

**Planning Board
Board Room, Municipal Building – 7:30 pm
May 6, 2008**

In attendance:

Members: Nancy Collier, Judith, Esmay, Charles Faulkner, Jim Hornig, Michael Mayor, Kate Connolly

Alternates: Joan Garipay, Mike Hingston

Selectboard Alternate: Bill Baschnagel

Staff: Vicki Smith, Jonathan Edwards

Others: See attached sheet

- 1. 08-16 Submission of Application for Site Plan Review by Olympia Development, as agent for Francis and Kathryn White, property owners of record, to construct a 3-story, 72-room hotel, restaurant, and associated parking at 2 South Street, Tax Map 34, Lot 37, in the “D-1” zoning district.**

COLLIER advised that this application had been withdrawn by the applicant. Ms. Smith said the applicant would be submitting a new plan. Notification of future hearings would be required.

- 2. Continuation of 08-06 Submission of Application for Minor Subdivision by Dartmouth College, as Agent for Trumbull-Nelson, property owner of record, to subdivide 1 lot into 2 at 200 Lebanon Street, Tax Map 21, Lot 4, in the “BM” zoning district.**

Joan Garipay joined the Board as a voting member for this case review.

Todd Menees, of Engineering Ventures, and Matt Purcell and Larry Kelly, of Dartmouth’s Real Estate Office, presented the application. They testified to the following:

- The plan was to divide an existing 16-acre lot into 2 parcels
- Both parcels will exceed the minimum lot size for the “BM” zoning district
- Both lots will meet the steep slope requirement, having slopes of 11.14% over both lots
- The 200’ road frontage requirement will be provided along Route 120 (divided into 2 stretches of land measuring 167.25’ and 36.47’)
- A 5-acre front parcel will house most of the buildings, including the existing Trumbull-Nelson complex
- The front parcel will meet the requirement to accommodate a 200’x200’ box along the road frontage

- An 11-acre back parcel will house the 1 existing building on that site and a proposed park-and-ride facility
- Access to the back lot will be provided by Route 120, and by an easement extension over the Hitchcock Clinic property

FAULKNER asked about the proximity of an existing building, on the south portion of the existing lot, to the property line. Mr. Purcell said it was located on the property line. They were not proposing changes to that particular property line. It was noted that the setback for the "BM" district on this property is 50' in the front, and 0 on the sides and rear.

HORNIG asked about the condition of the existing road at the back of the site. Mr. Purcell said it was a gravel road. Mr. Kelly explained that an existing easement went from the signalized intersection on Route 120, by the entrance of Jesse's restaurant and the Hitchcock Clinic parking lot, to Dartmouth's remote storage building on what would be the back parcel. The easement behind Trumbull-Nelson, shown on the application submittal, does not currently exist. Its use would be proposed as a part of the Site Plan Review application for the park-and-ride facility. HINGSTON asked if the proposed easements would be designated as streets. Mr. Purcell said no, they would be private access roadways (driveways) to the parking lot. COLLIER expressed concern that access to the back lot would be provided from Route 120. Mr. Menees said a driveway permit application had been prepared for submittal to the NH DOT. Their intent was to access the lots off existing curb-cuts on Route 120.

Ms. Smith asked who would benefit from the 20' emergency easement shown on the Trumbull lot. Mr. Purcell said that would benefit the back lot. Mr. Menees agreed to add a note to that effect on the survey plat.

Ms. Smith expressed concern for parking access to Map 21, Lot 5 and asked if there were any plans to modify it. Mr. Purcell said those plans were submitted with the park-and-ride facility Site Plan Review application.

Charles Lief, of the Hartland Group, developer of the Gile Hill Project opposite Route 120 from the Trumbull property, expressed concern for the impact of pedestrian and bicyclists' connectivity to downtown created by this project. He said any hydrants needed for this project would impact the Greensboro Road pump station and questioned how the cost of the station upgrade would be allocated going forward with other developments that come along in this area. COLLIER asked that the traffic report for the park-and-ride application address pedestrian and bicycle access to the hospital and downtown Hanover.

It was moved by MAYOR, seconded by CONNOLLY, to accept the application as complete. The Board voted UNANIMOUSLY in favor of the Motion.

It was moved by MAYOR, seconded by HORNIG, to accept the application of the minor subdivision of Case No. 08-06 at 200 Lebanon Street. ESMAY asked that the record reflect the Board was approving a new lot, with essentially no access, with assurance by the Applicant that it will be connected to an existing signalized intersection on Route 120. The Board voted UNANIMOUSLY in favor of the Motion.

