



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
NORTH HAMPTON SELECT BOARD

NOTICE OF PUBLIC MEETING
MONDAY, MAY 22, 2023

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

1. Call to Order By Chair and Pledge of Allegiance

2. 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.

3. Consent Calendar

- 3.1 Payroll Manifest of May 11, 2023, in the amount of \$78,289.05
- 3.2 Payroll Manifest of May 18, 2023, in the amount of \$72,334.77
- 3.3 Accounts Payable Manifest of May 11, 2023, in the amount of \$81,875.36
- 3.4 Cemetery Deeds

4. Correspondence

5. Committee Update

- 5.1 Heritage Commission
- 5.2 Water Commission
- 5.3 Rails to Trails Committee
- 5.4 Budget Committee

6. **Public Hearing**
To Consider the Discretionary Barn Easement Application of Tax Map 001, Lot 120, 48 Ocean Boulevard
Owner: LBH LLC
7. **Report of the Town Administrator**
8. **Items Left on the Table**
9. **New Business**
 - 9.1 Discussion of Memorial Day Events
 - 9.2 Building Update
 - 9.3 Legislative Update
 - 9.4 Discussion of Hazard Mitigation Plan Update
 - 9.5 Discussion of Police Chief Search
10. **Minutes of Prior Meetings**
 - 10.1 Approval of Minutes of Regular Meeting of May 8, 2023
11. **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.
12. **Second Public Comment Session**
See Item 2, above
13. **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

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TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
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CORRESPONDENCE



Hamptons Post 35

G. Berkley Bennett, Jr, Commander

Mike Tully, Town Administrator
Town of North Hampton
233 Atlantic Ave
North Hampton, NH 03862

May 10, 2023

Dear Mike:

On behalf of the Hamptons American Legion Post 35, I am extending this personal invitation to you and the Select Board to attend the rededication of the "Lady of the Sea" Marine Memorial.

The dedication will take place on Saturday, June 3, 2023, at 8:00 am at the Marine Memorial across from the Ashworth Hotel at Hampton Beach.

The ceremony is to honor New Hampshire sailors, RD2 Ronald Thibodeau and QM3 Gary Vigue. They were lost at sea when their ship, USS Frank E. Evans, was involved in a collision with an Australian aircraft carrier in June 1969.

Family members and members of the USS Frank E. Evans Association will be in attendance along with the general public.

The Governor, Senator Shaheen, and representatives of the New Hampshire Department of Natural and Cultural Resources have been invited.

We look forward to seeing you at the dedication.

Respectfully,

Berk Bennett
Commander
berk.bennett@gmail.com
603-918-7847 (C)

MICHAEL J. TULLY
TOWN ADMINISTRATOR

mtully@northhampton-nh.gov



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TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
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COMMITTEE UPDATES

MICHAEL J. TULLY
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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
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North Hampton, NH 03862
mtully@northhampton-nh.gov
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TOWN OF NORTH HAMPTON, NEW HAMPSHIRE
OFFICE of the TOWN ADMINISTRATOR

TOWN ADMINISTRATOR'S REPORT
MAY 22, 2023 SELECT BOARD MEETING

REPORTING PERIOD

The reporting period is from May 9, 2023 through May 19, 2023

Finance

Financially we are running at 13% of the budget remaining with 7 weeks remaining in the fiscal year.

Police

Chief Kurz has been working on expanding our search capabilities for qualified candidates for Officer Positions. Resumes were collected and six candidates took one of two physical agility tests offered by the department. 2 candidates passed the test and will be moving forward in the interview process.

There is an item on the agenda to discuss the Chief search process.

Fire

The Fire Department has received a resignation from an employee for a last day of July 5th. The Chief will be running a process to identify a qualified candidate.

Two members have been enrolled in a Water Rescue instructor class occurring this summer. This will allow the department to have their own instructors on staff which will save training funds in the future.

The high school intern who has been shadowing Firefighters will be graduating in June and has shown an interest in becoming a Call Firefighter with the department.

Facilities

Town Hall. Nothing new to report. The handicap ramp is still accessible on the rear of the building. Residents can drive to the rear of the building by the ramp for access. I asked Ricci Construction to create a ramp from the dirt to the pavement and that has been completed.

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

Stone Building. Mr. Schnitzler completed the re-screening of the front doors as well as the repairs to the eye brow windows. The next project will be a small repair to damaged trim on the west side of the building which will probably occur this fall.

Recreation

There is an item on the agenda for Director Manzi to discuss the upcoming parade, ceremony and Memorial Day BBQ on the school grounds this year.

We will be hosting our first Family Fun night on June 23rd at Dearborn Park.

Old Home Days plans (Second Saturday in August) will include a fun 5k this year.

There are still positions open for summer camp. Contact Director Manzi or register on Rec Desk through our website if interested.

