

**Planning Board
Board Room, Municipal Building 7:30 pm
February 20, 2007**

In Attendance:

Members: Nancy Collier, Kate Connolly, Michael Mayor, Judith Esmay, Bill Dietrich, Charles Faulkner

Alternates: Joan Garipay

Selectmen Alternate: Bill BASCHNAGEL

Staff: Vicki Smith, Jonathan Edwards

Others: See attached sheet

AGENDA

1. Public Hearing on Proposed Zoning Amendments

COLLIER stated this is the first formal hearing although she believes these amendments have all discussed at least once. There will be a second hearing on March 20, when a proposed amendment can be dropped but cannot be substantively changed.

Winifred Stearns spoke of her concern that some of these amendments were submitted after the November 15, 2006 deadline. COLLIER said all would be taken up in order and the submission date could be discussed at that time.

1. Amend table 204.7 by adding accessory use dwelling unit, detached in the "RR" zone.

COLLIER stated the proposal would allow a second dwelling unit in the "RR" zone: a small unit in an accessory building. She stated the proposal was under number 2 on page 3 and there are "A-I" qualifications that need to be met.

"A" states such detached dwelling unit shall be located on a property that is owner occupied. Ms. Brotman thought "single family owner occupied" should be added in because the idea is not to allow someone a duplex plus another unit in their garage. The first "A" will stay as it was and a new "B" will be added to establish that the existing primary residence shall be a one family dwelling.

The old "B" will now become "C". It will read "The detached accessory dwelling shall be subsidiary and smaller than the principal dwelling".

COLLIER stated she didn't think the Board needed to reread all of these except to say: "G: Driveway access for all dwelling units shall be shared." COLLIER thought it should read: "Driving access at the town road for all dwelling units on the lot shall be shared." It was decided the line should read: "Driveway access for both dwelling units shall be shared."

COLLIER stated there had been suggestion that the last qualification read: "Conforms to all setback requirements." Mr. Edwards stated Ms. Brotman would substitute: "The detached accessory dwelling unit shall be contained in a structure which conforms to all setback and height requirements for dwelling spaces."

Mr. Edwards stated that on item "F" Ms. Brotman suggested the Board consider: "Parking for the detached accessory dwelling unit shall be provided on site per section 404," a schedule of parking

requirements. The Board decided to add: "per section 404." Mr. Edwards stated Ms. Brotman also thought item "H" should be similarly amended. Item "H" has to do with "SR" and "GH" accessory units. COLLIER stated that adding "per section 404" to item "H" could be done right now.

Winifred Stearns stated as she sees it every landowner in the "RR" district is going to be allowed to be their own developer. She stated her concerns about lack of enforcement, about people not following the rules, and about overcrowding in the schools. COLLIER suggested Ms. Stearns might participate in a budget meeting when staffing for enforcing is discussed. MAYOR stated he gets distressed when Ms. Stearns speaks for him in terms of his understanding. He stated he appreciated hearing her understanding, but he resents her describing his. MAYOR also stated school enrollment is dropping and has been over the last five years.

Barbara McIlroy stated she didn't understand the permitting of a second dwelling on a minimum-sized lot and asked if there could be a second dwelling on a three-acre lot. COLLIER stated there could be a duplex on such a lot under the present ordinance.

CONNOLLY moved to put detached accessory dwelling units in "RR" onto the March 20th hearing notice, FAULKNER seconded, and all members voted in favor.

2. Amend section 210.1a to allow up to two driveways for each multiple housing unit or any group of two or more attached dwellings in a PRD.

COLLIER stated this had been discussed before and changed. It was decided to leave it as is with the previous changes.

FAULKNER moved to move this to March 20, MAYOR seconded, and all members voted in favor.

3. Amend section 210.2 in order to clarify its application and provide for more reasonable treatment of accessory uses.

COLLIER stated the proposal is to retain the permitted gross floor area of accessory buildings in the "RO", "GR", and "SR" districts at 25% of the principal building, but to impose no such limits in the "RR" zoning district. COLLIER stated Rick Sayles has asked for 50%. CONNOLLY stated Mr. Sayles has a very unusual set of circumstances and asked if he had asked for a variance. Mr. Edwards stated Mr. Sayles hasn't pursued his proposal yet.

CONNOLLY moved to move this to March 20, FAULKNER seconded, and all members voted in favor.

4. Section 803 Change of non-conforming structures with respect to lot line setbacks if the non conforming structure extends no closer than the existing structure.

Ms. Stearns spoke of her concern that this proposal was dated January 2007. Mr. Edwards said the proposal was brought to the Planning Board last October from the ZBA. Ms. Smith stated she would get the October date for Ms. Stearns. At Ms. Brotman's request COLLIER stated the bold writing would be stricken and the non-bold writing would be restored.

CONNOLLY moved to move this to March 20, MAYOR seconded.

Ms. Stearns spoke of her concerns of neighbors having to appeal who did not like this. CONNOLLY stated this was an addition to a non-conforming structure.

ESMAY asked about the language in "II". It was decided to add "non-conforming" after the word existing.

All members voted in favor.

5. *Amend Section 1006.1 by replacing it with new criteria for granting a variance. COLLIER stated much of this in keeping with state law changes.*

FAULKNER moved to move this to March 20, MAYOR seconded, and all members voted in favor.

6. *Amend Table 204.3 by adding church as a permitted use in the "OL" zoning district.*

COLLIER stated she was concerned with the wording *Churches are only allowed in the "I" zoning district.* She stated while that is true churches are allowed as special exceptions in "RO", "GR", "SR", and "RR" districts. COLLIER stated special exception doesn't mean it can't be done it just means there is an extra step involved.

