

**PLANNING BOARD  
JUNE 3, 2014 at 7:30 PM  
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

**Members:** Kate Connolly, Judith Esmay (Chair), Joan Garipay, Michael Mayor; Iain Sim; Nancy Carter (Selectmen's Representative)

**Alternates:** Jon Criswell

**Staff:** Vicki Smith

Others: See Attendance Sheet

1. **MINUTES:** The minutes of May 20, 2014 were approved.
  
2. **P2014-19 SUBMISSION OF APPLICATION FOR MINOR LOT LINE ADJUSTMENT BY THE TRUSTEES OF DARTMOUTH COLLEGE AND THE HANOVER CONSUMER CO-OP SOCIETY, TO ANNEX 7,970 SF FROM 51 SOUTH PARK STREET, TAX MAP 23, LOT 154, IN THE "B-1" ZONING DISTRICT, TO 4 SUMMER COURT, TAX MAP 34, LOT 102 IN THE "I" ZONING DISTRICT.**
3. **P2014-20 SUBMISSION OF APPLICATION FOR MINOR LOT LINE ADJUSTMENT BY THE TRUSTEES OF DARTMOUTH COLLEGE AND THE HANOVER CONSUMER CO-OP SOCIETY, TO ANNEX 14,216 SF FROM 49 SOUTH PARK STREET, TAX MAP 23, LOT 161, IN THE "B-1" ZONING DISTRICT, TO 45 SOUTH PARK STREET, TAX MAP 34, LOT 110 IN THE "B-1" ZONING DISTRICT.**
4. **P2014-21 SUBMISSION OF APPLICATION FOR MINOR LOT LINE ADJUSTMENT BY THE TRUSTEES OF DARTMOUTH COLLEGE, TO ANNEX 222 SF FROM 49 SOUTH PARK STREET, TAX MAP 23, LOT 161, IN THE "B-1" ZONING DISTRICT, TO 4 SUMMER COURT, TAX MAP 34, LOT 102 IN THE "I" ZONING DISTRICT.**
5. **P2014-22 SUBMISSION OF APPLICATION FOR MINOR LOT LINE ADJUSTMENT BY THE HANOVER CONSUMER CO-OP SOCIETY, TO ANNEX 29,064 SF FROM 51 SOUTH PARK STREET, TAX MAP 23, LOT 154, IN THE "B-1" ZONING DISTRICT, TO 45 SOUTH PARK STREET, TAX MAP 34, LOT 110 IN THE "B-1" ZONING DISTRICT.**

Tony White, of the Hanover Co-Op, said that the proposed adjustments will provide Dartmouth with a piece of land on the south side of the service station, leaving the remainder of the parcels as one contiguous lot owned by the Co-Op.

Board Comments/Questions:

- Will Parcel A be a non-conforming lot in the B-1 district?

- Smith said no, it is being annexed into Tax Map 34, Lot 102.
- Is there any benefit to rezoning Parcels A and/or C to "I"?
  - Smith and ESMAY said no. They are not institutional in character. There are regulations regarding uses on a lot that is located within more than one zoning district.
- Will this create a non-conforming side setback for the gas station?
  - Smith said there is no side setback requirement in the B district unless the lot adjoins a residential district. That is not the case here.

Public Comments/Questions:

- A female speaker questioned the existence of a 99-year lease for use of an adjacent corridor and how these adjustments will affect that lease.
  - Smith said the lease will continue regardless of who owns the land.
- The same female speaker said that the lease stipulates that Dartmouth would have access for emergency vehicles through that area. That is not what occurs now. The Co-Op uses that area for snow storage.

