

October 21, 2024

To: Rick Chellman, Chairman of the Planning Board  
Re: **Planning Board North End Rezoning Discussion**

Dear Mr. Chellman,

We would respectfully request an opportunity to formally participate in the rezoning discussion for the North End that commenced at your September 26<sup>th</sup> Planning Board meeting. We would like to discuss our findings on how these potential changes would potentially impact our pending project located at 361 Hanover Street. Recall from our two preliminary conceptual consultation meetings earlier this summer, we attempted to address most, if not all, the primary concerns expressed by Board members and residents alike pertaining to the commercial ground-floor uses as well as the scale, height, volume, and architectural design of the buildings shown in our approved (and thereby “vested”) Design Review Plan (shown in Figure 1 below).



*Figure 1 – Approved Design Review Plan*

As a direct response to the above stated concerns regarding the Design Review Plan, we subsequently returned to the Planning Board in July to informally present an Alternative Conditional Use Permit Plan (Alternative CUP Plan shown in Figure 2 below) that we felt addressed the primary issues stated above. For example, the ground-floor commercial uses were proposed to be replaced with residential uses to better align with the neighborhood character. Moreover, the overall height of the buildings along Hanover Street we’re reduced to an average height under 37’, were separated into three smaller building footprints, and connected to the rear covered parking area with an open driveway. Additionally, we redesigned the scale and character of the buildings to better respect and match the 19<sup>th</sup> century architectural character of the surrounding neighborhood. Finally, the existing historic structure fronting on Foundry Place was redesigned to be more consistent with its earlier historic character in both height, volume, and roof line and provide a better transition from the much larger mixed-use buildings located along Foundry Place with the lower-scale buildings located along Hanover Street.



*Figure 2 – Alternative CUP Plan*

As you know, in preparation for the zoning discussion held on September 26<sup>th</sup>, we performed a comparative assessment of these two plans with the 2019 proposed zoning amendments as expressed in your meeting packet (see the Assessment Report that was included in your packet for the 10-26-24 meeting).

In summary, we discovered that the proposed CD4 zoning for the rear portion of the site – essentially where the existing historic structure fronting on Foundry Place is located - would not have a significant impact on our Alternative CUP Plan. However, the proposed CD4-L1 zoning for the 57-space surface parking lot located along Hanover Street would have a significant impact on the number of residential dwelling units permitted in the three buildings fronting on Hanover Street due to the minimum lot area per dwelling unit requirement of the CD4-L1. Importantly however, we also discovered that the minimum lot area per dwelling unit shown in the Alternative CUP Plan is consistent with the average residential density of many other properties located along Hanover Street currently located within the adjacent CD4-L1 district. In other words, most of the other properties already located in the adjacent CD4-L1 district are non-conforming with respect to the lot area per dwelling unit, thus, the Alternative CUP Plan is generally consistent with either the dimensional requirements of the CD4-L1 or the existing densities in the surrounding context.

In summary, our assessment continues to demonstrate that the proposed buildings and site design shown on the Alternative CUP Plan are well-aligned with the goals and objectives of the 2014 North End Vision Plan and the overall intent of the suggested 2019 zoning amendments. Thus, we believe the city staff and the neighborhood residents would be well-served by actively supporting the needed zoning relief for the Alternative CUP Plan. Such zoning relief includes: 1) the removal of the Downtown Overlay District requirement for ground-floor commercial uses; 2) allowance for smaller duplex, rowhouse and single-use apartment type buildings in the CD5; and, 3) allowance for a larger, more appropriately scaled, flat-roofed penthouse attic versus the larger mansard attic level shown on the Design Review Plan.

If approved by the Board of Adjustment, this zoning relief will enable us to continue to collaborate on the final building and site design with the Planning Board and the surrounding residents when we file for a CUP and Site Plan Approval. However, if it isn't abundantly clear, if we fail in our endeavor to obtaining such zoning relief, we will be forced to revert to the previously approved Design Review Plan where we have already developed a detailed site plan and elevations and floor plans for the buildings.

In closing, as far as our project at 361 Hanover Street, we want to reemphasize that our so-called "as-of-right" Design Review Plan is fully vested, thus, any subsequent changes to the Zoning Ordinance will have no net effect on our vested rights relating to the building design, density, volume, height or the commercial land uses proposed in the approved Design Review Plan. Thus, we respectfully request the Planning Board members re-review our assessment report in advance of the October 22<sup>nd</sup> meeting in an effort to clarify that point as well as to acknowledge the fact that our Alternative CUP Plan is the preferred outcome and one that better represents a more sensitive transition and step-down from the higher density, contemporarily designed buildings along Foundry Place to the lower density, traditionally designed buildings we are proposing along Hanover Street.

Thank you and we look forward to participating in the discussion.

Sincerely,

Steve Wilson, Hampshire Development Corporation

Cc: Shayne Forsley, Hampshire Development Corporation  
John Bosen, Esq., DTC Lawyers  
John Chagnon, P.E. Haley Ward, Inc.