

**PLANNING BOARD
FEBRUARY 14, 2012 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

Members: Kate Connolly (Selectmen's Representative), Judith Esmay (Chair), Joan Garipay

Alternates: Iain Sim

Staff: Vicki Smith, Jonathan Edwards, Judy Brotman

Others: See Attendance Sheet

1. DISCUSSION: POSSIBLE ZONING AMENDMENT FOR TOWN MEETING 2012

Zoning Change Request: To amend the Zoning map, Table 204.5 "GR", 204.7 "RR", and Section 902 "Term Definitions" relative to the Chieftain Motor Inn

Jody Roberts and Jennifer Foden, proponents and owner/general manager of the Chieftain Motor Inn, presented the proposal. Roberts distributed copies of additional documentation to the Board. Foden read into the record a letter she authored.

"Testimony presented by: Joseph A. Roberts, Owner of the Chieftain Inn
Jennifer Barton, General Manager of the Chieftain Inn

Madam Chairwoman, members of the Board and Neighbors thank you for the opportunity to review my requested zoning change and explains how it will benefit the residents of Hanover:

We are requesting that the Chieftain be removed from the "RR" zone and placed in the General Residence (GR-4) zone. Please note that the Chieftain currently abuts the "GR" zone. In addition we request that the "GR-4" zone be modified to include "Hotel" as a 'Special Exception' based on the following restrictions.

'Hotel on that part of Route 10 known as Lyme Road, north of Kendal and served by public water and sewer and limited to a maximum of 50 hotel units which constitutes the temporary abode, for 30 days or less, of persons whose primary residence is elsewhere.

Why should the Chieftain be rezoned? I believe my application speaks for itself, for that reason I will only briefly touch on it and instead focus on what this change will do for the residents of Hanover.

First allow me to summarize the Chieftain's problem with its current zoning. Residing in the RR zone as non-conforming entity severely curtails the Chieftain's legal and financial ability to respond to the region's rapidly evolving lodging market. The Master Plan recognizes the Chieftain as functionally related to the Lyme Road Village Center to its south. The Village Center abuts the Chieftain and can be better described as the Lime Road Service Community, as is home to several well-established "Service" related business. These include:

1. Kendal, and other assisted living organizations servicing our retirement community.
2. Other Businesses servicing Hanover residents include:
 - a. Co-op food mart,
 - b. North Side Cafe,
 - c. A beauty salon,
 - d. A Medical complex,
 - e. Dartmouth Printing and
 - f. The Lyme Road Dentist association to name just a few.

Like the Chieftain each of these entities provides a valuable community service and they are all less than a mile from our property; I believe the synergism that exists between these entities and the Chieftain supports our request to be relocated into the **GR-4** zone.

The Lyme Road Village Center, formed in 2005, resulted from a yearlong neighborhood study and was one of the first implementations of the towns Master Plan. It was recognized then that the Chieftains property (10.7 acres) should eventually and appropriately be included in the Village Center! We believe that it is now time to implement this vision and relocate the Chieftain into the GR4 zone.

The primary reason to relocate the Chieftain into GR4 zone is to allow us to continue our mission. Our mission is to "Improve the quality of life for residents of Hanover". Our strategy is to provide facilities and amenities that allow Hanover residents to enjoy our 10.7 acres and 1,000-foot shoreline on the bountiful Connecticut River.

Our logic in adopting this mission is simple; we are a small family owned motel and as such do not have access to a national advertizing campaign or international reservation system such as those used by the large hotel chains that now surround the Chieftain. For this reason we must rely on word of mouth to grow our business. Realizing this we developed a rather unique marketing strategy: We provide area residents of Hanover with direct access to the beautiful Connecticut River, our waterfront grounds and our facilities. We believed that if we allowed our neighbors to enjoy our property they would suggest the Chieftain to friends, relatives or business associate visiting the Hanover area. This strategy has worked! Unfortunately the Chieftain is now forced to compete with 16 new hotels that have entered our market in the last several years. In addition we need to make long overdue repairs and facility improvements designed to better serve our community.

Rezoning the Chieftain will allow us to finance needed facility improvements on acceptable terms. This will allow us to better serve our community and customers by adding needed property improvements.

