

**FINAL**

**BOARD OF SELECTMEN'S MEETING**

**June 18, 2012**

**8:00 P.M. – MUNICIPAL OFFICE BUILDING – HANOVER, NH**

The meeting of the Board of Selectmen was called to order at 8:00 p.m. by Chairman Peter Christie. Present were: Peter Christie, Chairman; Athos Rassias, Vice Chairman; Bill Geraghty, Selectman; Nancy Carter, Selectman; Jay Buckey, Jr., Selectman; Julia Griffin, Town Manager; and Jessie Levine, Assistant Town Manager/Human Resources Director.

**1. PUBLIC COMMENT.**

Chairman Christie opened the meeting and asked for any Public Comment. There were no comments from the public.

**2. VISIT WITH THE HANOVER PLANNING BOARD.**

Chairman Christie invited the members of the Planning Board to come forward and introduce themselves. Ms. Griffin noted that one of the Select Board's goals was to have an annual visit between the Board and each of the Town's Boards and Commissions.

Judith Esmay, Planning Board Chair, introduced Joan Garipay, Iain Sim, and Michael Hingston who were present to speak to the Board. Ms. Esmay stated that the Residential Project has kept the Planning Board busy. She noted that Planning Board applications have been slow and they have reviewed the occasional lot line adjustment. She assumes that it is a sign of the economy.

Ms. Esmay reported that the advertisements have been placed to begin the process to hire a consultant that will take over the work being done on the Residential Project which will be used to revise the Zoning Ordinance; they are hoping to bring this forward in 2013.

Chairman Christie asked the members to elaborate about the Residential Project and the magnitude of the effort involved. Mr. Hingston stated that the Residential Project was an effort to re-write the Zoning Ordinance focusing on the residential areas in town. It started about three years ago and they are now at the point where they are looking for consultants.

Chairman Christie asked what part of the zoning ordinance would be changed as a result of this work. Mr. Hingston stated that everything in the ordinance is being reviewed. Ms. Esmay stated that the biggest change is that they will be looking at a performance and form based zoning. The land that the College occupies would now be considered the Institutional Zone, the Downtown area would now be the Downtown Zone, the Goose Pond area would now be the Goose Pond Zone, etc. The hope is to establish the

Board of Selectmen  
June 18, 2012

character of the neighborhoods throughout the town when considering Planning and Zoning issues.

Selectman Buckey asked what the problem was that this effort is designed to resolve. Mr. Hingston stated that the Zoning Ordinance is 110 pages long, inconsistent and complex. The goal is to simplify the ordinance and the last time it was rewritten was 1976 but each year they attempt to amend the ordinance.

Mr. Hingston noted that when amendments are made to a specific section of the Zoning Ordinance, it may conflict with another part of the ordinance. He noted that when he served on the Zoning Board of Adjustment and there were areas of conflict and confusion so this is an effort to eliminate those problems.

Mr. Sim stated that the neighborhoods each have their own characteristics so the current zoning ordinance doesn't reflect them well; the goal is to have a Zoning Ordinance that reflects the character of the neighborhoods. Ms. Esmay stated that they are very excited about this project.

Chairman Christie asked whether this process has involved public input or whether it has mostly involved the Planning Board members. Ms. Esmay stated that the majority of the work has been done within the Planning Group in public meetings but they have not had public forums since the forums that were conducted at the very beginning. Chairman Christie asked about the process.

Mr. Hingston stated that the consultants will be hired to write the ordinance and he feels that this work could be done quickly depending on the expertise of the consultants. He stated that he would be concerned if it stretched beyond 6 months but this project has already taken 3 years; any Zoning Ordinance changes need to be adopted by the Town at Town Meeting; Town hearings will be required; they would need to meet the deadlines for Town Meeting or hold a special hearing.

Ms. Griffin stated that she assumes that one of the first orders of business for the Committee would be to map out a schedule with the Consultants. Ms. Esmay noted that the consultant is aware of the things that the Committee is hoping to achieve and the deliberation has been done.

Mr. Sim stated that in the Requests for Proposal (RFP) it calls for three meetings with the general public; one meeting was done very early on to get the public's opinion about what they value in zoning and in the Town; another one should be done three-quarters of the way through the process at which time they may have some draft proposals so that they can get some feedback; the third meeting would be a finalization of the proposals. This is how it is envisioned in the RFP right now but as they meet with the consultants, that course of action may change a little.

Chairman Christie asked what kind of resistance they may be facing with a total revision of the Zoning Ordinance.

