

**PLANNING BOARD
JULY 17, 2012 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

Members: Nancy Carter (Selectboard Representative), Kate Connolly, Judith Esmay (Chair), Joan Garipay, Jim Hornig, Michael Mayor

Alternates: Mike Hingston, Iain Sim

Staff: Vicki Smith, Jonathan Edwards

Others: See Attendance Sheet

**** THE MAJORITY OF THE TAPED RECORDING WAS INAUDIBLE DUE TO NOISE FROM THE A/C UNITS**

1. MINUTES: The minutes of April 3rd, May 14th, and June 5th were approved.

2. 12-22 CONTINUATION OF SUBMISSION OF APPLICATION FOR MINOR SUBDIVISION BY ELIZABETH & MICHAEL MAYOR TO DIVIDE ONE LOT INTO TWO LOTS (CREATING LOTS OF 13 ACRES AND 21 ACRES) AT 147 THREE MILE ROAD, TAX MAP 13, LOT 46, IN THE “RR” & “F” ZONING DISTRICTS. [Previously heard 06/05/2012]

ESMAY read the Notice of Public Hearing. MAYOR stepped down.

Michael Mayor presented the application and addressed a staff concern about the location of a septic system on the new lot. He confirmed there is room for a septic field area outside of the delineated wetlands.

Board Comments/Questions:

- The applicability of Sections 302 & 305 of the Zoning Ordinance was questioned.
§302 reads, “*Lots in Two Zoning Districts* Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restrictive part of such lot shall extend not more than 30 feet (100 feet in the Rural Districts) into the more restricted part, provided the lot has frontage on a street in the less restricted district. Where a lot is in two zoning districts, in order to use the land in either district, the minimum lot area requirement for that district must be satisfied.”
§305 reads, “*Reduction of Lot Area* No lot shall be so reduced in area that the area, setbacks, frontage, coverage or other requirements of these regulations shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of the lot is taken for public purpose.”
HINGSTON said it is not clear that the language in the 2nd sentence of §302 is talking about a lot that is created by subdivision. This proposal to reduce the already non-conforming portion of the F district is contrary to the language in §305.
 - Mayor said his understanding is that the house site is identified as the central location. The lot is in the proper feet limit in relationship to the F district from Two Mile Rd.

- Edwards said the Zoning Administrator's interpretation of §302 has been to base size and frontage requirements on the zoning district in which the house is to be located. He said the Town Attorney felt this interpretation is appropriate.
- ESMAY said the lot size is determined by which lot the primary use is located on. In this case, the use is residential.
- SIM said §302 speaks to what can be done within the 100' allowance beyond the RR district into the F district. When a new lot is created, that provision does not stand. It should be conveyed to future owners that they cannot use that additional 100' for any purpose related to the RR district.
 - Edwards said he cannot recall there being any other application of that.
- The area of the lot purely within the RR district will be at least 3 acres in size?
 - Mayor said yes.
- The purpose of the square depicted on the proposed new lot was questioned.
 - HINGSTON said the box is required in §209 of the Ordinance.
 - Edwards said it has the effect of affecting the required lot shape.
 - CONNOLLY said it is to prevent narrow lots & shows that a lot can accommodate a house and septic system outside of the setbacks.
 - HINGSTON said there is no restriction that the box include some of the lot setback.
- Is it feasible to build a house on this lot given the wetlands and State-required separation distances for septic systems, wells, etc.?
 - Mayor's response was that there is room for the house and supporting systems.

Public Comments/Questions: None

Waivers Requested: None

It was moved by CONNOLLY, seconded by SIM, to find the application complete. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. Both Alternates participated in the vote.

HINGSTON suggested ZBA interpretation is needed with regard to the applicability of §305 and the proposed reduction of a portion of the lot in the F district that already does not meet the F district dimensional requirements. CONNOLLY said the Board recently approved subdivisions along Etna Rd where the front portions of the lot are zoned SR & the rear portions are RR. This is nothing unusual. ESMAY said the lot requirement in this particular situation is set forth in §302, and the proposal does meet that. HINGSTON said he would vote against this application without confirmation from the Zoning Administrator. He said the applicant is a member of this Board and he wants to avoid an appearance of impropriety. He noted that anytime the Planning Board interprets the Zoning Ordinance the decision is fully appealable. Edwards said the Planning Board is not interpreting the Ordinance, rather they are accepting the Zoning Administrator's interpretation.

