

**PLANNING BOARD
MARCH 22, 2011 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

Members: Bill Dietrich, Judith Esmay, Charles Faulkner, Joan Garipay, Jim Hornig, Michael Mayor, Kate Connolly (Selectmen's Representative)

Alternate: Iain Sim

Staff: Judy Brotman, Jonathan Edwards

Others: See attached sheet

1. MINUTES FEBRUARY 8 AND MARCH 8, 2011

The minutes of February 8th and March 8th were approved as amended.

2. CONTINUATION OF PUBLIC HEARING ON PROPOSED ZONING AMENDMENT FOR TOWN MEETING 2011

Minimum Parking Spaces Required (submitted by petition) – Amend Section 404.1 to read:

“Use Category	Minimum Parking Spaces Required:
Downtown Commercial	1 for 400 square feet of gross floor area plus 1 for every 10 restaurant seats. However no additional spaces shall be required for outdoor seating which does not exceed 50% of the permitted indoor seating.”

Jay Champion, amendment proponent, said the amendment is an attempt to eliminate the need for off-site parking for established buildings in the downtown. He said it is not possible to come up with parking spaces to satisfy the zoning requirements for an intensification of use and the Town is not prepared to issue parking credits to accommodate that. Champion said the intent of the Ordinance, as revised in 2004, is to sell parking credits and use the funds from those sales to produce more actual parking spaces. He said recently the Town leased spaces to him to satisfy zoning requirements. There was no creation of new spaces.

Champion said he and other downtown property owners have faced this problem over and over again. This amendment is designed to recognize that if he is going to keep the business community vital, and keep things improving in the downtown, he must be able to lease building space to the people who want it for uses permitted in the zone. Champion said there is no downside because if the Ordinance is to stay in place, and he is able to purchase parking credits, that still will not result in the creation of new parking spaces.

Campion said the Town is going to be responsible for providing additional parking because no one else can do it. To not allow him to intensify the use of his building because the Town does not want to provide more parking is not fair.

ESMAY said this is a petitioned amendment and the requisite number of signatures has been provided.

Board comments:

- The amendment says nothing about pre-existing buildings.
- There is no elimination of future construction.
- This would also eliminate the 50% requirement for outdoor seating.
- To take away this requirement would create the possibility of a massive imbalance in the downtown.
- Leased spaces may be acquired as long as they are within 750' of the activity in question.
- Hanover's Ordinance is probably the most generous of any zoning ordinance CONNOLLY has ever seen.
- No one is denying Campion the right to put a restaurant in his building if he chooses to do so.
- Hanover has a parking problem as it is.
- The town cannot afford the loss of parking spaces to service the downtown.
- The parking problem needs some fundamental analysis and solution if business owners are going to grow their businesses and create more customer traffic within the town.
- If additional businesses are created which require parking, we should be creating additional parking.
- It will be a detriment to the citizens, visitors, and businesses of the town if people begin to turn away from Hanover because they cannot find parking here.
- To tackle the problem by attacking one small element is not a good way to go towards tackling what is an overarching problem for all the businesses here.
- The proposed amendment is likely to contribute to making the parking problem worse.
- Concern was expressed about dealing with just bits and pieces without seeing the whole of the problem and developing policies town-wide.
- It was pointed out that Section 404.1 has 2 use categories with the same wording and identical requirements, "Eating and drinking establishments" and "Downtown commercial". Questions were raised why the proposal is to change one but not the other and what affect that would have.
 - It was explained that "Downtown commercial" includes restaurants and that "Eating and drinking establishments" are located in other zoning districts and would continue to be subject to the current parking requirement.

Public Comment:

Paul Olsen, of Dartmouth College, said if the change is made, the Town should also adjust any parking credits that were awarded based on the old requirement, so that people have the ability to use credits no longer related to an existing requirement.

Staff Comment:

Brotman said the Ordinance does not allow people to lease parking spaces any longer. The person that owns the physical space is debited, and the person getting the new space is

credited, and they have use of that parking space. The Town is the only entity that can lease it back.

ESMAY said the public hearing is closed.

It was moved by MAYOR that the Planning Board vote in favor of this amendment. The motion was not seconded.

