

**PLANNING BOARD
OCTOBER 20, 2015 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

Members: 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. **MINUTES:** The minutes of October 6th were approved.

2. **CONTINUATION OF REVIEW OF RE-ORGANIZED ZONING ORDINANCE**

[Previously reviewed 02/17/15, 03/24/15, 04/07/15, 04/28/15, 05/05/15, 05/19/15, 05/26/15, 06/09/15, 06/23/15, 07/14/15, 08/11/15]

ESMAY announced that the line-by-line review of the existing Zoning Ordinance to the proposed re-organized Zoning Ordinance is complete. The Board is satisfied that everything that is in the existing Ordinance is in the proposed Ordinance, except that any omissions are deliberate and are already noted as substantive changes. Following up on issues from the last meeting, ESMAY said she stands by the citation of USC 126 in Section 1004.1B of the proposed Ordinance. She said she cannot recall the change made in Section 1004.2D. The text should stand as it is. The Board agreed that their intent in the submission of the proposed Ordinance for Town Meeting 2016 is to revise and reorganize for clarification, and to propose as few substantive changes as possible.

Review of Smith's list of Substantive Changes – Smith said these changes go beyond reorganization. They represent clarifications, which may reflect the current practice of the Zoning Administrator.

#21 Special exception use in NP (proposed Ordinance §207.3 / existing Ordinance §206.4): the wording was compressed; §206.4A of the existing Ordinance says, "*There shall be selective cutting of trees...*", §206.4B says, "*The general plan of selective cutting, if any,...*". This implies that having a plan is optional.

- Resolution: restore "*if any*" but in a format that makes more sense. This is no longer a substantive change.

#29 Accessory building or use (§302 of the proposed Ordinance / §902 of the existing Ordinance): "*The term "accessory building", when used in connection with a farm, shall include all buildings customarily used for farm purposes (see § 210).*" was removed from the proposed Ordinance.

- CARTER said the proposed changes make it much more general, talking about something reasonably incidental to the principal building.
- ESMAY said the sentence was originally added to the Ordinance due to a single incident that occurred in the Town. Smith said a resident was not allowed to put a barn on their vacant lot as an accessory use. You cannot have an accessory use without a principal use. She said farm worker housing is often seen as a building customarily

used for farm purposes. The wording of the existing Ordinance makes clear to her that she could put farm worker housing on her farm as an accessory use. The question is whether someone could generalize using the wording in the proposed Ordinance.

- DENT suggested inserting the omitted sentence in a different location. Smith said the reason for removal was to generalize the definition. CRISWELL noted that “farm” is the only scenario that is called out.
- SIM said this is not a critical change and asked of the harm in not making the change and earmarking it for further review.
- Resolution: restore the sentence and flag this for further consideration for Town Meeting 2017.

#30 Affordable housing (§302 of the proposed Ordinance / §902 of the existing Ordinance) – a new definition is proposed:

- ESMAY said she will confirm where the proposed wording comes from.
- EDWARDS said adding a new definition to clarify a term is not a problem in his book in general.
- CRISWELL asked about sections where this term shows up.
- Resolution: if the source cannot be supported, this will be added in as a substantive change.

#32 Antenna (§302 of the proposed Ordinance / §902 of the existing Ordinance): is defined as “*Any exterior apparatus...*” in the existing Ordinance and as “*any apparatus...*” in the proposed Ordinance.

- SIM said that this item is not on Smith’s follow-up lists. Smith said her notes indicate that the Board already agreed with the proposed change. ESMAY said she recalls there being reference within the existing Ordinance that laid the matter to rest.
- No Resolution: this is to be researched.

#35 Banner (§302 of the proposed Ordinance / §902 of the existing Ordinance) - definition omitted. “Banner” is already included in the definition of “sign”.

- ESMAY said the only wording from the existing definition of “banner” that does not appear elsewhere in the proposed Ordinance is “*flexible material*”. She said if a term is not defined within the Ordinance, the dictionary definition kicks in. EDWARDS asked of the logic behind which terms get their own definition. ESMAY said definitions are added to build in specificity, unique to Hanover, that would resolve any potential conflict of the meaning of a term.
- Smith said use of banners is very limited, both in location and purpose.
- Resolution: put the definition back; omitting language that shows up in the sign section.

#40 Building footprint (§302 of the proposed Ordinance / §902 of the existing Ordinance) - alternate language to be proposed. A change was made to reflect the present practice of the Zoning Administrator.

- It was noted that the industry standard is to measure from the exterior wall of a structure. Hanover’s measurement is from a roof overhang. ESMAY said the preponderance of definitions compiled by the American Planning Association (APA) persistently say “*where the building meets the ground*”. The Board was in agreement

that they prefer to have building footprint measured from exterior walls, excluding roof overhangs.

- Resolution: research the APA collection of definitions, find one with explicit wording relative to “*where the building meets the ground*”, and substitute it for the proposed definition. This is a substantive change and a change in present practice.

#44 Clinic (§302 of the proposed Ordinance / §902 of the existing Ordinance) – there was disagreement about “*members of the medical profession*” (stated in the existing Ordinance) versus “*members of the healthcare profession*” (stated in the proposed Ordinance), and whether to state “licensed healthcare professionals”.

- SIM said broadening the category is a substantive change.
- CARTER said including “licensed healthcare professionals” is the wave of the future.
- Resolution: let the definition in the existing Ordinance stand.

