

**PLANNING BOARD
FEBRUARY 3, 2015 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: Kelly Dent, Brian Edwards

Staff: Vicki Smith

Others: See Attendance Sheet

1. **MINUTES:** The minutes of January 6 and 13, 2015 were approved.

2. **MINOR LOT LINE ADJUSTMENT, VENTI & DARTMOUTH COLLEGE, TO ANNEX 895 ± SF FROM 12 ALLEN ST TO 14 ALLEN ST**
3. **MINOR LOT LINE ADJUSTMENT, VENTI & DARTMOUTH COLLEGE, TO ANNEX 150 ± SF FROM 14 ALLEN ST TO 12 ALLEN ST**

Smith explained that these applications were mistakenly omitted from the meeting agenda and copies of the application were not included in the Board's meeting mailing. The public hearing notice requirements have been met. ESMAY noted for the record that all Board members have been provided a copy of the application and corresponding map. The Board agreed to hear these cases.

Tim McNamara of Dartmouth College and Steve and Nancy Venti presented the applications. McNamara said the Ventis have a very small garage and would like to replace it with a larger two-car garage. A request for a Variance to allow a new garage within the side setback was denied by the Zoning Board. Dartmouth and the Ventis have agreed to the proposed land swaps which will enable the Ventis to construct the larger garage without encroaching upon the side setback, and enable Dartmouth to maintain full development capability of their lot.

Board Comments/Questions: None. Public Comments/Questions: None

It was moved by SIM, seconded by CONNOLLY, to find the application complete as submitted. There being no further discussion, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** DENT participated as voting Alternate.

It was moved by EDWARDS, seconded by CONNOLLY, to grant the minor lot line adjustments. There being no further discussion, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** EDWARDS participated as voting Alternate.

4. PUBLIC HEARING ON PROPOSED ZONING AMENDMENTS FOR TOWN MEETING 2015

The next zoning amendment public hearing will be held on March 3rd.

Technical Ordinance revisions (proponent: Technical Review Committee)
Technical Review Committee members: CONNOLLY, Judy Brotman, ESMAY

Amend six sections of the zoning ordinance to eliminate discrepancies as follows:

- a) In Section 201, Table 204.2B, Sections 209.4E, 210.1H, 323.1 A, 327.3 and 408, replace all references to “B-1” and “B-2” with “B” and eliminate any modifiers to the name of the district, so the district is called “Business” district.
- b) Eliminate “601.2 In an approved manufactured housing sales lot” and renumber the item that follows.
- c) Modify the definition of “Setback, Front” to eliminate confusion in the current definition about the location of the front setback.
- d) Acknowledge the combination of the zoning and use permit with the Zoning and Building Permit Application by adding to Section 1001 the situations which require a permit from Section 1002; by eliminating Section 1002 Use Permit; then renumbering the list in Section 1001 to accommodate the two situations moved to this section.

ESMAY opened the public hearing. She said the purpose of these amendments is to eliminate discrepancies within the Ordinance. Essentially, they are (a) to change “B-1” to “B”; (b) to eliminate approved manufactured housing sales lot from Section 601.2; (c) to eliminate confusion in the current definition of front setback relative to the point from which a front setback is measured; and (d) acknowledge that there is no longer a Use Permit. ESMAY said none of these changes will affect the application of the Zoning Ordinance.

Public Comments/Questions: None.

ESMAY closed the public hearing.

Board Comments/Questions:

- The B district is referenced as “Neighborhood Business” and as “Retail Business” in various sections of the Ordinance and zoning map.
 - The Board agreed that the district name should be “Business”.
- Is there a definition of “retail business” within the Ordinance?
 - Smith said no.
- Having a zoning district “B” in Table 204.2B and a use district “B” in Section 323.1 could create confusion.
 - ESMAY said that should be taken up in the technical review.

It was moved by CONNOLLY, seconded by MAYOR, to send this to another public hearing, amended as discussed, with the intention of putting it on the Town Meeting Warrant. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. DENT participated as voting Alternate.

Continuing Care Retirement Community (CCRC) (proponent: Kendal at Hanover ('Kendal'))

Amend Section 503 to remove the cap on dwelling units; and to clarify the Continuing Care Retirement Community (CCRC) definition and development criteria as follows:

- a) Amend 404.1 to add a parking requirement for CCRC employees.
- b) Amend 503.1 to eliminate all references to the "RR" zoning district and to provide a better description of what a CCRC is.
- c) Amend 503.3A to eliminate all references to the "RR" zoning district as CCRC has not been allowed in that district for many years.
- d) Amend 503.4B to eliminate the reference to the maximum dwelling unit limit and clarify what is counted as a dwelling unit.
- e) Amend 503.5B to clarify the open space calculation.
- f) Add requirements regarding CCRC's services, facilities and amenities.
- g) Amend 902 definition of CCRC to be more consistent with the industry definition.

