

**PLANNING BOARD
FEBRUARY 28, 2012 at 7:30 PM
R W BLACK CENTER, 48 LEBANON STREET**

In attendance:

Members: Judith Esmay, Joan Garipay, Jim Hornig, Michael Mayor

Alternates: Iain Sim

Staff: Judith Brotman, Jonathan Edwards

Others: See Attendance Sheet

1. MINUTES: The Planning Board minutes of February 7th and the Residential Planning Committee's minutes of February 13th were approved.

2. PUBLIC HEARING ON ZONING AMENDMENTS FOR TOWN MEETING 2012

West End Neighborhood Overlay District: To create a new Section 213 & amend Section 204 (Tables 204.5 & 204.6) to read,

“Section 213 West End Neighborhood Overlay District

213.1 Establishment and Boundaries. There is hereby created the West End Neighborhood Overlay District. The boundaries of the West End Overlay District are established on the map entitled ‘West End Neighborhood’ which is on file in the office of the Town of Hanover and is hereby made part of this Ordinance. For purposes of identification, the signature of the Director of the Office of Planning and Zoning as of the date of adoption is indicated.

213.2 Objectives. The West End Neighborhood Overlay District is established to achieve the following objectives:

1. To protect the distinctive characteristics of the neighborhood's character and streetscapes as those of a New England small town, in a manner that is supported by Hanover's Master Plan;
2. To encourage change and reinvestment within the neighborhood in a manner that reinforces its existing character and streetscapes; and
3. To retain and enhance the pedestrian-friendly nature of neighborhood streetscapes through an emphasis on pedestrian entries, windows facing the street, active living space oriented to the street, and garages and blank walls oriented away from the street, consistent with prevailing patterns in the neighborhood.

213.3 Development Standards. All new construction shall conform to the following standards:

1. Any garages proposed to be build, relocated or expanded, shall be located behind or beneath the principal building or perpendicular to the side of the principal building with vehicular openings not facing the street, or, if located with vehicular openings facing the street, whether attached to or detached from the principal building, shall be set back at

least three feet from the Building Front Line of the principal building. Vehicular openings shall be no greater than one-third the overall width of the entire street elevation. For the purposes of this Section 213.3, a lot shall have only one Building Front Line and that line shall be on the side with a pedestrian entrance.

2. Buildings shall face the street so that windows and the main pedestrian entrance will be visible from and oriented to the street. Windows and pedestrian doorways shall comprise a minimum of 15% of the front building walls facing the street excluding the roof but including roof dormers with vertical windows. Fenestration patterns shall be designed so as to avoid blank garage walls facing the street.
3. Building shall not be set back farther from the street than the average set back of the residential properties on the same side of the block.
4. The front setback shall be established by the principal building that exists on the lot as of May 8, 2012. If there is no building on the lot, the front setback shall be established by the provisions of Section 209.2B Front Setback Regulations and Exceptions.
5. Unenclosed, unscreened porches with roofs may project eight feet into the required front yard setback, but may be no closer than 10 feet to the front property line.”

Table 204.5 “GR” General Residence: Amend the Area & Dimensions Table and language below to include reference of Section 213 for GR-1 & GR-2 front setback measurements.

Table 204.6 “SR” Single Residence: Amend the Area & Dimensions Table and language below to include reference of Section 213 for SR-1 and SR-3 front setback measurements.

ESMAY noted that the proposed amendment was submitted by petition. The Board’s action is limited to voting whether to endorse the amendment.

Carolyn Radisch, co-proponent, said the proposed language has been further revised since the Board’s January 24th review. Comments obtained from Hanover staff and zoning board members from Hanover and Meredith have been incorporated. The amendment proposes form based guidance in the Ordinance to protect the prevailing character of the West End neighborhood. Mr. Fischel added that many alternatives were considered before this minimalist version was agreed upon. Radisch said they want to encourage houses to orient to the neighborhood, downplay garages and blank walls at the streetscape, and encourage porches, front doors, and windows on the street to give that sense of a community and pedestrian-friendly streetscape.

Radisch walked the Board through a Memo dated February 22, 2012, titled West End Overlay District Analysis, which presents an analysis of the relationship between the proposed standards and the existing neighborhood.

