

**PLANNING BOARD
SEPTEMBER 6, 2011 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

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

Alternates: Mike Hingston, Iain Sim

Staff: Vicki Smith, Jonathan Edwards

Others: See Attendance Sheet

1. **MINUTES:** The minutes of August 9, 2011 were approved as amended.

2. **11-30 SUBMISSION OF APPLICATION FOR MINOR LOT LINE ADJUSTMENT BY THE TOWN OF HANOVER AND RAVEN BAY ASSOCIATES, LLC, TO ANNEX 658 SF FROM 6 W WHEELOCK ST, TAX MAP 33, LOT 38 TO 5-7 ALLEN ST, TAX MAP 33, LOT 44 AND TO ANNEX 658 SF FROM 5-7 ALLEN ST TO 6 W WHEELOCK ST. BOTH PROPERTIES ARE LOCATED IN THE "D-1" ZONING DISTRICT.**

CONNOLLY stepped down. ESMAY read the Notice of Public Hearing. HINGSTON was noted as the voting Alternate for this case.

The application was presented by Jonathan Edwards, Director of Planning & Zoning, on behalf of the Town, and Steve Buskey, of Raven Bay Associates, LLC. Edwards said Buskey has rented land from the Town for many years for the sake of providing on-site parking for the businesses on his property. In exchange, the Town will acquire a portion of Raven Bay's property along the frontage of 5&7 Allen St which will result in all of the vehicular and sidewalk space becoming publicly owned. Edwards said Town Meeting approved the proposed land swap last spring. He pointed out the locations of the 2 areas to be swapped on mapping provided in the application materials.

Board Comments/Questions:

- The amount of land is the same?
 - Edwards said yes, almost to the square inch.
- It appears to be an equal swap in terms of surface.
 - Edwards said that was the agreement between Buskey and Julia Griffin, Town Manager, when they agreed to approach the Selectmen for Town Meeting.

It was moved by MAYOR, seconded by DIETRICH, to find the application complete. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

Public Comments/Questions: None

Staff Comments/Questions: None

It was moved by MAYOR, seconded by DIETRICH, to approve 11-30, application for Minor Lot Line Adjustment by the Town of Hanover and Raven Bay for Tax Map 33, Lot 38, and Tax Map 33, Lot 44, to amend the designated square footage. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

3. 11-32 SUBMISSION OF APPLICATION FOR MODIFICATION OF AN APPROVED SUBDIVISION (CASE NO. P1992-04) BY BRUCE WILLIAMSON, AGENT FOR PETER, ELIZABETH, AND DOUGLAS STORRS, PROPERTY OWNERS OF RECORD, TO RELOCATE THE DRIVEWAY LOCATION. THE PROPERTY IS LOCATED AT 33 PARTRIDGE ROAD, TAX MAP 31, LOT 15, IN THE “RR” ZONING DISTRICT.

CONNOLLY rejoined the Board. ESMAY read the Notice of Public Hearing. SIM was noted as the voting Alternate for this case.

Bruce Williamson presented the application. He said this land was originally subdivided in 1992. In 1995 the neighbors got together and suggested the approved access may not be in the best place. Williamson said the driving factor behind the current relocation is wetlands. Following review by the Conservation Commission and ZBA, the ZBA approved the proposed access which no longer requires the driveway to cross wetlands.

Board Comments/Questions:

- This drive services 3 properties already?
 - Williamson said it services 4. The 1992 subdivision approval divided 1 lot into 3 and there were 2 others already existing. One of the 5 lots has not been developed.
- Is this still a private drive?
 - Williamson said yes.
- Who is responsible for maintaining the drive?
 - Williamson said it is currently shared amongst the 4 developed lots. As soon as construction begins on the 5th lot, all 5 will share in maintaining it. There is a written ‘common plan’ that establishes responsibility for maintenance of the drive and percentage of financial responsibility associated with that maintenance.
- Are there easements for all the different properties to use the common drive?
 - Williamson said yes.
- What is the meaning behind the Police Chief’s Staff Review note requesting the private road be addressed as a separate road?
 - Williamson said all of these lots currently have a Partridge Rd address. The Police & Fire Depts want the road renamed to assist emergency responders in locating the properties.
- The Zoning Ordinance’s definition of “driveway” has interesting language about shared use. The Board needs to be clear this approval is for a driveway.
 - Smith said the shared driveway was approved in the 1992 subdivision. The current application is to improve that situation, in that it does not impact wetlands.

