

**PLANNING BOARD
JANUARY 6, 2015 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

Members: Kate Connolly, Judith Esmay (Chair), Iain Sim; Nancy Carter (Selectmen's Representative)

Alternates: Brian Edwards

Staff: Vicki Smith

Others: See Attendance Sheet

1. **MINUTES:** The minutes of October 21, November 18, December 2, 9 and 16, 2014 were approved.

2. **P2014-34 CONTINUATION OF SUBMISSION OF APPLICATION FOR MODIFICATION OF AN APPROVED SITE PLAN (P2014-14) BY JAMES WASSER, AS AGENT FOR THE HANOVER CONSUMER COOPERATIVE SOCIETY, INC. [Co-Op] AND TRUSTEES OF DARTMOUTH COLLEGE, PROPERTY OWNERS OF RECORD, TO INCREASE WIDTH OF PARKING SPACES AND ADD A LANDSCAPE ISLAND AT 45 SOUTH PARK STREET, TAX MAP 34, LOT 110, IN THE "B-1" ZONING DISTRICT.** [P2014-14 was before the Board on 05/20/14 and 06/03/2014].

Jim Wasser of Studio Nexus Architects + Planners, LLC, and Carolyn Radisch of ORW Landscape Architects + Planners, appeared on behalf of the Co-Op. Wasser said the recently approved land swaps [P2014-19, P2014-20, P2014-22] have been recorded. The Co-Op land has been consolidated so that there is no longer a strip of Dartmouth-owned land running through it. The Co-Op entered into a ten-year agreement with Dartmouth to be able to park on their property. The Co-Op would like to change their site plan approval to allow required parking spaces on Dartmouth property. Radisch said the Co-Op appealed some interpretations of the parking regulations to the Zoning Board. The Zoning Board ruled in the Co-Op's favor. The Co-Op would like to change their site plan approval to widen the parking spaces.

Radisch said during the required pre-construction meeting, DPW staff and the Fire Chief raised issues that require additional modifications of the approved site plan. DPW staff reported that they did not want a tree buffer between the sidewalk and the street. They cited maintenance issues, power lines limiting tree growth, the minimal length of the proposed buffer and the fact that the sidewalk to the south does not have a tree buffer as reasoning for their decision. The Fire Chief asked that the buried propane tanks be moved away from the road to an area where they would be less susceptible to being hit by cars and trucks. Radisch

said subsequent to the Co-Op submitting the application for modification, William Desch, Hanover's Urban Forester, asked that they remove two trees, one that blocks the traffic signal and another that has the potential to become invasive. Desch suggested they be replaced with other deciduous trees. The Co-Op is still in discussions with Desch on those matters.

Radisch walked the Board through a site plan of the proposed changes which include:

- Continuing the existing town sidewalk along the curve of Park Street,
- Increasing the size of the landscaped area and rain garden,
- Adding tree plantings in the rain garden,
- Increasing the size of the front door entry plaza,
- Relocating propane tanks and adding landscaping to their new location

Radisch said the current zoning demands 108 parking spaces; 109 spaces are provided. If a pedestrian/bike path is ever created along the border of Dartmouth's playing fields, one space could be converted to provide access to the path.

Board Comments/Questions:

- The islands at each end of the double rows of parking will remain with the trees as currently exist and the lighting will stay as we currently see it?
 - Radisch said yes.
- Peter Kulbacki's October memo mentions possible contamination of the rain gardens from road debris. Has there been any more conversation about that?
 - Radisch said the rain garden Kulbacki spoke of was removed from the plan in May. The rain gardens currently shown are not subject to that concern.
- A staff note indicates that the plan submitted does not meet all of the landscaping requirements of the Site Plan Regulations. We might want to go through the formality of recognizing this and granting a waiver from the regulations.
- It was suggested that a meeting be held with DPW staff about the Site Plan approval process and streetscapes so that future applicants will not have to return to the Board to accommodate changes imposed by staff after-the-fact.
 - ESMAY said the present system of holding staff review before presentation to the Board almost always catches that sort of thing.
 - Smith agreed, stating that this is a very unusual occurrence. Smith said she is sure Kulbacki would be happy to maintain rain gardens, trees and lawn in between the sidewalk and roadway if he had more staff and equipment. If such a meeting is convened, it should include the Town Manager and members of the Board of Selectmen.
 - Radisch said Kulbacki is really very good to work with. Hanover has built a lot of sidewalks in recent years but has not provided more staff or equipment to maintain them.
 - CARTER encouraged everyone to attend and participate in budget hearings and Town Meeting. There are always tradeoffs in the budget process. She said she is sure Kulbacki's budget factored into the decision to request the Co-Op modifications.

