



**TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
NORTH HAMPTON SELECT BOARD**

**NOTICE OF PUBLIC MEETING
MONDAY, MARCH 22, 2021**

**NORTH HAMPTON EXECUTIVE OFFICES
NON-PUBLIC SESSION
233 ATLANTIC AVENUE
6:00 O'CLOCK P.M.**

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

IN FOLLOWING CDC AND FEDERAL RECOMMENDATIONS FOR SOCIAL DISTANCING THE SELECT BOARD WOULD STRONGLY SUGGEST THE PUBLIC CHOOSE TO VIEW THE SELECT BOARD MEETING LIVE ON CHANNEL 22 OR AS POSTED ON TOWN HALL STREAMS AS OPPOSED TO IN PERSON.

IN ORDER TO ASSURE THE PUBLIC HAS THE ABILITY TO COMMENT AND SHARE IDEAS DURING THE PUBLIC COMMENT PORTION OF THE MEETING WE HAVE ARRANGED THE ABILITY TO INCLUDE LIVE PHONE CALLS AND EMAIL DURING THE MEETING.

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 JMAGGIORE@NORTHHAMPTON-NH.GOV AND YOUR EMAIL WILL BE READ ALOUD DURING THE MEETING.

- 1. 6:00 P.M. Call to Order by the Chair**
- 2. 6:01 P.M. Non-Public Session I Pursuant to RSA 91-A:3 II (a)**
- 3. 7:00 P.M. 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 March 11, 2021 in the amount of \$232,303.40
- 5.2 Payroll Manifest of March 18, 2021 in the amount of \$79,272.07
- 5.3 Accounts Payable Manifest of March 18, 2021 in the amount of \$1,101,767.69
- 5.4 Permission for United Church of Christ to Use the Town Common

6. Correspondence

7. Committee Updates

- 7.1 Economic Development Committee
- 7.2 Heritage Commission
- 7.3 Water Commission
- 7.4 Rails to Trails Committee

8. Report of the Town Administrator

9. Items Left on the Table

10. New Business

- 10.1 Public Oath of Jonathan Pinette as Select Board Member
- 10.2 Election of Select Board Officers;
- 10.3 Discussion of Committee Assignments:
 - 10.3.1 Budget Committee;
 - 10.3.2 Planning Board;
 - 10.3.3 Heritage Commission;
 - 10.3.4 Water Commission;
 - 10.3.5 Capital Improvements Committee;
 - 10.3.6 Economic Development Committee;
 - 10.3.7 Rails to Trails Committee;
 - 10.3.8 Any other Committee which requires a Select Board Representative;
- 10.4 Consideration of Plans Submitted by James Jones
- 10.5 Select Board Correspondence to Planning Board on Economic Development Committee
- 10.6 Discussion of Nomination from Planning Board
- 10.7 Discussion of Economic Development Committee
- 10.8 Committee Appointments Discussion
- 10.9 Discussion and Appointment of Walkway Committee

11. Minutes of Prior Meetings

- 11.1 Approval of Meeting Minutes of March 8, 2021
- 11.2 Approval of Non-Public Meeting Minutes of March 8, 2021

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
233 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

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

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 03/22/2021
DATE: 03/19/2021

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

Consent Calendar

- 5.1 Payroll Manifest of March 11, 2021 in the amount of \$232,303.40
- 5.2 Payroll Manifest of March 18, 2021 in the amount of \$79,272.07
- 5.3 Accounts Payable Manifest of March 18, 2021 in the amount of \$1,101,767.69
- 5.4 Approval for United Church of Christ to Use the Town Common

MICHAEL J. TULLY
TOWN ADMINISTRATOR

mtully@northhampton-nh.gov



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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
MARCH 22, 2021 SELECT BOARD MEETING

REPORTING PERIOD

The reporting period is from March 9, 2021 through March 19, 2021

Finance

Nothing new to report - Currently we are in good financial shape with 33% of the budget remaining and 17 weeks remaining in the fiscal year.

Police

Officers have been busy with calls for service. Detective Poppalardo is back to full duty. The department will be at full staff as soon as the Police Academy is finished.

Fire

Deputy Cook has collaborated with the Hampton Fire Dept. EMS Officer to schedule and plan vaccinations for all SAU-21 and SAU-90 staff members, which took place on 3/20 and 21. Our department's members were there both days assisting in the vaccination effort of an estimated 800 school employees, including our own from NHS. D/C Cook had also collaborated with the State in securing a day of vaccinations for one of our local businesses, Imprints Day School.

Facilities

Town Hall. I have reached out to Mr. Schnitzler to set up spring work.

The Library. Nothing new to report. The Library build is moving along. Crews have been working on closing in the building by installing the outside shell.

Stone Building. I have reached out to Mr. Schnitzler to set up spring work.

Town Office/Chevalier Building. Nothing new to report. The septic pipe needed to be dug up in the building and a piece replaced after multiple issues with the toilets overflowing. We believe the problem is repaired at this time.

Recreation

Director Manzi and Jan Facella delivered St. Patrick's Day dinners to seniors. Summer camp will run 9 weeks starting in late June please check the website for registrations.

Projects

PFAS Investigation. Nothing new to report. StoneHill Environmental is currently doing research on our history of foam use as well as other chemicals containing PFAS. I will keep the Board updated as we move through the investigation.

Beach Stickers. We have contacted the State because we have not received the agreement or price for parking spaces. They stated they are behind and will get us the information as soon as it is available.

Education Funding. The committee set an estimated budget. Our portion will be just over \$2000 for this year and the same for next year. I will pay the invoice when it is received.

Telephone System/Communications. Nothing new to report. MD Com is recommending we move forward with a new phone system as opposed to just replacing the main computer of our current system. As soon as we get information from the Library on the number of lines and handsets they will need Chief Mone will put out an RFP to get pricing.

