

**PLANNING BOARD
MAY 3, 2011 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

Members: Bill Dietrich, Judith Esmay, Joan Garipay, Michael Mayor, Kate Connolly
(Selectmen's Representative)

Alternate: Iain Sim

Staff: Vicki Smith, Jonathan Edwards

Others: See attached sheet

1. MINUTES APRIL 5 AND 12, 2011

The minutes of April 5 & 12, 2011 were approved.

2. 11-18 SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY MORGAN MORANO, AGENT FOR THE HANOVER IMPROVEMENT SOCIETY, PROPERTY OWNER OF RECORD, FOR EXTERIOR RESTAURANT SEATING AND TRASH RECEPTACLE AT 55 SOUTH MAIN STREET, TAX MAP 34, LOT 2, IN THE "D-1" ZONING DISTRICT.

ESMAY read the Notice of Public Hearing.

Matt Marshall, of the Hanover Improvement Society, and Morgan Morano, of Morano Gelato, presented the application. Marshall reported an error in the application listing of the project address. It should read "57 South Main Street, Suite 101". Marshall said they would also like to change the number of seats originally requested from 10 to 20 interior, and from 5 to 10 exterior.

Board Comments/Questions:

- There was extensive discussion about parking regulations including the ratios of seats to parking spaces and exterior seats to interior seats; and how many seats the Board is able to approve.
 - Edwards said the gelato store has the legal right to have 20 interior seats and 10 exterior seats without incurring any additional parking requirements.
 - Smith suggested the Board approve up to 10 exterior seats to be added in conjunction with the addition of interior seats, as is required by zoning.
- It was questioned how the exterior seating will be shielded from heavy winds.
 - Morano said the furniture should be heavy enough to withstand heavy winds. If not it will be retrieved/adjusted by staff. They are not proposing use of table umbrellas.

Waivers requested:

Procedural:

1. Design Review

Submissions:

1. Plans for snow removal
2. Estimated timetable for construction
3. Existing and proposed off street parking spaces
4. Existing and proposed handicap/accessible spaces
5. Existing and proposed loading spaces
6. Height and number of stories of existing buildings with indication of height from finished grade to highest elevation of building and height of any towers, spires, chimneys, penthouses or other rooftop structures.
7. 100 year floodplain
8. Rights of ways and easements
9. Vehicular and Pedestrian Circulation Plan
10. Utility Plan
11. Lighting and Landscape Plan
12. Grading and Drainage Plan
13. Construction Staging Plan
14. Road and Utility Plan approval from DPW

Defense of each of these waivers is included in the application materials.

It was moved by CONNOLLY, seconded by MAYOR, that the application is complete with approval of all of the waivers. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

Public Comments/Questions:

Marshall advised of a letter he received from Jeffrey Urstadt, owner of the Nugget Arcade, in support of the application but requesting that the tenant keep the space clean and proper, and avoid obstructing access to his property. ESMAY noted the proposed location for a trash receptacle and said the area will need to be policed.

It was moved by MAYOR, seconded by DIETRICH, to approve 11-18 for 57 South Main Street, Suite 101 with the condition that up to ten seats and up to four tables may be used on the exterior consistent with the seating allowed by the Zoning Ordinance. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. It was noted that any increase to the approved seating or table count would require additional Board approval.

- 3. 11-19 SUBMISSION OF APPLICATION FOR MINOR LOT LINE ADJUSTMENT BY MAUREEN BEANE AND JOHN P COLLIER TRUST TO ANNEX 28 ACRES FROM 71 STEVENS ROAD, TAX MAP 2, LOT 18 TO 26 GREAT HOLLOW ROAD, TAX MAP 2, LOT 2, IN THE "RR" ZONING DISTRICT.**

ESMAY read the Notice of Public Hearing. DIETRICH recused himself from hearing this case.

Nancy Collier and Maureen Beane presented the application. Collier walked the Board through the plan indicating the location of the lot line to be vacated and the new one to be

established. The end result is that the Collier parcel grows by 28 acres and the Beane parcel is reduced by 28 acres.

Board Questions/Comments: None

It was moved by MAYOR, seconded by CONNOLLY, that the application is complete. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

Public Comment: None

It was moved by CONNOLLY, seconded by MAYOR, to approval this application for lot line adjustment. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

4. 11-20 SUBMISSION OF APPLICATION FOR MINOR SUBDIVISION BY MAUREEN BEANE, TO DIVIDE ONE LOT INTO TWO LOTS (CREATING A 16-ACRE LOT AND A 13-ACRE LOT) AT 71 STEVENS ROAD, TAX MAP 2, LOT 18, IN THE "RR" ZONING DISTRICT.

