

**PLANNING BOARD  
OCTOBER 23, 2012 at 7:30 PM  
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

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

**Alternates:** Bill Dietrich, Mike Hingston, Iain Sim

**Staff:** Vicki Smith, Judith Brotman

Others: See Attendance Sheet

1. **MINUTES:** The minutes of October 1, 2, and 9, 2012 were approved as amended.

2. **REFLECT ON THE OCTOBER 13<sup>TH</sup> COMMUNITY WORKSHOP AND DISCUSS NEXT STEPS FOR THE RESIDENTIAL ZONING PROJECT**

CONNOLLY asked about the workshop summary Vanasse Hangen Brustlin, Inc. (VHB) was supposed to provide to the Board before this meeting. Smith said she does not interact with VHB. To her knowledge, it has not been received. ESMAY said the workshop was well attended by over 100 members of the public. She anticipates VHB's summary will reflect the lively exchange.

GARIPAY commended ESMAY on the overview presentation she provided. She said she was disappointed that it appeared that no one was listening, based on the questions posed.

HINGSTON questioned the point of the break-out sessions and reported that nothing meaningful came out of his group's discussions. He asked of the status of the reduced version of the Residential Project – Policy Development – Final Compendium (Compendium) that the Board requested weeks ago. He said he was shocked from reading the meeting minutes about the basic stuff the Board thought VHB was going to provide, and have not. Further, what occurred at the workshop was not what was discussed with VHB, nor was it at the pace it was anticipated to be. HINGSTON said it is clear that the Compendium is unintelligible to the average Hanover citizen. It represents suggestions for discussion, not determined policies.

SIM said that although the discussions of the break-out sessions were not as was anticipated, it was important for the people in the groups to say their piece. He advised of a FAQ sheet he drafted in an effort to allay some of the many misunderstandings about this process and project. He said he sees this project in terms of a jigsaw puzzle. Members of the public are each picking up one piece and cannot figure out what it means. They all have different pieces so they are all saying something different. To build the puzzle, one must set out the framework, then start to build individual islands of clarity, and gradually fill in the rest of the

pieces. SIM said going forward, the Board needs to (1) keep working with issues on FAQ's to clarify misunderstandings, (2) create a framework for this jigsaw puzzle by constructing some sort of broad outline of the new Zoning Ordinance (Ordinance), and (3) create a couple of islands of a few pieces for clarity, education, and information purposes. There are two self-identified neighborhoods, Goose Pond and West End, that will provide the basis of what defines a neighborhood and what the end product in the Ordinance would look like.

ESMAY said she came away from the workshop thinking that this has gotten much bigger than it was when it began three years ago. It began with the conviction that the present Ordinance needs tightening up, clarification, and reorganization, without substantive change, except with regard to resolving internal conflicts. Along with that was the desire to reduce the number of properties that are non-conforming, and carry out the provisions of the Master Plan. ESMAY said the overriding thrust of the Master Plan, to maintain a population distribution at 3:1 or better, has not been threatened.

Going forward, ESMAY suggested breaking the project into phases:

1. instruct VHB to perform the work to tighten up the Ordinance, and look at neighborhoods in such a way as to reduce non-conformities
2. move the Board discussions into the neighborhoods, to talk to residents about what makes their neighborhood, how its defined (boundaries), what they want to see in their neighborhood, what they cherish, and what they'd like to change
3. revise the Master Plan, with as much public input as went into the adoption of the current Master Plan, to include Census data and whatever comes out of the neighborhood meetings
4. revise the Ordinance to incorporate concepts from the revised Master Plan

CONNOLLY said the 1976 Ordinance was also crafted area by area, so it satisfied the requirements that those areas needed in that era. She questioned the notion that amending the Ordinance over the years has somehow weakened it. It was amended as a living document to respond to problems as they came along.

ESMAY said the Goose Pond neighborhood was in the F district, which requires 50-acre zoning. The lots on Goose Pond are each less than a quarter of an acre, which is perfectly adequate for a seasonal home, but wildly non-conforming. That area was rezoned so that the houses are conforming, recognizing that the neighborhood is legitimate just as it is, and conforming just as it is. This is the model that should be repeated in the neighborhoods around town. SIM said it would be helpful to have a few pilots, rather than try to do many neighborhoods at once. It may be necessary to establish some principles on how to define a particular neighborhood. GARIPAY said the residents of each neighborhood are best to define what their neighborhood is. SIM said the Board should be prepared to provide very specific examples of the benefits of redoing the Ordinance around neighborhoods, and how that compares to the current regulations.