Board Comments/Questions:

- This amendment will apply to any lot in town that meets the dimensional requirements. If the Board chooses to move this forward to the Town Meeting Warrant, it is not an endorsement of any future CCRC development. In review of this amendment, the Board cannot consider any business model/issues related to the Kendal business.

ESMAY opened the public hearing.

Public Comments/Questions:

- Anthony Thacher, Kendal resident, asked the Board to consider the merits of each aspect of this amendment in the context of the area of the town in which it will apply. He said Kendal is planning to develop the former Chieftain property. That area is a small village with a small number of these larger units. This amendment will have an impact on that property and what may happen to it in the future.
- Put Blodgett, Kendal resident, said that information in the Background portion of the Zoning Amendment Review Committee form (ZARC) is misleading. "*Sufficient acreage*" does not take into the account site constraints due to topography and setbacks. There is not "*solid demand for a well-planned, modest expansion of the KaH [Kendal] community*". A recent survey of Kendal residents indicated that 50% are in favor of expansion. Many residents oppose expansion but don't want to get involved. Many in favor believe the sales pitch that the addition will slow the increase in monthly fees. The sales pitch that Kendal expansion will benefit the Town via tax growth is true with any growth in town. Removing the cap will allow up to 328 units. A 30-unit expansion is only the first step. Blodgett asked where in the Ordinance it says that the 35% open space requirement can be used in calculating density. He said Kendal has acted to the contrary of their claim to have demonstrated "*preservation of open space and good stewardship of natural resources*". The recent creation of a road between Kendal and the former Chieftain site was a demonstration of senseless destruction rather than "good stewardship". The way in which that work was done is also contrary to the stated Objective of a CCRC, "*to allow land use patterns which preserve trees, outstanding natural topography and geological features, and prevent soil erosion; to preserve the natural and scenic qualities of the open land in the Town for conservation and*

recreation.” Blodgett encouraged the Board to visit Kendal and observe the site constraints and the highly eroded, recently abused soils between Kendal and the former Chieftain site.

- Kayren Morrill, Kendal resident, said Kendal residents are extremely well informed of what is being done and how it’s being done. Kendal is not alone in what it’s doing. Morrill said she has more faith in how Kendal will go about things.
- Ellis Rolett, Kendal resident, asked if these changes will apply only to the GR-4 zone.
 - Smith said it will apply everywhere that a CCRC is permitted.
- Harte Crow, Kendal resident, said the objective of adding units is to increase capital which could be used for upgrades and expansion. Kendal’s sister institutions have indicated that after even a moderate expansion, the operating expenses are significantly strengthened and annual increases in fees were lowered. There is also an extensive waiting list of people eager to get to Kendal that would be addressed with expansion.
- Barbara McIlroy, of Hayfield Road, asked which parcels in GR-4 could accommodate CCRC’s comparable in size to Kendal and whether this would apply to the Grasse Road III property.
 - ESMAY said this would apply to all properties in the GR that are 50 acres in size. It is not possible to say definitively how many more CCRC’s there could be in town. One would have to examine a map to identify 50-acre parcels or parcels that could be merged to create a 50-acre parcel.

There being no further public comments, ESMAY closed the public hearing.

Board Comments/Questions:

- An email from Doug McIlroy to Smith questioned the proposed statement, “*Open space calculations are permitted to include area within conservation easements*”. McIlroy wrote that this could be interpreted to mean that open space cannot be under easement in other types of development.
 - CONNOLLY said there is nothing in the Ordinance that addresses whether conservation easements can be included in open space calculations. The proposed statement is unnecessary.
 - Smith said the practice has been to include conserved land in those calculations; however, some conservation easements specify that the land being protected should not be used in density calculations.
 - ESMAY said the matter whether this should be specific to CCRC’s should be taken up in the technical review.
 - CARTER said Kendal’s proposal is to insert wording that confirms what has been a practice on the part of our Zoning Administrator. We are not sitting in judgment whether land is suitable for any purpose of any kind.
 - SIM and CONNOLLY agreed that if this is the current practice, the wording should be stricken from the amendment.
 - CARTER said she is willing to strike it if the Board is in agreement that this is of sufficient importance to revisit in the near future.
- The proposed objective of a CCRC to “*recognize the unique nature of a CCRC*” was questioned.

ESMAY summed up proposed changes as:

- To delete the proposed sentence “*Open space calculations are permitted to include are within conservation easements*” from Section 503.5B.
- To remove the words “*recognize the unique nature of CCRC’s, which*” from the Section 503.1.

