

**PLANNING BOARD
OCTOBER 2, 2012 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

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

Alternates: None

Staff: Vicki Smith, Jonathan Edwards

Others: See Attendance Sheet

1. **MINUTES:** The minutes of September 18th were approved.

2. **P2012-46 SUBMISSION OF APPLICATION FOR MINOR LOT LINE ADJUSTMENT BY REGINA H. STANHOPE TRUST AND ROBERT & NANCY STANHOPE, TO ANNEX 24.54 ± ACRES FROM 69 RIVER ROAD, TAX MAP 15, LOT 56, TO 81 RIVER ROAD, TAX MAP 15, LOT 54, BOTH LOCATED IN THE "RR" ZONING DISTRICT.**

ESMAY read the Notice of Public Hearing.

Robert Stanhope presented the application on behalf of his wife & mother-in-law. He pointed out the proposed adjustments on the plan submitted with the application.

Board Comments/Questions:

- Staff has indicated that the applicant should provide a sketch showing that a 200'x200' square can be located on each lot.
 - Smith said that is a zoning requirement often requested by the Zoning Administrator. Given that there is already a house on each lot, Smith's personal feelings are that the plan is fine without the squares.
- The application is to erase one lot line, and create another. Can that be accomplished in one action?
 - Smith said yes.

Public Comments/Questions: None

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

There being no further discussion, **it was moved by CONNOLLY, seconded by HORNIG, to approve application 2012-46 Minor Lot Line Adjustment to annex 2.54 acres from 69 River Road, Tax Map 15, Lot 56 to 81 River Road, Tax Map 15, Lot 54, both located in**

the Rural Residence zoning district. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

3. P2012-50 SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY TRUSTEES OF DARTMOUTH COLLEGE TO INSTALL TEMPORARY CHILLING EQUIPMENT AND SOUND ATTENUATION STRUCTURES, AND REVIEW AND CONSIDER PERMANENT SOUND GENERATION BY THE COOLING EQUIPMENT AT 4 SUMMER COURT, THOMPSON ARENA, TAX MAP 34, LOT 102, IN THE “I” ZONING DISTRICT.

ESMAY read the Notice of Public Hearing.

Ellen Arnold, Associate Director of Dartmouth’s Real Estate Office & Counsel for Dartmouth Real Estate and Campus Planning & Facilities Office, presented the application. She distributed pictures of the proposed equipment and an updated sound report. Arnold said the Minor Project Review Committee (MPRC) reviewed the application September 4th and determined that Board approval is required due to the noise element.

Arnold explained that recently installed permanent chiller equipment malfunctioned at the start of the summer. Temporary equipment was needed to make ice for summer camps. Dartmouth is hopeful that the permanent equipment will be fixed by the end of November.

Arnold said the initial installation of 2 smaller temporary chillers proved to be inadequate to meet Dartmouth’s technical needs. A larger temporary unit was installed in September. The September sound report identified an atonal component that could be noticeable and bothersome to adjacent residences. That type of sound is measured in a different way, and is not regulated by the Town. Buffering was recommended even though the atonal component did not reach the prominent level, per industry standards. Arnold said all of the recommended mitigation has been performed. Results of various noise measurements are:

	Measured at:	
	the property line	Tyler Rd
When 1 of the 2 smaller temporary units was in operation	50 dBA	40 dBA
After the installation of a larger temporary chiller	54 dBA	49 dBA
After the recommended mitigation was performed	48 dBA	43 dBA

The maximum permissible levels in the “I” district are: 70 dBA during the day, and 55 dBA at night.

Arnold recapped that Dartmouth has tried to work with neighbors to address concerns and questions. They feel that they have gone above and beyond what is required due to their relationship with the community, which is really important to them.

Board Comments/Questions:

- Why does this application require both Minor & Major Project reviews?
 - Smith said the work proposed meets the guidelines of a minor project, but the MPRC felt that due to the noise component, Board approval is necessary. Being sympathetic to Dartmouth’s need to have ice, the MPRC approved the temporary installation with the understanding that Dartmouth would do all that they could to mitigate the sound and file for Board approval. Smith said if the noise levels are not dealt with in a way

- that is acceptable to Hanover's community standards, the application would be denied. Further, sound experts were not made available to the MPRC.
- Procedurally, the application will be treated as a Site Plan approval.
 - Please describe what is meant by "atonal".
 - Jeff Fullerton, of *Acentech*, said atonal is any note, basically, that stands out. The tone produced from this equipment is in the range of a musical note at a level just above C, and stands out from the rest of the background.
 - How much more complicated is the spectrum analyzer needed to measure atonal noise?
 - Fullerton said a third octave band analyzer could be used. They run at a cost of roughly \$7,000.
 - Observations from site visits by individual Board members to the arena & Tyler Rd are that (1) the noise was surprising low; much quieter than lawn mowers or speeding cars traveling by, (2) the equipment could not be heard from within a car (this is beneficial in that the equipment will be run during the cooler days of the year, when windows & doors are more often closed), (3) the sound is not intermittent, it is constant, but can barely be heard from Tyler Rd, and (4) the enclosure around the equipment is open.
 - Ken Packard, Director of Dartmouth Engineering and Utilities, said the enclosure was designed to reflect noise away from the neighborhood. It is open to promote exchange of heat.
 - Is the applicant anticipating that the permanent replacement equipment will also be noisier than it ever has been before?
 - Arnold said the part being replaced is not a moving part, and will have no impact on noise. When the repairs are complete on the permanent installation, it will be completely consistent with the approval obtained for that work.
 - Is the applicant optimistic that the November deadline will be met?
 - Packard said a part on order has a ship date of October 12th. He felt comfortable stating that absolutely by November 15th or whatever the current schedule shows.
 - What hours will the chillers run?
 - Packard said they will be in operation pretty much most of the time.