Senior coffee is scheduled for Thursday mornings, 10am at the Rec

Highway

Thank you to the Highway crew for quick action in covering graffiti which was discovered at Dearborn Park following last weekend.

Personnel have been removing excess gravel from the Public Safety site and delivering it to recycling for use on future roadway projects.

Mowing season has begun and crews are busy finishing spring clean-ups.

Projects

Route 1 Culvert. Nothing new to report. The culvert had a difficult time keeping up with the 2 inches of rain received last weekend. I was in touch with District 6 and monitoring the issue. The water backed up on area properties and took approximately 36 hours to recede.

PFAS Investigation. Nothing new to report. Tomforde Environmental is working on a brief bid spec that will be used to gather pricing to complete the project.

Police/Highway/Fire Negotiations. Negotiations have begun with the Police Department and Highway Department. I will be setting up dates soon to begin with the Firefighters Union.

Philbrick Pond. Nothing new to report. I have been working with the Conservation Commission and the Nature Conservancy in applying for a grant to increase the health of the Marsh. I will keep the Board updated on the results.

Revaluation. Nothing new to report. The process is ongoing and we expect to be completed this spring.

Community Power Aggregation. The Board met with representatives from Freedom Energy in researching an aggregation program to save residents on electricity bills in the future. I am working with them to move the process forward with the goal of a warrant article this fall.

Cell Tower. Nothing new to report.

Walkway Project. Nothing new to report. I met with Lauri Etela and Ricci to go over the plan for the walkway. We may be able to get it completed with other stonework this summer.

Coakley Landfill Group. I have not received an agenda for a May meeting but will plan to attend when it is received.

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

Floodplain Regulations Grant. We have received a \$12k grant to update floodplain regulations in our community. The grant has no required match and the project will be completed with no cost to the tax payers.

Rails to Trails. NHDOT is working quickly on the trail with a goal of October of 2024 for completion of the first phase. A PowerPoint with construction information has been added to the website.

Route 95 Exit 2 Bridge. Nothing new to report. This project has started and will be running until November. The detour over 111 and 151 will be utilized for approximately 6 nights between now and November from 9pm to 5am while lane changes are happening during the project. The signs will be covered when not being utilized.

Meeting Schedule: The board's next meeting is scheduled for June 12th.

MICHAEL J. TULLY
TOWN ADMINISTRATOR

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ITEMS LEFT ON THE TABLE

MICHAEL J. TULLY
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PUBLIC HEARING

MICHAEL TULLY
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NOTICE OF PUBLIC HEARING
North Hampton Select Board

Pursuant to RSA 79-D:5 (07/02/2002), the North Hampton Select Board will conduct a public hearing on the **22nd day of May, 2023 at 7pm** at the North Hampton Town Hall located at 231 Atlantic Avenue North Hampton New Hampshire on the following Discretionary Barn Preservation Easement Applications:

1. Tax Map 001, Lot 120 48 Ocean Boulevard Owner: LBH LLC

Memo

To: Michael Tully
Town Administrator
Town of North Hampton

From: Scott P. Marsh, CNHA
Municipal Resources, Inc.
Contracted Assessing Agents

Date: April 18, 2023

RE: Discretionary Preservation Easement Application

Attached is an application that was submitted from LBH LLC for a barn situated on the property identified as Tax Map 1 Lot 120 – 48 Ocean Boulevard. The barn is currently assessed at \$41,600 and they are requesting a 75% reduction. They are planning on doing repairs.

The barn appears to be a qualifying structure, however it is up to the Board to decide if they are of a public benefit per RSA 79-D: 3.

If the Board believes they are of a public benefit and after a public hearing the Board decides to acquire an easement, it will need to be for a term of not less than 10 years and will have to include in the agreement how the structures will be assessed, meaning at what percentage in the range of 25% to 75% of the full value assessment will they be at per RSA 79-D: 7.

The town has previously granted other easements which had reductions of 75%. At the time of the actual easement being written the applicant should be made clearly aware that if they decide to remove the easement, there is a tax due for the release per RSA 79-D:8 of 20% of the full value if released within the first half of the term and 15% of full value if released in the second half. Also if the Board decides, there may be up to penalty of 10% of the full value due at the expiration or renewal of the easement. The agreement should also contain language regarding how the owner should maintain the structures as per RSA 79-D: 8 VI the above penalty also applies if the owner fails to maintain the structure in conformity with the agreement.

Continued...

Memo (CONTINUED)

The following is a list of what the assessment and taxes (at the 2022 tax rate) for the structures are and would be at various easement assessment percentages. There also would be a small amount of land assessed with the structures, which the applicant will need to submit a map showing, which is estimated would be assessed at a \$5,000 per acre at full assessment.

