

**PLANNING BOARD  
JANUARY 7, 2014 at 7:30 PM  
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

**Members:** Kate Connolly, Bill Dietrich (Vice-Chair), Judith Esmay (Chair), Joan Garipay, Iain Sim

**Alternates:** Jay Buckey (Selectmen's Representative)

**Staff:** Vicki Smith, Judith Brotman

Others: See Attendance Sheet

**MINUTES:** The minutes of December 3<sup>rd</sup> and 10<sup>th</sup> were approved.

**REVIEW OF ZONING AMENDMENTS PROPOSED FOR CONSIDERATION AT TOWN MEETING 2014** Changes are noted in bold italics.

**Banners (Sections 317 & 902)**

~~317.2 E. In the I district, institutionally owned art museums, the primary purpose of which is to collect, promote the study of, and present to the institutional community and the public, works of art, such as painting or sculpture, are permitted, in addition to signs otherwise allowed, to use signs and banners both to identify the museum to the public and to announce exhibitions open to the public. These signs or banners may contain the name of the museum and/or the title of an exhibition, and may also contain graphic designs, either permanent or periodically changeable, related to the works of art in the museum's collection or to the nature of any special exhibition taking place at the museum. Signs or banners shall be placed only on private property; may be affixed to standards, lamp posts, or buildings; and may be posted throughout the year. Not more than three signs and banners identifying the museum or its exhibitions may be posted at any one time facing each public street on which the museum has frontage; the sign or banner closest to the public street may contain the name of the museum and pictorial elements, either permanent or periodically changeable, related to works of art in the museum's collection only; each such sign or banner shall not exceed fifty square feet in area on each of two sides.~~

*Section 317.6 Banners. In the "I" district, Institutional building owners are permitted, in addition to signs and banners otherwise permitted, to install banners on private property related to institutional activities. Banners may be affixed to standards, lamp posts, or buildings and may be posted throughout the year for up to twelve (12) weeks at a time for each installation at each location or for the period of time commensurate with the term of the institutional activity reflected in the banner. Not more than three banners may be posted at one time on any building facade visible from a public street. Banners shall not exceed one hundred and fifty square feet in area on each of two sides.*

Section 902, *Banner: A banner is a large piece of flexible material with a design, picture, or writing on it, is visible from a public street, and is temporarily attached to standards, lamp posts or buildings.*

Ellen Arnold of Dartmouth College said the revised amendment reflects comments made at the Board's December 10<sup>th</sup> meeting. It was drafted with the assistance of Smith and Brotman. Changes include the elimination of Section 317.2E (dealing with banners for the art museum), the creation of a new Section 317.6 (dealing with banners in the Institutional zone to promote

institutional activities), and an increased maximum size of 150 sf.

Board Comments/Questions:

- If an event is relatively short, would a banner be taken down at the termination of the event?
  - Arnold said yes.
- Is the information the Board requested about Dartmouth’s banner policy/decision making process available?
  - Arnold said no. A group will be meeting to review the current standards and establish new ones in terms of aesthetics and relation to institutional activities. Dartmouth’s standards do not address content.
    - It would be useful to have that information before the first zoning amendment public hearing.
- Language cited from the text of the current Ordinance is misquoted.
  - Arnold said she was aware of the errors and will correct them.
- It was noted that a large piece of flexible material with a design picture or writing on it, that is not visible from a public street, is not a banner.
- There are a couple of churches in the “I” zone, one of which is fond of displaying banners on an iron fence. Is the intent of the proponent and interpreter of this amendment to include “fence” as a “standard”?
  - Arnold said Dartmouth has not done that historically nor has particular interest in.
  - Brotman said she would not personally have a problem with that.

Staff Comments/Questions: None

Public Comments/Questions: None

**It was moved by SIM, seconded by CONNOLLY, to send this amendment forward to a February 4, 2014 public hearing with the text from the current Ordinance corrected. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

**GR, SR & RO Dimensional Controls (Sections 204, 209, 304, 902) Reviewed in phases.**

**PHASE 1: Area & Dimensional Requirements**

Table 204.5

"GR" General Residence

Area and Dimensions: (all measurements in feet and inches unless otherwise stated)

District	Class*	Minimum Lot Size		Area per Additional Family	Minimum Setbacks			Maximum Height	Building Footprint	Lot Coverage
		Area	Frontage		Front	Side	Rear			
GR-1	1	10,000	80	5,000	30**	15	20	35	25%	50%
	2	15,000	125	10,000	30**	15	30	35	25%	50%
GR-2	1	10,000	80	i	20**	10	20	35	25%	50%
GR-3	1	21,780	80	21,780	20	10	20	35	25%	50%
GR-4****	1	5,000	60	5,000	25	15	20	35****	25%	50%

i: 3,000 square feet for second family; 2,000 square feet for each additional family.

