

PLANNING BOARD
June 21, 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, Jon Criswell, Nancy Carter, Brian Edwards

Staff: Vicki Smith

Others: John Scherding, Robert Ceplikas, Joseph Broemel, Richard Whitmore, Bill Wolpert, Rod Finley, Ellen Arnold, Vinicius Gorgati, Brian Underwood, Alicia Larsen, Sarah Finley, Judith Reeve, John Colligan, Frances Manasek, Harriet De Barge, Carol Weingeist, Ruth Lappin, Robert Metz, Nina Lloyd, Sophie Augustinowicz, David Dent, Julie, Madeleine and Josh Kim, Barbara Callaway, Anne Wilson, Joe Pych, Maggie and Rich Joseph, Marilyn and Bryant Denk, Rob Wolfe, Jeff and Maureen Doyle, Bob and Francie Riessen, Bill Bittinger, Michelle Farrell, Sheila Tanzer, Janet Hurd, Michael Whitman, Rob Wolfe, Sally Boyle

1. Minutes of June 7 and 14, 2016

The minutes of June 7, 2016 were reviewed and modifications made. **On a motion by SIM that was seconded by MAYOR, there was unanimous approval of the minutes as amended, with DENT abstaining.**

The minutes of June 14, 2016 were reviewed and modifications made. **On a motion by SIM that was seconded by MAYOR, there was unanimous approval of the minutes as amended, with DENT and CARTER abstaining.**

2. P2016-08 Submission of Application for Site Plan Review by the Trustees of Dartmouth College to construct a 69,860 sf indoor practice facility (IPF) on the “sunken garden” site, east of Boss Tennis Center, 4 Summer Court, Tax Map 34, Lot 102, in the “I” zoning district.

ESMAY announced that the Board would begin consideration of case P2016-16 at 9 PM.

DENT recused herself from the Board. ESMAY reminded the Board that the project was in the final review phase. She had been asked by neighborhood representatives for time on the agenda to make a presentation.

Kelly Dent introduced herself and the presentation: *Dartmouth’s Proposed Indoor Practice Facility, A Neighborhood Perspective*. She pointed out that the neighborhood was in complete opposition to the project and thanked the Board for listening to their concerns at the previous meeting, the site visit and tonight. She said that she and others were sure that the value of their homes would be reduced if the IPF was constructed as their prime residential neighborhood’s character would be impacted. She said the Board had a legal obligation to protect neighborhoods and therefore the application should be denied.

She showed a map locating the homes of 145 residents who opposed the project. She said that eight-five houses could fit in this proposed building with its 1.6 acre footprint. With a view of the northside of Boss Tennis building, she noted that the College has shown no regard for neighborhood scale or character. She reviewed the objectives of the zoning districts (RO, GR and SR) in the area, noting that SR was the only one with the New England village character. A zoning map was displayed showing College ownership in the Park Street area. She quoted Bryant Denk about the decline of Park Street which now includes the RO district with institutional uses in the back yard. She wanted to show how the Park Street neighborhood had deteriorated and noted the average home price(\$510,000) and the price per square foot(\$206) for South Park Street. Then she showed the same information for North Park Street(\$820,000; \$273), with no RO zoning and no institutional use in the backyards, though there is I zone across the street with multi-family residential development that does respect the neighborhood character. Between these two neighborhoods there is a 24.5% decline in price per square foot and \$170,000 decline in average price.

She pointed out that Section 102 Purposes of the Zoning Ordinance cites “protection of the value of homes and land”.

She said that Frank Manasek recently purchased property on Conant Road. He has retained an architect and designed a home and will not build the house if the IPF is built. Ms. Dent noted that no one wants to live next to such a large structure as the IPF.

Ms. Dent said that the IPF will have a negative effect on the neighborhood. She showed a picture of what the IPF would look like through the existing screen of trees. She noted how the sun and sky would be blocked. With a picture of the cranes simulating the building height, she wondered if the building were built, what would happen to the sky? She advised the Planning Board to deny the application because the building so severely impacts the neighborhood.