#52 Density bonus (§302 of the proposed Ordinance / §902 of the existing Ordinance) – a new definition, using language from the Inclusionary Housing section, is proposed.

- Resolution – this is not a substantive change. The language was merely relocated from one section to another for reference purposes.

#57 Dwelling, one family (§302 of the proposed Ordinance / § 902 of the existing Ordinance) – “*detached residential dwelling unit*” became “*single residential building containing a dwelling unit*”.

- CRISWELL said it could be more than one residential building.
- ESMAY said “detached” may be a better word than “single”. We want to remove the word being defined from within its definition. “Dwelling unit” is defined elsewhere. We’re saying a one-family dwelling is a building, not a dwelling, that is designed for and occupied by only one family. Occupancy is not relevant. It’s a one-family dwelling unit even if it is not occupied.
- SIM said proposed definition does not preclude manufactured housing. Smith said you cannot legally preclude manufactured housing. CRISWELL said the rule about where manufactured housing is allowed is stated elsewhere in the Ordinance.
- ESMAY said she would like to flag this for further discussion for another year and to include allowing for clusters of very small houses into that discussion.
- Resolution: The Board agreed to the wording “single residential building containing a dwelling unit designed for and intended to be occupied by only one-family”. This is no longer a substantive change.

#60 & #61 will remain as in the current.

#70 Inclusionary housing (§302 of the proposed Ordinance / §902 of the existing Ordinance) - the text following the first sentence after “*Median Family Income...*” was omitted.

- SIM said the logic is because the definition of MFI could change.
- EDWARDS said as long as we refer to HUD we should be okay. DENT agreed.
- CARTER said people are always asking about resale of affordable housing. Smith said those are rules that are generally placed on a property that are not zoning related. All we care about is that a property be perpetually affordable. ESMAY questioned the use of “perpetual” versus “permanent”.
- Resolution: tighten the definition to be as simple as possible, stating “being that for families in Grafton County as defined and published periodically by HUD.”

#81 Neighborhood retail sales (§302 of the proposed Ordinance / §902 of the existing Ordinance) – will not be omitted; change proposed in accessory use section.

- Smith said her note is to add a new Section 717 Neighborhood retail sales, and say that they are permitted in CCRCs and PRDs as accessory uses.
- Resolution: this definition will be removed. Staff will draft language for a new Section 717 for the Board to review at a later date. This is not a substantive change.

#109 Sawmill & #110 Temporary sawmill (§302 of the proposed Ordinance / §902 of the existing Ordinance) – both definitions could be added back, so no substantive change.

- ESMAY said her objection to “sawmill” was that it was defined by its limitations, not by its function. The regulatory language was relocated. The question is whether you need to define “temporary” as a different kind of sawmill. Section 611 addresses the length of time in which you can operate a temporary sawmill, etc.
- SIM questioned whether both terms, “sawmill” and “sawmill, temporary”, need to be listed in the use tables. ESMAY said yes. EDWARDS asked whether every term listed in the use tables has its own definition. ESMAY said that was a goal but has not been verified.
- Resolution: ESMAY will provide a definition of “sawmill, temporary”. This is not a substantive change.

#123 Use (§302 of the proposed Ordinance / §902 of the existing Ordinance) – a new definition is proposed.

- ESMAY said she believes the proposed wording comes out of APA. It was added because “use” is stated repeatedly within the Ordinance and because we have such a careful definition of “structure”. It is critical to know the difference between the two terms. ESMAY asked, if added purely for the convenience of the user, with a definition that most closely matches our situation, and nothing is changed, is that a substantive change. CARTER said she would argue this makes the Board responsible authors in making the document more accessible to the general public. This adds clarification. Smith said it is still a change. It should be pointed out as a helpful addition.
- Resolution: this is to be pointed out as new, but is not a substantive change.

#147 If sawmill, temporary definition is removed, should the use be included? [see #109/110 above]

- Resolution: ESMAY will draft a definition of “sawmill, temporary”.

SIM and EDWARDS suggested there are unresolved issues with #'s 100, 101, 139, 140, 141, and drive-in facilities. Smith said #'s 100, 101, and 139 appear in the other sections of the list she provided to the Board.

3. OTHER BUSINESS:

Next Board meetings: 11/03/2015 new case reviews, 11/17/2015 Scenic Roads public hearing, unveiling of proposed zoning amendments. Others: 10/21/2015 Climate & Energy Future Meeting regarding Lebanon/Hanover natural gas/depot and pipeline system, 11/04/2015 webinar on signs.

P2015-41 Project of Regional Impact: Notice was provided of a major subdivision proposed on Morgan Drive in Lebanon by Dartmouth College/Eighty Five South Main Housing, LLC. Sewer, parking, traffic, streetscape and the continued use of development design that enforces a car culture were mentioned as concerns. It was the wish of the Board that Smith forward a copy of the Lebanon submission to Peter Kulbacki and to convey to the Lebanon Planning Board the hope that the proposed development is well served by mass transit.

4. UPDATED ON PLANNING WORK IN THE WEST WHEELOCK GATEWAY AREA

Smith said the West Wheelock Working Group convened and decided to continue working with a goal of having a zoning amendment prepared for Town Meeting 2017. Two subcommittees were formed to address 8-9 topics that were identified as being problematic. The goal is to be able to provide facts about parking, traffic, affordability, demographics, etc. Outreach is also being conducted to the people who currently live there or would like to do so.

5. ADJOURN: The meeting adjourned at 9:55 PM.

Respectfully submitted,

Beth Rivard