It was moved by FAULKNER that the Planning Board recommend that Town Meeting vote against the passage of this amendment. HORNIG seconded. DIETRICH said if the Board votes in opposition of the amendment, he would like there to be some follow up to address the parking problem. MAYOR said the Board should say they are conscious of the difficulty and in support of transportation demand management solutions. ESMAY said the Board promised, in declining support for the tandem parking zoning amendment, to fold that into the Residential Project Committee's work. Edwards suggested reconvening the Downtown Visioning Committee to study this. SIM said this will at some point impact the CIP and should be included in that process. **FAULKNER amended his motion to not recommend the Town's approval of this proposed amendment and refer the matter to the Downtown Committee and also suggest that they look into the CIP. HORNIG seconded.** CONNOLLY said the Selectboard is aware of the problem. They are accounting for every penny in the Parking Fund Budget to try to sell more parking. CONNOLLY said it took 20 years to get the parking garage built. The Town is aware and will always take advantage of every opportunity to try to add parking to the "D" district. **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

3. 11-08 SUBMISSION OF APPLICATION FOR MINOR SUBDIVISION BY KATHLEEN BRADLEY REVOCABLE LIVING TRUST, TO DIVIDE ONE LOT INTO TWO LOTS (CREATING A 3.13-ACRE LOT AND A 14.28-ACRE LOT) AT 145 DOGFORD ROAD, TAX MAP 9, LOT 63, IN THE "RR" ZONING DISTRICT.

ESMAY read the Notice of Public Hearing.

Andrew Bradley appeared before the Board. Edwards explained the proposal and stated that it meets the standards for minor subdivision in the "RR" district. ESMAY said staff comments indicate that the proposed driveway location has been approved and the septic system is located well away from any wetland or waterbody. ESMAY said staff requests a condition of approval to include the filing of 3 full size versions of the plan, signed and stamped by the surveyor.

There was no public comment on this application.

It was moved by CONNOLLY to find the application for minor subdivision of Lot 63, Tax Map 9, in the "RR" zoning district complete. MAYOR seconded. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

It was moved by CONNOLLY to approve the minor subdivision of Lot 63, Tax Map 9, in the "RR" zoning district with the condition that the applicant submit 3 full sized versions of the plan that are signed and stamped by the surveyor. MAYOR seconded. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

4. 11-07 CONTINUATION OF SUBMISSION OF APPLICATION FOR SITE PLAN REVIEW BY DARTMOUTH COLLEGE FOR RENOVATIONS AND ADDITIONS TO THE HANOVER INN, LOCATED AT 2 SOUTH MAIN STREET, TAX MAP 34, LOT 120, 4 SOUTH MAIN STREET, TAX MAP 34, LOT 121, IN THE “D-1” ZONING DISTRICT, AND 4 EAST WHELOCK STREET, TAX MAP 34, LOT 17, IN THE “I” ZONING DISTRICT.

ESMAY read the Notice of Public Hearing.

The application was presented by: Paul Olsen, Ellen Arnold, and Chuck Wilson of Dartmouth College, and Rod Finley of Pathways Consulting. Olsen provided copies of new information for the Board’s review and walked them through the materials.

Hanover Inn – Meeting Rooms: These documents explain and depict revised, very precise comparisons between the gross square footage and meeting room seating of existing condition versus proposed condition. The College now reports 12,094 gsf of existing condition, 13,333 gsf of proposed condition (8,770 of meeting space and 4,563 of pre-meeting space) and 591 existing meeting room seats, 543 proposed meeting room seats. Olsen said this shows that the College is actually decreasing capacity to some degree.

Hanover Inn Renovations and Addition *Additional Information 3/22/11:* This document outlines Restaurant Meeting Seats (230 now proposed – reduced from 266), Zoning Parking Requirement Calculations, and Additional Parking Offered to the Town (20 spaces in the Town garage).

Hanover Inn Proposed Renovation – Traffic and Parking Impacts Updated Based upon Town Use Classification March 22, 2011 & Memorandum to Arnold from Pernaw dated March 22, 2011: There was no oral presentation on this submittal. Olsen said the revisions are based on the revised numbers above.

