

**Planning Board
Board Room, Municipal Building 7:30 pm
February 13, 2007**

In Attendance:

Members: Nancy Collier, Kate Connolly, Jim Hornig, Judith Esmay, Bill Dietrich, Charles Faulkner

Alternates:

Selectmen Alternate: Bill Baschnagel

Staff: Vicki Smith, Jonathan Edwards

Others: See attached sheet

1. 07-01 Submission of application for public hearing and on request by Amy Dunfey for minor lot line adjustment to annex .02 acre to her land, Map 46, Lot 5, 60 Lyme Road, from land owned by Christopher and Kim Keating, Map 46, Lot 5, 58 Lyme Road, in the "SR3" zoning district.

Mr. Dunfey stated his house is quite close to the current lot line and that he and his wife had reached agreement with the Keatings, owners of the abutting property, about moving the lot line about six feet. Both properties were resurveyed by Ken LaClaire, who prepared the plot plan. Mr. Dunfey stated if this application is approved the Dunfey's would work with Attorney John Stebbins to do a proper purchase and sales agreement. The Keatings had twice received notice of this meeting, but were unable to attend this meeting. The Dunfey's plan no change in the footprint or use of their house.

BASCHNAGEL observed that the lot is presently nonconforming and would remain so after this transaction is complete; he asked if application should be made to ZBA. Mr. Edwards stated it would not, because the change does not increase a nonconformity, it reduces one.

CONNOLLY moved to approve the application as complete, HORNIG seconded, and all voted in favor.

CONNOLLY moved to approve the request, HORNIG seconded, and all voted in favor.

2. Discussion of draft zoning amendment for Rural Hanover

Anne Morris reported for the Rural Planning Group, which submitted draft proposals for zoning amendments in implementation of the 2003 Master Plan. She noted zoning changes adopted at Town Meeting 2006 that address density in the rural area and distributed a chart indicating what the changes had accomplished. Ed Chamberlain devised a method of determining how every parcel in the rural area had been affected by those amendments. Ms. Morris observed that serendipitously the 2006 amendments conformed the density level of the rural area very nearly to the Master Plan objectives. The density level today is at the median level of the Master Plan buildout. Having arrived at the density objective of the Master Plan, said Ms. Morris, the Rural Group wishes to address the second core objective: resource protection, especially where valued resources make an area attractive to development.

In particular, proposed zoning amendments are directed at what have been identified as moderate and high resource value land characteristics. Ms. Morris said the accompanying maps reflect Hanover's complex landscaping and characteristics; good planning, she said, should recognize and accommodate

those differences in landscape characteristics. The generic names of all the maps should be *Rural Resource Overlay District*, followed by the name of the map. Hilary Pridgen stated that density had been addressed in 2006, but not building location. The new amendments would not change zoning, but would establish an overlay district to protect the natural resources.

FAULKNER questioned the red "in-town" boundary line as not corresponding with the Planning Board's position, particularly for Etna. Mr. Edwards explained the line, stating that there are a few areas he felt needed to be whittled back. He also said there is open space land that needs to remain that way because of its topography and type.

COLLIER noted that a statement on page 6 of the rural overlay proposal memo, "no part of any structure shall exceed the elevation shown on this map," would preclude structures above the 700 or 800 foot elevation depending on land changes. She also called attention to the statement on page 6, "there will be no structures in the blue hatch patches"; Mrs. Morris said there is always the option of a variance. COLLIER stated the Board should deliberate the section: *Visibility of Development*; she said that the page 6 statement, "no part of any structure shall exceed the elevation shown on scenic vistas," is a strong statement. Mr. Chamberlain pointed out an instance of an Town conservation easement defined by elevation on Mt. Tug; the purpose of that easement was to protect the ridgeline and hilltop.

COLLIER asked if the group had talked to any other communities that have done something like this. Mrs. Morris stated several years ago the whole district had been done in one overlay, but of all the models they have looked at they liked this the best. CONNOLLY requested two versions of the composite map, one showing hilltops and ridgelines and steep slopes and one showing only hilltops and ridgelines.

Mr. Chamberlain stated an analysis had been started, examining a reduction in the build-out of the resource areas, but it was discovered that most of these areas could be eliminated from development. The analysis also found that the lot-by-lot estimate for the 2006 ordinance has reached the goal that the Master Plan was calling for. He stated the wetlands and steep slopes already impact major subdivisions.