It was moved by CONNOLLY, seconded by CARTER, to concur with the Zoning Administrator's interpretation of the Zoning Ordinance and approve this subdivision on Three Mile Road, Tax Map 13, Lot 46, in the RR & F zoning districts. THE BOARD VOTED FOUR IN FAVOR OF THE MOTION (Carter, Connolly, Hornig, Esmay); TWO ABSTAINED (Hingston & Sim). THE MOTION CARRIED.

MAYOR returned to the Board.

3. 12-28 SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY PETER KULBACKI, AGENT FOR TOWN OF HANOVER, PROPERTY OWNER OF RECORD, FOR EXTENSION OF SITE PLAN APPROVAL (CASE P2007-07) FOR RE-LOCATION OF AN AREA FOR CONSTRUCTION MATERIALS STORAGE TO BE LOCATED AT THE GILE TRACT OFF MEDICAL CENTER DRIVE, TAX MAP 20, LOT 2, IN THE “OL” ZONING DISTRICT.

ESMAY read the Notice of Public Hearing. CARTER stepped down.

Peter Kulbacki, Hanover Public Works Director, presented the application. He mentioned activity on the project site by Dartmouth College and Gile Community Housing Real Estate that deterred the Town’s efforts to carry out the work previously approved in 2007.

Board Comments/Questions:

- Is there any time limit on how far out this can be extended?
 - Edwards said he believes the regulations do not give a limit. The Board has customarily granted extensions for 3 yrs, but recently granted a few 5-year extensions.
- Is the applicant requesting a particular period of time?
 - Kulbacki was pleased to suggest that 5 years or more would be best.
- Does the current plan deviate in any way from that which was approved in 2007?
 - Kulbacki said the process has not expanded beyond that which was approved. The grades are not the same. There were changes to a retaining wall.
- How big a site is this?
 - Kulbacki pointed out the property lines, Dartmouth’s activity areas, and access to the site.
- MAYOR said he would be comfortable with a generous extension of the time involved.

Public Comments/Questions: None

Waivers Requested:

1. Plans for snow removal
2. Explanation of applicant’s rationale for each requested waiver
3. Plans with scale of 1”=40’
4. Current boundary survey
5. Site Context and Site Plan
6. Location and gross area of buildings-there are no buildings
7. Off street parking and handicapped spaces- There are none
8. Loading spaces- there are none
9. 100 year floodplain- this is far from the flood hazard area
10. Height and number of stories of buildings- there are no buildings
11. Shape, size and location of all structures- there are no structures
12. Use of rooms and areas- There are no rooms
13. Elevations
14. Utility Plan
15. Location of any vents
16. Mechanical equipment
17. Lighting and Landscape Plan - none proposed
18. Construction Staging Plan

19. Other approvals
20. Other comments, plans and recommendations

It was moved by MAYOR, seconded by CONNOLLY, to find the application complete with the waivers requested. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. Both Alternates participated in the vote.

MAYOR suggested granting a 5-year extension. HINGSTON argued for a longer extension noting that this is a Town project, on Town property, for Town use and in recognition of the applicant's testimony relative to a lack of funding to complete the project. SIM said a Town project should have equal scrutiny as any from a private citizen.

It was moved by SIM, seconded by CONNOLLY, that the applicant be granted permission to continue the project as originally approved in 2007 for further 5 years from now. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. Both Alternates participated in the vote.