It was moved by CONNOLLY, seconded by SIM, to amend this document as such and to send it on to another public hearing with the intention of putting it on the Town Meeting Warrant. Public Comments/Questions: None. **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. EDWARDS participated as voting Alternate.**

West Wheelock Gateway District (proponent: West Wheelock Working Group)

West Wheelock Working Group (‘Group’) members: Chip Brown, CARTER, CONNOLLY, Anne Duncan-Cooley, Julia Griffin, Chris Kennedy, Jolin Kish, Barbara McIlroy, Tim McNamara, Robin Nuse, Kevin Purcell, Shannon Purcell, Sue Reed, SIM, Vicki Smith, Joanna Whitcomb, Andrew Winter

Adopt a new zoning district, Table 204.11 West Wheelock Gateway (WWG) District, replacing the current GR-2 zoning district on both the north and south side of West Wheelock Street. The northern parts of Map 33, lots 19, 20, 21, 23, 24, 69, 81, 82, 87, and 90 would become part of the WWG district. In addition a wedge of area north of the existing GR-2 portion of Map 33, Lot 22 and a portion of Map 33, Lot 83 north of lots 82 and 87 would become part of the WWG. The easternmost portion of the existing GR-2 district which is part of Map 33, Lot 83 would be zoned “I” district.

This new district is established to promote increased residential use with very limited retail use. A specific set of dimensional controls (setback, height yard and building front wall) and parking standards are proposed to encourage dense residential development with limits on building massing and the location of building front walls. A number of complementary amendments in Table 204.4, and sections 303, 309, 313, 323 and 404 are proposed to guide development in the WWG. The definition of “family, unrelated” would be modified to allow under certain circumstances, no more than 5 unrelated persons in the WWG district. The definition of Neighborhood Retail Sales would be amended to allow such use in WWG. Definitions of laundromat, property management office and story are proposed.

Smith said the Master Plan talks about places where we might want to see increased density and identifies this West Wheelock area as one of those places. As a town, we have chosen to keep the borders of our service area well described and very compact. We do not want water and sewer extensions to allow density to drift into other locations in town.

In November 2013, Plan NH hosted a design charrette in Hanover focused on this area. The design team included planners, architects, graphic engineers, landscape architects, etc. They came up with a vision for what we are calling the WWG area. A working group (‘Group’) convened in July 2014 to create a zoning district proposal based on their vision.

The pedestrian-oriented WWG will be mainly residential, but will include some non-residential uses (laundromat, small retail restaurant, property management office, parking garage) to make it more like a neighborhood and a convenient place to live. Non-residential uses, other than parking facility, will be limited to 1,000 sf. Parking is often a limiting factor to density. Proposed parking requirements are much smaller than in other sections of town and allow flexibility to enable landowners to use their land most efficiently; locating parking elsewhere in the district or in the I or D districts. Parking is also proposed as a primary use of a lot. The last piece of the amendment is to allow five unrelated persons in a dwelling unit that has three or more bedrooms.

Smith said the Town hired UK Architects to create a digital terrain model of what maximum development might look like. Chris Kennedy and Wyatt Rysweyk of UK Architects presented the digital model.

Board Comments/Questions: None

Public Comments/Questions:

- Ellis Rolett, Kendal resident, asked whether this will create a wind tunnel. He expressed concern for traffic implications and whether the Town would consider opening up the third traffic lane depicted in the model. He said in the past, the Bike/Pedestrian Committee wanted to be sure that a bike lane from the lower part of West Wheelock to West Street is preserved.
 - Kennedy said it is unknown whether a wind tunnel will be created. He said the Group was not in favor of creating the additional travel lane, as that would enable traffic to move faster. The proposal requires storage and parking for bikes in these buildings. The general hope, by allowing larger buildings, is that there might be less curb cuts at the end of development than exists currently.
 - Joanna Whitcomb, of Dartmouth College, Reservoir Road, and Group member, added that creating a second lane, would make worse the already congested intersection of Main and Wheelock Streets.
- Chip Brown, of Etna and Group member, said one of the core ideas of this zoning change is to bring housing closer to town and focus on student housing so that there is less commuting, less cars needed.
- Ruth Lappin, Kendal resident and member of the Zoning Board of Adjustment, said this idea is ill conceived for this particular corridor. Parking is a continuing problem in the town. It is very Pollyanna to think that these people will not have cars. Allowing parking in other districts will result in there being no place for people visiting downtown to park. How much of this change will morph over to the rest of the town, in particular the increase tenant numbers? Allowing garages under the buildings will add traffic to this heavily traveled corridor. How do you deal with pedestrians crossing the street in six different places? This will create a lot of problems for the town just because of the artery that it is.
- Bill Fischel, of Read Road, said the proposed amendment is a wonderful idea. This is exactly the right place to get higher density. Enough restriction can be put in place to limit automobile use. The location itself will cause people to walk and bike up and down the street. Fischel asked how much the Group followed the charrette.