- 3. Continuation to June 3, 2008 of 08-05 Submission of Application for Site Plan Review by Dartmouth College, as Agent for Trumbull-Nelson, property owner of record, to construct a 391-space parking and ride facility and associated curb-cut, drive, access road, landscaping, bus shelter, bike storage, and stormwater treatment and attenuation at 200 Lebanon Street, Tax Map 21, Lot 4, in the “BM” zoning district.**

Alternate member HINGSTON was assigned as a voting member of the Board.

Mr. Edwards said the City of Lebanon had requested this project be declared a project of regional impact.

It was moved by MAYOR, seconded by ESMAY, to declare this a project of regional impact and to communicate to the appropriate parties about it. The Board voted UNANIMOUSLY in favor of the Motion.

It was moved by HORNIG, seconded by CONNOLLY, to continue this application to June 3, 2008. The Board voted UNANIMOUSLY in favor of the Motion.

- 4. 08-08 Submission of Application for Modification of an Approved Site Plan (Case No. P2003-09) by South Street Downtown Holdings, Inc., to install electrical transformers at Dorrance Place vehicular entrance and to relocate handicap parking spaces at 68 South Main Street, Tax Map 34, Lot 24, in the “D-1” and “D-2” zoning districts.**

Alternate member GARIPAY was assigned as a voting member of the Board

COLLIER advised of Larry Kelly’s submittal, at the start of the hearing, and the Town Attorney’s response to a staff questions, received earlier in the day.

John Caulo and Larry Kelly, of Dartmouth’s Real Estate Office, presented the application. They testified to the following for the handicap parking modifications:

- The parking lot in question is located behind Hanover Hardware (7 South Street)
- The lot provides 23 parking spaces, 2 of which are designated handicap spaces
- One of the handicap spaces is visually obscured by the Hardware store’s U-Haul vehicle parking
- The proposal will provide a more appropriate distribution of the 2 handicap spaces

Winifred Stearns, of 5 Dorrance Place, reported that the handicap spaces were used as dumping grounds for snow removal from the lot. She said the original Site Plan Review approval for this lot required tenants to utilize the parking garage. She expressed concern for the fumes generated from the U-Haul vehicle and said it too should be restricted to garage parking. Mr. Edwards said the lot offered more spaces than was required for zoning. The U-Haul space could be construed as an extra parking space, for use at the property owner’s discretion. Mrs. Stearns asked the applicant to address the habitual parking of a suburban next to the dumpster.

The testimony of the installation of electrical transformers at the Dorrance Place vehicular entrance included the following:

- Applicants assert that the site is very constrained and characterize the proposed modifications as changes in the program of the site plan, not changes to the approved Site Plan
- Minor shifting is often required for utility installations
- Plans submitted in support of the modification application depict the as-built location of the utility installations, from the perspective of physical layout, grading, and the location of subsurface conduits and piping
- Landscape plans:
 - show the proposed improvements to the original plan to accommodate the transformer installations
 - indicate the location of the 2 LP tanks, off the perimeter of the roadway, convenient for propane deliveries, and maintaining clearances from the building and each other
 - there is no intent to reduce the quantities of plantings depicted
- A second LP tank is needed to accommodate the potential occupancy of 2 restaurants and a previously approved modification to allow 12 dwelling units in the building
- Installation of the tanks was done under the supervision of the Town's Fire Inspector and Irving Oil personnel
- The second tank straddles a property line that divides 2 properties owned by South Street Downtown Holdings, Inc.
- The location of the second tank will be rotated so that it is located wholly on the 72 South Main Street parcel
- The location of the LP tanks dictate the shifting of a transformer to its current location, 12' to the east and north of the approved location
- The electrical utilities restrict the amount of turning radius of the conduits
- The power distribution that runs through South Block is a regional distribution; their intention is to relocate an existing transformer that services Dorrance Place and Gould Road after the utility company approves its relocation
- Applicants denied staff's determination that the transformer's current location did not meet the Town's zoning or building code regulations

COLLIER asked if the basement foundation of the former Café Buon Gustaio building required Special Exception approval from the Zoning Board of Adjustment (ZBA). Mr. Caulo said the wall was utilized as a decorative retaining wall to partially conceal a transformer. Mr. Edwards said as long as the wall remained 4' or less in height, it would not be considered a structure, and therefore would not require zoning review. COLLIER read from a letter the Town Attorney drafted which stated his opinion that, "*the location of the transformers does not render the development of the site substantially changed from what the Zoning Board originally reviewed.*" Mr. Edwards said staff was in agreement with Town Counsel. Mrs. Stearns suggested if the Town Attorney had visited the site he would have a very different interpretation of these changes.

