

**PLANNING BOARD
JANUARY 13, 2015 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

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

Alternates: Jon Criswell, Kelly Dent, Brian Edwards

Staff: Vicki Smith, Judy Brotman

Others: See Attendance Sheet

1. DISCUSSION OF ZONING AMENDMENTS FOR TOWN MEETING 2015

WEST WHEELOCK GATEWAY DISTRICT:

Smith described changes to the proposed amendment as:

- Adding Laundromat to the Non-residential Uses allowed by Special Exception
- Requiring a 5 foot yard surrounding each building wall that is not connected to another building
- Eliminating the concept of the offset and requiring 6' between the part of a building front wall located in the build-to area and the part of the building front wall located outside of the build-to area
- Adding definition of "story"
- Limiting building height to 50', based on how height is measured today. Roof stair accessways and elevator overruns are exempt.

Smith said the West Wheelock Working Group (Group) wrestled with determining what percentage of a building should be required within the "build-to area", a strip of land that sits 3' back from the front setback. The Group reached agreement to allow people to locate more of their building front wall in the build-to area if they step back their 4th floor. This will result in a more tiered effect as you go up the street. Smith said the January 8th draft of the proposed amendment states that 60% of the front walls should be in this area. Today, the Group unanimously agreed that 60% is not enough.

Chris Kennedy and Wyatt Rysweyk of UK Architects walked the Board through a visual presentation of what this Gateway District could look like if built out to the maximum limits.

Board Comments/Questions:

- CRISWELL asked whether these types of standards should be captured in the architectural standards that will be added to the Site Plan Regulations, rather than adding them to the Zoning Ordinance.

- Smith said the Group feels that the street look is a very important element. It might be better in zoning, set up as a tradeoff between how much is built into the build-to area with incentive to move the 4th floor back.
- EDWARDS asked about the white blocks on the tops of the buildings?
 - Kennedy said those are stair towers and elevator overruns.
- DENT asked if there is a limiting factor to the length of a building.
 - Kennedy said no.
- DENT said creating a wall along the street will be very different than what is there now.
 - Smith said there are a lot of different property owners here. It is probably unlikely that the lots would ever be combined to create the vision depicted.
- ESMAY asked of Kennedy's experience with developing a fairly compact area with these kinds of dimensional requirements and how to get the ball rolling to begin redevelopment?
 - Kennedy said the rate of redevelopment will be dependent upon the success of the first or second projects.
 - Tim McNamara, of Dartmouth College and Group member, said the Group is treading a fine line trying to provide economic incentives and not be fated to end up with the biggest, ugliest lots you can possibly have. He said from his experience, he believes that redevelopment will be a very slow process; largely driven by a few property owners who decide if and when to sell. McNamara said he suspects that the 12-unit condo building will stay as it is for a very long time as it would be very difficult to get all 12 owners on board for redevelopment.
 - Jolin Kish, West Wheelock Street property owner and Group member, agreed with Kennedy and McNamara. She said redevelopment will be dependent upon the success of the first project; it may take 30 years to develop the entire district.
- DENT said the visual presentation should be provided online for the public to view.
 - Smith said it is still a work in progress, pending the Board's recommendations.
 - McNamara said there will be a huge education component to this.

Uses:

Smith said the Group is looking for input from the Board regarding the proposed non-residential uses (Neighborhood Retail Sales, Restaurant, Property Management Office, Laundromat, and Parking Facility). These uses cannot occupy more than 1,000 sf, with the exception of Parking Facility, which can be larger. She said the thought behind a lot of this was to give this place a character and a feel that this is where people live. Having property management offices on-site could provide for better property management.

- SIM said this area does not need to be purely residential in use. There is no harm in permitting these uses. Economics will ultimately decide whether there is enough demand to make it worthwhile to have such establishments.
- ESMAY said mixed uses are appropriate in this district due to the density and sense of urbanity. It is part of the amenity of the neighborhood.
- DENT said she would like to see more residential use trickle down to downtown.
- CRISWELL said once this development reaches a certain threshold, there might be a proposal to increase the amount of space for mixed uses.
- CONNOLLY said Parking Facility should be allowed by special exception due to its size and effect on the adjoining area. There is no need to waste residential space with Neighborhood Retail Sales, Restaurant, and Property Management Office. These uses

can be found in two adjacent areas that are fully developed. You don't need to develop a community; you've got two of them adjacent to this.