BARN	CURRENT ASSESSMENT	@ 25%	@ 50%	@ 75%
1650 SF	\$41,600	\$10,400	\$20,800	\$31,200
TAXES	\$720	\$180	\$360	\$540

Hope this information is helpful and if there are any questions, please let me know.

79-D APPLICATION

LBH LLC / 48 OCEAN BOULEVARD

April 17, 2023

Pat Meyers

pmeyers66@aol.com

603-512-0869

FORM
PA-36-A

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
DISCRETIONARY PRESERVATION EASEMENT APPLICATION

STEP 1 PROPERTY OWNER (S)

PLEASE TYPE OR PRINT	LAST NAME	FIRST NAME	
	LBH, LLC		
	LAST NAME	FIRST NAME	
	STREET ADDRESS		
	3811 JOCKLYN ST. NW		
	STREET (continued)		
TOWN/CITY		STATE	ZIP CODE
WASHINGTON		D.C.	20015-1919

STEP 2 PROPERTY LOCATION OF LAND AND HISTORIC AGRICULTURAL STRUCTURE BEING CLASSIFIED

PLEASE TYPE OR PRINT	STREET				
	48 OCEAN BOULEVARD				
	TOWN/CITY			COUNTY	
	N. HAMPTON			ROCKINGHAM	
	NUMBER OF ACRES	MAP#	LOT#	BOOK#	PAGE#
	2.02	2	1-120	3107	0415
CHECK ONE:			Tax Year		
Original Application <input checked="" type="checkbox"/>			2024		
Renewal <input type="checkbox"/>					

STEP 3 REASON FOR DISCRETIONARY PRESERVATION EASEMENT APPLICATION

Describe how the Historic Agricultural Structure meets one of the tests of public benefit per RSA 79-D:3. Submit additional sheets, if necessary.

SEE ATTACHMENT

How many square feet will be subject to the easement?

STEP 4 SIGNATURES OF ALL PROPERTY OWNERS OF RECORD

TYPE OR PRINT NAME (in black ink)	SIGNATURE (in black ink)	DATE
PATRICIA S. MEYERS	<i>Patricia S Meyers</i>	4/16/23
CHARLES M. SULLIVAN	<i>Charles M Sullivan</i>	4.14.23
DEBORAH S. SOWITT	<i>Deborah S. Sowitt</i>	4/18/23

Reason for Discretionary Preservation Easement Application

1. Scenic enjoyment by the public: The barn is visible to the hundreds of walkers along Ocean Boulevard and Willow Avenue year-round and is a significant element of the property.
2. Historical importance: The Bell-Sullivan house and barn are contributing structures in the Little Boar's Head Historic District, which was listed on the National Register of Historic Places in 1999 and are an integral part of the seacoast area of N. Hampton which became a popular summer home locale in the late 19th C.
3. Structure contributes to the historic or cultural integrity of a property on the National Register:

According to the National Register nomination:

[The Bell-Sullivan] house was constructed in 1898 for Mrs. Charles H. Bell ... , the widow of the late Governor Charles H. Bell, and a senior member of the Little Boar's Head summer colony, who first summered here in 1866. It replaced an earlier dwelling which was ... moved to Willow Avenue and later demolished The present house was designed by Boston architects Wales & Holt, whose other projects included residences in Cambridge and Chestnut Hill, MA and Center Sandwich, NH.

The barn ... predates the existing main house by several years. An item published in the *Exeter News-Letter* on May 29, 1896 indicated that Mrs. C. H. Bell was having a stable built in the rear of her residence, from plans by architects Wales & Holt of Boston. The building was constructed by local contractor Warren B. Moulton.

[The] two-story, hip-roofed carriage house ... is square in plan and measures three bays to a side. Centered on the facade is a doorway capped by a simple entablature lintel, remaining openings consist primarily of 6/6 sash. A square ventilator is centered on the roof. A two-story ell extends to the rear.

The Bell-Sullivan barn is of wood frame construction with heavy morticed corner posts, sills, and plates, infilled with stud framing. The roof is supported by rafters as well as by timber trusses that support the second floor via iron tension rods.

The frame rests on a hybrid granite foundation consisting of mortared ashlar on the east and north elevations but random boulders on the west and south. The crawl space is unfinished and filled with glacial boulders probably cleared from the site at the time of construction; up to 18" of water have been found to accumulate there which contributes to rot and mold on some framing members. The center and right bays of the first floor are open, with a partial concrete floor probably installed in the 1920s to accommodate an automobile. The left bay contains an office, staircase, and storage room. The ell contains three stalls for horses and cows in original condition. The plan of the second floor mirrors the first, with two bedrooms on the left and an open hayloft on the right. Grain bins are located in the ell.