Hanover Inn / Lang Bldg Changes: This table compares square footage changes of existing and proposed conditions for various uses. The most significant change is attributed to Inn guestrooms, increasing 11,130 sf. A minor increase is proposed in Lobby & Service area. A significant component of the Meeting Rooms increase is due to the creation of Pre-Function space. This is offset by an actual decrease in size of the meeting rooms. All of the commercial sorts of uses are decreasing (Office & Retail, Meeting Rooms, Restaurant).

Olsen said the proposed additions can be thought of as relocations of a smaller Daniel Webster Room (in the Zahm Courtyard area) and Hayward Lounge (in the front area). Other Inn conference spaces will result from the relocation of meeting space currently located on the Lang Bldg 3rd floor and Inn 2nd floor.

Hanover Inn Renovations and Addition *Project Summary:* This sheet summarizes new space being added (11,963 sf), changes in use (16 new guestrooms, 20 fewer restaurant seats, 85 fewer outdoor restaurant seats, 47 fewer meeting room seats, 5,266 gsf decrease in commercial space), parking changes (10 new spaces, use of 20 existing spaces), an agreement to monitor parking, and College funding of a traffic study (\$12,000).

Minor Revision to Hanover Inn Site Plan Review Application: The proposed revision is to relocate an existing baler for egress purposes.

Waiver Requests, Hanover Inn Site Plan Review Application: The need for these waivers was uncovered during the Board's March 18th site visit. The waivers requested are of Article IX, Section B1 (dumpster enclosure), Section B3d(1)(a) (landscape screening/buffering), and Section B3d(1)(c) (landscape screening/buffering for a transformer).

Conditions Recommended by Staff, revised by Dartmouth: Olsen said Dartmouth is not able to proceed with the project based on an open-ended requirement to invest in parking that the Town might deem is required. He said it would be disingenuous to suggest the College would agree to invest in a downtown parking structure. The data contained within the application materials does not justify the imposition of such a condition. Olsen said the College has a unique ability to take care of parking needs off site. The College and Town can work together to monitor parking operations to avoid having excess parking flowing into the downtown.

Parking Requirements:

Olsen said the proposed project requires the addition of 18 spaces for the Inn and a decrease of 10 spaces for the Lang Bldg. Brotman clarified that the spaces for the Lang Bldg are actually parking credits. She said a Town awarded parking credit is not, nor ever was, a physical parking space. Olsen said 10 new spaces will be created in the hotel garage, leaving a deficit of 8 parking spaces. Dartmouth created 32 excess parking spaces as a part of the South Block project. The 8 deficit spaces will be transferred from South Block to the Inn project through a conversion of parking spaces into credits.

Olsen said Dartmouth has use of 29 or 30 spaces within the Town garage that are currently allocated to employees and tenants. The College is offering to relocate 20 of those spaces to free up garage parking for public use. Olsen further reported that Dartmouth typically has 500 vacant spaces available. Arnold said the College has approximately 1,000 spaces that are not allocated.

Traffic Study:

SIM spoke about his review of the applicant's Traffic Study. He said it lists an existing count of Inn meeting room seats totaling 284. He said the Board needs to understand how many spaces/credits were originally allocated to the Inn and on what basis so they can measure the change. SIM said his major concern with the Traffic Study is its rather optimistic view of the amount of traffic that could be generated from vehicles arriving for conference-type meetings. He is also skeptical of the traffic impact of the Main St/Wheelock St intersection. Its Level of Service is already at a low level. SIM said it would make good sense to have a contingency plan in place when the existing model of valet parking will just not work for 500 meeting attendees, of which a much larger proportion than foreseen in the Traffic Study actually turn up.

Chuck Wilson, Hanover Inn Acting General Manager, spoke of his experience managing hotels with valet parking and meeting space. He said the key is forecasting use and providing adequate staffing to handle the use. HORNIG asked how queuing of vehicles will be handled. Wilson said they will use the garage as a better way to stack or move cars out of the way. After the rush is over, those cars will be moved to the right parking spaces. Wilson said the goal is to move the cars off the drive as quickly as possible.

