

TOWN OF RYE – BOARD OF SELECTMEN
Friday, April 17, 2020
1:00 p.m. – via ZOOM

Selectmen Present: Chair Phil Winslow, Vice-Chair Keriann Roman; Selectman Bill Epperson

Library Trustees Present: Chair Jeff Ross, Karen Oliver and Victor Azzi

I. Reading of Attestation

As chair of the Rye Board of Selectmen, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are providing public access to the meeting by telephone, with additional access possibilities by video and other electronic means. We are utilizing Zoom for this electronic meeting. All members of the board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by clicking on the following website address: www.zoom.com ID #925-0351-8134. Password: 387017

Public notice has been provided to the public for the necessary information for accessing the meeting, including how to access the meeting using Zoom telephonically. Instructions have also been provided on the website of the board at: town.rye.nh.us go to the Board of Selectmen page and click on the agenda for this meeting.

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Roll call attendance of select board:

- Phil Winslow
- Keriann Roman
- Bill Epperson

II. Call to Order and Pledge of Allegiance

Chair Winslow called the meeting to order with the Pledge of Allegiance at 1:10 p.m.

III. Discussion

a. Parsonage Subdivision Lot Lines

A drawing showing the Library and Parsonage properties was presented on the screen for review during the meeting.

Chair Winslow asked the Library Trustees to describe what they would like the library entrances to look like; both walking south towards the building and west from Washington Road.

Jeff Ross, Library Trustee Chair, stated that the Trustees researched the history for the existing property lines that are between the Library and the Parsonage. It seems they were set when the library expanded. The Town purchased the Parsonage property largely for the purpose of expanding the library. It was pretty much decided that the library should use as much or as little of it necessary to expand. The sidewalk along the edge of the parking lot and the sidewalk in front, coming from Washington Road, kind of establish the property lines that were established in 1998 when the expansion was completed. It is the Library's goal and desire that the property lines that are established for the swap of the Parsonage would reflect what is there now, as closely as possible.

Chair Winslow asked what the Trustees would like the entryway to the library to look like.

Mr. Ross explained that what is there now along the parking lot is what the Trustees prefer. They do not want to see a lot of changes there. The current landscaping design from the bollard lights to the trees is fitting and appropriate. Along the sidewalk to Washington Road, they would be happy to see that opened up. The arborvitaes and Cedar trees are very close to the walkway and it is not very inviting or accessible. The Trustees are very interested in predominantly preserving the lines and creating something fresher and newer along the Washington Road sidewalk.

Referring to the arborvitaes along the west side of the Parsonage, Selectman Epperson asked if those were planted because the Library did not want to see the building, due to its condition, or was it a way to create delineation between the properties.

Karen Oliver, Library Trustee, replied there had always been a fence there; however, it began to be in disrepair and the Trustees looked into replacing the fence. She imagines the arborvitaes were put there as a view shield because after the fence came down, there were some views that the Library was not particularly thrilled about. It was felt that planting some trees in that area as a screen would pay off, instead of putting in a new fence.

Victor Azzi, Library Trustee, commented that the drawing on the screen is not representative of today's existing conditions. There is a row of arborvitaes that were planted within the last two years. They were planted between the set of mature trees that were already there, which were associated with the expansion of the library. There was a fence erected alongside where the trees were planted. That fence was part of the design and construction of the expansion of the library with an entrance coming in from Old Parish Road, as it exists now. The fence existed on the property from the time of the expansion. The Library Trustees were led to believe that The Housing Partnership would share in the upkeep of that fence. The fence came in to disrepair and needed to be replaced. The Housing Partnership did not want to participate, so the Library Trustees decided that more vegetation would be better to separate the library use from the Parsonage use. That line is the line of separation between the uses that has existed for approximately the last twenty-five years.

Vice-Chair Roman stated that she requested this meeting to discuss with the Board and the Library what they will be proposing to Dan Philbrick. (Vice-Chair Roman reviewed the proposed property lines that were drawn on the plan and photograph presented on the screen to the group.) She explained that if they can get an agreement about where the property line should be, they can then discuss the "buffer" area and work out a legal agreement with an easement or covenant to protect the landscaping.

Referring to the drawing on the screen, Mr. Azzi stated it shows the main entrance to the library. In looking at the wall of vegetation that Altus Engineering put on the drawing, it puts that row of vegetation almost directly along the center line of the entrance to the library. The entrance can hardly be seen from Old Parish Road. There needs to be a wider view line from Old Parish Road to the entrance to the library to be welcoming. If the vegetative row was moved to the edge of the concrete walkway and vegetation was planted, there would hardly be a view from the road to the library. The Library was given the latitude to design the addition to use the land in a way that was conducive to its patrons and to accommodate a parking lot to get the parking off Washington Road. It was also the intent to have a demarcation of library uses on one side and the Parsonage on the other. He commented that to start with this drawing is not starting with the existing conditions. It is starting with someone's notion of where they would like the property line to be. He asked if there is another view of the existing conditions.