DIETRICH recused himself from hearing this case.

Nancy Collier and Maureen Beane presented the application. Collier said the Beane parcel has over 1,000' of frontage on Stevens Road. The existing home will be located on a 16-acre lot and the undeveloped parcel will be 13 acres. Frontage on the new lot is 200', the minimum requirement in RR district. A copy of an approved driveway plan was provided with the application.

Board Comments/Questions:

- The location of the wastewater system was questioned; being located at the top of the hill and requiring that wastewater be pumped to it.
 - Collier said the location was chosen by engineers based on the soils. She said many homes in rural Hanover have pump systems. It is not uncommon.
 - Smith said there is no obligation to actually site the septic system as shown. The Board's job is to make sure this is a buildable lot.
- The relationship between the potential septic area and the proposed driveway was questioned. It appears the driveway will be on top of the septic.
 - Collier reiterated that the proposed plan does not represent a final plan. It merely demonstrates that the lot is buildable. The configuration shown does not have to be used.
- The Board's obligation and whether it is confident a future owner of the lot can build a house, septic field, and driveway was questioned.
 - Edwards said the Board is not legally construable to be offering any guarantees. This lot meets the requirements of the Zoning Ordinance.
- The 50' wooded buffer was questioned.
 - Beane said it is intended to provide privacy for both properties. The deeds will clarify that it is property owners' obligations to oversee that the buffer is not impacted.

It was moved by MAYOR, seconded by CONNOLLY, that the application is complete. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

Public Comment: None

It was moved by CONNOLLY, seconded by MAYOR, to subdivide Lot 18, Tax Map 2 in the RR zoning district into one 16-acre lot and one 13-acre lot. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

DIETRICH rejoined the Board.

5. 11-17 SUBMISSION OF APPLICATION FOR SITE PLAN DESIGN REVIEW BY DARTMOUTH COLLEGE TO CONSTRUCT AN INTERCOLLEGIATE SOFTBALL PARK AT 4 SUMMER COURT, TAX MAP 34, LOT 102, IN THE "I" ZONING DISTRICT.

ESMAY read the Notice of Public Hearing.

Matt Purcell, Director of Project Management at Dartmouth College, presented the preliminary design. He said softball became a varsity sport at Dartmouth in 1995. Currently 20 athletes participate in softball. The team hosts 6 home events per year at the Sachem Field in Lebanon. Softball is the only varsity sport that is off-campus which prohibits participation of the student body. The project's intent is to bring the program closer to campus and to address logistical and transportation issues for the athletes.

The proposed design includes:

- Locating the field on the south end of Chase Field.
- Removing the radio tower from the site.
- Relocating the hammer throw/discuss venue and javelin runs/throws from the site.
- Minor impact to a wetland buffer (drainage swale).
- Installing a restroom.
- Providing access from Thompson Arena parking lot.
- Providing utilities (power & water) from Burnham & Scully-Fahey Fields.
- Architecture similar to the Burnham complex.
- Use of a synthetic field.
- A 6' fence around the field.
- A 420-seat bleacher system (equitable to Biondi Park).
- Batting cages, similar to Biondi Park.
- An ADA-accessible press box.
- Scoreboard.
- An emergency phone light.
- Drainage: the site will be backfilled with a porous material to increase infiltration and store rain runoff. Runoff will be directed to a pumping facility and used for spraying adjacent AstroTurf fields.
- Traffic/Parking: RSG's study concludes there will be no significant impacts to parking or traffic. The Thompson Arena Lot averages 65 available spaces at 2:00 PM daily. If multiple events are held on this parcel, the College will shuttle people to and from the Dewey Field Lot.

- A PA system with 6 speakers, mounted 30' high, directing noise straight down onto the bleachers and the field. The system has been designed not to exceed the Town's noise limits.

Purcell advised of a community meeting that was held March 16th. Only one abutter attended (the Boghosians). Purcell said the Boghosians expressed concern about lighting and noise and are asking the Board to impose the same conditions imposed for the Scully-Fahey project. Purcell argued that 3 of those conditions do not apply.

- (1) Restrict use of PA after 8:00 PM. Purcell said the field will not be lit; games will rarely extend beyond 7:00 PM.
- (2) Prohibition of air-horns. Purcell said no one uses air horns anymore, especially in softball.
- (3) Restriction of the content of the announcements. Purcell said this project is different from Biondi Park, Chase Field 3, and Memorial Field. The College does not intend to make unnecessary broadcasts and wants the flexibility to choose what is announced.

