

FINAL

BOARD OF SELECTMEN'S MEETING

JANUARY 5, 2004

7:30 PM – MUNICIPAL OFFICE BUILDING – HANOVER, NH

The meeting of the Board of Selectmen was called to order at 7:38 pm by the Chairman, Brian Walsh. Present were: Brian Walsh, Chairman; Katherine Connolly, Vice-Chairman; William "Bill" Baschnagel; Peter Christie; Judson "Jay" Pierson; Julia Griffin, Town Manager; and members of the public.

1. PUBLIC COMMENT

There was no public comment.

2. DISCUSSION REGARDING REQUESTED INDEPENDENT ENGINEERING ASSESSMENT OF SOUTH BLOCK PROJECT

Winifred Anthony Stearns, of 5 Dorrance Place, read the following letter she drafted to the Selectboard on January 5, 2004 into the record:

"As my submission, December 15, 2003, to you of the COMPLAINT SUMMARY from the New Hampshire Department of Environmental Services shows, they have no authority over air quality for the 95-car underground garage, vented only by fans through the two exit/entrances, that South Street Downtown Holdings, Inc. ("SSDH") proposes to build, Dorrance Place to Main Street to East South Street to Currier Place. They abdicate any responsibility for health problems that might occur inside and outside the garage. They know of no precedent with which to compare this proposed garage. Why has not SSDH found a similar garage to compare its success/safety? Does one exist?"

MY QUESTIONS TO THE SELECTBOARD

Do you have the authority to demand an exhaustive, independent study of this proposed garage to determine its impact on the Town as to pollution, noise, traffic, and especially on its citizens who live adjacent in an SR-2 zone? By independent I mean the Town should hire engineers and traffic consultants who have no connection with Dartmouth College. Example: The Town attorney lives in Laconia, N.H. The conflicts of interest between the college and members of all Town boards is so pervasive that it results in fast-action decisions (such as requested of the Planning Board for the meeting December 9, 2003 by SSDH) and essentially carte blanche for any college project, even one so massive as "South Block".

If you have the authority as the final arbiter for the health and well-being of the citizens of this town, will you exercise it?

Does the buck stop with you?

SOME FACTS:

I am sure that you all have read of the disastrous situation at the Lebanon High School parking lot that was expanded without proper engineering study as to how drainage would be accomplished. The Town [City of Lebanon] is now facing enormous expense to rectify the situation plus pay damages (rightly so) to the aggrieved whose properties have been eroded and structures threatened by the run-off. It would have been so much better to GET IT RIGHT in the first place.

SSDH hired Resources Systems Group, Inc. of White River Junction to study air pollution impacts for the proposed garage. I called Mr. Kaliski of RSG to ask if they had ever done a garage such as this one. He told me he could give no information without permission from John Caulo, overall administrator of the South Block project. Independent? – Hardly. His report gave the desired answer, but my question (I checked with John Caulo directly) was never answered as to whether they had experience with such a project.

In similar fashion, RSG reported to SSDH on a traffic impact study surrounding the project that "THERE WILL BE NO ADVERSE IMPACT ON TRANSPORTATION AND SAFETY RESULTING FROM THE DEVELOPMENT PROPOSAL"... this from an estimate of 900 extra trips per day around the project... No adverse impact? When I asked Erica Barnes, the representative of RSG who attended the meeting December 9th, how many days they had counted the traffic, she said, "Just one. That's standard." This is inadequate to draw so wide a decision.

At the first Planning Board meeting on this project, October 21 (the first of only two), I handed out three pages of questions I would like to have the Board address in the public interest. I did not want to monopolize too much time to demand answers then, but I fully expected my questions, cogent to this project to be answered in the public forum. Some questions were answered to me by Vicki Smith, Senior Planner for the Town of Hanover, and by Tim McNamara, project manager (to Vicki), but this was done behind the scenes and was incomplete and never made it into public view. The same happened to a memo I sent to the Planning Board before the meeting December 9th. At that meeting, the public was virtually excluded from the debate, approval given, issue closed.