The Bell-Sullivan barn has been maintained in generally good condition but at considerable expense. The roof and gutters have been replaced within the last five years and the building has

been kept painted. However, the owners are now facing the necessity of substantial repairs including replacement of at least one corner post and sills and installation of drainage to alleviate ponding and mold growth in the crawl space (scheduled for spring 2023), and replacement of failed posts and framing members that support the concrete floor in the automobile bay (planned for 2024). The underpinning work may also need to address foundation conditions throughout the building. We anticipate costs in the neighborhood of \$50,000 for the 2023 and 2024 phases of work in addition to the usual maintenance expense.

Tax Relief Calculation:

Assessed Value of Barn: \$41,600.00

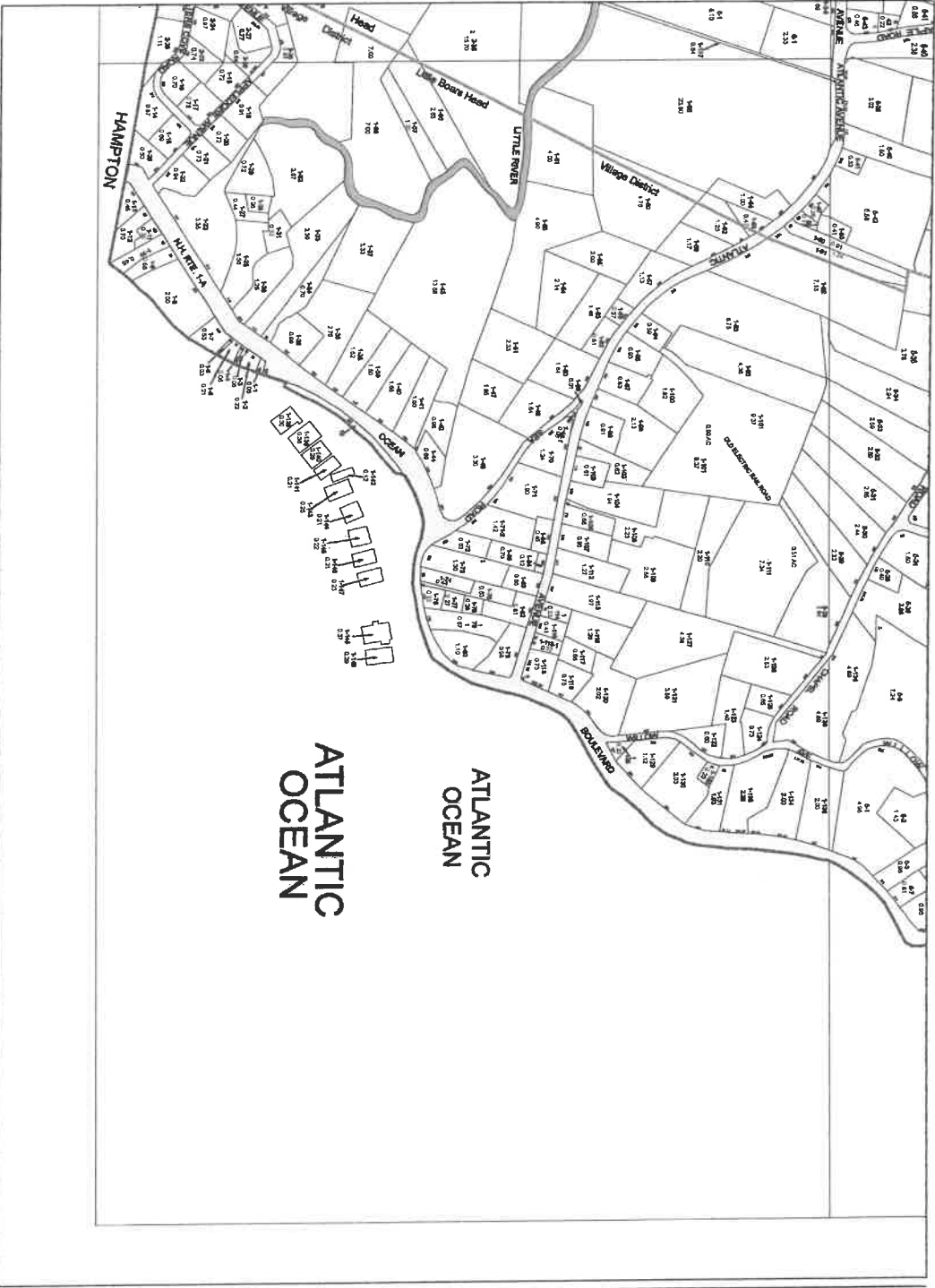
Current Tax - \$17.30 land 232.86

Current Tax - \$17.30 barn + 719.68

\$952.54

75% reduction = \$238.13

Saving of \$714.41/yr = 10 year savings of \$7,144.10 to be applied to preservation work



Town Map



**Town of North Hampton
New Hampshire**

Legend

- Town Boundary
- Village District Boundary
- Water
- Road (200')

- 1 Parcel Number
- 2 Registered Parcel Number
- 3 Surveyed Parcel Number
- 4 Unsurveyed Parcel Number

This map is intended for informational purposes only. It is not intended to be used as a legal document. The information on this map is derived from the records of the Assessor's Office and is subject to change without notice. The Assessor's Office is not responsible for any errors or omissions on this map.



