

FINAL

2002 SPECIAL TOWN MEETING

TUESDAY, OCTOBER 29, 2002

7:30 PM – HANOVER HIGH SCHOOL GYMNASIUM

A Special Town Meeting of the Town of Hanover, New Hampshire convened on October 29, 2002 at 7:00 am by the Town Moderator, Marilyn Black, at the Hanover High School Gymnasium. Moderator Black explained the polls would be open from 7:00 am to 7:30 pm for the purpose of voting on Article One which required vote by official ballot.

Moderator Black advised that hearing assistive devices were available for those with hearing impairments.

After the polls were closed, at 7:30 pm, the votes on Article One were tabulated.

ARTICLE ONE: (to vote by ballot): To see if the Town will vote to amend the existing Hanover Zoning Ordinance as proposed by the Hanover Planning Board in Amendment No. 1: The following question is on the official ballot:

“Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Hanover Zoning Ordinance as follows?”

Amendment No. 1 would:

- A. Rezone lot 3 on tax map 4, located on Route 10 south of Dartmouth Printing, from “OL” Office and Laboratory and “SR-2” Single Residence-2, to “I” Institutional;
- B. Amend the front setback lines shown on the Downtown Area Setback Line map to eliminate the setback along Sargent Place;
- C. Allow Maintenance Yard as a use allowed by Special Exception in the “OL” Office and Laboratory zoning district;
- D. Create a new Section 326 to establish standards governing Maintenance Yard;
- E. Create a definition of Maintenance Yard.

At a Public Hearing held September 17, 2002, the Planning Board voted unanimously to recommend this amendment.

RESULTS: YES 1,331 NO 99 ARTICLE PASSED

Moderator Marilyn Black called to order the Business Session of the 2002 Special Town Meeting of the Town of Hanover, New Hampshire at 7:30 pm. Selectmen present included: Brian Walsh, Chairman; Katherine Connolly, Vice-Chairman; William Baschnagel; Peter Christie; and Judson Pierson. Town Manager, Julia Griffin was also in attendance. Community Access Television (Channel 6) broadcast the Special Town Meeting live and recorded to rebroadcast.

Moderator Black explained that two articles would be addressed during the Business Session. The first was Article Two, an appropriating article which required a vote by paper ballot. The second was Article Three, which would be voted by hand vote or paper ballot, as determined by the majority.

Moderator Black spoke of a Hanover Town Meeting vote, in 1922, to build the Frances C. Richmond School. Meeting minutes, from that Town Meeting, indicated that it was the citizen's feeling that a school could not be built on Granger Farm, as it was too far out of town. The school has now been at that location for 77 years and the current high school building has been in existence for 66 years. Moderator Black said the purpose of this Special Town Meeting was to discuss a plan that was negotiated between the Town of Hanover, the Dresden School Board and Dartmouth College. She said a lot of credit should go to the officials of those three organizations for bringing their agreement this far.

Moderator Black said Article One, involving zoning changes that would enable this agreement to go forward, was voted on during the day. She explained Hanover's tradition of reading the various Warrant Articles multiple times prior to taking an official vote during the Business Session. She discovered, in reviewing election handbooks, that that practice was not required and asked for permission to proceed directly to Article Two. No objection was raised. Moderator Black asked if there was any action under Article Two.

Brian Walsh, Chairman of the Hanover Selectboard, moved on Article Two, to see if the Town will vote to raise and appropriate the sum of \$2,000,000 in connection with its obligations under a three party agreement dated September 13, 2002 (between the Town, the Dresden School District and Dartmouth College), for the purpose of permanently securing the school district site on Lebanon Street as public property, which is integral to maintaining the integrity of downtown Hanover, in accordance with the Master Plan. And further, to authorize the Selectmen to fund such sum by the issuance of a note with an annual payment of \$100,000 (with no interest), with such other terms and conditions as determined by the Selectmen and in accordance with the three party agreement.