CONNOLLY suggested that material at the bottom of page 6 belonged in site plan review and not in zoning. The Board discussed what could and could not be in site plan review, the four step process, and wording changes.

CONNOLLY asked for the source of provisions regarding building materials and exterior colors on page 7; Mr. Chamberlain said he felt it should be applied to the scenic vista areas on the ridge lines.

COLLIER said the application procedure on page 8 requires a site development plan that includes identification of large trees over ten inches in diameter and a grading plan with two-foot intervals, requirements that are tantamount to development of a site plan for a house and potentially burdensome for property owners. Any changes to an approved landscape plan, for example, would have to be submitted to the Zoning Administrator for approval. Local builders and architects might be consulted as to the difficulties this might impose.

Arthur Gardiner, Zoning Board member, stated that the ordinance cannot base an administrative decision on the subjective judgment of the Zoning Administrator. The Board should establish a definition of development and the specific activities covered by these rules. He said it would be interesting to know how many homes in Hanover would become non-conforming under the zoning ordinance if this were adopted, and how many land owners in Hanover would find themselves faced with significant additional restrictions on their property. There was discussion as to whether the targeting of different areas each year constitutes spot zoning.

Ms. Pridgen said that important provisions of the Master Plan were served by the proposed amendments and that anyone precluded from building by them can still apply for a variance. Mr. Edwards said that a

lot entirely within a high resource overlay district would completely lose its buildability, despite its legality otherwise--and that this is a new issue.

COLLIER suggested that a list should be kept with the questions that need to be studied further, including how to allow development of a total high resource value parcel. Ms. Smith stated Lyme solved this by allowing everyone a building right without counting the overlay districts.

BASCHNAGEL spoke of the need for a positive recommendation from the Conservation Commission. He said the amendment might impose on Town property owners a new policy of oversight of single family homes. Ms. Smith stated this amendment would offer people an opportunity to vote on the issue. BASCHNAGEL spoke of his concern for authorizing the Zoning Administrator to shut a project down just because the Administrator didn't like it. Mr. Gardiner asked how the Zoning Board would fit into this; he asked if the Administrator would have unreviewable discretion or if the intent is to follow the existing practice in the Zoning Board. COLLIER stated it needed to be remembered that this is not zoning language yet, but a great volunteer effort to gather ideas and work out possible solutions.

Doug McIlroy suggested two simplifications: a separate section for all water-related provisions and definition of the overlay areas by verbal description or references to external sources, but not by map, which cannot be dispositive. Ann Crowe commended the amendments for identifying areas for development and protection. Discussion on map inclusiveness and composition followed.

BASCHNAGEL agreed that Hanover faces challenge in maintaining the rural character. He recommended the site plan review process as the appropriate means of accomplishing that, a process built on extensive discussion on what constitutes "rural character." COLLIER asked Ms. Smith to define how far the Planning Board could go with site plan review. Ms. Smith stated she thought the statute was very clear, but she would ask Town Counsel Walter Mitchell.

Mrs. Pridgen stated the real vulnerability is single family homes; it is urgent that the ordinance deal with this and that the issue should be submitted to Town Meeting this year. She also said she would like to see more staffing resources in the Planning and Zoning office.

COLLIER stated that 15 zoning amendments are still not complete. The Board has scheduled hearings on February 20 and March 20, the latter of which is the deadline; there is not a lot of flexibility in the Planning Board's time to hear this. Mr. Edwards suggested a session on Wednesday, February 21 at noon; COLLIER concurred and said meetings would be scheduled for subsequent Wednesdays as needed. COLLIER stated that maps, applicability, and site plan review will all be important things for the Rural Group to work on before the next meeting.

ESMAY moved to continue this discussion until February 21 at noon, FAULKNER seconded, all voted in favor.

3. Other Business:

COLLIER stated that there is a new minutes procedure: the minutes will go to Beth Rivard first, then Jonathan Edwards and then to Judith Esmay, and then to the Board all electronically.

DIETRICH moved to adjourn, FAULKNER seconded, all voted in favor.

4. Adjournment: Meeting adjourned at 10:12 pm.

Respectfully Submitted,

Erin Hammond, Recording Secretary

Approved: 04/24/07

Judith Esmay, Clerk