Discussion of the 95-car underground garage was late arriving at the Visioning Committee, of which I was a member. From the time it was introduced, I said that the exit/entrance MUST be on East South Street, not Dorrance Place, an area already snarled with traffic, illegal parking in front of the Galleria, no traffic light (such as on East South Street and Main Street), a critical entrance to dead end Gould Place where emergency vehicles must always have access, gridlocked traffic on Main, heading north, and unknown impact from traffic at the CVS store directly across Main from Dorrance. As one of only two residents, without commercial or college conflicts on the Visioning Committee, I was always outvoted. The excuse given re entrance/exit location was that the topography was not compatible on East South Street. This project is costing tens of millions of dollars. SSDH can make the topography compatible! East South Street is a commercial street, called upon to sustain a D-1 and D-2 zone, and it must take the responsibility, bear the brunt, for the traffic, noise from fans and toxic fumes that will emanate from this garage. Dorrance Place, almost entirely a Single Residence (SR-2)

street, should not be sacrificed in an attempt to make this (too large) commercial venture work.

This garage was "sold" to the Visioning Committee as a passive garage. The people who would have cars in it would live in the structures, walk to work, and have every little need to take their cars out. The spaces for parking would be reserved for the people in the project only, no transients, and this was reiterated by Tim McNamara in his memo to Vicki Smith (attached #3). Then at the end of the Planning Board meeting December 9th, it was casually mentioned by John Caulo that Mascoma Bank, which has no connection to the South Block project, was to be allowed to rent 15 places in the garage. This will mean the same in-and-out traffic all day and night, hardly passive, that uses the parking facility at 2 Dorrance Place now. Also mentioned was the fact that the parking facility at 2 Dorrance Place would be used for construction vehicles. This will perpetuate the easements on the West, North and East sides of 2 Dorrance, in place since 1997 before the court. As long as 2 Dorrance is a "parking facility" the easements stand.

I checked with Matt Marshall, manager of the Hanover Inn, about the venting of their 17 (only) space underground garage. It is vented continually, VERTICALLY, and is now valet parking only for safety. Their one major emergency occurred when a car was left running, locked. They had to call the fire department to evacuate the area and blow out the toxins. Garage closed for hours- this for 17 cars. How about 95?

I tried to get information on how the lowest level of the Hanover municipal garage (the only level totally enclosed without access to outside air) is vented, but Woody Simonds, project manager for Dartmouth for the garage, said the engineer had retired and they did not have his Florida address. Another source who could have helped did not return my call.

QUESTIONS THAT THE PLANNING BOARD SHOULD HAVE ASKED OR RESPONDED TO IN THE PUBLIC FORUM, DECEMBER 9, 2003

Why was there no scheduled, noticed, site plan review (site visit) of this project which would have been open to the public?

If the exit/entrance of the garage were to be allowed onto Dorrance, with "Right Turn Only", policed by SSDH at the exit, how would that overview be done, and what would be the consequences for violators? Once on a public street (Dorrance), does not the responsibility for compliance fall on the Town?

Why no gate into and out of the garage, into and out of both exit/entrances NOW, as opposed to suggested for a later time – perhaps!? Without gates, this garage will be a free-for-all for Dartmouth. These spaces cannot be allowed as credits for other off-site buildings.

Will there be carbon monoxide sensors placed at the exit/entrances to monitor the outflow of fumes there?

How will drivers be able to see if space is available before turning into the proposed above ground parking facility?

How will snow removal be accomplished so as to be no threat to trees, required as a condition, and to other vegetation?

Exactly where will the underground duct bank (power, telephone) as well as fuel lines to serve D-2 be located so as to be of no danger to residents on Dorrance?

Exactly where will heavy construction equipment and workers' vehicles be parked off site? Shouldn't SSDH be required to run a shuttle for workers from an out of town point? No illegal parking to be allowed in town in right-of-ways, lawns of personal ownership, library parking lot, etc. Traffic must be able to move at all times around this project.

Because of the heavy (and successful) lobbying by some members of the Visioning Committee at the polling place, at Town Meeting, May 14, 2002, the zones of D-1 and D-2 were created – by 27 votes, while all other zoning changes that would have denigrated residential zones were soundly defeated. With the enormity of this project, and its ramifications to all, now known, wouldn't it be wise to have another vote at Town Meeting 2004 to see if the Town would still support the South Block project? The bulldozers have not arrived yet. Let's GET IT RIGHT the first time."