Cell Tower. Nothing new to report. I am following another lead in the search for suitable space for a cell phone tower. I will brief the Board if the lead proves to be useful.

Regionalization. Nothing new to report. Deputy Lajoie and I met with the Rye Fire Chief to continue talks about increased mutual aid between the communities. The Departments have established new automatic response guidelines and are currently operating under those protocols

Coronavirus. Nothing new to report. As the vaccine rollout continues please call 2-1-1 with any questions. The Exeter clinic is open and has been providing vaccines to our elderly and at risk population.

Walkway Committee. There is an item on the agenda to discuss.

Coakley Landfill Group. I attended the Coakley meeting on March 3rd. I will forward minutes to the Board when they are received.

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

Economic Development. There is an item on the agenda for discussion of EDC.

Rails to Trails. Nothing new to report. The committee met on February 3rd. They will meet Bi-monthly going forward unless other meetings are required.

Public Works. DPW is preparing for spring clean-ups and will be removing plows and snow equipment soon.

Philbrick Study Report. The MOU was signed and sent to DOT. I have not heard back on whether they have accepted the language and signed it.

Document Management System. Nothing new to report. The GIS of the tax maps with an interactive page on the website is underway. We have signed the contract and expect the project to be completed this summer.

Meeting Schedule: Our next regularly scheduled meeting is on April 12, 2021.

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



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

NEW BUSINESS



JUSTIN C. RICHARDSON

www.nhwaterlaw.com

February 16, 2021

Via Email Only

Rob Miller, Esq.

Sheehan Phinney

1000 Elm Street, 17th Floor

Manchester, NH 03101

**Re: NORTH HAMPTON v. JAMES A.C. JONES
RECLAMATION * NURSERY SETTLEMENT PLANS**

Dear Rob:

I write to provide comments in response to the Reclamation Plan and Nursery Settlement Plan both dated December 7, 2020, which you provided to the Town of North Hampton on January 20, 2021 for review and approval by the Select Board. As you know, Paragraphs 3 (a)(v) and 3 (b)(iv) of the October 29, 2018 Settlement Agreement provided that: "If the Board of Selectmen does not approve the Reclamation Plan within 30 days, this Agreement shall become void unless extended by mutual written agreement of both Jones and the Town." This means that the Board has until February 19, 2021 to approve or deny the proposed plans.

The Town has not scheduled a meeting to approve the plans at this time because there is a serious concern that the plans will not be approved as proposed. I have attached a January 29, 2021 update review letter from John Chagnon, P.E. of Ambit Engineering which indicates that several his prior comments were not addressed. The Town is disappointed that these issues have not been resolved despite repeated requests. Under the Settlement Agreement, Mr. Jones had the opportunity to define and relocate his processing and manufacturing business adjacent to the Coakley Landfill and away from residential areas where it would have reduced impact. However, the Settlement Agreement required a set of plans that specified the locations where storage and processing of materials would occur. Two years later, we still do not have a satisfactory set of plans.

We have reached or nearly reached the end. If Mr. Jones would like the Settlement Agreement to move forward, I am authorized to agree to extend the date for review and approval by the Select Board by an additional thirty (30) days to March 21, 2021, subject to your

justin@nhwaterlaw.com / (603) 591-1241 / 586 Woodbury Avenue / Portsmouth, NH 03801

Legal representation in the areas of water, utility, environmental and land use law in court and before state and local boards.

agreement to submit updated plans to the Town within fourteen (14) days that reflect all of the comments below. If Mr. Jones is not prepared to address all of the items below, please let me know. I expect that the Board will put the plans on the agenda for its next meeting.

RECLAMATION PLAN:

1. Please make the corrections specified in Comments 14 and 20 in the January 29, 2021 review letter from John Chagnon, P.E. of Ambit Engineering. The Plans need to be made suitable for recording.

Lines through text eliminated, locus map black & white & sheet size 22"X34"; Surveyor endorsement pending.

2. The Nursery Settlement Plan and the Reclamation Plan need to include a signature blocks stating that the plans are: "Approved for Recording by Order of the Court" to be signed by the Presiding Judge. A surveyor's certification is also required per RSA 676:18 and as noted in Comment 1, above.

The court signature blocks have been added to both plans.

3. Note 3 on the Reclamation Plan states: "Reclamation Period will end October 31, 2024. This condition supercedes the Settlement Agreement. Work times for the Reclamation Construction shall be 7 AM to 7 PM. Mon – Sat." This note needs to be revised:

➤ Paragraph 3 (a)(vi) of the Settlement Agreement provided for a Reclamation Period of two construction seasons. Please update the plan(s) to specify that the Reclamation Period will end on October 31, 2022.

Note revised as requested.

➤ Paragraph 3 (a)(vii) specified that during the Reclamation Period: "processing may occur on 205-207 Lafayette during the Reclamation Period between the hours of 7:00 am and 5:00 pm on weekdays and between the hours of 8:00 am and 5:00 on Saturdays." Please update the Reclamation Plan to specify these hours. I caution that any work other than processing that is to occur outside of these hours needs to be clearly identified and noted on the plans or it will not be approved.

Note revised as requested.

NURSERY SETTLEMENT PLAN:

4. Please see Comment 21 in the January 29, 2021 review letter from John Chagnon, P.E. of Ambit Engineering. The Plans will need to be made suitable for recording. See also Comment #2 above.

Lines through text eliminated, locus map black & white & sheet size 22"X34"; Surveyor endorsement pending.

5. Dimensions and areas need to be added to the Nursery Settlement Plan as specified in Comments 26 and 27 of the review letter from John Chagnon, P.E. of Ambit Engineering dated January 29, 2021. I have attached a marked-up scan of the plans showing examples of the dimensions and areas that were not provided as requested. Per the review letter, all of the dimensions and areas need to be shown on the plan. You should also note that the Crushing Area, Grinder Area and Loam Screening Area were not defined or closed. This also needs to be corrected.

