

# **Part II**

# **Explanatory Information**

**Notes...**

## **Youth-In-Action Child Care for Town Meeting Tuesday, May 11, 2010**

YIA will be offering child care from 7:00 p.m. – 9:30 p.m. the night of Hanover Town Meeting. **Families must pre-register for this service by Friday, May 7<sup>th</sup>, 2010.**

**Please pre-register by e-mailing Jessica Eakin at [via@dresden.us](mailto:via@dresden.us) or by calling her at 643-4313.**

### **Chapter 1: Information for Town Meeting**

#### **Part II: Explanatory Information**

**What is Town Meeting?** All Hanover citizens are encouraged to participate in the yearly Town Meeting, a living example of direct democracy. Town Meeting is a meeting of citizens who come together to form the legislative body of the town. It is held yearly, the second Tuesday in May, to elect town officers, adopt the town budget, and consider other issues that require Town Meeting approval. This year, Town Meeting will be held on May 11<sup>th</sup>.

**What is the Warrant?** The Town Meeting agenda is called “the Warrant”; each agenda item is called an “article”. The official Warrant precedes this document in Part I. The Warrant includes two sets of articles:

1. **Ballot voting** (Articles One through Five): Voting on Articles One through Five - which includes voting for candidates for office and for amendments to the Hanover Zoning Ordinance - is conducted by ballot during the day of Town Meeting (Tuesday, May 11, 2010) from 7:00 am to 7:00 pm, in the Hanover High School Gymnasium. The daytime ballot voting is held by secret ballot, referred to as the “Australian Ballot” or the “Official Ballot”.
2. **Business meeting** (Articles Five through Twenty-Five): Discussion of and voting on Articles Five through Twenty-Five – including the proposed budget in Article Fourteen takes place at an open meeting, called the “Business Meeting”, which begins at 7:00 pm on Tuesday, May 11<sup>th</sup>, in the Hanover High School Gymnasium. At the Business Meeting portion of Town Meeting, citizens sit down together and discuss, modify, and vote.

**What if you cannot attend?** If you cannot attend Town Meeting...

1. **Ballot items:** You may vote by absentee ballot on the items decided by Australian or Official Ballot voting by requesting an absentee ballot from the Town Clerk’s office at Town Hall, and delivering it in person by 5:00 pm the day

before Town Meeting or postmarked by mail by 5:00 pm on the day of Town Meeting.

2. **Business Meeting items:** You must be present, however, to vote on or contribute to discussion of any Warrant items to be discussed at the Business Meeting. By state law, no absentee balloting is allowed on these items.

**How can you register to vote?** To become a registered voter, you must be a U.S. citizen, eighteen years or older, and a Hanover resident. Information that must be provided at registration includes name, address (mailing and legal residence), place and date of birth, and proof of citizenship. You may register: (1) at the polls on Town Meeting day, May 11<sup>th</sup>; or (2) in advance at the Town Clerk's Office in Town Hall up to ten days before the election; or (3) with the Supervisors of the Checklist whose public voter registration sessions are advertised before any election.

**What is explained in the rest of this chapter?** The rest of this chapter, prepared by the Town staff, provides an explanation of all of the articles in the Warrant. The official Warrant precedes this document on page I-7.

## **Ballot Voting Articles One – Five**

Voting on Articles One through Five will be conducted by official ballot on Tuesday, May 11, 2010 from 7:00 am to 7:00 pm in the Gymnasium of Hanover High School.

### **Article One: Election of Town Officers**

The **Selectmen**, so named because members are selected on Town Meeting day, govern the Town and perform most of the Town's legislative functions as prescribed in the Town Charter, outside the legislative role granted voters at Town Meeting by state law. One position, currently held by Athos Rassias, is to be filled in 2010 for a three-year term. Athos Rassias has filed for re-election.

The **Town Clerk** is responsible for overseeing the implementation of all elections and also performs in an official legal capacity, responsible for several areas of Town administration. Charles Garipay, the current Town Clerk, is seeking re-election to a three-year term.

The **Town Moderator** oversees all elections and also presides over the business portion of Town Meeting. Daniel Nelson, the current Moderator, is seeking re-election to a three year term.

Both the Howe Library and the Etna Library are Town-supported. Each has a Board of Trustees which governs the respective library in areas of fundraising and some program functions, but they are elected differently based on the type of organization originally established. The **Howe Library Trustees** are elected by members of the Howe Corporation which is a private non-profit corporation. The Etna Library, which is the original Town Library, is governed by the **Etna Library Trustees** who are elected by Town Meeting for a

three-year term. One Etna Library Trustee is up for election and the incumbent, Chris Bentivoglio, has decided not to seek re-election. Elizabeth P. Storrs has filed for the position.

The **Supervisors of the Checklist** are legally responsible for overseeing the voter registration and certification process and for maintaining the updated voter checklist. The term of one Supervisor position expires this year and the incumbent, Linda McWilliams, is seeking re-election to another six year term.

The **Trustees of Trust Funds** oversee the funds reserved for special purposes, and their responsibilities are governed by state statute. One Trustee position is up for election and the incumbent Trustee, Brian Doyle, has filed for re-election to a three-year term.

Note: The following Articles Two through Five are Amendments No. 1 – 4 to the Hanover Zoning Ordinance, which must be approved by Town Meeting. All of the proposed amendments to the Zoning Ordinance have been approved by the Planning Board.

#### **Article Two: Amendment No. 1 —Section 702 Reference to Site Plan and Subdivision Design Review**

At a public hearing held on February 9, 2010, the Hanover Planning Board voted unanimously to recommend that Town Meeting adopt this zoning amendment. The full text of this amendment is included in Appendix A, which follows this section of the Town Report.

One of the goals of a comprehensive amendment to Section 702 in 2008 was to set up a new procedure by which an applicant, the Conservation Commission, and the Zoning Board of Adjustment (or the Zoning Administrator for minor projects) could have assurance that the plans they review for an application for a Wetlands or Waterbody Special Exception (or for an Administrative Permit) would at least schematically be acceptable to the Planning Board under criteria governing subdivisions and site plans. After a Special Exception or Administrative Permit is granted a case then goes to the Planning Board for Final Subdivision Review or Final Site Plan Review. This new procedure has eliminated most of the previous “bouncing” back and forth between the ZBA and the Planning Board, as one board or the other caused plan revisions to be made. This amendment is to clarify that it is the Design Review phase of preliminary subdivision or site plan review that is relevant to this procedure.