Ms. Dent said that six feet from the Boss Center will be a massive industrial metal wall that will block sunlight and views to the sky from the neighborhood. She noted that no amount of screening will prevent the destruction of the neighborhood or prevent new noise.

Ms. Dent next spoke to the State enabling laws for site plan adoption and the power to review site plans. She then brought attention to the Hanover Site Plan Regulations, Article IX. She offered that a site plan can only be approved if specific requirements are met. She did not think it possible for the IPF to meet these requirements: b) conformance with the Master Plan; c) the likely impact upon the abutters, neighborhood and others, public infrastructure, town services and fiscal health, and natural and cultural resources on the property and abutting properties; and h) the relationship of the project to the harmonious and aesthetically pleasing development of the town and its environs. Ms. Dent had prepared sections from the Master Plan which were distributed to the Planning Board. She stated that the Board had a legal obligation to safeguard the character of her neighborhood.

She said if the Board approves the project, there will be: widespread public opposition; evidence that the Board favors the College to the extreme damage to the neighborhood; factors that will make the neighborhood a less desirable place to live; the Board ignoring the Site Plan

Regulations; and the Board contributing to a decline in the value of the neighborhood. That approval will also promote the College putting structures as close as they wish to a residential neighborhood.

Ms. Dent said that if the Board chooses to deny the application, they will have the Site Plan Review Regulations as a legal backing. She said that the regulations are in place to protect the neighborhood and to provide adequate safeguards. If the Board denies the application, it will be a message to Dartmouth College to put that building elsewhere. She will make her presentation available to the College and Board.

Board Comments /Questions:

ESMAY said that the task at hand was to determine the completeness of the application by considering: purpose and need; size and height; location; stormwater management; bike/ped impact; landscaping and screening; HVAC; exterior lighting; fenestration and interior lighting; exterior sheathing; snow removal; and construction staging. SIM added that it was not required but to check to see if Dartmouth had given proper notice, it would be helpful to have the notification list. He also wanted to know what goes on inside the building, all rooms and areas; why is a parapet needed and why is it there; and the location of vents, exhaust fans, and other mechanical equipment.

Ellen Arnold, representing the College, thanked the Board for the site visit and thanked the neighborhood and community for participating to flesh out issues. She apologized for stating in her June 1 letter that the College had provided a shadow study. In fact, it has not been provided.

In light of the significant emotion and controversy, she wished to review with the Board the legal framework for site plan review. She noted that site plan regulations are designed to ensure that a project is not injurious to the community and does not pose danger to health, welfare and prosperity. Certain requirements must be met to support a positive decision on an application. She reminded the Board that site plan review is limited. She said that site plan authority does not give the Board the ability to deny a project due to inappropriate use. Use is a zoning issue. She said that the Planning Board may not deny a project on an ad hoc basis due to vague concerns. She noted that the personal opinion of a member may not be used in place of standards in the regulations providing reasons for denial.

She summarized the topics the College wished to address: the size of the facility; the results of a shadow study; the plan for tree protection in the utility corridor; results of the acoustic study; and impact on housing values in the neighborhood. She noted that the appraiser's written report would be forwarded to the Board.

Ms. Arnold addressed the objection to height and mass of the building given its proximity to the neighborhood. She noted that the "I" zone is in fact part of the neighborhood. The Zoning Ordinance addresses moderating impact when a residential zone abuts an institutional zone. The Zoning Ordinance contains height limits that are specific to the Institutional zone based on distance from the street and zoning district boundary, and site grades. The Zoning Ordinance provides special unique setbacks for a building when an institutional district abuts a residential

district. Finally, the Zoning Ordinance requires reduction of the building height from 60 feet to 35 feet if a building is within 150 feet of a residential district.