REGIONAL PLANNING COMMISSION
 100 Main Street
 North Hampton, NH 02862
 Phone: (603) 882-1100
 Fax: (603) 882-1101
 Email: info@rpcnh.com
 Website: www.rpcnh.com



Professional seal text, including the name of the engineer and the state of Florida.

Volume 216 DIST. 180
MAY 22 1958
MORRIS WATSON
& ENGINEERS
10 W. W. E. BLDG.

Volume 216 DIST. 180
MAY 22 1958
MORRIS WATSON
& ENGINEERS
10 W. W. E. BLDG.



TOTAL AREA
7,110 SQ.

Volume 216 DIST. 180
MAY 22 1958
MORRIS WATSON
& ENGINEERS
10 W. W. E. BLDG.

DATE: 11.12.54
BY: M.W.
2585/20045



OCEAN BOULEVARD
ATLANTIC OCEAN

WILLOW LANE

DEPARTMENT OF
BOUNDARY
LIBRARY
TAX MAP 1
58 OCEAN BLVD. MIAMI
RIEGLAND ENG
CIVIL ENGINEER

LEGEND

--- CENTER OF CURVE
--- PROPERTY LINE
--- EXISTING CURVE
--- EXISTING STRAIGHT LINE
--- EXISTING RIGHT-OF-WAY LINE
--- EXISTING EASEMENT LINE
--- EXISTING UTILITY LINE
--- EXISTING FENCE LINE
--- EXISTING DRIVEWAY LINE
--- EXISTING WALKWAY LINE
--- EXISTING SIDEWALK LINE
--- EXISTING DRIVEWAY CURB LINE
--- EXISTING SIDEWALK CURB LINE
--- EXISTING DRIVEWAY CURB AND SIDEWALK CURB LINE

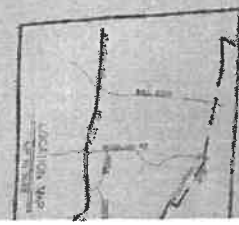
NOTES

1. ALL DISTANCES ARE IN FEET AND INCHES.
2. ALL ANGLES ARE IN DEGREES AND MINUTES.
3. ALL CURVES ARE TO BE ROUNDED OFF TO THE NEAREST 1/4" OR 1/2" AS THE CASE MAY BE.
4. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE CURVE OR ALONG THE STRAIGHT LINE AS THE CASE MAY BE.
5. ALL ANGLES ARE TO BE MEASURED FROM THE BACKSIGHT TO THE FORESIGHT AS THE CASE MAY BE.
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PLAN REFERENCES

1. ALL DISTANCES ARE IN FEET AND INCHES.
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8. ALL ANGLES ARE TO BE MEASURED FROM THE BACKSIGHT TO THE FORESIGHT AS THE CASE MAY BE.

LOCATION MAP



From: pmeyers66@aol.com,

To: pmeyers66@aol.com,

Subject: 48 ocean

Date: Mon, Apr 17, 2023 12:36 pm

Attachments: IMG_8631.jpg (1751K), IMG_8542.jpg (2090K), IMG_8543.jpg (2068K)

