

**PLANNING BOARD
DECEMBER 1, 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)

Staff: Vicki Smith

Others: See Attendance Sheet

1. **MINUTES:** The minutes of November 3rd and 17th were approved.

2. **P2015-44 SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY MICHAEL HOLLAND, AS AGENT FOR THE TRUSTEES OF DARTMOUTH COLLEGE, PROPERTY OWNER OF RECORD, TO CONSTRUCT A MAINTENANCE EQUIPMENT BUILDING AND SHED AT 80 RESERVOIR ROAD, TAX MAP 4, LOT 8, IN THE "F" ZONING DISTRICT.**

ESMAY read the Notice of Public Hearing.

Mike Holland, Ski Jumping Coach at Dartmouth College, presented the application. He said a wood shed and carport were constructed on the site to protect equipment from the elements. He was not aware that permitting was needed. He explained the site layout and location of the shed. He said the closest abutter is about one-half mile away.

Board Comments/Questions:

- It was noted that the application materials included a photograph of the operation and written descriptions. A site plan was not provided.
- It was the consensus of the Board that a site visit was not necessary.

Waivers Requested:

Submission

1. Plat with professional license stamp and abutters
2. Perimeter boundaries of the lot
3. Site Context Map showing existing off street parking space, existing handicap spaces, existing loading space, height & number of existing buildings, existing grades with contour intervals, 100 year flood elevation data, all legal rights of way and easements, use of abutting properties, roads, streets and driveway,s and trail easements
4. Site Plan showing 100 year flood elevation data, all legal rights of way and easements, and use of abutting properties, roads, streets and driveways and trail easements
5. Vehicular and Pedestrian Circulation Plan
6. Utility Plan
7. Lighting Plan
8. Landscaping Plan

9. Paving, Grading and Drainage Plan
10. Construction Staging Plan

Procedural

11. Design Review

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.

It was moved by CONNOLLY, seconded by MAYOR, to approve P2015-14, Site Plan Review by Michael Holland for a maintenance equipment building and shed at 80 Reservoir Road, Tax Map 4, Lot 8, in the “F” zoning district.

Public Comments/Questions: None

THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

- 3. P2015-45 SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY THE TRUSTEES OF DARTMOUTH COLLEGE FOR A TEMPORARY “HOUSE CENTER” WITH A 5 TO 10 YEAR LIFE SPAN FOR THE PURPOSE OF SOCIAL AND EVENT SPACE FOR STUDENTS LIVING ON CAMPUS. THE BUILDING WILL BE LOCATED ON CROSBY STREET, TAX MAP 34, LOT 16, IN THE “T” ZONING DISTRICT.**

ESMAY read the Notice of Public Hearing.

James Pike, Project Manager at Dartmouth College, presented the application. He said the project site is located on the corner of Wheelock and Crosby streets. This structure will replace the two-court tennis structure in that area. It is intended to serve the new Dartmouth community systems for residential life. This one-story, 4,750 gsf, tensile structure will be aluminum framed, with a canvas-like material on the inside and outside with insulation in between. The walls will be roughly 1’ thick. The canvas has a 25-year warranty. It can be removed and reinstalled. The aluminum frame will last forever. There will be sporadic clear panels for skylights. A deck, fire pit, and an exterior, ground-mounted, screened mechanical systems area are also proposed. The mechanical area will house equipment for heating and air conditioning.

Board Comments/Questions:

- Student pedestrian traffic was questioned.
 - Pike said student traffic is anticipated mainly from the north end, crossing Crosby and Wheelock streets. Students at the Lodge, on Lebanon Street, will likely cross Crosby Street at the existing diagonal crossway near McKenzie Hall.
- Was there any thought to completing the sidewalk along Crosby Street, all the way up to Wheelock Street?
 - Pike said no; having a continuous sidewalk on that side of the road would not aid in the student traffic pattern for this plan.
- What is the status of the tower mentioned in the Staff Evaluation minutes?
 - Pike said the tower is an architectural element. Dartmouth is still trying to figure out how these house centers will be used.

