

**PLANNING BOARD
FEBRUARY 2, 2016 at 7:30 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. **MINUTES:** The minutes of January 5 and 12, 2016 were approved.

2. **CONTINUATION OF SUBMISSION OF APPLICATION P2016-03 FOR SITE PLAN REVIEW UNTIL MARCH 1, 2016 AT 7:30 PM BY THE ELEAZAR WHEELock SOCIETY, TO CONVERT AN EXISTING MIXED-USE BUILDING TO RESIDENTIAL USE. THE PROPERTY IS LOCATED AT 4 WEST WHEELock STREET, TAX MAP 33, LOT 37, IN THE "D-1" ZONING DISTRICT.**

Smith said the applicant requested a continuance to March 1st. **It was moved by CONNOLLY, seconded by SIM, to continue P2016-03 public meeting to March 1, 2016.** There being no further discussion, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

3. **CONTINUATION OF SUBMISSION OF APPLICATION P2016-02 FOR SITE PLAN REVIEW UNTIL MARCH 1, 2016 AT 7:30 PM BY REBECCA SMITH, AS AGENT FOR KENDAL AT HANOVER, PROPERTY OWNER OF RECORD, TO CONSTRUCT A 33-SPACE PARKING LOT AT 80 LYME ROAD, TAX MAP 8, LOT 1, IN THE "GR-4" ZONING DISTRICT.**

ESMAY said the applicant requested a continuance to March 1st. **It was moved by SIM, seconded by CONNOLLY, to continue P2016-02 public meeting to March 1, 2016.** There being no further discussion, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

4. **PUBLIC HEARING ON ZONING AMENDMENTS PROPOSED FOR TOWN MEETING 2016** [Previously discussed 11/17/15, 12/01/15, 12/15/15, 01/05/16, 01/12/16, 01/19/16, 01/26/16]

ESMAY said this is the first public hearing on zoning amendments before Town Meeting 2016. The amendments have been presented to the Planning Board. In each instance, the Board felt that they were worthy of public discussion.

10. Amend the Hanover Zoning Map by revising the boundary between the GR-2 district and the "I" district to follow the center of West Wheelock Street for approximately 800 feet, from the eastern lot line of Tax Map 33, Lot 20 to the western boundary of Tax Map 33, Lot 23. The entire area of Tax Map 33, Lot 21, Map 33, Lot 83, Map 33, Lot 22 and Map 33, Lot 81 would be included in the "I" district;

Amend Table 204.4 to allow building setbacks in the "I" zoning district adjoining GR-2 residential lots abutting NH Route 10A to be reduced from 75 to 15 feet; and

Amend Table 204.4 to allow a maximum building height to be 60 feet within 150 feet of a "GR-2" residential district abutting NH Route 10A.

Proponents Lisa Hogarty, Ellen Arnold, and Joe Helble of Dartmouth College presented the amendment. Hogarty said the two main issues driving these changes are: (1) expanding the Thayer School of Engineering and (2) improving the West Wheelock corridor. Helble cited the need for the Thayer School expansion as soaring student interest in engineering, physical constraints (McLane Pavilion is 10 years old and has been expanded once already), substantial growth in faculty research funding, etc. Hogarty said corridor improvements include aligning the intersection of Thayer Drive/Wheelock Street/West Street, providing safety and comfort for pedestrians and bikers, traffic calming, and to capture cars and pull them into Dartmouth property before they reach the Main Street/Wheelock Street intersection. A pathway is also proposed from a proposed parking facility to the Green, to enhance connectivity of the west campus to the main campus, and to provide easy off-highway access from the proposed parking facility to the Green.

Arnold provided a PowerPoint presentation. A conceptual plan depicted the location of the proposed building addition, new parking facility, and road/pedestrian/bike lane improvements. Arnold said current zoning constraints include the 75' setback and 35' height regulations.

The zoning amendment proposal has three components: (1) adjust the I district boundary line to incorporate the Dartmouth-owned properties along West Wheelock Street into the district; (2) reduce side and rear setbacks from 75' to 15'; and (3) eliminate the 35' height restriction within the 150' buffer to the residential district. The maximum height limit would be 60'.

Arnold acknowledged the numerous public comments submitted to the Town regarding this amendment. She briefly outlined Dartmouth's public outreach effort.