Radisch said the current front setback requirements are at odds with the existing development pattern. She estimated that 56% of the homes in the West End neighborhood do not meet the current setback regulations. The neighborhood is old and was mostly developed before zoning existed. Radisch said the amendment proposes that zoning reinforce the existing pattern. This will greatly reduce the number of existing zoning non-conformities.

Board Questions/Comments:

- The Residential Planning Committee has been looking at all of the residential neighborhoods with a view to rewrite the Zoning Ordinance to better describe what actually exists on the ground. This proposal does exactly that and is important as it will be considered as somewhat of a model for other neighborhoods.
- Sim opined that the proposal that garages be out of sight or located to the rear of a lot is

- not reflective of what exists in this neighborhood. It may be desirable but is not existent.
- Consideration should be given for the threshold for creating non-conforming structures. The requirement that garages with vehicular openings facing the street be at least 3' from the Building Front Line of the principal building will make, based on the survey of the neighborhood conducted by Sim, 30% of the homes in this neighborhood non-conforming. Expansion of those structures will be quite difficult.
 - Radisch argued that rule will create 17% non-conformity and referred back to the research provided in the February 22nd Memo. She agreed that expansion of those structures will require the grant of a Variance or Special Exception from the ZBA.
 - At what point does something like a garage not get included in the fenestration area calculation (the proportion of openings in a building or wall envelope).?
 - Radisch said it is a concept of an elevation, so it's everything that is facing the street. Roofs are not included; just vertical walls.
 - Non-vertical windows are not counted because they don't invite any street activity.
 - What was the thinking behind the requirement that *"Building shall not be set back farther from the street than the average set back of the residential properties on the same side of the block."*
 - Radisch said there are established patterns on every street as to the typical alignment of the buildings. This gives latitude and keeps things consistent along the street. Cars go slower when buildings are closer to the street. There is more neighboring behavior.
 - Edwards questioned whether the intent of the proposed language in 213.3(3) and (4) are mutually exclusive or both apply. If they both apply, the wording is ambiguous.
 - Radisch suggested the intent is clear because it says, "the context of the street, the block, and the neighborhood". There are 2 undeveloped lots in the neighborhood. Every other lot has an established setback by this overlay. For a tear-down, the setback is what was there for the existing building.

Staff Questions/Comments:

- There are energy code stipulations and formulas which are consistent with a 15-25% fenestration area.

Public Questions/Comments:

- Doug McIlroy asked if the intent is for every house to be lined up in the long run.
- Jed Williamson said it is important to get the intent clear.

It was moved by SIM, seconded by MAYOR, to carry this forward to the next public hearing on zoning amendments. There being no further discussion, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

Zoning change request to remove the Chieftain property from "RR" and place in "GR-4: To amend the Zoning map, Tables 204.5 "GR" & 204.7 "RR", and Section 902 "Term Definitions" as follows:

Zoning Map: Extend the GR-4 zoning district to include the Chieftain property

Table 204.5 "GR" General Residence:

- Amend the Uses table to include:
 - **“Hotel (GR-4 only)**”** as Allowed by Special Exception
 - **“** Limited to 50 guest accommodations, served by public water and sewer, and located north of Lot 1 as shown on Assessors Map 8”**
- Amend the Area & Dimensions table to include:
 - “****” after the GR-4 district designation
 - **“**** For hotels in the GR-4, the following area and dimensional standards shall apply instead of the above:**

Minimum Lot Area:	10 acres
Minimum Frontage:	200 feet
Minimum Setbacks:	
 Front:	50 feet
 Side and Rear:	50 feet
Maximum Height:	35 feet
Floor Area Ratio:	0.2”

Table 204.7 “RR” Rural Residence: remove **“Hotel (located on that part of ...)”** from the Uses table

Section 902 “Term Definitions”: amend the definition of “Hotel” to read,”

“Hotel: A building or group of buildings which contains two or more living accommodations for six or more transients regardless of accommodations, which constitutes the temporary abode, for 30 days or less, of persons whose primary residence is elsewhere. This shall include hotel or motel, **condominium hotel, timeshare, or other type of interval occupancy or ownership, together with indoor or outdoor facilities for dining, relaxation, or recreation for such occupants. A hotel may also include customarily accessory facilities, services, and activities, such as outdoor recreation, for guests and the general public”.**

HORNIG stepped down.