- Condition #3 of the 1992 Notice of Action states, *“That all improvements required by the Planning Board be completed and constructed in conformity with the Final Plat and the Hanover Site Plan Regulations within three years of the date of acknowledgement and acceptance of the Notice of Action.”*
- Was the original driveway off the common drive?
 - Williamson said yes.
- Should this remain a driveway or become a private road and meet certain standards of construction to allow fire access?
 - ESMAY noted that the adequacy of the road was not among staff concerns.
 - Smith reiterated the Police & Fire Depts’ concerns are about house numbering.
- How wide is the road?
 - Edwards said 12’ at least.
- The application materials distributed to the Board did not include a list of abutters. May the Board assume all abutting neighbors received notice of tonight’s hearing?
 - Smith said yes.

Public Comments/Questions: None

Staff Comments/Questions:

- Reviewing location details of septic systems, walkways, driveways, & buildings may be going far beyond the fundamental purpose of subdivision review and creates a useless burden on others. Those locations are reviewed by other Town staff under the purview of construction permitting approval.
- The plan presented on a subdivision application is what the public understands the development to be. The Board needs to be respectful of what a previous Board approved, even if it does not make sense given today’s rules.

Waivers requested:

1. Existing resources and site analysis plan
2. Density analysis
3. Results of Four Step Process
4. Subdivision Grading and Drainage Plan
5. Subdivision Road and Utility Plan
6. Fire Protection and Emergency Access Plan
7. Final Resource Impact and Conservation Plan
8. Final Improvements Construction Plan
9. Final Stormwater Management and Erosion and Sedimentation Control Plan
10. Final Open Space Ownership and Management Plan
11. Final Landscape Plan
12. Community Association Document
13. Phasing Plan
14. Security for Work to be Performed
15. Additional information
16. Other Plans
17. Actual amendment of the McCutcheon subdivision plan

It was moved by MAYOR, seconded by HORNIG, that the application be judged complete with the above requested waivers and with further observation that the layout

being considered has been supported by the Conservation Commission and Zoning Board of Adjustment. There was no objection by staff to the waivers requested. **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

It was moved by MAYOR, seconded by HORNIG, that the application for relocation of the previously approved driveway location 11-32 with the waivers before mentioned be approved. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

A woman identifying herself as an abutter said she is bothered by the Board voting on something the abutters have not seen. She said this application is a 2nd amendment to an easement that is full of contradictions relative to this driveway's location. She said at the last meeting she attended, it was specifically noted that the Board would not approve something that does not already exist in the easement. Her property's safety and site issues will be affected by this driveway access.

- Smith said public hearing notices were mailed 10 days in advance of the hearing. The notices state that the case files are available for public review.
- Edwards added that abutters have a responsibility to inform themselves. Furthermore, the Town does not enforce easements; they are mutually enforced by those who are party to them.
- Williamson contended the proposed driveway relocation was identified and explained to the neighbors. He acknowledged the easement's wording contradictions relative to this driveway's access. He said his understanding is that the neighbors, by majority vote, can change the easement if they want to and, are in fact working to revise it.
- Another unidentified speaker said the main reasons the easement was revised in 1995 was to avoid wetlands and to move the access more out of sight from his property.
- Smith said if the neighbors cannot all agree on the proposed relocation they can return to the Board for consideration of an alternative. Public hearing notices would again be mailed advising of that future hearing.
- ESMAY said the Board has taken action. That action was preceded by action of the Conservation Commission and ZBA. She asked Williamson to work with the neighbors to be sure they understand exactly what the Board approved.

4. 11-33 SUBMISSION OF APPLICATION FOR MINOR SUBDIVISION BY FRANK BARRETT, JR., AGENT FOR RODERIC, BARRY, & DANIEL ROLETT, PROPERTY OWNERS OF RECORD, TO DIVIDE ONE LOT INTO TWO LOTS (CREATING A 9.21-ACRE LOT AND A 3.86-ACRE LOT) AT 4 BALCH HILL LANE, TAX MAP 42, LOT 55, IN THE "SR-1" ZONING DISTRICT.

ESMAY read the Notice of Public Hearing. HINGSTON was noted as the voting Alternate for this case.

Frank Barrett, Jr. presented the application. Ellis & Ginny Rolett were also present. Barrett said the existing house has a well and on-site sewage disposal. He said there was confusion during Staff Review about a sewer line designed to tie into the Town system. The tie-in design was done to show potential buyers the possibility exists. The existing house will continue to utilize a well and on-site septic disposal. The expectation is that the new, lower

lot will tie into Town water and sewer, when developed. There is an existing sewer easement (20' wide) held by the Town that passes through the property.