Board & Staff Comments/Questions:

- How critical is it that the Thayer expansion be collocated with the existing facility?
 - Helble said it is very important for collaborative purposes.
- Will you continue to house undergraduate students here?
 - Helble said the enlarged facility will not include any residential capacity.
- The front setback will remain 20'?
 - Arnold said yes.

Public Comments/Questions:

- Darrell Hotchkiss, property owner on West Wheelock Street, spoke in support of improving the West Street/Wheelock Street/Thayer Drive intersection. He said the

- objectives of the West Wheelock Gateway District (proposed last year) were to provide more housing, to celebrate this entrance into Hanover, and to address pedestrian concerns. This corridor is “a uniformly residential strip” from the bridge to School Street. There is not one iota of residential involvement or affordable housing in the current zoning amendment proposal. Hotchkiss noted the loss of 145 parking spaces and 24 housing units for the proposed Thayer school expansion and garage facility. He questioned alternative locations for both. He said if we are really thinking of this as alleviating a large amount of traffic coming into Hanover, we should think again. Allowing a 15’ setback, for a 60’ tall structure, set 20’ from the road, is not good for Hanover. Hotchkiss expressed concern for lighting from the proposed garage. He asked for consideration of a reduced height limitation. Hotchkiss questioned public notice of the proposed changes.
- Steve Small, President of the Wheelock West Condominium Association, said the setback needs to be bigger or the height restraint should be kept in line with the rest of the I district. He noted that Dartmouth is not obligated to construct the school expansion or garage as currently presented. Speaking for the residents of his building, he said without knowing what’s going to happen, it is very difficult to be for or against the proposed amendment. It is not appropriate to try to set aside this land without having a commitment from Dartmouth about what they will do with it.
 - Leah Goat of West Street asked if another area with very low density and fairly undesirable dormitory space was considered for the Thayer expansion.
 - Arnold said there are no alternatives to relocate the 350 undergraduate beds in those buildings.
 - Goat suggested using the Dewey Field Lot.
 - Chris Kennedy said the road realignment and parking garage are both good ideas. He said he still believes in the general goals of the West Wheelock Gateway District proposal. He would prefer to see the buildings on West Wheelock Street have more of a relationship to the community, rather than a parking garage lining the street. Consistency needs to be explored thoroughly by the Board relative to the proposed reduced setbacks. Why is there a strong reason to go against consistent application of that buffer zone? Why not chip away at that buffer in other areas of the campus as opposed to here?
 - Bryant Denk said his main objection is the proposed height changes. He suggested that a 60’ building, with rooftop air handlers and the like, could be as tall as 75-80’.
 - Hotchkiss asked if this change is needed in the current year.
 - Hogarty said the Thayer School is completely constrained in laboratory space, classroom space, faculty office space, etc.
 - Denk questioned public notice of the current meeting. He said if the Board is asking for public input, how are we to do that if we don’t know what’s going on.
 - ESMAY said public notice was provided in accord with State statute.

Board Comments/Questions:

- Why is the western most residential lot included in this amendment?
 - Arnold said the goal was to incorporate all of the Dartmouth-owned properties into the I district.
 - Hogarty said that lot is needed to straighten out the intersection for grading purposes.

- Dartmouth should rethink the proposed height changes.
- This represents a real opportunity for the Thayer School and for the Town. Providing opportunity for our citizenry to participate in this process is crucial.

Arnold said Dartmouth would like to look at ways to alleviate some of the concerns expressed.

The Board's next review of this amendment will occur on February 16th. Dartmouth is to provide revisions to staff by February 10th.

1. Adopt a fully re-numbered and re-organized zoning ordinance incorporating all of the zoning amendments proposed for hearing on February 2 and listed below.

