



Minutes

NORTH HAMPTON PLANNING BOARD Work Session Tuesday, January 18, 2005

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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

Attendees: (1) Phil Wilson, Chairman; (2) Shep Kroner, Vice-Chairman; (3) Joseph Arena; (4) Judy Day; (5) Jon Rineman, Selectman Representative to the Planning Board; (6) Craig Salomon; (7) Ron Todd; (8) Jill Robinson, Circuit Rider/RPC; and (9) Amy Kane, Recording Secretary *pro tem*. Members Absent: (1) Beth Church, Alternate; (2) Laurel Pohl, Alternate.

Mr. Kroner called the meeting into session at 7:00 PM.

Items Considered

Request for bond reduction, PCI Realty North LLC/Pandolfo Co., Case #05-01

Mr. Kroner said that the request for the bond reduction was not for a release of bond. He said Board members received a copy from Roger Roy listing items still requiring completion, most of them weather-related, such as landscaping work. Mr. Kroner said the Board should determine whether it would reduce the bond, which was \$94,470. The reduction requested was \$75,000, which would make the remaining amount \$19,470.

Mr. Wilson noted that in the applicant's plan set submitted to the Board the existing conditions plan showed an old stonewall along Cedar Road, which has been removed during construction. Mr. Wilson said it was a "tumbledown" stonewall similar to the one on the Blake property across the street. The Board required Blake to rebuild or replace, which they did. He said the Pandolfo group might not have realized the wall was of any value. Mr. Wilson suggested that before the bond was released the Board should decide whether to require restoration or rebuilding, or let it go.

(Mr. Salomon arrived at this time.)

Mr. Todd noted that the first correspondence, which was from Mr. Pandolfo, had requested a reduction to the amount of \$25,000. He suggested that additional money be set aside for the rebuilding of the stonewall. Mr. Wilson said he was not sure the issue of the stonewall had ever been raised with Mr. Pandolfo or Mr. Roy. Mr. Rineman asked if there was room left to reconstruct a wall. Mr. Wilson said yes, there was green space there.

Mr. Kroner said there had been concerns about the lighting, which, due to placement, was glaring down South Road. Mr. Kroner mentioned to the building inspector that he did not believe the lights met the Board's specifications. Mr. Kroner said it appears that the security lights have been changed to a lower wattage to make them less bright. He said he was not sure if they met the Dark Sky Standard. Mr. Wilson said they do not meet the Dark Sky Standard because they cast light upward.

Mr. Arena asked if the wall was of significance to the property survey. Mr. Wilson said it probably was not, as it was along the right of way of Cedar Road. Mr. Wilson said the wall had been between 60 and 80 yards long and in a degenerated condition that made him wonder whether the Board should bother to have it restored. The Board had not mentioned the wall to Mr. Pandolfo as something that should be retained, removed or maintained, said Mr. Wilson.

Mr. Arena noted that the trend in New England was to preserve stonewalls. Mr. Wilson said he thought there was an RSA that prevented stonewall removal from scenic roads, and that every road in North Hampton had been designated a scenic road.

Mr. Todd said that if the Board had concern about the stonewalls, there should be adjustment to the request amount to take that into account, or not be concerned about it. Mr. Kroner asked if this Board could determine an amount. Mr. Wilson said they could recommend to the Board of Selectmen that they reduce it by a specified amount.

There was discussion about how a rock wall would be determined to be worth saving, and the designation of scenic roads. Mr. Wilson said that the town had voted in the past that all eligible roads in town were "scenic". Ms. Robinson referred to the RSAs and said that if it was designated a scenic road, trees cannot be cut or stone walls removed without prior written consent of the Planning Board.

Ms. Day noted that Blake Mitsubishi is close to this lot and the Board required them to restore a stonewall. Mr. Salomon said he thought it might have had significance as a boundary. Mr. Arena said that because it had been depicted on the site plan the Board had assumed it would not be disturbed in any way. Also, stonewalls were part of the New England picturesque scene. Ms. Robinson said that if it was a boundary wall, there was a different RSA that limited removal or alteration. Mr. Rineman asked if the Board wanted to see a loose rock wall returned to the site. Mr. Kroner said he would suggest a bond reduction of \$60,000 rather than \$70,000.

Mr. Wilson moved and Ms. Day seconded the motion that the Board recommends to the Board of Selectmen a reduction in the bond by \$60,000.

Mr. Todd asked for a clarification. The request was for \$70,000 and the Board was authorizing \$60,000? Mr. Wilson said yes, it would give the Board \$34,000 with which to work. There was discussion about the cost of replacing the wall; the Board agreed no one knew the precise cost. Ms. Robinson asked if it would be useful to ask the town engineer how much it would cost to

replace a 100-foot wall. Mr. Salomon said the existing conditions plan showed the wall but he asked if the site plan also showed it. Mr. Wilson said he believed it was there but was not certain. The Board agreed it felt more comfortable checking the approved site plan and contacting the engineer, putting off the request for two weeks until the next scheduled meeting.