The motion was seconded.

Selectman Walsh said it was gratifying to see so many people in attendance and to know that there were many people viewing the live broadcast from their homes. On behalf of all of the citizens of Hanover he thanked the audience for coming. He asked for permission to allow the Selectmen to provide a brief overview of the totality of the agreement to better explain Article Two. At the request of Moderator Black, a hand vote was taken and the audience voted in favor of allowing the Selectmen to provide an overview of the agreement.

Selectman Walsh said the question of the school facilities first appeared on the Dresden School Board's plate in 1992. In March 2002, at the Dresden School Board Meeting, the School Board asked its voters for permission to sell the Lebanon Street parcel to Dartmouth College in return for land on Reservoir Road and a large sum of money. The Dresden voters granted that permission by a majority of 13 votes out of 3,700 votes cast. Two other votes taken that night,

which also spoke to the Lebanon Street site, proved to be confusing, at the least. During the Hanover Selectboard race in May 2002, the only issues on the table were the school location and cost; issues the Hanover Selectmen have nothing officially to do with. In May 2002, the elected Selectboard sought a constructive middle ground to end the acrimonious debate between Norwich and Hanover, and within Hanover, and find an option everyone could get behind. Selectman Walsh advised of four objectives the Selectmen set going into negotiations as:

1. To ensure a community core for the Town of Hanover in perpetuity.
2. To secure a very substantial monetary contribution to the Dresden School District.
3. Not to make any other interest in town, such as the Recreation Department or Howe Library to bear the burden from any arrangement.
4. To put together a plan that would gain broad public support in Hanover and in Norwich.

Selectmen Walsh said he met individually with Dartmouth College representatives, including College President, Jim Wright, and with members of the Dresden School Board, to see if there was any interest, on their parts, to put together such a deal. The responses he received were that it sounded like a good idea, but no one was sure it could be accomplished. A working group, made up of Dartmouth representatives, Margaret McNally and Geoffey Vitt from the Dresden School Board, and Selectman Walsh and Julia Griffin from the Town, was created to fashion a deal. Selectman Walsh explained the essence of the deal the group produced and how it addressed each of the Selectmen's objectives.

1. The Town of Hanover would contribute \$2 million, at \$100,000 per year, over 20 years, to the Dresden School District. This contribution would secure, for the Town of Hanover, the fact that the Lebanon Street site would either remain a public school site, in the School District's hands, or that Hanover would have the option to acquire the property should the School District choose to abandon it.
2. Dartmouth would contribute \$9.7 million to the Dresden School District.
3. Selectman Walsh believed interest groups associated with recreation, conservation, affordable housing and the Howe Library would find this agreement to be supportable.
4. He thought and hoped Hanover citizens would find that the agreement merited broad public support.

Selectman Walsh then asked his fellow Selectmen to walk the audience through the various pieces of the agreement.

Selectman Jay Pierson outlined the land swaps proposed in the agreement as follows:

- The Dresden School District would convey 7.2 acres of Thompson Terrace, currently used for recreation fields, to the Town of Hanover. This area would continue to be used by the Town of Hanover for recreational use.
- The Town of Hanover would convey 5.4 acres of playing fields on Reservoir Road, located in the middle of a very large parcel owned by Dartmouth College, to Dartmouth College.

- Dartmouth College would lease the Reservoir Road playing fields back to the Town of Hanover through 2009.
- Dartmouth College would convey 23 acres on Lyme Road to the Dresden School District to locate a new middle school.
- The School District would convey 11 acres, of the 23 acres on Lyme Road, to the Town of Hanover.