Comments provided by Judy Brotman, Zoning Administrator, in a February 1, 2016 memorandum:

- Clinic (definition) - add **“or portion thereof”** because some buildings are used only partially for clinic use
 - The Board agreed with the proposed change.
- Drive-Through, Other (definition) - add back into the text to enable banks and other uses the opportunity for vehicular service
 - The Board agreed with the proposed change.
- Garage (definition) - eliminate the proposed definition; it differs from amendment #4 and creates confusion about use of a garage structure and bike storage within a garage
- Use, Accessory to Special Exception (definition) – eliminate reference to “building”
- Section 402 – add reference to GP and West End Neighborhood Overlay districts
- Section 505.1 – applies only to B, D-1, BM, OL, I districts; delete reference to Section 505.1 for GR, RR, SR, NP, F
 - The Board agreed with the proposed changes.
- Section 507.2 – differs from amendment #11; change reference of Article II to Article IV
 - The Board agreed with the proposed changes.
- Section 710 – eliminate reference to B-1 district
 - The Board agreed with the proposed changes.
- Section 715 – paste in the proposed language from amendment #9, delete the table, renumber
 - ESMAY suggested scrubbing all of the changes resulting from the technical review and moving forward with the changes proposed by Town counsel.

Public Comments/Questions: None (there were no members of the public present)

2. Replace the word “inclusionary” with the word “affordable in the titles of Section 212 in the Table of Contents and the text of the Ordinance, create a separate definition for “density bonus” using the words existing in the definition of “inclusionary housing” and replace the definition of “Inclusionary Housing” with a new definition for “Affordable Housing.”

There were no comments from the Zoning Administrator regarding this amendment.

Public Comments/Questions: None (there were no members of the public present)

3. *Modify Section 902, definition of “lot” to read: a parcel of land with defined boundaries and of sufficient size to meet the minimum zoning requirements for use, coverage and area.*

Comments provided by the Zoning Administrator:

- The proposed change relocates regulatory information from the definition to another section of the Ordinance. If the proposed revised Ordinance is not adopted, that regulatory information is lost.
 - Smith said Town counsel has agreed that approval of amendment #3 will be conditional upon approval of amendment #1.

Public Comments/Questions: None (there were no members of the public present)

4. *Add to Section 902 a new definition for “garage”.*

Comment provided by the Zoning Administrator:

- eliminate the proposed definition; it creates confusion about use of a garage structure and bike storage within a garage; it is not necessary nor helpful
 - ESMAY said terms not defined in the Ordinance are defined by their regular dictionary meanings. Does the common definition fit?
 - The Board agreed not to pursue a definition for “garage”.

Public Comments/Questions: None (there were no members of the public present)

5. *Eliminate Appendix A and references to it in the Table of Contents and in Section 209.4 E; eliminate from Section 902 the definitions of “available land area” and “related land area”; and amend the definition of “Open Space Ratio” to read: *The ratio of the total available land area to the building footprint.**

The Zoning Administrator wrote in favor of amendment #5.

Public Comments/Questions: None (there were no members of the public present)

6. *Amend Section 323, Noise Standards, by adding “GP” to Use District A.*
7. *Amend Accessory Uses, Section 210.4, by adding “GP” to the list of districts in the first sentence.*

Comments provided by the Zoning Administrator:

- Add a note about GP being added to the revised sign section; This is a substantive change.
 - The Board agreed with the proposed change.

Public Comments/Questions: None (there were no members of the public present)

8. In Section 902, replace the definition of “Outdoor Recreation” with a new definition and add “Structure Associated with Outdoor Recreation” to the lists of Special Exceptions in tables 204.3, 204.4, 204.7 and 204.8.

Comments provided by the Zoning Administrator:

- The proposed change removes the provision that buildings associated with Outdoor Recreation have “necessary related uses” to Outdoor Recreation. This has potential to be a major change.
 - The Board recognizes the potential for major change and supports the amendment.

Public Comments/Questions: None (there were no members of the public present)

9. Amend Section 317, Signs, to eliminate content type references to conform to the U.S. Supreme Court decision, Reed v. Town of Gilbert, and in Section 317.2, add “GP” to the list of districts.

Summary of changes

Section 317.1

- The first sentence of Section 317.1 C is changed to remove any possible discriminatory review.
- The second sentence of Section 317.1 C becomes a new Section 317.1 D, and removes any possible discriminatory review.
- Re-letter subsequent paragraphs.
- Section 317.1 K (previously 317.1 J) is changed to remove any possible discriminatory review.