Purcell advised of Betsy Derrick's concern for a drainage swale, located on the adjacent Appalachian Trail property. He said Derrick wants the College to continuously maintain the swale, however, that is difficult to do as it is not located on College property.

Board Comments/Questions:

- Please explain the grandstand/bleachers that extend to the south.
 - Purcell said they include a handicap ramp at the end that is required by Code.
- During previous field construction, Derrick reported of a strange miasma drifting from the site.
 - Purcell said that was from the AstroTurf installation. This project does not require use of the material that caused that.
- Will the balls go into the wet, swampy area and be retrieved?
 - Purcell said not typically. Generally balls will be kept within the playing field.
- This is predicated on women's softball. Would a men's field be bigger?
 - Rob Ceplikas, Dartmouth's Deputy Director of Athletics, said men's softball is not an NCAA sport.
- Will homeruns go over the fence?
 - Ceplikas said he hopes so. There is almost 75' between the proposed park fence and the Appalachian Trail property.
- The impact to the water runoff from Velvet Rocks was questioned.
 - Purcell said the proposed project would mitigate and reduce downstream and water issues, retaining more water on site.
- Ellen Arnold's April 5th letter references a State Alteration of Terrain Permit?
 - Purcell said the State looks at this parcel as a whole, and will conduct a review of the additional impacts of this project in compilation with all the other projects done on this parcel over the last 10 yrs.

Staff Comments/Questions:

- What is the harm in including the Scully-Fahey conditions of approval if they are moot?
 - Purcell said they were not imposed for Chase Fields 3 & 4 or Memorial Field. This field will be different because it will not be lit.

- Ceplikas said the intent is to provide an equitable experience at this softball facility as currently exists at Biondi Park. That includes making special announcements and playing music between innings, which now occurs at Biondi without complaint from neighbors. This is also consistent with what is expected in today's athletic culture.
- Ellen Arnold, Associate Director of Dartmouth's Real Estate Office, said it is the College's view that if they are in compliance that meets their obligation and assures they will not have a negative impact on neighbors. Air horn use is sporadic and unusual and probably would have such minimal impact. It doesn't make sense to create an enforcement responsibility on behalf of the Town and obligation on behalf of the College to try to police it. Further, there is no provision in the Hanover Ordinance which limits content. It is not a legal restriction.
 - CONNOLLY read from a prior decision that "*no other music or commercial shall be permitted over the public address system*" and stated she agrees that should continue to be avoided.
- ESMAY noted the waivers that may be requested as outlined in Arnold's 4/5/11 letter including: survey map, site context map, site plan, utility plan, lighting & landscape plan, under grading & drainage plan, and construction staging plan.

Public Comment/Question:

- Nina Lloyd of 9 Tyler Rd said it is not fair to the residential community adjacent to this chunk of land to allow the College flexibility to their benefit and to be able to spread themselves beyond their immediate needs. She asked the Board to consider imposing the conditions noted in her 4/23/11 letter.
- Aileen Chaltain of Carter St said she has been a happy neighbor to the entire Chase Field complex for 22 yrs. She recalled 1 instance in those 22 yrs of inappropriate use of a PA system which was followed swiftly an explanation and apology from the College. Chaltain applauded the athletic dept with bringing the young women closer to where their fellow students can watch them.
- Antranig Boghosian said he liked the project and does not see a reason why the 3 items in Lloyd's letter can't be addressed and included because it will not change anything.

Smith announced that Staff Review of the Final Design will be held Monday at 1:30 PM. The Conservation Commission will visit the site on Monday at 4:00 PM. All are welcome to attend.

6. OTHER BUSINESS:

SIM asked why the Morano application could not be dealt with as a Minor Project. Edwards said it is due to the way the Planning Board drafted its regulations. They specifically state that outdoor seating must come before the Board.

SIM asked if there is a plan to speak at Town Meeting relative to the Board's votes against the petitioned amendments. CONNOLLY said those will be voted on during the afternoon. Smith said the Board's opportunity to speak on the them occurred during the zoning amendment public hearings.

Edwards reported that the Site Plan Regulations do not have a provision for a Design Review phase. An amendment is needed.

DIETRICH said it is difficult to hear Board members when sitting in the public seating area.

ESMAY suggested scheduling a tutorial on the Zoning Ordinance.

Edwards announced that the public meetings about the Claremont/Upper Valley proposed bus system will be held May 9th in Claremont and May 10th in Lebanon.

7. ADJOURNMENT: The meeting adjourned at 9:25 PM.