

**PLANNING BOARD
DECEMBER 15, 2015 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

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

Alternate: Brian Edwards

Staff: Vicki Smith

Others: See Attendance Sheet

1. **MINUTES:** Review of minutes was deferred to January 5, 2016.

2. **REVIEW OF ZONING AMENDMENTS PROPOSED FOR TOWN MEETING 2016**
[previously discussed 11/17/15, 12/01/15]

16-1 Section 902 Term Definitions – Outdoor Recreation

Proponent: Trustees of Dartmouth College

Current Definition: 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.

Proposed Definition for Existing 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.*

Proposed Definition for Restructured Ordinance (Article 111, Section 302): *Recreation, Outdoor: activities conducted in the outdoor environment either individually or in groups for purposes of relaxation or as a sport.*

Proposed New Definition of “Accessory Uses for Outdoor Recreation” for Restructured Ordinance (Article VII, Section 712):

- 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 forth 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.*

Modify Tables of “OL”, “I”, “RR”, “F”. Add to the list of Special Exceptions in Table 204.3, Table 204.4, Table 204.7 and Table 204.8: *“Structure associated with Outdoor Recreation”*.

Smith said a revised amendment was received. Changes include modifications of the tables. ESMAY said the underlying intent was to include any structure that would be accessory to outdoor recreation use.

Board Comments/Questions:

- “in support of” and “associated with” should be changed to “as accessory to” to be more consistent with the language of the Ordinance.
- “individually or in groups” should be changed to “by individuals or groups”
- Staff confirmed that changes can be made in the absence of the proponent.

It was moved by CONNOLLY, seconded by SIM, to forward the latest iteration of this amendment to a public hearing. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. EDWARDS participated in the vote.

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 has not received anything new from Coughlin. ESMAY said she has not had a chance to research possible implications of the 100% increase.

16-3 Section 317 Signs and Section 902 Term Definitions

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 exceeding two square feet in area on each of two sides. (1) Intended solely to give directional information.~~
- 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, **GP**, 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. ~~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.~~
- ~~C. 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 areas and the area of such sign devoted to each ~~tenant~~ **occupant** 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 ~~a the 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 ~~GH~~ 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.

Section 902 Term Definitions

On-premises: A lot together with all buildings and structures thereon.

Board Comments/Questions:

- Defining "on-premises" and "temporary" were discussed.
- "lot" should be substituted for "premises".
- One of the most important provisions of the sign ordinance is that you cannot place a sign on a lot other than where the use occurs to which the sign refers.
- It was agreed to change the locational requirement in 317.2D, from not being "nearer to a street lot-line than one-half of the depth of the required front setback" to not being "nearer **than 10 feet of the** street lot-line".
- It was noted that Section 1001 requires zoning permit issuance for all exterior signs. The point of permit approval is to make sure signs meet these regulations and to give abutters input. Current practice is not to enforce permit issuance for residential uses. It was questioned whether permit issuance should be necessary for signs associated with residential uses.

- The regulations should not be such that every house in town becomes not law-abiding or which requires the Zoning Administrator to deliberately look the other way.
- Staff was asked to provide the permitting history of (1) residential signs, (2) house identification numbers, (3) signs about recreational uses, and (4) directional signs.
- The Town is eager to change the sign portion of the Zoning Ordinance to comply with a Supreme Court decision. We are stuck with the result. At some point, the Board needs to rethink the whole business of signs.
- 317.5 should read “In any district, signs *accompanying construction*, which exceed...”
- 317.5A is the only section that does not reference “on each of two sides”.
- Should we include the requirement that a sign be erected on-premises by the owner?
- Should 317.1F reference “signs on athletic fields” rather than “athletic scoreboards”? It was agreed not to change this section.
- “ordinary directory panels and information” should be deleted from 317.1L . It was agreed to state, “signs maintained within a building, or *signs* not intended for view”
- 317.1K is “or” exclusive or should it be “and/or”?
- 317.2B allows only one sign of a certain size; C allows 2 signs of a larger size. Is this discriminating?
- The proposed deletion of “or for the period of time commensurate with the term of the institutional activity reflected in the banner” from 317.6 was questioned.

16-5 Section 302 Lots in Two Zoning Districts

Proponent: Iain Sim

Section 302 Lots in Two Zoning Districts

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restrictive part of such lot shall extend not more than 30 feet (100 feet in the Rural Districts) into the more restricted part, provided the lot has frontage on a street in the less restricted district.

A new lot may be created, whether by subdivision, lot line adjustment or by merger, with land in more than one zoning district provided only that the portions of land in each zoning district within the new lot separately meet the area and dimension requirements for that zoning district, as defined in Article II, in which they reside. The land in each district will be used only for those uses permitted, either by right or by Special Exception, for that district. ~~Where a lot is in two zoning districts, in order to use the land in either district, the minimum lot area requirement for that district must be satisfied.~~

SIM said this was drafted as a result of the recent Rope Ferry Road subdivision which resulted in two lots, each lot having land in SR and NP, no portions of which met the minimum dimensional requirements for either district. It makes sense to clarify the language so that when you create a new lot with land in two districts, each piece must meet the minimum dimensional requirements for the district of which it is designated.

Board Comments/Questions:

- Would this suggest that in order to achieve the subdivision of question, people would have had to create a lot out of the NP portion that was sufficient in size?
- The Master Plan advocates for infill and development of in-town land. There was a long frontage on that land to support two houses without changing the character of the neighborhood.
- Infill could be achieved by allowing smaller lots.

- The issue with the subdivision of question was the inclusion of NP land. This should be phrased around not allowing use of NP or F district land to meet minimum lot sizes for the creation of new lots.
- RR district land should also be protected.

16-06 Construction, excavation or building in the area of a known burial site or within the boundaries of a cemetery.

A formal amendment has not yet been drafted.

Smith said NH RSA 283:3 prohibits construction, excavation or building of non-essential services within 25' of a known burial site, established burial ground or cemetery, unless it complies with local zoning. Hanover's Zoning Ordinance does not currently include any such exception. The force driving this amendment is to facilitate pedestrian access from the site of the new parking garage to Main Street or the campus.

The proposed amendment would create a new Section 331 that would allow construction, excavation or building in the Hanover Cemetery to be permitted by the Director of Public Works, with approval by the Board of Selectmen, if an applicant is able to show that the proposed work will not encroach on a grave, render a burial site or deeded lot inaccessible, adversely affect Town services and facilities, adversely affect the character of the area where the proposed use is located; or adversely affect the highways and sidewalks and use thereof located in the area.

Board Comments/Questions:

- This does not reference the area where the work can be permitted.
- It was suggested to delete reference of the Board of Selectmen.
- Staff will draft a ZARC for presentation at the next zoning amendment review session.

3. CONTINUATION OF REVIEW OF RE-ORGANIZED ZONING ORDINANCE

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

4. OTHER BUSINESS

ESMAY congratulated CRISWELL and DENT on their appointments as full members of the Board.

Next meetings: January 5, 12, 19, 26; February 2, 9, 16, 23. Meetings will begin at 6:30 PM. Public hearings on new applications will begin at 7:30.

ESMAY appointed DENT to serve as Vice-Chair. DENT accepted the appointment. **It was moved by CARTER, seconded by SIM, to appoint DENT as Planning Board Vice-Chair. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** EDWARDS participated in the vote.

5. ADJOURN: The meeting adjourned at 10:20 PM.

Respectfully submitted,

Beth Rivard