Crushing, grinding & screening areas dimensioned with areas added.

6. The December 7, 2020 revisions to the Nursery Settlement Plan expanded the Operational Areas to new areas not shown on the November 2020 Plan. This was initially

missed during our review. Please make sure that all of the changes to the plans are identified appropriately on the plans or otherwise identified.

7. In the notes near the left margin, the Reclamation Period is stated to end on October 31, 2020. Please update the plan to state that the Reclamation Period shall end on October 31, 2022. See Paragraph 3 (a) (vi) and Comment #3 above.

Note corrected.

8. Please revise Operational Note 3 to state that: "Processing of mulch, loam and other materials shall be permitted between the hours of 8 A.M and 5 P.M., Monday through Saturday." The last sentence of Operational Note 3 should be removed.

Note amended as requested.

Please get back to me as soon as possible and confirm whether we are in agreement to extend the deadline for review and submit updated plans as noted above.

If you have any questions, please contact me.

Very truly yours,



Justin C. Richardson, Esq.

Justin@nhwaterlaw.com

(603) 591-1241

Enclosures

Cc: Michael Tully, Town Administrator
John Chagnon, P.E.
Matthew Serge, Esq.

PREPARED FOR: JAMES JONES
207 ATLANTIC AVENUE
NORTH HAMPTON, NH 03862

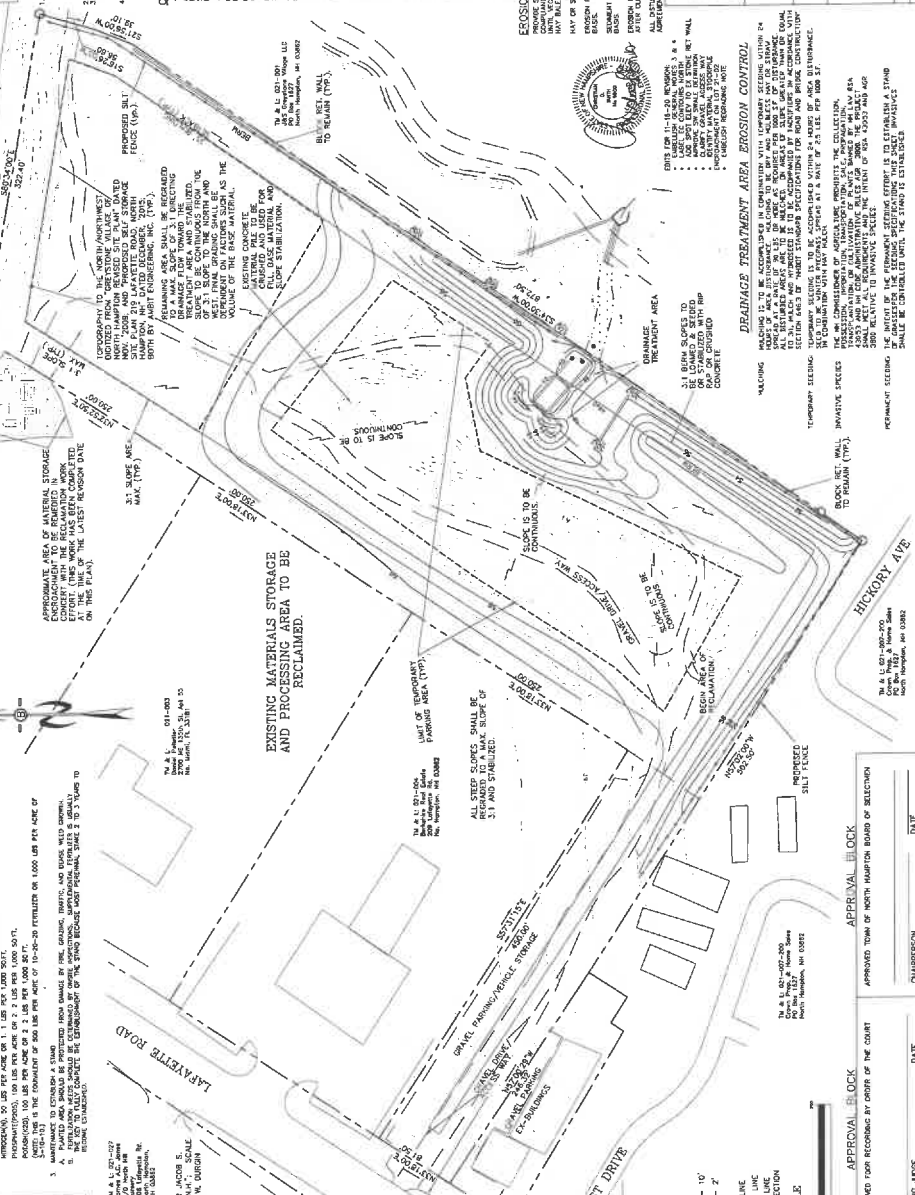
BEALS ASSOCIATES PLLC
70 FORTSMOUTH AVE. STRATHAM, NH 03885
PHONE 603-583-4800, FAX 603-583-4883

GENERAL PLAN NOTES:

THIS PLAN IS PREPARED BY THE ARCHITECTURAL, ENGINEERING AND SURVEYING FIRM OF BEALS ASSOCIATES PLLC, 70 FORTSMOUTH AVENUE, STRATHAM, NH 03885, IN ACCORDANCE WITH THE PROFESSIONAL SEAL OF THE ARCHITECT, ENGINEER AND SURVEYOR, REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR, STATE OF NEW HAMPSHIRE, LICENSE NO. 65814, AND THE PROFESSIONAL SEAL OF THE ARCHITECT, ENGINEER AND SURVEYOR, REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR, STATE OF NEW HAMPSHIRE, LICENSE NO. 65815.