Mrs. Stearns thanked the Selectboard for the opportunity to address them. She acknowledged Selectman Connolly's efforts, as a member of the Planning Board, to require additional screening vegetation in the SR-2 neighborhood from this project's impacts. She said the South Block project would be one more denigration to Dorrance Place that should not happen. She argued that the proposed garage was unprecedented and that it would poison the adjacent neighborhood. She said the Town ought to be able to oversee anything that involves safety and should not allow the Planning Board to go to the max in these residential areas. She said that the quality of life of the residents around proposed commercial undertakings is not given precedence in the Planning Board's reviews. She explained that her action to file a court appeal of the Planning Board's approval was the only thing she could do to try to protect her neighborhood community, and that she understood that this court action prohibited the Selectboard from responding to her comments made.

Selectman Walsh thanked Mrs. Stearns for her straightforwardness and reiterated that the Selectboard could not engage in dialogue on this topic given the court action.

3. BANNER REQUEST

Town Manager Griffin advised of the Norris Cotton Cancer Center's request to hang pennant banners from the light posts in downtown Hanover from June 1st to July 10th to advertise the Prouty race, which will take place on July 10, 2004. She reminded the Selectboard that the Howe Library had already been granted approval to hang light post pennants through to the end of June. She suggested approving the Prouty light post pennants from July 1st to 10th and recommend that the Prouty staff contact the Howe Corporation to possibly negotiate additional time in June. Selectman Pierson asked if

restrictions applied to the light post banners. Ms. Griffin said no, other than the Selectboard's general policy that the banners reference local, not-for-profit events.

It was MOVED by Selectman Walsh and SECONDED by Selectman Connolly to approve the Prouty request for July 1st to 10th and to encourage the Prouty staff to talk to the Howe Corporation to negotiate time in June. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE PROUTY REQUEST FOR JULY 1ST TO 10TH AND TO ENCOURAGE THE PROUTY STAFF TO TALK TO THE HOWE CORPORATION TO NEGOTIATE TIME IN JUNE.

4. APPOINTMENT – RECYCLING COMMITTEE

Selectman Walsh advised of the letter the Selectboard received from Jack Wilson requesting appointment to the Recycling Committee. Town Manager Griffin added that Mr. Wilson was a Hanover resident and architect employed at Dartmouth's Facilities Planning Office. She said that he was particularly interested in the Committee's potential to look at issues other than curbside recycling. It was noted that membership in the Committee had declined since the curbside recycling program was established and that there were now only four active members.

It was MOVED by Selectman Christie and SECONDED by Selectman Pierson to appoint Jack Wilson to the Recycling Committee. THE SELECTMEN VOTED UNANIMOUSLY TO APPOINT JACK WILSON TO THE RECYCLING COMMITTEE.

5. APPROVAL OF MINUTES: DECEMBER 1ST AND 15TH, 2003

It was MOVED by Selectman Connolly and SECONDED by Selectman Pierson to approve the minutes of December 1, 2003 as amended. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF DECEMBER 1, 2003 AS AMENDED.

It was MOVED by Selectman Connolly and SECONDED by Selectman Baschnagel to approve the minutes of December 15, 2003 as amended. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF DECEMBER 15, 2003 AS AMENDED.

6. ADMINISTRATIVE REPORTS

Ms. Griffin reported on staff's continued efforts to draft a proposed budget for the coming year. She also advised of a scheduling change for the Selectboard's second January meeting. It was moved from January 26, 2004 to January 19, 2004 to allow proper notification of a public hearing that will be scheduled in February relative to municipal broadband issues.

7. SELECTMEN'S REPORTS

Peter Christie

Mr. Christie reported on a Senior Citizens Steering Committee meeting he attended and of their discussion of the increasing number of people participating in the programs at the Richard W. Black Community/Senior Center. He said that an Affordable Housing Commission meeting was being held simultaneously with the current Selectboard meeting. They were to discuss activities on Grasse Road associated with Dartmouth's Phase III project. Mr. Christie reported that the Recycling Committee was waiting for additional information and was studying various recycling options relative to the colored glass issue. The Finance Committee continued its review of the proposed school budget.

Katherine Connolly

Ms. Connolly reported on the Planning Board's continued review of the proposed middle school project.