ESMAY questioned the continuing usefulness of a system with a number of zoning districts within the same neighborhood area. Portions of the SR-2 district, scattered around town, do not resemble one another in terms of traffic and layout. It lacks a neighborhood feeling. HINGSTON said a benefit of contracting with VHB is their experience in writing zoning ordinances and knowledge of other forms of zoning. Some real questions may arise from the

technical review that can serve as a basis for the neighborhood discussions in concert with what the neighborhood residents like and dislike.

DIETRICH agreed with ESMAY's phasing proposal, doing the technical clean-up and dealing with some of the non-conformities in time for Town Meeting 2013. Then drop back and take a look at the Master Plan. He said much of the work done ten years ago on the current Master Plan is still quite valid. The town has not changed that much, nor do we want it to.

HORNIG said one message he got out of the workshop is that most people seem to be saying, 'We're doing fine. Why change things?' He said the Board has failed at the monumental job of communicating what they think the problem is. He proposed that the Residential Project Committee's (RPC) reconvene to create a 2-3 page description of the problem, what the Board wants to accomplish, and what the timetable might be. In the meantime, VHB should be put on hold. CONNOLLY said there is no reason VHB cannot continue with a simple translation of the residential section of the Ordinance. ESMAY agreed. HINGSTON said the perception of how well the Ordinance operates depends on several views. Until you actually have to deal with it, it looks fine. Most of downtown Hanover was built with no zoning. That fundamental statement is important. It is difficult for people whose homes were built before zoning was adopted, and became non-conforming as a result of zoning, to make changes on their property. Having to deny ZBA applications due to technical issues that have nothing to do with how we'd like you to live in Hanover, was frustrating and annoying. GARIPAY agreed, for the most part, people are pleased with zoning until they want to do something they cannot, or a neighbor has done something they don't agree with.

Public Comments/Questions:

- Bruce Sacerdote spoke favorably of the idea to fix technical inconsistencies first. He said the big fear is that something would be imposed by the consultants and/or the Board, not by the neighborhoods.
- Carey Heckman said the Board may have been working on this for years, but to the public, this was a very sudden thing. He suggested communicating with Dartmouth about its plans in an open and public forum.
  - GARIPAY agreed, information needs to be clearer than just the RPC's records of discussions over the years. VHB's role in the process must also be clearer.
  - HINGSTON said the background and context are not being communicated. The Compendium is confusing to people that are not familiar with planning and zoning. It must be reduced and written in a way that people can understand.
- Kristie Folley said a lot of people were drawn to the map. It details what seemed like proposed changes to the various neighborhoods. It created a lot of confusion and communication. It should be eliminated or publicly explained.
  - HINGSTON noted that the map being distributed is just one of hundreds of maps generated over the course of the RPC's three-year existence.
  - Nancy Collier pointed out the Master Plan has a one-page conceptual plan, with map on the front and rules on the back, that tried to focus the whole plan on one 11"x17" sheet.

- Collier asked about the guide to the consultants. Is it the Compendium, which has lots of land use changes in it, not just technical type clarifications? The Compendium is so huge every person in town could find ten points they disagree with.
  - ESMAY read from VHB’s contract, which is of public record, “*to prepare a revised zoning ordinance that is easy to understand and administer, visionary and implementable, and helps improve the quality of life in the Town. The result will be zoning ordinance that can be understood and implemented by Town staff, project applicants, and the citizenry.*”
  - ESMAY said the current conversation is to amend the marching orders, to instruct VHB to tighten up the current Ordinance, not make substantive changes, except if necessitated. Land use issues would be put aside until the Master Plan is updated.
  - DIETRICH said the technical clean-up will not really impact the substantive zoning but will make the document easier to use by all of the different people that have to use it.
- Jeff Boffa agreed with the change of course and the Board’s attempt to be responsive and reasonable. He said statements that the Compendium is incomprehensible to the residents underestimate the intelligence of the residents. The problem is that it is quite comprehensible. To proceed with the notion that all of this is a matter of public education will result in the Board facing the exact same reaction a year or two from now.
- Ruth Lappin spoke favorably of the proposed revised process. She said VHB’s contract should be rewritten to make clear that it no longer involves looking in depth at other types of zoning options. She suggested changing the project title to reflect the change in direction.
  - HORNIG suggested amending the contract regarding the timescale VHB is following.CARTER asked what VHB feels their instructions are today. ESMAY said she assumes they are working on the workshop summary statement. She knows they are considering the technical revision of the Ordinance. Smith said she cannot imagine that VHB is doing anything more than drafting the summary; otherwise that document would have already been submitted to the Town.
- Ed Chamberlain expressed concern that no one knows what VHB is doing. He said the Board would benefit by having Brotman or Smith be the contact with VHB, rather than Edwards.
- Sacerdote said with respect to the charge to the consultants, he was not in love with how they ran the workshop. The neighborhood meetings should be run by Board members. ESMAY said that is a done deal.
- Mark Israel spoke favorably of moving this back to the RPC, who are deeply engaged in it, to come up with a process and so forth. He said tweaking the Ordinance before the Master Plan is revised is highly problematic and not sensible. The Master Plan needs to form the zoning laws that are needed. That should be a fixed principle.
- Betsy Sylvester agreed, asking why would the Board want to pay consultants to update material that may become obsolete in lieu of a Master Plan revision. ESMAY said she sees the Ordinance as a painter sees a canvas for a painting; we need to prepare the canvas. Sylvester said we also need to consider the price of the canvas.