Board of Selectmen  
June 18, 2012

Mr. Hingston stated that they are really focusing on the residential side of things; there's no intent to change the institutional or downtown districts other than to write definitions that are broad enough to accommodate what is happening in all of the districts. Mr. Hingston stated that they could have a special section in the Ordinance that only applies to the institutional and downtown districts. Mr. Hingston stated that the language may change but the concepts are going to remain the same. It's not so much a re-writing of the ordinance to change the way they are doing things, it's to reflect what exists.

Mr. Hingston noted that the Committee spent two summers visiting every place where people live in Hanover, on foot, and when you look at the ordinance, it doesn't accurately describe the areas. It should be easier for the citizens of Hanover to meet the requirements of the ordinance and keep the character of the neighborhood.

Mr. Hingston gave an example of the area near the Etna Store which is much different from the other areas in Etna which are more open and less dense. In the past 15 years, residents are spending more time and effort improving and upgrading their properties.

Chairman Christie asked how many areas are now going to have a category and whether it was going to be five or fifty. Ms. Esmay stated that this is part of the challenge, determining how to define the neighborhoods but they are looking at a number closer to five.

Mr. Sim noted that there have been two zoning amendments in the past two years; they created the Goose Pond neighborhood which came as a result of the Planning Board going out to the area and meeting with the residents. This past year the West End neighborhood became the Overlay District which set some parameters for that neighborhood; there is good engagement by the residents of the neighborhood.

Ms. Garipay stated that the work that they are doing can be characterized as looking at what's on the ground and being respectful of the differences within each zone with a focus on safety and respecting what is there and bringing it together so that it becomes part of the Zoning Ordinance. An area may share a zone but the properties can be completely different within the same zone.

Ms. Esmay stated that at the initial focus meetings the residents made it clear that they wanted to keep the character of their neighborhoods.

Ms. Griffin asked how many hours have been spent on this project. Ms. Esmay couldn't begin to guess but noted that staff member Vicki Smith has been involved throughout the entire process. Mr. Hingston stated that the last two years, they have spent 35 to 50 meetings a year on this at 2 to 3 hours each. Vicki Smith noted that there are 5 volunteers sitting at the table and there are others that have worked on this as well.

Ms. Griffin noted that in a climate of an economic downturn, it usually gives Planning Board members a break but this Planning Board group has tackled this project and the community should be grateful for having all of the work they have done.

Board of Selectmen

June 18, 2012

Ms. Esmay noted that Kate Connolly and Bill Dietrich were also members involved. Mr. Sim stated that there has been a lot of time spent on this but it has included a lot of discussion so they have touched on every topic that might be of concern to residents in the Town.

Ms. Esmay stated that the Board will then focus on regulation and they will be focusing on Article 9; Site Plan Regulations. The Master Plan was adopted in 2003 which means that the 10<sup>th</sup> year revision as required by State law is coming up. They hope to work with the Board of Selectmen on the Capital Projects plan. She noted that the Select Board has the Rental Housing Ordinance before them and they will be looking forward to working on that as well.

Ms. Griffin stated that the challenge with the Rental Housing Ordinance is that there has been some sense from the Select Board that the notion was that they would like to make it slightly less comprehensive and more complaint based. This is a cost and staffing issue but the Town's Attorney feels that if they don't adopt something that is not fully comprehensive, there may be some legal issues surrounding enforcement.

Ms. Griffin reported that the Town of Durham has been challenged on their ordinance by some of the property owners of off campus housing. Durham's ordinance was a broad ordinance which was based in part on Hanover's draft of the ordinance; Hanover's draft was based partially on the City of Burlington's ordinance. Durham had their ordinance adopted where Hanover's was put on the backburner. The goal is to make rental housing safer, healthier, and easier to manage, than what they are experiencing. Durham is now in court over this issue. Ms. Griffin noted that the Town's attorney wanted to see how this plays out before Hanover goes forward to see whether changes need to be made to the proposed ordinance.

Chairman Christie asked about a timeframe. Ms. Griffin stated that the Court has not set a timeline or dates for the case so it could be 6 months to a year.

Ms. Esmay stated that this is pertinent for them to deal with now because the Town has had to try to deal with rental housing issues through zoning; the Planning Board is ready to give the Select Board assistance on this when it is ready.

Ms. Garipay asked who the complainant would be if it is a complaint driven ordinance. Ms. Griffin stated that the complaint could be brought up by anyone; it's rarely the tenant that complains but it's usually the parent or neighbor.