4. **12-29/12-30/12-31 SUBMISSION OF APPLICATION FOR MINOR LOT LINE ADJUSTMENTS BY JONATHAN EDWARDS, AGENT FOR TOWN OF HANOVER, PROPERTY OWNER OF RECORD, TO ANNEX: (1) 4.88± ACRES FROM 132 ETNA ROAD, TAX MAP 31, LOT 17 TO 130 ETNA ROAD, TAX MAP 31, LOT 1; BOTH LOCATED IN THE SR-2 ZONING DISTRICT, (2) 0.53± ACRES FROM 150 ETNA ROAD, TAX MAP 31, LOT 3 TO 130 ETNA ROAD, TAX MAP 31, LOT 1; BOTH LOCATED IN THE SR-2 ZONING DISTRICT, AND (3) 4.5± ACRES FROM 132 ETNA ROAD, TAX MAP 31, LOT 17, IN THE SR-2 ZONING DISTRICT, TO 11 WOODCOCK LANE, TAX MAP 5, LOT 46, IN THE NP ZONING DISTRICT.**

ESMAY read the Notice of Public Hearing. CARTER and Edwards stepped down.

Jonathan Edwards, Hanover Planning & Zoning Director, presented the applications. He provided a brief overview of the parcels involved, explaining how & when they were acquired by the Town, and for what purposes. The boundary adjustments are to (1) merge the Etna Library lot with the former Hayes lot, (2) sever the rear half of the Etna Fire Station lot and merge it with the former Hayes lot, and (3) sever the back portion of the former Hayes lot and merge it into the Trescott Ridge conservation land. Edwards said the adjustments are needed to enable expansion of the Library and reorientation & enlargement of the ice rink behind the Fire Station.

Board Comments/Questions:

- Will the 4.5-acre lot be rezoned as NP when it merges with the larger lot to the northwest?
 - Edwards said there has been no particular discussion to do that.
- MAYOR wondered what the relationship was between this site and the area where Fletcher Passow is doing his invasive removal project.
 - Edwards' response mentioned the upper pasture and some invasive plant species creeping into the lower Hayes lot.
- The address listing for 9 Quail Dr on the proposed plat may be incorrect.
 - Edwards said the owner listed is reflective of the Assessor's records as of April 1st.
- To what use will this newly enlarged lower lot be put?

- Edwards said a proposal for Governmental Use is pending ZBA approval.

Public Comments/Questions: None

Edwards noted the presence of Etna Library Trustees and Town Recreation Department staff members. Some of those people spoke but their comments were not audible.

It was moved by CONNOLLY, seconded by MAYOR to find application P2012-29 complete with the waivers requested (full perimeter survey for entire parcels, contour intervals, soil test data, sewage disposal information, location of water & sewer service, statement from the Fire Chief). THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. Both Alternates participated in the vote.

It was moved by CONNOLLY, seconded by MAYOR to approve P2012-29. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. Both Alternates participated in the vote.

It was moved by CONNOLLY, seconded by MAYOR to find application P2012-30 complete with the waivers requested (full perimeter survey for entire parcels, contour intervals, soil test data, sewage disposal information, location of water & sewer service, statement from the Fire Chief). THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. Both Alternates participated in the vote.

It was moved by SIM, seconded by MAYOR to approve P2012-30. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. Both Alternates participated in the vote.

It was moved by SIM, seconded by MAYOR to find application P2012-31 complete with the waivers requested (full perimeter survey for entire parcels, contour intervals, soil test data, sewage disposal information, location of water & sewer service, statement from the Fire Chief). THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. Both Alternates participated in the vote.

It was moved by SIM, seconded by CONNOLLY to approve P2012-31. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. Both Alternates participated in the vote.

- 5. 12-32 SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY JONATHAN EDWARDS, AGENT FOR TOWN OF HANOVER, PROPERTY OWNER OF RECORD, TO EXPAND THE ETNA LIBRARY AND CREATE A COMMUNITY PARK WITH TRAILS, TRAILHEAD KIOSK, INFORMAL OUTDOOR RECREATION, ICE RINK/PRACTICE FIELD, GARDEN, SITTING AREAS, AND 2 PARKING LOTS WITH DRIVEWAYS AT 130, 132 & 150 ETNA ROAD, TAX MAP 31, LOTS 1, 17, & 3, IN THE "SR-2" ZONING DISTRICT.**

ESMAY read the Notice of Public Hearing. CARTER and Edwards stepped down.

