

**PLANNING BOARD  
AUGUST 16, 2016 at 7:30 PM  
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

**Members:** Jon Criswell, Kelly Dent, Judith Esmay (Chair), Nancy Carter (Selectmen's Representative); and Iain Sim

**Alternates:** Brian Edwards

**Staff:** Vicki Smith; and Catheryn Hembree

**Others:** Please see attendance sheet

ESMAY called the meeting to order and stated that she was going to change the order of the night's meeting.

- 1. P2016-08 Continuation of submission of application for Site Plan Review by the Trustees of Dartmouth College and public hearing on construction of a 69,860 sf indoor practice facility on the "sunken garden" site, east of Boss Tennis Center, 4 Summer Court, Tax Map 34, Lot 102, in the "I" zoning district.**

ESMAY introduced the case by reading the legal notice. DENT recused herself. Mrs. Ellen Arnold, representative for the Trustees of Dartmouth College, asked the Board for a continuance of hearing to allow more time to gather information. ESMAY asked if they wished to meet in two weeks on August 30<sup>th</sup> or wait until the next scheduled meeting on September 6<sup>th</sup>. Mrs. Arnold requested August 30, 2016 and would let staff know if that date would not work as soon as possible.

**Esmay called for a motion. SIM made a motion to have a meeting on August 30, 2016 for the continuance of P2016-08. CRISWELL seconded the motion and the vote passed unanimously. Vote 5-0 with DENT recused and EDWARDS participated as a voting alternate.**

- 2. MINUTES:** DENT rejoined the Board. The minutes of the August 2, 2016 meeting were reviewed and modifications were made. **A motion to approve the minutes from the August 2, 2016 meeting as modified was made by EDWARDS and seconded by SIM. The motion passed. EDWARDS participated as voting Alternate. VOTE 6-0**

**3. OTHER BUSINESS:**

ESMAY asked the public if there was anything they wanted to bring before the Board. No one came forward.

ESMAY asked the Board if they had any other business to discuss. ESMAY stated she had a number of items. The first item was the start of the new Planning Director, Robert Houseman, on September 13<sup>th</sup>. ESMAY asked the board what they thought was the best way to introduce themselves to the Director and when would be the best time to meet him. It was brought up to have a called meeting on September 13, 2016 in order for the Board to meet Mr. Houseman. ESMAY asked if each member would write a few lines about themselves and email them to Ms. Smith by September 7<sup>th</sup> so she could compile them and give them to Mr. Houseman.

ESMAY's next item was setting a schedule of the Zoning Ordinance Amendments and how the Board should handle prioritizing topics. CARTER suggested creating a triage of six topics each person thinks are most worth the Board's time. CRISWELL suggested coming up with a criteria for prioritizing. Ms. Smith said she would distribute the list of potential amendments after the meeting. ESMAY suggested each board member come up with their own top six priorities and compare them. ESMAY suggested using the called September 13<sup>th</sup> meeting to discuss priorities. A public comment meeting would be held on November 15<sup>th</sup>. If the public could have something in writing to Ms. Smith by November 9<sup>th</sup> it would be beneficial so it could be distributed to the Board in advance. ESMAY reminded the Board anyone can come to a public meeting and speak even if they did not get anything to Ms. Smith on the requested date.

ESMAY asked the Board if they had any ideas for their annual in service training. Previously, they have taken tours of parts of town or campus. ESMAY and DENT suggested the water treatment plant or the water reclamation facility. Other ideas include Hypertherm, Dartmouth Printing, and the Public Works facility. ESMAY reminded the Board that there would be a public notice posted and members of the community may attend. The Board agreed for staff to contact the water reclamation facility. ESMAY suggested asking the reclamation facility when would be best for them for them to host the Board for a tour. CARTER explained to the Board new EPA regulations may be required and changes would have to be made to the Town's water facilities.

ESMAY brought up the topic of presentations on important issues that would be beneficial to the Board. Possible topics include Accessory Dwelling Units, and Noise and Light. It would be important for the Board to educate themselves on these topics so they are better able to understand what they are doing when these topics come before them. ESMAY stated that part of nuisance ordinances is the prevention of harm. CARTER stated that the Board has very little understanding and ability to make a value judgement when expert witnesses come before them. One day of in service training would alert the board of appropriate questions and what to be aware of when experts make presentations to the Board.

ESMAY stated that recently the Board has been focused on the Zoning Ordinance and would like to return to Neighborhood Studies.

ESMAY would like to have a session on Planning Board Operations especially when new members are appointed. There are three vacancies, one regular member and two alternates.

The Select Board will look into this matter in October. The Town Manger will post a notice advertising the vacancies and interview those who submit interest.

CARTER asked if the Board was under any pressure for the next Master Plan review. Ms. Smith stated that the Neighborhood Studies were an important aspect of the Master Plan and getting feedback from the residents is a way to inform staff on issues and concerns in the community.

CRISWELL stated that his participation in P2016-08 was questioned because he worked for Bensonwood who had a subsidiary who does work for Dartmouth. He stated in no way his compensation and position affected decisions he made sitting on the Board. CRISWELL stated he felt there was no conflict of interest. ESMAY stated that the law was clear, it was his decision if he felt he needed to recuse himself and the Board could offer their guidance if they wished.

ESMAY stated the Board received a request for the Revocation of Recorded Approval of a matter approved in 1999 regarding the Boss Tennis Center. DENT recused herself. SIM stated the first thing to do is to gather all the facts before the Board can take any steps. Ms. Smith stated she made copies of the statute. The Board needs to make a decision and then hold a hearing. The first thing that needs to be established is if there is a violation, and if there is, can it be remedied. ESMAY stated she would like the advice of counsel to establish if the abutters have legal standing to make the request. According to RSA 676 4-1 1(A), ESMAY understands only the applicant can make the request. ESMAY would like clarification on the statue before anything else is done. Ms. Smith stated there was a request for the Zoning Administrator to look at Boss and the Power Plant to see if they are in violation of the noise requirements. Mrs. Nina Lloyd asked if the Town had a procedure for reviewing mechanical systems that have been installed and may have deteriorated and changed over time. Ms. Smith said no there is not. The decibel meter is available to anyone who is concerned but the town does not have the time to survey all systems. Inspections are complaint driven. When an applicant comes before the Board they have models showing the project will not be harmful to the community but there is not an exact way to determine the outcome. Ms. Smith asked if the Board wanted this to be added to the agenda on August 30<sup>th</sup> or September 6<sup>th</sup>. ESMAY said to add it to the agenda for the September 6<sup>th</sup> meeting.

ESMAY stated she had one more item to bring before the Board. DENT rejoined the Board. The Creare court decision supported the Zoning Administrator and the Zoning Board stating there is a difference between a driveway and a parking lot. This decision shows the importance of the work the Board put into definitions in the Zoning Ordinance. The applicant must change their site plan or appeal the decision.

**4. ADJOURN:** The meeting adjourned at 8:40 PM.

Respectfully submitted,

Catheryn Hembree