- Is there any experience with use of this type of building in areas with Hanover's climate?
 - Pike said they are quite popular at ski areas.
- What activities are expected to take place in the building?
 - Pike said it will provide study/hang-out space during the day. Night activities could include yoga classes, student band performances, DJ's, etc.
- Will admittance into the building be regulated? Will the house centers be interchangeable?
 - Pike said at certain times they will be interchangeable and at certain times they will be limited to residents of the adjacent community.
- Will its proximity to the stadium be a benefit during home games?
 - Pike said no, it will be a challenge. We don't want this to be a hangout for football games. An effort was made to put a lot of trees between the building and stadium.
- Will the interior lighting be such that it will not cast a direct light upward through the skylights?
 - Pike said no, the skylights will be made of plastic canvas material, not glass.
- What is the stair in the middle of it?
 - Pike said that is another architectural element meant to break-up the wide open area.
- It was noted that Pike's letter of November 17th addressed a number of issues raised during Staff Evaluation.
- The location of the fire pit was questioned.
 - Pike indicated where it is shown on the plans provided but added that the exact location is yet to be determined.
- How much are the art-design students invited to work on the interior of these buildings?
 - Pike said there are a number of student committees tied to the house communities. They have expressed a lot of what they envision the interiors to be and how they will function.
- Is this site going to become cluttered with discarded lawn chairs?
 - Pike said the chairs will likely be seasonal; stored away in the winter. Most students prefer to sit on the grass.
- This is a permanent building so far as the Board is concerned. There will be no 5-10 year limitation imposed.

Staff Comments/Questions:

- Plantings on the north and south sides of the building were questioned.
 - Pike was unable to confirm the details of those plantings.
 - It was agreed that the plantings will remain as depicted. Staff will be notified when a decision is made about what will be planted.

Public Comments/Questions: None

Waivers Requested:

Submission

1. Property Plat/Survey with professional license stamp and abutters
2. Perimeter boundaries of the lot
3. Site Context Map showing use of abutting properties, height and number of stories of abutting buildings, roads, streets and driveways and trail easements
4. Site Plan showing 100 year flood elevation data and use of abutting properties, roads, streets and driveways and trail easements

Procedural

5. Design Review

It was moved by MAYOR, seconded by SIM, to find the application complete with the waivers requested. There being no further discussion, THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

Conditions Proposed by Staff:

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. NH DES AOT permit and EPA SWPPPs are submitted to the Planning and Zoning Office prior to construction.
4. Construction worker parking shall not occur in public parking spaces.
5. On-site inspection of utilities and other site features may be required at the applicant's expense.
6. Maintenance protocol for storm water management facilities shall be submitted to Planning and Zoning staff prior to occupancy.
7. 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.

Pike agreed with the proposed conditions.

It was moved by MAYOR, seconded by SIM, to approve P2015-45, Dartmouth College House Center A with the staff proposed conditions. There being no further discussion, THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

4. DEVELOPMENT OF REGIONAL IMPACT, ICV HOLDINGS OF NH LLC

ESMAY said ICV Holdings of NH LLC is proposing to construct a 108-unit residential building between Etna Road and Route 120 in Lebanon. After a brief discussion, Smith was asked to submit a letter to the Lebanon Planning Board (1) asking that they incorporate easy access to public transit so less vehicle trips are associated with the development, and (2) advising of the Hanover Planning Board's suggestion that the applicant and City work with Advance Transit to install a bus shelter on Etna Road in order to encourage the use of public transportation.

5. REVIEW OF ZONING AMENDMENTS PROPOSED FOR TOWN MEETING 2016
[previously discussed 11/17/2015]

16-1 Section 902 Term Definitions – Outdoor Recreation of current Ordinance, Sections 302 & 712 of the Restructured Ordinance

Proponent: Trustees of Dartmouth College

~~Recreation, Outdoor: Outdoor recreation activities which shall include such facilities as outdoor tennis courts, swimming pool, golf courses, play fields, and similar uses. No buildings shall be allowed except for the necessary related uses such as restrooms and maintenance facilities. In all cases, any building shall be treated as a Special Exception.~~

[New definition in relation to §902 of the current Ordinance]

Recreation, Outdoor: Activities conducted in the outdoor environment either individually or in groups for purposes of relaxation or as a sport. Any building or structure proposed in support of such activities shall be treated as a Special Exception.

[New definition in relation to §302 of the restructured Ordinance]

Recreation, Outdoor: Activities conducted in the outdoor environment either individually or in groups for purposes of relaxation or as a sport

[New definition in relation to §712 of the restructured Ordinance]

Accessory Uses for Outdoor Recreation: A. Buildings and structures in support of outdoor residential recreational activities accessory to residential uses, including but not limited to tennis courts, swimming pools, are permitted as accessory uses and are subject to the dimensional requirements set for in the Ordinance. B. Buildings and structures in support of and accessory to outdoor recreational activities other than those associated with a residence or residences shall be treated as a Special Exception, and are subject to the dimensional requirements as set forth in the Ordinance.

Ellen Arnold of Dartmouth College said the proposed amendment has been revised to reflect suggestions made at the November 17th meeting. The goal of the amendment is to permit more explicitly, accessory and related structures to outdoor recreation.