Mr. Salomon moved and Mr. Todd seconded the motion to table Mr. Wilson's motion to the next meeting. *Vote was unanimous (7-0).*

Mr. Wilson said he would review the plans. Mr. Kroner said he would notify the applicant of the delay.

Scope of Work Detail for the Municipal Complex Architectural Warrant Article

Mr. Kroner said he put this item on the agenda because this article would be on the ballot and the scope should be laid out and discussed at some level. Ms. Day said that at the Budget Committee Public Hearing the article was amended to include a scope of work, which they understood the Planning Board also wanted to see developed. Mr. Arena said that the Planning Board was in favor of the scope of work and delineation of work for the architectural study, but that the Municipal Facilities Advisory Committee sidestepped the Planning Board and went to the selectmen to get the article on the warrant. He felt it should have come back to the Planning Board to be discussed and moved accordingly. Mr. Arena said he was not in favor of expending the \$75,000. Mr. Todd said that in the last work session the Board said that its endorsement of this article was dependent on seeing the scope of work and deciding it was adequate. Mr. Salomon noted that someone was supposed to bring it to the Planning Board.

Mr. Wilson shared information about PlanNH, a program organizing design assistance for New Hampshire projects. If the town applies and is chosen as one of the three communities that year, it costs just \$2,500 for a weekend of intensive design work in collaboration with the community and various Boards by architects and engineers working pro bono. Mr. Wilson suggested the town compete for this. Mr. Kroner said he felt the MFAC had done a lot of work and had good reasons and data to support the warrant article. Ms. Day noted that the MFAC had not asked to create the article, the Selectmen had written it. She said she was not opposed to cost saving and PlanNH information could be passed along to the Selectmen.

Mr. Wilson said PlanNH could take the work the MFAC has already done and give a good starting point as well as engage the community in looking at the four alternatives and then refine the scope of work to go along with the architectural study. It would then be a clearer message to the architect about what the town wanted, rather than a broad study as Dennis Mires had done and failed to deliver results on. Ms. Day said she believed the town did get what Mires promised to do, and that architects are expensive. She said the 6 months of MFAC meetings has resulted in delineating the options and she did not want to go through the process all over again. Mr. Arena said it was illegal for the BOS to come up with article without the Planning Board. Ms.

Day said she tried to present the material many times and offered to meet with members and explain.

Mr. Todd said that the MFAC had not scheduled enough time to explain the warrant article, and therefore the planning boards concerns about the architectural study warrant article had not been properly discussed by the planning board. He thought the Chair of the MFAC has said that the Selectmen were not going to go forward with the article unless they had the support from the Planning Board. There was discussion about the Mires report. Mr. Todd said from what he had seen so far the scope of work was not adequate to justify spending \$75,000.

Mr. Kroner said the article would be on the ballot and that this sort of article would not show Planning Board recommendation beneath it. Mr. Todd said he thought that the Planning Board should go on record, in that case, as supporting the article or not, and get that information out to the voters. Mr. Salomon said that his motion in the last Work Session indicated that the Planning Board would support the article provided they saw a scope of work and determined that it was appropriate. He noted that the warrant article was conditionally endorsed but that he did not feel the conditions had been met.

Ms. Day said the Selectmen had a schedule to meet. She said she thought they were not required to develop the entire scope of work until the Deliberative Session and it would go with the article as an appendage. She said the Selectmen simply have not had the time or meetings yet to do the work. At this point, the Selectmen were looking for input from the Planning Board in order to develop the scope the best way they can, said Ms. Day, and that is why she was asking the Board for input.

Mr. Salomon asked if there would be another Work Session before the Deliberative Session. Mr. Kroner said no. Mr. Salomon suggested scheduling another Work Session to give the Board of Selectmen working with the MFAC an opportunity to develop and show the Planning Board the scope of work so they could vote on it. Mr. Arena said that the modus operandi was still wrong; the MFAC is a subcommittee of the Planning Board. He urged a vote be taken that night to see where Board members stood. He asked what was the rush to spend the money.

Ms. Day said she hoped the Board would give feedback on what they would consider an appropriate scope of work now rather than wait until it was brought before the Board and then say it was not what the Board was looking for. Mr. Wilson said he did not think that was appropriate, and likened it to an applicant asking for feedback before coming before the Board. Ms. Day said it was okay to give feedback in a public meeting, all together.

There was discussion about the scope of work Rich Goeselt, Library Trustee, had begun to develop. Mr. Wilson said he felt the warrant article was rushed; the information should be further distilled and more specific directions given to the architect.

Mr. Salomon said the Board needed to see what the Selectmen considered an appropriate scope of work first. He said he felt there were two choices that evening: the Board could determine

whether they supported, opposed or took no position on the warrant article; or they could schedule a special meeting just for this issue, requesting a scope of work from the Selectmen be presented at that meeting. Mr. Salomon said he would prefer the special meeting.

