

**PLANNING BOARD  
MARCH 10, 2015 at 7:30 PM  
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

**Members:** Kate Connolly, Judith Esmay (Chair), Joan Garipay, Michael Mayor; Nancy Carter (Selectmen's Representative); **Alternates:** Jon Criswell, Kelly Dent, Brian Edwards

**Staff:** Vicki Smith

Others: See Attendance Sheet

1. **MINUTES:** The minutes of February 3 and 17, 2015 were approved.
2. **SCENIC ROAD PUBLIC HEARING TO REVIEW PUBLIC SERVICE OF NEW HAMPSHIRE'S REQUEST TO CONDUCT ROUTINE MAINTENANCE PRUNING AND HAZARD TREE REMOVALS ALONG THE FOLLOWING DESIGNATED SCENIC ROADS: GOOSE POND ROAD AND RIVER ROAD.**

ESMAY read the notice of public hearing.

David Crane, Regional Arborist for Eversource Energy (formerly Public Service of NH) said the proposed work is part of a 4-year maintenance cycle. Pruning specifications have not changed since they last appeared before the Board 4 years ago. The work involves removing trees or brush that are 4" in diameter or less, located 8' to the sides, 10' below, or 15' above the lines. Larger trees will be taken down on a case-by-case basis. Contractors are asked to contact abutting property owners before they begin.

Board Comments/Questions:

- How is the contact accomplished?
  - Crane said by certified letter.
- If a large tree is removed, is it the landowner's option to retain possession of the wood?
  - Crane confirmed that to be true.
- Is there any regard to preserving trees for saw-timber?
  - Crane said it is difficult to take down trees and leave lengths that can be salvageable for saw-timber.
- Work has already been going on for quite a while.
  - That work is being performed by Liberty Utilities. Eversource Energy has not started work in Hanover.

Public Comments/Questions: None

**It was moved by CONNOLLY, seconded by MAYOR, to allow Eversource Energy to perform tree trimming on the lines that they own on Goose Pond and River Road in Hanover. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION. CRISWELL participated as voting Alternate.**

### 3. PUBLIC HEARING ON FOUR PROPOSED ZONING AMENDMENTS FOR TOWN MEETING 2015

#### **Technical Ordinance revisions** (proponent: Technical Review Committee)

Technical Review Committee members: CONNOLLY, Judy Brotman, ESMAY

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

- a) 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 “Business” district.
- b) Eliminate 601.2 and renumber the item that follows.
- c) Modify the definition of “Setback, Front” to clarify the location of the front setback.
- d) Acknowledge the combination of the zoning and use permit with the zoning and building permit by adding to Section 1001 and eliminating Section 1002.

ESMAY said this has to do with (a) changing all references to district “B-1” to “B”, (b) omitting a reference in Article VI of approved manufactured housing sales lot, (c) omitting language from the definition of “Setback, Front”, and (d) omitting a section referring to a Use Permit and absorbing the 2 Use Permit items into the requirements for a Zoning Permit.

Board Comments/Questions: None

ESMAY opened the public hearing.

Public Comments/Questions: None

CARTER mentioned SIM’s memo to the Board about Table 204.2B. The Objective says that the district is designed to provide “*sites for retail sales and services*”. Some of the uses listed do not fall into those categories. The Board acknowledged SIM’s concern and decided that this is not a fatal flaw.

**It was moved by CONNOLLY, seconded by EDWARDS, to put this Article on the Warrant. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** EDWARDS participated as voting Alternate.

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#### **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 CCRC.
- c) Amend 503.3A to eliminate all references to the “RR” zoning district.
- 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:

- ESMAY said this is a generic amendment to the Ordinance. It would affect all CCRC’s.

- CONNOLLY noted that this is the Board's 6<sup>th</sup> consideration of this proposal.

ESMAY opened the public hearing.

Public Comments/Questions:

- Nancy Collier & Kristine McDevitt of the Hanover Conservancy mentioned the formal comments they submitted to the Board. Briefly recapping they said: Natural resource planning should be accomplished before rezoning, either by the Town or a hired consultant. Critical land should be identified to be protected before allowing increased density. The Kendal property and former Chieftain parcel are unique, offering river access to the public and connectivity for wildlife from the river to the uplands (Oak Hill). Public access to the river is a very important element of any development plan. This part of town is the right place for density, but is also one of the prettiest places with fragile natural resources. Conservation initiatives could include expanding NP and permanent easements along the river or steep ravine. The Conservancy will assist in any way they can.
  - DENT said land protection is considered under the purview of Site Plan Review.
  - ESMAY asked that Conservancy members return to the Board if/when a site plan is submitted for review, to remind the Board of the possibility of hiring an outside consultant and the need for a site walk.
- Put Blodgett, Kendal resident, read a written statement into the record (see attached).
- Rebecca Smith, Executive Director of Kendal at Hanover, rebutted claims made by Blodgett and Hanover Conservancy members. She said improvements to the road leading to the former Chieftain site were done for the safety of Kendal residents. Tree removal that is necessary to expand, as is currently envisioned, will be done with care. Smith mentioned Kendal's financial status and the need to expand. She said Kendal's Master Plan, adopted in 2014, is for the current campus at 80 Lyme Road. The former Chieftain property is not under consideration at this time. The suggestion to remove the cap came from the Planning Board, not Kendal staff. Special Exception and Site Plan approvals are needed for Kendal to add any footprint or modify their site plan. Kendal is and has been a responsible member of the Hanover community and a large employer. They will continue to work closely with town staff, boards, neighbors and other stakeholders to ensure the best planning and the least amount of impact on the environment.
- Ellis Rolett, Kendal Board member and resident, said the former Chieftain site is a relatively small parcel. As a stand-alone property, this amendment has no bearing on that parcel. There are no plans set in stone for expansion.