Board Comments/Questions:

- Is there a sewer line under the easement?
 - Barrett said yes.
- A Staff Comment says if the intent for the new lot is to tie into the Town sewage system, a statement is required from DPW.
 - Dr. Rolett said there is no intent to put a house on the new lot at this time. He assumes the sewer issue will be addressed when one is proposed.
 - ESMAY said when a lot is approved it is with the supposition that it will one day hold a building on it.
 - Barrett reiterated the intent is to tie the new lot into the Town system. He said he has not connected with DPW staff regarding sewer connection possibilities.
 - It was noted that without the DPW statement, the application is incomplete.
- Is the existing septic system located well-away from the proposed property boundary?
 - Barrett said yes, it is located pretty much in front of the home, to the southwest.

Staff Comments/Questions:

- The application could be approved conditionally that the sewage disposal information be provided.
- A condition could be imposed that the mylar not be sent for recording until the sewage disposal issues are resolved (DPW is satisfied or approved septic plan received).

Public Comments/Questions:

- Michael Taylor said the current testimony is that there are no plans to build on the new lot. Will there be another hearing when someone does want to build on it?
 - ESMAY said no, the building of a single-family home would not come before the Planning Board.
- Everett Marder, of 6 Heneage Ln, asked how the new lot will be accessed without upsetting his property.
 - Edwards said access will be provided from Balch Hill Ln, the only frontage provided.
- Josh Kahan, of 1 Balch Hill Ln, asked at what point the driveway and house locations are decided.
 - Smith said at the time a zoning permit is sought to construct them. Unless ZBA approval is required, due to wetlands or setback encroachments, there will be no further notice to the abutters of the proposed construction. DPW review of the driveway application pertains to public safety (site lines) and drainage issues.
 - Edwards added that a Zoning Placard will be posted on the property indicating that a Zoning Permit has been applied for.

DIETRICH suggested continuing the hearing to allow the applicant time to obtain the necessary approval from DPW rather than waive the sewer requirement. He said he does not want to create a lot where there is an inability to have sewage disposal. **It was moved by DIETRICH, seconded by MAYOR, to continue this case to September 13, 2011.** Edwards announced that notices would not be sent out for the hearing continuation. **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

5. 11-35 SUBMISSION OF APPLICATION FOR MODIFICATION OF AN APPROVED SITE PLAN (CASE NO. P2011-07) BY DARTMOUTH COLLEGE TO SUBSTITUTE THE EXTERIOR WALL MATERIAL FOR THE ZAHM COURTYARD ADDITION. THE PROPERTIES INVOLVED INCLUDE 2 SOUTH MAIN STREET, TAX MAP 34, LOT 120; 4 SOUTH MAIN STREET, TAX MAP 34, LOT 121; AND 10 VOX LANE, TAX MAP 34, LOT 17. THESE PROPERTIES ARE LOCATED IN THE “D-1” AND “I” ZONING DISTRICTS.

ESMAY read the Notice of Public Hearing. SIM was noted as the voting Alternate for this case.

Tim McNamara, of the Dartmouth Real Estate Office, and Gary Johnson, of Cambridge Seven Associates, Inc., presented the application. McNamara said the original Site Plan Review of the Inn addition & renovation project included details of the building exterior and called out a type of material. As the design progressed, Dartmouth decided to go with another material for the Zahm Courtyard portion of the project, which is just under 1,600 sf of wall. The current request is to modify what is shown as brick on the original plan for a zinc-coated steel product. McNamara handed out a series of graphics. The first 2 depict the Zahm Courtyard addition with the zinc-coated steel wall coating. The last 3 depict other areas on campus where this product is used including 4 Currier Pl and the West Stands at Memorial Field. It will also be used at the Visual Arts Center, currently under construction. A sample was available for the Board to view & handle. Johnson said the Inn & Hopkins Center use different kinds of bricks. Dartmouth decided to have a distinctly different material on the Zahm Courtyard. The zinc-coated product has been used in Europe extensively. They claim it will have a 200 yr lifespan on the vertical exterior wall surface. It never fades, deteriorates, or rusts. It oxidizes to a dark gray and stays there. It is quite compatible with brick and is easier to work with in terms of constructability.

