



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
NORTH HAMPTON SELECT BOARD

NOTICE OF PUBLIC MEETING
MONDAY, FEBRUARY 13, 2023

NORTH HAMPTON TOWN OFFICES
NON-PUBLIC SESSION
237A ATLANTIC AVENUE
6:00 O'CLOCK P.M.

NORTH HAMPTON TOWN HALL
REGULAR SESSION
231 ATLANTIC AVENUE
7:00 O'CLOCK P.M.

IF YOU HAVE A COMMENT, OPINION OR QUESTION DURING ONE OF THESE PORTIONS OF THE MEETING PLEASE DIAL IN TO 603-758-1447 OR EMAIL DIRECTLY TO JSUNUNU@NORTHHAMPTON-NH.GOV AND YOUR EMAIL WILL BE READ ALOUD DURING THE MEETING.

1. **Call to Order**

2. **Non-Public Session Pursuant to RSA 91-A:3 II (a)**

3. **Return to Public Session and Pledge of Allegiance**

4. **First Public Comment Session**

Public Comment is an opportunity for residents to ask questions, request information and make comments on issues facing the Town. Individuals will be given not more than three (3) minutes to speak, and people who have already spoken will be asked to wait until everyone has had the chance to speak once. The total time devoted to this agenda item is fifteen (15) minutes. Individuals who are not able to speak during the First Public Comment Session will be given first opportunity to speak during the Second Public Comment Session at the end of the Meeting.

5. **Consent Calendar**

5.1 Payroll Manifest of January 26, 2023, in the amount of \$115,532.59

5.2 Payroll Manifest of February 2, 2023, in the amount of \$87,317.04

5.3 Payroll Manifest of February 9, 2023, in the amount of \$210,036.62

5.4 Accounts Payable Manifest of February 2, 2023, in the amount of \$216,082.61

5.5 Abatement Recommendation

5.6 Elderly Tax Deferral

6. **Correspondence**
7. **Committee Update**
 - 7.1 Heritage Commission
 - 7.2 Water Commission
 - 7.3 Rails to Trails Committee
 - 7.4 Budget Committee
8. **Report of the Town Administrator**
9. **Items Left on the Table**
10. **New Business**
 - 10.1 Discussion of Cell Tower Project
 - 10.2 Update on Building Project
 - 10.3 Discussion of PFAS Remediation Grant
11. **Minutes of Prior Meetings**
 - 11.1 Approval of Minutes of Regular Meeting of January 23, 2023
 - 11.2 Approval of Minutes of Non-Public Meeting of January 23, 2023
 - 11.3 Approval of Minutes of Continued Public Hearing Meeting of February 2, 2023
12. **Any Other Item that may legally come before the Board**

The Board reserves the right to take action on any item relative to the prudential administration of the Town's affairs, which circumstances may require.
13. **Second Public Comment Session**

See Item 4, above
14. **Adjournment**

MICHAEL J. TULLY
TOWN ADMINISTRATOR

mtully@northhampton-nh.gov



MUNICIPAL OFFICES
237A ATLANTIC AVENUE
NORTH HAMPTON, NH 03862

TEL: (603) 964-8087
FAX: (603) 964-1514

TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
OFFICE *of the* TOWN ADMINISTRATOR

CONSENT CALENDAR

TOWN ADMINISTRATOR
MICHAEL TULLY

MTULLY@NORTHHAMPTON-NH.GOV



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NORTH HAMPTON, NH 03862

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FAX: (603) 964-1514

TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
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C O N S E N T C A L E N D A R

TO: SELECT BOARD
FROM: MICHAEL TULLY, TOWN ADMINISTRATOR
SUBJECT: CONSENT CALENDAR FOR SELECT BOARD MEETING 02/13/2023
DATE: 02/09/2023

The following actions are for the approval of the Select Board:

Consent Calendar

- 5.1 Payroll Manifest of January 26, 2023, in the amount of \$115,532.59
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- 5.3 Payroll Manifest of February 9, 2023, in the amount of \$210,036.62
- 5.4 Accounts Payable Manifest of February 2, 2023, in the amount of \$216,082.61
- 5.5 Abatement Recommendation
- 5.6 Elderly Tax Deferral

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mtully@northhampton-nh.gov



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NORTH HAMPTON, NH 03862

TEL: (603) 964-8087
FAX: (603) 964-1514

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OFFICE *of the* TOWN ADMINISTRATOR

CORRESPONDENCE

MICHAEL J. TULLY
TOWN ADMINISTRATOR

mtully@northhampton-nh.gov



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NORTH HAMPTON, NH 03862

TEL: (603) 964-8087
FAX: (603) 964-1514

TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
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COMMITTEE UPDATES

MICHAEL J. TULLY
TOWN ADMINISTRATOR

mtully@northhampton-nh.gov



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NORTH HAMPTON, NH 03862

TEL: (603) 964-8087
FAX: (603) 964-1514

TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
OFFICE *of the* TOWN ADMINISTRATOR

REPORT OF THE TOWN ADMINISTRATOR

Michael J. Tully
Town Administrator

Municipal Offices
233 Atlantic Avenue
North Hampton, NH 03862
mtully@northhampton-nh.gov
Tel: (603) 964-8087
Fax: (603) 964-1514



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
OFFICE of the TOWN ADMINISTRATOR

TOWN ADMINISTRATOR'S REPORT
FEBRUARY 13, 2023 SELECT BOARD MEETING

REPORTING PERIOD

The reporting period is from January 24, 2023 through February 9, 2023

Finance

Financially we are running at 40% of the budget remaining with 21 weeks remaining in the fiscal year.

Police

The department's newest officer, Dylan Spence, has passed his academy entrance physical fitness test and is ready to report to his first day in Concord on February 27th for 16 weeks of training.

Officer Kyle Manlow is collaborating with the North Hampton School to conduct an internet safety presentation at the cafeteria on February 15th.

The department is making progress on identifying those responsible for car breaks ins along Route 1 over the past few weeks. We urge the community to remain vigilant and report suspicious activity.

Fire

In the fire department, the recent arctic weather snap brought about some frozen pipe issues in residential homes in which the department responded to assist homeowners. There was no major damage caused to homes or businesses as were experienced in other towns in the region.

E-1 is currently *Out of Service* due to complex electrical issues resulting from a response to a fire that occurred at a flooded Hampton Beach neighborhood during the December 23rd storm. This storm, which caused serious flooding to roads and also resulted in multiple building fires in packed neighborhoods at Hampton Beach, exposed the Engine to saltwater as it was fighting the fire. The saltwater has caused these electrical issues as well as some corrosion that's being addressed. A claim has been filed with Primex and they're working directly with our maintenance provider to cover costs associated with this unavoidable damage.