Section 317.2

- Section 317.2 is amended to add “GP” to the list of districts
- Section 317.2 is changed to remove any possible discriminatory review.
- Section 317.2 A is changed to remove any possible discriminatory review, to allow two signs displaying street numbers and to allow erection without a zoning permit.
- Section 317.2 B, first paragraph is changed to differentiate between residential and commercial uses.
- Section 317.2 B, second and third paragraphs are deleted to remove any possible discriminatory review. These signs are duplicative given the changes in the first paragraph.
- Section 317.2 C is changed to remove any possible discriminatory review.
- Section 317.2 D is changed to remove any possible discriminatory review.
A limit of two signs is proposed for temporary residential signs, a limit of one year is proposed for each sign and erection of these signs would be allowed without a zoning permit.
- Section 317.2 E is changed to remove any possible discriminatory review and to allow erection without a zoning permit.

Section 317.3

- Section 317.3 is changed to remove any possible discriminatory review.
- Section 317.3 E is eliminated to remove any possible discriminatory review.
Section 317.3.E is duplicative of the new Section 317.3 E.
- Re-letter subsequent paragraphs.
- Section 317.3 D is changed to remove any possible discriminatory review.
The limitation of five signs per building is eliminated, with one temporary sign per business being proposed.
Temporary signs must be placed at the principal entrance to the business. The Town has experienced several trip-and-fall issues with the signs being placed out from the principal

entrance, and now requires that the temporary signs be placed at the principal entrance to the business.

- Section 317.3 F is changed to remove any possible discriminatory review.

Section 317.4

- Section 317.4 is changed to remove any possible discriminatory review.

Section 317.5

- Section 317.5 A is changed to remove any possible discriminatory review and to clarify the size limit applies to each of two sides.
- Section 317.5 C is changed to correctly reference the re-lettered sections.
- Section 317.6 is changed to remove any possible discriminatory review and to allow erection without a zoning permit.

Comments provided by the Zoning Administrator:

- The amendment, as originally proposed, brings Hanover’s sign regulations into conformance with a recent Supreme Court decision requiring that content be neutral.
- 317.2D – permitting is necessary to track and enforce
- 715.2D – delete “...but may be installed for a period not to exceed one year after which they must be withdrawn for a minimum of ninety consecutive days before re-erection”
 - What occurs after one year of use?
 - Reference to “one year of use” is stated in the current Ordinance and should be carried over to the proposed revised Ordinance.
 - If using “temporary”, the reference to “one year of use” should stay.
 - Enforcement of this kind of thing is driven by neighbor complaints. The business of saying the sign must be withdrawn for a period of time would be unmanageable without permitting.
 - The Board agreed to take out “temporary” and state “For real property for sale or rent, not more than two signs not exceeding... without a zoning permit.”
- 715 – delete the table in the proposed revised Ordinance, paste the proposed language of this amendment into the proposed revised Ordinance, renumber

Public Comments/Questions: None (there were no members of the public present)

11. Modify Section 302 by eliminating the last sentence which requires a minimum land area for that district and replacing it with:

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 requirement for that zoning district, as defined in Article II, in which they reside. This applies only when part of the land used to create a new lot is located in the F, NP or RR district. The land in each district will be used only for those uses permitted, or allowed by Special Exception, for that district.

Comments provided by the Zoning Administrator:

- Section 507.2 – differs from amendment #11; change reference of Article II to Article IV
 - The Board agreed with the proposed changes.

Public Comments/Questions: None (there were no members of the public present)

12. Add a new Section 331, Development in and Near Cemeteries which will allow construction, excavation or building within a known burial site or cemetery under certain circumstances.

There were no comments from the Zoning Administrator regarding this amendment.

Public Comments/Questions: None (there were no members of the public present)

5. OTHER BUSINESS:

The Outreach Ad Hoc Committee will continue their efforts to suggest ways to introduce the proposed revised Ordinance material to the public in the most positive fashion. Smith will post a notice on the listserv about the Board's review of proposed zoning amendments.

P2016-04 Development of Regional Impact: 12-bed palliative care facility at Medical Center Drive in Lebanon.

Notice went out today announcing the Planning & Zoning Director's position. Information is available on the Town's website. The posting period expires March 4th.

- 6. ADJOURN:** The meeting adjourned at 10:00 PM.

Respectfully submitted,

Beth Rivard