Board & Staff Comments/Questions:

- The requirement for a Special Exception is noted in the zoning district tables of uses. It should not be included in the definition.
- This might allow structures to be created for uses that are not related to the outdoor activities for which they are intended.
- The use tables for OL, I, RR, and F districts must also be amended to reflect the need for Special Exception approval of structures associated with outdoor recreation.

16-4 Table 204.4 "I" Institution

Proponent: Trustees of Dartmouth College

1. Revision to boundary between districts I and GR-2 as shown on Appendix to this Proposal.
2. Table 204.4

Setback Requirements:

For Buildings on lots adjoining residential districts the minimum side and rear setbacks adjoining the districts shall be 75 feet ***except for Buildings on lots adjoining GR-2 residential properties abutting New Hampshire 10A, where the side and rear setbacks shall be 15 feet.*** The required front setback shall be 20 feet. For properties in the Institution District on which a setback line is shown on the Downtown Area Setback Line map, the minimum front setback shall be the distance established by the line shown on the Downtown Area Setback Line map. In all other cases there shall be no side or rear setback requirements.

Maximum Height:

Sixty (60) feet, except that the maximum height shall be 35 feet within 150 feet of a residential district ***other than GR-2 residential districts abutting New Hampshire Route 10A.*** In cases where the land slopes downward from the street, the building height measured on any face other than the front shall not exceed 75 feet. See also Section 209.4.

Ellen Arnold of Dartmouth College distributed hardcopies of the PowerPoint presentation provided at the November 17th meeting. She walked the Board through the presentation. She said the only change made to this proposal was to limit it to the places where the I district abuts property in the GR-2 district on NH Route 10A.

Board & Staff Comments/Questions:

- The proposed 15' side and rear setbacks was questioned.
- The height of the parking garage on the east side was questioned.

- Parking is very much in the public mind.
- The increase in staff resulting from the Thayer expansion was questioned.
- The number of tenants in the three residential structures that will be lost due to the construction of the garage was questioned.
- The language that will be presented to the public, if this is sent forward by the Board, will be limited to the proposed zoning revisions. It will not include the potential for a parking garage.
- It is a stronger argument to say that Dartmouth is taking care of its commuters before they drive through downtown, than to promise public parking that may not be fulfilled.
- It was suggested to change “properties” to “lots” in the setback requirements portion of the amendment.
- It was noted that this is not spot zoning. It is simply an enlargement of the I district.

It was moved by CONNOLLY, seconded by MAYOR, to send forward proposed amendment 16-4 to a public hearing in the form presented tonight with the suggested change of “properties” to “lots”. There being no further discussion. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

16-3 Section 317 Signs

Proponent: Judith Lee Shelnett Brotman, Zoning Administrator

Section 317 Signs

317.1 In all districts, signs or advertising devices shall conform to the following regulations:

- A. No sign other than official street signs or traffic directions shall be erected or maintained within the street right-of-way without approval of the Board of Selectmen or the New Hampshire Department of Transportation as appropriate.
- B. No sign shall be placed in such a position as to endanger motor vehicle or pedestrian traffic or obscure or otherwise cause confusion with official street or highway signs or signals.
- C. ~~Signs shall refer only to a use or activity carried on the lot upon which they are situated.~~ **Only ‘on-premises’ signs are permitted**
- D. ~~except that~~ The Board of Adjustment may grant permission as a Special Exception for *the* erection, ~~off the premises,~~ of a limited number of *off-premises* signs, providing the following conditions ~~are~~ *is* met: Each sign *may* not exceed ~~ing~~ two square feet in area on each of two sides.
- E. Signs may be illuminated only by continuous indirect white light. Such indirect lighting may include an opaque, reverse channel back-lit halo-type lamp. Any sign whose face, or any portion thereof, is illuminated from within regardless of accompanying refracting or diffusing devices, whether attached to a building, freestanding, or placed upon an awning, will be considered directly lit and not permitted. The light sources shall be so placed that they will not constitute a hazard to street or highway driving by glare.
- F. No flashing or animated signs with visible moving parts or intermittent lighting to create the visual effect of movement are permitted. Animation will be permitted on athletic scoreboards subject to the restrictions stated in Section 330 and as permitted by the Zoning Board of Adjustment as a Special Exception under Section 206.
- G. No sign shall project more than six inches above the roof or parapet line of a building, nor more than sixteen inches out from the wall to which it is attached. Signs which project more than four inches out from the building shall be no less than 8’-6” above the finished grade in front of the building below the sign.
- H. Signs shall be constructed of durable materials and shall be maintained in good condition and repair.
- I. The above regulations shall not apply to non-illuminated signs and window posters that are displayed from within a building.
- J. Posting of land shall conform to state law.
- K. Signs on awnings are limited to either ~~the name of the enterprise with~~ a maximum of eight-inch

high letters, or ~~the logo of the enterprise~~ **a graphic** with a maximum dimension of twelve inches.