CONSTRUCTION SEQUENCE:

1. THE GENERAL PLAN SHALL BE CONSIDERED THE BASIS FOR THE SEEDING AND EROSION CONTROL PLAN.
2. THE SEEDING AND EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE TOWN ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
3. THE SEEDING AND EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE TOWN ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
4. THE SEEDING AND EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE TOWN ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
5. THE SEEDING AND EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE TOWN ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.



SEEDING SPECIFICATIONS:

- SEEDING OPERATION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE REVIEW OF THE TOWN ENGINEER.
- SEEDING SHALL BE PERFORMED IN ACCORDANCE WITH THE SEEDING SPECIFICATIONS AND THE SEEDING AND EROSION CONTROL PLAN.
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SEEDING AND EROSION CONTROL PLAN:

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DATE:	10/21/2018
SCALE:	1" = 50'
PROJECT NO.:	205-207 LAFAYETTE ROAD
LOCATION:	NORTH HAMPTON, NH
PROJECT:	RECLAMATION SITS PLAN

NO.	DATE	DESCRIPTION
1	10/21/2018	ISSUED FOR RECORD
2	11-18-20	REVISED FOR LAND FROM UPTON & MITCHELL
3	2-24-20	GENERAL REVISIONS PER SETTLEMENT
4	6-25-19	GENERAL REVISIONS PER SETTLEMENT
5		
6		

APPROVED FOR RECORD BY ORDER OF THE COURT: [Signature] DATE: _____

APPROVED FOR RECORD BY ORDER OF THE COURT: [Signature] DATE: _____

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APPROVED FOR RECORD BY ORDER OF THE COURT: [Signature] DATE: _____

APPROVED FOR RECORD BY ORDER OF THE COURT: [Signature] DATE: _____

AMBIT ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS

200 Griffin Road, Unit 3, Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

15 March 2021

Mr. Justin Richardson
Attorney for the Town of North Hampton
233 Atlantic Avenue
North Hampton, NH 03862

**RE: Review of Plans; Town of North Hampton v. James A.C. Jones (Defendant)
Notice of Decision 218-2014-CV-01265
Reclamation Site Plan and Settlement Plan
205 – 207 and 206 Lafayette Road, North Hampton
Ambit File Number 1420.01
Review 5**

At your request we have reviewed the following revised plans submitted by Beals Associates, PLLC by email dated and *received* February 24, 2021:

- Nursery Settlement Plan for 206 Lafayette Road dated OCT, 2018; **Revised 2-17-21**
- Reclamation Site Plan for 205 – 207 Lafayette Road dated OCT, 2018; **Revised 2-17-21**

The above plans presented for review were revised in response to the **AEI Review 4 Letter** dated 29 January 2021. Based on our review, we have prepared the updated comments below with our initial comment repeated and our **review response in bold text. In cases where comment has been addressed previously the “Comment Addressed” is noted.**

Reclamation Site Plan (205 – 207 Lafayette Road) Comments:

These comments relate to section 3.a (ii), compliance with the 3:1 slope requirement:

- 1) **Comment addressed.**
- 2) **Comment addressed.**
- 3) **Comment addressed. The plan indicates that the encroachment has been removed as of the December 7, 2020 Revision Date on the plan. Please note we have not field verified the claim.**
- 4) **Comment addressed.**

These comments relate to section 3.a (ii), Topsoil and drainage:

- 5) **Comment addressed.**
- 6) **Comment addressed.**
- 7) **Comment addressed.**
- 8) **Comment addressed.**

These comments relate to section 3.a (i and vii), Property Use:

- 9) **Comment addressed.**
- 10) **Comment addressed.**

11) **Comment addressed.**

The following are general comments:

12) **Comment addressed.**

13) **Comment addressed.**

14) The property lines should be confirmed and the plan stamped by a NH Licensed land Surveyor. **Comment NOT addressed; NH Licensed Land Surveyor needs to stamp the plans to be recorded. However, this can be corrected as a condition of approval by a date certain to be determined by the Board.**

15) **Comment addressed.**

16) **Comment addressed.**

17) **Comment addressed.**

18) **Comment addressed.**

19) **Comment addressed.**

20) **Comment addressed. It is the applicant's responsibility to insure that the final plan for recording will comply with Registry requirements.**

Settlement Plan (206 Lafayette Road) Comments:

These comments relate to section 3.b (i), Plan Preparation:

21) The property lines should be confirmed and the plan stamped by a NH Licensed land Surveyor. **Comment NOT addressed; metes and bounds and NH Licensed Land Surveyor professional stamp to be added to the plan. However, this can be corrected as a condition of approval by a date certain to be determined by the Board.**

22) **Comment addressed.**

23) **Comment addressed.**

These comments relate to section 3.b (ii), Plan Preparation:

24) **Comment addressed.**

25) **Comment addressed.**

26) **Comment addressed.**

27) The locations of the specific (proposed) uses should be dimensioned. **Comment NOT addressed; added dimensions and square footages have not been added to the plan in the locations and quantities as requested by Justin Richardson. Dimensions and square footages need to be added for all processing, storage and operating areas shown on the plan in order to specify the areas where processing, storage and operational activities will occur. We recommend that the plans or a condition for approval specify that 'operating areas' are intended for access and equipment and shall not be used as additional processing or storage areas.**

28) **Comment addressed.**

29) **Comment addressed.**

30) **Comment addressed.**

31) **Comment addressed.**

32) **Comment addressed.**

33) **Comment addressed.**

34) **Comment addressed.**

This review is based upon material submitted to date. It is possible that additional concerns will be identified upon review of revised or additional materials. This review does not relieve the design engineer from the responsibility to meet Town State, or Federal permitting requirements or regulations.

Subject to the remaining exceptions, these plans have addressed the technical comments raised in our review. Please feel free to call if you have any questions or comments.

