

**PLANNING BOARD
APRIL 3, 2012 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

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

Alternates: Bill Dietrich, Iain Sim

Staff: Vicki Smith, Jonathan Edwards

Others: See Attendance Sheet

1. **MINUTES:** The minutes of March 6th & 13th were approved.

The hearing on the following 2 cases began March 27th, was continued to a Site Visit April 3rd and then to the current meeting.

2. **P12-12 CONTINUATION OF REVIEW OF APPLICATION FOR SITE PLAN REVIEW BY FRIENDS OF HANOVER CREW, AGENT FOR THE TOWN OF HANOVER, PROPERTY OWNER OF RECORD, TO ADD A PUBLIC, SEASONAL, CREW DOCK AT WILSON'S LANDING, 110 LYME ROAD, TAX MAP 8, LOT 20, IN THE "RR" ZONING DISTRICT.**
3. **P12-13 CONTINUATION OF REVIEW OF APPLICATION FOR SITE PLAN REVIEW BY FRIENDS OF HANOVER CREW TO CONVERT FULLINGTON FARM PROPERTY TO A BOATHOUSE AND ROWING FACILITY. THE PROPERTY IS LOCATED AT 108 LYME ROAD, TAX MAP 8, LOT 19, IN THE "RR" ZONING DISTRICT.**

Edwards stepped down. CONNOLLY recused herself from hearing Case P12-12.

ESMAY opened the public hearing. She said the Board ruled on the findings of completeness of the applications at the March 27th meeting.

Attorney Richard Uchida, of Orr + Reno, advised of an email he received from staff regarding unresolved items from the March 27th meeting that includes:

- (1) Maintenance of the existing farmhouse @ Fullington Farm: Uchida said there are no plans for drastic changes to the interior of the farmhouse. Its exterior will be painted & its structural integrity, including the roof & foundation, will be maintained.
- (2) Exterior lighting will include the existing light at the front of the barn, and new lights at the entries of the proposed gas & boat sheds. All exterior lighting will direct light downward, with full cutoff; being just bright enough to enable someone to unlock the doors to gain entry. Motion sensor lighting is also proposed on the 3 bays facing the river on the boat shed. There is no existing or proposed lighting on the farmhouse.

- (3) Digital imaging of proposed parking plan: Uchida said he hoped the site visit fulfilled the request for this plan, stating that digital imaging is very expensive & time consuming.
- (4) Residential use/character of the area: Uchida said the area is not solely residential. It is also agricultural & light commercial. He said the Town's current Master Plan recognizes this area as a recreational corridor & emphasizes the need for cooperation between Dartmouth, the Town, & school district to develop new recreational facilities.

Board & Staff Comments/Questions:

Smith asked if the light on the front of the barn could be activated by motion sensor rather than left on all night. Uchida said yes, if the Board preferred.

HORNIG asked of the Selectboard's jurisdiction relative to use of town-owned land. Uchida said the Selectboard is responsible for setting rules & regulations for use of Wilson's Landing, including the proposed dock.

HORNIG asked of the relationship between FoHC & the school system. Uchida said FoHC raises funds for the Hanover High School crew boats & equipment. FoHC members also volunteer as coaches.

HORNIG asked if crew is recognized as a sport in the same way that football is. Uchida said yes.

HORNIG asked if there is any liability that goes to the school. Uchida said accidents will be treated in the same manner as they would in other athletic program, the school is definitely liable.

HORNIG asked how long FoHC has existed. A male speaker suggested 12 years. HORNIG asked for a list of FoHC officers.

HORNIG asked how long the Upper Valley Rowing Foundation (UVRF) has been in existence. Jennifer Brennan, UVRF President, said it has been in existence under various names over the past 15 yrs. She offered to provide a list of their officers.

ESMAY asked Jessie Levine, Assistant Town Manager, to speak to the Town's relationship with FoHC. Levine said she has tried to be present at the meetings due to the perception that the Town Manager & Planning Director have conflicts of interest with the current proposal. Levine is new to the Town & not involved in rowing in any way. She advised of her involvement in the drafting of a license agreement that would permit FoHC & other organizations to use Wilson's Landing subject to the permission granted by the ZBA & Planning Board. Levine said "primarily the Board of Selectmen's attention is public property, so the care is to work with the rowing organizations to allow their use of the property without interfering with the ongoing use of the property by the general public".