Jody Roberts, proponent and owner of the Chieftain Motor Inn, appeared to read a document into the record. Briefly recapping, he said he is requesting the Chieftain be removed from the RR zone and placed in the GR zone, of which it currently abuts. In addition, he requests the GR zone be modified to include hotel as a Special Exception based on the following restrictions: (1) limited to a maximum of 50 hotel units, (2) served by public water & sewer, and (3) located on that part of Lyme Road north of Kendal.

Roberts said residing in the RR zone as a non-conforming entity severely curtails the Chieftain’s legal & financial ability to respond to the region’s rapidly evolving lodging market. The Master Plan recognizes the Chieftain as functionally related to the Lyme Road Village Center to its south. The Center is home to several well established service-related businesses that, like the Chieftain, provide a valuable community service. The synergism that exists between these entities and the Chieftain support his request for relocation.

Roberts said the primary reason to relocate into the GR-4 zone is to allow the Chieftain to continue its mission to improve the quality of life for the residents of Hanover. His strategy is to provide facilities & amenities that allow Hanover residents to enjoy his 10.7 acres and 1,000’ of Connecticut River shoreline. The Chieftain is a small family owned motel without access to a national advertising campaign or international reservation systems. For this reason it relies on word of mouth for business growth. Unfortunately, the Chieftain is now competing with 16 hotels that have entered the market over the last several years. In addition, it requires long-needed repairs & facility improvements designed to better serve the

community. Rezoning the Chieftain will allow Roberts to finance those improvements on acceptable terms.

Based on the Board's February 14th review, Roberts has agreed to the following property restrictions:

1. Bring town water/sewer to the property
2. Accept special exception status – ensuring a public hearing for any changes to the facility
3. Limit hotel units to 50
4. Increase size of all setbacks
5. Any new hotel proposed will include a separate turn-in/pull-off traffic lane along the highway and separate entrance & exit onto the property
6. Appropriate sound dampening barriers designed to protect neighbors to the north and south

Roberts asked for consideration of the following:

- Over 10,000 Hanover residents used the Chieftain property last year
- The Chieftain is family-owned & has been serving the community over 50 yrs
- He is merely asking for rezoning to allow for financing of property improvements designed to better serve the community

Speaking to his neighbors, Roberts said he has no intention of selling the property. He has agreed to stringent property restrictions that would severely limit the development of his 10.7 acres.

Roberts said he has demonstrated through his actions his commitment to his mission and to the community. He asked the Board to please not make a decision on a vague assumption of what someone believes may happen in the future but rather what the Chieftain has done over the past decade. Further, he asked that the Board put its faith in its abilities to control the future development of the property and in so doing protect the community.

Roberts said the Master Plan states in Chapter 4 the importance of the use & enjoyment of natural resources for current & future residents. He asked the Board to think of the Chieftain as a private park, financed and maintained for the use of the residents. In Chapter 9 the Master Plan states, "*The Route 10 corridor between Reservoir Road and the Chieftain Inn should become the Dresden Village Center, with mixed use zoning...*". Chapter 13 speaks to encouraging the development of private recreational facilities available for use by town residents. Roberts said this is what the Chieftain has been doing for 8 yrs now.

Board Questions/Comments:

- The turning lane & property entrance/exit are dependent upon NH DOT approval.
 - Edwards said those items are not subject to zoning and have nothing to do with this proposal.
- The changes suggested at the February 14th meeting have all been incorporated with the exception of gathering input from the Lyme Road Village Center Planning Group.
 - Edwards said the material was sent to that group via Kristine McDevitt, the former Co-Chair. McDevitt has not commented since receiving the material.
- What kinds of sound barriers are being considered?
 - Roberts said natural shrubbery.

