



Minutes

NORTH HAMPTON PLANNING BOARD Work Session Monday, September 15, 2003

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These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription. An audio recording of the meeting is available in the Town Office. In the event that a question arises about verbatim comments, it can be answered by listening to the recording.

Attendance

Present: (1) Phil Wilson, Chair; (2) Ron Todd, Vice Chair; (3) Joseph Arena; (4) Shep Kroner (5) Don Gould; (6) Judy Day; (7) J. Landman, Selectperson; (8) Laurel Pohl, Alternate; (9) Krystina Deren Arrain, Recording Secretary/Planning & Zoning Administrator

Absent: (1) Beth Church, Alternate; (2) Richard Place, Alternate

Mr. Wilson called the meeting to order at 7:04 PM. He welcomed Ms. Landman back to the Planning Board as the Selectman's representative following the departure of Mr. Hines.

Items Considered

Other Business/General Correspondence

Mr. Wilson announced that PSNH although posted on the agenda would be rescheduled for their presentation on October 7, 2003.

Minutes from prior meetings

Minutes of the August 26, 2003 Work Session Meeting

During the review of Mr. Wilson's edits Mr. Peter Simmons commented that there were errors in the minutes that he wanted corrected, first noting his correct address is 29 Ocean Boulevard. He further stated that the minutes were not accurate. Mr. Wilson added that Mr. Simmons could submit an addendum of his proposed corrections. Mr. Simmons asked that the minutes include both the audio tape and the video. Mr. Wilson stated that minutes are a reasonable summary not a transcription.

Mr. Todd moved and Dr. Arena seconded the motion to accept the minutes as amended. The vote was 4-0 with 3 abstentions because they were not present at the meeting.

Mr. Gould requested that "*Attachment A – Statement of Donald Gould concerning the use of a double standard in approving planning board minutes and the inappropriate use of planning board meetings and minutes to advance personal and political agenda*" be made a part of this record.

Following Mr. Gould's statement, Dr. Arena commented that the Board can and should not become involved with politics and should address only the town's business and conduct itself in an a-gender, apolitical fashion. Ms. Day stated that she had made efforts to use the microphone but still had difficulty hearing the meeting's proceedings. Ms. Pohl stated that she continues to stand by her statement.

John Anthony Simmons, 54 Walnut Avenue, commented as an individual and not representing the ZBA, that comments in reference to him in the minutes needed clarification. He referred to a conversation between he and Mr. Wilson regarding potential zoning ordinance revisions. Mr. Simmons commented that a note is forthcoming regarding a joint meeting. He cautioned about the two boards meeting and getting involved in the area regarding making zoning policy. Mr. Simmons stated that the purpose of any potential meeting between the two boards would be to share information in the spirit of cooperation. Mr. Wilson agreed that the ZBA's input is valuable especially in the area of helping to eliminate redundancies. Mr. Wilson suggested that the ZBA create a list of suggestions and submit it to the Planning Board. Dr. Arena commented that he felt a meeting between the two boards would provide better results than any written comments. He suggested meeting with the ZBA more often to discuss common interests.

Ms. Arrain commented that although she had accepted Mr. Wilson's apology, she was disappointed that it took three weeks to receive it. She added that since the August 5th meeting numerous individuals in the audience at that meeting, expressed their disappointment and shock in both Mr. Wilson's and the Board's behaviour toward Ms. Arrain. She stated that she was hopeful that the issue was resolved and no further incidents would occur in the future. Dr. Arena expressed support for Ms. Arrain's contribution and professionalism in her performance of duties for the Board.

Peter Simmons questioned why Ms. Day was in attendance, when she has resigned from the Board. Ms. Day said she had not resigned but only that she would not attend meetings until the legal question Mr. Wilson had put to Town Counsel was answered. Mr. Wilson reported that after a delay of more than five weeks, Town Counsel had rendered the opinion that meetings could proceed without videotaping.

Mr. Terry Mackin, 2 Spruce Meadow Drive, commented that he was upset with the manner in which the meeting had been conducted and suggested that the Board move away from politics and return to the agenda items.

Minutes of the September 2, 2003 Regular Meeting

Mr. Wilson stated that review of the minutes would be deferred until the October work session.

Pre-Concept Presentation/Review for Jiffy Lube Center at 27 Lafayette Road by Joe Pandolfo, Transaction Associates/Pandolfo Company.

Mr. Pandolfo explained that he had recently been before the Board requesting an extension of the conditional approval for Transaction Associates. He indicated that Transaction Associates was interested in working with Mr. Pandolfo's company to build a Jiffy Lube Center in place of the approved site plan granted to Transaction Associates. Mr. Pandolfo further explained that he expected to be able to convince Pro Wash not to build an oil center if Mr. Pandolfo would not

build a carwash. Hence, Mr. Pandolfo came to the Board, asking for a sense of the Board, if he could build a Jiffy Lube Center, using the same footprint as that of the Transaction Associates lube center.