ESMAY opened the floor to FoHC & UVRF Officers. They declined comment.

SIM asked if FoHC, UVRF, or any other group, will at any time, be able to prevent other citizens from using the dock, such as during practices or meets. Uchida said other than when boats are being put into or taken out of the water, which should be accomplished within a 5-minute period to get all the boats out, the dock will be open to members of the public.

SIM asked who will be responsible for installing & removing the dock year-after-year, who decides when installation/removal occurs, and who is responsible for its repair/maintenance. Uchida said FoHC is responsible for all of those items.

SIM said testimony during the Design Review phase explained the need for the 180' dock length as being related to early morning practices and school schedules. Given that practices will now be held after school hours, is it still necessary to have such a long dock? Uchida said yes, there is still a limited window within which practices will occur. Peter Kermond, FoHC Board member & HHS Crew coach, said one of the reasons for the longer dock is also to accommodate the proposed storage of 8 launch boats.

SIM asked if the Town has thought about how parking @ Wilson's Landing will be controlled? Levine said it is her understanding that the property was given to the Town for the expressed intent of making the river available to people, whether they live in Hanover or not. There is no expectation that the Town will attempt to control any other use of the Landing, as it is public property. Further, there has been no discussion of inserting controls beyond any conditions imposed by the local land use boards.

SIM noted the comments on record, from DPW staff, of their intention to not install any additional porta-potties or change the frequency of the pumping of the existing facility at Wilson's Landing. SIM said the Town has a responsibility when providing for a larger number of people to make sure there are adequate sanitation facilities.

MAYOR asked if the remainder of Staff Evaluation concerns have been addressed to the satisfaction of staff. Smith said yes.

MAYOR said, in speaking with the Chair of the Safety Committee for U.S. Rowing, he was advised that when a rowing facility is established, it devolves to the benefit of the waterbody on which it is established. The Chair's other observations are that rowers create a watchful group on the river in terms of pollution contaminants, trash, & other people in the region that should not be there, and that juniors can be pressed into clean up.

HORNIG asked for clarification of the zoning regulations relative to accessory uses, principal buildings, and dwellings. Judy Brotman, Zoning Administrator, distributed a Memorandum dated April 2nd that explains zoning-related issues that surfaced at the Planning Board's March 27th meeting. Brotman said uses & structures are limited in residential zones to one principal use and one principal structure per parcel [residential being the principal use; the home being the principal structure]. When a property is deemed to be an Outdoor Recreation property, it is allowed to have more structures so long as they are "necessary related to Outdoor Recreation". Brotman said use of the existing farmhouse at Fullington Farm as a dwelling unit is not allowed as it is not a necessary related structure to Outdoor Recreation. Brotman's Memorandum also answers questions about the boat shed's use & location. She said the ZBA's February 21st decision is quite clear. Any proposed changes must be approved by the ZBA. HORNIG asked where the Ordinance allows for more than one structure for Outdoor Recreation. Brotman said Section 902 "Term Definitions" states that buildings that are necessary related uses to Outdoor Recreation are allowed by Special Exception. Of the 4 existing structures, 2 will be replaced by a boat shed, leaving 3 structures in total. Brotman said the need to use the farmhouse for storage keeps the house viable on the property.

ESMAY advised of receipt of the names & telephone numbers of the officers & Board of Directors for both FoHC & UVRF.

GARIPAY asked about proposed trailer storage. Nik Fiore, of Engineering Ventures, said they will be moved to the barn in the winter months.

ESMAY asked how parking will be managed. Fiore said there will be a level of user control of the site; coaches controlling students & FoHC controlling UVRF members' use, etc. The spaces will be clearly marked.

SIM noted that condition #7 of the ZBA's December 1st decision was dropped from their February 21st decision. The condition states, "*Operation of the Fullington Farm facility solely by an organization entitled to charitable status under Section 501(c)(3) of the Internal Revenue Code.*" He asked what would happen if a for-profit organization was to purchase the property. Uchida said no matter what type of organization runs the property, it must be used for outdoor recreation. Smith agreed the use may be established but asked, isn't the licensing given to FoHC exclusively?