- Collier said the current Master Plan has a great deal of soundness to it. Many parts of it have really never been implemented. It too needs a technical update of Census data and population changes, but the residential zone suggestions in there are exactly what the Board is now talking about. She expressed concern that taking on zoning changes neighborhood-by-neighborhood might become too granular. There are already too many SR and GR districts. The Board must enter into this process with the understanding that they cannot nail down every single detail to everyone's satisfaction. ESMAY acknowledged Collier's former position as Planning Board Chair and her efforts as such to nurse the creation of the current Master Plan over a ten-year process. ESMAY agreed it does not need to be re-written, but rather brought up to date. Its basic principles will guide the town way into the future. DIETRICH also agreed, but said there are things beyond the technical statistical updates that the RPC has mowed over that could potentially be added to the Master Plan.
- Chamberlain said there will have to be some give and take with regard to fixing non-conformities. There are lots of parcels in the RR district that don't meet size or frontage requirements. If you try to make them conforming, the rural part of Hanover will be broken into small, dinky lots. It won't be rural anymore. The same is true in-town.
- Susan Mansfield said the people in Room 1 of the break-out groups talked about trying to integrate changes in the RR zone with an entire document that might include the I and business districts, having one large puzzle instead of three separate ones.
- Smith said she agrees with Chamberlain that it would be beneficial for the Zoning Administrator to work with VHB to reorganizing the Zoning Ordinance. She also agrees with Collier that the seven guiding principles in the current Master Plan will hold true for many years. She does not think a redo is appropriate. It needs to be updated with statistical numbers, housing ideas, parking, and transportation. Smith suggested selecting one neighborhood for the Board to engage and work with, similar to Goose Pond. It may be a granular approach but can also be a great community building approach. She said the Board will not be able to pull off a big overhaul of the Ordinance. It must be done at a very slow pace; geographic area by geographic area. Land between the developed areas of the RR district (Mulherrin, Purling Brooks, Blueberry Hill, etc.) need to be looked at because that is where development will happen. Though not representative of a neighborhood, these lands are places that have natural resources and support the rural character. Controls in the RR district have slowed down growth, but are also impeding flexibility in development that could occur in conjunction with permanent land conservation, which achieves the protection of natural resources and preservation of the rural character.
- Dan Collison asked if there is a process where these problems can be solved currently. Brotman said yes, property owners can request a variance from the Ordinance, which is essentially asking that the regulations be set aside to allow something that has not been considered. Variances are not usually granted. There must be highly unusual hardship circumstances for the Board to grant one. Collison asked if there is a way to expedite that change to the Ordinance. Smith said no, this is not something VHB will drag out of their hats. The Board needs to meet with people and talk about what would be okay.

### Wrap-Up

The consensus of the Board is that the RPC will reform itself, to devise and present back to the Board a document outlining the project, with a timetable and reasonable goals. CARTER asked if this will include new directions to the consultants. ESMAY said she will inform them of the change of direction.

RPC members (ESMAY, HINGSTON, SIM, DIETRICH, GARIPAY, CONNOLLY and staff) agreed to meet October 31<sup>st</sup> at 1:30 PM, in the Boardroom at Town Hall. Their findings will be discussed by the Board on November 13<sup>th</sup>. CONNOLLY reminded everyone that RPC meetings are open to the public.

Follow up with VHB:

1. Status of the workshop summary
2. Status of the reduced version of the Compendium

**3. OTHER BUSINESS:**

Next meeting: 11/6/12 to hear applications by Hypertherm, Hochreiter/Cunningham, and conduct a Scenic Road public hearing.

4. **ADJOURN:** The meeting adjourned at 9:05 PM.

Respectfully Submitted,

Beth Rivard