Sent from my iPhone

3 Attached Images



6757



500511

48 Ocean Blvd.



Front

WEST



Right
Side

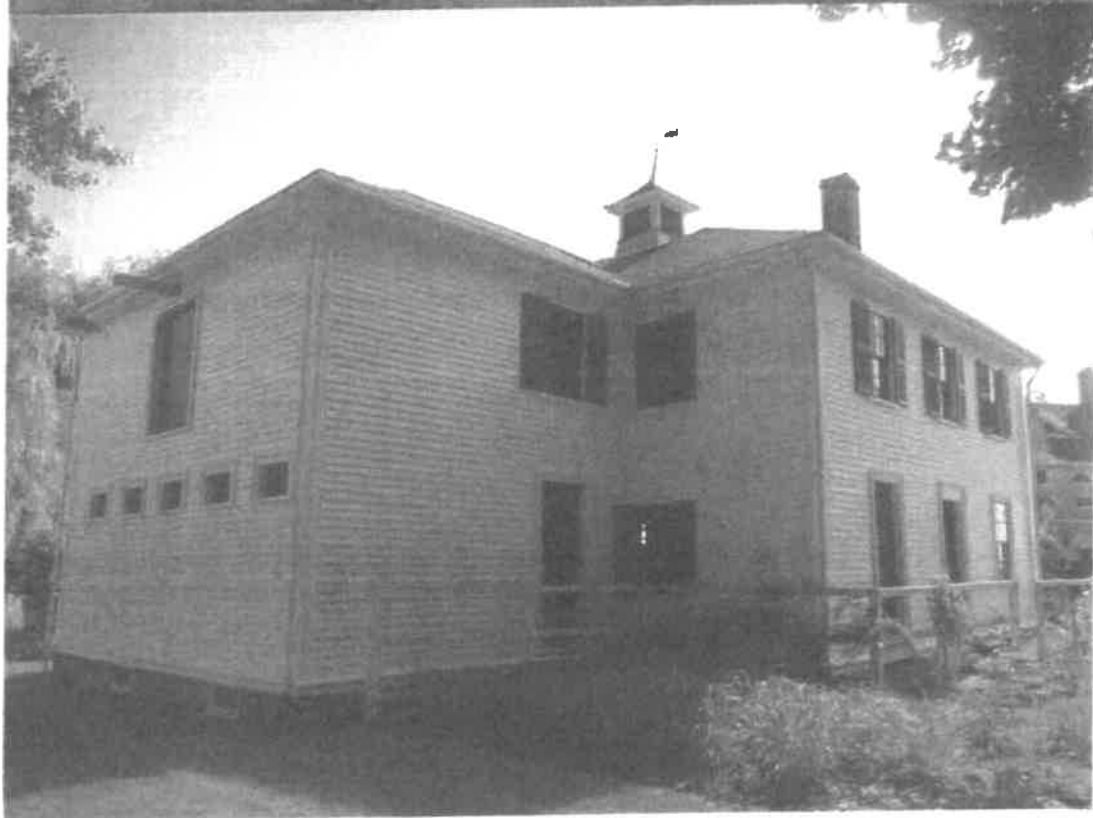
NORTH

48 Ocean Blvd.



Right
Side
+
Rear
Ell
(Stable)

NORTH WEST



Left
Side
+
Rear
Ell

SOUTH WEST

Small windows above horse stalls

FORM
PA-36-A

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
DISCRETIONARY PRESERVATION EASEMENT APPLICATION
(CONTINUED)

STEP 5 TO BE COMPLETED BY THE LOCAL ASSESSORS

<input type="checkbox"/> APPROVED	Pending approval of Discretionary Preservation Easement Agreement by landowner and assessing officials.
<input type="checkbox"/> DENIED	
Comments:	

STEP 6 APPROVAL OF A MAJORITY OF SELECTMEN/ASSESSORS

TYPE OR PRINT NAME (Ink black ink)	SIGNATURE (In black ink)	DATE

STEP 7 DOCUMENTATION

X Is a map of the entire parcel showing the property location, orientation, overall boundaries and acreages clearly showing easement area requested submitted? Yes No

46 Ocean Boulevard
North Hampton, NH

North Hampton Heritage Committee
North Hampton, NH

Dear Committee Members,

As an abutter of the property at 48 Ocean Boulevard, I support my neighbor's application for a tax abatement on the barn on said property. The barn is attractive, has been well maintained, and is of historic significance. Granting an easement on the barn would be in keeping with the preservation of the integrity of Little Boar's Head.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Kanner".

Deborah Kanner
46 Ocean Boulevard
North Hampton, NH 03862
Member, Little Boar's Head Heritage Committee



Tax Incentive Mechanism to Help Save Old New Hampshire Barns

A 2002 State law (RSA 79-D) creates a mechanism to encourage preservation of old New Hampshire barns and other historic agricultural buildings.

RSA 79-D authorizes towns and cities to grant property tax relief to barn owners who (a) can demonstrate the public benefit of preserving their barns or other old farm buildings, and (b) agree to maintain their structures throughout a minimum 10-year preservation easement.

The Purpose

The 2002 law is based on widespread recognition that many of New Hampshire's old barns and other agricultural buildings are important local scenic landmarks and help tell the story of farming in the state's history. Yet many of these historic structures are being demolished or not repaired because of the adverse impact of property taxes. RSA 79-D is intended to encourage barn owners to maintain and repair their buildings by granting them specific tax relief and assuring them that assessments will not be increased as a result of new repair and maintenance work.

The Mechanism

The program represents a uniquely New Hampshire approach, which is strictly voluntary on the part of the property owner, and combines statewide eligibility criteria and guidelines with decision-making and implementation at the local level. It is closely modeled after New Hampshire's discretionary easement program (RSA 79-C), which authorizes local governments to grant property tax relief to encourage preservation of open land.

