

**PLANNING BOARD  
MAY 5, 2015 at 7:30 PM  
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

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

**Alternates:** Jon Criswell, Kelly Dent, Brian Edwards

**Staff:** Vicki Smith

Others: See Attendance Sheet

**1. P2015-13 SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY THE HANOVER SCHOOL DISTRICT TO INSTALL A GREENHOUSE AT 41 LEBANON STREET, TAX MAP 34, LOT 68, IN THE "I" ZONING DISTRICT.**

\*\*\* The majority of this case review could not be deciphered from the taped recording due to paper shuffling.

ESMAY read the Notice of Public Hearing.

Jonathan Brush of the Hanover School District presented the application. He said this structure will be 12' wide by 24' long and explained its proposed location. It will be constructed of polycarbonate panels sides. Brush advised of Ryan Borkowski's, Building Inspector, concerns about accessibility, wind and snow loads, snow storage, and electrical/plumbing systems. Brush said access will be provided via a hard pack path from an existing sidewalk that is at grade level. The School District has or will contact an engineer about wind and snow loads. The greenhouse will be 6' away from the school building to allow space for snow discharge from the roof. There will be no electric, plumbing or heating systems installed. The building's use will be limited to fall and spring. Brush said this temporary structure will be used for a year or two while plans are developed to put a permanent structure elsewhere on the school site.

Board Comments/Questions:

- Is there any need for a foundation?
  - Brush said no, it will be set directly on the ground. A few anchors may be required.
- Are there any problems with drainage in that area?
  - Brush said no.
- Will there be any security?
  - Brush said not really. Security concerns will be similar to that of ground level windows in the school.
  - A statement was made about polycarbonate being stronger than Plexiglas-type material.
- What will happen to this temporary structure after a permanent one is installed?

- Brush said it will be moved to the Ray School or Middle School.
- How will Garden Club members be involved in this?
  - Sandra Johnson of the Garden Club said the purpose of this greenhouse is to get a high school program in order. The permanent structure will be shared by the school and the club, with space assigned to each group. She said handouts were provided that explain why this is being done and where we hope to go with it in the future.
- Is there adequate parking for Garden Club members?
  - Brush said he thinks there is, with the exception of a brief period at the beginning of spring driving, when students decide that it is free-range parking.
- School administration is always encouraging students to carpool. It is assumed Garden Club members would embrace that ethic themselves.
  - Johnson said typically only two or three club members will be at the greenhouse at the same time.
- Who will be doing the maintenance? Who is responsible for the structure in the end?
  - Brush said maintenance will be shared.

Public Comments/Questions: None

**It was moved by MAYOR, seconded by CONNOLLY, to rule the application complete with the following waivers: [Submission] (1) Plat with names and addresses of preparer and abutters and abutter locations on plat, (2) Survey map, (3) Height and number of stories of existing buildings, (4) Existing grades and topographic intervals, (5) Location of water resources and man-made drainage features, (6) Other significant natural and man-made features, (7) 100-year flood elevation, (8) Legal rights of ways and easements, (9) Use of abutting properties within 100 feet of site boundary; roads, streets and driveways within 200 feet; and trail easements within 500 feet of site, (10) Site Plan showing tax map and lot number, zoning designation, area of lot, proposed streets, driveways, parking spaces and sidewalks, off street parking spaces, handicap/accessible space, areas designated for loading and unloading, front, side and rear setbacks, height and number of stories, heights, elevations, proposed grades, location of water resources and man-made drainage features, location of other natural and man-made features, 100 year flood elevation, legal rights of way and easements, use of abutting properties within 100 feet of site boundary; roads, streets and driveways within 200 feet; and trail easements within 500 feet of site, and use of all rooms and areas, (11) Vehicular and Pedestrian Circulation Plan showing areas designated for loading and unloading, indication of direction of travel, inside radii of all curves, the width of the traveled way of all streets, driveway and sidewalks, the total number of parking spaces and handicapped parking spaces, fire lands, fire hydrants and emergency access, location of bike racks and bike storage areas, (12) Elevation of existing structures, (13) Utility Plan, (14) Lighting Plan, (15) Landscaping Plan, (16) Paving, Grading and Drainage Plan, (17) Construction Staging Plan, (18) Contents specific to Design Review, (19) Contents specific to Staff Evaluation, and [Procedural] (20) Design Review. There being no further discussion, THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. EDWARDS participated as voting Alternate.**