- L. The restrictions of this section shall not apply to ordinary directory panels and information signs maintained within a building or not intended for view from outside the property.

317.2 In NP, F, RR, RO, SR, GR and I districts, signs or advertising devices ~~pertaining to the use of the premises on which they are placed~~ are permitted only as follows:

- A. One sign, displaying the street number ~~and name of the occupant of a dwelling~~ not exceeding one square foot in area on each of two sides. ~~Such sign may identify an accessory professional office.~~
- B. ~~In addition,~~ **A commercial use** in the RO, GR, and RR districts **may display** a sign ~~for multi-family dwellings or PRD's, shall be~~ **that is** no more than 12 square feet on each of two sides and not located nearer to the street than one-half the depth of the required front setback.
- ~~C. A property containing professional offices or other non-residential uses in the RO district may display one sign which shall identify such uses, not be larger than 12 square feet on each of two sides, and not be located nearer to the street than one-half the depth of the required front setback.~~
- ~~D. One bulletin or announcement board or identification sign for a permitted non-residential building or use, or for a lawful non-conforming building use, not exceeding twelve square feet in area on each of two sides and not located nearer to the street lot line than one-half the depth of the required front setback.~~
- C. For churches and institutional buildings not more than two ~~bulletin or announcement boards or identification~~ signs are permitted, none of which may exceed thirty square feet in area on each of two sides, nor may be located nearer to a street lot-line than one-half the depth of the required front setback.
- D. **For residential uses, not more than two temporary signs,** A "For Sale" or "For Rent" sign not exceeding four square feet in area on each of two sides and not located nearer to a street lot-line than one-half of the depth of the required front setback.
- E. For recreational uses, any number of ~~directional~~ signs, not exceeding one square foot in area on each of two sides, may be located on the lot.

317.3 In B and D Districts, signs or advertising devices ~~pertaining to the use of the premises on which they are placed~~ are permitted only as follows:

- A. Any sign permitted in Section 317.2 above, or the following as an alternative:
- B. One or more signs not to exceed 25 square feet of total area per sign attached to a building and/or a permanently extended awning the sum of which shall not exceed a total area of one square foot for each foot of building frontage upon a public street or highway. The area of the sign or signs shall not exceed two hundred square feet of total area on each street upon which the building has frontage. For buildings with frontage of less than fifty feet on a public street or highway, the total area of signs for that frontage shall not exceed seventy-five square feet. For buildings with frontage greater than or equal to fifty and less than one hundred feet on a public street or highway, the total area of signs for that frontage shall not exceed one hundred square feet. The total size of signs on any building front shall not exceed that calculated using the dimensions of that building frontage. The total area of signs having more than one surface shall not exceed the limits in this paragraph.
- C. A non-illuminated ~~directory~~ sign, ~~bearing the name or type of business of the principal tenants,~~ **attached to the building,** provided it is located at the principal entrance or access to such ~~rented business~~ areas and the area of such sign devoted to each tenant shall not exceed 72 square inches, and the total area of such a sign does not exceed eight square feet.
- D. Each business building located 50 feet or more from the street line and having this setback in open land may display one free-standing sign, not to exceed 30 square feet on each of two sides nor to be located nearer to the street lot-line than one-half the depth of the required front setback.
- ~~E. One menu sign bearing the name and type of offering of each restaurant not to exceed six square feet in area. The sign may be attached to the restaurant building, or may be free standing, provided it is located at or near the principal entrance to the restaurant and is set back at least one foot from all Lot lines.~~
- E. One temporary sign per business, ~~not to exceed five per building.~~ The temporary sign(s) may be attached to the building or displayed on the lot containing the building in which the business is located, **at or within fifteen feet of the principal entrance to the business** that lot and so as not to impede pedestrian or vehicular access, and shall not be subject to the restrictions of Section 317.1
- F. Each temporary sign, such as, ~~but not limited to,~~ sandwich boards, banners, flags, mannequins,

~~or other advertising devices, must be strictly pertinent to the business operated on the premises and shall be displayed only during the actual hours of that business's operation. The total area of any temporary sign shall not exceed six square feet on each of two sides. No temporary sign shall be erected without first obtaining a Zoning Permit from the Zoning Administrator as provided in Article X. Permits shall be issued for a period not to exceed one year.~~

F. For a business or businesses with principal entrance(s) from a private access way, ~~The~~ placement of one sign over ~~the~~ a private access way between two buildings ~~for a business or businesses with principal entrance(s) from the private access way~~ shall be allowed, provided that the sign shall not exceed a total area of fifteen square feet for each of two sides per business and twenty square feet for each of two sides in total area. The sign shall be a minimum of 8'-6" above finished grade, except that if the access way is used by vehicles, the sign shall be a minimum of 13'-6" above finished grade.