Our current zoning states, that if we bring town water and sewage to our property we can expand the Chieftain. The Board has repeatedly stated that they would look favorably on any reasonable expansion project. But what the Board has failed to realize is that we cannot secure acceptable financing while located in the RR zone.

The reason for this is painfully simple; Banks require collateral that is easy to liquidate in the event of a loan default. A motel, existing as a special exception, in the RR zone is not easily liquidated! Unfortunately there are no conversion options that justify a \$15,000,000 investment in a new hotel. For that reason the Chieftain is not considered acceptable collateral!

However, as a member of the GR4 zone the Chieftain will be viewed as collateral, because it now offers lenders the liquidation options they require. In the event of a loan default bankers could easily sell the property to anyone interested in converting it to one of the other "Permitted Uses".

Our goal in requesting this zoning change is to better serve our community! Once we become part of the GR-4 Lime Road service community we will be able to do more of what the residents of Hanover have come to expect from us.

Property enhancements will also improve our local economy. A new full service hotel will allow us to increase attendance in our summer rowing program. This will bring needed tourists dollars into our community during the summer season.

All property improvement projects we propose will be designed to support our stated mission and offer thousands of Hanover resident's additional recreational options. Assuming we secure GR-4 status and Board approval on all proposed projects, we believe we can implement property improvements that will transform the Chieftain into a true Hanover icon, which embodies the spirit of our community.

This brings me to my final reason to rezone the Chieftain: Several years ago a major hotel chain made a substantial offer to buy the Chief, we rejected the offer but asked why they would want to purchase a hotel that could not qualify for bank financing based of its special exception status? His answer surprised us; he stated "we do not require back financing and you're current zoning is extremely appealing to us as it clearly allows us to build a hotel of unlimited size as long as he connected it to town water and sewer. To protect the Chieftains beautiful 10.7 acres this oversight must be resolve!

To accomplish this and protect the culture of the emerging Village Center we must be rezoned GR-4. To accomplish this we have agreed to the following property restrictions:

- Bring town water and sewer to our property.
- Accept a "Special Exception" status, this will insure a public hearing on any proposed property changes.
- Limit the number of HOTEL UNITS to 50; this is our attempt to protect the property and the residents of Hanover from over development of our 10.7 acres. In addition, the 28 additional units we have requested, if built, will only increase traffic on Route 10 by .01%. This is based on an average traffic count of 2,800 cars per day according to the DOT.
- Increase the size of all set backs. This will protect our neighbors and the tranquility of their property.
- Any new Hotel we propose will include:

- o A separate turn-in, pullout traffic lane aside route 10. This will prevent all traffic disruption.
- o A separate entrance and exit, to control traffic flow on and off our property.
- o Appropriate sound dampening barriers designed to protect our neighbors to the north and south of our property. Now as we all know from past experience no matter what we offer in the way of concessions to the town there will always be a few individuals who put their own personal needs and/or social agendas before the needs of our community. I ask everyone to consider two very important points:

FIRST: Over 10,000 Hanover residents used our property last year! They enjoyed family picnics, group reunions, boat races, fishing and swimming off our dock, or just a quiet canoe ride with a loved one and yes, some of those canoe rides lead to weddings held at the Chieftain. I believe we, based on our actions, that have built a base of very happy Hanover residents and when asked, by family or friends, will suggest the Chieftain as the only family orientated accommodation in Hanover.

SECOND: I ask you all to remember that the Chieftain is a family owned business and has been serving the community for over 50 years. This means that it was operating as a motel when you arrived OR YOU VOTED TO ALLOW IT! All we are asking for is to be properly zoned which will allow us to FINANCE property IMPROVEMENTS designed to better service our community.

Finally, to my neighbors who chose to see a grand conspiracy in every action we take and now believe we are only requesting a zoning change to sell the Chieftain I say to each of you; if we wanted to sell the Chieftain we would have already sold it! We have had a minimum of 1 offer per year for the last five years. We are requesting a zoning change in an attempt to maintain a viable family business. In addition, we have agreed to stringent property restrictions, which severely limit the development of our 10.7 acres.

As I previously stated our mission is simple: Improve the quality of life for Hanover residents by providing direct access to the river and the facilities required to enjoy it! I believe we have demonstrated, through our actions, our commitment to this mission and our community. I ask the Board not to make its decision based on some vague assumption of what someone believes might happen in the future; look instead to what we have done over the past decade and put your faith in you're your ability to control any future development of our property and in so doing protect the community.

