

**PLANNING BOARD
JANUARY 19, 2016 at 6:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

Members: Kate Connolly, Jon Criswell, Kelly Dent, Judith Esmay (Chair), Michael Mayor, Iain Sim; Nancy Carter (Selectboard's Representative)

Alternate: Brian Edwards

Staff: Vicki Smith

Others: See Attendance Sheet

1. OTHER BUSINESS

Doug McIlroy appeared before the Board asking that the Town push for burying utility lines to improve streetscapes. ESMAY said the Board recently tried to accomplish that with the Ledyard Financial Services building project on Maple Street. They were told by the applicant that the added cost to bury the lines would jeopardize the project. The Board does not have the power to extract that kind of money. CARTER said, from the Board of Selectmen's perspective, the Public Works staff is dedicated to the proposition, when at all possible over the course of a project. The aesthetics and ethics are there, the funding might be missing.

2. CONTINUED 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, 01/12/16]

The Board reviewed an updated list of Items that Need to be Discussed.

#72, #77, #78 definitions of "lot", "lot, lawful", and "lot of record"

- Smith said items #77 & #78 have been resolved.
- There were no additional comments about #72.

#87 omission of definition of "open space ratio"

- ESMAY will confirm whether this definition can be deleted.

#100 definition of "publishing" – ~~Uses which include on-site printing and related types of manufacturing operations, *excluding retail copy services*. Retail copy services shall not be considered Publishing uses. Administrative activity related to publishing where printing or manufacturing does not occur on-site shall be considered an Office use.~~

- ESMAY said she confirmed with the Zoning Administrator that the proposed definition is appropriate.

- This is not a substantive change.

#101 definition “recreation, outdoor”

- Smith said this item has been resolved.

#109 & 110 definition of “sawmill” and “sawmill, temporary” – (109) Proposed changes to “Sawmill”: ~~Sawmill operations or forest produce manufacture in structures, provided they are not within 200 feet of any property line and provided that outdoor storage shall not be located within the required front setback or within 50 feet of any property line.~~ ***A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped or otherwise processed to provide wood products excluding the processing of lumber for use on the same lot by the owner or resident of that lot.*** (110) Proposed changes to “Sawmill, temporary”: ~~A Ssawmill other than a fixed structure that is subject to section 611.2 for location, hours of operations, not necessarily in structures, providing that no saw or other noisy equipment shall be operated within 50 feet of any highway or for more than 14 days of any calendar year within 300 feet of any residence. Such temporary sawmill may be limited as to hours of operation and duration of use.~~

- The latter part of the both definitions (in the current Ordinance) is regulatory language. They were relocated in the revised Ordinance to section 611.
- Sawmills are not a permitted use anywhere; they are allowed by special exception in RR and F; temporary sawmill is a permitted use in F and allowed by special exception in I and RR.
- Temporary sawmill is listed in the use tables. The Board decided not to change those tables.
- The current proposed definition of “sawmill” does not include the requirement that it be in a structure.
- It could read “a ~~facility~~ ***structure in which*** logs or partially processed cants are...”
- The uses, the zones in which the uses occur, and the rules that govern the uses in terms of placement on a lot, hours and duration of use have not changed.
- This is not a substantive change.

#139 definition “Drive-In Facility” – omitted from the revised Ordinance

#140 & #141 definitions of “Drive-In Facility, Other” and “Drive-In Restaurant” – were merged into a new definition of “***drive-through: an extension of a use that allows the provision of services to persons who remain in their vehicles***”.

- The current definitions cannot be omitted. They are mentioned in different districts and in different use categories.
- The Board agreed previously to revert to regional definitions and omit “drive-through”.

#188 changes to other regulations – would it be appropriate to move some of the manufactured housing standards (parking space dimensions, design standards for driveways, etc.) to other regulations?

- The Board agreed previously not to address this in the current review process.
- Moving those standards from the Zoning Ordinance to Site Plan Review of Subdivision Regulations is something that must be done very carefully. Changes to the Zoning Ordinance require Town Meeting approval. Changes to Site Plan Review and Subdivision Regulations do not.

#221 provisionally strike out “residential uses in the D districts” from section 1004.2 - The proposal is to not allow off-lot, off-street parking for residential uses in the D district based on the assumption that “This provision shall not apply to the D district” stated in section 406D of the current Ordinance.

