

**PLANNING BOARD  
SEPTEMBER 6, 2016 at 7:30 PM  
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

**Members:** Kelly Dent, Judith Esmay (Chair), Nancy Carter (Selectboard's Representative); Michael Mayor; and Iain Sim

**Alternates:** Brian Edwards

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

**Others:** Please see attendance sheet

ESMAY called the meeting to order and called the first item on the agenda.

**1. P2017-04: Submission of Application for Site Plan Review by the Trustees of Dartmouth College, to construct a pavilion with a wood-fired pizza oven at 104 Lyme Road, Tax Map 8, Lot 15, in the "RR" zoning district.**

ESMAY introduced the case by reading the legal notice. Mr. Tim McNamara, representative for Dartmouth College, addressed the Board by describing the application. The project is for a pavilion that will hold picnic tables and be used as a space to eat, for students to get out of inclement weather, and to meet for educational purposes. The pavilion will be a timber frame with a metal clad roof. The project will be located outside of the conservation easement on the parcel. Mr. McNamara would like to remove the wood-fire pizza oven from the application. Requirements from the Health Department need to be figured out before construction on the oven can begin. The pavilion will have no electrical or plumbing. The footprint will be 16'X32' and with the roof overhang the size will be 27'X40'. One issue that the College is trying to figure out is how to provide required handicap access to the pavilion and have a handicap parking space at the pavilion. The south side of the property has an access road but the State decided they cannot have that access within the conservation area. Mr. McNamara will work with Ms. Smith to find an acceptable access point. Surveyors will be at the site to determine if the proposed location is in the flood hazard area. Mr. McNamara said they may have to move the pavilion 5 to 10 feet to stay out of it. Moving the location would require the clearing of some brush and minor trees.

Board Comments/Questions:

ESMAY asked the Board if they had any comments or questions. MAYOR asked about who was hired for the timber frame. Timber Homes LLC, a Vermont company, will do the work. MAYOR then asked about the prospect of adding the pizza oven. Mr. McNamara stated it will be on hold until they work out details with the Health Department and will come back before the Planning Board if needed. SIM asked about this project being allowed in a Rural

Residential zoning district. The Zoning Administrator determined this project would be an accessory to the allowed farming use. DENT asked about the pavilion's required handicap access. Mr. McNamara stated there were potentially two places for handicap access. One was a drive on the south side of the parcel and the other is a pedestrian path. CARTER recommended doing the drive so first responders will have another access point to the river. ESMAY asked if the Board needed a site visit. SIM had already visited the site and the remainder of the Board felt it was not needed. Ms. Smith stated the farm access was an acceptable way to get to the field but the pavilion needed handicap access and parking because it will be used for more than agriculture uses. Students can still be driven down to the fields through the conservation zone. The Board had no other comments or questions.

Public Comments/Questions:

ESMAY asked if anyone from the public wished to speak for or against this application. No one came forward.

ESMAY asked for a motion for completeness. **MAYOR made a motion finding the application complete with requested waivers. Waivers include:**

**Survey Map**

**Portions of the Site Context Map**

- location and gross area of existing buildings
- existing off-street parking spaces
- existing loading spaces
- front, side and rear setbacks
- height and number of stories of existing buildings with indication of height
- use of abutting properties with 100 feet of site boundary; roads, streets and driveways within 200 feet; trail easements within 500 feet

**Portions of the Site Plan**

- proposed streets, driveways, parking spaces and sidewalks
- proposed off street parking spaces
- proposed handicap/accessible spaces
- loading/unloading areas
- front, side and rear setbacks
- proposed grades
- location of natural and manmade features
- use of abutting properties with 100 feet of site boundary; roads, streets and driveways within 200 feet; trail easements within 500 feet
- use of off rooms and areas

**Vehicular and Pedestrian Circulation Plan**

**Utility Plan**

**Lighting Plan**

**Landscaping Plan**

**Paving, Grading and Drainage Plans**

**Construction Staging Plan**

**Plans for snow removal**

**DENT seconded the motion and it passed unanimously. VOTE 6-0 with EDWARDS participated as voting alternate.**

ESMAY asked for a motion to approve or deny application P2017-04. **A motion to approve the application with conditions was made by MAYOR and seconded by EDWARDS.**

**Conditions include:**

- 1. That the plan be amended to adjust the location of the pavilion so it is out of the floodplain.**
- 2. That the plan be amended to include handicapped access to the pavilion out of the conservation easement area that is acceptable to Planning and Zoning staff.**

**The motion passed unanimously. Vote 6-0 with Edwards participated as voting alternate.**

It was requested by the Board that staff keep the Board informed on the status of the proposed wood-fired pizza oven.