#### **Article Three: Amendment No. 2 — Section 803 Expansion of Non-Conforming Structures**

At a public hearing held on February 9, 2010, the Hanover Planning Board voted unanimously to recommend that Town Meeting adopt this zoning amendment. The full text of this amendment is included in Appendix A, which follows this section of the Town Report.

Special Exceptions for non-conforming structures, requested under Section 803, require approval of the Zoning Board of Adjustment. Although the objective guidelines are quite specific, the

requests are rarely denied. In previous years the Zoning Board has requested Planning and Zoning Department staff to research whether the Zoning Ordinance could be amended to allow the majority of these requests under this section to be handled administratively.

This amendment would allow the expansion of an existing structure that is non-conforming only by intruding into a required setback, if the expansion is:

- No farther into the setback area than any portion of the existing structure,
- No closer to an abutting structure than any portion of the existing structure, and
- No higher than the existing structure.

Any other expansion of a non-conforming structure into a setback would still require Zoning Board of Adjustment review.

#### **Article Four: Amendment No. 3 —Section 1001 Notice to Abutters of Pending Residential Zoning Permit**

At a public hearing held on February 9, 2010, the Hanover Planning Board voted unanimously to recommend that Town Meeting adopt this zoning amendment. The full text of this amendment is included in Appendix A, which follows this section of the Town Report.

Before virtually any project can be issued a Building Permit and can begin construction, the owner must apply for and the Town must issue a Zoning Permit, thereby assuring that the project complies with the Zoning Ordinance. Our Zoning Ordinance presently requires public posting of a Zoning Permit for a fifteen-day period, during which its issuance may be appealed. There is no State Law requirement for notifying abutters of the submission of an application for a zoning permit of any kind. Although only two zoning permits have been appealed, and unsuccessfully so, out of approximately 3,500 issued over the past twelve years, some citizens have expressed the view that abutters should be notified that a neighbor has applied for a Zoning Permit.

In response to these criticisms, two years ago the Planning and Zoning Department began an administrative practice of notifying abutters by mail and having a placard posted on the property when an application for a Zoning Permit for a residential property is submitted. The only exception is for cases where the proposal has been subject to a public hearing by the Zoning Board or the Planning Board, because the abutters will have already received notice of the pending project. This amendment to Section 1001.3 would require that some form of abutter notice be carried out, without prescribing the means and methods of doing so.

#### **Article Five: Amendment No. 4 - Section 1006 Update of Variance Criteria**

At a public hearing held on February 9, 2010, the Hanover Planning Board voted unanimously to recommend that Town Meeting adopt this zoning amendment. The full text of this amendment is included in Appendix A, which follows this section of the Town Report.

In its efforts to clarify the conditions under which a variance may be granted, the New Hampshire legislature amended RSA 674:33, I(b) at its latest session. As a result the language of our Zoning Ordinance no longer conforms to the statute. This amendment simply removes our current variance language and replaces it with the wording of the revised statute.

## **Business Meeting Voting Articles Six through Twenty-Five**

### **Article Six: Election of Additional Town Officers**

This article includes election of additional Town Officers that do not need to be elected by written ballot. The officials are:

One member of the **Advisory Board of Assessors** for a term of three (3) years. The Advisory Board of Assessors reviews requests for property abatements and makes recommendations for resolution to the Board of Selectmen.

Three **Fence Viewers**, each for a term of one (1) year. The Fence Viewers, dating back to the colonial era, are available to adjudicate property line disputes.

Two **Surveyors of Wood and Timber**, each for a term of one (1) year. The Surveyors of Wood and Timber also date back to the colonial era, and are elected to adjudicate disputes regarding the sufficiency of a delivered cord of wood. While no longer utilized, many New Hampshire towns still elect Surveyors to maintain this colonial tradition.

### **Article Seven: Resolutions**

During consideration of this article, the Parks and Recreation Board will read a resolution honoring the Recreation Volunteer of the Year.

**A motion will be made to approve Article Eight through Article Thirteen jointly as written, however anyone is free to discuss any part of these articles and may move for separate action on any one article.**

### **Article Eight: Distribution of Revenue into the Land and Capital Improvements Fund**

The 1999 Town Meeting voted to create a Land and Capital Improvements Fund and a Conservation Fund, and then annually to consider taking the proceeds from the preceding fiscal year's Land Use Change Tax and distributing one-half to the Land and Capital Improvements Fund and one-half to the Conservation Fund. This article distributes one-half of the Land Use Change Tax revenue from the fiscal year 2008-2009 into the Land and Capital Improvements Fund. The Land and Capital Improvements Fund can be utilized to purchase land for Town facilities or to assist in the construction or renovation of Town facilities, and has a current unencumbered balance of roughly \$183,500, prior to action on this or any other article on this warrant.

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

### **Article Nine: Distribution of Revenue into the Conservation Fund**

Mirroring the action in the preceding warrant article, this article distributes one-half of the fiscal year 2008-2009 Land Use Change Tax revenue into the Conservation Fund. This fund can be

utilized to purchase conservation land, conservation easements, or to implement land conservation-related activities. The current balance in this Fund is roughly \$502,400, prior to action on this or any other article on this warrant.

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

**Article Ten: Transfer of Funds Collected into the Municipal Transportation Improvement Fund**

State statute enables New Hampshire communities to establish a Municipal Transportation Improvement Fund, pursuant to RSA 261:153 VI. Such a fund is created by adopting a motor vehicle registration surcharge of up to \$5.00, which is collected each time a motor vehicle is registered within the municipality. Town Meeting voted to collect the additional \$5.00 surcharge at the May 2000 Town Meeting, as well as to establish the Municipal Transportation Improvement Fund. Proceeds from the Fund are to be used to support eligible local transportation improvement projects such as public transportation initiatives, roadway improvements, signal upgrades, and the development of bicycle and pedestrian paths. This article authorizes the transfer of this surcharge collected in fiscal year 2008-2009 into the Municipal Transportation Improvement Fund.