Board Comments/Questions:

- This is for a fairly massive surface, architecturally speaking, behind the glass entry?
 - Johnson said yes. It will be visible from guest rooms and portions of the street, Zahm Courtyard, & Hopkins Center.
- What do you see behind the glass?
 - Johnson said you see inside the building. The zinc wall will come up to the frame of the glass & stop. It will be on the north, east, & south sides of the building and on the screened walls around the mechanical equipment on the roof.
- The 8’ height increase to the Zahm Courtyard lobby mentioned in the applicant’s August 10th letter is not currently being requested?
 - McNamara said yes, it is not part of the current request.
 - Smith said that can be approved by staff as a field change.

Staff Comments/Questions:

- What is the distance between the zinc wall & older wing of the Inn depicted on the East Elevation?
 - Johnson suggested 10’.
- That area will completely encompass the view from the 2nd floor rear suites.
 - Johnson said 2 rooms will be impacted by this view. It is typical to have 1 or 2 hotel rooms with less than ideal views from them.

Waivers Requested: This is a modification of a site plan affecting a very limited area so all of the submission requirements for a site plan are unnecessary. The elevations and schematics submitted adequately convey the information needed for this decision. There are structural changes to the building that will need to be made as a result of the change from brick to zinc, but these do not need to be reviewed by the Planning Board.

It was moved by MAYOR, seconded by DIETRICH, that the application be considered complete with the commentaries under waivers requested and staff comments. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

Public Comments/Questions: None

It was moved by MAYOR, seconded by DIETRICH, to approve application 11-35 for a modification of approved Site Plan P2011-07 to substitute exterior wall material with the understanding that all of the conditions of the previous approval still apply. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

6. 11-28 SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW (FINAL REVIEW) BY JOLIN KISH, AGENT FOR JOSHUA POVILL, PROPERTY OWNER OF RECORD, TO CONVERT 1ST FLOOR RESIDENTIAL SPACE TO A DENTIST'S OFFICE, CONSTRUCT 2ND & 3RD FLOOR RESIDENTIAL UNITS, AND PROVIDE ASSOCIATED LANDSCAPING AND PARKING AT 31.5 SOUTH PARK STREET, TAX MAP 34, LOT 104, IN THE "RO" ZONING DISTRICT.

ESMAY read the Notice of Public Hearing. HINGSTON was noted as the voting Alternate for this case.

Smith advised of the ZBA's decision to grant a Variance for this project, sought from the regulations of Section 803 of the Zoning Ordinance, part of which requires the new structure be a replica of the structure being replaced.

Copies of a September 6th email correspondence from Richard & Ellen Clattenburg, of 33 S Park St, were distributed to the Board.

Jolin Kish and Natalia Streltsov, of NGS Rental Inc., the new property owner of record, presented the application. Kish said the approved Variance allows for the enlargement of the existing building within the existing footprint. She identified the primary differences between the plan presented at the July 5th Design Review and tonight's Final Review as:

1. inclusion of a waiver of the parking lot island
2. additional plants are proposed around the perimeter of the parking lot & building
3. decreased size of the covered walkways
4. decreased size of the handicap accessible ramp
5. widening of the handicap walkway
6. elimination of the retaining wall & fence above
7. straightening of the driveway
8. an additional walkway from Summer Ct to the back of the building
9. elimination of the walkway from the building to S Park St
10. change of drainage from the rain garden – directing it to a storm drain on S Park St rather than crossing Summer Ct

Kish said the location of the site utilities has been verified, including the location of a propane tank and size of the sewer line, as was requested by staff.

Board Comments/Questions:

- Snow storage is shown throughout the site on top of plantings.
 - Smith said the Site Plan Regs allow for the acceptance of security for landscaping improvements for a period of 3 yrs.
 - Kish said some of the shrubs could be relocated but there are other areas where the neighbors specifically requested landscaping. The species selected is often used in parking lots and is just about indestructible. Salt will not affect it.
 - It was noted that the neighbors' landscaping requests were intended to maintain the residential feel of the neighborhood.
 - Streltstov assured the Board she has experience with landscaping and choosing species. If the plants die she will replace them.
 - It was suggested to move the plantings closer to the property lines so they are less likely to be in the middle of snow storage.
- There appear to be other places to locate snow.
- Would snow storage destroy the rain garden?
 - HINGSTON said there is a way to design rain gardens so that they are in fact snow storage. It goes to what you plant in there and maintenance in the spring.
- This is a small site. The landscaping security should be required.
- Will the existing trees along the east side of the property be cleared?
 - Kish said the tree clearing has been completed with the exception of one tree that hangs over the rain garden.
- The east boundary is already heavily screened from Dartmouth's playing fields.
- A site visit was suggested.
- The Clattenbergs' email questions site lighting.
 - Kish said 2 light poles are proposed on the edges of the parking lot. The lights will be mounted at a height of 12'. The Building Code also requires lights on the building entrances. Those will be recessed into the ceiling. The telephone pole & light on S Park St will also be replaced.
 - Smith said the horizontal lighting shown in the application materials complies with the requirements.
- What are the hours of business? Is parking lot lighting necessary?
- What is the function of the doorway facing S Park St?
 - Kish said it is intended to keep the building looking residential.
- Has the Zoning Administrator agreed on the number of parking spaces and amount of lot coverage?
 - Edwards said yes.
- Construction hours of 7:00 AM to 5:00 PM, Mondays – Fridays were suggested.
- William Desch's (DPW) Staff Review request for tree protection during construction was noted.