**It was moved by MAYOR, seconded by CARTER, to find application P2014-19, to annex 7,970 sf from 51 South Park Street, Tax Map 23, Lot 154, in the "B-1" zoning district, to 4 Summer Court, Tax Map 34, Lot 102 in the "I" zoning district, complete. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. CRISWELL participated as voting Alternate. There being no further discussion, it was moved by SIM, seconded by MAYOR, to approve the application as written. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. CRISWELL participated as voting Alternate.**

**It was moved by MAYOR, seconded by CONNOLLY, to find application P2014-20, to annex 14,216 sf from 49 South Park Street, Tax Map 23, Lot 161, in the "B-1" zoning district, to 45 South Park Street, Tax Map 34, Lot 110 in the "B-1" zoning district, complete. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. CRISWELL participated as voting Alternate. It was moved by SIM, seconded by MAYOR, to approve the application as written. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. CRISWELL participated as voting Alternate.**

**It was moved by CONNOLLY, seconded by MAYOR, to find application P2014-21, to annex 222 sf from 49 South Park Street, Tax Map 23, Lot 161, in the "B-1" zoning district, to 4 Summer Court, Tax Map 34, Lot 102 in the "I" zoning district, complete. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. CRISWELL participated as voting Alternate. It was moved by SIM, seconded by MAYOR, to approve the application as written. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. CRISWELL participated as voting Alternate.**

**It was moved by MAYOR, seconded by CARTER to find application P2014-22, to annex 29,064 sf from 51 South Park Street, Tax Map 23, Lot 154, in the "B-1" zoning district, to 45 South Park Street, Tax Map 34, Lot 110 in the "B-1" zoning district, complete. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. CRISWELL participated as voting Alternate. It was moved by SIM, seconded by MAYOR, to approve the application as written. THE BOARD VOTED**

**UNANIMOUSLY IN FAVOR OF THE MOTION.** CRISWELL participated as voting Alternate.

**6. P2014-14 CONTINUATION OF SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY JAMES WASSER, AGENT FOR THE HANOVER CONSUMER COOPERATIVE SOCIETY, PROPERTY OWNER OF RECORD, TO EXPAND AND RENOVATE THE CO-OP AT 45 SOUTH PARK STREET, MAP 34, LOT 110, IN THE “B-1” ZONING DISTRICT.** [Previously heard May 20, 2014]

James Wasser of Studio Nexus Architects + Planners, LLC, and Carolyn Radisch of ORW Landscape Architects + Planners, continued their presentation of the application. Radisch said that the Co-Op has prepared a couple of options to accommodate the zoning parking requirement 100% on their property: (1) Re-stripe the spaces from their current 9’ width to 8.5’ and eliminate a landscape island; or (2) Take back the 50’ band of property on the south side of the service station from Dartmouth, eliminate the service station and use those areas for parking. Radisch advised of the Zoning Administrator’s determination that the Co-Op must either obtain a permanent easement from Dartmouth for use of 13 spaces on Dartmouth-owned land or move forward with the re-striping proposal. Radisch said the Co-Op may file an Appeal of An Administrative Decision with the ZBA. Moving forward with the re-striping option will allow the project to move forward.

Board Comments/Questions:

- Is the current proposal to approve Plan L1.1?
  - Radisch said yes.
- If an appeal is filed with the ZBA, and the ZBA rules in favor of the Co-Op, would the Co-Op have to return to the Planning Board for approval of a revised site plan?
  - Radisch said yes.
- Is the proposed 8.5’ parking space width the same width as the spaces behind the Nugget?
  - Radisch said no, the spaces behind the Nugget are 8’ in width.
- Is the proposal to implement L1.1 only if the parking license agreement is terminated?
  - Radisch said yes.
- The Zoning Administrator’s decision assumes a future that has not come nor is anyone sure it will ever come.
  - Tim McNamara, of Dartmouth Real Estate, said when negotiations between Dartmouth and the Co-Op first began, it was assumed that those 13 spaces were not needed for the Co-Op to satisfy their parking requirement. Dartmouth is not in a position to give the Co-Op this land in perpetuity; however, as far as Dartmouth is concerned, the Co-Op has use of these spaces well beyond five years. Restriping is an inconvenience.
- It was noted that Co-Op patrons have been parking on Dartmouth property for 30 years.
- This is a poor outcome for the Co-Op and for the people of the town given all that Co-Op does to support public transit.
- Is it possible to structure a decision such that if an appeal to the ZBA is successful, the Co-Op would not have to return to the Planning Board?
  - Smith said no, NH Laws do not allow that.