**It was moved by CONNOLLY, seconded by CARTER, to put this Article on the Warrant.** EDWARDS asked of the number of employees at Kendal. John Dawson, Kendal consultant, said 108. R. Smith said Kendal has sufficient capacity for employee parking. **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** DENT participated as voting Alternate.

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**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 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 201, 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. The definition of Neighborhood Retail Sales would be amended to allow such use in WWG. Definitions of build- to area, laundromat, property management office, story and yard are proposed.

ESMAY opened the public hearing.

Chris Kennedy, of UK Architects, presented a slide show of the maximum build-out. His presentation will be available on the Town's website.

**Public Comments/Questions:**

- What is the proposed width of the road?
  - Kennedy said it is pretty much the same as existing.
- Bike paths are not depicted in the slide presentation.
  - Kennedy said there is an additional 5' on both sides the road that can be used by bicyclists.
- Is the building setback measured from the edge of the right-of-way?
  - Kennedy said the 10' setback is measured from the property line.
- Are there plans for bus stops?
  - Kennedy said those will be sited as development occurs.
- Why is building potential not shown on the west side of the map?
  - Smith said the boundary of the existing GR-2 district was used to define the boundary in that location.
  - CONNOLLY said the addresses of those properties are on Downing Road and Sargent Street.
- I don't see people living here being able to access the Co-Op or other shopping areas.
  - Jolin Kish, of Currier Place and Group member, said the benefits of living close to campus, and not having to find a parking space and walk to campus, significantly outweigh the inconvenience of finding transportation to Kmart.
- The slide show presentation does not include accommodations for disabled people.
  - Kish said there are building codes that are excruciatingly detailed about requirements for accessibility. Inserting them into the Zoning Ordinance would be repetitive. The

- Group worked to create an amendment that speaks to zoning-specific issues, and not interfere with other regulations.
- The WWG boundary bisects a lot at the end of Sargent Street.
    - Smith said construction would have to occur on the WWG portion of that lot.
    - Carolyn Radisch, of Sargent Street, advised of a letter she submitted to the Board expressing concerns. She said Section 302 of the Ordinance says, *“Where a district boundary line divides a lot of record... the regulations for the less restrictive part of such lot shall extend not more than 30 feet... into the more restricted part, provided the lot has frontage on a street in the less restricted district.”* She recommended changing the boundary to exclude that lot and the parcel at 1 School Street. She asked what happened to the green gateway concept for this area. High density development on West Wheelock Street is a good idea, but development should not expand beyond West Wheelock Street.
      - Robin Nuse, of Sargent Street, said this revised Sargent Street boundary change would replicate the edge of the West End Neighborhood Overlay District.
      - Smith said if we move the boundary to the east, we should consider the north side of the street as well.
      - MAYOR said it seems reasonable to move the boundary to conform to the lot lines on West Wheelock Street, excluding the properties that have frontage on Downing Road and Sargent Street.
      - Kennedy said the density shown on the model would not be affected by those changes. Speaking personally, he said the School Street parcel is not likely to be developed and questioned why it should be omitted from the WWG.
        - \* Radisch said it’s a small lot that is contiguous with a big GR-2 zone. It should be in the zone that makes the most sense.
  - Ruth Lappin, Kendal resident, advised of a memo she submitted to the Board in which she suggests that this be delayed a year. She said there needs to be additional outreach to the general public. Tweaking boundaries without a full-blown study may have unintended consequences. She asked of the maximum population build-out and expressed concern for the precedent this would set (developers wanting increased building height and tenant capacity in other parts of town).
    - Tim McNamara, of Dartmouth College and Group member, said there is always the potential for unintended consequences, but the Group spent thousands of hours on this.
    - ESMAY said the purpose of the objective statement is to establish what makes a district different from others. The objectives of this district make it clear that this is a unique district and that the provisions in this district are really not applicable in other parts of town.
    - A female speaker agreed with Lappin that public awareness is lacking and asked where information can be obtained.
      - Smith said zoning amendments are posted on the P&Z website. Hardcopies are available in the P&Z Office. Meeting agendas are published in the Valley News on Fridays in the entertainment section.
      - It was suggested to post zoning amendment notices at the Co-Op and Library.
  - Barbara McIlroy, Group member representing the Bike/Ped Committee, said several things have happened here to reduce traffic and make it safer and more attractive for

pedestrians. Should this amendment pass, we will begin a comprehensive attack on designing that stretch of road. McIlroy said she agreed with the proposed boundary adjustments.