Facilities

Town Hall. The boiler in the Town Hall and Stone Building have been changed over to natural gas, It has been determined that generators will be held off until warmer weather.

New Town Office/Fire/Police Buildings. There is an item on the agenda for a project update.

Stone Building. Nothing new to report. The heating system has been changed to natural gas.

Recreation

We have accepted the resignation of our Youth Program Coordinator, Dakota Joe, and have posted his position. We wish Dakota well in his new position.

We have begun interviews for a Summer camp Director and other summer camp positions.

Our first ski trip of the season was this past Thursday February 9th.

Senior Luncheon in February will be held on Tuesday February 21st at 11:30 at the REC at Lafayette Crossing. We also recently held the return of Coffee with Seniors at the new Town Offices.

Winterfest Saturday February 25th is a day of indoor and outdoor fun at four different sites in North Hampton. Included in the event is a pancake breakfast, 3 V 3 basketball tournament, winter carnival games, face painting, chili cook-off contest between fire and police, an open Mic hosted by Drew Szeliga, dodgeball, ice skating, broom ball, hot cocoa, sledding, snowman building, human bobsled, food from the grill, and culminating with a bonfire at Dearborn Park.

February School Vacation Camp will be held at the REC Monday February 27th through Friday March 2nd. A weeklong of fun indoor and outdoor activities including trips to "Off the Wall Kidz" "Seacoast United" and "Bowl O Rama"

The annual Egg Scramble will be held at North Hampton School on Saturday April 1st (weather date make up April 8th) from 9-11:30. You must register your child.

Summer Camp Registrations will start by March 1st. Our registration site RECDESK is going through some updates and that is why we are saying March 1st. You can once again plan on running summer camp for nine weeks starting the first full week that school is out for the summer.

Highway

The Highway Department has stayed busy with routine maintenance on Town equipment- oil changes, etc as well as replacing signage on Town roadways.

The last snow/ice event on Tuesday night 2/7 into Wednesday required a cleaning of all trucks involved with treatment of roadways and parking areas.

The crew continues process and tin and aluminum from the Recycling Center and they have been staffing recycling during normal business hours due to staffing shortages.

Projects

Route 1 Culvert. Nothing new to report. Flooding is still an issue with properties on North Road. I have been checking the culvert and reporting to District 6 when it requires cleaning.

PFAS Investigation. We received notification that our \$40k grant application has been approved. A public hearing to accept the funds has been scheduled and the project will occur this spring or summer dependent on contractor availability.

Revaluation. Nothing new to report. MRI has begun the process and we expect to be completed this spring.

Cell Tower. The public hearing for the taking of an easement has been closed. There is an item on the agenda for a discussion.

Walkway Project. Nothing new to report. This project will be completed after the buildings have been constructed. This alleviates the chance of damage during construction.

Coakley Landfill Group. Nothing new to report. The meeting scheduled for scheduled for January 5th was cancelled and rescheduled for February 15th. I plan to be in attendance.

Junkyard Closures and/or New Problems: Nothing new to report.

Rails to Trails. Mr. Sununu and I met with representatives of the Shaw's plaza to discuss working together for a small trail access. Discussions went well and they will continue as we move forward.

Seacoast Private Well Initiative. Samples were collected in the end of January and beginning of February. Approximately 10% of the available wells in town are being tested.

Route 95 Exit 2 Bridge. Nothing new to report. I received confirmation that this project has been delayed until after the winter season.

Meeting Schedule: The board's next meeting is scheduled for February 27th.

MICHAEL J. TULLY
TOWN ADMINISTRATOR
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TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
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ITEMS LEFT ON THE TABLE

MICHAEL J. TULLY
TOWN ADMINISTRATOR
mtully@northhampton-nh.gov



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TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
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NEW BUSINESS

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TOWN ADMINISTRATOR

mtully@northhampton-nh.gov



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TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
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MINUTES OF PRIOR MEETINGS



1
2 **TOWN OF NORTH HAMPTON, NEW HAMPSHIRE**
3 **NORTH HAMPTON SELECT BOARD MEETING**

4 **JANUARY 23, 2023 7:00 PM**

5 **NORTH HAMPTON TOWN HALL**

6 ***DRAFT MINUTES***

7 SELECT BOARD MEMBERS PRESENT: Chairman James Sununu, Vice-Chairman James Maggiore, Selectman
8 Jonathan Pinette

9 ALSO PRESENT: Town Administrator Michael Tully, Fire Chief Jason Lajoie, Police Lieutenant James Russell,
10 Municipal Wireless Consultant David Maxson, Aquarion Water Operations Manager Carl McMorran, Town
11 Attorney Stephen Bennett
12

13 Chairman James Sununu welcomed everyone to the Select Board Meeting of January 23, 2023 and called
14 the meeting to order at 7:04 pm followed by the Pledge of Allegiance.
15

16 **Motion:** To seal the minutes of the Non-Public Session of January 23, 2023.

17 **Motioned:** Selectman Pinette

18 **Seconded:** Vice-Chair Maggiore

19 **Vote:** Motion approved 3-0
20

21 **First Public Comment Session**

22 *Call 603-758-1447 or email: jsununu@northhampton-nh.gov*

23 Chairman Sununu opened the First Public Comment Session and asked that all public comments/questions
24 related to Public Hearing 8.2 be held until the item is brought up later in the agenda.
25

26 There were no other Public Comments.
27

28 **Consent Calendar**

29 5.1 Payroll Manifest of January 12, 2023 in the amount of \$249,388.57

30 5.2 Payroll Manifest of January 19, 2023 in the amount of \$75,111.56

31 5.3 Accounts Payable Manifest of January 19, 2023 in the amount of \$1,594,394.4

32 5.4 Abatement Recommendations

33 5.5 Pole License for Pole 121/5Y on Lovering Road
34

35 ***A recording of the meeting can be found at: http://www.townhallstreams.com/towns/north_hampton_nh, and a***
36 ***DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North***
37 ***Hampton, New Hampshire 03862.***

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Motion: To approve Consent Calendar items 5.1, 5.2, 5.3, 5.4, and 5.5 as individual motions.

Motioned: Jonathan Pinette

Seconded: Vice-Chair Maggiore

Vote: Motion approved 3-0

Correspondence - None

Committee Updates

Vice-Chair Maggiore said the *Heritage Commission* did meet last week though he was unable to attend; minutes showed everything of a routine nature; the *Water Commission* has not met.

Chairman Sununu said *Rails to Trails Committee* has not met since last Select Board meeting; *Budget Committee* met January 12 for Town and School Budgets and Warrants.

Public Hearing

8.1 To consider the acceptance of unanticipated revenue in the amount of \$49,726.44 awarded to the Town pursuant to House Bill 1221 as reimbursement of New Hampshire Retirement System Contributions.