SIM asked whether consideration was given to renovating the existing barn to store shells. Fiore said the footprint of the existing barn would not work for the size & number of boats to be stored. The barn is also farther from the river & use of it for boat storage would displace parking or require users to transport shells throughout the parking area. The proposed boat shed dimensions were identified as 71^{'(length)}x57.5^{'(width)} and the existing barn's footprint as 75^{'(length)}x 42.5^{'(width)}.

SIM said the March 27th draft minutes reflect proposed exterior storage at the back of boat shed for oars. Fiore said that is an error; their storage will be within the shed.

SIM asked of the performance capacity of the current wastewater system @ Fullington Farm. Fiore said DES approval to reuse the existing system in a different capacity is required, as is DES approval of a replacement system. The design of the replacement system will incorporate the proposed higher intensity use. Fiore said from his experience, the current design is adequate. Single-flush toilets do not have a high impact to a leach field system. SIM asked when the existing septic system was last used and whether it has been tested and found to be still functional. Fiore said it was last used in 2006, was built in 2002, and has not been tested. If it is deemed as non-functioning, permitting will be in place to build a replacement system.

SIM asked of the 'safety reasons' for leaving the vehicle used to transport gas from the shed to the launch @ Wilson's Landing. Blair Brooks, FoHC President & HHS Crew coach, said it is purely for rowers' safety.

SIM said the application references visiting teams launching coaches' boats from Wilson's Landing, however, it was clearly stated @ the Site Visit that will not be the case.

SIM said the traffic analysis refers to the possibility of eliminating the passing lane on Lyme Rd, but Lyme Rd does not have a passing lane. Is the intention to eliminate the bike lanes on the shoulder of the road? Fiore said no. SIM said the traffic analysis also assumes the overwhelming majority of vehicles exiting Fullington Farm will be traveling southbound from the site. Will that pattern change since the HHS Crew practices have been moved to the afternoon? Fiore said most will continue to turn south from the site.

SIM said the March 27th draft minutes mention a proposed bicycle rack that is not depicted on the corresponding plans provided. Fiore said the proposed rack will be located between the barn & driveway during the rowing season and stored in the barn in the off-season. It will be a pre-manufactured unit.

SIM said page 7 of Engineering Ventures' report states, "*the easement that created Wilson's Landing Rd prohibits its use for access to the properties on either side of the easement*". That could mean that people coming off the dock with boats cannot fork off onto the Fullington Farm property. Fiore said the language in the easement is to provide access to the river, not to be a driveway to a property on either side of the easement. Uchida offered to provide a copy of the easement.

SIM asked if there are any restrictions for the Dartmouth associated people accessing their boats before 7:00 AM weekdays or 8:00 AM weekends or holidays. Uchida said his understanding of the ZBA restriction is that the use restriction is global, no matter what organization you belong to.

ESMAY said a statement she made at a previous hearing was misleading because the content of those messages were not available to other board members. She read into the record a written message from Peter Spiegel outlining his concerns about the impacts to neighbors and the Town's boat launch & about septic resources. ESMAY also read Ann Crow's written statement into the record about funding of HHS Crew and the hidden impact it has on the proposal for use of these properties, noting that 67 names on the petition presented to the Board are not Hanover residents, and stating that the project has been developed far beyond its initial concept of supporting HHS Crew. Crow questioned control & oversight of the rowing center, stating that the area's currently low profile will change once the site becomes a crew launching area. She further noted that the empty farmhouse will be an attractive nuisance.

ESMAY opened the floor to public comment.

Public Comment/Questions:

- John Creagh, of 112 Lyme Rd, said FoHC's Operations Plan does not refer to the weekend/holiday restriction of 8:00 AM. He questioned the applicant's characterization of the Organic Farm & Nursery School as commercial ventures, arguing that they are educational and the farm is also agricultural. He said 25 yrs ago, access to Wilson's Landing was limited to sunrise to sunset and a chain was utilized at the access to prohibit entry when use was restricted. There is currently a lot of use of that facility after dark. Policing of that area will become more of a problem. Creagh expressed concern for traffic on Wilson's Landing Rd citing speed, increased vehicle trips, parking along the road, & the amount of dust kicked up from the traffic. He suggested utilizing speed bumps and signs and said something must be done about the dust. Creagh said the increased refuse must also be taken into account.
- Lizann Peyton, FoHC Board member, read into the record a letter from Linda Addante that highlighted the benefits of rowing programs.
- Carol Weingeist, of 38 Valley Rd, suggested HHS Crew students do not realize the impacts of the proposal submitted on their behalf. She said this proposal is for a private club to use our public landing when there are already rowing facilities in our community.