Mr. Caulo advised of Ms. Smith's request for a plan depicting a no-build easement and describing restrictions on the easement with respect to code compliance with building separation. He said the easement language would be drafted after the tank rotation was completed. CONNOLLY asked about the location of the transformers in relation to the propane tanks. Mr. Caulo said they would maintain the 5' clearance required by code.

GARIPAY expressed frustration with the way in which these changes were handled (proposed after-the-fact). She urged the College to pay better attention to the Site Plan Regulations to avoid this situation in the future.

Mrs. Stearns expressed concern for a 15' incursion into the SR-2 district and for the way in which these changes were made without Town approval and public notice. She suggested the residential power lines would serve only 2 houses and should not be run through the commercial project. BASCHNAGEL said he was not aware of any requirement that electrical utilities must be located on the lot to which they serve.

HINGSTON questioned the Planning Board's authority to address a site plan of a residential property in the SR-2 district. Mr. Edwards said the Board was not claiming jurisdiction over 4 Dorrance Place.

HINGSTON said the key issue was whether this project was built in accordance with the conditions imposed by the ZBA in the granting of a Variance. He emphasized the importance of both boards approving the same plan. HINGSTON suggested the matter should be appealed to the ZBA so that they may determine whether the conditions they imposed had been met. Joanna Jackson, of 8 Dorrance Place, agreed. She said when the ZBA approved the Variance request they did so with the applicant's assurance that only residential activities would occur at 4 Dorrance Place. Ms. Jackson asked the Planning Board to impose a condition requiring ZBA review.

It was moved by MAYOR, seconded by HORNIG, to accept the application as complete. The Board voted UNANIMOUSLY in favor of this Motion.

It was moved by HORNIG to approve the Modification of Site Plan Approval. He said these were reasonable changes he would have approved had they been presented prior to their implementation. HORNIG said he was very unhappy with the College and hoped it would be more careful about making changes after-the-fact. Mrs. Stearns said if the Board allowed these changes, they would be sending the message that there are no ramifications of implementing changes to approved Site Plans, without further review/approval, unless a citizen comes forward to complain. She said 4 Dorrance Place was supposed to be used to promote green space. GARIPAY agreed stating that 4 Dorrance Place was supposed to act as a buffer between the commercial and residential zones. Mr. Kelly explained the merits of the Variance application: to combine the residentially zoned portions 2 and 4 Dorrance Place to create a new, less non-conforming residential lot, and to combine the commercially zoned portions of 2 and 4 Dorrance Place to create a new lot in the "D" district. Mrs. Stearns said another piece of the Variance was to convert portions of the "SR" district to the "D" district. **MAYOR seconded the Motion.**

HORNIG moved to amend his motion to include, “as exhibited and as advertised”. MAYOR seconded the amendment. Mrs. Stearns asked if the motion could address the after-the-fact approval being sought. CONNOLLY asked that the motion reference the latest landscape plan. Mrs. Stearns argued that the revised landscaping plan would not provide adequate screening. Mr. Caulo said the transformers ranged in height from 24” to 5’. Screening would be provided by transplanted cedars, elms and lilac bushes. HINGSTON asked if the bollard height was dictated by Code. Mr. Edwards said no but utility companies were allowed to augment code requirements. HINGSTON suggested the Board look into it’s authority over utility requirements in the future. **The Board voted UNANIMOUSLY to approve the Modification of Site Plan Approval as exhibited and as advertised.**

5. 08-18 Submission of Application for Modification of an Approved Site Plan (Case No. P2008-01) by Dartmouth College to modify Condition #11 regarding an alternate water source for watering Chase Fields, at 4 Summer Court, Tax Map 34, Lot 102, in the “I” zoning district.

CONNOLLY stepped down from the Board. BASCHNAGEL joined the Board. HINGSTON was assigned as a voting member of the Board.

Ellen Arnold, from Dartmouth’s Office of Counsel, Frank Roberts, from Dartmouth’s Facilities Operations & Management Office, Matt Purcell, of Dartmouth’s Real Estate Office, and Josie Harper and Brian Austin, from Dartmouth Athletics, presented the application. Their testimony included the following:

- The original Site Plan Approval was granted in March, 2008
- The approval required a private well irrigate the Chase Field complex, in whole or in part, within 2 years
- The College sought court action to appeal the decision in an effort to preserve their right to challenge it
- The Condition does not bear a rational relationship to the impact of the proposed development
- The College is taking conservation efforts very seriously; field services are changing in terms of water conservation
- The redevelopment of the Chase Field complex reduces water consumption in 3 ways:
 - amount to irrigate the Astroturf surface has been reduced 53%
 - the replacement of Chase Field #3 allows the College to stop using Scully-Fahey for field hockey (an irrigation reduction of 1.4 million gallons annually)
 - a recycling and reclamation system is being installed
- The reduced consumption does not justify the imposition of Condition #11
- The College bears the greatest risk if there is a problem with the Town’s water supply
- The Hanover Water Works Company (HWWCo) has the ability to restrict water use
- Pete Kulbacki, Public Works Director and HWWCo General Manager, and Michael Blayney, Chair of the HWWCo Board, agree the Town has adequate water supply and an appropriate mechanism in place to protect that supply