Town Administrator Tully said the legislature has set the base rate for NH Retirement System Contributions and is returning an excess amount to each community. North Hampton's share is a certain percentage of what we pay out for retirement funds which will go into this year's budget.

Chairman Sununu opened the Public Hearing to comments on this item; seeing none, he closed the Public Hearing.

Motion: To accept funds in the amount of \$49,726.44 pursuant to House Bill 1221 as reimbursement for the New Hampshire Retirement System Contributions.

Motioned: Vice-Chair Maggiore

Seconded: Jonathan Pinette

Vote: Motion approved 3-0

8.2 To determine if there is an occasion (public need) to take easements over private property known as 168 Mill Road, North Hampton, New Hampshire (Assessor's Map 012, Lot 052) for public use.

Chairman Sununu opened the Public Hearing and stated that information would first be presented and reviewed before opening to Public Comments on this topic. He read the Petition in full pursuant to RSA Chapter 498-A and RSA Chapter 231 to take private land for public use: whereas current cell phone communication coverage for the Atlantic Avenue area is inadequate, undependable, and results in poor communications; the Town was gifted a piece of land Map 12, Lot 62 by deed of Lamprey Brothers, Inc., August 8, 2000; there is no legal public access to the property; there exists a 15-foot permanent easement over the property at 168 Mill Road for Aquarion Water which crosses the Town's property; request to add a 10-foot additional easement and a 15-foot construction easement for access.

Town Administrator Tully listed documents provided on the back table: Approval of new easement being discussed; Appraisal of new easement being discussed with proposed Easement Plan; Deed to the Town

85 Property; Deed to Cotters' Property; Deed to right-of-way for Aquarion Water; Assessor document. He
86 explained the Town has looked at various options over the years for cell service in North Hampton and
87 the parcel identified is the most beneficial to filling coverage gap; a Zoning Ordinance governs what can
88 be done with towers; no agreements with other property owners for access and looking at existing
89 easement as the most reasonable way to access the property as a place for a cell tower.

90

91 Parcel 12-62 – Establishing Town Access to Improve Wireless Coverage in North Hampton

92 Municipal Wireless Consultant David Maxson of Isotrope, LLC said he is a member of IEEE, a leading
93 professional association for the Advancement of Technology, and the Society of Broadcast Engineers
94 (SBE). He said he would summarize what was stated in the Petition to show all the positives for this
95 particular site.

96

97 Mr. Maxson said the objective is to establish access to the Town Property with purpose to develop the
98 site for a cell tower consistent with zoning and well-hidden from view. Goal is to provide wireless service
99 to benefit every wireless subscriber in this area and benefit Public Safety; Zoning Ordinance prioritizes
100 Town property, parcel was deeded to the Town specifically for development of telecommunications
101 facilities. The Town controls the tower under a land lease; Wireless Telecommunications Facility District
102 shall be the overlay district.

103

104 Mr. Maxson said this parcel is large and located in a heavily wooded area, and showed an example of the
105 190-ft Rye Tower in a similarly wooded location; North Hampton Ordinance allows 180 ft maximum.
106 Factors considered in granting Zoning decisions: height of tower; proximity of tower to residential
107 developments; tower setback a distance equal to 125% of tower height; surrounding topography, tree
108 coverage, and foliage. The proposed ingress and egress off Mill Road requires a Town Easement over the
109 existing easement for Aquarion water off Mill Road, with access as unobtrusive as possible.

110

111 Mr. Maxson said we have fought wireless companies being able to come in and put a cell tower in any
112 location and use the Federal Telecommunications Act to push it through. If this property becomes
113 unavailable because it cannot get proper access, the risk of having a cell tower in an unwanted location
114 increases significantly. He said Hampton is close to filing a permit to construct a tower on Barbour Road
115 and the Mill Road Site would be an excellent complement.

116

117 Mr. Maxson said the School property would receive major opposition, the site is near an airport, is 50 ft
118 lower in elevation, and coverage to the east will be cut off by the terrain. In summary the Town property
119 was deeded for this purpose, is remote from residences, is fully zoning compliant, and re-purposes an
120 existing easement.

121

122 Fire Chief Jason Lajoie said the Fire Department has dealt with dropped calls for a long time: often need
123 to call the hospital for direction while out performing medical services and calls are dropped delaying
124 hospital notification; transferring cardiac rhythms to the emergency room not received by the doctor for
125 assessment or advice in the field; inability to communicate with personnel at motor vehicle crashes; issues
126 with 2-way radio communications in general.

127

128 Police Lieutenant James Russell said communication is also big with the Police Department for public
129 safety. Calls to State Police have been dropped or when dealing with critical incidents or fatal accidents;
130 also need to provide scene security and if one has to leave the scene to go make a phone call it becomes
131 critical. He said they rely heavily on cell phone communications and when 2-ways radios do not work they

132 have no communication at all; laptops in vehicles are not always working properly and depend on wireless
133 technology. He said it is critical for officers to have access to real time information.

134
135 Chairman Sununu opened the Public Hearing and said the purpose of this hearing is for the Select Board
136 to receive comments from the public and raise any relevant issues. Any resident of North Hampton is
137 welcome to come up to the podium and speak, give name and address for the record. He said this is not
138 a forum for debate; the Board will use the information in deciding whether to vote to take action
139 requested in petition which is to declare a public need for this particular action. He first asked if any of
140 the petitioners wished to speak. As there were none he opened the Public Hearing to public comment.

141
142 **Kathy Remington** of 131 Mill Road said she and her husband got a booster for their residence and cell
143 phones seem to work fine now. She admitted that there is a problem and felt townspeople should put
144 their heads together to find the best way. She said she was uncomfortable with eminent domain and
145 would not want the road in her yard; she also questioned the impact of radiation from the cell tower on
146 people's health.

147
148 **Brian Hyatt** of 22 Ship Rock Road said as a physician In Town, often on-call, he performs emergency
149 procedures and has not only had calls dropped but calls that to not go through. He said during a storm if
150 his generator does not kick in, he has to leave his house to get reception and said it is not right in 2023 for
151 a local doctor to not get reception. He said his daughters often run in the neighborhood with their
152 cellphones but there is a 20% chance an emergency call will not get through to him. He said there is no
153 area on the map that is not residential and someone is going to have a cell phone tower on their property
154 for this whole thing to work.

155
156 **Chris Hilson** said he is the attorney for the Cotters who could not be here tonight. He said the Cotters
157 have engaged an appraiser and there are some legal issues with this property that need to be addressed.
158 He said this hearing is about whether or not eminent domain is going to be exercised across the Cotter
159 property; the important topic is whether or not there is a public need and a public necessity. He said the
160 Town will enter into a typical lease arrangement with a tower company to build the tower and hang carrier
161 systems on that: that is the Town entering into private commerce not public need, and under New
162 Hampshire Law you cannot condemn a property for private business purposes.