She concluded that although the proposed building is large and located close to a residential neighborhood, it conforms to the special standards set forth in the Zoning Ordinance for an institutional building located close to a residential district. She pointed out that uses in the residential district are not confined to residential uses and that New England villages are not exclusively residential, but more commonly a mixture of uses. Non-residential uses are allowed by Special Exception in each residential zoning district in Hanover.

Ms. Arnold just addressed three general considerations brought up by the neighbors. First, the lack of conformance with the Master Plan cannot be used to deny a site plan. It is the site plan regulations and zoning ordinance provisions that are relied upon for a denial of a site plan. Second, the adverse impact to the neighborhood was addressed. She challenged: what is a neighborhood? It is broader than the owners and occupants of residential properties. She said that both institutional and residential uses comprise this neighborhood. She advised the Board to consider impact of the property being developed in the context of the broad neighborhood. Third, she addressed the relation of the project to harmonious development of the town and its environs. She said that the College had recounted a history of the field complex and that there were complementary facilities on the site already. The location selected for the IPF is located with other athletic facilities and close to campus. She said that the proposed IPF is harmonious development as it conforms to the Zoning Ordinance provisions for a building located in proximity to a residential area.

Bob Ceplikas addressed the need for the IPF and its size. He said that the IPF is not the size of two football fields. The IPF is 280 feet long which is shorter than the length of a football field with its end zones (360 feet). He listed the dimensions of similar facilities in the same NCAA division at Harvard, University of Pennsylvania, University of Connecticut, University of Virginia, Duke, the Airforce Academy and University of Michigan. Field lengths ranged from 360 feet to 429 feet with an average of 390 feet. The volume of the main facility was also compared. The IPF's field size is 56,000 square feet. The range in the other schools was 66,500 to 92,600 square feet with an average of 79,000 square feet. The height is set to assure proper clearances for kicked and thrown balls. The other schools interior clearances ranged from 65 to 85 feet with an average of 70 feet. The IPF's interior clearance height is 60 feet.

The size of the facility is designed to simulate the full playing surface so that teams can participate in a way that prepares them for the season on the real field. The proposed IPF is designed to meet Zoning Ordinance dimensions. The College would prefer that the size were closer to the dimensions of other schools. He noted that further reduction in size further reduces the effectiveness of the facility in simulating the full playing surface for the athletes.

John Colligan said that in reality with the IPF being only 10 feet from Boss Tennis facility, that in effect there are two football fields side by side when the two buildings are considered. ESMAY reminded the public that there would be no public hearing until the decision about completeness of the application had been determined.

John Scherding presented an aerial view of the neighborhood which included the Coop, offices and services along Park Street, multifamily housing, single family housing and both college and high school athletic facilities.

He said that the value of properties along South Park Street had not been destroyed by the athletic facilities. He thought that 11,000 vehicles per day travelling on South Park Street impacted property values. He said that traffic impact has a far greater impact than athletes who are not driving to games and practices.

He showed walking paths through the site that would be maintained, noting the primarily east/west high school pedestrian traffic and the north/south pedestrian traffic along the Boss Center. He wanted to clarify that there is generally a 21 foot separation between IPF and Boss. At the south side the separation drops to 16 feet. There is also an elevated sidewalk between the buildings.

Mr. Scherding showed how the landscape plan had evolved. The intention of the proposed plantings is to strengthen the screening at the mid-height size. He said that the landscaping had been customized to meet the needs of the neighbors and some trees were chosen that do not grow tall at the request of the neighbors.

He said that south of the Doyle property the College arborist had agreed to take down some trees and replace them with other trees.

The purpose of the detention basin is to detain stormwater and slowly bleed the water into the drainage system. Every project at the Chase complex reduces the flow into the town stormwater drainage system. The detention basin could be full for 2 to 6 hours during and after a storm, but otherwise will be dry.