Chairman Christie stated that it was hoped that they could pinpoint the areas of concern without having a shotgun effect. Chairman Christie doesn't think that the Durham decision would offer more guidance since their ordinance was broader. Ms. Griffin stated that the challenge from the attorney's perspective is that the Town will need to have a more comprehensive ordinance which is expensive.

Board of Selectmen  
June 18, 2012

Ms. Esmay noted that the draft included owner occupied properties which may or may not be defensible. Ms. Griffin stated that the Town tried to streamline the most likely problematic units and the attorneys feel that one could argue that this would be targeting one specific group.

Mr. Hingston asked what the expense issue is from the Board of Selectmen's perspective. Ms. Griffin stated that if every rental unit falls under the ordinance and the Town needs to license all of the units, the Town doesn't have the staff to perform that function. Mr. Hingston stated that they could charge a fee to cover the staff cost. Ms. Griffin agreed and that was the original proposal that staff made but the community felt that it was overkill.

Chairman Christie stated that this would be like 'using a sledgehammer to kill a fly.' This puts costs and restrictions on 100% of the rental properties when the issues arise in 1% of the properties. Chairman Christie hoped that they could use a more direct approach to deal with those specific properties which would be less expensive but that approach may not be legal.

Mr. Hingston stated that the other solution is to not regulate. Mr. Hingston stated that he has heard the argument before that student housing is the best use of some of these properties but he is not finding this to be true with regard to property values. Chairman Christie would like to have further discussion and not wait a year to find out how Durham's ordinance is resolved in court.

Ms. Esmay stated that there are two concerns that this ordinance should address; one is the dilapidated home within a neighborhood and the other is the health and safety. Mr. Hingston stated that he feels it's important to recognize that a Town ordinance is something that the Town can deal with immediately if a problem arises whereas a Zoning Ordinance is more difficult. Using the Zoning Ordinance to address a problem requires a change to the ordinance which needs to go before Town Meeting to take effect.

Ms. Smith noted that the Rental Housing Ordinance is important; at the focus meetings, residents stated that they like their neighborhoods the way that they are and it helps guide the Planning Board when considering more rental units in the downtown area.

Ms. Levine offered that depending on the stated purpose of the Rental Housing Ordinance, it dictates which staff is responsible for inspection; if it's about the appearance or the number of units, it may be under the Planning Board's purview but if it's a safety issue, it may be a Fire Department issue. When focusing on the cost, these factors come into play and they need to figure out the goal of the ordinance.

Chairman Christie would like to revisit this issue at a future meeting in the near future.

Chairman Christie requested an update on the Capital Improvement Program (CIP). Ms. Griffin stated that she and Ms. Levine have to do work more on this. The CIP is a planning tool that the community uses for mapping out it's needed capital improvements

Board of Selectmen  
June 18, 2012

over the next 5, 10, 15 to 20 years. In New Hampshire, once a CIP is created by the staff, the Planning Board adopts it and it becomes a living document that is updated annually because it forms the basis of the Capital Projects that they seek Select Board approval for funding.

Chairman Christie thanked the members of the Planning Board for speaking with the Board.

- 3. RECOMMENDATION TO SET A PUBLIC HEARING AS REQUIRED BY ORDINANCE #4 ON MONDAY, JULY 2<sup>ND</sup> AT 7:30 P.M. TO CONSIDER A REQUEST TO PERFORM PRIVATE CONSTRUCTION ON PASTURE ROAD, A CLASS VI ROAD (SITE VISIT MAY BE SCHEDULED PRIOR TO THE START OF THE MEETING).**

The Board reviewed their summer schedule and determined that they would meet on July 2<sup>nd</sup> and August 6<sup>th</sup>.

**Selectman Geraghty MOVED to Set a Public Hearing as Required by Ordinance #4 on Monday, July 2<sup>nd</sup> at 7:30 p.m. to Consider a Request to Perform Private Construction on Pasture Road, A Class VI Road (Site Visit May be Scheduled Prior to the Start of the Meeting). Selectman Carter SECONDED the Motion.**

Ms. Griffin noted that in the past they have set a site visit when reviewing Ordinance #4 before the Board meeting so that they can hear from public before the meeting. It is more typical when they are being asked to accept a road versus this situation. Chairman Christie felt that the people involved would know this territory very well. Ms. Griffin noted that they would notice this hearing and notify the applicant and abutters, etc.