Ms. Robinson said PlanNH could be used in tandem with the scope and the MFAC report to further direct the architect. Mr. Rineman noted that even if the article passed, the money would not be available until July. If the town could be one of the three PlanNH towns it could help the process. He reviewed the process so far and said it had been confusing. Ms. Day urged Board members to review the MFAC material. There was discussion of the tax increase and percentage increase in proposed budgets of town and school.

Mr. Salomon suggested the Planning Board convey to the Board of Selectmen, and to the public through a letter to the editor, that it does not endorse the warrant article because it lacks an adequate scope of work. After discussion, the Board decided to schedule another meeting instead. There was discussion of available dates. Mr. Rineman noted that a Selectmen's meeting was scheduled for Monday and the scope could be put on the agenda.

Mr. Salomon moved and Ms. Day seconded the motion that the Board hold a special meeting on Tuesday, Jan. 25 to review the scope of work for the municipal complex architectural warrant article to be presented by the Board of Selectmen. *Vote was unanimous (7-0).*

There was discussion of how quickly the scope could be prepared. Mr. Wilson asked if it was important that the scope be completed and endorsed before the Deliberative Session on February 5 or whether it could occur sometime before the March election. He suggested also the application for PlanNH be sent. Ms. Robinson also noted that if the article passes there is no requirement it were spent immediately.

There was discussion about how the number \$75,000 was decided. Ms. Day said it was an architect's estimate, but the Selectmen could get other bids. She said alternatives had been suggested at the MFAC. There was a discussion of urgency, priority, and the condition of town buildings. Repairs will cost more if the town waits, said Ms. Day. Also, it is a matter of what the town wants and it should go to a vote. Mr. Arena said he did not see the urgency. Mr. Todd requested information on why it is important and urgent, to be presented Tuesday.

Mr. Wilson said he would work with Ms. Robinson to collect material for the PlanNH application, due February 17. Selectmen would have to authorize the \$2,500, said Wilson. Mr. Rineman said he would bring it to the Selectmen.

Consideration of Minutes

Minutes of the September 20, 2004 Work Session Meeting

Mr. Wilson moved and Mr. Rineman seconded the motion to approve the minutes as amended. The vote was 6-0 with Mr. Kroner abstaining.

Minutes of the October 5, 2004 Regular Meeting

Mr. Wilson moved and Mr. Rineman seconded the motion to approve the minutes as amended. The vote was 6-0 with Ms. Day abstaining.

Minutes of the October 12, 2004 Site Walk

Mr. Todd moved and Mr. Wilson seconded the motion to approve the minutes. The vote was 5-0 with Mr. Arena and Ms. Day abstaining.

Minutes of the October 18, 2004 Work Session

Mr. Wilson moved and Mr. Arena seconded the motion to approve the minutes as amended. The vote was 5-0 with Mr. Rineman, Mr. Todd and Mr. Salomon abstaining.

Minutes of the November 2, 2004 Regular Meeting

Mr. Salomon moved and Mr. Wilson seconded the motion to approve the minutes as amended. The vote was 6-0 with Mr. Rineman abstaining.

Minutes of the November 15, 2004 Work Session

Mr. Wilson moved and Mr. Todd seconded the motion to approve the minutes as amended. The vote was 7-0.

Minutes of the December 7, 2004 Regular Meeting

Mr. Wilson moved and Mr. Todd seconded the motion to approve the minutes as amended. The vote was 7-0.

Mr. Rineman excused himself at this time.

Minutes of the December 15, 2004 Work Session

Mr. Todd moved and Mr. Arena seconded the motion to approve the minutes as amended. The vote was 5-0 with Ms. Day abstaining.

Minutes of the December 20, 2004 Special Work Session

Mr. Salomon moved and Mr. Wilson seconded the motion to approve the minutes as amended. The vote was 5-0 with Mr. Arena abstaining.

Minutes of the January 4, 2005 Regular Meeting and Public Hearing

Mr. Wilson moved and Ms. Day seconded the motion to approve the minutes as amended. The vote was 5-0 with Mr. Todd abstaining.

Other Business

Mr. Kroner said members should have copies of Planning Principles for New Hampshire. He asked members to read through and offer comments by the middle of the next month.

Mr. Kroner said Ms. Robinson had been contacted by an engineer asking whether the Board would consider waiving the cul-de-sac requirement specifying a loop at the end with one buildable lot at the center.

Ms. Day requested feedback at the next meeting concerning the addition of MFAC information to the Master Plan.

Adjournment

Mr. Arena moved and Mr. Wilson seconded the motion to adjourn. *The vote was unanimous (6-0).*

The meeting adjourned at 10:36 PM

Respectfully submitted,

Amy Kane
Recording Secretary, *pro tem*