Relative to playing fields, Selectman Pierson explained the School District would construct a couple of playing fields, on the newly acquired Lyme Road land, associated with the new middle school. Those fields would be made available to the Town of Hanover during non-school hours. In addition, the Town of Hanover could possibly construct additional playing fields on the back 11 acres of the Lyme Road parcel. The Town of Hanover would also acquire two playing fields, and possibly create a third, on Thompson Terrace. Those fields would continue to be used for recreational programs and be shared with the School District. The Town of Hanover would lose ownership of two playing fields on Reservoir Road, but would continue to lease those fields through 2009. The previous notion, to locate a ball field on the Gile Tract, would disappear but the Town of Hanover was in the permitting process to construct a new ball field on the Water Company's land on Grasse Road. In conclusion, the Town of Hanover would have no net loss of playing fields and would actually be in the plus, in terms of number of playing fields available to the Town's Recreation Department.

Selectman Bill Baschnagel spoke to two elements of the proposed agreement: the Gile Tract and the back 11 acres of the Lyme Road property.

Selectman Baschnagel said the Gile Tract was a poor description of what was really the old landfill site. It had not been used as a landfill for years and was fully capped. That area currently housed a compost facility and a stump dump. Per the agreement, this land would be made available, through a lease, to Dartmouth College to be used as a storage site for construction materials and related items. Currently, those materials were stored behind CRREL and Dartmouth's Rivercrest area, right down on the Connecticut River. Selectman Baschnagel said this aspect of the agreement would allow the College to clean up the Rivercrest site, incorporate it into their future plans and relocate their storage area to a more appropriate facility that was out of sight. A zoning amendment, voted on earlier in the day, proposed a set of restrictions for the Gile Tract area, in terms of massing and what could and could not be stored there.

Selectman Baschnagel pointed out the anticipated site for the new middle school and two associated playing fields, on the Lyme Road property, right up along side the road, where existing playing fields were located, and immediately adjacent to Dartmouth Printing. He said the piece the Town of Hanover would eventually receive was the back half of that 23 acre parcel that abutted the Ray School property and Storrs Pond. He said it was not known what would become of that property. A group of people, representing the Town of Hanover and the abutting property owners, would be put together to research that land and what it might become. Selectman Baschnagel believed it was an interesting place, in relation to its surrounding properties, and had some real possibilities.

Selectman Katherine Connolly, Vice Chairman of the Board of Selectmen, spoke to the land swap involving Sargent Place. On an overhead projection, she pointed out the intersection of Lebanon Street and Sargent Place, and the area of Sargent Place that would be conveyed to Dartmouth College and discontinued. The proposed discontinued portion was about 125 feet long. It terminated at the lot at 14 East South Street, roughly .25 acres down the road. That lot had two parking lots; one was accessed by Sargent Place and used by the Town of Hanover for rental parking; the other was accessed from East South Street and used by Howe Library patrons. Selectman Connolly said the Town did not intend to impinge upon any of the current uses. Arrangements were being made to replace both the rented parking area and the Howe Library parking.

Selectman Peter Christie spoke to the piece of the agreement that accomplished the main objective of making sure the Lebanon Street property remained as school or municipal use forever. This piece of the agreement was developed by a taskforce composed of Henry Scheier, of the Norwich Finance Committee; John Manchester, of the Hanover Finance Committee; and Selectman Christie. Together, they tried very hard to put something together that was fair, quantifiable, and reasonably simple.

Selectman Christie said, looking ahead 50 or 75 years, when for whatever reason, the Dresden School District decides they no longer have any use for this property, this agreement would require that the School District offer to the Town of Hanover, the purchase of this property. Town of Hanover and Dresden School District leaders at that time would have to figure out the value of that property and a credit the Town of Hanover would be given, for the transaction currently being discussed. The value would be based on Hanover's declared use of that land; a declaration they would be bound to for 20 years. The credit the Town of Hanover would receive would be based upon the tax savings, to the Dresden School District taxpayers, that resulted from this agreement. The taskforce's estimate of what that might be was calculated as follows:

- The \$9.7 million, coming from Dartmouth College to the Dresden School District, has a present value of \$8.2 million. (This was previously reported as \$7 million, but after a request for recalculation, was found to be \$8.2 million).
- The \$2 million, coming from the Town of Hanover to the Dresden School District, has a present value of \$1.3 million.
- The Lyme Road land was recently appraised at \$1 million. The front portion of which, where the school is anticipated to be located, was valued at 80% or \$800,000.
- These figures are offset by the School District losing control of Thompson Terrace, estimated at \$600,000.
- The net would be \$9.7 million

Selectman Christie said the above figures would be easily quantified once the bond rate was known, the exact timing of the Town of Hanover and Dartmouth College contributions were known and an appraisal was done of Thompson Terrace. He said future leaders would be instructed to bring this number into the future based upon a cost of living index of the New England base.

Selectman Walsh said if all three articles including the zoning amendment voted on earlier in the day, passed, the School District would be able to responsibly spend money on firm plans for a middle school on Lyme Road and for renovating and expanding of the high school on Lebanon Street. In March 2003, the School District would ask their voters for permission to enter into land swaps parallel to what the Town of Hanover was addressing in Article Three. In May 2003, the School District would put a bond issue before their voters. Selectman Walsh said if any one of these articles failed, the whole deal would be off and the school location and cost issues would be back to square one. He asked that there not be any amendments to any of the proposed articles due to the complexity of the agreement that was reached. Moderator Black said the people could not be told that they could not amend the articles if they so desired. She explained that it was within the purview of Town Meeting to do so, but, if any proposed amendments passed, the deal was off.

Moderator Black asked if there was any further discussion under Article Two, to spend \$2 million dollars, over 20 years, at \$100,000 per year, to pay the Dresden School District for the right of first refusal and the right of the Town of Hanover to buy the Lebanon Street site should the Dresden School District decide to vacate it.

Robin Carpenter said, though he was in favor of the agreement, he felt that it was not favorable or appropriate for the Town of Hanover. He argued Hanover citizens would never allow the proposed land transfers, from the Town of Hanover to Dartmouth College, if it were not for the school factor in this deal. He supported the notion of keeping the high school downtown, but was not in favor of having to contribute, what he believed to be \$6 million in present value assets, to do so.

ARTICLE ONE: Moderator Black announced the vote tally for Article One. A total of 1,430 votes were cast.

RESULTS: YES 1,331 NO 99 ARTICLE PASSED

Kim Perez asked if anything was being done to accommodate the Howe Library parking spaces that would be lost. Moderator Black asked that the conversation continue with Article Two. An answer would be provided when Article Three was discussed.

Bill Harper called the question. Moderator Black said proper parliamentary procedure in calling the question was to take a vote; there would be no discussion. **By a show of hands, Town Meeting voted in favor of calling the question.** Moderator Black then opened the polls for Article Two, announcing that they would be open for at least an hour. She recessed the meeting for 15 minutes to allow people to begin voting.

Moderator Black asked for the consensus of the audience to continue the meeting and address Article Three. By a show of hands, Town Meeting voted in favor of continuing the

meeting and addressing Article Three. Moderator Black asked if there was any action under Article Three.

Selectman Walsh moved Article Three, that the Town vote to approve the elements of the three party agreement between Dresden, Hanover and Dartmouth which enables the relocation of the Richmond Middle School to Lyme Road and the renovation of Hanover High School on the Lebanon Street site, and which specifically includes the following components requiring Town Meeting approval:

- a. **Authorize the Selectmen to accept approximately 11 acres of land located at 63 Lyme Road to be granted to the Town of Hanover by the Dresden School District. The entire 23 acre parcel is currently owned by Dartmouth College but is to be conveyed to the Dresden School District for the purpose of constructing a new Richmond Middle School if the middle school project is approved by the voters. Once the final design is complete, the Dresden School District will grant to the Town of Hanover the easterly half of the property which abuts property owned by the Hanover Improvement Society and the Hanover School District.**
- b. **Authorize the Selectmen to accept a 7.2 acre parcel of land located at 4 Thompson Terrace, currently owned by the Dresden School District and consisting of outdoor playing fields and associated parking and restroom facilities. This land was developed as school playing fields in 1974, utilizing federal Land and Water Conservation Act funds, administered by the New Hampshire Bureau of Outdoor Recreation. At that time, the Dresden School District was required to adhere to certain usage restrictions, including the guarantee that this land would be placed in use for outdoor recreation and would be retained for such use in perpetuity. Upon transfer, the Town of Hanover must agree to comply with the same use restrictions.**
- c. **Authorize the Selectmen to convey to Dartmouth College the Town-owned 5.42 acre parcel located at 1 Reservoir Road known as the Reservoir Road Playing Fields, with the condition that at the same time the Selectmen will enter into a lease with Dartmouth College to enable the Town to utilize the playing fields for its recreation programs through 2009, at a cost of \$1.00 per year.**
- d. **Discontinue Sargent Place in its length extending from 129.8 feet south of the intersection of Sargent Place and Lebanon Street, which is the southerly boundary of the property known as tax map parcel 34/57 to its southerly termination as a public highway pursuant to RSA 231:43. The 129.8 foot length of Sargent Place from Lebanon Street to the southerly boundary of the property known as tax map parcel 34/57 shall continue to be maintained as a Town street to insure access to this parcel and that parcel to its north. The Selectmen are hereby authorized to take all action, to sign all documents that may be necessary to carry out the purpose of this vote, and to convey the fee to this property to Dartmouth College.**

- e. Authorize the Selectmen to convey to Dartmouth College the Town-owned 0.25 acre parcel located at 14 East South Street, consisting of 18 municipal parking spaces. One portion of the property is accessed from Sargent Place, and the other portion is accessed from East South Street.
- f. Authorize the Selectmen to lease a portion of the Town's former landfill site, located within the Gile Tract, to Dartmouth College for a 75-year period, to enable the College to relocate outdoor storage from its current location behind Rivercrest. The former landfill site currently houses municipal outdoor storage and the composting facility, and includes sufficient area to accommodate Dartmouth's outdoor storage facility. The Department of Environmental Services has authorized Dartmouth's use of the landfill site for outdoor storage, subject to conditions to be imposed as part of the lease agreement. Use of the Town's landfill site for this purpose will also require an amendment to the Zoning Ordinance to allow maintenance yards in the OL zone by special exception, which is included as part of Article One on this warrant.
- g. Authorize the Selectmen to enter into an agreement with the Dresden School District to enable long-term municipal use and maintenance of two new playing fields to be constructed as part of the new Richmond Middle School site. The playing fields will be available to the Town for its use during non-school hours.
- h. Authorize the Selectmen to enter into a purchase option agreement with the Dresden School District, reserving to the Town of Hanover the option to purchase the High School parcel in the future in the event the Dresden School District decides to no longer use the property for school purposes. The terms of the option agreement would enable purchase of the property by the Town of Hanover at the fair market value of the property at the time of purchase based on Hanover's declared use, less a credit for the future value of the tax savings generated for Dresden as a result of the Dresden/Hanover/Dartmouth agreement.

The motion was seconded by Bill Cook.

Moderator Black asked if there was any discussion under Article Three.

Jim Rubens asked to thank the three entities involved in accomplishing what he believed was more than a compromise. He said the agreement really optimized the values and needs of the various parties.

Selectman Walsh asked to address Kim Perez's question associated with Howe Library parking. Julia Griffin said nine Howe patron parking spaces would be lost due to the land swap on Sargent Place. She said plans for the Howe's expansion, being proposed by the Howe Corporation, included locating at least seven, and perhaps up to ten, additional parking spaces on the Library's property, when combined with the Ufford property, to the east. In addition, the

Town of Hanover was discussing how they could expand on-street parking on East South Street, directly in front of the Howe Library. She reiterated that it was the Town's intention to make sure the Library maintained the nine spaces currently provided.