Mr. Wilson initially commented that Mr. Pandolfo's request could necessitate a re-design of an approved plan. Mr. Todd voiced a similar opinion. In answer to these statements, Mr. Pandolfo emphasized he did not want to change anything, with the exception of the architecture in an effort to meet the new architectural/appearance standards recently adopted by the Board. Mr. David Baxter, Grubb & Ellis, inquired if Mr. Pandolfo has permission to build the oil lube center portion only. Mr. Gould commented that he felt it would be possible with some minor changes that would necessitate an updated review. Ms. Landman commented that different tenants have different requirements and his approval is not carte blanche.

Mr. Wilson questioned the future of the remaining phase/s of the project. Mr. Mackin [Seacoast Village Mall] expressed his frustration at the dirt mound at 27 Lafayette Road. He commented that he submitted complaints to both the Building Inspector and the Board of Selectmen but nothing had been done to remedy the eyesore and traffic hazard that the mound created.

Mr. Pandolfo reiterated that he has a plan and wants to move forward which would alleviate Mr. Mackin's issues and concern. Mr. Todd reiterated his concern that approving Mr. Pandolfo's change in the approved site plan is inappropriate because it is contrary to the site plan and feels an updated site plan review is required. Mr. Pandolfo commented that he wanted to avoid going through a new site plan review. Mr. Mackin agreed that a new site plan review is warranted.

Mr. Wilson noted that a phased development would be favorable but noted that a public hearing is required for abutter notification and inputs as well as other information. Ms. Landman questioned if a Special Exception runs with the land. Mr. Gould confirmed that it does run with the land. When Mr. Pandolfo asked if he could reduce the lube center from 3,000 sq. ft. to 2,000 sq. ft., Ms. Landman responded that if the structure changes, then he would have to return to the ZBA for reconsideration. Mr. Wilson suggested that Mr. Pandolfo maintain the building dimension, but change the architecture appropriately.

Ms. Landman and Dr. Arena both questioned the signage requirement. Mr. Pandolfo noted that he will follow the signage ordinance requirement as well as the architecture/appearance standard. Mr. Kroner suggested that both the RPC and the NHMA review the application. Mr. Pandolfo commented that he would re-submit a modified plan. Mr. Mackin inquired about the fate of the dirt mound. Mr. Pandolfo stated that in the interest of showing his commitment and cooperation, he would, at his own expense, have the mound levelled and spread across the property. He noted that he was not currently in a position where he could remove the material.

Dr. Arena moved and Ms. Day seconded the motion to extend the filing date for Mr. Pandolfo's application until Friday, September 19, 2003 and that his application would be considered at the October 7, 2003 meeting.

The vote was unanimous (7-0).

Discussion of Work Plan for the Board for the Remainder of the Year.

Mr. Kroner referenced the work he and Ms. Day had completed in compiling the work plan. He referred to a work sheet grid that listed the following items as potential work items:

1. Final review of change of use
2. Service station/gas station
3. Sign ordinance
4. Lighting standards
5. Water resource protection
6. Condominium ordinance
7. Mobile home zoning vagueness
8. Shared driveway ambiguity

Mr. Gould cited the September 9, 2003 NHMA letter to Mr. Hines, Board of Selectmen Chairperson, calling attention to SB95 that stated that North Hampton violates affordable multi-family housing requirements. The letter further notes that the Town is responsible for planning for affordable housing. Mr. Gould was concerned that NH Legal Assistance cited the Town for non-compliance. Both Mr. Kroner and Mr. Wilson commented that the Town maintains from 18%-26% affordable housing. Mr. Gould commented that the letter cites multi-family housing. Mr. Wilson agreed that the Board should address affordable housing and determine how that could be accomplished. He noted that manufactured housing is a possible solution. Mr. Gould suggested addressing this issue as an agenda item so that the Board can fully address and study the issue.

Dr. Arena stated that he resents the state's interference in the town's business, stressing that the Town is addressing affordable housing. Mr. Wilson asked for a prioritization of the list as presented by Mr. Kroner.

Dr. Arena expressed concern about the excess of auto dealers and suggested limiting them and encouraging other types of businesses. Mr. Gould suggested that the Board address reviewing Section 405. Specifically he felt the Board should fine-tune the "Permitted and Special Exception" uses. He supported Dr. Arena's position on the excess of auto dealers. Mr. Kroner added that since NH does not have a "Lemon Law" NH is a mecca for used car dealers with rejected cars brought in from states that have a "Lemon Law." Ms. Landman requested that Mr. Wilson request additional information from both the RPC and NHMA.