The cutting of trees for the utility corridor through the vegetated buffer along Tyler Road has been carefully assessed by Brian Beatty, the College Arborist. A mitigation plan has been devised to place pipes through the root system.

Mr. Scherding then presented the shadow study. Each element of the study was a plan view of the IPF and Tyler Road showing shading. The shadows at June 21 were shown in 2 hour increments. There are long shadows to the east at 6 PM and at 8 PM dusk has set in so there are no shadows. On December 21, the shadows were shown in 2 hour increments. At 2 PM, shadows touch the north edge of Tyler Road. At 4 PM, there is darkness.

Julie Kim said that at 8 PM in the summer, it is still light. John Scherding replied that there is not enough light to cast a shadow. Jeff Doyle said that the study showed only the shading from the building and not the shading resulting from the screen trees. John Scherding confirmed that the study addressed the shading from the building, not from existing trees. Maureen Doyle said that she felt that the College was bullying the neighborhood and had stated that the project was going to happen. ESMAY reminded the public that the Board was still hearing the content of the application and that questions had to be held unless they were addressed for specific data.

Vinicius Gorgati, architect, said that the College continues to refine the building. He pointed out the asymmetry to make the mass more diverse, the fenestration and the mix and balance on the exterior sheathing. He showed the west elevation pointing out the new fenestration. The east elevation had a brick strip and new, larger windows. The brick strip continued to the south and north elevations. Windows had also been added to the north elevation. He said that the result of these changes is diversity, scale and balance. He showed renditions from the perspective of the southwest and from the northeast.

SIM asked about how much light will come from the new windows. A sample of the window material was shown. The material diffuses light and is more opaque than transparent. MAYOR had used the same material and wondered if the insulating treatment would be used. He was told that insulation would be used. CARTER asked about the hours of use of the interior lights. Mr. Ceplikas said that the building will be most heavily used from 4:30 – 11 PM. She commented that the window material must limit the light that comes from the building. CRISWELL said that it is the same material used in the roof of the Coop on Lyme Road and at the central atrium of the Berry Sports Center.

Jeff Doyle was concerned because he had heard that the facility would be used until 2 AM and athletic lights would be brighter than those at the Lyme Road Coop. CRISWELL wondered about glare from the metal finish on the building.

Ellen Arnold introduced Alicia Larsen, the acoustical expert from Accentech. Ms. Larsen studied the impact of the proposed mechanical systems on the noise levels at the property lines at three positions. Adding the building actually muffles noise at Position 2 by 2 dBA. Adding the mechanical systems increases the noise level by 3 dBA. She said that a noise level 3 dBA is noticeable if one hears them one after the other, but one day to the next, there would not be a noticeable difference. She concluded that at all three positions, the noise with all mechanicals running at high volume along the property line would be with the 55 dBA limit set in the Zoning Ordinance. CONNOLLY wondered if the noise would be consistent year round. CARTER wondered if heating or cooling is noisier. Mr. Scherding said that the building will not be air-conditioned except in the data room and elevator room. The main facility will be ventilated. The south elevation shows three vents, all venting away from the neighborhood. Typically cooling units are noisier than heating units. ESMAY asked about other features of the sound, not just decibel level. Mr. Scherding said that it was too early for an evaluation to be made for pitch and frequency.

Frank Manasek thought there would be noise from within the structure and the building would be like a drum. He said sound readings were deceptive as they are measured exponentially. Ms. Larsen said that at 85-90 dBA, OSHA recommends hearing protection. Nina Lloyd wondered if the data were based on a 24 hour period and if the worst case scenario had been projected. Ms. Larsen said that the measurements were made at the equipment running at full volume and then extrapolated to the measurement expected at the property line. Jeff Doyle compared the maximum of 50dBA in the “SR” district to the 55 DBA at night in the “I” district.