Bill Baschnagel

Mr. Baschnagel reported on the Planning Board's continued review of Dartmouth's proposed expansion to Thayer. They also approved Dartmouth's proposal to expand and upgrade a soccer field on Chase Field. He also reported that the Parking & Transportation Board met and continued to press ahead investigating parking alternatives to the Thompson Arena lot.

Jay Pierson

Mr. Pierson reported that the Chamber of Commerce had met. He also reported that the Water Company was behind schedule in its engineering study.

Brian Walsh

Mr. Walsh reported that the Community Substance Abuse Advisory Committee met to discuss a State Law that would make it illegal for people to host a party at which alcohol is consumed by underage people or drugs are consumed. The Committee also discussed the possibility of hosting a town wide forum in the spring to look at the results of the Youth Risk Behavior Survey. Mr. Walsh said that the Town Meeting Taskforce had met twice and was coming together.

8. OLD BUSINESS

CATV Broadcasts

Selectman Walsh asked what was needed to have the Selectmen's meetings broadcast live. Town Manager Griffin explained that there was a problem with the connection between Town Hall and the High School that resulted in poor sound quality for live broadcasts. She said CATV had tried to work with Adelphia but there has been no answer from either party as to what is causing the problem. Mr. Walsh asked that staff pressure Adelphia to remedy the situation and that tests be conducted to see if live broadcasts could be done from the Richard W. Black Community/Senior Center. If so, he suggested that the budget hearings be held there and broadcast live. Selectman Connolly noted that live broadcasts were done from Town Hall in the past without the sound problems; the technology was there. Winnie Stearns, of 5 Dorrance Placed, asked that the Town provide a schedule when the recorded meetings would be rebroadcast. Mr. Walsh asked to have the CATV schedule added to the Town website. Ms. Griffin said she would ask that CATV and Adelphia representatives attend the next Selectboard meeting to discuss this issue.

Polling Hours

Selectman Baschnagel announced that he would not be able to man polling hours at the January 27, 2004 Primary. The coverage schedule was changed as follows:

7:00 – 10:00	Selectman Pierson	1:00 – 4:00	Selectman Walsh
10:00 - 1:00	Selectman Christie	4:00 – 7:00	Selectmen Connolly & Pierson

Selectman Walsh will return at 7:00 pm to certify the votes

Solid Waste Symposium

Selectman Connolly announced that the Upper Valley Lake Sunapee Regional Planning Commission would be hosting a symposium on solid waste at Colby Sawyer on January 21, 2004.

9. **ADJOURNMENT**

It was **MOVED** by Selectman Baschnagel and **SECONDED** by Selectman Pierson to adjourn the meeting. **THE SELECTMEN VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:42 PM.**

SUMMARY

1. It was **MOVED** by Selectman Walsh and **SECONDED** by Selectman Connolly to approve the Prouty request for July 1st to 10th and to encourage the Prouty staff to talk to the Howe Corporation to negotiate time in June. **THE SELECTMEN**

VOTED UNANIMOUSLY TO APPROVE THE PROUTY REQUEST FOR JULY 1ST TO 10TH AND TO ENCOURAGE THE PROUTY STAFF TO TALK TO THE HOWE CORPORATION TO NEGOTIATE TIME IN JUNE.

2. It was **MOVED** by Selectman Christie and **SECONDED** by Selectman Pierson to appoint Jack Wilson to the Recycling Committee. **THE SELECTMEN VOTED UNANIMOUSLY TO APPOINT JACK WILSON TO THE RECYCLING COMMITTEE.**
3. It was **MOVED** by Selectman Connolly and **SECONDED** by Selectman Pierson to approve the minutes of December 1, 2003 as amended. **THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF DECEMBER 1, 2003 AS AMENDED.**
4. It was **MOVED** by Selectman Connolly and **SECONDED** by Selectman Baschnagel to approve the minutes of December 15, 2003 as amended. **THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF DECEMBER 15, 2003 AS AMENDED.**
5. It was **MOVED** by Selectman Baschnagel and **SECONDED** by Selectman Pierson to adjourn the meeting. **THE SELECTMEN VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:42 PM.**

Respectfully submitted,



Peter Christie, Secretary

These minutes were transcribed by Beth Rivard.