Public Questions/Comments:

- John Creagh, of 112 Lyme Road, asked of the number of units at the Chieftain currently.
 - Roberts said 22 and an apartment upstairs.
- Dick Podolec, of 86 Lyme Road, asked how the current proposal differs from the one presented in February, in particular what does the proposed definition mean?
 - Edwards said changes include: (1) hotel use being allowed by special exception, not by right; (2) limitations relative to the number of guest accommodations; (3) increase of area & dimension requirements; and (4) amending the definition of ‘hotel’ to include, “*condominium hotel, timeshare, or other type of interval occupancy or ownership, together with indoor or outdoor facilities for dining, relaxation, facilities, services, and activities, such as outdoor recreation, for guests and the general public*”. Edwards said the first part of the existing definition is meant to distinguish hotel from a permanent residence. The second portion [the proposed language] is for clarification.
- Mr. Podolec asked what “floor area ratio” refers to.
 - Edwards said it represents the total square footage of building(s). As proposed the Chieftain’s floor area ratio cannot exceed 20% of the 10.7 acre parcel (≈ 90,000 sf or 2 acres). The building currently takes up about 10,000 sf.
- Mr. Podolec asked if Roberts could build 25 separate buildings on the property.
 - Edwards said no. Other portions of the Ordinance limit parcels to one principal building. Accessory buildings such as sheds, garages, & pool houses would be allowed. All of the guests would have to be accommodated in one building.
- Melanie Podolec, of 86 Lyme Road, said in the RR requires 10 acres for one house. This proposal would allow 50 hotel units on 10.7 acres.
 - Edwards said the minimum lot size in RR is 3 acres, unless a new major subdivision is proposed, which requires lots of 10 acres.
- Mrs. Podolec said there has been no previous mention of a time share, condominiums, or other types of interval occupancies. She said she is happy that reference to a park-and-ride facility has been removed.
 - Edwards said the other occupancy types were part of earlier proposals.
- Mrs. Podolec said improving the quality of life for Hanover’s residents is admirable, but we are talking about putting in 50 units of hotel space not necessarily for Hanover residents. She expressed concern for living next door to a very large hotel or timeshare.
 - Roberts reiterated that he is only proposing the addition of 28 units. He questioned what large hotel would buy the Chieftain with only 50 units allowed. He said has no need to sell the hotel to a larger corporation, however, if he cannot fulfill the mission he has established, there is no sense doing anything with it.
- Mrs. Podolec said the boundary between the two lots is a porous boundary. She spoke favorably of existing conditions but expressed concern for impacts from a larger Chieftain in terms of noise, guests wandering onto the ‘Polly’s Landing’ portion of Podolec’s property, etc.
 - Roberts offered to install a fence to keep guests from accessing her property.
- Doug McIlroy called attention to a letter he submitted to the Board. He said the application claims to be in line with the Master Plan’s vision for the Dresden Village Center. However, the Master Plan also envisions a strip of continuous open space from Ledyard Canoe Club through to the Chieftain property, along the river. The quality of the open space and method of protection varies from property to property in that band.

McIlroy said now is the time to make sure that open space vision is realized in some way. Some kind of permanent protection would be desirable as part of this arrangement.

- What were envisioned as the mechanisms whereby the strip of continuous open space would be achieved?
 - Edwards said it is possible to put in a provision that some footage from the river be kept as open space as part of the zoning. It would then have to apply to all GR-4 properties that exist. 100' of the Chieftain's waterfront cannot be built on because it is in a flood plain.
 - McIlroy said there are many different kinds of protections available (easements, zoning).
 - Roberts questioned what other protections are needed. He cannot build within 150' of the water.
- Mr. Podolec said his understanding is that Town water/sewer is available to anyone that wants to pay for the connections.
 - Edwards said the issue is a physical one in that a pump station and force main may be necessary to get the Chieftain's sewage into the Town's system.
 - Roberts suggested the connection, pump station, & force main installations would cost upwards of \$1,000,000.
- Mr. Podolec asked if there are any rules on ownership if the property is condominiumized.
 - Edwards said typically zoning does not deal with ownership of portions of property. To break out a property into condominiums would require subdivision approval.
- Alice Creagh questioned Roberts' motive relative to his statements about improving his property for the good of the community. She asked why anyone would spend \$1,000,000 if their property could not generate more.
 - Roberts said he cannot justify the expense at 22 rooms. That's why he is asking to increase to 50 units.
- Mrs. Creagh asked how the money would be recouped.
 - Roberts said by room sales. He is clearly not going to make any money on rowers or neighbors that use the boats & land for free. 50 units is the bare minimum to do it.
 - Roberts said the Chieftain is a good deal for the Town. It pays a substantial amount of taxes, draws no services from the town, and has no children attending the public schools. If able to secure financing for a 50-unit hotel that will push more revenue in.
- Mrs. Podolec said the Chieftain does not currently have full occupancy most of the time. How will building more units make it more profitable?
 - Roberts said the plan is to increase summer business by over 50%. The Black Bear Rowing Club is going well and is pushing him to expand.
 - Mr. Podolec asked if Kendal, Rivercrest, or other GR-4 properties could have similar hotels built.
 - Edwards said no. The proposal includes a provision relative to hotels being allowed only in a specific area within GR-4.