Brian Underwood introduced himself as a certified general appraiser who was retained to study the impact the IPF would have on the value of residences in the neighborhoods abutting the “I”

district in Hanover. His expertise is in complex real estate: high end residential and commercial. He has appraised multi-million ocean front properties, major utility line projects, cell phone towers and WalMarts. His expertise is broad and extensive.

He first analyzes the market. He characterized the Hanover real estate market as being unique and very affluent. He analyzed the North Balch neighborhood, the Occum Pond/Rope Ferry Road neighborhood and the Chase/Tyler Road neighborhood as they all abut the 'I' district.

The North Balch neighborhood is the least impacted by its "I" district abutting uses. There are multi-family use across Park Street and the Life Sciences building to the north. The Occum Pond/Rope Ferry neighborhood has administrative, infirmary, Life Sciences, golf course and fraternities along its boundaries. The Chase/Tyler neighborhood has the athletic complex with major facility additions in 1975 and 2000.

The Chase/Tyler Road has smaller lots than the other neighborhoods studied and is the most densely settled. On South Park Street is a mix of uses and 11,000 vehicle trips per day. He thought because of the traffic, it was inappropriate to correlate this part of town with its mixed use and high traffic counts to other, more residential areas.

He looked at market data since 2000 and noted that over that 16 years there have been 2- 3 real estate cycles. He noted that 16 properties in the Chase/Tyler neighborhood directly abut the Chase Fields. Of those 16 properties, 10 (63%) have sold since 2000. He said there was also one land sale. The average sale price was \$667,000 or \$294 per square foot. The average in town is \$125- 150 per square foot. The one land sale in 2014 for .48 acres was \$415,000.

On Chase Road, there is an average market time of 2 days (for three properties). On Tyler Road, the average time was 10 days. On Conant Road, the average time was 75 days and on Rayton Road, the average market time was 45 days. On Occum Ridge, the average market time for 14 properties was 96 days. On Rope Ferry Road, the average market time for 10 properties was 72 days. He noted that the market time is 155% longer than in the Chase/Tyler neighborhood. On North Balch Street, the average market time was 121 days for 12 properties.

Mr. Underwood said that the Hanover Assessing Office is phenomenal and has a very accurate record. The Assessor sees every transaction. Mr. Underwood called the Assessor and asked if there was any diminution/premium factored into the assessment of properties abutting the "I" district. He also asked if there had been any requests for abatements for the reason of abutting the "I" zone. The response was that there were no adjustments for abutting the "I" district and no abatement requests had been made for that reason.

He concluded that based on the market evidence, there was no reason to suggest that by abutting, hearing, seeing or smelling the "I" district, there was any impact on value.

SIM wondered if the Board could gain any information from other towns with comparable cases. Mr. Underwood stated that uncertainty impacted value. So that during construction and prior to construction, value might be impacted. Longer marketing times are more likely. In his experience, Mr. Underwood said, for every person who does not want to live near WalMart,

there is a person who does not mind, so there is usually no impact on value. He has found that utility lines do not impact values. Some people like utility rights of way for walking the dog, hiking or snowmobiling.

CARTER noted the difference between abutting a Life Science building, a country club or a fraternity house. Mr. Underwood said that the Chase/Tyler neighborhood was one where a certain amount of athletic activity was expected. All studies conclude that over the long term, the athletic facilities have had minimal impacts on property values. The athletic facilities have been there a long time and would have affected the marketing period.

Public Comments/Questions:

John Colligan thanked Mr. Underwood for telling the neighbors what is good about the Chase/Tyler neighborhood. He said time on the market is a function of price. He wondered how many real estate agents Mr. Underwood had spoken to. He questioned why Dartmouth College which owns many properties on South Park Street would ask for abatements.

A four- year resident of 3 Tyler Road said that her house had been on the market for two years, so wondered how Mr. Underwood had calculated two days. Mr. Underwood said that he used multiple listing data. He knew that many properties listed for sale needed lots of maintenance. He said that expired listings were not in his calculations. His data was based on marketing times and did not use situations where there were no transactions. He acknowledged that there might be a margin of error, but that it would not change the conclusion that the marketing times in this neighborhood were very low.

