

**PLANNING BOARD  
NOVEMBER 18, 2014 at 7:30 PM  
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

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

**Alternates:** Jon Criswell, Brian Edwards

**Staff:** Vicki Smith, Judy Brotman

Others: See Attendance Sheet

1. **MINUTES:** The minutes of November 4<sup>th</sup> were approved.

2. **DISCUSSION OF PROPOSED ZONING AMENDMENTS FOR TOWN MEETING 2015**

Short Name of Proposal: Continuing Care Retirement Community (CCRC)

Proponent: Rebecca Smith of Kendal at Hanover

MAYOR stepped down.

Rebecca Smith of Kendal at Hanover (Kendal) and John Dawson presented the proposed amendment. Smith said Kendal's draft Master Plan includes modernizing their campus and a potential moderate expansion of about 30 apartments. A zoning change is needed to allow the expansion. Proposed changes include:

- \* Increasing a CCRC cap from 250 units to 325 units.
- \* Allowing CCRC's as a use permitted by right in the GR district, rather than a use allowed only by Special Exception.
- \* Clarifying the definition of CCRC.

Board & Staff Comments/Questions:

- CONNOLLY said the proposed definition is enormous; a great deal of it is unnecessary. Kendal is not a mixed use community; it is residential use with many associated facilities and amenities. She asked why "lifetime" should be deleted from the definition.
  - R. Smith said the language proposed is more industry-specific. Not all CCRC's offer guaranteed lifetime contracts.
- CONNOLLY said the Special Exception requirement is necessary in smaller residential zones. Special Exceptions are permitted uses with perhaps specific conditions.
  - Dawson said they propose allowing CCRC's as a permitted use throughout the GR district in an effort to avoid spot zoning. There is a provision that the minimum size be 50 acres.

- CONNOLLY said defining open space for a CCRC is unnecessary. It should not include terraces.
- SIM questioned whether a cap is necessary. He said it would be useful to know how many units are dedicated to residents in long-term nursing care, living independently, and those in between.
- Brotman mentioned a memo she provided to the Board regarding this proposal. She said requiring Special Exception approval is important to ensure that a CCRC does not have any adverse effects on a neighborhood. Special Exception review is not meant to create a difficulty or to be applied to activities that might occur after approval, such as reworking a driveway or reorienting interior space. Brotman said the open space concept has been critical and crucial to other types of developments. If there is another phrase or concept that can be used to talk about CCRC's in particular, that is a better way to go than to have two definitions that mean two entirely different things.
- ESMAY said what it comes down to are how narrowly we define CCRC's, what the industry definition is, whether we are bound by that definition, and how, within State law, do we bring these pieces together in a way that works for a particular community and is economically feasible.

Public Comments/Questions:

- Joanna Whitcomb said there are no other 50-acre parcels in the GR district available for development of a CCRC. There may be more places available for smaller CCRC's.
- Chris Kennedy said he does not understand why zoning would want to specifically define a CCRC as something different than a large apartment building with a lot of other stuff in it.
  - CONNOLLY said a CCRC is more than a giant apartment house. It has associated amenities specifically to deal with the lifestyle and needs of its residents. Having dining rooms and nursing facilities in a large apartment house might change a neighborhood quite entirely.
- Kennedy asked why we should treat a CCRC differently than something used similarly for different age groups.
  - Brotman said we already do. There are different standards for allowing student residences, multi-family houses, etc.
  - Kennedy said it should be more about the size than what occurs within it.

MAYOR resumed his seat.

Short Name of Proposal: West Wheelock Gateway District

Proponent: West Wheelock Working Group (Group)

Group members are: CONNOLLY, SIM, CARTER, two Plan NH charrette members, local architects, Joanna Whitcomb and Tim McNamara of Dartmouth, Barbara McIlroy from the Bicycle/Pedestrian Committee, Chip Brown from the Affordable Housing Commission, Ann Duncan-Cooley from the UV Housing Coalition, property owners Jolin Kish and the Purcells, and a neighborhood resident. Smith said the 2003 Master Plan identifies West Wheelock Street as an area to accommodate increased density. Last year Plan NH took a look at this corridor. The Group was formed in July 2014 to come up with a zoning amendment proposal for a new zoning district that would make the charrette's vision permissible.

The amendment proposes a very small set of permitted uses and uses allowed by Special Exception, new terms to ensure that we don't have this very straight façade of buildings, and flexible parking standards. Chris Kennedy said a goal was to create a really nice street that is worthy of what is at the top of the hill. The building envelope and lot coverage requirements allow you to fit in as many units as you can into a maximized envelope. We want to encourage walking and biking, and minimize the amount of cars that will be coming in and out of these lots. Kish said the Group researched the current parking utilization in this area. In general, they found that one parking space per apartment is sufficient. The proposed district includes a portion of West Street that is to be used to transition into the adjacent residential neighborhood. The proposed non-residential uses cannot occur on West Street. It is to remain residential in use.

Whitcomb said this involves infrastructure that the Town should be thinking about. The Group discussed creative ways to provide funding to make this happen so that the people developing these properties pay for those improvements. Smith said the Town does not want to be responsible for developing this area. What we want is to provide incentives in the zoning to make it financially possible for the private sector to provide great housing in a wonderful location.