Peter Spiegel expressed concern for the new middle school being in close proximity to Dartmouth Printing. He asked if anyone knew what came out of the printing company's chimneys. Julia Griffin said the School Board had already had conversations with Dartmouth Printing about their printing operation, inside the building. She advised of some key records that were available at Dartmouth Printing and at the Department of Environmental Services, who licensed all of the work done with the printing material at Dartmouth Printing. She reported that Dartmouth Printing met and complied with all of the State and Federal Clean Air Act regulations. Ms. Griffin said similar concerns were expressed relative to CRREL's proximity to the school. She said Hanover's Fire Chief participated in an almost full day discussion, with people at CRREL, about the possibility of having to evacuate their on-site child care center. She said CRREL had hired a consultant to conduct an in depth review of the potential likelihood of a chemical or hazardous material spill at their facility and how to minimize the risks. Ms. Griffin said the Fire Chief was very impressed with the detail of the analysis that was done. He felt very comfortable that CRREL was operating extremely safely. She was sure the School Board and its Building Committee would be in a much better position to deal with the hard details of this issue as they move through the planning process.

Kevin Mabey advised of his home's location as being a direct abutter to the future middle school. He spoke of his initial response to the "back room" deal that did not allow citizen involvement but found solace in his belief that all good deals are done in back rooms. He said the bottom line was that the communities had been discussing these issues for 10 years; it was time to make a decision. Mr. Mabey felt it was the citizens' responsibility to ensure that future generations would be better off than the current generation. He agreed the property was not ideal due to its proximity to the printing company and military installation, and yes it would create traffic issues on Route 10, but of the 10 options laid out, not one received 100% consensus.

A request was made to call the question. Moderator Black asked for any last comments on Article Three. **Hearing none, a hand vote was taken and Town Meeting voted in favor of calling the question.**

Moderator Black advised of a procedural error that had taken place. She said Article Two should have been re-read prior to calling the vote on that article. **A motion was made to waive the required re-reading of Article Two. The motion was seconded. A motion was made to waive the required reading of Article Three prior to voting. The motion was seconded. By a show of hands, the motion carried.** At the request of Moderator Black, a hand vote was taken on Article Three. **The motion PASSED and Article Three was ADOPTED.**

Moderator Black said in 35 years of attending Hanover Town meetings, she had never seen this many people in attendance. She said it was a great tribute to the School Board, Selectboard and

Dartmouth College as the school issue was important to the citizens of Hanover. She asked to congratulate the citizens in attendance for appearing.

Selectman Walsh acknowledged this meeting as being Moderator Black's first appearance as Town Moderator. He asked for a hand on her behalf. He also asked to reflect on the support and patience of the Dresden School Board in this process. He thanked all of the School Board members, in particular Margaret McNally and Geoffrey Vitt. He also thought the Town owed great thanks to Dartmouth College, its Trustees and Jim Wright, Dartmouth's President, for their roles in making this happen.

Patricia Higgins asked to thank the Selectmen and Town Manager.

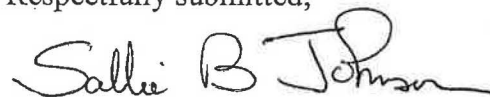
Moderator Black read from Article Four, "to transact any other business that may legally be brought before this Special Town Meeting." Hearing no other business, Moderator Black excused the audience and announced that the meeting would remain open until everyone had an opportunity to vote.

ARTICLE TWO: Moderator Black announced the vote tally for Article Two. A total of 765 votes were cast. A two-thirds vote would require 510 yes votes.

RESULTS: YES 734 NO 31 ARTICLE PASSED.

Hearing no other business, Moderator Black said she would entertain a motion to adjourn. A motion was made and seconded to permanently dissolve the meeting. The meeting permanently dissolved at 9:48 pm.

Respectfully submitted,



Sallie B. Johnson, Town Clerk

These minutes were transcribed by Beth Rivard.