163
164 **David Duchesne** of 131 Mill Road said he assumed the Town had done various studies and wanted to
165 know what kind of frequencies are generated by this particular tower, the range of those frequencies, and
166 what might be the effect on the human body.

167
168 Chairman Sununu said we are not proposing to build a tower but to access the property for a tower
169 company to build a tower; would be the same as all other towers around. Mr. Maxson said he evaluated
170 wireless facilities for compliance and safety standards, and said he has been relying on FCC Safety
171 Standards since they went into effect in the 1980s and were updated in 1996. He said other sources for
172 authoritative public health statements on the safety of wireless facilities are FDA and WHO; this tower
173 will be 1,000 ft from the nearest residence.

174
175 **John Cannon** of 173 Mill Road near the Cotters said he is more concerned about access and what due
176 diligence was done relative to other ways to do it, and said he did not want a big road going in across from
177 his residence. He said everyone realizes the need for a cell tower, and asked if other possible access points
178 would cost more to get to the site.

179

180 Chairman Sununu said they looked at all Town-owned properties under the ordinance, looked at all ways
181 to access this property, and felt this was the most efficient and least impactful way. Other possible access
182 would involve crossing multiple properties and wetlands; looked at all possibilities to make a
183 determination.

184
185 **Joe Castagna** of 30 Bradley Lane emphasized the general importance of cell reception, and said it is
186 embarrassing after 12 years in the Town that we cannot get cell reception. His work is a flexible work
187 environment and boosters in homes do not suffice. He said he cannot get cell service down Atlantic
188 Avenue at his house and he trusts the Board as representatives from the Town to make the case for safety
189 and trusts the easement approach and why this meeting is being held today regarding property
190 ownership; he believes it is significant that the Town is at this step, and it is time to move forward.

191
192 **Kirsten Larsen Schulz** of Post Road said she spoke personally with Lori Cotter and said this is not just an
193 overlay easement. She said she has a real issue with eminent domain and asked the process involved.

194
195 Chairman Sununu said the process is laid out by Statutes RSA 498-A and RSA 231, and if after the Public
196 Hearing the Board makes the determination of a public need, an offer is made to the property owner; if
197 no agreement at that point the Town determines to take action (eminent domain) which deeds the
198 easement to the Town. The issue is whether there is a public need that justifies an eminent domain
199 proceeding, with access to the property a prerequisite to putting a cell tower on the property.

200
201 Ms. Schulz assumed other properties were deemed unworthy and asked if other technologies had been
202 looked at. She said she would like to revisit a private citizen's ability to put a tower on their land; Chairman
203 Sununu said it is perfectly within any citizen's right to revisit that.

204
205 **Jim Avalon** of 3 River Road said when he thinks of eminent domain he does not think of taking property
206 for public use for cell service, and to go to such drastic lengths the Town should have a better reason than
207 cell service. He said he assumed this cell tower will be operated by a private company making money. As
208 a property owner in North Hampton he is extremely wary of eminent domain considering its abusive
209 nature and abusive history. He said there are health and environmental effects of 5g wireless radiation
210 and urged the Select Board to have nothing to do with a cell tower.

211
212 **Karen Nash** of 181 Mill Road said she lives directly across from the Cotters. She said she did not dispute
213 the need for better cell phone service and felt internet and cell service should be treated like a public
214 utility. She expressed concern about the presented approach to accessing the Town property and said she
215 would like to see published reports of studies done on other approaches to the property. She questioned
216 setbacks and where the right-of-way is laid out, and said the public should be able to see the results of all
217 studies done.

218
219 **Janet Larsen** of Post Road said her concern is with the process of eminent domain and did not think
220 anyone's land should be taken in that manner except in an extreme situation where there are no other
221 options and it is truly a public safety issue. She suggested installing some emergency phones on the corner
222 of Mill Road and Atlantic Avenue and one in front of the Police/Fire Departments.

223
224 **David Graham** of 164 Mill Road expressed concern about eminent domain and being right there next to
225 the Cotters property, the Mother-in-law's property, and his property. He asked what has happened in the
226 past when this has been done at other properties and what it does to the neighborhood.

227

228 **Valerie Gamache** of 102 Atlantic Avenue said she lives right in the middle of the dead zone and feels very
229 strongly about public safety as her father was a volunteer firefighter. She said she is just trying to live in
230 her neighborhood and feel safe; she has to walk on Atlantic Avenue with cars speeding 55 mph and if
231 something happens to her she would be unable to get help; she can also make no call from the end of her
232 driveway. She said she pays taxes like everyone else for public services but does not have the same access.
233 She said North Hampton needs to fix this and it is time to act.

234
235 **Arthur Nadeau** of 34 Pine Road said he has issues in his house and agreed there is a cell phone need in
236 North Hampton. He said his issue is with eminent domain as his parents house was taken by eminent
237 domain for a price less than it was worth. He said the eminent domain process needs to make sure not
238 only of the taking of land for access but for the people you are taking it from and he does not like it.

239
240 **Kathleen Kilgore** of 220 Atlantic Avenue said the Town needs better cell coverage but it is not justified by
241 taking an easement over someone's property, and hoped people would be invited to explain all the
242 different parcels in that area that will not work. She said her house means a lot to her and this is a life-
243 altering experience to the Cotters and their families. She questioned why 20 years ago the Town accepted
244 a piece of property that is landlocked, and pointed out that no one from the Conservation Commission
245 was here this evening to speak about this. She asked Mr. Maxson what he meant by "just about the right
246 location" for a cell tower.

247
248 Mr. Maxson said in an ideal network there is a honeycomb pattern of all cell towers equally spaced on
249 perfectly flat terrain. The terrain here is not perfectly flat and towers cannot be equally spaced. He said
250 the ideal location would be the intersection between Woodland and Atlantic Avenue, where wireless
251 companies have been hovering and made 2 attempts to put a tower in that area. He said if the Town does
252 not move forward there is a strong possibility another application will come in for a tower on a 2-acre
253 parcel really close to residences.

254
255 **Rich Skronwski** of 142 Mill Road said the map shown is deceiving and shows the coverage of the Mill Road
256 Tower overlaid with the Hampton Tower which may cover 80% of what this tower covers. He said boosters
257 do not work for wireless coverage and he now has WiFi on his modem for his phones with spectacular
258 coverage. He said there are other routes to that site and saying the choice is the best means it is the
259 cheapest; this is about money not cell coverage and proposing to take property away from a citizen. The
260 petition only has 11 signatures and has people that are not even in that coverage area; there are a lot of
261 gaping holes in this whole issue.

