

**PLANNING BOARD
JANUARY 18, 2011 AT 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

Members: Judith Esmay, Charles Faulkner, Jim Hornig, Michael Mayor, Kate Connolly (Selectmen's Representative)

Alternates: Joan Garipay, Iain Sim

Staff: Vicki Smith, Jonathan Edwards

Others: See attached sheet

1. Minutes: January 4, 2011

It was moved by MAYOR, seconded by SIM, to approve the minutes of January 4, 2011 as amended. The Board voted unanimously in favor of the motion.

2. Discussion about zoning amendments for Town Meeting 2011

Downtown Parking Reduction: Amend Section 403.2 to read,

“Subject to Section 405, all expanded portions of existing buildings and changed land uses occurring after the effective date of this ordinance must conform to off-street parking requirements set forth in Section 404.

Small additions of less than 1,000 gross square feet of structure which do not expand the use of the building but serve solely to accommodate enhanced function of the building are exempt from the parking requirements. Typical additions would be exterior construction of utility enclosures, stair towers or elevator towers. Similar utility spaces contained within the structure are not exempt from the gross square foot parking calculation. Not more than one such exempt addition may be constructed in any 5-year period.”

CONNOLLY said she does not want to see the proposal expanded beyond the 1,000 gsf requirement or the parking regulations within the Zoning Ordinance overhauled due to this proposal. She asked the Board to consider the proposal as written or not carry it forward.

SIM questioned the intent and whether it was specific to an individual property. CONNOLLY said the intent is to make a building more useful. Jay Campion, resident, retailer, and downtown business owner, shared his experiences with proposing minimal projects for his Main Street property that constituted additional square footage and therefore triggered additional parking. He said there are no parking spaces to be had and no way to purchase parking credits.

Ms. Smith said if this is allowed throughout the D district, the Town will lose urban open space and possibly parking spaces. She questioned who else would benefit from this in a way that would not result in those types of negative impacts. Ms. Smith said this would work for properties that have plenty of green space and parking, such as Hypertherm and Creare, but 1,000 sq ft, on the ground, in D district, is significant. She suggested adding a stipulation that ground level space not be used.

ESMAY said parking issues come up again and again. She said she would prefer to see a study done of the parking situation throughout Town. MAYOR expressed interest in hearing from the broader public.

ESMAY spoke of Dietrich's concern communicated at the last meeting regarding the phrasing 'utility spaces'. Mr. Edwards said the amendment was drafted by Judy Brotman, Zoning Administrator, who would be responsible for administering it. He said he was comfortable with her use of the phrase.

It was moved by CONNOLLY, seconded by MAYOR, to carry this amendment forward to a public hearing. The Board voted five in favor, zero opposed, SIM abstained. The Motion carried.

The Board agreed that any further language changes are to be reviewed by the Board prior to being presented at a public hearing.

Right-of-way Signs: Amend Section 317.1 A to read,

*“No sign other than official street signs or traffic directions shall be erected or maintained within the street right-of-way **without specific Board of Selectmen approval and/or NH DOT approval.**”*

CONNOLLY explained that the idea is to assign the jurisdiction to the Town for signs in the rights-of-way.

ESMAY questioned the inclusion of the word “specific” stating that approvals are always specific. She further advised of Dietrich's concern that it should be explained under what circumstances approvals are required by the Town, the State, or both. Mr. Edwards said that is dependent upon a sign's location. If located on a State numbered road, the sign would be subject to the NH DOT regulations. He suggested amending the text to read, “No sign other than official street signs or traffic directions shall be erected or maintained within the street right-of-way ***without the approval of the Board of Selectmen or of the NH DOT as appropriate***”. SIM suggested additional guidance is needed to explain what is approvable. ESMAY said mapping would be helpful to identify which rights-of-way fall under the Selectmen's purview and which fall under the State.

ESMAY said the intent of this zoning amendment is to relieve the Zoning Administrator of the necessity of making these approvals. She asked how that would be accomplished. Mr. Edwards explained that this would set the framework in which other, more specific allowances and disallowances, in specific districts are governed. Signs put up without approval could be dealt with by the police department, in terms of removing them or dealing with people who become chronic violators.

GARIPAY questioned whether yard sale signs would apply. Mr. Edwards said yes, if their desired posting location is in a right-of-way, approval would be necessary.

It was moved by CONNOLLY, seconded by MAYOR, to carry this amendment forward to a public hearing with additional consideration with the Zoning Administrator present. There was not a formal vote on the motion.