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

**Article Eleven: Payment into Capital Reserve Funds**

This article appropriates and authorizes the payment of monies into various Capital Reserve Funds. All of these actions are taken as part of the recommended budget for fiscal year 2010-2011. The Town has a history of making regular, annual contributions to these various funds and then, as required, expending monies from the funds to replace vehicles and equipment, or for other stipulated purposes of the fund.

Ambulance Equipment Capital Reserve Fund	\$ 47,000
Bridge Replacement and Renovation Capital Reserve Fund	\$ 40,000
Building Maintenance and Improvement Capital Reserve Fund	\$ 50,000
Dispatch Equipment and Dispatch Center Enhancements and Capital Reserve Fund	\$ 6,500
Fire Department Vehicle and Equipment Capital Reserve Fund	\$ 65,000
Highway Construction and Maintenance Equipment Capital Reserve Fund	\$249,600
Parking Operations Vehicles and Parking Facility Improvements Capital Reserve Fund	\$ 62,210
Police Vehicles and Equipment Capital Reserve Fund	\$ 73,000
Road Construction and Improvements Capital Reserve Fund	\$ 10,000

Sewer Equipment and Facilities Improvements Capital Reserve Fund	\$527,430
Town Revaluation Capital Reserve Fund	\$ 15,000

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

**Article Twelve: Withdrawals from Capital Reserve Funds**

There are several Capital Reserve Funds established to smooth out the budget impact of purchases of significant pieces of equipment and vehicles. The previous warrant article authorizes the deposit into these several funds; this warrant article authorizes the withdrawal from the specified Capital Reserve Funds for purchases of equipment and vehicles, or for other stipulated purposes of the Fund.

Bridge Replacement and Renovation Capital Reserve Fund <i>River Road and/or Ruddsboro Road bridge repair</i>	\$ 95,000
Highway Construction and Maintenance Equipment Capital Reserve Fund <i>Backhoe loader, loader, truck with plow</i>	\$ 300,100
Howe Library Building Repair and Equipment Capital Reserve Fund <i>Portion of migration costs to open source library information system</i>	\$ 20,034
Sewer Equipment and Facilities Improvements Capital Reserve Fund	\$1,700,000
Town Revaluation Capital Reserve Fund <i>Contracted labor for Town-wide property reevaluation program</i>	\$ 20,000

This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until these purchases are complete or June 30, 2015, whichever is sooner.

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

**Article Thirteen: Appropriation of Funds for Replacement Signal at Lyme Road and North Park Street**

The Board of Selectmen proposes to use \$29,950 from the Municipal Transportation Improvement Fund to help: 1) defray the cost (up to \$22,950) of the signal and pedestrian upgrades to be completed at the Lyme Road and North Park Street intersection; and 2) to provide nominal funding (\$7,000) for various projects proposed by the Bike and Pedestrian Committee. The antiquated traffic signal at the Lyme and North Park location is in extremely poor condition and needs immediate replacement. The Town is holding \$145,000 in funds provided by Dartmouth College as a developer fee paid for the Planning Board approval of the new dormitories constructed on Maynard Street several years ago and these funds, combined with the

appropriation of \$22,950 will provide for full replacement of the signal devices, the controller and pedestrian crossing devices to insure proper functioning of the signal system and to enable pedestrians to more safely cross this intersection.

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

**END OF ARTICLES PROPOSED TO BE JOINTLY VOTED ON.**

**Article Fourteen: Proposed Municipal Budget for Fiscal Year 2010-2011**

Given the significant economic downturn which has impacted the national, state and regional economy over the past 18 months, the Board of Selectmen directed Town staff to create a draft budget for FY2010-2011 with spending options that would result in a General Fund tax rate increase in the 0-4% range. Town staff then crafted a draft budget that provided the Board with multiple spending options while maintaining essential service levels and meeting the Town's contractual obligations with the AFSCME (Public Works) bargaining unit and the tentative agreements reached with the Police and Fire bargaining units. On March 8, 2010, the Board of Selectmen adopted a recommended budget for the Town requiring a 0.3% General Fund tax rate increase.

The table below outlines the net appropriation required by this warrant article, which when added to the three previous warrant articles outlined above as well as the two union contract articles immediately following this warrant article, funds the Town's total budget for the fiscal year 2010-2011.

Appropriation for the Proposed Municipal Budget for FY 2010-2011 (Warrant Article #14)	\$19,760,540
Appropriation for Payment into Various Capital Reserve Funds (Warrant Article #11)	\$ 1,145,740
Appropriation for Purchases to be Funded from Withdrawals from Various Capital Reserve Funds (Warrant Article #12)	\$ 2,135,134
Appropriation from Municipal Transportation Improvement Fund (Warrant Article #13)	\$ 29,950
Appropriation for FY 2010-2011 Impact of Union Negotiations with Police Department (Warrant Article #15)	\$ 32,423
Appropriation for FY 2010-2011 Impact of Union Negotiations with Fire Department (Warrant Article #16)	<u>\$ 20,775</u>
Grand Total of All Funds – See Budget Overview on page 21 ( <i>note: \$1 difference due to rounding</i> )	<u>\$23,124,562</u>

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

### **Article Fifteen: Union Contract Ratification with New England Police Benevolent Association**

The Town completed negotiations with Local 27 of the New England Police Benevolent Association (NEPBA) in June of 2009. NEPBA Local 27 represents employees of the Police Department including Police Officers, Dispatch staff and Parking Enforcement staff. The negotiations were protracted, extending beyond the expiration of the last contract on June 30, 2008, due to an initial failure to reach agreement on cost-of-living adjustments offset by increased employee co-payments for health insurance.

The new contract includes a 1% wage scale adjustment retroactive to July 1, 2009 to reflect when agreement was reached, a 3.0% wage scale adjustment effective July 15, 2009 to “catch up” bargaining unit member salaries with the increase other Town employees received on July 1, 2008 (but with no retroactivity to that date), and a 3% wage scale adjustment effective July 1, 2010. These adjustments are the same as those included in the contract with AFSCME (Public Works) staff approved at Town Meeting in May 2008 and granted to the Town’s non-union employees. The wage scale adjustments in the contract are determined by the December Consumer Price Index for the Northeast Urban Index, size B/C communities, with a minimum adjustment of 1.0% and a maximum of 3.0%.