Sincerely,

John Chagnon

Digitally signed by John Chagnon
DN: cn=John Chagnon, o=Ambit Engineering,
email=jrc@ambitengineering.com, c=US
Date: 2021.03.15 13:38:00 -04'00'

John R. Chagnon, PE, LLS

J:\JOBS1\JN1400s\Jn1420s\JN1420\2011 - Lawsuit with Jones\Plan Review 2018\14 Submission 3-15-21\Plan Review Letter 3-15-21.doc

Janet Facella

From: Rick Milner
Sent: Thursday, March 18, 2021 12:00 PM
To: Michael Tully; Janet Facella
Cc: Jim Maggiore
Subject: North Hampton RPC Commissioner

Good Day,
Phil Wilson's term as one of North Hampton's Rockingham Planning Commissioners recently expired. The Planning Board nominated Valerie Gamache to replace Mr. Wilson for a three year term. Please place consideration of Ms. Gamache's appointment as an RPC Commissioner on the next Select Board agenda.

Thank you,
Rick Milner
Planning & Zoning Administrator
Town of North Hampton, NH
rmilner@northhampton-nh.gov
603-964-8650

Janet Facella

From: Michael Tully
Sent: Friday, March 19, 2021 10:55 AM
To: Janet Facella
Subject: FW: Walkway Committee

From: Michael Tully
Sent: Tuesday, January 26, 2021 1:55 PM
To: Jim Maggiore <jmaggiore@northhampton-nh.gov>; Larry Miller <lmiller@northhampton-nh.gov>; Ray Miller <rmiller@northerncomposites.com>; James Sununu <jsununu@northhampton-nh.gov>; North Hampton Public Library Trustees <nhp trustees@gmail.com>; Donna Etela <detela@aol.com>; Susan Buchanan <sbuchanan@northhampton-nh.gov>
Cc: Janet Facella <JFacella@northhampton-nh.gov>
Subject: Walkway Committee

All,

The Select Board has established a special committee to work with the Town, Department of Transportation, Library, Heritage Commission, Town Clerk, and any other relevant agency or governing body to develop a plan to replace the current driveway in front of the Town Clerk's office with a walkway, and to run an attendant fund raising campaign to support the effort.

Members of the Walkway Committee to be appointed by the Select Board from the following:

2 Heritage Committee

1 Select Board

1 Library Trustee

Town Clerk or Appointee

2 Members of the Public

We will be advertising for the public members, please let me know who will represent your respective groups.

Thank you,

Michael J. Tully
Town Administrator
Town of North Hampton, NH
(603) 964-8087

MICHAEL J. TULLY
TOWN ADMINISTRATOR

mtully@northhampton-nh.gov



MUNICIPAL OFFICES
233 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

MINUTES OF PRIOR MEETINGS



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

4 **MARCH 8, 2021 7:00 PM**

5 **NORTH HAMPTON TOWN HALL**

6 **DRAFT MINUTS**
7

8 MEMBERS PRESENT: Vice Chairman James Sununu, Selectman Larry Miller

9 PRESENT VIA ZOOM: Chairman Jim Maggiore

10 ALSO PRESENT: Town Administrator Michael Tully, Conservation Commission Chairman Lisa Wilson,
11 Conservation Commission Easement Sub-Committee Chairman Andrew Vorkink, Aquarion Water
12 Company Operations Director Carl McMorran

13 **AGENDA**

14
15 Vice-Chair James Sununu welcomed everyone to the March 8, 2021 Regular Select Board Meeting and
16 called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance.

17
18 Vice-Chair Sununu said this is Mr. Miller's final meeting as a Select Board member and thanked him for
19 his 18 years of service to the Town of North Hampton.

20
21 **First Public Comment Session**

22 *Call 603-758-1447; email jmaggiore@northhampton-nh.gov*

23
24 Jeff Hillier presented a petition to the Select Board from the Glendale neighborhood in response to
25 continuous rock hammering and rock breaking going on daily since late September. The petition asks that
26 the Select Board and the Planning Board begin action to make sure North Hampton residents never again
27 be tormented in this way and find a way to better manage this type of construction in future. He said the
28 construction company is fully permitted, and the Town cannot take any action.

29
30 Andrew Vorkink of 120 Post Road brought up a point of order asking if Mr. Maggiore needed to be voted
31 into the meeting for his actions to be counted.

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.***

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Motion: To allow Mr. James Maggiore to participate in the meeting electronically per RSA 91-A:3 (a,d).

Motioned: Selectman Miller

Seconded: Vice-Chair Sununu

Roll Call Vote: James Sununu-aye, Larry Miller-aye

Motion approved by a vote of 2-0

Consent Calendar

5.1 Payroll Manifest of February 25, 2021 in the amount of \$79,287.99

5.2 Payroll Manifest of March 4, 2021 in the amount of \$82,605.99

5.3 Accounts Payable Manifest of March 4, 2021 in the amount of \$581,907.94

5.4 Cemetery Deed

5.5 Fire Permits July 1, 2020 – December 31, 2020

Motion: To approve the Consent Calendar as presented

Motioned: Selectman Miller

Seconded: Chairman Maggiore

Roll Call Vote: James Sununu-aye, Larry Miller-aye, Jim Maggiore-aye

Motion approved by a vote of 3-0

Correspondence – No items

Copies of all Correspondence will be attached to these minutes.

Committee Updates

Selectman Miller referred the *Economic Development Committee* to item 11.2 of the meeting and moved that report to New Business.

Chairman Maggiore said the *Heritage Commission* has not met since last meeting and will meet in a few weeks. The *Water Commission* has not met, and they are still working on some legal issues they have been working on for several months.

Vice-Chair Sununu said the *Rails to Trails Committee* has not met, and they plan to meet early next month.