Mr. Ross asked the reason for moving the property line.

Vice-Chair Roman replied that she understands from some history that she has recently learned, there were some informal discussions about the Library having control over what they wanted to do and where the Parsonage property began. Because this was all under town ownership, there was no need to record or document that in any way. The Selectmen were not privy to that. In looking at this from a rationale perspective, it makes sense to draw the property line around the sidewalk. There is nothing more to it than that. She noted that they have to give +/- .4 acres. If the Library's primary concern is the view into the library, that can be protected and Mr. Philbrick can still get his .4 acres. The property line really only matters to Mr. Philbrick. Where the property line is does not matter to the Library because there can be a legally binding perpetual recorded document that protects the location of the arborvitaes. This can assure that there is

going to be a walkway view into the building. She pointed out that it does not matter where the line is, as long as there is a permanent easement that protects the view.

Referring to the drawings, Mrs. Oliver asked if there is anything about the location of the lines that would affect where the existing vegetative buffer would be in the future.

Vice-Chair Roman replied that without an easement, absolutely. (She reviewed the location of the vegetative area on the drawings for the group.) She commented that there will be a plan that will actually show the easement. Once the buffer area is defined, there can be discussion about what it is going to look like in that area. She reiterated that they should start with where the property line should be. She suggested that they have Mr. Philbrick give them a proposal of his ideas for that area and then craft what the easement should look like, as long as the Town or the Library maintains some control of the landscaping.

Mrs. Oliver clarified that it sounds like the Library, in effect, is giving up what is believed to be the existing property line but retaining control over that existing property line for what actually goes there. For the Library Trustees, it has to be something in the best interests of the Library and the public. There has to be some benefit to the Library other than just moving the property line.

Mr. Ross agreed. He noted this reflects the conversation the Library Trustees had at their last meeting when this was discussed. The Trustees are amenable to the lines for Mr. Philbrick's property being drawn somewhere in the vicinity of where they have existed, but they would like to have an easement or restrictive covenant to help manage what existed along the property line.

Chair Winslow stated they have a responsibility to the residents of the Town to try to work this out in the mutual interest of everybody. He would like to understand the Library's views and what they would like to have protected. He feels this has been clarified at this meeting. It would be the select board's marching orders to work this out with Mr. Philbrick.

Vice-Chair Roman pointed out that along the sidewalk for Old Parish Road, the easement would go just to the other side of where the tree growth is. From the entrance to Washington, that is an area she does not know how far in the Library would like to go.

Selectman Epperson asked if it would be possible to hold a site walk. They could still practice social distancing. He commented it would be easier to go out and take a look.

Mr. Azzi stated that in terms of what the separation is now and why it has been what it is, depends on what the purposes were, which was visual separation and functional separation, more than a delineation of property ownership. The concern grew over the years, particularly with the lack of maintenance and oversight of the Parsonage.

Mr. Ross stated that the property line does not matter as much as who controls it and what is put there, which would be solved by an easement or covenant. He commented that they need to do some work on a possible easement or covenant. He does not have a problem with where Vice-Chair Roman has proposed the property line.

Vice-Chair Roman stated she is on the same page as Mr. Ross. She would like to know the width of how much the Library would like to have “control” over. With regards to the entrance to Washington, she is not sure that Mr. Philbrick contemplated that the Library would want that. This may be new information to him, so she would like to be very clear about what the Library wants. With regards to the suggestion of a site walk, she does not want to have both boards do the walk because it would have to be a noticed meeting. She thinks only one Selectmen needs to walk the site and she will leave it to the Trustees as to how they would like to do it on their end. The site walk will show, from the Library’s perspective, how far in they would like to go. They will then have the location for the property line and the buffer. How that buffer will look should be made legal, so in ten years if the Library wants it to look different, it can be their call.

There was some discussion about the Selectmen having an initial meeting with Mr. Philbrick to layout the Library’s vision. After that time, discussion about the vegetation could be something the Library and Mr. Philbrick could meet on.

Mr. Ross stated that he would be fine with the Selectmen meeting with Mr. Philbrick. He summarized that the Selectmen would suggest where the property line should be and would express to Mr. Philbrick that the Library and the Town are going to want to put some restrictions about what can be done along the line. If Mr. Philbrick agrees, the details can be discussed in subsequent conversations.

Vice-Chair Roman stated that if Mr. Philbrick is not willing to do anything on the Washington Road side, that might be a time to suggest he meet with the Trustees to hear them out, as to why that is important.

The group agreed.

There was discussion on how to conduct the site walk. It was agreed that Vice-Chair Roman would meet with Mr. Ross and another Library Trustee to walk the site with a date and time to be set.

IV. Other Business
None

Adjournment

Motion by Bill Epperson to adjourn at 2:05 p.m. Seconded by Keriann Roman.
Roll Call: Bill Epperson – Aye; Keriann Roman – Aye; Phil Winslow – Aye
Motion passed.

Respectfully Submitted, Dyana Ledger