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

### **Article Sixteen: Union Contract Ratification with International Association of Firefighters**

The Town has completed negotiations with Local 3288 of the International Association of Firefighters (IAFF), which represents employees of the Fire Department. The negotiations were protracted, extending beyond the expiration of the last contract on June 30, 2008 due to an initial failure to reach agreement on cost-of-living adjustments offset by increased employee co-payments for health insurance.

The new contract includes a 3% wage scale adjustment retroactive to December 18, 2009 to reflect when agreement was reached, a 1% wage scale adjustment effective July 15, 2009 to “catch up” bargaining unit member salaries with the increase other Town employees received on July 1, 2008 (but with no retroactivity to that date), and a 3% wage scale adjustment effective July 1, 2010. These adjustments are the same as those included in the contract with AFSCME (Public Works) staff approved at Town Meeting in May 2008 and granted to the Town’s non-union employees. The wage scale adjustments in the contract are determined by the December Consumer Price Index for the Northeast Urban Index, size B/C communities, with a minimum adjustment of 1.0% and a maximum of 3.0%.

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

### **Article Seventeen: Purchase of the Hayes Property in Etna Village – Site of the Etna Library - Utilizing Three Sources of Funds and Permanent Protection of 4.2 Acres of the Property**

The Etna Library (formally known as the Hanover Town Library) and the land directly under the footprint of the building are owned by the Town of Hanover but the land surrounding the Library

building has long been owned by the Hayes family, along with the larger 11.4 acre parcel that includes the Hayes home, barns and pasture land. A deed restriction has been in place since the Library was constructed requiring that the building be used for Library purposes only; should the Town cease to use the building as a Library, the building and land upon which it sits would revert to the owner of the larger Hayes parcel.

The Town has long held a desire to secure the property immediately surrounding the Hayes property to gain ultimate control of the building itself and to enable construction of a safer parking area immediately behind the building and to enable construction of a fully handicap accessible entrance and restroom at the rear of the property. The current parking situation along Etna Road is not safe and the building is not handicap accessible. During Mrs. Hayes life, the Town inquired about her willingness to subdivide the parcel so that the Town could purchase the land underneath and surrounding the Library for this purpose, but she was not interested in pursuing that option.

Upon her death in 2009, Mrs. Hayes' daughters began discussions with the Town about the potential for purchase of the bulk of the property as an opportunity to: 1) secure the land immediately surrounding the Library for construction of the improvements outlined above; 2) eliminate the deed restriction governing the "sole purpose" use of the building, even though there is no intention to cease using the building for library purposes; 3) secure the pasture land for a combination of future recreation use and conservation; and, 4) preserve the historic village farm qualities of this lovely parcel. The Hayes' daughters were most open to discussing these opportunities as a means of preserving the family farm they have known all their lives. Discussions led to a decision to pursue subdivision of the farmhouse, barns and 2 acres of land so that the home could be sold for what the family hopes will be preservation and renovation, and to leave the remaining 9.4 acre parcel intact in the hopes that the Town could combine funding sources to enable its purchase. That subdivision, which includes a requirement that the deed restriction governing the use of the Etna Library be extinguished, was approved by the Planning Board on April 6, 2010. The Hayes' sisters have offered to sell the 9.4 acre parcel to the Town for \$360,000.

Toward that end, Article Seventeen seeks permission of Town Meeting to purchase the property and to utilize three different sources of funds for that purpose. If adopted, the Town hopes to purchase the property on or about July 1, 2010. Specifically, the article:

- Seeks Town Meeting authorization to purchase the property.
- Seeks an appropriation of funds from the Town's Land and Capital Improvements Fund, which is the accumulation of 50% of the proceeds from payment of the Land Use Change Tax collected over the last several years. The purpose of this fund is for the purchase of land and/or for construction of or improvements to Town-owned facilities. The most recent large expenditure from this fund was used to help fund construction of the Richard W. Black Community Center. A total of approximately \$190,000 is available in the fund and the Town proposes to appropriate the full amount to help purchase the Hayes property.
- Seeks an appropriation of funds from the Town's Conservation Fund, which is the accumulation of the remaining 50% of the proceeds from payment of the Land Use Change Tax, is governed by the Conservation Commission. Expenditure of more than \$50,000 from the Conservation Fund requires approval by the Board of Selectmen and Town Meeting, based on a Memorandum of Understanding executed between the

Commission and the Board of Selectmen. Given that the upper 4.2 acres of the Hayes property directly abuts the 12.9 acre Trescott Ridge Wetlands parcel which was set aside as open space as part of the related residential subdivision constructed in that location many years ago, the Town and Commission seek to conserve both tracts of land. Toward that end, the Conservation Commission has agreed to provide funding in the amount of \$55,000 toward the purchase of the Hayes property.

- Seeks an appropriation of the \$115,000 in remaining funds needed to acquire the Hayes' property which will be raised through a Town-wide fundraising campaign. The hope is to seek a lead donor for the purchase and to implement a brief fundraising campaign to begin in mid-May if Town Meeting approves the purchase of the property.

Article Seventeen also seeks to permanently protect a 4.2 acre portion of the property. With the active recreation and library related-uses envisioned for the area of the Hayes property closest to the road, the dedication of the back 4.2 acres for conservation and more passive recreation uses nicely complements the more active uses being considered for the lower portion of the property. This effort to provide passive recreational opportunities broadens the range of Hanover's outdoor enthusiasts that will appreciate the Hayes property.

The back portion of the Hayes property abuts the Trescott Ridge Wetlands, given to the Town in 1971 at the same time adjoining lands were subdivided for house lots. Contiguity of open space is beneficial for wildlife and for natural resources that do not follow property boundaries. The Conservation Commission would like to add the back portion of the Hayes property to the Town's system of open spaces to reinforce and provide a broader variety of habitat for the Trescott Ridge Wetlands. The back portion of the Hayes property includes both forest and open meadow. In addition, the property is featured in the 2000 *Open Space Priorities Plan* as a location for a trail to increase the recreation opportunities in Etna Village. Indeed, with the purchase of the Hayes property, a trail on Town-owned land can be created connecting the center of Etna Village to the Trescott Ridge Wetlands.