Public Hearing

Continuation of Public Hearing from February 22, 2021:

To consider whether the Town should acquire 39 acres of conservation land to be donated to the Town of North Hampton by Waler E. Nordstrom of Fishers, Indiana. Approval by the Zoning Board of Adjustment of variance requests necessary to subdivide the 42-acre located at Map 17, Lot 71 was granted February 23, 2021. Subdivision of the property is necessary to create a 2.6-acre building lot in the southern portion of the lot to enable the Town to own the conservation land, provide public access, and to limit impacts to wetlands located within the headwaters of the Little River.

Conditional Use Permits and waivers to the Town of North Hampton Subdivision Regulations have been obtained from the Planning Board for the proposed 2.6-acre building lot and subdivision of the property.

Motion: To resume the Public Hearing from February 22, 2021.

Motioned: Chairman Maggiore

Select Board Regular Meeting
March 8, 2021

88 **Seconded:** Selectman Miller

89 **Roll Call Vote:** James Sununu-aye, Larry Miller-aye, Jim Maggiore-aye

90 *Motion approved by a vote of 3-0*

91

92 Vice-Chair Sununu said a letter was received this week from Lisa Wilson Chairman of the Conservation
93 Commission and he read the letter in full. The Conservation Commission requested that the Select Board:
94 (1) formally agree to the acquisition of the 39 conservation acres donated from Map 17, lot 71 to protect
95 the headwaters of the Little River and be open to the public for recreation; (2) authorize the Chair of the
96 Conservation Commission to accept and sign the Conservation Warranty Deed presented to the Select
97 Board; (3) abate the current use penalty Land Use Change Tax (LUCT) once determined by tax assessor.

98

99 Ms. Wilson said the Conservation Commission already determined that the value of the donated
100 conservation land far exceeds the LUCT which is a one-time fee to convert current use land into land for
101 development and applies only to the 2.6-acre buildable lot; the lot will be subject to property tax once
102 recorded at the registry. She said the Conservation Commission requests the Select Board approve this
103 proposal.

104

105 Vice-Chair Sununu continued the Public Hearing.

106

107 Conservation Commission Chairman Lisa Wilson presented slides for public understanding and said the
108 buildable lot parcel will increase tax revenue to the Town. She said access to the conservation land starts
109 at North Road with a 40-foot-wide strip that runs to the Greenland Line with the 2.6-acre lot to the left.
110 The aerial map shows the Rail Trail and the potential for a hiking path from the Rail Trail to Forest Hills.

111

112 Chairman Maggiore asked Ms. Wilson to tell everyone here what the vote was at the Zoning Board
113 meeting on these matters. Ms. Wilson said the Zoning Board voted 4-1 in favor of granting the requested
114 variances. Vice-Chair Sununu said the public can call 603-758-1447 with questions or comments.

115

116 Mr. Wilson of 9 Runnymede Drive said he worked with Tim Harned on the North Hampton Forever
117 Committee and they had their eyes on the headwaters of the Little River because of its value. He said this
118 is an incredible opportunity for the Town and will help protect Little River right where it starts.

119

120 Vice-Chair Sununu closed the Public Hearing at 7:25 pm.

121

122 Discussion: Vice-Chair Sununu said he has no issue with accepting the donation of the land and having
123 the Conservation Commission sign the Warranty Deed but does not support abating the current use
124 penalty. He said this land has been in current use for 37 years and LUCT exists for a reason. When people
125 pull that land out of current use a fee is assessed on the buildable lot which has a measurable economic
126 value, and he preferred those fees be accumulated over the years to be available for land purchases.
127 Selectman Miller disagreed.

128

129 Chairman Maggiore said given the unanimous decision from the Planning Board regarding the Map and
130 Lot, and given the 4-1 decision of the Zoning Board he would make the following motions:

131

132 **Motion:** That the Select Board acquire the 39 acres of land being donated from Map 17, Lot 71 by Mr.
133 Walter Nordstrom to be owned by the Conservation Commission in the name of the Town.

134 **Motioned:** Chairman Maggiore

135 **Seconded:** Selectman Miller

136 **Roll Call Vote:** James Sununu-aye, Larry Miller-aye, Jim Maggiore-aye
137 *Motion approved by a vote of 3-0*

138
139 **Motion:** To authorize the Chairman of the Conservation Commission to accept and sign the Conservation
140 Warranty Deed presented to the Select Board.

141 **Motioned:** Chairman Maggiore
142 **Seconded:** Selectman Miller

143 **Roll Call Vote:** James Sununu-aye, Larry Miller-aye, Jim Maggiore-aye
144 *Motion approved by a vote of 3-0*

145
146 **Motion:** Move that the Select Board abate the current use penalty once such a penalty is determined by
147 the tax assessor which will be 10% of the assessed value of the buildable lot.

148 **Motioned:** Chairman Maggiore
149 **Seconded:** Selectman Miller

150 **Roll Call Vote:** James Sununu-nay, Larry Miller-aye, Jim Maggiore-aye
151 *Motion approved by a vote of 2-1*

152
153 **Report of the Town Administrator**
154 *A copy of the Report of the Town Administrator will be attached to these minutes.*

155
156 Report from February 23 to March 5, 2021: Under Finance 33% of Budget remaining with 17 weeks left
157 in fiscal year; Fire and Police fielded many calls during recent windstorm and worked assisting the power
158 company; Firefighters from North Hampton assisted with the mass vaccination event in Loudon, NH;
159 septic at Police Station had to be dug up to resolve issues; summer camp will run 9 weeks starting in late
160 July; MDCOM recommends replacing entire phone system; Philbrick Pond MOU signed and sent to DOT.

161
162 Selectman Miller thanked Fire, Police, and Highway Departments for taking care of things during the 30-
163 hour power outage.

164
165 **Items Left on the Table**

166
167 **NEW BUSINESS**

168
169 **11.01 Surprise Presentation** – John Savastano

170
171 Channel 22 Director John Savastano thanked Larry Miller on his departure for his support and his great
172 view on things, and said he, Troy, and Luke got something from Channel 22 to thank him for being a part
173 of our station. He presented Mr. Miller with a North Hampton Community Media Channel 22 mug.