317.4 In OL and BM districts, signs or advertising devices ~~pertaining to the use of the premises on which they are placed~~ are permitted only as follows:

- A. Any sign permitted in Section 317.3 above, or the following as an alternative:
- B. Not more than two signs not attached to a building, provided that the total area of any one side of such a sign shall not exceed 30 square feet and the area of each sign counted separately, shall not exceed 60 square feet. Any such sign or signs shall not be located nearer to a street lot-line than one-half the depth of the required front setback.

317.5 Temporary Signs for Construction Purposes:

In any district, signs which exceed the limitations of Sections 317.2, 317.3, and 317.4 above, will be allowed as follows:

- A. The signs shall not exceed 12 square feet in area, ~~shall be used only incidental to construction projects, and shall refer to a use or activity occurring on the lot on which they are situated.~~
- B. It shall be a condition of the zoning permit issued for such a sign that the sign be removed at the end of the construction period of up to one year. Such permits may be renewed for one year if construction continues for that period.
- C. Such signs shall comply with Section 317.1A, B, ~~D~~, E, F and ~~G H~~ of this Ordinance.

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 façade visible from a public street. Banners shall not exceed one hundred and fifty square feet in area on each of two sides.

Smith said the revised amendment was provided by Brotman and town counsel.

Board & Staff Comments/Questions:

- Reed v. Town of Gilbert, U.S. Supreme Court, 135 S. Ct. 2218 (June 18, 2015) is so far reaching.
- The spirit of Hanover's Zoning Ordinance is one of not wanting to limit free speech but to make signs be relevant and used in a relevant fashion.
- A definition of "on-premises" needs to be added.
- 317.1C, which is proposed for deletion, is really a critical part of our sign ordinance.
- We don't allow signs on Main Street that advertise activities that do not occur on Main Street.
- "GP" should be added to 317.2.
- Having to locate a sign one-half the depth of the required setback in 317.2D, could be detrimental to realtors.
- Does "commercial use" in 317.2B include in-home occupations?
- "Temporary" should be defined in 317.2D and 317.3E.

- What is a sign for “recreational use” in 317.2E? There is no limit to the number of signs allowed?
- This requires a lot more than merely going through and scrubbing out any reference to content. Given the Town Meeting calendar, we do not have the time to conduct the necessary overhaul of the sign regulations.
- “tenant” in 317.3C should be changed to “business”.
- Typos in 317.3E and 317.3F were pointed out.
- The traffic signs posted by the Town at the major entrances of town violate our sign ordinance. They are illuminated and flashing, and appear to be permanent fixtures.
- It is unfair to the Zoning Administrator, and to the town’s people, that the success of our sign ordinance is based on the enforcer having to look the other way when an obvious injustice occurs.

16-2 Section 802 Change and Expansion of Non-Conforming Use

Proponent: Warren Coughlin

Section 802 Change and Expansion of Non-Conforming Use: Unless a Variance is obtained under Article X, no non-conforming use shall be changed to another non-conforming use and no such non-conforming use shall be enlarged or extended, except that any building or structure associated with a non-conforming use may be expanded up to ~~20~~ **100** percent of the gross floor area of the principal building existing at the time of adoption of this Ordinance, providing the other provisions are complied with.

Smith said she did not hear back from Mr. Coughlin. ESMAY said if this amendment is brought before the Board in the future, she would like to have an example of the doubling of a non-conforming use as an illustration of unintended consequences.

Other Amendments:

- * The cemetery issue (restricting building within 25’ of a cemetery) may be solved another way.
- * SIM’s proposed amendment about lots in two zoning districts will be discussed at the next meeting.

Smith said the first public hearing on zoning amendments will be held February 2nd. Public notice of the hearing will occur in mid-January.

6. 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, 10/20/15, 11/17/15]

Due to the lateness of the hour, this review was deferred.

7. OTHER BUSINESS: None

8. ADJOURN: The meeting adjourned at 9:45 PM.

Respectfully submitted, Beth Rivard