access would likely be between 8 and 10 Sonia. We will use smaller equipment. We will need to have another piece of machinery to reach the wetland side of the wall. The proposed conditions of approval require us to prepare a reclamation plan to address potential damage done during construction.

Public Hearing Closed

L. Skinner confirmed that this type and height of wall should have been shown on the site plan.

C. Plante: How was a wall of the size and type built without coming back to us?

S. Bird: It was not shown on the plan but was put in during construction of the homes to lessen the toe of slope getting closer to the wetlands and buffer. Things like this sometimes happen during development but the point tonight is that this plan is a compromise that has the support of the residents.

F. Torr: The timeframe for completion needs to be more specific.

D. Ciotti: The October deadline does not make sense given the 30-day appeal period.

S. Bird: The appeal period does apply. The applicants can proceed at their own risk.

C. Berry: There are a couple changes to the conditions that I want to address. The wetland placards are not needed where the rose bushes will be planted. In addition, the bond should be held by the City not the HOA.

L. Skinner: It is not appropriate to require the work to be completed before the 30-day appeal period is over.

D. Landry: Why were rose bushes specified? Are they there for demarcation or to stabilize the soil?

S. Bird: They are there to provide a natural barrier to keep people out of the wetlands buffer.

C. Berry: The roses will not do much for erosion control, but the fill is designed to address drainage.

D. Ciotti: I think we only need 3 wetland signs.

C. Berry: We will be doing a reclamation plan to fix any ruts and replace sod as needed.

A discussion was held on changes to the staff recommended conditions.

STAFF RECOMMENDATION:

S. Bird stated that the application meets the requirements of the wetlands ordinance within chapter 170, to encroach into the wetlands buffer. The Planning Department recommends that the Board vote to approve the application with the following Conditions:

Conditions to Be Met Prior to the Issuance of the Permit:

1. The applicant shall revise the plat to:
 - a. Add the owner's signatures.
 - b. Add the Licensed Land Surveyor, Professional Engineer, and Wetland Soil Scientist stamps and signatures.
 - c. Identify the location of:
 - i. Wetland buffer placards where the wall is to remain, with approval by the Planning Staff
 - ii. Irrigation and geothermal discharge pipes which penetrate the wall.
 - iii. Add Planning File Number P06-55B
 - iv. Add additional loam material on top of the wall, with Beach Roses planted to provide a demarcation point between the flat area and sloped fill.
2. The applicant shall provide:
 - a. The Planning Department with a timeline for implementation, including



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- i. A notice date for abutters
- ii. Start date for work
- iii. Completion by early November
- b. A restoration plan for any grass/sod or irrigation system that is ruined by heavy equipment
- c. An agreement with the City of Dover for a vegetation bond to be held for two years post completion
- d. The Planning Department with a digital version of the final plat.

Motion: C. Plante made a motion to approve the Conditional Use Permit subject to staff recommended conditions. Seconded by T. Clark. Vote 8-0, with D. Landry out of the room

- B. Consideration and acceptance of a Conditional Use Permit for Ryan Bubar, (Owner: Phyllis Woods Revocable Trust), Assessor's Map 6, Lot 34, zoned CBD-G, located at 17 Second Street. (Proposal is to allow a brewery).
*(P17-64)

S.Bird stated that the request is a Conditional Use Permit within the Central Business District to create a nano brewery. This use is not listed as a permitted use and requires a CUP per the ordinance to be permitted. The nanobrewery will utilize a space formerly used for retail and personal service. On street parking will be utilized for customers, and staff will use the off-street spaces.

Ryan Bubar representing the application explained the request as outlined in the material submitted. Will produce less than 2,000 barrels per year, can only serve beer made on site. It is located in a mixed-use neighborhood, with little traffic impact. No outside music. We will start being open Wednesday to Sunday from noon to 7 or 8 pm.

Motion: T. Clark made a motion to accept the applications for item 4 B. Seconded by F. Torr Vote U/A

D. Ciotti: Will you keep your grain waste inside or out?

R. Bubar: We have not really thought of that, but it could fit inside until we put it outside for farmers to pick up.

T. Clark: What is total space you are using?

R. Bubar: 3,000 square feet total, with 1,300 for the public area up front and 1,700 for the brewing area. We are limited to 4 ounces of each brew per customer. We could expand to a nano brewery plus in the future.

T.Clark: If you have not talked to the Fire Department yet about sprinkler requirements, you should.

H. Harmon: Is there room in the space to put a commercial kitchen in the future?

R. Bubar: Yes, there is room but that would be in the future if we apply for an expanded license.

D. Ciotti: You have an ADA bathroom but not ADA door.

R. Bubar: We plan to open the side door for that access.

T. Clark stated that you need one accessible entrance and ADA requirements would be addressed during the building permit process.

Public Hearing Opened Nobody spoke. Public Hearing Closed.

L. Skinner: We are here for the use not the hours of operation or what food they will serve.

D. Landry: Would it have to come back to the Planning Board if they expand to a restaurant?

K. Schuman: If they had proposed an eating and drinking establishment, they would not have to be here since it is a permitted use in the district.



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C. Plante: What would the agreement to be recorded include?

S. Bird: We would take the information from the application and include some of that. We have other examples to use.

T. Clark: We are approving the CUP, not specifying the hours of operation.

S. Bird: We will be careful to not put in too many details.

STAFF RECOMMENDATION: (P17-46)

S. Bird stated that the application meets the requirements of chapter 170, regarding being a context sensitive use and that the Planning Department recommends approval of the Conditional Use Permit application with the following conditions:

Conditions to Be Met Prior to the Issuance of the Permit:

1. A formal agreement between the Planning Board and the applicant shall be prepared and recorded at the Strafford County Registry of Deeds.

Motion: F. Torr made a motion to approve the site plan application subject to staff recommended conditions. Seconded by T. Clark Vote U/A.

5. STAFF COMMENT

S. Bird: There will be no Planning Board meeting on October 10th. The joint meeting with the City Council on the CIP will be October 18th. Copies of the CIP should be ready after Columbus Day.

S. Bird recapped the Climate Change movie Tidewater, which was shown at Dover High on Monday night. He also alerted the Board to two upcoming public sessions for the Climate Adaptation Chapter of the Master Plan.

S. Bird asked the Board to authorize the Chair to sign a letter in support of a grant Staff is applying for. The grant, from PlanNH would be used to develop Design Guidelines for the Central Business District. This would be used by Staff and the Planning Board to advise property owners and developers about architectural expectations for downtown development.

K. Schuman: With no objection, I will agree to sign the support letter as recommended.

S. Bird: I want to ask the Chair to appoint Anna Boudreau to the Climate Adaptation Steering Committee, which has been having quorum issues. You reduced the committee size last meeting so you can appoint her and increase the size.

K. Schuman: Sounds like a good idea. I appoint Anna Boudreau to the Steering Committee and expand the size to 9.

6. MEMBER COMMENTS

7. ADJOURNMENT

Motion: G. Cruikshank made a motion to adjourn at 8:02 pm. Seconded by F. Torr. Vote U/A.