SIM thought the Board should move on to the soccer pavilion project. He thought there were a number of missing pieces of information. He thought there needed to be discussion between the Town and College about the drainage. EDWARDS was in favor of spending some time on the pavilion project. SIM suggested that it might be useful to have a representative from the Department of Public Works attend the next meeting.

It was moved by MAYOR, seconded by CRISWELL, to continue the submission of and hearing on the IPF site plan until July 5, 2016 at 7:30 PM at the Town Offices. All Board members voted unanimously in favor of the motion.

SIM will not be present on July 5.

3. P2016-16 Submission of Application for Site Plan Review by John Scherding, as Agent for the Trustees of Dartmouth College, property owner of record, to construct a 7,600 sf expansion of the soccer pavilion building at 4 Summer Court, Tax Map 34, Lot 102, in the "T" zoning district.

Joseph Broemel introduced the project noting that in 2008 the 5100 square foot pavilion was constructed. It was designed with a future expansion in mind. The expansion will include restrooms, and men's and women's locker rooms plus mechanicals.

Robert Ceplikas said that the additional locker rooms would enable the softball, soccer and lacrosse teams to have year-round locker rooms. Also planned are a meeting room, equipment room and sports medicine room.

Rod Finley oriented the Board to the site and the utilities serving it. He noted the series of stormdrains and how they drain to a Vortech unit located in the Thompson Arena parking lot. As designed and improved, the drainage for the pavilion will maintain the pre-development storm flows and not rely on the stormwater system proposed for IPF. Rod pointed out landscape features: fern garden and one tree. Exterior lighting will be primarily by recessed can lights. New lights are proposed along the south side of the addition. There will be two pole lights at the southeast and southwest corners. The underground propane tanks will be protected with bollards. A hydrant has been added.

Bill Wolpert presented elevations of the building with the addition. He noted the wall mount down lights at the doors. The material palette matches the existing brick. Likewise, the membrane roof matches the existing. The form is mimicked with curves. The mechanical penthouse is located under the curved sections. The fenestration matches the existing in size and style. An opaque glass will be used in the training facility and equipment room. There will be clear glass in the meeting room.

Joe Bromel noted that the construction periods for the IPF and Pavilion expansion will overlap. The east end of Thompson Parking Lot will be fenced off to everyone but construction workers. The construction trailers and materials storage will be located in that area as well. Approximately fifteen parking spaces will be used for construction purposes. Pedestrian and vehicle access to the building will be maintained as athletes will continue to use the building while construction is on-going. The College will confirm with Hanover DPW that the drainage and utilities are satisfactory. A third party review by Nitsch was shared with the Board.

SIM said that he was interested in more detail about the floor plan and any mechanical vent locations. CARTER wanted to be sure that the propane tanks were properly located. Rod Finley agreed to confirm with DPW and the Fire Chief that the propane tanks are properly located.

It was moved by MAYOR, seconded by EDWARDS, to continue the submission of and hearing on this site plan until July 5, 2016 at 7:30 PM. All Board members voted unanimously in favor of the motion.

DENT returned to the Board.

4. OTHER BUSINESS

ESMAY attended the PlanNH workshop on micro-apartments and tiny houses on June 15 at the Audubon Center in Concord. There is a final workshop in the Home, Sweet Home series focused on rooming houses and kinship care homes in September.

ESMAY noted with sadness that this meeting would be Kate Connolly's last meeting. Kate was thanked for her work on the Board.

DENT would like the Board to begin work on zoning amendments and to consider the new accessory dwelling unit statute.

5. NEXT MEETING: July 5, 2016

6. ADJOURN: The meeting adjourned at 10:23 PM.

Respectfully submitted,
Vicki Smith