I ask the Board to help us accomplish our goals and at the same time implement several of the stated objectives of the Master Plan. Three of the most relevant statements found in the Master Plan strongly support relocating the Chieftain into the GR4 zone and opening its facilities to Hanover residents. I call your attention to the following statements:

- Chapter 4 states: The importance to current and future town residents of the use and enjoyment of our natural resources.... This is what the Chieftain offers!
- Chapter 9 states: "The Route 10 corridor between Reservoir Road and the Chieftain inn should become the Dresden Village Center (now the Lyme Road Village Center), with mixed use zoning.
- Chapter 13 states: The encouragement of the development of private recreational facilities available for the use of town residents.... We are now providing this service and with your help we can offer more!

Please help the Chieftain better serve our community and continue its mission by relocating us to the less controversial and more compatible GR-4 zone.

Thank you for your time and understanding!"

Roberts said the proposed 50-unit maximum will more than double what currently exists at the Chieftain.

Board Questions/Comments:

- The proposal may limit the room count but allows for a building footprint increase 10 times what currently exists. The proposal also incorporates a couple of other uses currently allowed by special exception such as Outdoor Recreation and park-and-ride facilities as permitted uses. The amendment should be changed to allow those uses, and the hotel use, by special exception in the GR-4 zone.
- The area where hotels would be allowed in GR-4 should be more defined to protect areas such as Fullington Farm.
- The proposed definition of "hotel" eliminates the previous description of hotels. That should be restored.

- The proposed setbacks and frontage are too small. Suggestions were made for front/side/rear setbacks of at least 50' and lot frontage of 200'.
- Does the Lyme Road Village Center Study reference what other businesses might be desirable in this neighborhood?
 - Roberts said the proposal is consistent with what the Master Plan envisions.
- Has there been any discussion with the [Lyme Road] Village Planning Group?
 - Kristine McDevitt, Co-Chair of the [Lyme Road] Village Planning Group, said they were specifically told to not include the Chieftain in their planning/zoning discussions seven yrs ago. It was understood the Chieftain would be addressed at a later date. The [Lyme Road] Village Planning Group's primary concern was that the current mix of business and residential uses be maintained; making sure the services on Lyme Road are those that would be used by the neighbors. Other concerns of the [Lyme Road] Village Planning Group were parking in the front setback and multiple curb cuts. McDevitt asked that the Board refer back to the [Lyme Road] Village Planning Group's notes and many months of study/discussion that went into planning the design criteria along Lyme Road.
 - Roberts said he envisions a 'park' more than a 'parking lot' in the front setback, similar to a pull-off rest area.

Public Questions/Comments:

- Kristine McDevitt, of 55 Lyme Road, expressed concern for what could become of Chieftain, Rivercrest and Kendal properties. She favored amending the proposal to allow hotels and various other uses by special exception.
- Betsy Sylvester, of 80 Lyme Road, expressed concern for traffic ramifications.
 - Roberts said traffic has not ever been a problem at the Chieftain. They hosted a regatta last year, attended by over 500 people, that occurred without complaint or incident. The proposal is merely to allow the doubling of their number of guests.
 - Edwards said the traffic issues at this site are speed and safety, not volume. Those must be addressed by the Town and State, not an individual property owner.
 - Ruth Harvie expressed concern for the number of curb cuts allowed. She suggested limiting property access to one-way in and one-way out.
- Peggy Connolly, of 80 Lyme Road, asked how doubling the Chieftain's room-count will impact the Town's sewer system.
 - CONNOLLY said the Town's sewage treatment plant cannot be expanded any further but still has the capacity to accommodate residences of Hanover. The facility is able to handle the very large buildings Dartmouth continues to construct. The increased sewage from the Chieftain should not be a problem.
- Tedd Osgood, of 80 Lyme Road, said Lyme Road, from the Co-op roundabout to Kendal, is fairly flat and level. Just beyond that, it abruptly turns down to what he refers to as the 'flood plain area' close to the river. Topographically, the northern edge of Kendal makes a sensible break in the terrain. If topography is to be considered, that should be taken into account.
 - Roberts countered that the Chieftain is only about 5' lower than Kendal in certain areas and is higher than Kendal in other areas.
- Anne Morris, of Etna, asked how the 35' maximum height is measured.