- CONNOLLY suggested setting an additional hearing to adjust the lot lines as proposed.
- A female speaker questioned allowing 5 people per unit and requiring only 1 parking and 1 bike space. She said it is totally unrealistic to think that 4 of those people will not have cars.
  - CARTER said bike parking has never been limited. Future driving trends were considered in developing this amendment. Speaking on behalf of the current property owners, CARTER said this amendment allows the sketchbooks to be opened. When we talk about maximum build-out, we are talking in terms of 15 - 20 years. A lot of the proposed buildings involve lots being joined together. Those types of negotiations have not taken place.
  - McNamara said all this does is set in place the opportunity for someone to propose a project. With regard to parking, the Group feels that there is a strong demand for people to live close to downtown who are willing to give up their cars to do so.
    - Lappin said if approved, all of this becomes effective immediately, including the increased tenant capacity. One of the tradeoffs to allowing development is to have affordable housing. That is not included in this mix. Are we giving too many incentives without getting anything back?
      - \* Chip Brown, Group member, said the intent of the district is to improve this gateway into Hanover. The tradeoffs to allowing denser zoning are that the streetscape will be improved and student populations will be focused here rather than in family neighborhoods.
      - \* Kish said the Group discussed affordability many times. Providing this housing in this location takes the pressure off providing it in other locations. Housing in those other locations would then become more affordable, as it would be in less demand.
      - \* Kennedy said the reality of subsidized housing right now is that it can be more expensive to build than occupy market-rate housing.
- Ann Crow, of Etna, urged the Board to make the changes suggested and hold an additional hearing.

ESMAY closed the public hearing.

**It was moved by CONNOLLY, seconded by CARTER, to hold an additional public hearing on March 24<sup>th</sup> to consider the proposed changes.** EDWARDS said SIM's memo questioned the revised definitions of 'yard' and 'basement'. CONNOLLY said the Group settled on the fact that there would be a 5' space (yard) between buildings. ESMAY suggested the current definition of 'basement' came from FEMA and is required. It was agreed to change 'basement' in the definition of 'story' to 'sub-grade'. EDWARDS questioned the language relative to building lengths. It should be less than or equal to. **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.** CRISWELL participated as voting Alternate.

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**Building Height** (proponent: by petition)

Modify the measurement of height and height limits for buildings and structures as follows:

- a) Modify Section 209.4 Height Regulations and Exceptions by:
    - i) replacing 209.4A, the measurement of height with two new paragraphs. In one, a new method to measure height in the GR and SR districts is set forth. In the other, for all other districts, the current method of measuring height is specified.
    - ii) adding two new paragraphs: G to specify the height for multi-family buildings in the GR-1, GR-2 and GR-3 zoning districts; and H to specify the height for accessory agricultural structures in the RR and F zoning districts.
  - b) Delete the definition of Building Height from Section 902.
- (This amendment was submitted by petition)

ESMAY said this petitioned amendment will be on the Town Meeting Warrant. The matter before the Board is whether to recommend it for adoption.

A female speaker advised of previous attempts to amend the building height regulations that were not successful. She asked the Board to endorse the current amendment.

**Public Comments/Questions:**

- Tim McNamara, of Dartmouth College, said last year we heard from a few local architects about the potential for unintended consequences; namely roof designs going from peaked to flat. He said John Scherding, an architect at Dartmouth, is concerned that pushing flat roofs to get a third story is not necessarily a good thing.
- Randy Mudge, architect, displayed renderings of accessory structures designed under the current regulations and the proposed amendment. His focus was of the roof pitch; the amendment leading to the design of flat roofs. He said the intent of the Ordinance is to try to create/retain some traditional buildings. The only thing in the Ordinance that affects volume is height. Mudge said he is not aware of what is driving the neighborhood that is proposing this amendment or what their goal is, but he does not think this will achieve the best things for the community.
  - Bill Boyle, of Buell Street, said the petition was not drawn up by just one neighborhood. There are 5 or 6 neighborhoods represented. He said we are trying to clarify building height in an effort to preserve the character of the neighborhood.
  - A female speaker said she cannot imagine that people would consider flat roofs given the current snow level conditions.

\*\*\* The taped recording ended.

**It was moved by MAYOR, seconded by CARTER, to recommend that Town Meeting not adopt this amendment. THE BOARD VOTED FIVE IN FAVOR (CARTER, EDWARDS, ESMAY, GARIPAY, MAYOR); ONE OPPOSED (CONNOLLY). THE MOTION CARRIED.**

**4. ADJOURN:** The meeting adjourned at 10:40 PM.

Respectfully submitted,  
Beth Rivard