- Kish said the fact that only one parking space is allowed per business will also limit the size of these establishments. You can't have a lot of employees. Customers will have to access the site by foot.
- SIM said there will not be a large parking facility. It is not economical to give up a large quantity of valuable land that could be used for renting.
- Smith said she does not see a parking facility being all that controversial. Zoning Board review would be explicit to neighborhood character. Site Plan Review is already required for a parking facility. What is the benefit of having Zoning Board review in addition to that?
- CARTER said it is well served within the site plan review process.
- Brotman said in most of the Ordinance, Parking Facility is allowed by special exception. It is allowed in the BM district as a permitted use with specific restrictions.

By show of hands, the Board indicated their preference that Parking Facility be allowed as a permitted use. CONNOLLY was the only member that voted in opposition.

Area and Dimensions:

- SIM asked why "yard" is used and what implications of that might be.
 - Smith said it was a word the Group came up with that is not already used in the Ordinance. "Yard" is not the building; it does not have any connotation about landscaping.
- DENT questioned whether its function is to provide fire access.
 - CONNOLLY said its purpose is to enable you to walk all the way around the building.
 - Kish said it is for aesthetics as well. We do not want buildings stacked right next to each other all the way down the street.

Building front wall location:

Smith said this will be rewritten.

Building height:

Smith said an addition is needed to state that we want no more than 4-stories above a below grade garage or basement. There should also be a limit to the height of an elevator overrun and stairwell accessway. The Group was told that an elevator overrun would be 12-14' in height. The Group is suggesting a 15' limit.

- Kish said people need to be able to build a parking garage into the slope and have four stories above.
- There was a brief discussion about how a structure is determined to be above or below grade. Smith said there are building code standards that address that.
- Kennedy said the 50' height limit will also factor into the number of stories one can have above ground.
- Jeff Boffa, of Rope Ferry Road, asked if this height requirement is limited to the West Wheelock area.
 - Smith said yes.
- It was questioned whether the last sentence of the building height section is needed. It states, "Should a lot not have frontage on West Wheelock Street, the maximum building height is 35 feet."
 - There was consensus to keep that wording.

Building Arrangement:

Smith said the proposed change will enable owners to build right up to their lot line or over it with permission of the other owner.

Parking:

- DENT asked if there are limits to driveways per building or curb cuts.
 - Kish said her understanding is that current zoning allows only one curb cut per property. The Group is not proposing any changes to that.
- DENT asked why required parking should be located on the individual lots, rather than utilize the garage across the street.
 - Kennedy said the parking facility across the street is more for Dartmouth use.
 - Smith said the proposed parking standards are really flexible. Parking requirements can be met by providing parking on other lots within the district and by securing spaces within in the I or D districts. Providing a Zipcar type of space, for a vehicle that is available for use by multiple tenants, may replace any 4 required spaces.
 - McNamara said property owners can get together and build one small parking garage within the district to meet all of their parking requirements; then utilize their individual lots without having to provide on-site parking.
 - Kennedy said there will not be a lot of extra space to provide parking. Folks might be willing to use one-third of the ground floor of a 4-story building to provide parking.
- SIM asked whether the out-of-district parking spaces have to be reserved spaces.
 - Brotman said yes, they must be dedicated spaces.
 - Smith said you have to have real spaces to show that you satisfy the requirement.
- Robin Nuse of Sargent Street expressed concern for the initial density and traffic impacts. She mentioned how difficult it is to turn left off of West Street onto West Wheelock Street. She said the whole traffic situation needs to be worked out before people are allowed to build big buildings. There is already a steady stream of cars going up and down that street. Adding more cars and curb cuts needs to get figured out first.
 - McNamara said the Board is likely to require a traffic study before approving any project in this area. That may be what drives some of the streetscape improvements. He said he could easily see the intersection of West Wheelock, Engineering Drive and West Street being signalized or controlled by other means.
 - SIM said the Group is trying hard to minimize the amount of added vehicular activity with the proposed parking requirements. By not committing space to car parking, it makes the accommodation more affordable for the developers.
- Nuse said if Dartmouth adds a parking facility on the north side of West Wheelock Street, there will be more cars.
 - McNamara said if a parking facility does occur there, one of the goals might be to intercept traffic that is already coming onto campus from Norwich.
 - Kennedy said he recalls from the recent charrette the suggestion to create a turning lane on West Wheelock Street by utilizing the space between the sidewalk and the street as a travel lane.
- CARTER said she is optimistic that this could slow traffic that is hazardous.