262
263 **Frank Ferraro** of Post Road asked: If the access road proposed would overlay the 15-ft easement Aquarion
264 currently has; if Aquarion has any infrastructure in the easement now; if the Town takes an easement and
265 signs a contract with a cell tower company is a plan anticipated to bury a power line back to the tower;
266 10 ft will be added to the current easement for construction equipment and it will be a permanent 25-ft
267 access for equipment to be brought in as long as the easement is there. He also asked about other possible
268 sites and whether a study was done.

269
270 Chairman Sununu said the proposed access road would overlay Aquarion's easement, he is not aware of
271 any Aquarion infrastructure there, and electricity will be delivered to the site. He said Mr. Ferraro was
272 conflating the permanent 25-ft easement with the additional 10 ft construction easement: the permanent
273 easement would be 25 ft and the 10 ft construction easement is just to build the access and will go away;
274 the easement is 15 ft, 15 ft of which overlays Aquarion. He explained that other sites were looked at, they

275 considered how many properties would need to be crossed, the proximity to a good location, and looked
276 at wetlands and conservation land.

277

278 **Jennifer Bergeson** of 144 Mill Road said she is a lifelong resident of North Hampton, the Cotters were her
279 neighbors, and she is against property being taken by eminent domain. She said she would like to know
280 the other options and whether minutes from that meeting could be made public so residents can know
281 exactly what those options were.

282

283 **Wally Kilgore** of 220 Atlantic Avenue said if the neighbors do not want the property taken that is good
284 enough for him. He said find another way. The Select Board represents us and actually taking the Cotters
285 property by eminent domain means you are taking it by us and under our will and it is *not* our will.

286

287 **Kathy Remington** of 131 Mill Road questioned what the concerns were about using School land, and asked
288 those present if they would want their land taken by eminent domain like that.

289

290 Chairman Sununu said the School location does not address the coverage gap, is closer to Route 1A and
291 the airport, and School properties inherently are more problematic. He said the elevation is lower and it
292 is not a satisfactory location to address the coverage needed.

293

294 Mr. Kilgore asked if there would be a second Public Hearing on this issue; Chairman Sununu said not a
295 second hearing but held over so the Cotters could be present. He said the Board will recess the Public
296 Hearing until February 2, 2023 at 7:00 pm and not close it tonight. He said at this time I would like to
297 recess the Public Hearing.

298

299 **Motion:** To recess the Public Hearing on the Petition to take Private Land for Public Use to date certain
300 February 2, 2023 at 7:00 pm.

301 **Motioned:** Selectman Pinette

302 **Seconded:** Vice-Chair Maggiore

303 **Vote:** Motion approved 3-0

304

305 Chairman Sununu called a brief recess 10-minute recess.

306

307 Report of the Town Administrator

308

309 Period: January 9, 2023 – January 20, 2023: Finance at 45% of Budget remaining with 24 weeks left in
310 fiscal year; Police hired new officer Dylan Spence who will attend the Police Academy for 16 weeks; Fire
311 grant award \$7,500 from NH HSEM to update Hazard Mitigation Plan; Town Hall and Stone Building
312 converted to natural gas; Chevalier Building demolished. Rec: luncheons scheduled, Summer Camp
313 registration begins February 14; Highway busy with storms; Route 1 Culvert still flooding properties on
314 North Road; Rails to Trails Warrant out for potential expenses in next year; Route 95 Exit 2 bridge project
315 delayed.

316

317 Items Left on the Table – None

318

319 **NEW BUSINESS**

320

321 11.1 Aquarion Water Quarterly Report

322 Aquarion Operations Manager Carl McMorran said he was here to provide a quarterly update. He said
323 Aquarion is planning to build the Little River Water Treatment Plant for Wells 7 and 22 for disinfection,

324 corrosion control, and arsenic removal; still waiting on State funding decision; mid-summer construction
325 start. He said the arsenic level in Well 22 is just barely above maximum contaminant level.

326

327 Mr. McMorran said at the Winnicut Road Plant they are updating corrosion control to liquid phosphate
328 for better control; adding a big bulk tank and replacing the chlorine bulk tank at same time; submitted
329 plans to DES for approval and hope to start in a month or two. There is one Main Replacement Project at
330 the beach on Highland Avenue to replace a few hundred feet of old concrete pipe.

331

332 Mr. McMorran provided Operational Highlights and reviewed current staff licensing in Treatment and in
333 Distribution, and said Aquarion has gone 12 years with no lost-time injuries. He reviewed the Drought
334 Update and said drought conditions have steadily improved with 12 inches of precipitation since
335 December 1 and he expects it to disappear entirely in the next few weeks. He said the company promotes
336 conservation by selling rain barrels and supports Community Champions, volunteers who work to protect
337 water resources.

338

339 **11.2 Update on Building Project**

340 Town Administrator Tully said Marc Jobin was unable to be here tonight due to the weather. He said Town
341 Offices are substantially complete with just a few items left punch-list still in progress; the project came
342 in at budget and exact numbers will be provided in the next few weeks; old building demo and foundation
343 removal will be completed this week and foundation crew will begin pouring footings on the site next week.
344 John Ricci continues to work procuring materials; working with Eversource and DOT to determine best
345 route for power to the new building; remains on budget with completion date of next December.

346

347 **11.3 Acceptance of Donation from MAC Tactical**

348 Chairman Sununu said the Board needs to accept a donation, gifted to the Police Department from Mark
349 Cook's company MAC Tactical, of four (4) sights for rifles, items Police Officers were requesting for a total
350 value of \$677.96. Police Chief Mone requests the Select Board accept this donation on behalf of the Police
351 Department.

352

353 **Motion:** To approve 11.3 Acceptance of Donation from MAC Tactical for \$677.96 for gun sights.

354 **Motioned:** Selectman Pinette

355 **Seconded:** Vice-Chair Maggiore

356 **Vote:** Motion approved 3-0

357

358 **MINUTES OF PRIOR MEETINGS**

359

360 **12.1 Approval of Regular Meeting Minutes of January 9, 2023**

361 **Motion:** To approve the Regular Meeting Minutes of January 9, 2023 as presented.

362 **Motioned:** Vice-Chair Maggiore

363 **Seconded:** Selectman Pinette

364 **Vote:** Motion approved 3-0

365

366 **12.2 Approval of Minutes of Non-Public Sessions I, II, and III of January 9, 2023**

367 **Motion:** To approve the Minutes of Non-Public Sessions I, II, and III of January 9, 2023.