After taking a poll of the members, Mr. Wilson stated that the following three issues received the higher priority:

1. Section 512 Ordinance
2. Affordable Housing
3. Section 405--Permitted Uses / Special Exception

Mr. Wilson entertained a motion to adjourn.

**Dr. Arena moved and Mr. Kroner seconded the motion to adjourn.
The vote was unanimous (7-0).**

Meeting adjourned at 10:11 PM

Respectfully submitted,

Krystina Deren Arrain
Recording Secretary

Enclosure: Attachment A: Submitted by Donald Gould

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STATEMENT OF DONALD GOULD CONCERNING THE USE OF A DOUBLE STANDARD IN APPROVING PLANNING BOARD MINUTES AND THE INAPPROPRIATE USE OF PLANNING BOARD MEETINGS AND MINUTES TO ADVANCE PERSONAL AND POLITICAL AGENDAS

Mr. Chairman, at the August 5 meeting of this Board, our recording secretary made a simple request to this Board for an accommodation of her needs. She asked that members speak into their microphones so she could hear their comments. By and large, all of you ignored her request and she constantly had to ask members to repeat themselves. Perhaps that conduct can be explained away as forgetfulness or microphone shyness, but the conduct of the Chair can only be characterized as rude, condescending and hostile.

I refer to the Chair's curt reply to our secretary's request. To that reasonable request by a Town employee, Chairman Wilson said: "Frankly, I don't care." Then he added "I'm not going to play microphone all night." Finally, he dramatically pulled back a chair beside him and directed our secretary to sit beside him. Understandably, she declined.

A number of people present that night later commented that the Chair's conduct was rude and shocking.

The draft minutes of that meeting, which were reviewed at the work session on August 25, contained a reference to the exchange between our secretary and the Chair; but the Board voted to delete all references to this incident and offered no explanation why it did so.

This refusal to acknowledge and record an actual event stands in stark contrast with the Board's action in July by unanimously approving the inclusion into our minutes of a two page statement authored by Planning Board Alternate Laura Pohl in which she claims to set the record straight about comments allegedly made by Selectman Hines.

In fact Ms. Pohl's statement is a thinly disguised political screed which repeatedly accuses the two male Selectmen of a litany of unprofessional and illegal conduct. For example, her statement contains accusations of:

- Knowing Distortions
- Presentation of false statements
- Illegal manipulation of funding sources
- Use of illegal processes
- Disregard of Warrant Articles
- Disregard of state statutes
- Defamatory remarks; and
- Damage to the reputations of three women office holders.

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In addition to this indictment claiming thuggish behavior by two elected selectmen, Ms. Pohl added yet another of her now common charges of sex discrimination. The last sentence of her statement reads and I quote:

"The fact that the victims of Mr. Hines conjectures are all females should not be ignored." In other words, we see and hear yet again another wholly unfounded but all too familiar charge of sexual harassment and creation of a hostile work place environment in North Hampton.

Disturbingly, the Board embraced Ms. Pohl's trumped-up allegations and willingly made them a part of the record of Planning Board proceedings. But a month later when our secretary recorded the undeniable fact of hostile and demeaning treatment of a female employee by a male elected official, the Board quickly and quietly covered it up by striking the reference from the minutes.

In striking the reference to the Chair's inappropriate conduct the Board applied a double standard. Namely that it is permissible for certain persons to make claims of gender discrimination and hostile work environments; but it is not permissible for others to do so. I could speculate about the reasons for the double standard, but I decline to do so now. Instead I merely point out that there seems to be some hypocrisy at work here.

Not only am I concerned about the application of a double standard, I am deeply troubled by these continuing accusations of gender discrimination. Accusations like these are intentionally calculated to inflict damage on the reputations of elected Town Officials and they do inflict damage to their reputations. It is unfortunate enough that a few of our female Town Officials constantly raise the specter of gender discrimination to advance their political and personal agendas; but it is unacceptable and highly improper for the Planning Board to permit itself to be used as a forum for this type of divisive political activity.

In closing Mr. Chairman, I am respectfully requesting that this Board develop and adopt a clear and consistent policy concerning the types of statements which will be permitted to be included in the official records of our proceedings – and that such a policy make clear that the Planning Board Minutes are not to be used for attacks on other public officials or to advance political careers. The Planning Board is a forum for land use planning and consideration of applications for site plans and subdivisions. It is not and should never be a forum for political aspirants who believe the road to political success is through character assassination. Mr. Chairman, it's time to nip this disturbing trend in the bud!

Thank you!