Section 404 Use Category:

- It was suggested to add “Laundromat *in West Wheelock Gateway*”

Section 902 Definitions:

Family, Unrelated

The proposed revision would increase the number of persons not related by blood, marriage or adoption to occupy a single housekeeping unit.

- CONNOLLY said this change ties increased density to the number of bedrooms to be provided with the notion of a very compact neighborhood.

Laundromat:

- The following wording was suggested, “An establishment with ~~washing~~ machines *for the washing* and ~~dryers drying~~ of clothes for public use.”

Story:

- EDWARDS pointed out that the word “story” appears within the definition.
- DENT asked how slope would be calculated in terms of the last sentence.
 - Kennedy said the building code addresses that by averaging the slope around the entire building.

It was suggested that “story” be defined from the vantage point of West Wheelock Street. It was agreed that this definition needs work. ESMAY asked the Group to be mindful of the current zoning definition of basement, which reads “any area of a building having its floor subgrade on all sides”. Brotman said the current definition is a FEMA definition. It cannot be changed.

It was moved by SIM, seconded by EDWARDS, to move this forward, amended in accordance with the discussion this evening, to a public hearing on February 3rd. There being no further discussion or comments, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** EDWARDS participated as voting Alternate.

TECHNICAL REVIEW OF THE ZONING ORDINANCE

ESMAY said the Technical Revision Committee is requesting that the Board allow them to withdraw this proposal for Town Meeting 2015. They anticipate presenting it for Town Meeting 2016. The Committee would like to go forward with a few immediate changes. CONNOLLY said this is a tradition that has been going on for years, where Brotman has contributed changes to the Zoning Ordinance where nuisance value has decided that she do so. Boffa said, as a member of the public, he has worked with Brotman for a number of years now. He said he thinks she does an extraordinary job. It is a very difficult job. At the last meeting we talked about her institutional knowledge and the value of that. It is invaluable.

The amendments the Committee proposes to move forward with are:

1. Sections 201, 204.2B, 209.4E, 210.1H, 323.1A, 327.3, and 408: Eliminating all references of “B-2” and changing “B-1” to “B” everywhere it is mentioned.
 - ESMAY said B-2 was eliminated when the Downtown zoning district was created.
2. Section 601: Eliminating reference of “manufactured housing sales lot”.
 - ESMAY said this is not mentioned any place else in the Ordinance. They are not allowed in Hanover. A variance is needed to have one.
3. Section 902: Modify the definition of “Setback, Front” for clarification purposes.
 - ESMAY said the definition essentially says that the front setback is the required distance between the front lot line to the front of a building or structure, and also that it is measured from the street line to the front of a building or structure. This makes

no sense. A lot line is a matter of record, it is well described in a deed, it is probably monumented, and a land surveyor could measure it to the inch and point it out. It is lot-based, therefore one of its sides should a lot line. The only reason to use the street line as a beginning point of the measurement would be to have a uniform distance for the houses on that street. Since there is no build-to line, it fails. Center lines have a capacity for roaming. ESMAY said for 17 years, staff, the Planning Board, and presumably the Zoning Board have assumed that the lot line is the place where to start.

- The following wording was suggested, "Minimum required distance between the front lot line and the front line of a building or structure extended to side lot lines of the lot. The front setback shall be measured from the ~~street~~ **front lot** line to the front line of the building or structure. ~~except that w~~ Where applicable, the front setback shall be as shown on the Downtown Area Setback Line ~~map referenced in Section 202.~~ **dated May 14, 2002.**

4. Section 1002: Eliminating reference of a Use Permit.

- ESMAY said a Use Permit has not been used for a long time. The two reasons for which you would apply for a Use Permit are now covered under Zoning Permits.

SIM suggested amending Section 408 that refers to the non-existent Parking and Transportation Demand Management Plan in the Site Plan Regulations. Smith said a plan was drafted and rejected by the Planning Board. At the time, the Board wanted to see the results of plans implemented by Hypertherm and Dartmouth and whether they changed people's habits.

It was moved by CONNOLLY, seconded by SIM, to move these forward to a public hearing on February 3rd. There being no further discussion, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** EDWARDS participated as voting Alternate.

2. **OTHER BUSINESS:** None

3. **ADJOURN:** The meeting adjourned at 10:25 PM.

Respectfully submitted,

Beth Rivard