**It was moved by CONNOLLY, seconded by MAYOR, to approve the Site Plan for the installation of a greenhouse at 41 Lebanon Street in the “I” zoning district including any remedies required by the Building Inspector. It was agreed that the pending structural matters (wind and snow loads) will be addressed during code review. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. EDWARDS participated as voting Alternate.**

- 2. P2015-10 SUBMISSION OF APPLICATION FOR MINOR LOT LINE ADJUSTMENT BY JOHN VANSANT, AS AGENT FOR THE TRUSTEES OF DARTMOUTH COLLEGE AND REPLOGLE FAMILY LLC, PROPERTY OWNERS OF RECORD, TO ANNEX 2,175 SQUARE FEET FROM 6 ROPE FERRY ROAD, TAX MAP 37, LOT 40 TO 10 ROPE FERRY ROAD, TAX MAP 37, LOT 41. BOTH PARCELS ARE LOCATED IN THE “SR-1” ZONING DISTRICT.**
- 3. P2015-11 SUBMISSION OF APPLICATION FOR MINOR LOT LINE ADJUSTMENT BY JOHN VANSANT, AS AGENT FOR THE TRUSTEES OF DARTMOUTH COLLEGE, PROPERTY OWNER OF RECORD, TO ANNEX 12,835 SQ FT FROM 10 HILTON FIELD LANE, TAX MAP 40, LOT 9, IN THE “NP” ZONING DISTRICT TO 6 ROPE FERRY ROAD, TAX MAP 37, LOT 40 IN THE “SR-1” ZONING DISTRICT.**
- 4. P2015-12 SUBMISSION OF APPLICATION FOR MINOR SUBDIVISION BY JOHN VANSANT, AS AGENT FOR THE TRUSTEES OF DARTMOUTH COLLEGE, PROPERTY OWNER OF RECORD, TO DIVIDE 6 ROPE FERRY ROAD, TAX MAP 37, LOT 40, IN THE “SR-1” ZONING DISTRICTS INTO TWO LOTS (CREATING LOTS OF 31,495 SQ FT AND 31,315 SQ FT).**

John Vasant presented the applications. The first application is to annex a small portion of land from 6 Rope Ferry Road, owned by Dartmouth College, to 10 Rope Ferry Road, owned by John and Christine Replogle. The Replogles’ parcel is unusually small for this area. The additional land will enable them to add a two-car garage with storage on their property. The proposal provides compliant road frontage and will bring 10 Rope Ferry Road closer to compliance in terms of lot area. 6 Rope Ferry Road will remain in complete compliance. The second application is to annex 12,835 sf from 10 Hilton Field Lane to 6 Rope Ferry Road, both owned by Dartmouth College. This will provide sufficient lot area for the third application, to divide 6 Rope Ferry Road into two lots.

Board Comments/Questions:

- The second application will combine land in two zoning districts, the NP and SR-1. If you have a lot with two zoning districts, you can maybe go back 30’ into the more restrictive lot. The third application only mentions the SR-1 zoning district but it will also involve the NP and SR-1 zoning districts.
  - Vasant confirmed that 6 Rope Ferry Road, and the proposed new lot, will both annex varying portions of land zoned NP.
- Proper notification of agenda item #4 relative to the zoning districts involved was questioned.

- There was a lengthy discussion about the Zoning Administrator's interpretation of Section 302 of the Zoning Ordinance versus Board members' interpretations of that section. It was suggested:
  - that lots in two zoning districts must meet the minimum standards of both districts respectively in order to be a legal lot; The NP portion of the lot must be a minimum of 2 acres, and the SR-1 portion must be a minimum of 30,000 sf.
  - that the status of the lot lines and zoning boundaries of these parcels back in the 1990's should somehow impact the current subdivision proposal.
  - that since a big part of the proposed new lot will be zoned NP, the whole lot has to be approached as if it is all in NP; It was noted that the SR portion of the proposed new lot has the requisite frontage and is of sufficient size to support SR uses.
  - that future use of a parcel should factor into the Board's decision to approve the proposed subdivision.
  - that attaching NP land to SR land in order to make a viable SR lot goes against the spirit of what is intended by the NP district.
  - that Section 302 does not apply because we are not talking about 'a lot of record'. The zoning district boundary was created long before this new lot was sought for approval.
    - Vansant advised that the applications were developed in consultation with Judy Brotman, Zoning Administrator.
    - Smith said the Planning Board does not interpret the Zoning Ordinance. She confirmed Brotman's determination that for the purposes of creating lots, these applications conform with the Ordinance except for a few corrections: Special Exception approval is needed to keep a few existing structures (tennis court fences, wood tie retaining wall), and a plan note should be changed to clarifying that a property lot line will be vacated, not a zoning district boundary line. Smith said it is not the Board's purview at this point to make a judgment about uses. There are established uses on these properties already. Smith suggested the Board consider the first application and table the other two so that Brotman can elaborate on her interpretation of these applications.
      - CARTER asked that Brotman attend the next hearing, rather than respond in writing. She said even though use does not factor into subdivision approval, she does not want to ethically create a parcel which will then create a hardship for the owner.