174
175 **11.1 Aquarion Water Company Quarterly Update**

176
177 Aquarion Water Operations Director Carl McMorran said they had started maintenance to get ready for
178 the spring season and were handling requests for seasonal meters. He said he would address the PFAS
179 treatments project, High Street water main replacement, and staff recognition.

180
181 Mr. McMorran said the update on PFAS is similar to the previous chart shown at the last quarterly update
182 showing most levels very low with the highest at Mill Road Treatment Plant where 6 wells come together.

183 He said the others were so low the State has allowed reduction in monitoring frequency to once every 3
184 years, with Mill Road once per year for compliance sampling; non-compliance sampling will continue.

185
186 Mr. McMorran said they have been monitoring PFAS for over 5 years and have some sense of how they
187 are trending with Well 6 appearing to steadily increase, Well 11 on the rise, and Well 9 also trending
188 upward. He said capacity of these wells will need to be reduced in future to stay under MCL unless
189 treatment is put in; and they are on schedule to put treatment in this spring initially with just Well 6. He
190 said they are renovating an existing building and are looking at less than \$2 Mil to do this project.

191
192 Mr. McMorran said they applied for a grant from State Drinking Water & Groundwater Trust Fund for 25%
193 on a construction project. The State is also just starting a PFAS Remediation Loan Fund which they will
194 also apply for. He said the State has filed suit against some PFAS manufacturers and any settlement could
195 provide money for this project. They are currently on track to start construction in April; a map of the
196 central part of the Aquarion system shows the main replacement summer project.

197
198 Mr. McMorran said a member of his staff Glenn Eaton received the Meritorious Achievement Award by
199 the New Hampshire Water Works Association. He worked as lead on most of our production side
200 operations and maintenance, worked for Aquarion for 32 years, and is retiring at the end of the month.

201
202 **11.2 Economic Development Committee Majority Report Presentation and Minority Report on**
203 **Ironwood Study**

204
205 Selectman Miller said the EDC Committee met by Zoom and voted on the Final Report of the EDC, and
206 Chairman Richard Luff is here to make the presentation.

207
208 EDC Chairman Richard Luff said the primary objective for Ironwood was to create a vision and conceptual
209 master plan to guide evolution of development, uses, and infrastructure enhancements along the Route
210 1 Corridor. He said Ironwood technically delivered on the primary objectives, but the degree to which the
211 ideas and concepts they presented were consistent with the vision statements created by EDC led to a
212 considerable amount of debate by the Committee. He said they agreed that parts of the plan looked like
213 they took a previous plan and made North Hampton follow that model.

214
215 Mr. Luff said the following 3 elements of the Ironwood Project are what the EDC Committee recommends
216 the Select Board consider moving forward with:

217
218 (1) Town should coordinate with New Hampshire DOT to improve the appearance of Route 1 in the Village
219 Center area. Ironwood addressed this quite well and had different design concepts to beautify Route 1
220 and enhance its overall visual impact. Select Board should enter into discussions as soon as possible with
221 NH DOT and Rockingham Planning Commission to revise plans for future modifications and changes
222 consistent with a designation of a section of Route 1 within a Village Center.

223
224 (2) Ironwood reviewed our present Zoning Ordinances, and EDC developed a Sub-Committee to review
225 those and make recommendations. EDC recommends Zoning issues be forwarded to the Planning Board
226 for their consideration.

227
228 (3) Mixed use was the most controversial issue and was a large part of Ironwood's recommendation. The
229 EDC recommends the Planning Board review potential changes to Town Ordinances to explore for
230 appropriate planning tools that allow for *limited* mixed-use development in the Route 1 Corridor and ask

231 that it be explored and looked at. He said a large part of the EDC Committee felt limited mixed use was a
232 good way to incentivize landowners and developers to take that risk and beautify one of the lots to have
233 multiple forms of income for capital investments greatly needed along Route 1.

234
235 Mr. Luff said lastly one of the biggest disappointments of the EDC Committee was that Ironwood really
236 failed to depict a picture of what the Committee felt North Hampton needs to look like to have something
237 to share with residents and said they cannot recommend using any of Ironwood's visual representations.
238 He said overall the EDC does not recommend adopting the Ironwood Plan in entirety, but says limited
239 mixed use, reviewing of the Zoning Ordinances to another level by the Planning Board to perhaps make
240 some gradual changes to allow developers to have more flexibility on how they can approach their
241 properties on Route 1, and the beautification efforts which all agreed on.

242
243 Questions: Chairman Maggiore said EDC started as an idea about 8 years ago and recently has moved
244 along, and he thanked all the members of the EDC Committee, past and present, who have gotten us to
245 this point. He asked if COVID derailed the direction or change its course at all for EDC.

246
247 Mr. Luff said the Committee had multiple discussion about how they do not know what the end is going
248 to look like here along with all the changes in retail, but they need to give property owners and developers
249 more opportunities to make their properties work to bring enhancements to the Town that are needed,
250 and the Town should work through Zoning and input from property owners on how we might ameliorate
251 some of this.

252
253 Vice-Chair Sununu said the recommendations seem to make sense and suggested the Planning Board be
254 the starting point to look at Planning and Zoning Ordinances and put forward recommendations. He said
255 we have to try to make it attractive to private property owners and developers to build something that
256 fits in and he would like to see consideration of some of these flexible zoning changes. He said personally
257 he did not feel any development on Route 1 would take away from the character of North Hampton and
258 said zoning changes would be limited to that scope and footprint.