\* Explanation appears in Section 208.

\*\* For lots on the turnaround portion of cul-de-sacs, see Section 209.1.

\*\*\* Maximum height in the GR-4 district may be increased to 45 feet subject to the limitations stated in Section 502.3.C(3).

\*\*\*\* For hotels in 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

\*\*\*\*\* See Section 213 West End Neighborhood Overlay District

**Table 204.6**

"SR" Single Residence

Area and Dimensions: (all measurements in feet and inches unless otherwise designated)

District Class*	Coverage	Minimum Lot Size		Minimum Setbacks			Maximum Height	Building Footprint	Lot
		Area	Frontage**	Front	Side	Rear			
SR-1	1	30,000	130	35***	20	50	35	25%	50%
	2	60,000	200	35***	30	75	35	25%	50%
	3	100,000	300	50***	30	75	35	25%	50%
SR-2	1	15,000	100	35	15	40	35	25%	50%
	2	20,000	125	35	20	40	35	25%	50%
SR-3	1	10,000	85	30***	15	20	35	25%	50%

\* Explanation appears in Section 208.

\*\* For lots on the turnaround portion of cul-de-sacs, see Section 209.1.

\*\*\* See Section 213 West End Neighborhood Overlay District.

209.5 Building Footprint and Lot Coverage:

In the RO, GR and SR Zoning Districts, the percentage of the total area of a lot of record covered by a building footprint, including accessory buildings, shall not exceed **25%**. Lot coverage, ~~that is, the percentage of the total area of a lot of record covered by structures and improvements includes but is not limited to decks, porches without roofs, driveways parking areas or facilities, or impervious surfaces~~ shall not exceed ~~65%~~ **50%**, ~~except that for lots of more than 20,000 square feet in the GR Zoning District a building footprint, including accessory buildings, shall not exceed 55% and lot coverage shall not exceed 80%.~~

Section 304 Building Coverage, Open Porches, Carports and Garages

304.1 ~~The portion of any structure located underground shall not be included in the calculation of lot coverage or setback.~~

304.2 ~~In determining the percentage of the total area of a lot of record covered by structures and improvements, lot coverage shall include but not be limited to decks, porches without roofs, driveways, parking areas or facilities, or impervious surfaces.~~

CONNOLLY said this amendment was generated by a specific building permit which brought out some flaws in the Zoning Ordinance. The first part of the proposal is to change the percentages for building and lot coverage. CONNOLLY said Brotman reviewed the building footprint of 158 properties; most located in the West End and Hovey/Buell/Ledyard neighborhoods, the smallest properties in town. Brotman found that 90% would conform to a 25% building footprint limit. Based on those findings, the amendment was revised to replace the previously proposed sliding scale (based on lot size) with a 25% building footprint limit and 50% lot coverage limit in the "SR", "GR", and "RO" zones. CONNOLLY said these areas are almost totally developed. She said she does not believe this confines most property owners to their housing as it currently exists. There is an awful lot of room for expansion. CONNOLLY said the Master Plan reiterates over and over again that we should try to reflect the character of the neighborhood, and this amendment does that.

Board Comments/Questions:

- Brotman's numbers are not really representative of all of the properties in the "RO", "SR", and "GR" zones. Implications to "GR" and "RO" must be better understood.
  - Brotman said the properties chosen are those that would be mostly affected by this proposal. Properties with multi-family structures or condos are not included as the information necessary to perform their calculations is not provided on the Town's tax cards from which her research is based.
  - CONNOLLY said she looked at some multi-family lots when the current Ordinance text was drafted. Most of them were close to 25% or below. Apartment complexes built since then are not that far out of line.
- What policy are we trying to achieve? Something consistent with the current neighborhood or some land use policy which is appropriate to the town?
  - CONNOLLY said the proposal reflects the desires of the people of the town who have said that they like where they live, they like the condition of where they live, and they want it to be reflected in our regulations. This has been expressed at every neighborhood planning session that has been held.
- Where does Hanover stand in comparison with other towns regarding these various percentages?
  - CONNOLLY said she does not know but that Hanover's Master Plan is very clear about what our intentions are.
- What drives lot coverage? Water infiltration? Aesthetics? Keeping density down?
  - CONNOLLY said aesthetics, environment, and character of the neighborhood.
- We need to step back and look at what we'd like the "GR" to look like.