Public Comments/Questions:

- Sara Young said displaying a map of the proposed changes would be helpful to the audience.
- Lisa Coyle said changing something from NP to SR could create a precedent for future subdivisions.
  - CARTER said this neighborhood in particular has that potential. The only trend around Occom Pond is to go larger.

ESMAY read the Notice of Public Hearing for P2015-10. **It was moved by MAYOR, seconded by CONNOLLY, to find the application complete. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** DENT participated as voting Alternate.

**It was moved by MAYOR, seconded by CONNOLLY, to approve P2015-10 Minor Lot Line Adjustment between Dartmouth College and the Replogle Family LLC.** There being no further discussion **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** DENT participated as voting Alternate.

**It was moved and seconded to continue consideration of P2015-11 and P2015-12 to June 2, 2015 and to properly notice agenda item 4.** A member of the public asked if there is a tax implication when a residence becomes part of the NP district. Smith said this Board does not review taxes. There being no further discussion, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** DENT participated as voting Alternate.

**5. P2015-09 INFORMAL DISCUSSION WITH HYPERTHERM, INC. REGARDING RECONSTRUCTION OF AN ACCESS ROAD, PARKING AREA, CONCRETE LOADING DOCK, AND CONNECTOR ACCESS ROAD, DRAINAGE IMPROVEMENTS, AND REPLACEMENT OF LUMINAIRES ON EXISTING POLES AND BUILDING MOUNTED FIXTURES AT 21 GREAT HOLLOW ROAD.**

Perry Seale of Hypertherm and Russ Rohloff of Pathways Consulting were present. Seale said water is penetrating the loading dock area; Concrete is falling apart. The proposed work will include site lighting, stormwater management, snow storage, drainage maintenance, and to add an exterior building to house a wood chip boiler system. The work will require wetland impacts. Seale said he met with the Conservation Commission and was asked to evaluate how water flows on the entire site. He has had preliminary discussions with NHDES.

Rohloff said the pavement systems were designed for a lighter traffic load. After 20 years of use, they are failing. The paving systems and subbase will be replaced within the existing footprint. There will be some narrowing of the pavement on access road to provide vegetative zones. Pavement at the loading dock will be shaved back to provide for minor stormwater treatment. A culvert on the access road will be upgraded. Rohloff explained drainage across the site and pointed out designated areas to improve stormwater drainage, water quality, and provide snow storage. New lighting will be installed along the entire access road, loading dock area, and parking lot.

Board Comments/Questions:

- Does Hypertherm have any more active efforts afoot to help employees address their use of tobacco products? Neighbors have complained of what some might consider as loitering at the entrance to the plant and across the road on the stone wall.
  - Seale said they continue to make efforts to reduce the number of employees participating in the use of tobacco products. It is challenging to deal with issues like this. The property is a tobacco free zone. The edge of their property is no different than a public sidewalk. It is tough to differentiate that from a legal standpoint.
- Be sensitive to the wetland issues. Consider your commercial neighbors downstream.
- Jonathan Brush would be a great reference relative to the School District's decade-long use of wood chip boilers.

- Would the West Wheelock Gateway District stormwater management regulations be in effect for this site?
  - Smith said they are in effect now. The Board adopted them at the last meeting.
- For any application from Hypertherm along this road, the Board is always concerned about screening, landscaping, streetscape and illumination.

Staff Comments/Questions:

- Smith asked whether it is possible to balance parking among their three campuses, providing more at the other sites, to create space at this site to treat stormwater. Is there an opportunity to move the proposed wood chip boiler from the front of the site to the back, away from the neighborhood? Additional deliveries relative to the wood chips will be discussed during Site Plan Review. You may want to present the boiler installation as a separate application. It is the most different aspect of the project; there could be hang-ups that could delay approval.

Rohloff said an application for Wetlands Special Exception has been submitted to the ZBA. Applications to NHDES and Site Plan Review will follow. Smith announced that the Conservation Commission will conduct a site visit on Monday at 4:00 PM.

## 6. CONTINUATION OF REVIEW OF RE-ORGANIZED ZONING ORDINANCE

Continued review of the EDWARDS/SIM spreadsheet comparison of pages 1 to 19 of the December 11, 2014 and January 14, 2015 draft revised Ordinances to the currently adopted Zoning Ordinance.