Staff Comments/Questions:

- The Board was cautioned not to approve a plan that shows snow storage where they don't want plants to die. The rain garden may be the place to put the snow.
- Proposed signs were questioned.

- Kish said signs are not part of the current proposal. She will file for sign approval when those plans are finalized.

Public Comments/Questions:

- Roger Phillips, of 31 S Park St, expressed concern for access to his property & the Thompson Arena lot and drainage throughout the winter. He suggested Kish construct the parking lot first to accommodate construction parking & staging. Phillips said utilizing a plow to clear his lot resulted in the loss of 3-4 parking spaces. He encouraged the use of a snow blower.
 - Kish agreed to construct a hard-packed, gravel drive and to set up some of the drainage at the start of the project.

It was moved by MAYOR, seconded by HINGSTON, to continue this case to a site visit on September 13, 2011 at 6:30 PM. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. CONNOLLY announced that the public is welcome to attend the Board's site visit. The applicant was asked to stake out the corners of the proposed parking area.

It was moved by MAYOR, seconded by HINGSTON, to continue this case to September 13, 2011 at 8:30 PM. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

7. OTHER BUSINESS:

Altaria: Smith advised of receipt of a Notice of Regional Impact of a Site Plan (Final Review) for a major subdivision of an 8-lot Industrial Planned Unit Development at 260 Route 120 in Lebanon. The hearing is scheduled for September 12th. Edwards said the proposal has not really changed from the preliminary review proposal; it is just a bit more detailed and is only for the old Wilson Tire portion of that site. The Board opted to stand by their previous comments submitted to Lebanon for the preliminary review phase of this application.

Friends of Hanover Crew: There was a lengthy discussion regarding the recent submittal of 6 ZBA applications from the Friends of Hanover Crew for projects proposed at Wilson's Landing and Fullington Farm. The Zoning Administrator, by way of written memorandum, is asking for verification whether the Planning Board wants to review the new applications. It was noted that the Planning Board conducted a preliminary review of these projects in 2009 & 2010. Smith reminded the Board that they will again review these projects under Site Plan Review - Final Review.

Edwards said he was assured by the applicant's attorney that the plans and proposed use have not changed. The designation of use as "private club" has changed to "outdoor recreation". Smith said there is different drainage proposed around the sheds. Edwards said he is not sure there is anything to be gained at this point by reopening the design review before it goes to ZBA and he is not sure that is an act of good faith. CONNOLLY added that the Planning Board has done their part and advised the applicants to move forward to the ZBA. Smith advised that the ZBA conditions approvals that the plans be built in "substantial

conformance” with the plans presented to them. Edwards said that has been interpreted very strictly.

MAYOR said he will try to represent his liaison to the Conservation Commission with regard to their concerns about this design and the location of this facility. The Commission’s 2 most immediate concerns are: (1) the location of the 2nd boat shed, closer to the river, in the wetland setback, and (2) significant concern for the plan for fuel storage in that 2nd boat shed.

ESMAY summed up that she heard enthusiasm from Planning Board members to instruct the ZBA, in so far as they are able to do so, to give the Planning Board some latitude in terms of the interpretation of “substantial conformance” with the plans that might be approved in consideration of the driveway variance.

River Rd Parcel Sale: GARIPAY announced that the Stanhope’s large parcel on River Rd has been sold.

Tropical Storm Irene follow up: HINGSTON advised of site visits he conducted the Sunday following Tropical Storm Irene’s passing at project sites approved over the last 5 yrs. He said he did not see anything that was not functioning the way it was designed to. Buck Road has a problem but it is not due to anything approved by the Board.

8. ADJOURN: The meeting adjourned at 10:30 PM.