Staff Comments/Questions: None

Public Comments/Questions:

- Tim McNamara of Dartmouth College urged the Board to look at this closely. He said "GR" is the only district intended for a combination of multi-family and single-family homes. "GR" lots that are >20,000 sf will most likely be developed for multi-family use. It would be virtually impossible to achieve the allowable density and not exceed 50% lot coverage when you factor in the parking required for that density. Dartmouth's apartment complex at the corner of Park and Wheelock Streets is touted state-wide as a good example of infill development. That development could not be created under the proposed criteria. The sliding scale originally proposed makes a lot of sense. Applying singular lot coverage and building coverage designations in three very large zones as a blanket over any lot size is really Draconian and will certainly inhibit the development of in-town housing that is walkable to campus, walkable to downtown, and on bus routes.
  - Brotman said 50% lot coverage could be achieved if parking is located under the building.
    - McNamara said it is very difficult if not impossible to maintain residential building massing with parking under the building.
  - CONNOLLY said she would not object to adding a provision for "GR" lots >30,000 sf to have 55% or 60% lot coverage.
- Rebecca Winter suggested reducing parking requirements and unit pricing for individuals who choose not to have a car.
- Jolin Kish said this discourages development in areas where we say we want development the most. Recommendations from the recent PlanNH Charrette regarding the development of

Wheelock Street include reducing setbacks and parking, and increasing building heights and density. This amendment seems to address “SR” problems and apply them blanketly to “RO” and “GR”. If we don’t want development in “SR”, it has to happen elsewhere. We need to allow multi-family structures where they are permitted. We can’t create zoning that makes it so that you cannot actually build them.

- CONNOLLY said “GR” is much larger than West Wheelock Street and is not meant to be a loaded multi-family zone. “RO” was converted to be residential in appearance but allow more offices. Most of “GR” is single-family and two-family residential. Most of the lots in “GR” deserve the same consideration as lots in “SR”.
- Smith said the Master Plan is specific about recommending increased density in the West Wheelock corridor. Maybe it’s time to remove that corridor from GR.
- CONNOLLY said the area of West Wheelock Street should be excluded, but not immediately.
  - Kish said it does not make sense to go backwards first; then try to fix things.
- John Schumacher asked whether including “RO” to the amendment was an afterthought.
  - Brotman said no.
- Schumacher said he assumes the Master Plan says we’d like to have growth in concentrated areas. This puts a damper on that growth. If the intent of this is to have a no-growth policy he is happy with that. One place to look at growth is on Institutional land.
  - CONNOLLY said this will stop some growth but most of these properties could enlarge considerably. The Master Plan does try to direct growth in densely populated areas on the sewer line, but the main premise of most of its chapters is to preserve neighborhood character.
- Schumacher said the current parking requirements do not match that of the demand of his tenants and would not allow for the existing development of one of his lots on Lebanon Street.
- Bryant Denk mentioned the attitude of rental tenants versus that of property owners in private neighborhoods. He said “RO” was set up to allow for professional offices, not decrease the number of residents. The lot coverage for parking may deter development.
  - CONNOLLY suggested excluding “RO” from the amendment and giving further consideration to the larger lots in “SR” and “GR”.

The Board reached consensus to continue review of this phase of the amendment on January 21<sup>st</sup>.

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**PHASE 2: Setbacks**

209.3 Side and Rear Setback Regulations and Exceptions:

- A. No structure shall project into any required side or rear setback.
- B. Exceptions: A garage, carport or any accessory building, whether or not attached to the principal Structure, not exceeding 15 feet in height and no part of which is used as a dwelling space, as well as a deck, patio, swimming pool or tennis court, may be located within the side or rear setback, but not closer than ~~7~~ **10** feet to the side or rear lot line. These exceptions shall not apply to any lot within the BM, B, D, OL, or I District which adjoins a residential district.
- C. Bus shelters and public utility structures or equipment, including, but not limited to, water and wastewater treatment and filtration plants and appurtenances thereto, which because of function cannot reasonably be located other than wholly or partially within a required setback, are permitted.

CONNOLLY said it is apparent from endless discussions at the residential project meetings that setbacks should be at least 10’ to accommodate the size of fire trucks, etc. This is a safety issue.

Board Comments/Questions regarding side & rear setbacks:

- Concern was expressed for the non-conformities that would be created and the resulting burden upon those homeowners.
- If there are health and safety issues that warrant a minimum 20' clearance between buildings, there should be no exceptions to a 10' setback.

Staff Comments/Questions:

- Smith said the consensus of the residential project discussions is to be more strict about not allowing substantial improvements in the setback areas. This sounds different from those discussions.