**Section 1101 Definitions (Wetlands Article)** / Section 902 Term Definitions of the current Ordinance.

- “Breakaway Wall” was moved to Section XI “Protection of Flood Plains, Waterbodies, Intermittent Streams, and Wetlands”.
  - ESMAY said that is FEMA stuff and is nowhere else in the Ordinance.

**Section 302 Definitions** / Section 902 Term Definitions of the current Ordinance

- “Building” was changed from a “constructed unit” to a “structure”.
  - ESMAY said “constructed unit” is not defined in the Ordinance; “structure” is.
- “Building Footprint” was changed from being “The percentage of the total area of a lot...” to being “ordinarily expressed as a percentage of the total area...”; being measured from roof “exterior surfaces” was changed to include “roof projections”.
  - CONNOLLY said in some districts, building footprint is ordinarily presented as a percentage of a total lot; in other districts it is not.
  - ESMAY said where there was ambiguous language, the Technical Review Committee deferred to what has been the unchallenged practice. The roof extension is typically the widest extension of an exterior surface. The Zoning Administrator has been measuring from roof projections for 15 years.
  - It was suggested to change “ordinarily expressed” to “it could be used”.
  - No decision was made on this proposed change; it will be revisited.
- “Building Height” was omitted.

- CONNOLLY said it was moved to Section 505.1. It is an instruction rather than a definition.
- This will be revisited during review of the CARTER/DENT comparison of the draft revised ordinance to the current ordinance.
- “Care and Treatment of Animals” – “building” was changed to “structure”, “veterinary establishment” was changed to “veterinary practice”, “kennels” was deleted.
  - ESMAY said the Committee felt that “kennels” was reserved for dogs. There are establishments that take care of other animals.
  - The Board agreed with the proposed wording.
- “Child Day Care Agency” - “Family Day Care Home” and “Group Child Day Care Center” were cut out.
  - ESMAY said the Ordinance does not acknowledge “family day care home” or “group child day care”.
- “Clinic” – “medical” was changed to “health care”; “licensed” has been dropped from a previous draft version; “a portion thereof” was added.
  - CONNOLLY said it is not up to the Zoning Administrator to check on licensing.
  - Not including “licensed” expands the use to anyone who claims to be a healthcare provider rather than someone that is a member of the medical profession.
  - The Zoning Administrator will be consulted before a decision is made on these changes.
- “Communications/Telecommunications Facility” – “any structure” became “a structure”; “antenna” and “tower” were removed.
  - It was agreed to accept the proposed change.
- “Conforming Structure” – the last half of the current definition was deleted.
  - CARTER said this is another list that is unnecessary.
- “Conforming Use” – was reduced significantly.
- “Conservation Lot” – was reduced significantly.
  - CONNOLLY said the lion’s share of the original definition was moved to Section 508.
- “Continuing Care Retirement Community (CCRC)” – this may be further changed depending on the results of Kendal’s proposed zoning amendment.
- “Coverage” was omitted.
  - ESMAY said it was moved to “lot coverage”.
  - The Board discussed adding lot coverage requirements to those districts that don’t have them and merging ‘coverage’ and ‘lot coverage’ requirements.
- “Density Bonus” was added.
  - CONNOLLY said this phrase is used in the affordable housing section but is not currently defined.
  - ESMAY suggested the definition comes from the American Planning Association Handbook of Definitions.
  - The language of Section 212.1A of the current Ordinance was moved to Section 520 of the proposed Ordinance.
- “Downtown Civic” – “open to the general public for community and governmental purposes” was added.
  - The Board agreed with the proposed wording.

**7. OTHER BUSINESS:**

The meeting mailing included information regarding the NH Workforce Housing Law. It was obtained by Smith at the Housing Coalition breakfast at which there was an excellent presentation from Smith and CARTER on the West Wheelock Gateway District. DENT asked if it would be a conflict of interest for Board members to write an editorial in favor of the West Wheelock Gateway District zoning proposal. ESMAY said the Planning Board can offer what information they have and let the public decide. They cannot persuade. CONNOLLY said as a private citizen, you can write whatever you want, but it might be ill advised. ESMAY said in a town of this size, it is hard to cut yourself off from your connection to the Board. She said she was told long ago that the Planning Board is held in high regard in Hanover. They are trusted. She wishes to do nothing that will change that public perception of the Board. It is well earned.

8. **ADJOURN:** The meeting adjourned at 10:07 PM.

Respectfully submitted,

Beth Rivard