It was noted that there were no members of the public present to call upon for comment.

It was moved by CONNOLLY, seconded by EDWARDS, to accept the application as complete, acknowledging the waivers approved previously. THE BOARD VOTED

UNANIMOUSLY IN FAVOR OF THE MOTION. EDWARDS participated as voting Alternate.

Possible Conditions of Approval:

Staff recommended adding the following condition to the eleven conditions imposed previously: *that the parking requirements of the zoning ordinance are met by a 10 year renewable license from Dartmouth College, which has a one year notification requirement for non-renewal. Upon receipt of notification that Dartmouth intends to not renew the license, the owner shall immediately (within 10 days) notify the planning office and shall thereafter (within 45 days), present an amended site plan to the planning board for restriping the parking lot. The restriping shall be accomplished within 60 days following the approval of the amendment to the plan.*

- CARTER said it seems onerous to require the installation of the narrower parking places with almost nine months remaining on the lease. They should be allowed to make all of the changes closer to the actual lease expiration date.
- Radisch said that condition presumes that the solution is restriping. Another option would be to remove the service center and create parking spaces in its place.
- ESMAY said creating those spaces would involve restriping.
- It was questioned whether the wording of the proposed condition was derived from the ZBA approval.

The Board agreed to the following wording: *The parking requirements of the zoning ordinance are met by a 10 year renewable license from Dartmouth College, which has a one year notification requirement for non-renewal. Upon receipt of notification that Dartmouth intends to not renew the license, the owner shall immediately (within 10 days) notify the planning office and shall thereafter (within 45 days), present an amended site plan to the planning board.*

It was moved by CONNOLLY, seconded by CARTER, to approve this application for site plan approval with the following twelve conditions:

- 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. **The parking requirements of the zoning ordinance are met by a 10 year renewable license from Dartmouth College, which has a one year notification requirement for non-renewal. Upon receipt of notification that Dartmouth intends to not renew the license, the owner shall immediately (within 10 days) notify the planning office and shall thereafter (within 45 days), present an amended site plan to the planning board.**
10. **Sheets L1.1 and L1.2 shall be revised to show correct lot numbers.**
11. **Decorative lighting under the eaves shall be removed from the site plan.**
12. **Any new lighting fixture shall be full cut off, comply with Town lighting standards and approved by Planning and Zoning staff.**

THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. EDWARDS participated as voting Alternate.

3. OTHER BUSINESS:

Technical Review Committee Update: ESMAY reported that staff has produced a computer generated redline version of the proposed revised ordinance. It is extremely difficult for anyone to use. A second redline version is being drafted by the Zoning Administrator by hand that shows every single change. During this process, Brotman has found areas that she feels the Committee should revisit.

ESMAY said that the Technical Review Committee will be coming forward with a request to withdraw their proposed amendment for Town Meeting 2015. They would like to prepare an amendment for Town Meeting 2016 that is absolutely polished and presented to the public over a period of months to familiarize them with every single change. ESMAY said the West Wheelock Gateway District amendment [WWGD] is a very big amendment and is a very important step for us to take. She would like the Board to focus fully on that. ESMAY said the Committee may also suggest that the Planning Board declare a moratorium on other amendments for Town Meeting 2016. She said the Board cannot tell the public that they cannot ask for an amendment or prevent people from petitioning amendments, but the Board could discipline itself to refrain from proposing amendments.

CONNOLLY said there are known discrepancies that could still be corrected for Town Meeting 2015. Smith expressed concern for the time needed to draft those amendments. It was agreed that the Technical Review Committee will review the known discrepancies and determine whether they should go forward this year.

WWGD Amendment Update: Smith said a revised amendment will be presented to the Board at their next meeting. The WWGD Working Group has some significant concerns that need to be thoroughly addressed by the Board.

4. ADJOURN: The meeting adjourned at 8:30 PM.

Respectfully submitted, Beth Rivard