Public Comments/Questions:

- David Dostal asked what happens when an existing structure that becomes non-conforming as a result of this change, needs to be rebuilt in the future.
  - Brotman said the likelihood to replace it, or possibly extend it in another direction, is dependent upon the criteria of Section 803. An administrative permit or special exception from the ZBA would be required.
- Dostal said if the Board wants to be hardcore about safety, the setback area should be completely clear space.
- Bill Boyle said the purpose of this is to protect neighborhood character. The Master Plan talks about barriers between sensitive areas and protecting those areas. This includes separating Dartmouth from residential neighborhoods.

The Board reached consensus to carry the setback aspects of the amendment forward to the January 21<sup>st</sup> hearing.

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**PHASE 3: Building Height**

209.4 Height Regulations and Exceptions:

- A. The height of any building ~~shall be measured from the average finished grade along the building front, and~~ shall not exceed the height specified in Section 204. See also Section 209.4F.

CONNOLLY said there is an assortment of ways to deal with building height which elevates height above a designated limit. The notion is to have the building height of houses, not towers, and of approximate height of other houses in the neighborhoods.

Board Comments/Questions:

- More information is needed of unintended consequences.
- This proposal would restore us to an earlier way of measuring building height.
- This could result in an increase of flat roof housing.
  - Some communities have regulations regarding roof pitch. There is no direct relationship between measurement technique and roof pitch.
- The height proposal would restrict the construction of three-story buildings with a pitched roof.

Public Comments/Questions:

- Kish said three stories are needed to achieve the densities allowed. Stories for multi-family structures are different from residential structures. A one-size-fits-all approach is not necessarily the right solution.

The Board reached consensus to move the height proposal forward to the January 21<sup>st</sup> hearing.

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**Phase 4: Definitions**

Section 902

Lot Coverage: The *portion* of a lot of record covered by structures and improvements including but not limited to decks, porches without roofs, *parking areas, all* driveways *accessing* parking areas or facilities **and all other** impervious *and semi-pervious surfaces and constructed areas used to service the property. "Lot Coverage" excludes the portion of any structure located underground.*

Building Height: Vertical distance measured from the average finished grade *along the building front* at the front of the building to the highest point of the roof. ~~for flat and mansard roofs, not including any parapet less than 2 feet high, and to the average height between the eaves and the ridge for other types of roofs including the upper slope of gambrel roofs.~~ See Section 209.4 for exceptions in the Institution Zone.

CONNOLLY said the proposed definition of "building height" is the vertical distance measured from average finished grade along the building front to the highest point of the roof. The definition of "lot coverage" would be expanded to include anything other than botanical growth.

Board Comments/Questions: None

Staff Comments/Questions: None

Public Comments/Questions: None

The Board reached consensus to continue consideration of these definitions on January 21<sup>st</sup>.

ESMAY said what she is hearing is that our present way of zoning is getting in the way of allowing us to do what needs to be done and what we want to do. We are in a transition time which can be very awkward and difficult to get through, but we know where we have to go. Brotman said we have to find a way to preserve future development rights but also protect existing neighborhood character. Residents want changes now to preserve their neighborhoods.

**Permits (Section 1001.8)**

~~Section 1001.8 No permit issued hereunder shall be transferrable.~~

Brotman said this language is contrary to State law and local zoning. Zoning permits and building permits run with the project. Special exceptions and variances run with the land unless granted as a hardship case, where they are strictly limited to an individual. Brotman said Town counsel is in agreement that the current language is not correct and should be fixed.

Board Comments/Questions:

- The Zoning Ordinance technical review committee has not yet reviewed this section of the Ordinance but its members are in agreement with the proposed deletion.

**It was moved by SIM, seconded by BUCKEY, that the amendment "Permits Section 1001.8" go forward to public hearing on February 4, 2014, as proposed. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

Smith advised of the public demand for copies of revised amendments which were not submitted to the Planning & Zoning Office until late in the day. She asked that further revisions be submitted in time for the next meeting mailing to enable proper review by the Board and public. BUCKEY suggested the materials address what happens when a property becomes non-conforming.

**OTHER BUSINESS:**

ESMAY thanked Smith for the letter she sent to the Lebanon Planning Board expressing the Board's feeling on the proposed transportation hub off Etna Road.

ESMAY noted receipt of a copy of the Bicycle & Pedestrian Committee's application to the Selectmen requesting that money from the Parking Fund be directed to bike/ped interests.

Next meeting: January 21, 2014

**ADJOURN:** The meeting adjourned at 9:35 PM.

Respectfully submitted,

Beth Rivard