- Kennedy said he was a member of the charrette design team and suggested this might be a slightly more dense than what the charrette had envisioned. The design team did not have a lot of time to parse that.
- Whitcomb disagreed. She said the amendment proposes less density than was suggested by the charrette design team.
- Joan Collison, of Pleasant Street, asked about the intersection of West Street, Wheelock Street, and Thayer Drive.
 - Kennedy said the general sense of the Group is that that intersection needs to be adjusted and engineered in terms of potentially creating some way to make a turn without stopping traffic. There needs to be more places for pedestrians to cross and islands in the middle for refuge. Those are not zoning issues though.
 - ESMAY said she sensed that as development occurs there will be a heightened interest in redesigning that intersection. The Zoning Ordinance will enable the development for that to occur.
 - Jolin Kish, of Currier Place and Group member, said the Group was also hoping that Dartmouth would pursue a parking garage on that corner, which would necessitate aligning the intersection on Dartmouth's side of Wheelock.
- Access to a cemetery was questioned. Continued access will be assured.
- Robin Nuse, of Sargent Street, said everyone really needs to think about the aesthetics, not just economics. Four stories is really high. Is that the look we want coming up into our downtown?
 - Kennedy said due to the terrain, four-story buildings will not stick up significantly above the adjoining areas.
 - Kish said four stories will allow for parking under the buildings.
 - Whitcomb said there are also provisions that allow for car sharing. All AT buses go through this corridor with the exception of the Blue line.
- Lappin urged the Board to consider that there are other people living in Hanover who need to use these roads to come into town and have no method to do it when AT does not run. You're cutting off a good corridor. There are other parts of town to consider. We seem to be going into neighborhood zoning; consider what path you are taking. There are taxpayers all around town who depend on cars.
- Smith said the Group came up with a change on page 2 that will require an additional public hearing. The last set of numbers and the description of the Building Length table need to be modified. The Group would also like to change the sentence following the Off Street Parking Requirements to read "This is *also* the maximum number of spaces..."

Board Comments/Questions:

- ESMAY said she finds it difficult to define "family" differently in only one area of town. If we want to allow as many as five persons unrelated, it should be town-wide.
 - CONNOLLY said she is not concerned with that being restricted to this specific district. Under no circumstances does she want any more than three unrelated persons allowed in the rest of the town.
 - EDWARDS said given that one of the purposes of this district is to provide a higher density of housing, it seems reasonable to allow a higher density in the Ordinance.
 - SIM said this area is different in that it is exclusively a rental district. A lot of rental problems arise in areas of primarily family housing and the occasional home rented by an absentee landlord.

- Lappin said there is nothing in the proposal that limits use to rental housing. How can we dictate what type of housing a developer can offer?
- Anne Duncan-Cooley, of the Upper Valley Housing Coalition, charrette design team, and Group member, said one of the demographic groups they were particularly focusing on for this area is the younger professional, graduate student, junior faculty-type. Young professionals prefer a different type of housing. They are less interested in having a car and less interested in having their own everything. People are getting married later and are more used to shared-living arrangements, similar to dormitory situations.
 - ESMAY said her sense is that if persons just like that, wanted to rent a four-bedroom house anywhere else in town, why should they not be able to.
 - Fischel said that kind of discrimination is specific to zoning. We regulate the location of single-family, multi-family, institutional uses, etc. There will be single-family houses here in the interim. The build-out will take a long time.
 - Whitcomb said the issue of the proper number of unrelated persons allowed has been discussed for years. Maybe we use this area as an experiment; we can always change it back.
 - * CONNOLLY responded that experiment had been tried before.
- DENT asked about the numerous references to affordable housing in the beginning of the amendment.
 - Smith said the Master Plan talks about affordable housing. The Group decided that subsidized units might be an element here but will not be required.
- DENT asked of the definition of “story”; how the average finished grade will be calculated.
 - Smith said, that is already in the Ordinance.

ESMAY closed the public hearing.

It was moved by SIM, seconded by MAYOR, that this be returned to the next Board meeting following amendment along the lines as was suggested for reconsideration at the next meeting for going on the Town Meeting Warrant. There being no further discussion, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** DENT participated as voting Alternate.

5. OTHER BUSINESS

Zoning Ordinance Technical Review: The Board discussed how to move forward with the balance of the technical review. They agreed to reserve the second Tuesday of every month to work on it. It was noted that the Site Plan Regulations must also be amended to insert architectural design standards for the WWG.

Summer Street Senior Housing: CARTER was appointed to a town-wide committee that will focus on providing additional senior housing on Summer Street.

6. ADJOURN:

The meeting adjourned at 10:24 PM.

Respectfully submitted, Beth Rivard