Outdoor Recreation may be permitted but the deed for the conservation easement on the 7 acres south of the Fullington Farm states that the 2.4 acres will remain a single-family residence in the RR zone.

Applicant rebuttal: None

Board response: None

ESMAY declared the public hearing closed.

Possible conditions of approval for Case P12-12 (Wilson's Landing):

- (1) Porta-potty – issues raised about overuse of the existing porta-potty must be worked out by the Selectmen. Levine advised that the matter is not currently mentioned in the licensing draft, but could be added. It was suggested that the Operations Plan be revised to instruct its participants to utilize the Fullington Farm facilities.
- (2) Public access - The public has clearly expressed fears that they will be excluded from Wilson's Landing. Equal access should be addressed. Levine said the language of the licensing draft shall be amended to reflect concerns addressed at the current meeting.
- (3) Pre-construction meeting with staff.

It was moved by HORNIG, seconded by MAYOR, to approve Case P12-12, application for Site Plan Review by Friends of Hanover Crew, agent for the Town of Hanover, property owner of record, to add a public, seasonal, crew dock at Wilson's Landing, 110 Lyme Road, Tax Map 8, lot 20, in the "RR" zoning district with the following conditions:

- 1) That the operations plan be amended to encourage rowers to use flush toilet facilities rather than the portable toilet at Wilson's Landing; and**
- 2) That a pre-construction meeting with Town Planning and Zoning and Public Works staff be held prior to the commencement of installation of improvements to accommodate the dock.**

THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

CONNOLLY rejoined the Board.

Possible conditions of approval for Case P12-13 (Fullington Farm):

- (1) The portable bicycle rack not currently shown on the plans provided.
- (2) Maintenance of the farmhouse.
- (3) Easement restrictions relative to access from Wilson's Landing Rd - Levine said she would research this.
- (4) Landscaping maintenance of existing & proposed - The Site Plan Regs provide for the ability to require an applicant to provide security valued at the replacement cost of the proposed landscaping. Brooks said the required landscaping will be maintained to perform the function it is intended to.
- (5) DES approval of the septic system.
- (6) All exterior lighting be powered by motion sensors.

It was moved by SIM, seconded by DIETRICH, to approve Case P12-13, application for Site Plan Review by Friends of Hanover Crew to convert Fullington Farm property to a boathouse and rowing facility - the property is located at 108 Lyme Road, Tax Map 8, Lot 19, in the "RR" zoning district with the following conditions:

- 1) That a pre-construction meeting with Town Planning and Zoning and Public Works staff be held prior to the commencement of improvements to the Farm property; and
- 2) That all exterior lighting be motion-sensitive.

THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

Edwards rejoined the Board & staff.

4. **P12-03 CONTINUED PUBLIC HEARING ON REQUEST BY NATIONAL GRID FOR TRIMMING ALONG GOSS ROAD, A SCENIC ROAD** [This hearing began January 10th and was continued to January 24th, March 6th, & April 3rd.]

Smith advised of receipt of a letter from Janice Ramsey, Forestry Supervisor for National Grid, requesting a further continuance. ESMAY noted the \$4,500 bill sent by the Town to National Grid.

It was moved by MAYOR, seconded by DIETRICH, to continue this matter to May 1, 2012. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

5. OTHER BUSINESS

Route 120 Study presentation: Edwards said staff is working to schedule the joint meeting with the Lebanon Planning Board to hear this presentation.

Regional Housing Needs Assessment Study: Edwards said presentation of the study will be given to the AHC at their April 19th meeting. The Planning Board was invited to attend.

Hayes Farm: Edwards said the Hayes Farm was purchased through Town funds & donations. Four of its 9 acres have been slated for conservation land; the rest is being considered for expansion of the Etna Library & to provide off-street parking. Public input is being sought at a meeting to be held April 11, 2012 @ 7:00 PM at Trumbull Hall.

Joint meeting with the Board of Selectmen: The Planning Board accepted the Selectboard's invitation to meet with them June 18th.

6. **ADJOURN:** The meeting adjourned at 9:45 PM.

Respectfully submitted,

Beth Rivard