

PLANNING BOARD
SEPTEMBER 18, 2012 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET

In attendance:

Members: Nancy Carter (Selectmen's Representative), Judith Esmay (Chair), Joan Garipay, Jim Hornig, Michael Mayor

Alternates: Bill Dietrich, Mike Hingston, Iain Sim

Staff: Vicki Smith, Jonathan Edwards

Others: See Attendance Sheet

1. **MINUTES:** The minutes of September 4th were approved.

2. **RESIDENTIAL ZONING PROJECT: MEET WITH CONSULTANT TO BEGIN WORK ON REVISING RESIDENTIAL ZONING IN HANOVER**

ESMAY announced that the consultant (Vanasse Hangen Brustlin, Inc., hereafter VHB) was not able to attend the current meeting. She said Ralph Willmer, of VHB, did attend a tour of virtually the entire town earlier in the day.

ESMAY said the present Zoning Ordinance was adopted March 2, 1976. It has been patched and mended virtually annually at Town Meeting. Board members shared their individual experiences with the Ordinance and challenges thereof which included:

- It lacks cohesiveness and clarity
- There is concern that there are 14 residential districts
- It is not able to deal with Hanover's most pressing concerns
- It is ambiguous and confusing
- Language in some sections is contradictory to language in other sections
- Interpretation is difficult and often requires assistance of Town staff
- It has not been able to keep up with the times
- Concern was expressed for the annual patching
- Creation of the Goose Pond district & the West End Neighborhood overlay are evidence that the residents find the Ordinance to be inadequate
- With every change to the Ordinance, some existing structure becomes non-conforming, which is then penalized when its owner proposes to change it

ESMAY said 3½ yrs ago, 3 public meetings were held at the Ray School to gather the expressed wishes of the town about what they liked and wished to preserve in Hanover. Five Board members (Esmay, Connolly, Dietrich, Hingston, Sim) met virtually weekly for 3 yrs and conducted 13 neighborhood tours. Minutes of those meetings are available at: http://hanovernh.virtualltownhall.net/pages/HanoverNH_PlanningMin/. The group's Residential Project—Policy Development—Final Compendium, May 14, 2012 (Compendium

hereafter) may be found at http://hanovernh.virtualtownhall.net/Pages/HanoverNH_BComm/Planning/res. ESMAY said it is now time to talk to a professional to draft the language of proposed changes. A contract has been submitted by VHB that outlines a schedule of work. The purpose of the current meeting is to give shape and form to that schedule.

The Board reviewed a reduced, simplified schedule authored by ESMAY.

Board & Staff Comments/Questions:

- Rushing to meet the January deadline might not do justice for public input.
- Rather than prepare 3 drafts, the funds to pay for the 3rd draft might be better spent on additional assistance from VHB at public information sessions.
- What is the functional difference between a public information session and a hearing?
 - Edwards said it is more in legal terminology than it is in substance. Public notice of both types will be the same.
- What is the absolute date to be published in the Town Report?
 - Smith said 5 weeks before Town Meeting.
- Hanover residents must understand and generally buy into the concepts the Board is seeking before too much time & money is spent drafting the ordinance.
- Frustration was expressed for delaying the kick-off meeting.
- More thought should be given to communicating with the citizens and how best to inform them of these activities. There should be a way for people to submit their interest to the Board.
 - Comments/questions can be emailed to staff at: Vicki.Smith@HanoverNH.org or Jonathan.Edwards@HanoverNH.org.
 - Suggestions were made to start a blog, create a Facebook page, or to utilize Twitter. The purpose of these sites would be to gain public input, not for the Board or staff to respond or engage in dialogue.
 - Smith has started an email distribution list of interested residents that she will be forwarding information to. To be added to the list, contact Smith at 640-3214 or at Vicki.Smith@HanoverNH.org.

The Board agreed to hold the 1st public information meeting on a Saturday morning. The meeting date is dependent upon VHB's availability. A request was made that the meeting not be held over the Columbus Day holiday weekend.

Public Comments/Questions:

- Ruth Harvie suggested presenting sections of the ordinance at different meetings.
- Mike Nolen asked about VHB's background.
 - Edwards said VHB is based in Watertown, MA, and has an office in Bedford, NH. They have been around for at least 30 yrs. They combine expertise in land use design & planning, legal work, engineering, and work with developers & conservation interests. They specialize in helping municipalities implement what they want to do, how to solve problems, and put solutions into effect. They have done work in small towns and mid-size cities. The 3 principals at VHB that will be leading Hanover's project are Ralph Willmer, a land use planner with a legal background, Bob Ballou, resident of Dresden Rd in Hanover and civic designer, and Gordon Leedy, a land use planner.

