

**PLANNING BOARD
MARCH 15, 2016 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

Members: Kelly Dent, Judith Esmay (Chair), Michael Mayor; Iain Sim; Kate Connolly

Alternate: Brian Edwards

Staff: Vicki Smith

Others: Bryant and Marilyn Denk, Bill Boyle

1. 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, 02/02/16 (public hearing), 02/16/16,03/01/16(public hearing)]

Amendment 1. Adopt a fully re-numbered and re-organized zoning ordinance incorporating the zoning amendment proposed for hearing on March 15 and listed below.

Board Comments/Questions: DENT stated that the change to Section 715.2 D addresses the concern she raised at the March 1, 2016 hearing.

Public Comments/Questions: Bryant Denk said that he likes the re-organization.

It was moved by DENT, seconded by EDWARDS, to send Amendment #1 forward to the 2016 Town Meeting Warrant. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION WITH SIM ABSTAINING.

Amendment 8. Amend Section 317, Signs, and Section 330, Athletic Scoreboards, 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.

Board Comments/Questions: There was a brief discussion about whether the verb following “none” should be “is” or “are”.

SIM felt that he did not have ownership of the amendment as it was prepared by the Zoning Administrator on advice of Town Counsel. In his opinion, too many questions had been raised and not adequately addressed or answered. He noted that the Planning Board is responsible for the Ordinance. He found the process unsatisfactory so cannot support the amendment.

DENT said that Town Counsel had scrubbed the content from the sign regulations as a necessary response to the Supreme Court decision. She thought that job had been done but acknowledged that the whole section needed review for other reasons. CONNOLLY characterized the attorney’s work as taking the regulations to the lowest common denominator and stated that the opinion of Town Counsel should not be disputed.

EDWARDS hoped for a re-work of the section for next Town Meeting. ESMAY said that had the impetus for the amendment come from the Board, she would share SIM's reluctance, but that the need to revise was brought on by the Supreme Court.

Public Comments/Questions: None, so the hearing was closed.

It was moved by DENT, seconded by EDWARDS, to move Amendment #8 forward to the 2016 Town Meeting Warrant. MAYOR, EDWARDS, CONNOLLY, DENT AND ESMAY VOTED IN FAVOR OF THE MOTION; SIM OPPOSED THE MOTION; THE MOTION CARRIED.

ESMAY reported that RSA 508.17 indemnifies volunteers in service to government who act in good faith. Volunteers are not liable provided their conduct is not willful, wanton, or gross. She did not think that discarding the advice of Counsel was a good idea. She also said that the courts are responding to Reed and are using an intermediate standard. Federal courts in Utah and California have decided that Reed does not apply to commercial signs.

Bryant Denk was present to speak to the amendment submitted by petition that adds to Section 209.4, Height Regulations and Exceptions, a different method for calculating height in the "GR" and "SR" zoning districts. He understood that the Board had voted not to approve that amendment. He said that he and the other proponents of the amendment will work to get out the vote.

Bill Boyle, of Buell Street, thought that the current height definition is very obscure. He stated that people do not understand the outcomes of the height measurement techniques. He thought the 35 foot height limit was in the Ordinance because water service did not generate enough pressure to protect against fire at elevations greater than 35 feet.

CONNOLLY said that 35 feet is generous. Higher buildings are disruptive to residential neighborhoods. She has no problem with this amendment and will encourage its passage on her own.

DENT said she is very sympathetic to preserving the character of the neighborhood. She thinks that building scale is a problem. She would like to see mass rather than height be regulated. The building footprint needs to be considered for mass and stormwater impacts. CONNOLLY reminded the Board that the Board addressed the issue of lot coverage by an amendment to the Zoning Ordinance three years ago.

SIM opposed the amendment because of its overly broad scope. All neighborhoods are not the same. He thought that the amendment should only apply to SR and GR 1 and GR-2 areas. He thought there were implications for Kendal and Rivercrest which make this amendment not appropriate.

Bill Boyle said that prior to 2007, the method proposed was the method used for calculating height.

ESMAY said that both techniques are used across the country and thanked the proponents for their interest in the subject.

2. OTHER BUSINESS:

Outreach Committee: The Committee is working on a number of outreach projects. The first is a video production. An interviewer is being sought. Nancy and Kelly will be the featured speakers in the video. CATV will film the interview. Draft script version 4 is ready for review. Photographs and illustrative materials (Judith Esmay's cut up and pasted Zoning Ordinance, a picture of close readers working, front cover of the Town Report, and charts that the close readers produced) will be used. The filming will take place on March 31, 2016. One hundred DVDs will be made and handed out to the public. Others can access the program via a link on the town website.

The second project is outreach via the schools. Ray and Richmond school bulletins will include a short piece of text and link to the video. Kelly is working on how to reach out to high school families.

The third is a program geared for Kendal residents. Judith Esmay will be the presenter.

Posters have been designed. The Planning Board will have a table at the Hanover Co-op the weekend of April 29- May 1 to give out materials and answer questions about the zoning amendments.

Definition of single family dwelling: MAYOR reminded the Board of the interest in the definition of single family dwelling. He will ask for some suggestions for new wording.

Next meeting: April 5th. Brian Edwards cannot attend.

3. ADJOURN: The meeting adjourned at 8:35 PM.

Respectfully submitted,
Vicki Smith