368 **Motioned:** Selectman Pinette

369 **Seconded:** Vice-Chair Maggiore

370 **Vote:** Motion approved 3-0

371

372 **12.3 Approval of Workshop Minutes of January 9, 2023**
373 **Motion:** To approve Workshop Meeting Minutes of January 9, 2023.
374 **Motioned:** Vice-Chair Maggiore
375 **Seconded:** Selectman Pinette
376 **Vote:** Motion approved 3-0
377

378 **12.4 Approval of Workshop Minutes of January 12, 2023**
379 **Motion:** To approve Workshop Meeting Minutes of January 12, 2023.
380 **Motioned:** Selectman Pinette
381 **Seconded:** Vice-Chair Maggiore
382 **Vote:** Motion approved 3-0
383

384 **12.4 Approval of Minutes of Non-Public Meeting of January 12, 2023**
385 **Motion:** To approve Workshop Meeting Minutes of January 12, 2023.
386 **Motioned:** Vice-Chair Maggiore
387 **Seconded:** Selectman Pinette
388 **Vote:** Motion approved 3-0
389

390 **Any Other Item that may legally come before the Board**
391 Vice-Chair Maggiore asked if at the second session of the public hearing if the Board will be accepting new
392 material to be included. Chairman Sununu said people can come to that hearing and submit additional
393 comments, the Board will wrap up public comments and conclude the Public Hearing .
394

395 **Second Public Comment Session**
396 *Call 603-758-1447 or email: jsununu@northhampton-nh.gov*
397

398 No public comments.
399

400 **Next Regular Meeting:** February 13, 2023; Continuation of Public Hearing February 2, 2023
401

402 **Adjournment**

Chairman Sununu adjourned the meeting at 9:01 pm.

403
404 Respectfully submitted,
405 Patricia Denmark, Recording Secretary



1
2 **TOWN OF NORTH HAMPTON, NEW HAMPSHIRE**
3 **NORTH HAMPTON SELECT BOARD MEETING**
4 **CONTINUATION OF PUBLIC HEARING**

5 **FEBRUARY 2, 2023 7:00 PM**

6 **NORTH HAMPTON TOWN HALL**

7 **DRAFT MINUTES**

8 **SELECT BOARD MEMBERS PRESENT:** Vice-Chairman James Maggiore, Selectman Jonathan Pinette

9 **EXCUSED:** Chairman James Sununu

10 **ALSO PRESENT:** Town Administrator Michael Tully, Municipal Wireless Consultant David Maxson of
11 Isotrope, School Business Administrator Matt Ferreira, Town Attorney Stephen Bennett

12
13 Vice-Chairman James Maggiore welcomed everyone to the Select Board Special Meeting of February 2,
14 2023 for continuation of the Public Hearing for Petition on Eminent Domain and called the meeting to
15 order at 7:17 pm.

16
17 Vice-Chair Maggiore said the Board is coming out of recess from the original posted meeting to allow the
18 Cotters, whose property is affected, to speak as they were unable to attend the last meeting. He said the
19 Town has a legal petition which subjects the Select Board to give notice and conduct a Public Hearing
20 pursuant to RSA 498-A and RSA 231 for purpose of determining if there is a public need for an easement
21 over the affected property; followed by the Pledge of Allegiance.

22
23 Vice Chair Maggiore read the petition in full, and said the process is: the Public Hearing is open, he will
24 turn the meeting over to David Maxson to present information, then another presentation by Business
25 Administrator Matt Ferreira of SAU 21. He said the Board is here to listen, no final decision has been made,
26 and asked that questions be held until after the presentations.

27
28 Municipal Wireless Consultant David Maxson of Isotrope said he would provide answers to public
29 questions regarding Parcel 12-62 and reviewed what he presented at the January 23, 2023 Select Board
30 Meeting. He started with historical background and said this is not an idea that just popped up but has
31 been simmering for close to 20 years.

32
33 **Disclaimer –These minutes are prepared by the Recording Secretary within five (5) business days as required by**
34 **NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.**
35

36 ***A recording of the meeting can be found at: http://www.townhallstreams.com/towns/north_hampton_nh, and a***
37 ***DVD recording is available at the North Hampton Town Administrative Offices, 233 Atlantic Avenue, North***
38 ***Hampton, New Hampshire 03862.***

39
40 Mr. Maxson said four tower projects in the eastern part of North Hampton have been submitted and
41 rejected; the ordinance was reaffirmed and reinforced during that time and was adopted by Town
42 Meeting stating that using Town property is the approach of choice. He reviewed each application for a
43 tower project individually and the reasons for rejection: applications for Chapel Road, 22 Woodland Road,
44 63 Atlantic Avenue (Lamprey Homestead), and one on a conservation parcel at 57 Woodland Road for
45 which a special election was held in December 2006 with public voting to protect the land by a 2:1 margin.
46

47 Mr. Maxson said there is very strong sentiment in the community to protect conservation land and scenic
48 views, and said people have been doing due diligence for options on other sites since 2004. He showed a
49 map of current conservation land in North Hampton and said a fair amount of land in eastern part of town
50 is protected He showed a map of Town properties and said most are conservation; unencumbered are
51 parcel 11-13 on the Rye border which is landlocked and near residences with low elevation, parcel 12-62,
52 and School Property.
53

54 Mr. Maxson said AT&T has a coverage gap at existing macro cell sites; -95 dBm RSRP is typical signal level
55 for wireless services; a cell tower application in Hampton for Barbour Road is pending soon; a tower at
56 parcel 12-62 in North Hampton would be a good complement. A tower on School property from behind
57 the School on Atlantic Avenue would have a 75-ft antenna height which is the maximum height without
58 FAA oversight (without lights due to airport) may be hazard to air navigation. Also School site indicates it
59 is “unofficial conservation land”; parcel 12-62 is on the outer edge of that and can have a full-sized tower
60 for better coverage, the site is fully wooded, and access would be a dedicated driveway.
61

62 Mr. Maxson said his first conclusion is that the Hampton Tower is likely to be approved and the Town now
63 has an area where they are looking to allow a tower to go, north of Atlantic Avenue straddling Woodland
64 Road and Mill Road. The other Town property at 11-13 on Rye Border has residences along South Road
65 and Woodland Road, is also landlocked and would need an access easement, and is lower in elevation.
66

67 Mr. Maxson said there have been 3 applications for cell towers on private property, all soundly rejected
68 by Land Use Boards under terms of Ordinance; to open an Ordinance change would take at least one year.
69 Question of adding to existing structures is no, as the tallest structure is the United Church of Christ which
70 is not much higher than a utility pole, and both not higher than the surrounding tree line. Other possible
71 structures are small-cell towers added to utility poles; proposal made and accepted by Planning Board but
72 no interest from wireless companies.
73

74 Mr. Maxson said his second conclusion is that there are no other options in North Hampton and a Town
75 parcel is available that is workable. He said a driveway access of 25 ft is rule of thumb in the industry, with
76 a narrower dimension for construction and utilities. The said there is another improved gravel driveway
77 10-12 ft wide further up Mill Road from the current Aquarion easement that tapers off. During
78 construction traffic would be coming and going on the driveway; when done, wireless companies for all
79 applications for a new cell site average one visit per month; assuming 4 wireless companies would mean
80 one vehicle per week on average.
81

82 Mr. Maxson said cell towers are set up to be safe and meet FCC safety regulations, and he has been
83 working with FCC standards since 1985 and is comfortable with them. He said applications for cell towers

84 from wireless companies are reviewed by the Planning Board which requires the companies to
85 demonstrate that safety standards are met. He said Public Safety uses cell services, and a study was done
86 in 2008 showing gaps in dispatch coverage for 2-way radios, revealing the seriousness of this issue.