On or before April 15 of the new tax year, any owner of an historic barn or other farm building may seek relief by applying to their local governing body (Board of Selectmen or city government) to grant a discretionary preservation easement to the municipality and agreeing to maintain the structure in keeping with its historic integrity and character during the term of the easement. The application, executed on a form provided by the N.H. Department of Revenue Administration, is to include a map showing the location of the structure(s) and a description of how the property meets the prescribed test of public benefit.

The town selectboard or appropriate city government department will then have 60 days in which to act on the application. A public hearing is required, which may provide an opportunity for local historical societies or other advisory groups to express support for barn preservation efforts. If the municipality determines, in exercising its discretion, that the proposed preservation of the structure is consistent with the purpose of the law, it may acquire an easement on the structure for a minimum of ten years and grant tax relief within a range of a 25 to 75% reduction of the structure's full assessed value. Maintaining and repairing the building will not result in an increase in its assessed value for property tax purposes.

over →

Effective Date

The law (RSA 79-D) went into effect on July 2, 2002. Property tax reductions for barns and other buildings, and the land under them, first became effective in tax year 2003. Applications for new easements, to go into effect in the coming tax year, must be submitted on or before April 15.

Eligibility

For this program, "historic agricultural structure" is defined as a barn or other structure, including the land on which it is built, which currently or formerly was used for agricultural purposes, and is at least 75 years old. The test of demonstrated public benefit shall be considered to have been met if the structure complies with one or more of the following: (1) provides scenic enjoyment to the general public from a public road or waterway; (2) is historically important on a local, regional, state or national level; (3) contributes to the historic or cultural integrity of a property listed on or eligible for the New Hampshire State or National Registers of Historic Places, or is in a locally designated historic district.

In determining eligibility, the Selectboard or appropriate city department shall refer to statewide guidelines adopted by the New Hampshire Historic Agricultural Structures Advisory Committee, and may weigh the public benefit to be gained by the preservation of the structure versus the tax revenue to be lost if the easement is accepted. The statewide guidelines include consideration of whether there is local interest and support for the structure's preservation, its historic and agricultural significance, and the degree to which tax relief will encourage its preservation.

Whom do I contact?

The N.H. Department of Revenue Administration has provided application form PA-36-A to all town and city governments. Application forms and eligibility guidelines should be available from your town clerk, Board of Selectmen, or appropriate city department. Applications are also available at <http://www.revenue.nh.gov/forms/2013/documents/pa-36-a.pdf>. For more information, contact the N.H. Department of Revenue Administration's Property Appraisal Division, (603) 230-5950.

For more background information, including a copy of the statute, a sample discretionary preservation easement and a guide to assist applicants and selectmen work through the application and approval process, and an application itself, go to <https://nhpreservation.org/old-barn-resources-overview/> or contact the New Hampshire Preservation Alliance at (603) 224-2281 or admin@nhpreservation.org.

The full text of the statute is also available on the state website, <http://www.gencourt.state.nh.us/rsa/html/V/79-D/79-D-mrg.htm>

The Preservation Alliance is the statewide, non-profit membership organization committed to preserving historic buildings, communities and landscapes through leadership, education and advocacy.

January 2019

NEW HAMPSHIRE PRESERVATION ALLIANCE
P.O. BOX 268 • CONCORD, N.H. 03302-0268
TELEPHONE (603) 224-2281 • FAX (603) 226-9368 • www.nhpreservation.org

THE NH BARN TAX INCENTIVE: TEN TIPS FOR APPLICANTS

Here are some ideas from successful applicants for the NH Tax Incentive to Preserve Historic Agricultural Structures

- 1. Carefully study the law (RSA 79-D),** the accompanying definitions and eligibility guidelines, and the instructions on the back of the application form. (Packets that include this information are available from the NH Preservation Alliance, 224-2281.) In addition to barns, the application may apply to other historic agricultural structures including those in-town.
- 2. Talk informally with your Selectmen:** Explain that you intend to apply, how preservation of an historic structure meets the community's interest, and how the public benefit will outweigh any loss of tax revenue.
- 3. Get support from neighbors,** other townspeople, your local historical society and Heritage or Historic District Commission. They may also be able to help you with researching the history of your barn (see Tip 4).
- 4. Do your homework:** Do all the research you can about the building(s), including their age, how they were used and about the families who lived and worked there. Is the building historically important in the community because of the type of structure, the owners and history of the site, or because only a few of its kind remain? In addition, review any RSA 79-D easements that have already been accepted by your town or city.
- 5. Work out your proposal:** In addition to the main barn(s), should your application also include outbuildings? Which one (or more) of the three tests of public benefit do your structures meet? What is the current assessment and tax bill on the building(s)?
- 6. Photographs:** A picture is worth a thousand words, if not dollars. Don't assume the Selectmen are familiar with the building, even if your building is a prominent landmark in town. Include with your application a good set of photos, including close-ups and views of what can be seen from public roads and bodies of water. Old photos can be very helpful in telling the story; check with local historic organizations and/or publications to help locate old photos.
- 7. More is better:** Include with your application as much historical and context information as possible; if you have a lot of supporting documentation, submit it with a clear one-page summary. Attach letters of support and similar materials. At the same time, don't overwhelm the decision-makers with more material than they will have time to read.
- 8. Repair and Maintenance: Have a plan!** Describe, with cost figures, any recent or planned repair work. Particularly if the structure is in bad repair, be prepared to present a repair plan for the 10-year easement period, and possibly to include it as part of the easement agreement. Describe how an easement would help make the repairs financially possible. You want to show your commitment to maintaining the structure in keeping with its historic character and integrity for at least the next ten years and how this will benefit the public.
- 9. Public Hearing:** This is required as part of the application process, so use it to your advantage by taking part and encourage supporters to attend and speak, as well. Encourage Selectmen to visit the structure before making their decision.
- 10. The Easement:** Keep in mind that the discretionary easement agreement you are to enter into with your town is a legal contract between two parties. Work with the Selectmen or their representative on its content and make sure you are comfortable with the outcome.