Tandem Parking for Single, Duplex, & Multi-family Residential Housing & Single-Residences in the “I” District

ESMAY reported that Ellen Arnold, of Dartmouth College and proponent of these amendments, could not be present at the current meeting and has asked to speak to the Board at a later date. The Board asked staff to relay the following comments/concerns to Ms. Arnold:

Tandem Parking

- The definition of ‘tandem parking’ should state “...*tandem parking or parking of one vehicle ~~directly behind~~ directly in the path of another...*”
- The applicant’s motive and intention were questioned
- Concern was expressed for unforeseen consequences such as
 - this leading to more on-street parking
 - public safety - having cars piled up impedes the path for public safety vehicles
- Allowing this for multi-family residences of up to 5 units was questioned
- A question was posed whether the Ordinance already covers this type of circumstance in the sense of you can only go so far with the total building footprint, plus structures, plus any parking areas
- A suggestion was made to include ‘tandem parking’ into the comprehensive parking analysis ESMAY mentioned above
- A request was made for references to any studies done previously regarding tandem parking.

Student Residences in the “I” district:

- Zoning amendments proposed by Dartmouth for the residential district have not been an easy road
- The need for a special exception was questioned
- Minor wording changes were suggested
 - Statement of Problem to read, “*the College recently applied to modify its special exception for McLane/Fahey first year dorms in order to **convert** a number of doubles to triples...*”
 - Section 4 to read, “*student housing ... should be used as an institution use and not as a complimentary **or** supporting use*”
- A question was raised whether this amendment is necessarily the best way for the College to provide residential accommodations to students. Will this equate to the College receiving a very broad license to install residential accommodations in a whole range of environments?

3. Discussion about rental housing ordinance

The Board discussed omitting the Appendix that lists all the applicable codes, ordinances and laws one must abide by. Suggestions were made to keep it for references purposes and/or make it part of the registration process.

The need for applicants to provide a floor plan was questioned. Staff explained that floor plans are very important in terms of labeling/identifying the use of each room.

A suggestion was made to include performance standards and expectations of the applicant and the housing inspector with respect to the inspections and registration. SIM proposed that inspections be required within 60 days of the registration filings. Mr. Edwards requested a very long introductory period so that inspection can be staggered. Existing units would continue on at status quo until inspections are conducted.

It was moved by MAYOR, seconded by GARIPAY, to send this forward as a recommendation to the Board of Selectmen without the Appendix but including Sim's amendment and the expansion of 5E to include specifically the Zoning Ordinance and Building Codes in addition to the general Ordinance categories as the compliance. The Board voted unanimously in favor of the motion.

CONNOLLY cautioned that the Town was approaching the perfect storm in terms of Dartmouth's large enrollment and the equivalent reduction in housing. The addition of 3 dormitories reduced off campus housing from 15% to 10%. CONNOLLY said the only way to reduce the chaos is to actually enforce the laws, which has been a problem.

4. Discussion whether there should be a village center committee

The Board discussed Mr. Edwards' Memorandum to the Board, dated January 11th, revised January 13th, regarding Centerra North – Initial Plan of Action.

HORNIG questioned whether now was the best time to conduct the study, given the parking and rental housing proposals. CONNOLLY said the desire is there but the resources and interest from the major parties involved is lacking. SIM questioned whether the Town would have any more resources in the future than currently exist. He said the demand of day-to-day applications is relatively light. Now is the time to be proactive and do the longer range planning. SIM said the Board should be looking at the totality of the land and developing it as a whole. MAYOR said for the Board not to take an interest may suggest that the Board is ignoring important and significant initiatives. There will continue to be pressure on Hanover and the City of Lebanon to develop that area.

The Board discussed who should be involved in the planning and at what stages and creating an appropriate timescale upon which this might be implemented.

Ms. Smith urged the Board to put their time and energy into looking at what can make Route 120 a reasonable recipient of more traffic from Hanover, rather than commence a village center committee. Mr. Edwards suggested itemizing traffic issues into the village center committee's analysis. HORNIG agreed with Ms. Smith that traffic is a greater issue. He said if the village center committee does its job right, they will conclude that and stop there.

ESMAY requested the committee provide progress reports to the Board along the way.

It was moved by SIM, seconded by MAYOR, to authorize Jonathan Edwards to proceed with the plan up through Section II.A as outlined in his Memorandum. The Board voted unanimously in favor of the motion.

5. Other Business: None

6. Adjournment: The meeting adjourned at 9:37 p.m.

Respectfully Submitted,

Beth Rivard, P&Z Administrative Assistant