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

ESMAY introduced the case by reading the legal notice. DENT recused herself. ESMAY stated that tonight the Board was going to determine if the application was complete and if so, to hold a public hearing. ESMAY asked the Board if there were any outstanding issues that needed to be addressed before voting. SIM stated that he did not get a chance to review the shadow study animations because he received them so late in the day. The shadow study can be discussed at a later meeting after all Board members and public have had time to review the animations. SIM clarified that the Board could still request more information even after they find the application complete. ESMAY confirmed the application could be added to if needed. Mrs. Arnold stated Dartmouth College was willing to work with the Board and Public to get to an acceptable building.

ESMAY called for a motion to determine the completeness of the application. **SIM made a motion to find the application complete with requested waivers. Waivers include:**

**Submission**

- Scale of plan and sheet size**
- Survey Map**

**Site Context Map**

- Height and number of stories of buildings**
- 100 year flood elevation information**

**Elevation Plan**

- Existing structures**

**Mayor seconded the motion and it passed unanimously. VOTE 5-0 with DENT recused and EDWARDS participated as voting alternate.**

Board and Public Comments/Questions:

ESMAY opened the floor for a public hearing. ESMAY recommended taking the comments and questions by topics. SIM stated he wished to discuss the shadow study, sound, and property values. MAYOR agreed with SIM. CARTER recommended going topic by topic to allow the Board to discuss their thoughts and then letting the public address the Board. ESMAY opened the discussion with the topic of sound.

SIM felt there were two issues. The first issue was the accuracy of measurement of ambient sound. The second issue was the exploration of predicted sound vs actual sound levels and determining a pre-established set of sound levels. The ambient sound measurement is tied up with the questionable compliance of the Boss Tennis Center. SIM went over the different levels of sound regulations in place for the Boss Tennis Center. The sound study and predicted levels for the new facility cannot be determined until it is determined if Boss Tennis Center is compliant. SIM felt another study needed to be done with the goals of determining the ambient sound at position A, determining the ambient sound in the absence of sound from the Boss Tennis Center and Thompson Arena, and determine the sound contributes of the Boss Tennis Center and Thompson Arena. After the study is completed the Board would then have to set a reasonable limit of sound emitted from the new facility as a condition of its approval. An actual sound measurement would need to meet the condition before a Certificate of Occupancy would be issued. CARTER asked for a schedule of mechanical sound fluctuations. EDWARDS stated he came to the same conclusion as SIM. First, the compliance of Boss Tennis Center needs to be determined. He felt an independent sound study by a third party needed to be done before moving forward. CARTER wished for clarification on the scheduled use of the building. She originally understood it would be used during inclement weather only but felt the uses have been expanded over the course of discussions to include camps and regular practices. SIM wished to discuss the issue of having music playing over the PA system. Another condition the Board may want to consider is to not allow music over the PA system. CARTER wished to have clarification on sound reflection and absorption. She was unclear on the effect of two large metal buildings with mechanical equipment on sound levels. SIM reiterated the need for actual measurement over predictions and the need for an agreed level. ESMAY wished to make sure the building would not be used for competitive events as another condition. Mr. Bob Ceplikas, Athletic Director, stated the building will be used throughout the year because it was replacing an existing practice field. The goal of Dartmouth College was to have minimal impact on the neighborhood. Mr. Ceplikas invited the Board and public to the site after a meeting and have the PA system and mechanical systems turned on at Boss Tennis Center and Thompson Arena to the highest settings. This would allow everyone to hear the existing sound at all points of the site and neighborhood. Mr. Ceplikas stated the PA system in the IPF would have a limiter. The Board and the public agreed this site visit would be a beneficial to understanding sound at the site. Mr. Jeff Doyle, member of the public, asked for the ventilation to be turned off to better understand the noise from the Boss Tennis Center and Thompson Arena. Anne Wilson, member of the public, wished for the third party independent study to be done in addition to the site visit. SIM stated that the site visit would not replace the data needed and the sound study would still need to be completed. Mrs. Carol Weingeist, member of the public, asked if the Board could do a random visit. ESMAY explained that State law required public notice anytime the Board met. Mrs. Nina Lloyd,