Public Comments/Questions:

- Jeff Doyle, of 6 Tyler Rd, said Dartmouth has been extremely cooperative, and that he appreciates their efforts to reducing the sound. His concern is that the whole situation brings out 2 issues: (1) the noise may be quieter than a lawn mower but it is utilized constantly, unlike a lawn mower, and (2) the Town's noise standards do not distinguish between non-stop constant noise, and intermittent noise. Doyle said it might be nice to think of the total quantity of noise multiplied by time. There is an accumulating burden of irritation associated with the atonal component; it is relentless. Lastly, the property line between the Tyler Rd residences and the arena parcel is also a zoning boundary, between residential and industrial zones. The noise limits of the more stringent district should apply.
 - The maximum permissible noise levels in the residential district were identified as: 60 dBA by day & 50 dBA by night. This application meets those standards as well.
 - Doyle said if the sound being produced right now is legal, those limits should be adjusted as well.
- Another abutter agreed that Dartmouth has done a very good job to address the noise issues, particularly within the last week. He said the noise level today is a dramatic

improvement from what it was last week. A piercing tone is a very subjective phenomenon. He too agreed with Doyle that the Town's noise standards require revision.

- Arnold said disputes with the equipment manufacturer lead to the delayed installation of the attenuation.
- Nina Lloyd, of 9 Tyler Rd, said it was very clear at the MPRC meeting that abutters were concerned about what could be done to protect them from noise increases. It is important not to minimize that this new equipment being installed may be different from the existing. She emphasized the issue of constancy of this noise over the course of the summer and said these machines run year-round, not just during winter months. A piercing sound can be heard even with the windows closed. A September 18th sound study report lists a nighttime level of 54 dBA, which is above the residential district limit.
 - Fullerton's rebuttal could not be deciphered on the taped recording due to paper shuffling.
- Lloyd asked that the current meeting cover only the temporary equipment installations and that another hearing be required for the repairs to the permanent equipment.
 - Arnold pointed out that Dartmouth has already received approval for the permanent equipment installation.
 - Fullerton reiterated that the part being repaired on the permanent equipment does not have any equipment associated with it that would make any noise. The equipment on the permanent system that would produce the piercing noise is located inside the arena.
- Doyle asked a few more questions and someone responded but their comments could not be deciphered on the taped recording due to paper shuffling.

ESMAY said the motion made & adopted by the MPRC is *the Committee approves this temporary installation of equipment and sound attenuation walls with the understanding that the walls of approximately 16' will be erected and the applicant will submit an application for Site Plan Review to the Planning Board to review the noise impacts of the temporary installation and to evaluate ways to reduce the sounds produced by the permanent chilling and heat exchange unit.* Smith reiterated that the MPRC's actions were to accommodate Dartmouth's need for ice for the summer camp sessions. The permanent sound generation has been approved. Repairs to that system do not require Board approval. This Site Plan is really about the temporary installation.

It was moved by CONNOLLY, seconded by HORNIG, to find the application complete. There being no further discussion amongst the Board, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

It was moved by CONNOLLY, seconded by HORNIG, to install and operate temporary chilling equipment and sound attenuation structures at 4 Summer Court until December 31, 2012 if necessary. There being no further discussion amongst the Board, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. 5-0**

4. OTHER BUSINESS

Residential Zoning Project Community Workshop: 10/13/2012 from 9:30 AM to 1:30 pm at the Ray School Music Room

The public is encouraged to attend this interactive session with the Board and zoning consultants to discuss residential zoning revisions.

The title of the residential zoning project was changed to: Residential Zoning Project.

NH Housing Finance Authority meeting: Smith offered to distribute materials from a recent NHHFA meeting she attended about fair housing, workforce housing, impediments to fair housing, and slide show presentation of changing demographics in NH.

Next meeting: Residential Zoning Project working session 10/09 @ 7:30 PM
Public Hearing on new applications 11/06 @ 7:30 PM

Helen LaCoss: ESMAY reported of the passing of Helen LaCoss, a former Planning Board member, and acknowledged Helen's work regarding Class VI Rds.

5. ADJOURN: The meeting adjourned at 9:00 PM.

Respectfully Submitted,

Beth Rivard