Jonathan Edwards, Hanover Planning & Zoning Director, presented the application. He said the site includes the existing 900 sf library, a proposed addition of 22'x12' to the rear, with a covered porch providing handicap access for library patrons, and an accessible bathroom. The back addition would become the main entrance to the library for those arriving by

automobile. Fourteen off-street parking spaces, and one handicap accessible space, will be provided. The area behind the proposed addition is reserved for perhaps a future addition to the building. In the interim, the area will be grassed over. The existing walkway, from the road to the library, will be kept. A new walkway will be provided from the parking lot to the building. Benches will be provided near trees and the walkway. Behind the parking area, to the northwest of the library, will be a kiosk that will serve as a trailhead for hikers, eventually leading to the Trescott Ridge conservation land. The meadow area will remain. A wet meadow will be undisturbed. Behind the Fire Station will be an 11-space parking lot with gravel surface. The ice rink area will be graded flat and grassed playing fields developed for summer use.

The project involves encroachment of wetlands and the wetland buffer. A wetlands application is before NHDES. They have found it complete. The Hanover ZBA granted a special exception shown on the plan. Peter Kulbacki, Hanover Public Works Director, also spoke but most of his testimony was not audible. He mentioned:

- culverts crossing the road to the north
- the driveway should be designed respectful of safety issues and with regard to the intersection to the south
- grading all of the pervious areas adjacent to the driveway down to a gravel bedding
- infiltration and treatment of water, and runoff reduction
- grading the upper area of the Fire Station to direct flows to a pipe & wetland
- landscaping the rear part adjacent to the Library addition
- planting trees on the upper side of the site, in front of the building, by the building steps
- screening along the parking lot by the Fire Station
- the existing tree line along the parking area by the Fire Station
- a concrete walkway
- granite steps
- keeping trash inside the building and providing a wooden bin with cover on it, on the porch
- capping & maintaining use of the existing wellhead
- preserving & making safe a third well on the hill

Edwards said aside from Site Plan and NHDES wetlands approvals, ZBA approval is still needed to allow for governmental use. The State's Division of Historical Resources has endorsed the project. Etna Library is one of only three structures in Hanover listed on the National Register of Historic Places. The goal is to begin site work following ZBA approval and progress to building construction in October. Hanover's Building Inspectors are working on soliciting bids from contractors & architects.

Edwards said the project development involved input from staff members from multiple Town departments as well as a lot of input from a committee and the public. \$130,000 was raised from the public for this effort. Public input helped evolve this into a rural recreation area, integrating recreation with the Library and rural park.

Waivers Requested:

Submissions:

1. VIII B 1 Plans fully showing the project at scale not smaller than 1"=40'

2. VIII B 2e All driveways within 200 feet and trail easements within 500 feet of the site boundary.
3. VIII B 2l Fire lanes, fire hydrants, emergency access
4. VIII B 2m Size and location of all existing and proposed public and private utilities
5. VIII B 2n Location of vents
6. VIII B 2o Mechanical equipment location
7. VIII B 2 q Specific location and landscaping details for King Bird Sanctuary, landscaped buffers, front sitting area and lilac garden.
8. IX 3 e Submittal Requirements for Landscaping Plan

Standards:

9. IX 3c2c Fifteen foot Width of Perimeter Landscape Buffer
10. IX 3 c 3 Interior Parking Lot Landscaping
11. IX 4 h Parking Aisle Width

Board Comments/Questions:

- ESMA Y asked if there is a site plan before the Board to approve.
 - Edwards said the plan is depicted on sheets D-1, D-2, and D-3.
- MAYOR spoke about the Conservation Commission's review of the application, in support of the project.
- SIM said this "*seems somewhat incomplete in terms of being a plan*". The applicants are asking that the final review of designs of various aspects (kiosk, landscaping, walkway(s), sitting area, site lighting, lighting cut-sheets, location of vents, etc.) be reviewed by staff. He expressed discomfort with that as the proposal is essentially being presented by staff in the first place. He suggested a condition of approval be that those aspects which have not yet been finalized be brought back to the Board for approval at a later date.
- HINGSTON questioned the use of an exterior trash barrel given the local bear population.
 - Kulbacki said his preference would be to not have an outside trash receptacle and to institute a carry-in, carry-out policy.
- SIM asked why the Board should grant a waiver of interior parking lot landscaping.
 - CONNOLLY's first argument was that there is a lot of landscaping screening the parking lot. Her second argument was that every area of parking that is eaten up for other purposes results in fewer parking spaces and requires additional encroachment to the wetlands.
- SIM asked how Edwards concluded that 22 parking spaces are required on this lot.
 - Edwards said the 2 parking areas, and 2 parts of the site, are functionally separate. It is not particularly reasonable to expect that a library patron would park at the fire station. The library parking area is limited to 14 spaces because having more would require additional handicap accessible spaces, of which there is not sufficient land to provide for. The size of the lot behind the fire station was also reduced to accommodate the skating rink and playing field from being repositioned and in order to avoid encroachment on the well and to get greater separation between it and the adjacent property owner. The plan was developed with compromises and tradeoffs. One of the tradeoffs was parking.
- SIM asked how many spaces could be accommodated in the grassed area by the fire station.
 - Edwards said about 6 spaces.

- HINGSTON asked whether there will be landscaping between the parking lot behind the fire station, and the neighbor.
 - Kulbacki said there is already a heavy tree line there.
 - Edwards said the area to the north will have more lilacs.
- SIM asked if there is anything the Board should be concerned about with the placement of the HVAC unit to the rear of the proposed addition.
 - Edwards' response was that the neighbor would be shielded from noise and the parking lot.
 - It was noted that the unit will be subject to the Town's Noise Ordinance.
- HINGSTON asked if this is subject to funding.
 - Kulbacki said the library building & site work is funded.
- SIM said if others could provide compelling data, that say that 14 spaces are a required number for the Library, he could accept the argument that further wetland encroachment is not necessary, and the internal landscaping requirement could be waived due to the extensive environmental issues. He said he is not so sure about that in terms of the Fire Station parking area and questioned what data that says 11 spaces are needed there.
 - Edwards' response was not audible.
 - HINGSTON said one cannot park safely on the road at this site year-round. He does not object to the waiver.

Public Comments/Questions:

- A female speaker talked about programming.
- Barbara Prince, Etna Library Librarian, spoke about the danger of the road adjacent to the site and speed of traffic passing by. She too talked about programming.
 - Kulbacki said a condition of the driveway permit will be that on-street parking will be prohibited.
 - Edwards commented on Fire Station staff parking.

ESMAY suggested scheduling a site visit and expressed concern for the growing list of possible conditions which include: site lighting, the walkway under the trees, kiosk design, landscaping in the bird sanctuary, landscaping on the east boundary behind the fire station, and placement of HVAC equipment.

It was moved by HORNIG, seconded by MAYOR, to continue this case to a site visit at 6:00 PM, on August 14th, at the Etna Fire Station. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. Both Alternates participated in the vote.

6. OTHER BUSINESS

CARTER rejoined the Board.

August meetings: August 14th Site Visit and August 21st regular meeting.

P11-40 Roberts Voluntary Merger: [Previously heard: 12/06/11, 01/10/12, 03/06/12, & 05/01/12, 06/05/12] **It was moved by HINGSTON, seconded by MAYOR, to continue P11-40 indefinitely.** Edwards said Smith has been working with the Roberts closely. They

are making progress on the required demolition but have not yet completed it. **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** Both Alternates participated in the vote.

Residential Project Committee: Edwards said the due date to submit proposals for the residential rezoning project is July 23rd. Staff will review the proposals & distribute those that qualify and are acceptable to Committee members.

7. **ADJOURN**: The meeting adjourned at 9:50 PM.

Respectfully submitted,

Beth Rivard