Public Comments/Questions: None

Waivers requested: None

**It was moved by SIM, seconded by MAYOR, to find application P2014-14 complete including plan L1.1 as the proposed parking plan. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** CRISWELL participated as voting Alternate. Smith suggested that a waiver of landscape standards is necessary. **It was moved by SIM, seconded by MAYOR, to waive the requirement for landscaping specifically with respect to the four islands that are shown on the plan L1.1 as being existing to be removed. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** CRISWELL participated as voting Alternate.

Staff proposed conditions of approval: (1) A preconstruction meeting shall be scheduled and held with Town Planning, Police, Fire and Public Works staff prior to the construction start. (2) At the discretion of the Building Inspector, independent code review of building plans may be required at the applicant's expense. (3) Construction activity producing noise audible at the property line shall be restricted to the hours between 7 am - 5 pm, Mondays through Fridays with occasional work taking place on Saturday. (4) Construction worker parking shall not occur in public parking spaces and interfere as little as possible with customer use. (5) On-site inspection of utilities and other site features may be required at the applicant's expense. (6) Outdoor seating shall be arranged to guarantee a five foot ingress/egress path to the new entry and along the sidewalk on the south side of the building. (7) Maintenance protocol for storm water management facilities shall be submitted to Planning and Zoning staff prior to occupancy. (8) At the completion of the project, a CAD file of the building footprint satisfactory to the Director of Public Works along with \$1000 (for as-builts to be completed by the Town), shall be submitted to the Town. (9) Sheets L1.1 and L1.2 shall be revised to show correct lot numbers. (10) Decorative lighting under the eaves shall be removed from the site plan. (11) Any new lighting fixture shall be full cut off, comply with Town lighting standards and approved by Planning and Zoning staff.

**It was moved by SIM, seconded by MAYOR, to approve application P2014-14 as submitted and found to be complete with the inclusion of the new L.1.1 parking proposal and with the conditions as read by the Chair. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** CRISWELL participated as voting Alternate.

**7. P2014-24 SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY JAMES VAN KIRK, AS AGENT FOR KENNETH & JEANNE FABRIKANT, PROPERTY OWNERS OF RECORD, TO ALLOW OUTDOOR SEATING AT CANDELA TAPAS LOUNGE, 15 LEBANON STREET, TAX MAP 34, LOT 41, IN THE "D-1" ZONING DISTRICT.**

ESMAY read the Notice of Public Hearing.

James VanKirk presented the application to provide six tables of outdoor seating with a maximum of 24 seats. He said the NH Liquor Commission requires the dining area to be enclosed in order to serve alcohol outside. A simple barrier is proposed. It will be taken

down at night. A trash receptacle will be provided within the barrier. The outdoor seating area abuts a parking lot. The patrons will not bother anyone.

Board Comments/Questions:

- SIM urged VanKirk to consider other means of sectioning off the dining area.
  - ESMAY said she found nothing offensive with the banner proposed.
  - CARTER said she found the proposed minimal approach to fit in with the style of the restaurant.

Waivers requested: VIIIA and B2a-z

**It was moved by CONNOLLY, seconded by MAYOR, to find the application complete with the waivers requested. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** CRISWELL participated as voting Alternate.

Public Comments/Questions: None

**It was moved by CARTER, seconded by MAYOR, to approve the application with the following conditions: 1) That no heaters be used without further review; 2) That should additional outdoor seating be planned that further review be requested; and 3) That 6 foot egress corridors be maintained from the patio entrance to the main door of the restaurant and from the landing to the egress corridor between the patio entrance and main door.** CRISWELL questioned the number of seats being approved. **The motion was amended to require further review if more than 24 seats are proposed. The amendment was seconded. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTIONS.** CRISWELL participated as voting Alternate.