member of the public, asked if the neighborhood could have some input on the consultant hired to perform the new sound study and if they could be present at the site visit with their measurement equipment. Mrs. Arnold stated she would like to have their sound consultants to explain their data and findings so the Board can better understand them. Mr. Ron Matthew, member of the public, requested a 24 hour study be done to show ambient sound and fluctuations because the fluctuations are what is jarring to those who live near the proposed facility. A 24 hour study will show the time frame of the loudest times during the day. Mr. Gert Assmus, member of the public, stated the level of ambient noise has been creeping up over time. Mrs. Corin Fortune, member of the public, was concerned about the College adding air conditioning at a later date and was interested in making it a provision to make sure it would not be added. Mr. Jeff Doyle, member of the public, was questioning Acentech's role in the project. Where they just doing the sound study or did they have another role. Mr. John Scherding, representative from Dartmouth, stated Acentech were making recommendations on the design of the building and sound mitigation efforts.

ESMAY redirected the conversation to the Board. She stated they had two ideas in front of them, a site visit and having another sound study done by a third party consultant. She asked the Board wanted to proceed with both. SIM thought it would be important to have a scope of study and design plan in place before the study was done. MAYOR stated that it was important whoever performed the new sound study was equal to or better than Acentech. Ms. Smith stated she would write a scope of work to share with the Board and public and contact a few companies to make sure they can work within the Town's timeline. Mrs. Arnold stated she could provide other names to the Town. MAYOR stated it was important to remember that the indoor practice facility could reduce the sound level and that possibility needs to be looked at too. Mr. Rich Joseph, member of the public, stated it was important to remember the noise coming from people entering and exiting the building. After addressing more concerns from the public, including megaphones, boom boxes, and truck noise, ESMAY determined that Ms. Smith would create a scope of work and the site visit would occur after a consultant was hired. Mr. Ceplikas, Athletic Director, stated he would need advanced notice of the date of the site visit. Mrs. Nina Lloyd, asked Ms. Smith to forward the scope of work to the residents. Ms. Smith stated she would send it to DENT and she could forward it to the neighborhood. SIM acknowledged the creeping ambient sound level and how that it was allowed to happen under the existing regulations. Mrs. Nina Lloyd stated that there was nothing in the regulations that require the Town to accept the addition dBA a new building attributes and the new ambient level in which any new building would be measured against. She felt the regulations gave the Board the power to use the level preexisting Boss to use when studying proposed sound levels from the new facility. The Town and the Site Plan Regulations both have limits on sound. Article 9 A(3)b of the Site Plan Regulations state "noise at the property boundaries shall not exceed ambient levels except for short period of time". It is important to determine the current ambient sound level because the applicant is proposing a new building that will add to the sound in the area and must follow this regulation. If the Boss Tennis Center is louder than current regulations, the ambient noise level used for the new indoor practice facility is skewed. SIM added if the indoor practice facility is approved it would be necessary to have a condition that allows a specified sound level and even if the applicant comes back to add air conditioning they would still be held to that level.

The next topic up for discussion was property values. SIM opened the discussion by stating there were differences between the B.C. Underwood document issued on June 20<sup>th</sup> and the one handed out on August 30<sup>th</sup>. Mrs. Arnold stated she was not aware and would determine which one is the final report. SIM stated he saw a number of difficulties with the study and request another one to be done. The neighborhood Underwood used for his comparison was not similar to the neighborhood impacted by the indoor practice facility. The comparable market data mentioned in the report was not included. SIM stated it would be useful to see the data for the periods around the construction of the Thompson Arena and the Boss Tennis Center, and to find a control neighborhood to use for the next study. ESMAY requested the Dartmouth College representatives to ask Underwood for the raw data. Mrs. Arnold stated they would get the data and supporting documents of the original study and look at other neighborhoods for comparison. Mr. John Skinner, member of the public, recommended contacting Mr. Bill Fischel to assist with the research. Mr. Skinner studies housing markets and said that trends would not tell you much about the impact of the indoor practice facility because no one expected it to be constructed a few years ago. A member of the public recommended looking at the neighborhood by Hanover High School because they have dealt with the construction of new athletic facilities, traffic, and outdoor field lights. Mrs. Nina Lloyd reminded the Board that the shadows caused by the new facility dovetails with the property values. Mrs. Carol Weingeist had prepared a statement about neighborhood impact and read it out loud to the Board. Mrs. Weingeist submitted a copy of her statement to be included in the official record. Mrs. Sally Boyle asked the Board to take into consideration the quality of life of those that live in the neighborhood. ESMAY asked the Board if they had anything to add to the subject of property values. Mrs. Maureen Doyle asked if another study was going to be done, it was mentioned and she was not sure of the decision. SIM recommended not taking it off the table but to wait and see B.C. Underwood's underlying data and expanded work. CARTER asked when did B.C. Underwood made these conclusions because there is an entire summer worth of sales to add to the study. Mrs. Arnold stated she would ask for an update. DENT asked if Mr. Underwood would be confident saying the indoor practice facility would not have any negative impact on the neighborhood. Mrs. Arnold answered by saying there are limitations on him giving his opinions. They asked him for a market analysis and the Board could make an opinion based on the given data. Mrs. Julie Kim, member of the audience, stated that property value is more than a dollar figure and the new facility is unprecedented in this Town so there is not anything to compare the impact to. ESMAY added character of the neighborhood to the topics to discuss at the next meeting.