- Betsy Sylvester asked how the general public will be informed of the kick-off dates, whether the formats for interactive feedback will take the place of meeting and exchanging ideas, and why there is a sudden urge to rush this.
 - ESMAY said a deadline was set in an effort to get something done; the Board is not in a hurry. Public notice, as required by law, will be done for every hearing.
- Sylvester said publishing a large article in the paper, explaining why this is a big issue now, would be helpful to the residents.
- Bernie Waugh urged the Board to work toward getting a draft out, so people can actually talk about the language.
- Ruth Lappin said there needs to be an understanding about where the Board is going, how other types of zoning will be used, and how they differ from the current process. She asked what will be the role of the Conservation Commission and the ZBA.
 - Edwards said VHB is needed to figure those things out. There is absolutely no desire to diminish the roles of the Commission or ZBA.
- Lappin said the people who are responsible for overseeing the enforcement of form-based codes must be truly educated so that they understand all of the nuances. That must be done before the ordinance is enacted.
- Lappin asked how uses will be addressed.
 - ESMAY said through conversation, VHB will work out those details.
- Lappin said she was surprised to learn that the Residential Project Committee (RPC) was looking at the rural areas of town, not just in-town neighborhoods. She questioned public notice of those meetings.
 - Smith said notices were posted at Town Hall.
- Jack Foster said the vast majority of people in town have no idea this is going on. The education process should be a bit more considerable than the Board has imagined. It is unlikely the Board will be able to truly inform the public, and get them engaged in a meaningful way, on the timeline proposed. He said he was confused by the Compendium and where it is heading.
- Ann Crow said she hoped the Board would hold meetings in different areas of the town now, during the concept phase, before getting too far along.
- Hilary Pridgen spoke in opposition to eliminating the distinction between major & minor subdivisions, allowing PRD's in the rural areas, and allowing steep slopes as part of the density calculation. Those were voted out by the public a few years back. Water should be considered. She asked of the procedure to weigh in on these ideas and how they will be communicated to VHB.
 - ESMAY said there will be ample opportunity for the residents to weigh in.
- Barbara Fildes said the timeline is very aggressive. Providing an electronic means for the public to respond is how the Board will hear from most people. She suggested each district have one point person to communicate that district's issues between the Board and residents.
- Philip Glouchevitch said the aggressive timeline will sharpen people's focus to get things done. VHB, in theory, would clear the path.
- Dodd Stacy said he favored looking carefully at the relationship between non-conforming residences and the zoning process.
 - Waugh urged extreme caution in trying to tamper with the well-developed state law on non-conforming uses in a local zoning ordinance.

- HINGSTON said the underlying issue to look at the root cause of the non-conformity. An overall goal is to try to reduce the number of non-conformities by adopting conventional requirements that make sense, while acknowledging that we cannot make them all go away.
- Waugh advised of case law, involving Chesterfield, in which the Supreme Court basically ruled that there are occasions when it is okay to design what you want, to change the character of a neighborhood.
- Robin Carpenter said the Board should consider spreading this out over a year.
- Susan Edwards asked for a map, designating the various parts of Hanover mentioned in the Compendium.
 - A map is posted at: http://hanovernh.virtualltownhall.net/Pages/HanoverNH_BComm/Planning/res
 - A suggestion was made to create a link to the map from the Town's homepage.
 - It was noted that the neighborhoods on the various maps are not fixed in stone. The purpose of the mapping was to name all of the potential areas that can be differentiated from one another.
- Paul [REDACTED] said the Town should draw up a one-page press release and get the Valley News to write an article about the project.
- A suggestion was made to add this to the Town News.
- Joanna Whitcomb said a similar effort was initiated 8 yrs ago but it did not go anywhere. She said she hopes this effort can be pushed forward because if something is not done, we will not have the town we want to have.
- Lappin asked how something like the recent Hanover Crew applications would be approved in a fashion that is less complicated.
 - Edwards said having 2 boards with partial oversight of different aspects of a proposal can lead to contradictions amongst the boards' individual decisions. He said that permit fees for Hypertherm's footbridge project cost more than the bridge itself, and the review took 4 times longer than the actual construction. This is a chance to create a process that is logical, effective, efficient, and results in better decisions.
- Jeff Balch said there are very natural divisions of interest that have been referred to. Statements in the Compendium very much affect commercial & institutional aspects in town. People will want to be heard on those aspects.
- Pridgen asked what the Board envisions for commercial uses in the rural areas.
- Crow said the Board should create a sheet explaining what they are doing, why it's being done, and how they want the public to be involved.