**THE BOARD VOTED UNANIMOUSLY TO SET A PUBLIC HEARING AS REQUIRED BY ORDINANCE #4 ON MONDAY, JULY 2<sup>ND</sup> AT 7:30 P.M. TO CONSIDER A REQUEST TO PERFORM PRIVATE CONSTRUCTION ON PASTURE ROAD, A CLASS VI ROAD (SITE VISIT MAY BE SCHEDULED PRIOR TO THE START OF THE MEETING).**

- 4. RECOMMENDATION TO ADOPT ADULT SERVICES LIBRARIAN JOB TITLE, LABOR GRADE 15.**

Ms. Griffin stated that Mary White, Howe Library Director, is looking to streamline her staff without spending more money in her budget.

**Selectman Geraghty MOVED to Adopt the Adult Services Librarian Job Title, Labor Grade 15. Selectman Buckey SECONDED the Motion.**

**THE BOARD VOTED UNANIMOUSLY TO ADOPT THE ADULT SERVICES LIBRARIAN JOB TITLE, LABOR GRADE 15.**

Board of Selectmen  
June 18, 2012

**5. RECOMMENDATION TO ADOPT SUMMER CAMP COUNSELOR  
JOB TITLES.**

Ms. Griffin withdrew this item from the agenda.

**6. APPOINTMENT: HANOVER AFFORDABLE HOUSING  
COMMISSION.**

Ms. Griffin stated that Robert Chambers has expressed a desire to be appointed to the Hanover Affordable Housing Commission.

**Selectman Buckey MOVED to Appoint Robert Chambers to the Affordable  
Housing Commission. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED UNANIMOUSLY TO APPOINT ROBERT CHAMBERS  
TO THE AFFORDABLE HOUSING COMMISSION.**

**7. BANNER REQUEST:**

- Hanover Old Fashioned 4<sup>th</sup> of July Celebration.

**Selectman Buckey MOVED to Accept the Banner Request for the Hanover Old  
Fashioned 4<sup>th</sup> of July Celebration. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED UNANIMOUSLY TO ACCEPT THE BANNER REQUEST  
FOR THE HANOVER OLD FASHIONED 4<sup>TH</sup> OF JULY CELEBRATION.**

**8. APPROVAL OF MINUTES:**

- June 11, 2012

There were no recommended changes to the Minutes.

**Selectman Geraghty MOVED to Approve the Minutes of June 11, 2012. Selectman  
Buckey SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSTAINED TO APPROVE  
THE MINUTES OF JUNE 11, 2012. (Vice Chairman Rassias Abstained from the  
Vote).**

**9. ADMINISTRATIVE REPORTS.**

Ms. Griffin noted that she sent out the liaison appointments. Chairman Christie asked if they could add the staff members assigned to the various Board and Committees. Ms. Griffin stated that she would include them on the list.

Ms. Griffin announced that the Nihonmatsu students will be in Hanover on July 27<sup>th</sup> leaving July 30<sup>th</sup>; there will be 8 girls and 2 boys. There is one family that immediately

Board of Selectmen  
June 18, 2012

offered to host 2 girls but they are looking for 4 more host families. Ms. Griffin noted that she is available to host some of the boys, if needed. Ms. Griffin stated that Kate Connolly has been instrumental in helping with the Nihonmatsu sister city in the past.

Ms. Griffin stated that the students arrive very late on Friday night; Saturday is a day with the host families; Sunday is a combination of events on campus where they usually take a tour with a Japanese speaking guide. There is a picnic Sunday night at the Dartmouth Outing Club then they leave Monday morning to head to New Haven, CT.

Ms. Griffin stated that the history behind this is that Dr. Asakawa was one of the first Japanese students to study at an American University at the turn of the 20<sup>th</sup> Century. He studied at Dartmouth and then Yale and was a revered citizen of Nihonmatsu so the students come over and follow his path from Dartmouth to Yale. Dr. Asakawa ultimately drafted the Portsmouth Treaty which ended the war. The students will head to NYC for a couple of days and then back to Japan. The students didn't come last year because of the earthquake and tsunami.

Ms. Griffin invited the Select Board Members to join them for the picnic at the Dartmouth Outing Club and encouraged anyone interested in hosting students to contact her.

## **10. SELECTMEN'S REPORTS.**

### **Bill Geraghty**

Selectman Geraghty reported that there was a great crowd for the Thompson Terrace Playground dedication. People shared stories and it was a great event. Ms. Griffin noted that there were children climbing on the playground equipment during the ceremony and it was a very nice gathering.