259
260 Chairman Maggiore said the Select Board has received the EDC Report regarding the proposed Village
261 Center and pursuant to the recommendations from the EDC I make the following motion:

262
263 **Motion:** The Select Board will open discussion with the NH DOT and the Rockingham Planning
264 Commission regarding the improvement of the appearance of Route 1 in the Village Center area and the
265 Select Board will refer all Zoning matter from the EDC Report to the Planning Board for their consideration;
266 the Select Board does not endorse or adopt the Ironwood Report.

267 **Motioned:** Chairman Maggiore

268 **Seconded:** Selectman Miller

269 Discussion: Vice-Chair Sununu said there is a Minority Report of several members of the EDC who had a
270 difference of opinion on some items in the official Majority Report. Anyone wishing to address that can
271 call during the second Public Comment Session.

272 **Roll Call Vote:** James Sununu-aye, Larry Miller-aye, Jim Maggiore-aye

273 *Motion approved by a vote of 3-0*

274

275 11.3 Discussion of Outdoor Dining

276

277 Town Administrator Tully said last year the Town set up a temporary permit system for expanding outside
278 dining areas, and he is now proposing to extend outdoor dining permits until October 31, 2021 allowing

279 businesses to invest. He said he would like to propose that the Select Board allow his office to continue
280 the permitting system until October 31, 2021; after that they will need to go to the Planning Board for
281 approval.

282
283 Selectman Miller asked how the system was established in relation to the Planning Board and Town
284 Administrator Tully said he met with several Planning Board members but never went in front of the whole
285 Board. Selectman Miller felt it would be advisable for the Administrator to at least go to the Planning
286 Board Chairman and start a discussion.

287
288 Chairman Maggiore said they needed to make it clear to businesses this is temporary and said it is a good
289 idea and he supports it. Vice-Chair Sununu agreed and said he wholeheartedly supported this to help
290 businesses operate as effectively as they can under the conditions.

291
292 **Motion:** To authorize the Town Administrator to continue with the temporary outdoor dining permits
293 through October 31, 2021 with the idea the Town Administrator will go to the Planning Board Chairman.

294 **Motioned:** Chairman Maggiore

295 **Seconded:** Selectman Miller

296 **Roll Call Vote:** James Sununu-aye, Larry Miller-aye, Jim Maggiore-aye

297 *Motion approved by a vote of 3-0*

298

299 **11.4 Discussion of GZA Environmental Agreement**

300

301 Town Administrator Tully said Muriel of GZA handled all our supporting documentation and updates for
302 the Gun Club remediation going on in our community and she has since retired and GZA Environmental is
303 requesting that the Town sign another agreement to handle the Hampton Rod & Gun Club property
304 updates coming up in 3 or 4 months and asked the Board for permission to sign the agreement.

305
306 Selectman Miller said they need someone monitoring that as it is a large environmental liability and is
307 now being evaluated by DES. He said the Gun Club management can simply walk away (Town has an
308 agreement with them), and it is important for the Town to understand the physical qualifications of what
309 is there, and need some representation on final treatment.

310

311 Chairman Maggiore said he has 2 huge binders with a lot of material, and they need to continue toward
312 some resolution.

313

314 **Motion:** To approve the GZA Contract as presented and empower the Town Administrator to sign the
315 agreement.

316 **Motioned:** Vice-Chair Sununu

317 **Seconded:** Selectman Miller

318 **Roll Call Vote:** James Sununu-aye, Larry Miller-aye, Jim Maggiore-aye

319 *Motion approved by a vote of 3-0*

320

321 **MINUTES OF PRIOR MEETINGS**

322

323 **Approval of the Regular Meeting Minutes of February 22, 2021**

324 **Motion:** To approve the Regular Meeting Minutes of February 22, 2021 as presented.

325 **Motioned:** Selectman Miller

326 **Seconded:** Chairman Maggiore

Select Board Regular Meeting
March 8, 2021

327 **Roll Call Vote:** James Sununu-aye, Larry Miller-aye, Jim Maggiore-aye
328 *Motion approved by a vote of 3-0*

329

330 **Approval of the Non-Public Meeting Minutes of February 22, 2021**

331 **Motion:** To approve the Non-Public Meeting Minutes of February 22, 2021 as presented

332 **Motioned:** Selectman Miller

333 **Seconded:** Chairman Maggiore

334 **Roll Call Vote:** James Sununu-aye, Larry Miller-aye, Jim Maggiore-aye
335 *Motion approved by a vote of 3-0*

336

337 **Any Other Item that may legally come before the Board**

338

339 **Second Public Comment Session**

340 *Call 603-758-1447; email jmaggiore@northhampton-nh.gov*

341

342 Andrew Vorkink expressed appreciation on behalf of the Conservation Commission for the vote tonight.
343 He asked that the votes for each of the 3 motions be listed separately in the minutes to show there was
344 Select Board support for the land acquisition, Select Board support for the Conservation easement, but
345 there was one member who did not support the abatement of the current use tax.

346

347 Lisa Wilson thanked the Select Board for supporting the Nordstrom acquisition, and on behalf of the
348 Conservation Commission thanked Selectman Miller for his steadfast and moral support over many years.
349 On a personal note she said Phil and I want to thank Larry and let him know it has been an absolute honor
350 and privilege to have the chance to work with him for over 2 decades. She said you are a person of honor,
351 integrity, extreme thoughtfulness, and what you have done for the North Hampton has left the Town a
352 better place; we will miss you.

353

354 Selectman Miller said it has been a pleasure to serve the Town and said he and his wife got involved a
355 long time ago and had a great time of it. He said I now have other priorities and thanked all who supported
356 him.

357

358 **Next Regular Meeting:** March 22, 2021

359

360 **Adjournment**

361

362 Selectman Miller made a motion to adjourn which was seconded by Chairman Maggiore. The
363 motion was approved by a vote of 3-0 and Vice-Chair Sununu adjourned the meeting at 8:34 pm.

364

365 Respectfully submitted,

366

367 Patricia Denmark, Recording Secretary

368

369