MAYOR asked if the College's optimism had diminished with respect to the capacity of the aquifer under the site. Mr. Roberts said no. MAYOR asked if the College would be reluctant to use water from the aquifer if its use was appropriate and feasible. Mr. Roberts said it was not their preference to tap into that aquifer until the Town's water supply or fields use warranted it. Ms. Arnold said the College was not resistant to using that water, but rather the expense to install the well, which was estimated at \$750,000. She added that the College was working very hard to find ways to reuse water and to use gray water and hoped they would continue to be on the forefront of that issue in partnership with the Town.

Mr. Edwards asked if the College contemplated a set of circumstances that might arise where the demand on the water supply would motivate the College to construct the well. Mr. Roberts said Mr. Kulbacki had suggested to him that a situation like that would not occur in the near future.

GARIPAY asked how a well at this site would differ from one installed on a residential property. Mr. Roberts said the flow rates would differ from upwards of 130 gallons/minute at this site to 10 to 15 gallons/minute at a private residence.

HINGSTON asked if DES permitting was required for the type of well needed to service these fields. Mr. Roberts said yes.

BASCHNAGEL asked how much the College spent to renovate Burnham, Scully-Fahey and Chase Fields. Mr. Purcell suggested \$4 million. It was noted that the annual water bill for this site totaled \$22,000. BASCHNAGEL said he pushed this condition because he sensed a reluctance on the part of the College to move forward with it. He questioned the cost estimate Ms. Arnold quoted for the well installation. BASCHNAGEL acknowledged the College's efforts to conserve water but said their demand remained considerable. In the context of the investments being made elsewhere, the development of this well was worth looking at. BASCHNAGEL suggested modifying the condition to track the water demand at this site.

Ms. Arnold said the Town and College shared the same end goal: to preserve this valuable resource. The problem was taking a public issue and placing it on the back of one private entity. Ms. Arnold suggested the process of Site Plan Approval was not the appropriate forum for water conservation discussions. Ms. Smith pointed out that the genesis of the well installation idea came from the College. It was depicted on the Burnham Field site plan. She said when the Chase project came forward, she encouraged College staff to show the link between the well and these fields. Ms. Smith said she agreed the Chase Field project does not have the impact that would necessarily require this well, but said this was not the proper use of the Town's treated water. A different water source should be used to maintain these fields. Mr. Roberts said their project initiative started prior to the HWWC's significant investment into treatment facility.

MAYOR said the language of Condition 11, "*the entire complex shall be supplied or partly supplied with water,*" did not impose a huge burden on the College. He suggested the College should be able to present a less expensive gesture that would still be useful and

important, as an example. Ms. Arnold said the issue was compounded by the uncertainty of possibly having to supply water to the entire field. Ms. Smith questioned whether the College's research could be formalized and institutionalized to protect the areas they have identified as being most beneficial for the well location. Ms. Arnold offered to share their research data with the Town, officially identify and acknowledge the potential well location, explain their water conservation efforts currently undertaken, and commit to including this issue as a consideration for future water conservation efforts. COLLIER spoke in support of Ms. Arnold's suggestion.

It was moved by MAYOR, seconded by BASCHNAGEL, to accept the application as complete. The Board voted UNANIMOUSLY in favor of the Motion.

It was moved by MAYOR, seconded by ESMAY, to withdraw Condition #11, as requested by the applicant, with the mutual understanding and agreement that the applicant shall report the following to the Town within six months: 1) Research done on groundwater conditions in the area of the Chase Fields, including existing information on: Proposed site of a well, together with design criteria and rationale for the proposed well site, Potential flow or yield from such a well, Plans for construction of the well and interconnections with the piping system for irrigating the fields, and other related matters pertinent to the potential use of the aquifer for irrigating the playing fields and thus reducing the use of potable public water for irrigation; 2) Revision of the site plan so as to show the location of such well; and 3) Summary of overall water conservation measures now used or proposed to be used on the Dartmouth College campus. Ms. Arnold agreed to the wording and College's role as stated. The Board voted UNANIMOUSLY in favor of the Motion.

6. Other Business: Mr. Edwards reported on the status of Recording Secretary applicants.

7. Adjourn: The meeting adjourned at 10:24 p.m.

Respectfully Submitted,

Beth Rivard
P&Z Administrative Assistant