Neither zoning nor ownership permanently protects conservation land. Consistent with the recommendation in the *Open Space Priorities Plan* and the *Master Plan* that the town work with a land trust to devise a conservation easement to permanently protect each Town-owned conservation parcel, the Commission has begun work with the Hanover Conservation Council, a local non-profit conservation organization founded in 1963. The Council will ensure that the use limitations of agriculture, forestry, conservation and low impact recreation are permanently respected. From a management point of view it is appropriate to protect this land at the same time as the Trescott Ridge Wetlands property. The Conservation Commission, the Board of Selectmen and the Hanover Conservation Council will jointly approve both the management plan and the conservation easement prior to transferring the easement to the Council.

There will be additional costs involved in the completion of future improvements to both the Etna Library building itself and in related infrastructure, including an access driveway, parking lot to the rear of the building, and additional recreation amenities. Toward that end, the Town has submitted a Letter of Intent to the New Hampshire Department of Resources and Economic Development, Land and Water Conservation Fund Program, indicating an intention to apply for up to \$100,000 in matching funds in October of 2010 toward the construction of an access driveway, small parking lot and pocket park immediately behind the Etna Library. The Town must provide a one-for-one match for LWCF monies, but may use a soft match to do so. Soft match can include Town labor and materials. The intention is to engage in a planning process

with the Etna community later this summer to refine a plan for improvements to the Etna Library itself, parking, pocket park amenities and a potential playing field so that we may refine a formal application for LWCF funds in October of 2010, and then return to Town Meeting in May of 2011 with a final plan for implementation. Additional fundraising will, no doubt, be needed to implement specific improvements to the Library itself and for potential construction of a playing field.

A map showing the Hayes property is attached as Appendix B.

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

### **Article Eighteen: Permanent Protection of the Trescott Ridge Wetlands**

Permanently protecting the back portion of the Hayes property means that uses on those 4.2 acres will be limited to agriculture, forestry, conservation and recreation and will complement the existing use and permanent protection of the Trescott Ridge Wetlands. Contiguity of protected open space is beneficial for wildlife and for natural resources that do not follow property boundaries. The Trescott Ridge wetlands, a 12.9 acre piece of land, given to the Town at the time adjoining lands were sub-divided, is managed as wild land for the benefit of wildlife and for low impact recreation. The forest covering the Trescott Ridge Wetlands continues south and east to the open meadow on the Hayes property.

The addition of this acreage to the Trescott Ridge Wetlands will benefit wildlife by providing a larger undisturbed habitat area, protect water quality by limiting development around the wetlands and provide people with a larger natural area to enjoy on foot. Permanent protection of Town owned conservation land is recommended in both the *Open Space Priorities Plan* and the *Master Plan*, particularly the recommendation: *to protect the attributes of specific sites and little places that, collectively, create the outdoor ambiance of Hanover, and which go far towards defining the character and enhancing the quality of neighborhoods.*

Neither zoning nor ownership permanently protects conservation land. Consistent with the recommendation in the *Open Space Priorities Plan* and the *Master Plan* that the town work with a land trust to devise a conservation easement to permanently protect each Town-owned conservation parcel, the Commission has begun work with the Hanover Conservation Council, a local non-profit conservation organization founded in 1963. The Council will ensure that the use limitations of agriculture, forestry, conservation and low impact recreation are permanently respected. From a management point of view it is appropriate to protect this land at the same time as the Hayes property. The Conservation Commission, the Board of Selectmen and the Hanover Conservation Council will jointly approve both the management plan and the conservation easement prior to transferring the easement to the Council.

A map showing the Trescott Ridge Wetlands property is attached as Appendix C.

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

## **Article Nineteen: Purchase and Permanent Protection of the Steele Property**

The 2000 *Open Space Priorities Plan* guides the use of the Conservation Fund. Its maps show the proposed open space systems considered priorities in Town. The Steele property, 6 acres located across Route 10 from the Chieftain Motor Lodge, is shown as a priority for protection due to its location and natural resource importance, and as an element of the forested backdrop.

The Steele property's location is one of its most important features. It is located on Route 10, across the street from the Chieftain Motor Inn and just north of the mowed field across from Kendal. The Steele property is bounded to the north by the Town-owned Rinker Tract and to the east and south by land owned by the Hanover Improvement Society. The property includes 400 feet of frontage on Route 10.

The land is noted for its dramatic topography and majestic trees. The land is wooded with tall pines and some deciduous trees on the upper plateau. It slopes moderately down to the south and more precipitously down to the east and north. A deep ravine, over 50 feet deep separates the upper plateau from Route 10. The land reaches east almost to the Storrs Pond dam and includes some of the shoreline of the Rinker Pond.

This property is part of the forested backdrop cited in the *Master Plan* as being so important to the character of our in-town area. The property contributes to water quality protection at Storrs Pond and the Rinker Pond and provides wildlife habitat. It is scenic - framing the view across the mowed Ferguson field to the south and to Smarts Mountain as one looks north, and already has trails that link the Improvement Society's Ferguson Field with Storrs Pond.

Were the Steele property to be sold for residential development, the result would be construction of a driveway in the scenic mowed field to the south.

The owner, Diana Steele, inherited the land from her mother, Doris Cummings Ferguson. Mrs. Steele's mother was raised in the farmhouse at the Kendal entrance and sold the property to Kendal and the field across the street to the Hanover Improvement Society. Mrs. Steele thinks that her mother would have endorsed her plan to sell the land to the Town for addition to the open space system.

The appraised value is \$205,000. A total project cost of \$220,000 includes development of a management plan, title work, legal and other costs associated with the land purchase and protection. A fundraising campaign was kicked off with a lead gift of \$5,000 and as of March 31, 2010 another \$9,687 has been raised, including support from the Jocelyn F. Gutchess Fund, administered by the New Hampshire Charitable Foundation. The Hanover Conservation Council has also pledged financial support. The balance of the money that is not raised privately will be withdrawn from the Conservation Fund for the purchase and protection.