ESMAY closed the public input portion of the meeting.

Board & Staff Responses:

- ESMAY emphasized that the Board is not trying to change Hanover. It is trying to adopt an ordinance that preserves the character of the town we love from inevitable changes.
- Edwards said the public has not yet been a part of this process both because it was in gestation and also because the Board did not have something of substance to say until it was done. Now that it is done, the second step, which is just as important, is to make sure that the public has every opportunity to understand it.
- GARIPAY said getting small groups together to talk informally is something the Board should think about.

- SIM asked for a volunteer from the public to lead an effort to put together a comprehensive proposal for a communication plan between residents and the Board.
 - Whitcomb said the Board could seek a contact within each neighborhood.
 - Fildes suggested a Board member be assigned to each individual neighborhood for contact purposes.
- HINGSTON said there is no possible way to hold a meeting in every neighborhood and keep with the schedule proposed. VHB has the technology to present questionnaires at a public hearing that can be answered interactively. That will be as effective, or more effective, than having someone stand up and talk for 20 minutes about a specific change.
 - Crow asked if the questions will be different for rural areas than in-town areas.
 - ESMAY said it is unknown what VHB has in mind.
 - HINGSTON cautioned against assuming that because you live in the rural area, questions about the rest of the town are irrelevant to you.
- CARTER asked if the Board is prepared to present a coherent voice as to what they want of VHB.
 - Edwards said mapping out how the Board & VHB can work together, what the Board's understandings and expectations are, what VHB's focus should be, and what the Board can do that does not require VHB will all be determined at the kick off meeting.
- HINGSTON said the Board should decide how many public meetings they want to have, how long they should be, and what to expect from them.
- MAYOR agreed but said he sensed that those decisions cannot be made until the Board meets with VHB.
- ESMAY said one of the things discussed during VHB's interview, prior to selection, was their assistance in conducting public meetings. She said she would provide the rest of the Board with links to the ordinances VHB has written for other towns and asked Board members to read them.
- CARTER said the Board must reserve time for VHB to do the actual drafting of text.
- HORNIG agreed that the public is way behind on this project and that a substantial ad, or newspaper insert, must be done.
- HINGSTON said most people in town trust the Planning Board to do their job to guide VHB to the type of ordinance that is going to be acceptable to the town. No matter how that is accomplished, there will be some people that will be unhappy.
- HINGSTON suggested it will take 15-20 hrs/wk to moderate the social media outlets and asked who will be responsible for that.
 - It was noted that no other town organization has utilized social media outlets.
 - Edwards said there is not ample staff to oversee these outlets.
 - Concern was expressed for negative, personal postings, the toxicity of which could infect the whole project.
- ESMAY asked what topics the Board absolutely wants covered at the kick off meeting. The Board replied:
 - The schedule
 - Confirmation that the work can be done within the allotted time & budget
 - Clarification of what VHB needs to do and what they don't need to be involved with, in order to preserve time for drafting the text
 - How to best do this job

- How VHB plans to run the 1st public input session
- The communication plan
- The appropriateness of utilizing social media outlets to get the word out

ESMAY asked how much of an effort the Board should make to bring the public to the kick off meeting. The Board agreed it would be more beneficial to put more effort into publicizing the 1st public information session. A half-page ad in the Sunday paper will be run to announce the 1st public information session.

Edwards was asked to provide a reduced version of the Compendium, limiting it to 5-10 pages.

3. OTHER BUSINESS

Smith advised of a public meeting that will be held Monday, September 24th in Lyme at which Steve Taylor, former Commissioner of Agriculture, will speak about how a town can become more friendly to agriculture. She said this is something Hanover should be considering as well.

Edwards advised of an October 20th workshop for the Safe Routes to School Program that will be held at the Richmond Middle School from 10:00 AM to 1:00 PM.

P2012-48 & P2012-49 Notices of Regional Impact

Smith said Dartmouth College is proposing the installation of a temporary cellular on wheels facility off Lahaye Dr and DHMC is proposing an amendment to an approved new 162,974 sf medical research facility & associated parking at 1 Medical Center Dr. **It was moved by HORNIG, and seconded by MAYOR, to return to the City of Lebanon, a comment at their invitation relative to addressing the current shortcomings of Route 120 and including Hanover in the traffic study. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** Sim was the voting alternate.

4. ADJOURN: The meeting adjourned at 10:22 PM.

Respectfully submitted,

Beth Rivard