It was moved by SIM, seconded by MAYOR, to put this article on the Warrant for Town Meeting and that it approves its recommendation by the voters of the Town of Hanover. There being no further discussion, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

HORNIG rejoined the Board.

Temporary structures to assist person with disability: to create a new Section 310.3 and amend Section 1006.4 to read,

“310.3. Temporary permits may be issued by the Zoning Administrator for a period not to exceed 18 months, to allow the use of a structure for temporary access (such as a handicap ramp) to permit a disabled individual to more easily and safely enter and exit a residence.

The following conditions must be met:

- A. The disabled individual has a continuing need to enter and exit the residence.***
- B. The property owner agrees to remove the temporary structure at the end of eighteen months, or apply to the Zoning Board of Adjustment for a Variance, to Accommodate Disabilities (Section 1006.4) and be granted such Variance.***
- C. The property owner will apply for a zoning/building permit for the temporary structure, and will meet all building code regulations.”***

1006.4 Variance to Accommodate Disabilities:

The Board of Adjustment may grant a variance from the terms of this zoning ordinance without finding hardship arising from the condition of a premises subject to the Ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises provided that the Board of Adjustment:

- A. Shall determine that any variance granted under these provisions shall be in harmony with the general purpose and intent of the zoning ordinance;
- B. May stipulate in the finding and the Notice of Action included in the variance that the variance granted pursuant to these provisions shall survive only so long as the particular person has a continuing need to use the premises; and
- C. Shall require that the owner of the premises pay to the Town of Hanover all costs of recording the Notice of Action regarding such variance in the Grafton County Registry of Deeds; such recording shall be done by the Town of Hanover.

A temporary permit may be issued by the Zoning Administrator, under Section 310.3, to allow the use of a temporary access structure (such as a handicap ramp) to permit a disabled individual will to be able to more easily and safely enter and exit a residence.”

Board Questions/Comments:

- It was suggested to omit “for temporary access” from the first line of Section 310.3 or to add “temporary” before “structure”; the argument being that the access is not temporary.
 - Brotman said the proposal is for a temporary access structure, not other temporary structures. The current wording was suggested at the January 24th meeting.
- It was suggested to omit “will” from the proposed revision to Section 1006.4.
- It was suggested to omit several commas from the text of Section 310.3.
- It was suggested to omit “be able” from Section 310.3 and 1006.4.

Staff Questions/Comments:

- It was suggested to revise Section 1006.4 to read, ***“A temporary permit may be issued by the Zoning Administrator, under Section 310.3, to allow the use of a temporary access structure (such as a handicap ramp) to permit a disabled individual will to be able to more easily and safely enter and exit a residence.”***

- Brotman argued the entire sentence is needed to keep the text from appearing to state that she has the ability to grant a Variance to Accommodate Disabilities.
- It was suggested to change “to permit a disabled individual...” to “**to allow ...**”

The Board agreed to incorporate the wording “***to allow the use of a temporary access structure (such as a handicap ramp) to permit a disabled individual to more easily and safely enter and exit a residence***” into both Section 1006.4 and Section 310.3.