ESMAY moved to move this to March 20, FAULKNER seconded, and all members voted in favor.

7. *PRD Parking deferral*

COLLIER stated if Twin Pines were to show up they could have another chance with this. Mr. Finley gave an overview from his notes from the last time this was heard.

CONNOLLY moved to defer this for one year, ESMAY seconded, and all members voted in favor.

8. *Amend Section 406 to allow off-lot parking for uses in the "I" zoning district on lots located in other zoning districts.*

CONNOLLY stated she would be opposed to this because without the assistance of the Zoning Board it allows a parking lot to be put anywhere in town to satisfy the parking needs of the "I" zone. She stated it takes the power away from the Zoning Board and hands it to the Planning Board to decide if a parking facility for the "I" zone can be put anywhere in town. She stated it would not even need a special exception and should not be considered in this fashion. Steve Campbell of Dartmouth College stated Dartmouth's needs for this type of parking and the need for satellite lots with the possibility of park and rides also. Mr. Edwards suggested that: "The site of such off lot parking shall be as allowed in section 204" could be added. BASCHNAGEL stated his concerns against this and stated it shouldn't be approved tonight. ESMAY and MAYOR both agreed.

ESMAY moved to defer this, FAULKNER seconded, and all members voted in favor.

9. *Amend Section 502.5 The applicant has requested this amendment be dropped.*

10. *Amend Table 204.8 to increase the maximum height of structures in the "F" forestry zoning district from 30'-40'.*

CONNOLLY asked why the height should be higher than most of the residential districts. Andy Harvard of Dartmouth College stated it was not in a residential district. He stated this is a piece that the College and the Hanover Improvement Society have been working on together for several years. He stated what is being asked for is the ability to have a ropes course on the Oak Hill property that is owned by Dartmouth and used by the Hanover community.

Winifred Stearns asked what the date was. Ms. Smith stated it was a year ago. Ms. Stearns asked if 40' would be getting into the tree tops. COLLIER stated that on Oak Hill where this is being planned Mr. Harvard has stated the trees are 50' and taller. Mrs. McIlroy asked why a variance couldn't be granted as that seemed simpler. MAYOR stated this would be in the "F" district and 40' would be a modest size tree. He stated he thought this structure would be topped by most of the surroundings. BASCHNAGEL stated it should be left at 30' with an option that would allow someone to go 40' with a special exception. Ruth Lappin of the Zoning Board stated someone could use that same argument with those words and could make it fit into other districts as well. Sandra Hoeh asked about the words: *it is reasonable to allow structures that support the outdoor recreation use is allowed in the district to exceed the current 30' limit.*

ESMAY moved to move this to March 20, the motion was second, and all members voted in favor.

11. *Amend Section 209.4 E(1) to remove the reference to Class A fire-resistant construction.*

FAULKNER moved to move this to March 20, MAYOR seconded, and all members voted in favor.

12. *Indoor recreation: a new section 330, which provides standards for providing an indoor recreation facility as a special exception in the "B" district and a permitted use in the "BM" and "I" districts.*

COLLIER stated "indoor recreation" is not defined in the ordinance. CONNOLLY stated in the "I" district someone can build anything they want as long as it is related to the institution. ESMAY asked if this should wait for the Route 120 study to be finished.

ESMAY moved to defer this, MAYOR seconded, and all voted unanimously in favor.

13. *Amend Section 323.3 by removing the exemption for adherence to noise standards during testing or other planned operation of generators.*

COLLIER asked Mr. Edwards if generators can operate within the day noise standards when they are tested. Mr. Edwards stated yes; based on research he has done, he is convinced this is a viable and realistic proposition. BASCHNAGEL asked what size generator he researched. Mr. Edwards stated a generator of any size can be built with noise suppressors and other sound-attenuating devices; it is a matter of applying the proper technology.

FAULKNER moved to move this to March 20, MAYOR seconded, and all members voted in favor.

14. *Amend several parts of Section 702 to clarify local wetland, water body, intermittent stream and setback jurisdiction.*

COLLIER asked if "A3" excavation, dredging, filling, or grading were new uses subject to exception. Ms. Smith stated no, and also stated this was to get the jurisdictional aspect straight where it wasn't clear before.

There was discussion on walkways and paths as they are not listed as permitted uses in "A2". There was also discussion on 702.5 that reads: "all activities are prohibited within 25 feet." It was decided to add "walkway, bridge, and trail" to Section 702.5 "A2".

MAYOR moved to move this to March 20 with the inclusions, CONNOLLY seconded, and all members voted in favor.

15. *Flood control regulations*

Mr. Edwards noted some contradictions. If Hanover doesn't allow development to occur in floodplains, he asked, why would there be a whole section on developing manufactured housing on flood plains. Mr. Edwards also stated there is no such thing as a floodplain district map referred to elsewhere in the ordinance.

CONNOLLY moved to move this to March 20, FAULKNER seconded, and all members voted in favor.

2. Other business:

Meetings with the Rural Committee are scheduled for Wednesdays February 21 and 28 at noon.

There will be no meeting on February 27.

The Route 120 discussion will take place March 1 at 7 pm.

The next Planning Board meeting will be March 6.

3. Adjournment: Meeting adjourned at 10:02 pm.

Respectfully Submitted,

Erin Hammond, Recording Secretary

Judith Esmay, Clerk