- This is a substantive change. Off-lot, off-street parking is not currently allowed for residential uses in the D district.
- Since 406D says that the off-lot, off-street parking provision does not apply to the D district, the limitation to non-residential uses does not apply to the D district.
- There has been a lot of talk about being flexible with parking requirements and allowing innovative parking schemes. Allowing developers to meet their parking obligations off-lot might be useful to the town.
- The West Wheelock Gateway District concept, that people would want to rent a place without having a parking space available to them, was met with extreme skepticism from the public. If we can come up with a satisfactory model for West Wheelock St., we could use it as a model for the D district.

Add a definition of “agriculture”? - Do we want to significantly change the definition to be that of the State’s definition? Proposed revised definition: Use of land and/or water where the cultivation of soil, production of crops, and/or raising of livestock is conducted as a gainful business. ~~Agriculture~~ **including** the sale of products grown or raised on the premises.

- The State defines agriculture as something that sets up a taxation system.
- To have agriculture as a principal use in Hanover you need to be doing something that is profitable.
- Hanover’s definition is currently more strict than that of the State.
- It was questioned whether Hanover’s definition allows for greenhouses that marginally extend the growing season.
- Why are we putting the Zoning Administrator in the position of having to look at whether people are making money from their business?
- ESMAY said the current exercise is to propose a technical review amendment of the current Ordinance for the sake of clarity, organization, accessibility, and where there is ambiguity, resolution to conform to present practice, and to correct obvious errors of omission. Changing this definition does not fall into any of those categories.

Porches in the front setback -

- Allowing porches in the front setback would be a substantive change.
- It is allowed only in the West End Neighborhood Overlay District.
- The character of a neighborhood is what comes out of the neighborhood residential zoning meetings.
- It was agreed not to include this in the current exercise.

Lots in two zoning districts -

- It was agreed that this will be heard as a separate proposed zoning amendment.
- It will be a substantive change.

Signs

- The sign section of the proposed revised Ordinance will be forwarded to Town counsel.
- ESMAY provided a recap of the Supreme Court decision.

#34 available land area: definition is omitted. Only appears in an index

- Smith shared the Zoning Administrator's comment that if this remains in the Ordinance, it should be relocated from the Appendix to the corresponding section of the revised ordinance.
- Smith will research Town Reports to find out whether Town Meeting voted to include the Appendix into the Ordinance. If it was not submitted to Town Meeting, it does not need to be in the Ordinance.

Goose Pond omissions – There is no mention of GP in the table provided in the revised Ordinance section 715.2.

- Seasonal use dwelling is also not mentioned.
- The proposed definition of “dwelling, seasonal” is “*a one-family dwelling...*”.
- It was agreed not to add mention of “dwelling, seasonal”.
- Adding GP to the sign regulations is a substantive change. We need to explain where we think it is appropriate.
- It was agreed to add GP to one-family/two-family, nonresidential uses, all uses, and recreational use.
- It was agreed to move “For Sale” or “For Rent” to the Use column.

Lot definition – follow-up on ESMAY's research of the phrase “subject to any area requirements established by this Ordinance”.

- Smith said that language was removed from the proposed definition between the December 14, 2014 draft and the January 14, 2015 draft.

#195 definition of “garage” – follow-up on ESMAY's definition of “garage” which was to include “carport” and “temporary structure”.

- ESMAY will draft a definition.

#201 Signs – districts B & D were added to the sign table. There are currently no sign accommodations for multi-family, PRDs and non-residential uses. These are substantive changes.

Smith will update the technical review zoning ordinance draft, incorporating everything discussed and typo changes listed on the spreadsheet. It will be available to the public on Friday. Smith said Town counsel has advised that the revised ordinance and substantive changes must be listed separately on the Town Meeting Warrant, but posed as one article.

Petitioned amendments must be submitted by Feb 11th. There will be only one hearing on petitioned amendments.

CARTER, DENT, and SIM were appointed to an Outreach Ad Hoc Committee to suggest ways to introduce this material to the public in the most positive fashion. Board members were each assigned portions of updated technical review ordinance to proofread.

3. REVIEW OF ZONING AMENDMENTS PROPOSED FOR TOWN MEETING 2016
[previously reviewed: 11/17/15, 12/01/15, 12/15/15, 01/05/16, 01/12/16]

This was not reviewed.

4. OTHER BUSINESS: Next meeting - 01/26/2016 at 6:30 PM.

5. ADJOURN: The meeting adjourned at 9:12 PM.

Respectfully submitted,
Beth Rivard