87
88 Mr. Maxson said it will cost the Town something to do this, with Tower companies typically reimbursing
89 with a lump sum; can put in the deal to take the money they would have spent on building the road and
90 buying the easements and provide it back to the Town as a Capital contribution. He said Public Safety has
91 communication issues with dispatch and use of cellular which are issues with a governmental agency, and
92 public safety is part of the definition of Public Use. Cell Services are considered to be common carrier
93 services like telephones.

94
95 Mr. Maxson said regarding alternate access, there are no offers on the table of an easement and it comes
96 down to an Eminent Domain option, unless someone agrees voluntarily. Other options: (1) subdivision
97 plan from 2009 showing old wood roads that might be considered, partly in Rye; (2) easement over the
98 driveway to 142 Mill Road residence and continue to Town parcel; (3) approximate location of Aquarion
99 easement at one edge of parcel at 168 Mill Road; other edge of frontage at parcel on Mill Road is an
100 "ancient way" laid in 1836, but house foundation is right next to the edge; (4) Last possibility would be to
101 take an easement on another parcel at 176 Mill Road and run straight back to Town parcel.

102
103 Mr. Maxson reiterated that Parcel 12-62 is the best option, area is wooded and well-hidden, it is in
104 compliance with the Town Ordinance, and a tower can be set in its place. As far as emissions the tower
105 will be as far away from people as possible, minimizes impact to residents, and is the most protective. He
106 said there would be a place on the parcel for a cell tower if access can be achieved. As to whether or not
107 a wireless company will be interested, he said he is usually reviewing the applications and spoke with a
108 tower company in this region who would absolutely be interested as this area needs service.

109
110 Mr. Maxson said his final conclusion is that he has been involved with almost 20 years of this history,
111 involved in reviewing easements, and involved in Federal Court cases, and said any attempt to come up
112 with another solution would likely face a similar amount of opposition.

113
114 **PUBLIC HEARING**

115 **Jennifer Bergeson** of 144 Mill Road said she is interested to know why carriers dropped and were not
116 interested in the small cell option that was approved by the Planning Board and asked who is responsible
117 for keeping in touch with the carriers.

118
119 Mr. Maxson said microcells or distributed antenna systems were not successful because wireless carriers
120 plan their network development in 12- or 18-month windows and prioritize their development plans
121 yearly; the area being proposed was of relatively low density and carriers were doing them in urban areas
122 and never made it into this kind of territory.

123
124 **Amy Margolis** of 130 Woodland Road said she agreed the Town needs cell coverage and that it has to be
125 as far away from people as possible. She said I have suggested, because I have 50 acres of land on 130
126 Woodland Road, which is right where it needs to be for a radius and has no trees, that my property be put
127 forth as an alternate possibility. She said her neighbors are excited, the Ordinance would need to be
128 changed, but said it could be opened up if everything fits into place.

129

130 Vice-Chair Maggiore asked Ms. Margolis if she would be willing to enter into a discussion about the
131 possibility of erecting a wireless communication tower on her property at 130 Woodland Road, and asked
132 Town Administrator Tully to get in touch with her. Mr. Tully said if Ms. Margolis wished to donate the
133 property to the Town we could do it quickly. Ms. Margolis said her recently deceased mother did not want
134 an eyesore with a roadway to the cell phone area and wanted it to be beautiful, and if I keep the land I
135 can make it beautiful. She said the cell tower would be a tree, the driveway would not be a scar, and she
136 would have control over it.

137
138 **Matt Ferreira**, Business Administrator for SAU21, said the School brings in Homeland Security every 3
139 years to look at the facility and grounds, look at surveillance, access control, and emergency alerts.
140 Homeland Security indicates that schools need the ability to use independent systems and must have
141 redundant capabilities to have emergency help offsite and inform the public; also ability to communicate
142 rapidly to the whole school. He said the School would really appreciate better cellphone coverage.

143
144 **Maurice Vincent** of 61 Exeter Road said he lives on the other side of Town and has good cell service. He
145 said his issue is with the way the Town would acquire access to the proposed cell tower site. He said where
146 the existing easement is would need widening as it is a fairly narrow area between the 2 houses; farther
147 up Mill Road there are much wider gaps between homes which would be less intrusive. He said the
148 easement may be the easy way out but it is not the right way.

149
150 **Lori Cotter** of 168 Mill Road said according to the Town's letter she can only give evidence on issues of
151 public need and value of property taken, and they were only told it was a public need. She said when the
152 Town wants to spend taxpayer money on building a road and taking land by eminent domain they should
153 know what is happening, and asked why a committee was not formed or a study group to look into DAS
154 systems. She said there are 45 acres with road frontage on Woodland Road. She said the petition suddenly
155 appeared with 11 signatures mostly by Town employees.

156
157 Ms. Cotter said the facts are that the Town is changing an existing easement for condition of building this
158 road; the original Aquarion Water easement is 15.11 ft wide but would be 30 ft wide where it exits our
159 property; the 25-ft easement would take the road right up to our pool fence; the retaining wall would
160 have to be removed and the electricity to our pool; cannot take something if you do not know what you
161 are taking. She said the Town needs to complete an accurate survey we agree to during a walk with your
162 assessor; with the information we have this provides a hardship and disruption to private life.

163
164 Ms. Cotter asked the Selectmen if they had walked the site and they said they had not. She said Mr.
165 Sununu did and he saw a lot of wetlands and ledge. Lamprey Brothers also included in the deed that they
166 would be allowed to come in and put up another tower for their own service. She referenced North
167 Hampton Zoning Ordinance 605.4e and said one has to question why eminent domain is being used
168 against us and said that easement is for underground pipes only. She said we need to step back and look
169 at what we are doing as far as eminent domain and think about the people involved.

170
171 **Amy Bucklin Faley** from 3 North Road said she takes care of children and elderly and takes it seriously.
172 She said she is passionate and protective of these people and their land and wishes. She said land comes
173 with very strong protections and did not feel that it was being respected; the land is wetland and should
174 be protected. She said she is thankful for cell service and struggling to be part of this community, but this
175 taking of property is not the right way.

176

177 **Kirsten Larsen Schultz** raised Point of Order, and said if you are going to vote tonight it is disrespectful to
178 property owners to vote without the Chair of the Select Board present, and said she wanted them all on
179 the record.