Since the purchase price is over \$50,000 the Conservation Commission must seek Town Meeting approval. This is a much anticipated and important addition to the open space lands in Hanover benefitting the water quality in Rinker and Storrs Pond and wildlife habitat, adding to the forested backdrop and providing recreational opportunities such as trail walking and bird watching.

A map showing the Steele property is attached to this document as Appendix D.

In turn, permanently protecting the Steele property means that uses on those 6 acres will be limited to conservation and recreation and will complement the existing use and permanent protection of the Rinker Tract to the north. Contiguity of open space and consistent management is beneficial for wildlife and for natural resources that do not follow property boundaries. The Rinker Tract, immediately to the north of the Steele Property is a 17.6 acre piece of land purchased by the Town in 1975. It is managed as wild land for the benefit of wildlife and Rinker Pond, and for low impact recreation. Protection of both the Steele Property and Rinker Tract ensures that the entire shoreline of Rinker Pond, a backwater of the Connecticut River and portion of Camp Brook, is fully conserved.

Permanent protection of this land will benefit wildlife by providing a larger undisturbed habitat area, protect water quality by limiting development around Rinker Pond and provide people with a larger natural area to enjoy on foot. Permanent protection of Town owned conservation land is recommended in both the *Open Space Priorities Plan* and the *Master Plan*, particularly the recommendation: *to protect the attributes of specific sites and little places that, collectively, create the outdoor ambiance of Hanover, and which go far towards defining the character and enhancing the quality of neighborhoods.*

Neither zoning nor ownership permanently protects conservation land. Consistent with the recommendation in the *Open Space Priorities Plan* and the *Master Plan* that the town work with a land trust to devise a conservation easement to permanently protect each Town-owned conservation parcel, the Commission has begun work with the Hanover Conservation Council, a local non-profit conservation organization founded in 1963. The Council will ensure that the use limitations of agriculture, forestry, conservation and low impact recreation are permanently respected. From a management point of view it is appropriate to protect this land at the same time as the Rinker Tract. The Conservation Commission, the Board of Selectmen and the Hanover Conservation Council will jointly approve both the management plan and the conservation easement prior to transferring the easement to the Council.

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

### **Article Twenty: Permanent Protection of the Rinker Tract**

Permanently protecting the Rinker Tract means that uses will be limited to conservation and low impact recreation and will complement the existing use and permanent protection of the Steele Property to the south. The Rinker Tract, 17.6 acres located on Route 10 was purchased by the Town in 1975 using Land and Water Conservation Funds. By accepting these funds, the Town is obligated to use the land wholly for, or in support of, public outdoor recreation. In addition, if the Town were to convert the land from public outdoor recreation use, adequate substitution and replacement of the land would need to be provided. This obstacle to converting the use does not permanently protect the land. Likewise not all public outdoor recreation is consistent with provision of wildlife habitat, proper management of the steep slopes and water frontage, and the low impact trails now sited on the steep slopes and highly erodible soils present at the Rinker Tract.

Neither zoning nor ownership permanently protects conservation land. Consistent with the recommendation in the *Open Space Priorities Plan* and the *Master Plan* that the town work with a land trust to devise a conservation easement to permanently protect each Town-owned conservation parcel, the Commission has begun work with the Hanover Conservation Council, a local non-profit conservation organization founded in 1963. The Council will ensure that the use limitations of conservation and low impact recreation are permanently respected. From a management point of view it is appropriate to protect this land at the same time as the Steele property. The Conservation Commission, the Board of Selectmen and the Hanover Conservation Council will jointly approve both the management plan and the conservation easement prior to transferring the easement to the Council.

A map showing the Rinker Tract is attached to this document as Appendix D.

The Board of Selectmen voted 5-0 to support this warrant article during the Pre-Town Meeting public hearing held on April 5, 2010.

#### **Article Twenty-One: Outreach House (by petition)**

FY 2010-2011 is the third year that the Town of Hanover has received a funding request from the Outreach House. This agency, located in Hanover, provides a comfortable home for senior family members who require some assistance. This article has been submitted by petition because the agency inadvertently missed the formal funding request due date.

#### **Article Twenty-Two: ACoRN (by petition)**

Prior to 2007, ACoRN had been a recipient of Town funding for social service agencies but did not submit requests for funding in FY 2008-2009 or 2009-2010. Given that the Town has traditionally requested that agencies submit funding requests directly to Town Meeting for the first three years, the Board requested that ACoRN begin by making a funding request directly to Town Meeting for FY 2010-2011.

#### **Article Twenty-Three: Marriage Equality (by petition)**

This warrant article was submitted by petition and will be presented for discussion by the petitioner.

#### **Article Twenty-Four: 9/11 Independent Investigation (by petition)**

This warrant article was submitted by petition and will be presented for discussion by the petitioner.

#### **Article Twenty-Five: Other Items**

This warrant article allows attendees at Town Meeting to raise any other items for consideration.

## APPENDIX A

### Full Text of Proposed Amendments to the Hanover Zoning Ordinance, reflecting Actions of the Hanover Planning Board at a Public Hearing held on February 9, 2010.

Text proposed to be amended is shown in *bold italics* and ~~*bold italic strikethrough*~~.

#### Article Two: Amendment No. 1

##### Amend Section 702 Reference to Site Plan and Subdivision Design Review:

“702.7.B (3) For any proposal for which subdivision or site plan approval by the Planning Board is required, no application for Special Exception or Administrative Permit shall be accepted until ~~*preliminary the Design Review phase of*~~ subdivision or site plan review has been completed; the application for Special Exception or Administrative Permit shall reflect the Planning Board’s resulting recommendations.”

#### Article Three: Amendment No. 2

##### Amend Section 803 Expansion of Non-Conforming Structures:

“Section 803 Change of Non-Conforming Structures

A non-conforming structure may be enlarged or extended if no part of the enlargement or extension violates any dimensional requirement of this ordinance.