- Brotman said the height of buildings with peaked roofs is measured from the mid-point between the averaged finished elevation of the front of the building (portion facing the street) and the midpoint between the eave and the peak. The height of buildings with flat roofs is measured to the top of the flat roof. Mechanical penthouses and utilities are allowed to extend 20' higher.
- Melanie Podolec, of 86 Lyme Road, expressed concern for parking in the front setback, streetscape design, and impacts to her property relative to noise and congestion. She asked, if a rural residential house needs 10 acres, how can a hotel with 50 rooms be built on that same 10 acres?
 - Roberts offered to eliminate the park-and-ride aspect from his proposal.
 - SIM suggested a park-and-ride facility should be looked at in sort of a holistic way.
- Peggy Connolly expressed concern for what might become of the Chieftain property if Roberts is unable to fulfill his plans and the property changes hands. She asked if Kendal were to purchase the Chieftain property what would Kendal's plans be limited to.
 - Edwards said Kendal would not be able to expand its uses because its CCRC approval was limited to 250 units.
 - Brotman said further zoning changes would be needed to allow Kendal to expand. However, they could develop the Chieftain property under another name.
- Bill Mlacak, of 16 Reservoir Road, said it appears there are a lot of problems with the proposed changes to the definition of the GR-4 zone, which is being requested in essence to accommodate one property. That does not appear to be good planning. GR-4 should be looked at as a whole before being changed.
 - Smith agreed that the character of the GR-4 district should be considered as a whole. This could have consequences in other GR-4 areas. Smith said she believed the GR-4 was created to allow housing.
 - Brotman said the current amendment proposes all of the same RR parameters that exist on the property today (setback dimensions and special exception approval). The only differences are the relocation into the GR-4 zone and the other possible uses that would be allowed at this property and throughout the GR-4. This is a lot of effort and contortions to get the Chieftain what they have today.
 - Roberts reiterated the financing problems he faces being located in the RR zone.
 - SIM suggested designating the Chieftain parcel as a GR-5 zone.
 - Roberts reminded the Board that this change is to be an interim solution until the entire area is rezoned.
 - CONNOLLY suggested the parameters of any rezoning would not be markedly different than what they are now. This area was studied rather intensively not that long ago.
 - Edwards said rezoning one reasonably small-sized parcel into its own exclusive zoning district would be difficult to defend in court under spot zoning issues.

Staff Questions/Comments:

- Smith expressed concern for confining the hotel use to only one property.

ESMAY recapped the changes to the current proposal as being: to allow 'hotel' by special exception in the expanded GR-4 zone, limiting guest accommodations to 50 units, being served by public water and sewer, and located north of the Kendal parcel, with setback requirements of 50' (front, side, and rear), and a minimum lot frontage of 200'. Edwards

suggested clarifying the area/dimension portion by adding “of above” at the end of the line beginning “**** For hotels in GR-4, ...” CONNOLLY reiterated her previous request to amend the proposed definition of ‘hotel’ in Section 902.

It was moved by CONNOLLY, seconded by GARIPAY, to move this proposal, as currently amended, forward to a public hearing. Smith suggested the reference of a ‘park-and-ride’ should be deleted. SIM said there are some risks associated with this. We may get inappropriate development on other parts of GR-4 which we had not anticipated, but it is a risk we have to take perhaps. **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

The Board briefly discussed what would happen to the Chieftain if it were rezoned GR-4 as a non-conforming use (not allowing hotels in the GR-4). All agreed the Chieftain will not survive if it is not able to conduct facility improvements. The trade-off is enabling the Chieftain to prosper and survive, with the hopes that the current amendment’s language will hold up in court. SIM said he was impressed by Roberts’ apparent eagerness and willingness to allow public use of his property. Connecticut River frontage is a tremendous resource of which town’s people have very limited access in Hanover.

2. OTHER BUSINESS:

Next meeting: February 28, 2012 at the Richard W Black Community/Senior Center - Rm 215 A/B Conference Room (to include public hearing on zoning amendments).

3. ADJOURN: The meeting adjourned at 9:00 PM.

Respectfully submitted,

Beth Rivard