180
181 Vice-Chair Maggiore said the full intent of the Board is to continue to deliberate this at a date certain
182 February 27, 2023; there is no vote tonight. Ms. Schultz asked who wrote the petition and Vice-Chair
183 Maggiore said he was not part of the petition, and not soliciting the petition.

184
185 Ms. Schultz said she would be filing a 91-A as she heard the petition had been worked on and a separate
186 91-A to determine how much was paid to Mr. Maxson. She presented a petition to Mr. Tully, signed by 80
187 people, to NOT support eminent domain for this easement.

188
189 **Frank Ferraro** of Post Road said the reasoning was this property already had an easement versus the
190 adjacent property. Vice-Chair Maggiore said the other property would require an original easement and
191 another easement in the back across Cotter property; 2 original easements with no support from
192 landowner. Mr. Ferraro said Aquarion could come in at any time and put in a water pipe and maintenance
193 driveway. He asked how much area a wireless company would need for a tower of this height and Mr.
194 Maxson said typically 50x50 ft or 100x100 ft; Mr. Ferraro said less than a quarter of an acre.

195
196 Mr. Ferraro said we are all amazed by the offer of Ms. Margolis which would trigger the Ordinance. But
197 there is a way to do this immediately: negotiate an easement for the right-of-way to a ¼-acre plot that
198 Ms. Margolis would deed to the Town making it a Town property. The Board can vote to accept a piece of
199 property and negotiate where it will be and how to access the plot. He suggested that if the Board decides
200 to use the existing Aquarion easement, they offer to lease the land for the access and temporary
201 construction road at the cost of half of what the cell company would pay the Town on a monthly basis.

202
203 **David McCarthy** of 2 North Road asked why the Select Board did not provide a list of properties at the last
204 meeting and why, against a list of criteria, they were discounted. He said he came up with 25 town-owned
205 properties that fit the property off Woodland Road owned by the Conservation Commission. He said he is
206 concerned about the deed given to the Town giving potential companies additional rights to have their
207 own facilities and said he was not sure that met eminent domain criteria.

208
209 **Harry Marsh** of 101 Mill Road said he has lived here longer than anyone and said we grew up running
210 through the woods all over the place and know what the Town is doing, and said he found it disturbing
211 that selectmen had not yet walked the property. He said you are all great people who work hard and have
212 the Town in mind but said he really felt for the Cotters and a line through their property would drop ¾ of
213 the property value.

214
215 Vice-Chair Maggiore explained why only 1 Select Board Member walked the property: He said two
216 members together constitutes a Public Meeting and they did not want to run the risk of allowing the entire
217 public to be on this property, and designated Mr. Tully and Mr. Sununu to walk the property.

218
219 **Kathleen Kilgore** of 220 Atlantic Avenue said Board members could have walked the property separately,
220 and as representatives of all town residents it is important they all walk the property and make their own
221 decisions. She said Wally and I are expecting our first grandchild and I wanted to bring this down to being
222 a parent, someone's daughter, and somebody's grandmother: talking here about life-altering changes to
223 those peoples' property and their mother's property and you cannot put a price on that.

224

225 **Donna Miller** of 45 Oak Drive said trucks going in and out will use both sides of that road, and said the
226 road would also be hazardous in the summer due to traffic as it is a very blind area.

227
228 **Ann Marie Banfield** of 7 Highlander Drive said she and her husband have owned 8 homes in 4 states. In
229 Kentucky they sold a portion of their property to the City of Lexington to widen the road and got a fair
230 price and did not have to worry about resale. She said if the Cotters do not want to give this land you need
231 to negotiate for an acceptable deal; they will be losing a portion of the value of their home. She suggested
232 the Board speak to Senator Denise Ricciardi in Bedford who just went through this and supports fiber
233 optics as a better solution.

234
235 **George Ronney** of 116 Mill Road said he was shocked to be talking about eminent domain in North
236 Hampton. He said the Town now has an offer on the table and asked what the process would be and if
237 the public would have access as it takes place. He also asked if the offer from the Town for compensation
238 under eminent domain would allow the public have a say. He said he would love to have a cell signal but
239 not at the expense of his neighbor giving up their property.

240
241 Vice-Chair Maggiore made a general statement that conversations at times are privileged and some
242 conversations may have to be privileged and some may not, and any minutes may need to be sealed to
243 protect the parties involved. He said the rules for eminent domain are spelled out and those negotiations
244 are covered. Attorney Stephen Bennett said it goes to the Board of Tax & Land Appeals (BTLA) and the
245 Superior Court; if contested it goes to the BTLA and there is no debate.

246
247 Town Administrator Tully said we want peoples' opinions and about whether they think the offer should
248 be higher; the Board has NOT made up their mind already but are having a Public Hearing to listen to
249 public opinion and see what direction the public thinks they should go. If you feel the offer is not enough
250 now is the time to let the Board know.

251
252 **Rich Sceronti** of 142 Mill Road asked what the expected revenue of rent on a tower with 4 carriers would
253 be. Mr. Maxson said it varies by region, site value, and whether it is competitive, and said he has seen
254 figures for \$36,000/yr to areas outside of Boston suburbs where town-owned water towers are getting
255 \$50,000-\$80,000/yr per wireless carrier and estimated about \$30,000-\$60,000 for a land lease for a tower
256 with the owner receiving revenues from the carriers.

257
258 **Wally Kilgore** of 220 Atlantic Avenue expressed sympathy for the Cotters and apologized for the town for
259 what you have to go through. He said the town is spending a lot of money tonight paying for Attorney
260 services and consultant services and this has been ongoing at the Cotters' expense. He said this should
261 have ended at the last meeting and said too much is happening in non-public. He said the people who
262 stayed and did not leave are the ones that matter.

263
264 **Kirsten Larsen Schultz** said there is an item on Warrant Article that addresses taxpayer funds towards
265 eminent domain: that the Town not spend a single dollar of taxpayer money towards eminent domain,
266 and asked people to come to Deliberative.

267
268 Vice-Chair Maggiore closed the Public Hearing at 9:25 pm and looks to adjourn this meeting and repost a
269 meeting for February 27, 2023 for the Board to discuss this at 7:00 pm.

270
271 **Any Other Item that may legally come before the Board**

272

273 **Second Public Comment Session**
274 *Call 603-758-1447 or email: jsununu@northhampton-nh.gov*

275
276 **Next Regular Meeting:** February 13, 2023.

277
278 **Adjournment**
Vice-Chair Maggiore made a motion to adjourn the meeting, seconded by Selectman Pinette. Vice-Chair Maggiore adjourned the meeting at 9:27 pm.

279
280 Respectfully submitted,
281 Patricia Denmark, Recording Secretary