*If the non-conforming structure is non-conforming only with respect to setback requirements, it may be enlarged or extended if the enlargement or extension would be:*

- A. No closer than the existing structure to the lot line(s) to which the existing structure is non-conforming;*
- B. No higher than the existing structure; and*
- C. No closer than the closest point of the existing structure to a structure on an adjacent property.*

The Zoning Board of Adjustment may grant a Special Exception, ~~*using the criteria of Section 206,*~~ for an addition to a non-conforming structure, which is non-conforming only with respect to setback requirements, and which proposed addition extends no closer than the existing structure to the lot line(s) to which the existing structure is non-conforming, *even if criteria (b) and/or (c) above are not met, if it finds in the circumstances that the criteria of Section 206 are met.* Any other enlargement or extension shall not take place unless a Variance is obtained under Article X.

If a non-conforming structure has become structurally deficient the Zoning Administrator may issue a zoning permit for the razing, rebuilding and restoration of such structure as a replica of the exterior of the original structure, being no larger in volume, foot print, floor space and height than the original structure, and in substantially the same location.”

**Article Four: Amendment No. 3**

**Amend Section 1001 Notice to Abutters of Pending Residential Zoning Permit:**

“1001.3 *Upon receipt of a completed application for a residential project, abutters shall be notified of the pending application.* The Zoning Administrator shall determine whether an application for a permit is in compliance with this Ordinance. If the Zoning Administrator determines that it is, the application for permit shall be approved and a Zoning Permit issued. SUCH ZONING PERMIT SHALL NOT TAKE EFFECT UNTIL THE APPEAL PERIOD HAS EXPIRED. The Zoning Administrator shall act upon any application within fifteen (15) days after it has been filed.”

**Article Five: Amendment No. 4**

**Amend Section 1006 Update of Variance Criteria:**

“1006.1 The Board of Adjustment may, on an appeal, grant a Variance from the provisions of this Ordinance, if the applicant produces evidence to support a finding of each of the following facts by the Board of Adjustment:

- ~~A. — *Special conditions exist such that a literal enforcement of the Ordinance results in unnecessary hardship. “Special conditions” can include irregularity, narrowness, shallowness, size or shape of the lot, or exceptional topographical or other physical conditions peculiar to the property and not the circumstances or conditions generally created by the provisions of the Ordinance in the neighborhood or district in which the property is located. What constitutes unnecessary hardship will depend on whether the applicant is seeking a use variance or an area (dimensional) variance.*~~
- ~~(1) — *For a use variance, the applicant must demonstrate that:*~~
- ~~(a) — *The zoning restriction as applied interferes with applicant’s reasonable use of the property, considering the unique setting of the property in its environment;*~~
- ~~(b) — *No fair and substantial relationship exists between the general purposes of the Ordinance and the specific restriction on the property; and*~~
- ~~(c) — *The variance would not injure the public or private rights of others.*~~
- ~~(2) — *For an area variance, the applicant must demonstrate that:*~~
- ~~(a) — *The variance is necessary to enable the proposed use of the property given the special conditions of the property; and*~~
- ~~(b) — *The benefit sought cannot be achieved by some other method reasonably feasible to pursue, other than the variance.*~~
- ~~B. — *The variance will be consistent with the spirit of the ordinance and would not violate the ordinance’s basic zoning objectives.*~~
- ~~C. — *The variance will not be contrary to the public interest, such that it would alter the essential character of the neighborhood or threaten the public health, safety or welfare.*~~
- ~~D. — *The value of surrounding properties will not be diminished.*~~
- ~~E. — *Substantial justice is done, such that the loss to the applicant from the denial of the variance is not outweighed by the gain to the general public from such a denial.*~~

- A. *The variance will not be contrary to the public interest;***
- B. *The spirit of the Ordinance is observed;***
- C. *Substantial justice is done;***
- D. *The values of surrounding properties are not diminished; and***
- E. *Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.***

**(1) *For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:***

**(a) *No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and***

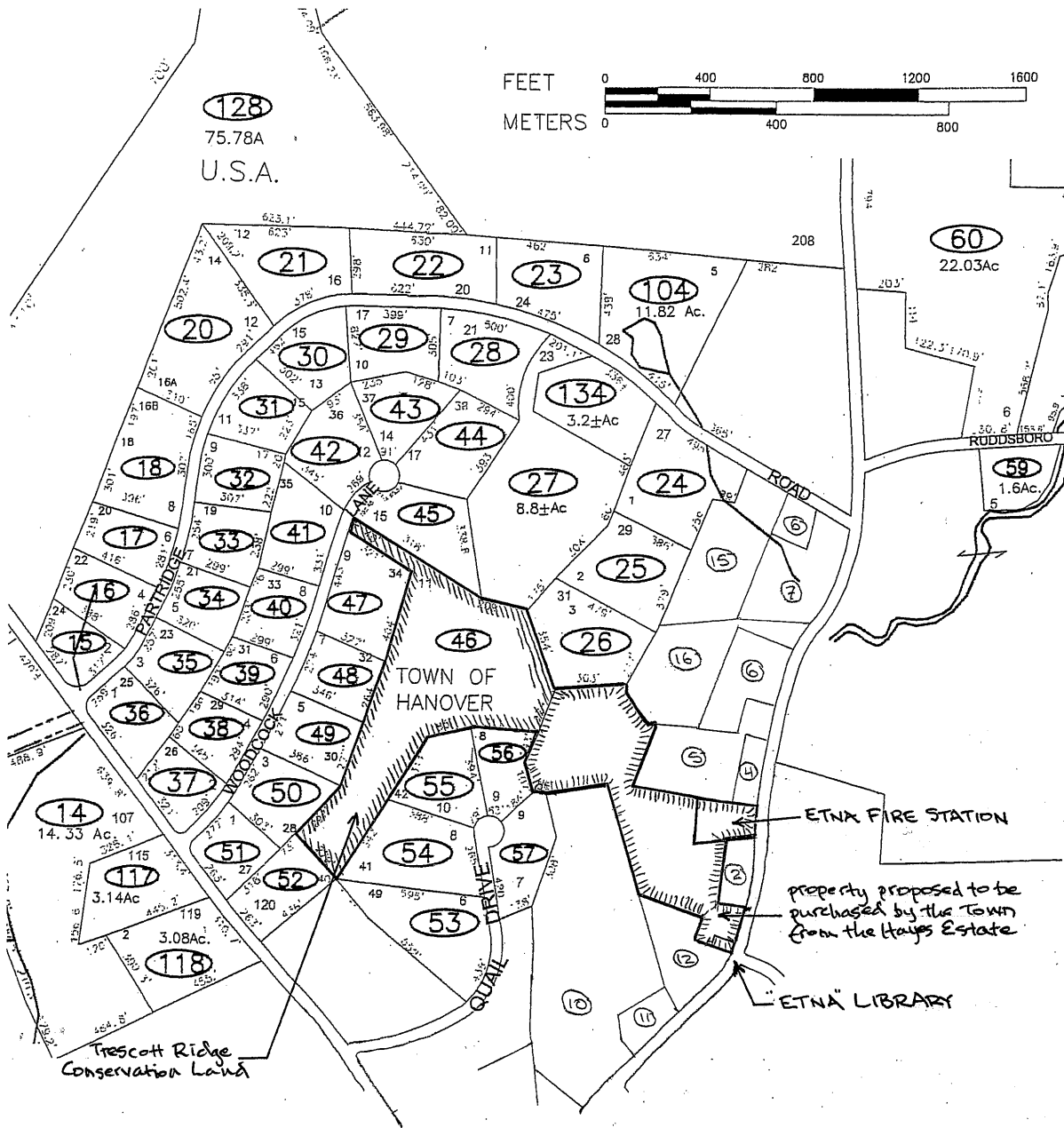
**(b) *The proposed use is a reasonable one.***