Board & Staff Comments/Questions:

- CONNOLLY said allowing non-residential uses is a waste of residential space. There should be a 10' side setback for non-sprinklered buildings. The proposed parking requirements do not address Property Management Office use. She is opposed to allowing five people per unit; four is more than enough. She suggested changing the proposed definition of "West Wheelock Parking Facility" to "A parking facility with less than 16 parking spaces designated to satisfy the parking requirements for units in the West Wheelock Gateway District; or a parking facility 16 or more parking spaces *for out of district parking.*"
  - Whitcomb pointed at that the proposed non-residential uses are limited to 1,000 sf.
- Brotman mentioned a memo she provided to the Board regarding this amendment. She suggested changing the text of Other Provisions #4 to read, "Each non-residential use **shall must...**" She said sheltered bicycle parking should be incorporated into the Site Plan Regulations, not zoning. She cautioned that the maximum building height could be misinterpreted as written; most people will stop reading after the first sentence of the proposed text.
  - McIlroy said there needs to be shelter for long-term bike parking. This is the most dangerous area in Hanover for pedestrians and bicyclists. If you reduce vehicle parking in this area, you have to assume that people are going to utilize bikes, as appears to be the case currently. We would like to establish curb cut and bicycle parking as zoning requirements.
- CRISWELL suggested changing "rental units" in the Objective to "dwelling units".
- EDWARDS questioned the proposed definition of "West Wheelock Parking Facility". Is it less than 16 spaces or more than 16 spaces?

Public Comments/Questions:

- Kelly Dent questioned the maximum number of occupants or parking spaces for this area, impacts to public infrastructure, and the number of vehicle trips that will result from the increased density.
  - Smith said 375 parking spaces could fit in there.
  - Kish suggested that the maximum resident count could be 800. She said the Purcells' desire to build studio and one-bedroom apartments should reduce that to 600.
  - SIM said without having a CIP, it is difficult to know the impact on public infrastructure.

Short Name of Proposal: Technical Review Revisions

Proponents: Judith Esmay, Katherine Connolly, Judith Brotman

ESMAY said this effort grew out of the residential zoning project that began five years ago. The Technical Review Committee (Committee) was formed in May 2013. Current members are: ESMAY, CONNOLLY and Brotman. ESMAY read from the Zoning Amendment Review Committee form, *"The drafters understand that the purpose of the technical review of the Hanover Zoning Ordinance is to present to Town meeting an Ordinance in which material on a single subject is gathered; scattering is corrected; materials are organized logically; confusing or inconsistent language is replaced with clear, concise, consistent, and readable language; and errors are corrected. It is not the purpose of the technical review to make substantive changes to the Hanover Zoning ordinance. An ambiguity is resolved in favor of established, accepted practice."*

Proposed revisions include:

- \* Eliminating terms from the definition article that do not appear elsewhere in local land use regulations, relocating terms that have exclusive application to flood plains, wetlands, and waterbodies to the wetlands article, and removing regulatory material from definitions.
- \* Combining articles that deal with the document itself, its authority, purpose, applicability, etc.
- \* Updating the manufactured housing article to conform to State law, incorporating provisions for a manufactured housing park into the principal uses article and manufactured housing subdivisions into the subdivisions article.
- \* Changing the subdivision article title to "Self-Contained Residential Developments".
- \* Distinguishing non-conforming uses from non-conforming structures and better organizing that article.
- \* Incorporating administration (authority and work of the Zoning Administrator and ZBA) into the enforcement article.
- \* Extracting all uses that promote and regulate zoning districts into categories of (1) principal uses and (2) accessory uses.
- \* Relocating sign regulations to the accessory uses article.
- \* Combining all parking regulations into one article.

The wetlands article is essentially untouched, save for conformity of style and format. It is highly technical, firmly grounded in federal and state law, and was recently reviewed by a committee with some merit. Changes to Article II, zoning districts, are limited to form, to make it more clear. Maps and appendixes were not reviewed.

Board & Staff Comments/Questions:

- SIM said further editing is needed to correct typos, identify discrepancies between the original text and the proposed text, and to determine whether any changes made were substantive. He noted that page 4 mentions providing notice to the Planning Board when zoning appeals are filed. He said it would be useful to receive those notices.
- GARIPAY suggested posting zoning permits on-line. She said the education section does not address pre-school.
  - ESMAY said those would be substantive changes, and are not a part of the current exercise.
  - CARTER said while reviewing the draft, Board members could identify areas that require updating of substantive changes for future consideration.
- EDWARDS suggested relocating the definition of “class” to the section where it is particularly relevant.
- CRISWELL said there are programs available that can generate an appendix of sorts so that you can look up a single word/topic and see everywhere where it is mentioned in the Ordinance.
- SIM asked how the proposed amendments to CCRC’s and the West Wheelock district will be presented in the context of the proposed restructured Ordinance.
  - Smith said the Town attorney will frame the warrant so that all of the proposed amendments can be posed at the same time.
- EDWARDS asked how these changes affect things in progress.
  - Brotman said anything approved before the first public hearing on the proposed amendments can go forward as approved. Anything received after that will have to meet the more restrictive regulation.

**3. OTHER BUSINESS**

ESMAY advised of a webinar the Board has been invited to attend about complete streets. It will be hosted by Joanna Whitcomb and will be held Friday, November 21<sup>st</sup> at 4 Currier Place.

MAYOR said review of the Africa Trip will be held Thursday, November 20<sup>th</sup> at 7:15 in Kendal’s Gathering Room.

**4. ADJOURN:** The meeting adjourned at 10:20 PM.

Respectfully submitted,  
Beth Rivard