**8. P2014-26 SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY THE TOWN OF HANOVER FOR VEHICULAR, PEDESTRIAN & BUS STOP IMPROVEMENTS ON EAST WHELOCK STREET IN FRONT OF HOPKINS CENTER, TAX MAP 34, IN THE "I" ZONING DISTRICT.**

ESMAY read the Notice of Public Hearing.

Peter Kulbacki, Hanover Public Works Director, Carolyn Radisch of ORW Landscape Architects + Planners, and Nick Fiore of Engineering Ventures PC, presented the application. Radisch said the proposal is to: expand the sidewalk and bus loading area, improve the mid-block pedestrian crossing on East Wheelock Street, provide ADA accessible parking spaces and ramps on either side of the crosswalk, and install an informational kiosk and an ADA accessible bus shelter. Heated seats are proposed within the bus shelter. Use of the heating equipment will be dependent upon the cost to run it. Solar power will be provided for the lighting. The location and contents of the proposed kiosk are yet to be finalized. All of these improvements will occur within the public right-of-way.

Radisch said time constraints to use federal funding for this project are pretty tight. Construction needs to occur over the summer. The kiosk must be online before the students return in the fall. Work on this project will be coordinated with the Hanover Inn porte cochere and Hopkins Center projects.

Board Comments/Questions:

- Are the new plans presented at this hearing substitutes for older plans?
  - Fiore said no, they are stripped down versions of the original site plan.
- The shelter appears to be smaller than when it was first presented to the Board.
- A discrepancy with the labeling of a new storm drain on Sheet C1.1 was pointed out.
- What is meant by “loading zone” and “bus stop zone”?
  - Fiore said the loading zone is for cars, the bus zone is for buses.
- Is the solid white line in the eastbound lane of East Wheelock Street a legally mandated stop line?
  - Fiore said no.
- The intersection adjacent to Wilson Hall is quite problematic with pedestrians.
  - Kulbacki agreed that the roads and intersections around the Green need to be looked at but said the scope of work for this project is limited by budget constraints.
- The staggered road lines, moving westbound on East Wheelock Street, were questioned.
  - Kulbacki said the lines will be straight across; not staggered.

Staff Comments/Questions:

- Have you talked to the Zoning Administrator about the kiosk?
  - Kulbacki said no, not directly. It will be located within the town right-of-way which is governed by the Board of Selectmen, not zoning.

Waivers requested: (1) Survey map, (2) Area of lot, (3) Front, side and rear setbacks, (4) Building heights and stories, (5) 100 year flood information, (6) Location of any vents, (7) Mechanical equipment, (8) Lighting Plan.

**It was moved by CONNOLLY, seconded by MAYOR, to find the application complete with the above identified waivers. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** CRISWELL participated as voting Alternate. **It was moved by CONNOLLY, seconded by MAYOR, to approve the application for Site Plan for a mobility hub. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** CRISWELL participated as voting Alternate.

**9. P2014-25 SUBMISSION OF APPLICATION FOR MODIFICATION OF APPROVED SITE PLANS (CASE NO'S P2011-07, P2011-35, P2012-21) BY THE TRUSTEES OF DARTMOUTH COLLEGE, PROPERTY OWNER OF RECORD, AND THE TOWN OF HANOVER, TO RENOVATE THE PORTE COCHERE AREA OF THE HANOVER INN, AT 2 EAST WHEELOCK STREET, TAX MAP 34, LOT 120, IN THE “D-1” ZONING DISTRICT.**