### **Jay Buckey, Jr.**

Selectman Buckey had nothing new to report.

### **Nancy Carter**

Selectman Carter had nothing new to report.

### **Peter Christie**

Selectman Christie reported that the Finance Committee met but went over earlier discussions so there was nothing new to report.

### **Athos Rassias**



Board of Selectmen  
June 18, 2012

Vice Chairman Rassias had nothing new to report.

**11. OTHER BUSINESS.**

**Chairman Christie MOVED to Follow the Request for a Non-Public Session to Discuss Items Pursuant to RSA 91-a: 3, II, (c), (d), (e).**

**SELECTMAN GERAGHTY VOTED YES; VICE CHAIRMAN RASSIAS VOTED YES; CHAIRMAN CHRISTIE VOTED YES; SELECTMAN CARTER VOTED YES; SELECTMAN BUCKEY VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 9:14 P.M.**

**12. ADJOURNMENT.**

**Vice Chairman Rassias MOVED to Exit the Non-Public Session at 9:50 p.m. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED UNANIMOUSLY TO EXIT THE NON-PUBLIC SESSION AT 9:50 P.M.**

**Selectman Carter MOVED to Adjourn the Meeting at 9:50 p.m. Selectman Buckey SECONDED the Motion.**

**THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:50 P.M.**

Respectfully Submitted,

Nancy A. Carter, Secretary

Minutes prepared by Elizabeth S. Rathburn.

**SUMMARY**

1. **Selectman Geraghty MOVED to Set a Public Hearing as Required by Ordinance #4 on Monday, July 2<sup>nd</sup> at 7:30 p.m. to Consider a Request to Perform Private Construction on Pasture Road, A Class VI Road (Site Visit May be Scheduled Prior to the Start of the Meeting). Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED UNANIMOUSLY TO SET A PUBLIC HEARING AS REQUIRED BY ORDINANCE #4 ON MONDAY, JULY 2<sup>ND</sup> AT 7:30 P.M. TO CONSIDER A REQUEST TO PERFORM PRIVATE CONSTRUCTION ON PASTURE ROAD, A CLASS VI ROAD (SITE VISIT MAY BE SCHEDULED PRIOR TO THE START OF THE MEETING).**

2. **Selectman Geraghty MOVED to Adopt the Adult Services Librarian Job Title, Labor Grade 15. Selectman Buckey SECONDED the Motion.**

**THE BOARD VOTED UNANIMOUSLY TO ADOPT THE ADULT SERVICES LIBRARIAN JOB TITLE, LABOR GRADE 15.**

3. **Selectman Buckey MOVED to Appoint Robert Chambers to the Affordable Housing Commission. Selectman Carter SECONDED the Motion.**

**THE BOARD VOTED UNANIMOUSLY TO APPOINT ROBERT CHAMBERS TO THE AFFORDABLE HOUSING COMMISSION.**

4. **Selectman Buckey MOVED to Accept the Banner Request for the Hanover Old Fashioned 4<sup>th</sup> of July Celebration. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED UNANIMOUSLY TO ACCEPT THE BANNER REQUEST FOR THE HANOVER OLD FASHIONED 4<sup>TH</sup> OF JULY CELEBRATION.**

5. **Selectman Geraghty MOVED to Approve the Minutes of June 11, 2012. Selectman Buckey SECONDED the Motion.**

**THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSTAINED TO APPROVE THE MINUTES OF JUNE 11, 2012. (Vice Chairman Rassias Abstained from the Vote).**

6. **Chairman Christie MOVED to Follow the Request for a Non-Public Session to Discuss Items Pursuant to RSA 91-a: 3, II, (c), (d), (e).**

**SELECTMAN GERAGHTY VOTED YES; VICE CHAIRMAN RASSIAS VOTED YES; CHAIRMAN CHRISTIE VOTED YES; SELECTMAN CARTER VOTED YES; SELECTMAN BUCKEY VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 9:14 P.M.**

- 7. Vice Chairman Rassias MOVED to Exit the Non-Public Session at 9:50 p.m. Selectman Geraghty SECONDED the Motion.**

**THE BOARD VOTED UNANIMOUSLY TO EXIT THE NON-PUBLIC SESSION AT 9:50 P.M.**

- 8. Selectman Carter MOVED to Adjourn the Meeting at 9:50 p.m. Selectman Buckey SECONDED the Motion.**

**THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:50 P.M.**