

**Planning Board Meeting  
Minutes  
January 7, 2020**

**Present:** Judith Esmay, Iain Sim  
**Alternate Present:** April Salas, Paul Simon  
**Staff Present:** Rob Houseman, Vicki Smith  
**Others Present:** Jeff and Lara Acker

Chair ESMAY called the meeting called to order at 7:31 pm. She appointed Alternates SALAS and SIMON to serve as voting members.

**P2019-52 Site Plan Review by Sagris Enterprises Management, LLC, as Agent for Nugget Building LLC, property owner of record, for renovations to accommodate a Dunkin Donuts, including outdoor seating, exterior lighting & landscaping, at 53 South Main Street, Tax Map 34, Lot 127, in the “D-1” zoning district.**

This case has been withdrawn by the applicant so there will be no hearing on the matter.

**Discussion of proposed zoning amendments for Town Meeting 2020**

**1. Rather than regulating churches and private clubs, regulate places of assembly**

Rob Houseman reviewed elements of the proposed amendment. ESMAY had suggestions for amending the proposed definition. The Board concurred with ESMAY. Jeff Acker described why he preferred allowing place of assembly as a use by right in the BM and OL districts. SIM wondered why such places would be regulated differently in the I and D districts. In his opinion, places of assembly are quite like an office or laboratory in terms of impact so there is no need to regulate them differently. ESMAY noted that permitted uses in BM and OL districts involve some assembly of people already and experience a number of people coming to those places every day. In her estimation, it would not be a shock to have places of assembly treated as permitted uses in the OL and BM districts. She pointed out that many of the existing uses involve significant parking areas already.

SIM observed that in the OL and BM districts, some uses allowed by special exception do involve places of assembly. SALAS recognized the similarity with non-commercial, non-residential uses in OL and BM.

The objectives of the OL and BM districts were reviewed. The point was made that by introducing a new use to a district as a special exception, the change is more incremental than if it was added as a permitted use.

The Board struggled to make sense of the uses allowed by special exception and those permitted in the BM and OL districts, noting that this was a problem to be addressed in the future.

The conversation shifted to the tangle in the definitions amongst “education” (pg 15) and “governmental uses education” (pg 16). This is another part of the Ordinance that could be addressed at a future time.

Jeff Acker had two things for the Board to consider. Does the Zoning Ordinance treat a church like other similar uses? What is the logic of treating a church differently from a child day care center? He thought that the I district is unlikely to have land available and the D district is very small. He said that the practical effect is that it is almost impossible to locate a church without a special exception. He thought that RLUIPA lawyers will feed on this. Churches and schools are different uses. What happens at schools is different from that which happens at churches. For example, schools have lots of kids and kids outside. The two uses have very different impacts.

SIM offered that places of assembly fits more with office, laboratory and light industrial use. SIM recommends it be proposed as a permitted use in the OL and BM districts.

Commenting on the difference between OL and RO, SIM said that “R” stands for residential and place of assembly is very much a non-residential use. SIMON was comfortable with places of assembly in the OL and BM districts as permitted uses. SALAS agreed.

Parking is addressed by standards in Section 1002. “Places of public assembly” in Section 1002.1 should read “places of assembly”. Staff will look at parking categories to be sure they cover place of assembly adequately.

***SIM made a motion to make the change in definition proposed by ESMAY and to take this amendment to public hearing. SALAS seconded the motion. The Board voted unanimously to take the amendment to public hearing.***

**2. Broaden the definition of residential institution to include supervised independent living units and update some terms.**

The Board reviewed this definition and had no further comments. ***On a motion by SIM that was seconded by SALAS, the motion to take this amendment to public hearing was unanimously approved.***

**3. Update the array of lodging accommodations available in Hanover.**

SIM advocated for eliminating tourist home from the Ordinance regardless of what happens with short-term rentals. All agreed that it is an outdated term and could be eliminated. ***On a motion by SIM that was seconded by SALAS, the motion to take this amendment to public hearing was unanimously approved.***

**4. Remove the use restrictions on the floors above the ground floor in the D-2 Downtown Edge (section 405.2) district.**

ESMAY thought that this proposal may be undermining the objective of the district which is to buffer the residential districts with a downtown edge that included many residences.

SIMON was in favor of revisiting the SR single family district to enable more dense housing in areas served by water and sewer. Also, he noted his displeasure with split-zoned properties.

The Board decided to table this amendment.

- 5. Allow solar energy systems to be mounted on buildings up to the same height as the top of the parapet as long as the solar system is not visible from abutting public ways.**

The Board amended the proposed wording to eliminate any reference to parapets. ***On a motion by SIMON that was seconded by SALAS, the motion to take this amendment to public hearing was unanimously approved.***

- 6. Make clear that porches may be located in the side or rear setback under certain circumstances**

There were no changes proposed to this amendment. ***On a motion by SALAS that was seconded by SIM, the motion to take this amendment to public hearing was unanimously approved.***

- 7. Eliminate unnecessary and confusing rules regarding the storage of natural materials.**

SIM questioned whether as a home occupation, a landscaper could store materials outside of his home. In the Hanover Zoning Ordinance, exterior storage of equipment and materials is not allowed as part of a home occupation. A maintenance yard might be the only place a landscaper would be able to store his materials. SIM wondered if the Board would consider removing the area requirement for maintenance yard?

The Board decided to table this amendment for further consideration.

- 8. Add a new section to make clear where and how many residential yard signs may be located.**

It was noted that subsection 715.2 C contains the word churches and that should be replaced by places of assembly. This change will be added to amendment #1. ***On a motion by SIM that was seconded by SIMON, the motion to take the amendment regarding number and location of residential yard signs to public hearing was unanimously approved.***

- 9. Establish a standard for freestanding sign height and clarify rules that apply to building-mounted signs.**

The Board discussed in which districts freestanding signs should be limited in height. The districts selected for regulation are ones that are most residential in character. ***On a motion by SIM that was seconded by SALAS, the motion to take this amendment to public hearing was unanimously approved.***

**10. Clarify that political signs are permitted as allowed by statute and all other applicable laws or regulations.**

The Board had no comments on this amendment. *On a motion by SIM that was seconded by SIMON, the motion to take this amendment to public hearing was unanimously approved.*

**11. Update the Wetlands Section of the Ordinance to comport with changes in NH DES's Wetlands Administrative Rules.**

The Board discussed the importance of involvement of the Conservation Commission in the review of wetlands projects. The proposed amendment will not preclude the Commission's review of projects. *On a motion by SALAS that was seconded by SIMON, the motion to take this amendment to public hearing was unanimously approved.*

**Revised Short Term Rental Slide Deck**

The draft slide deck to be used at the public listening sessions was reviewed. Information regarding our permissive ordinance and the positive aspects of short-term rentals will be added to the deck. Our work for 2021 will be outlined as well.

**Minutes of December 17, 2019**

The minutes of December 17, 2019 were reviewed and amended. On a motion by SIM that was seconded by SALAS, the minutes were unanimously approved.

**Other Business**

New legislation has created a Housing Board of Appeals that will handle all housing cases since the existing courts are overburdened. This new Board was supported by the NH Homebuilders Association. The cost of the new Board is \$400,000. The NHMA supports repealing this legislation and instead hiring a judge to handle housing cases. This would cost much less money. In receipt of a letter from the North Hampton, NH Planning Board, the Hanover Board decided that individuals should independently contact their senator.

Meeting adjourned at 10:17 PM.

Respectfully submitted,  
Vicki Smith  
Scribe Pro temps