ESMAY asked the Board if there was anything else they would like to add. CARTER asked if they were only looking at the project at the location proposed in the application. ESMAY confirmed that was true and if they were to broaden the agenda another public notice would have to be issued. ESMAY asked what the Board would like to discuss at the next meeting. Mrs. Judy Reeve, member of the public, asked if it was too late to discuss an alternate location. ESMAY stated we could not talk outside this application. SIM and members of the public wished to discuss the shadow study at the next meeting. Mrs. Maureen Doyle asked to talk about the lights coming from the proposed windows and a statement from the Athletic Department describing the various uses and hours of operation. Mr. Ceplikas stated the windows would have programmed shades that would close automatically and that he could not

provide an exact use schedule but he could put something in general terms. ESMAY added discussion of use of the building to the list of topics for the next meeting. CARTER asked Ceplikas to talk to the coaching staff about using the indoor practice facility as a last resort and not the first option. Mr. Ceplikas reassured the Board that the coaches would prefer to use a full size field when it is available and the new facility will not have a full size field. Mrs. Maureen Doyle brought up the topic of the relationship between Dartmouth and Hanover. ESMAY added Community to the list of topics to discuss at the next meeting. ESMAY stated it was time to move on to the next item on the agenda.

ESMAY called for a motion. **A motion to continue the discussion of P2016-08 to the September 20, 2016 meeting was made by SIM. MAYOR seconded the motion and it passed unanimously. VOTE 4-0 with EDWARDS participated as voting alternate, SIM abstained because he cannot attend the meeting on the 20th and Dent recused from voting.**

**3. Consideration of request for revocation of Site Plan Approval P97-35 indoor tennis and artificial turf**

ESMAY introduced the case by giving a brief description of the request. ESMAY stated she wish to withdraw her concerns over if the Planning Board can make a decision to revoke and who can legally make the request. Anyone can make the request for revocation and the Planning Board can make the decision and hold a public hearing before the revocation can occur. The Zoning Administrator found no violation of the Zoning Ordinance and her decision was formal and could be appealed to the Zoning Board of Adjustments. ESMAY wondered what the effect of the Zoning Administrator's decision on the Planning Board's decision on revocation was, and how should the Board proceed. ESMAY asked the Board how they felt they should proceed. SIM stated that it is not known if the Boss Tennis Center is outside its' specifications. It is important to find a way to measure the sound emitted from the facility. ESMAY asked about how to request the applicant to correct the issue before revocation. The Director of Planning would be the enforcer of the regulations. Ms. Smith reiterated that no decision could be made until we determine there is a deficiency and since the Board is engaging a consultant to do a sound study for P2016-08 they can determine the levels coming from the Boss Tennis Center. EDWARDS asked for clarification on sound levels used in the Copley report and other documents used when determining the appropriate sound level of the Boss Tennis Center. SIM asked for clarification on using the term design criteria and if it was a commitment of the applicant for actual performance. SIM reiterated his point from discussion of agenda item 2, an accurate ambient sound level must be determined in order to have an accurate ambient sound level to base the new indoor practice facility sound levels on. MAYOR stated that we might have to look at the ambient noise level coming from the neighborhood as well. ESMAY stated we cannot move forward without more information and suggested tabling the item. Ms. Smith stated she would work with the Zoning Administrator on how to go ahead with this issue.

**4. OTHER BUSINESS:**

DENT rejoins the Board. Other business included reminding the Board of submitting their personal statements for the arrival of the new Planning Director and to have their short list of possible zoning amendments to bring in at the next meeting. No other business was brought before the Board.

**5. ADJOURN:** The meeting adjourned at 10:24 PM.

Respectfully submitted,

Catheryn Hembree