Tim McNamara of Dartmouth Real Estate, Carolyn Radisch of ORW Landscape Architects + Planners, and Nick Fiore of Engineering Ventures PC presented the application. McNamara said the initial impetus was to create a second lane under the porte cochere. To do that, East Wheelock Street will be narrowed to accommodate a sidewalk on the outboard side of the expanded porte cochere. The sidewalk will be pushed out 3.5’ from its current location. A higher grade pedestrian zone will be provided near the Inn garage entrance. Radisch said the design approach is to create a pedestrian plaza that is shared by cars. The pavement of the porte cochere will be either colored concrete or exposed aggregate. Pavement and pedestrian crossings will be at the same grade. Two street trees will be retained and their habitats

improved. Additional plantings are proposed outside of the canopy. Granite pavers will be reset and cleaned up at the entry to the Inn. Street lights will remain in place. A couple benches will be added. McNamara said proposed lighting is projected to provide a measurement of 5 foot candles at the outer edge of the sidewalk, but that can be lowered. The idea is to provide uniformity of light along the new sidewalk without having glare.

McNamara said Dartmouth intends to begin construction July 7<sup>th</sup> and end construction by August 22<sup>nd</sup>. The sidewalk work will be done first to direct pedestrians away from the porte cochere work site. Valet parking will be relocated to three parking spaces along Main Street that will be leased from the Town. A temporary ramp will be installed along the wall at the Inn. The Police Department has agreed to temporarily shut down the right turn lane on South Main Street. Jersey barriers will be used to delineate the construction site from the road and provide safe passage for pedestrians. Police will be hired at the start of construction to help pedestrians maneuver through the area. The section of East Wheelock Street from the Main Street intersection to Wilson Hall will be repaved and restriped after both the porte cochere and mobility hub projects are complete. All of this work is within the town right-of-way. Dartmouth's attorneys are working on an agreement to define liabilities.

Staff Comments/Questions:

- Can the new valet spaces accommodate people with mobility issues?
  - McNamara said yes.
- Is lighting proposed for the temporary ramp?
  - McNamara said that has not yet been discussed.
- Is there drainage off the roof on the north side of the porte cochere?
  - McNamara said no, it's all internal.

Board Comments/Questions:

- Does the State have any interest in East Wheelock Street?
  - Kulbacki said no, the Town is responsible for its maintenance.
- The effectiveness of valet parking was questioned.
  - McNamara said a valet parking plan was developed and put into place as part of the Inn renovation project. It deals with different levels of events (i.e. when to utilize offsite parking for events of certain size, how many valets are needed at any given time). Being able to go around a car under the porte cochere will greatly improve valet operations.
- What will you do to prevent people from double parking in the double lanes?
  - McNamara said the valets will manage that.
- Is it possible for pedestrians to utilize the inside of the driveway?
  - Radisch said yes.

ESMAY noted that there were no members of the public in attendance to speak to this application.

Waivers requested: (1) Survey within 6 months, (2) Building heights and stories, (3) Water resources and man-made drainage features, (4) 100 year flood information, (5) Use of abutting properties, (6) Location and gross area of proposed buildings, (7) Proposed off street parking, (8) Proposed accessible parking, (9) Loading areas, (10) Use of all rooms and areas, (11) Fire lanes, fire hydrants and emergency access, (12) Bike racks and bike storage areas, (13) Front, side and rear setbacks, (14) Elevations, (15) Utility Plan, (16)

Landscaping Plan, (17) Existing and proposed grades, (18) Surface and subsurface drainage, (19) Temporary sediment basins and other drainage structures, (20) Erosion controls, (21) Phasing plan, (22) Location of construction trailers.

**It was moved by MAYOR, seconded by CONNOLLY, to find the application complete with the 22 waivers requested. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** CRISWELL participated as voting Alternate.

Staff's proposed condition of approval: That an easement from the Town allowing for the porte cochere in the Town right-of-way be executed prior to occupancy.

**It was moved by MAYOR, seconded by CONNOLLY, to approve the application with the condition recommended by staff. THE BOARD VOTED SIX IN FAVOR, ONE ABSTAIN (SIM). THE MOTION CARRIED.** CRISWELL participated as voting Alternate.