GARIPAY asked if there would be a crosswalk to the proposed island on Wheelock St. Edwards explained the location of the proposed island and crosswalk. He said this may help the traffic flow by regularizing where pedestrians can cross the road.

Public Comment:

Van Chesnut, of Advanced Transit, asked how congested the spaces in front of the Inn and HOP will be during construction. Olsen said parking spaces and the bus shelter will be moved out of the way. There will be a limited number of entrances and exits to the project site. Deliveries into the site will occur on a limited basis. Chesnut said AT is willing to work with the project manager to alleviate the activity in that area. He said buses cannot be too far east because they need to make a left turn onto N College St; that turn is the most critical issue for AT.

Barbara McIlroy said it is very reassuring that there will be very little change from what is going on now at the Inn. McIlroy said she regrets the loss of the green area in front of the entrance to the Hinman boxes. She encouraged the College to consider more pocket parks in future developments.

Staff Comments:

Edwards said staff is concerned the Inn will have a negative impact on the downtown public parking. He said the crux of site plan review and approach we have traditionally taken is that those that cause an increase in the call on public resources ought to contribute to the expense of responding to that call. Edwards said even though the application meets the zoning requirements, the Town does not have enough information or expertise to come up with a credible quantification of what the risk would be. Staff proposes hiring a consultant to figure it out.

Edwards said some types of the proposed construction spaces do not meet the fire-code occupancy requirements. The square footage comparisons are important for the Board to understand.

Edwards said limiting staff's proposed condition related to parking, to annual monitoring and evaluation analyses is not sufficient. He said he disagrees with the contention that a capital component may not be a result of such analyses. Staff's recommendation is to create an action plan by mutual agreement.

Edwards reiterated that the Town does not yet have enough information to act, namely it lacks an independent review of the parking demand and capital and managerial provisions that ought to be made. He proposed working with the College during the construction period to reach an agreement about what the problem is and how to address it, if there is one. CONNOLLY asked if there is a way to determine a bottom threshold which would trigger some sort of action.

Applicant's rebuttal:

Olsen said he agreed that projections are things that are pretty hard to do right now. You take your best shot at it based on the information you have and you have to keep reviewing it. He said it is in Dartmouth's best interest that the facility works better in the future. Being able to provide adequate parking will factor into that success. Olsen said the College is more engaged than any other party in trying to be sure things work in the downtown and on campus.

Arnold said town zoning is adopted for a purpose. It provides for parking requirements to provide for sufficient off-street parking spaces. The proposed project meets those requirements. Arnold said there is no rationale or basis or legal authority to say that staff should have an on-going, open-ended ability to impose additional, essentially impact fees, because they determine there is an impact on downtown parking. It is the Board's obligation to decide based upon the information submitted with the application, the current conditions, the analysis of the proposed impact, and what the zoning requirements are.

Board Comments:

CONNOLLY said she does not think simply using the Zoning Ordinance requirements is satisfactory for site plan review.

SIM asked if more parking credits were issued than there are physical spaces in the town. Brotman said yes and explained the process of awarding parking credits. She said there was also a provision in the Ordinance for the Board of Selectmen to sell parking credits. That piece was never instituted. DIETRICH said the cause of the problem, in part, is that the Board of Selectmen chose not to implement that piece. SIM said all business owners should face up to the responsibility to be engaged in a discussion that will lead to some solution.

GARIPAY asked whether it is possible to restrict Inn conference attendees from parking at metered spaces.

SIM questioned the construction schedule for the Zahm Courtyard piece. Olsen said the schedule is still being refined and is dependent upon how quickly the College can finish construction documents and obtain permits. They hope to be in that area right after graduation and conclude the exterior portion of the infill in 6 months or so.

ESMAY noted the lateness of the hour. DIETRICH said the ZBA is not likely to have a decision on the College's Building Code Appeal until April 14th at the latest. **It was moved by CONNOLLY to continue this matter to March 29, 2011. HORNIG seconded. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

5. **OTHER BUSINESS:** CONNOLLY noted the passing of Walter "Bud" Eaton, former Planning Board Chair.

6. **ADJOURN:** The meeting adjourned at 10:30 PM.

Respectfully Submitted,

Beth Rivard