**(2) *If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist, if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.***

***The definition of “unnecessary hardship” set forth in subparagraph E shall apply whether the provision of the Ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the Ordinance.”***



# APPENDIX C

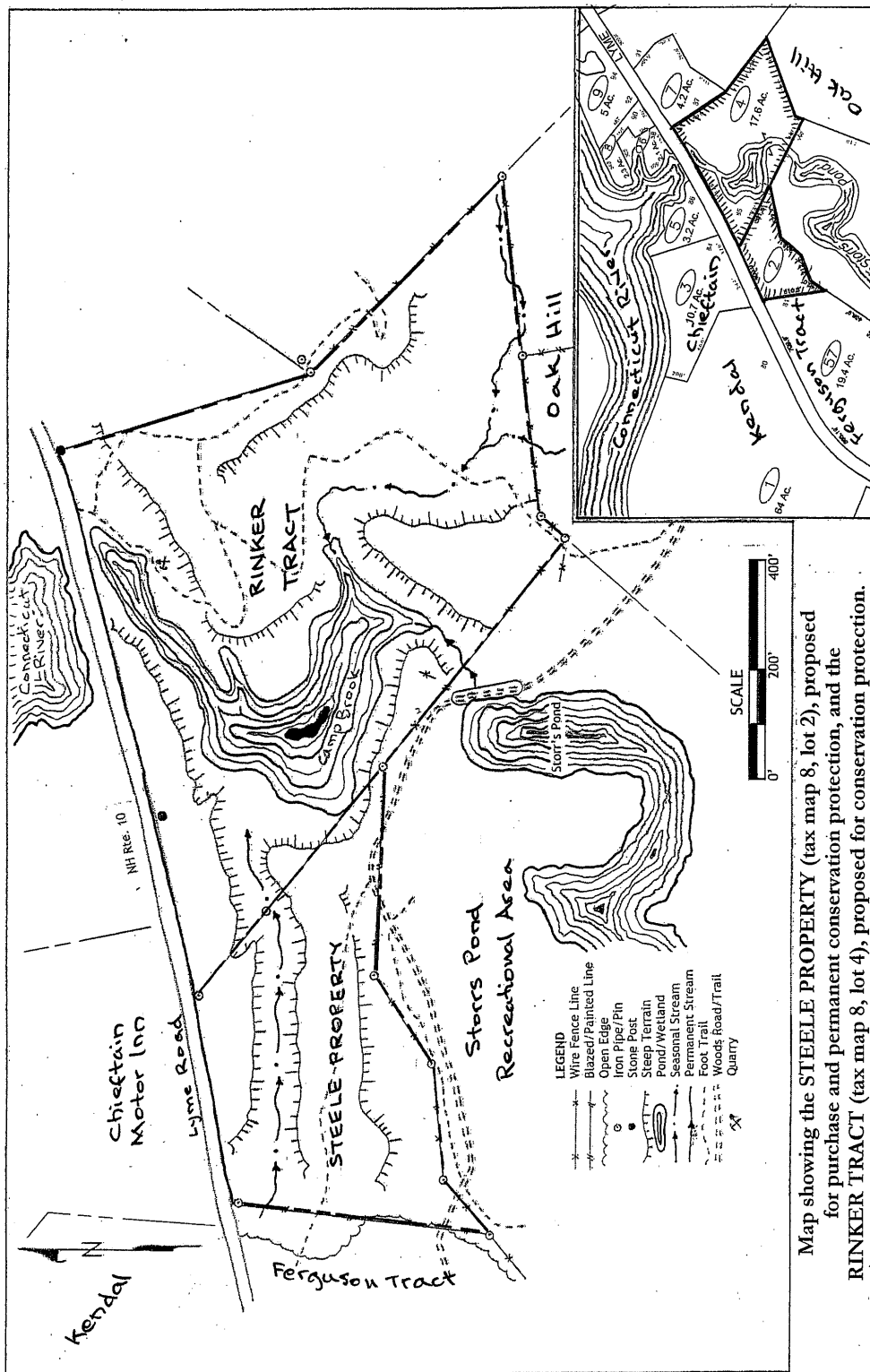


MAP SHOWING TRESOTT RIDGE CONSERVATION LAND (tax map 5, lot 46)

together with the Town ("Etna") Library, the Etna Fire Station, and adjacent property proposed to be purchased by the Town of Hanover from the Estate of Ethel Hayes

compiled from portions of tax maps 5, 29, and 31

# APPENDIX D



Map showing the STEELE PROPERTY (tax map 8, lot 2), proposed for purchase and permanent conservation protection, and the RINKER TRACT (tax map 8, lot 4), proposed for conservation protection.

**Notes...**