**10. P2014-23 SUBMISSION OF APPLICATION FOR MODIFICATION OF APPROVED SITE PLANS (CASE NO'S P2011-07, P2011-35, P2012-21) BY THE TRUSTEES OF DARTMOUTH COLLEGE, PROPERTY OWNER OF RECORD, AND THE TOWN OF HANOVER, TO RELOCATE SEASONAL OUTDOOR DINING AT THE HANOVER INN, WITH SOME SEATING LOCATED ON THE PUBLIC SIDEWALK. THE PROPERTY IS LOCATED AT 2 EAST WHEELOCK STREET, TAX MAP 34, LOT 120, IN THE "D-1" ZONING DISTRICT.**

ESMAY read the notice of public hearing.

Tim McNamara of Dartmouth Real Estate presented the application. He said 49 seasonal outdoor dining seats are proposed under the porch and into the expanded pedestrian plaza. Elevated planters will be used to completely surround the dining area. A gate will be installed to provide ADA access to the dining area and Hanover Fire Department access a major sprinkler connection. The street tables will have umbrellas. Lights are proposed under the umbrellas and all existing lighting will be upgraded. Candles are proposed on the tables. An existing door will provide access to the Pine Restaurant. The terrace will continue to be used for special events. McNamara said he is working with Don Ware, Hanover Public Works Utility Engineer, to increase the sewer allocation to accommodate use of both dining spaces simultaneously.

McNamara said serving alcoholic beverages on the streets is not currently allowed in Hanover. The Town Manager has agreed to work with Dartmouth to approach the Board of Selectmen with proposed modifications of local ordinances so that they conform with NH Liquor Commission requirements.

Board Comments/Questions:

- CONNOLLY said taking up public sidewalk space in a busy area that is going to get busier due to the porte cochere expansion is a bad idea.
  - Radisch said there will be 5' of sidewalk provided.
- ESMAY said there are often people simply standing in that area waiting for the pedestrian crossing signal.



- Radsich said people stand closer to the road than to the area where the tables are proposed.
- CRISWELL said the grade will provide more standing area closer to the tree.
- The Town Manager's recommendations for conditional approval of the dining tables located beyond the porch areas and annual licensing of the Inn's use of the sidewalk for outdoor seating were noted.
- CARTER asked whether the proposed grading is compatible with heels of any dimension.
  - Radisch said yes, they are designed to be walked on.

Staff Comments/Questions:

- Is the AT marker moving?
  - McNamara said yes.

Waivers requested: (1) Plans for snow removal, (2) Survey within 6 months, (3) Building heights and stories, (4) Water resources and man-made drainage features, (5) 100 year flood information, (6) Use of abutting properties, (7) Location and gross area of proposed buildings, (8) Proposed off street parking, (9) Proposed accessible parking, (10) Loading areas, (11) Use of all rooms and areas, (12) Fire lanes, fire hydrants and emergency access, (13) Bike racks and bike storage areas, (14) Front, side and rear setbacks, (15) Elevations, (16) Utility Plan, (17) Lighting Plan, (18) Landscaping Plan, (19) Existing and proposed grades, (20) Surface and subsurface drainage, (21) Temporary sediment basins and other drainage structures, (22) Erosion controls, (23) Phasing plan, (24) Construction staging plan.

**It was moved by MAYOR, seconded by CARTER, to find the application complete with the 24 waivers requested. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** CRISWELL participated as voting Alternate.

Staff's proposed condition of approval: that establishment of seating on the public sidewalk is contingent upon licensing by the Board of Selectmen.

**It was moved by MAYOR, seconded by SIM, to approve P2014-23 with the condition that establishment of seating on the public sidewalk is contingent upon licensing by the Board of Selectmen.** McNamara asked for clarification of the number of seats being approved. Smith said the understanding is that there may be up to 49 seats. **The motion was amended to include approval of up to 49 seats. The amendment was seconded.** There being no further discussion, **THE BOARD VOTED 6 IN FAVOR, ONE OPPOSED (CONNOLLY). THE MOTION CARRIED.** CRISWELL participated as voting Alternate.

**11. OTHER BUSINESS:** None

**12. ADJOURN:** The meeting adjourned at 9:56 PM.