It was moved by MAYOR, seconded by HORNIG, to carry this forward to the next public hearing on zoning amendments. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

Accessory structures: To amend Section 210.2 to read:

“In the RO, GR and SR districts, the gross floor area of all buildings devoted to accessory uses on any lot may not exceed 25 percent of the gross floor area of the principal building thereon. **For the purposes of this section, there shall be a 600 sf allowance for a garage structure, in addition to the 25 percent for accessory structures, whether attached or not to the principal building.**”

Board Questions/Comments:

- It was suggested it read, “**For the purposes of this section, in addition to the 25 percent for accessory structures, there shall be a 600 sf allowance for a garage structure, whether attached or not to the principal building.**”

It was moved by SIM, seconded by MAYOR, to carry this forward to the next public hearing on zoning amendments. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

Rebuilding of non-conforming structures need not be a replica: To amend Section 803 to read,

“Section 803 Change of Non-Conforming Structures

A non-conforming structure may be enlarged or extended if no part of the enlargement or extension violates any dimensional requirement of this ordinance.

If the non-conforming structure is non-conforming only with respect to setback requirements, it may be enlarged or extended if the enlargement or extension would be:

- A. No closer than the existing structure to the lot line(s) to which the existing structure is non-conforming;
- B. No higher than the existing structure; and
- C. No closer than the closest point of the existing structure to a structure on an adjacent property.

The Zoning Board of Adjustment may grant a Special Exception for an addition to a non-conforming structure, which is non-conforming only with respect to setback requirements, and which proposed addition extends no closer than the existing structure to the lot line(s) to which the existing structure is non-conforming, even if criteria (b) and/or (c) above are not met, if it finds in the circumstances that the criteria of Section 206 are met. Any other

enlargement or extension shall not take place unless a Variance is obtained under Article X.

If a non-conforming structure has become structurally deficient the Zoning Administrator may issue a zoning permit for the razing, rebuilding and restoration of such structure ~~as a replica of the exterior of the original structure, being~~ **provided the new structure is** no larger in volume, foot print, floor space and height than the original structure, and in substantially the same location.”

Board Questions/Comments:

- What does “substantially the same location” mean?
 - Brotman said its definition would be at her discretion and suggested one or two feet would be acceptable. Without “substantially” is to say it must be located in the same location.
- The Board agreed to the wording, “If a non-conforming structure has become structurally deficient the Zoning Administrator may issue a zoning permit for the razing, rebuilding, **or** restoration of such structure **provided, the new structure is** no larger in volume, foot print, floor space and height than the original structure, and in the same location.”

It was moved by HORNIG, seconded by SIM, to carry this forward to the next public hearing on zoning amendments. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

3. OTHER BUSINESS:

Hanover Inn MOU: Edwards reported that an MOU was agreed to and executed for the Hanover Inn parking.

Hanover Inn/Downtown Employee Parking Survey: Edwards said the requested re-written proposals have been received and a consultant will be chosen soon. The study will last until August or September. The Inn has not developed any valet parking program or protocol on its own.

Hanover Inn Construction: Edwards briefly reported on the progress of the Hanover Inn addition/alteration project. The Inn has been completely gutted. There were so many structural deficiencies that were unexpected, particularly in a building that was constructed in 1966. Permitting is being done in small phases due to the redesign work that is needed.

VT Law School Route 120 Study: MAYOR & Edwards are on a committee with Lebanon staff, Regional Planning Commission members, TMA, and VT Law School members regarding financing mitigation measures that can be done beyond what has traditionally been done.

Next meeting: March 6, 2012

Safe Routes to School Program: Edwards said the Town ran into serious federal and state glitches with the development of a contract for the program. A change to federal program

rules is now applicable to projects like this that have already been issued a Notice to Proceed from the State. The program has been postponed.

Dartmouth's Emergency Annunciation Systems Testing: HORNIG asked of any repercussions to the recent testing of the loud speaker system. Edwards & Brotman advised of decibel levels they measured during the test. The highest readings (85 decibels) were measured at the corner by the Inn. Readings of 75-78 decibels were taken at Town Hall.

4. **ADJOURN:** The meeting adjourned at 10:20 PM.

Respectfully submitted,

Beth Rivard