If you have questions, or need more information, contact: New Hampshire Preservation Alliance
(603) 224-2281 admin@nhpreservation.org www.nhpreservation.org

These tips were compiled by the Historic Agricultural Structures Advisory Committee.



TITLE V TAXATION

CHAPTER 79-D DISCRETIONARY PRESERVATION EASEMENTS

Section 79-D:1

79-D:1 Declaration of Public Interest. – It is hereby declared to be in the public interest to encourage the preservation of historic agricultural structures which are potentially subject to decay or demolition, thus maintaining the historic rural character of the state's landscape, sustaining agricultural traditions, and providing an attractive scenic environment for work and recreation of the state's citizens and visitors. It is further declared to be in the public interest to prevent the loss of historic agricultural structures due to property taxation at values incompatible with their preservation. The means for encouraging preservation of historic agricultural structures authorized by this chapter is the acquisition of discretionary preservation easements by town or city governments to assure preservation of such structures which provide a demonstrated public benefit.

Source. 2002, 86:1, eff. July 2, 2002.

Section 79-D:2

79-D:2 Definitions. – In this chapter:

I. "Discretionary preservation easement" means a preservation easement of an historic agricultural structure, including the land necessary for the function of the building, granted to a city or town for a term of 10 or more years.

II. "Public benefit" shall have the meaning described in RSA 79-D:3, II.

III. "Historic agricultural structure" means a barn or other structure, including the land necessary for the function of the building, currently or formerly used for agricultural purposes and as further defined by the advisory committee established under RSA 227-C:29.

Source. 2002, 86:1, eff. July 2, 2002.

Section 79-D:3

79-D:3 Qualifying Structures. –

I. Any owner of an historic agricultural structure who wishes to maintain the structure in a use consistent with the purposes of this chapter may apply to the governing body of the municipality in which the property is located to convey a discretionary preservation easement to the municipality.

II. A discretionary preservation easement shall be considered to provide a demonstrated public benefit if it provides at least one of the following public benefits:

(a) There is scenic enjoyment of the structure by the general public from a public way or from public waters.

(b) The structure is historically important on a local, regional, state, or national level, either independently or within an historic district.

(c) The structure's physical or aesthetic features contribute to the historic or cultural integrity of a property listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or locally designated historic district.

III. In determining whether an historic agricultural structure demonstrates the necessary public benefit to qualify for a discretionary preservation easement, the governing body shall have reference to guidelines adopted by the advisory committee established under RSA 227-C:29.

Source. 2002, 86:1, eff. July 2, 2002.

Section 79-D:4

79-D:4 Application Procedure. –

I. Any owner of an historic agricultural structure which meets the tests of public benefit in RSA 79-D:3, II may

DISCRETIONARY PRESERVATION EASEMENTS

Draft 3. July 17, 2017

Preamble: A 2002 State law (RSA 79-D) creates a mechanism to encourage preservation of old New Hampshire barns and other historic agricultural buildings.

RSA 79-D authorizes towns and cities to grant property tax relief to barn owners who (a) can demonstrate the public benefit of preserving their barns or other old farm buildings, and (b) agree to maintain their structures throughout a minimum 10-year preservation easement.

The Town of North Hampton Internal Policy for Consideration of Preservation Easement

- A. The application is received by the Town,
- B.
 - 1. A copy of the application is forwarded to the chairperson of the Heritage Commission for scheduling of site visit(s) in a timely manner as defined by the governing statute.
 - 2. A copy of the application goes to the BI/CEO for him/her to check the barn or accessory agricultural structure as defined by the governing statute, NH RSA 79-D, for standing code enforcement violations and/or legal issues.
 - i. If there are violations or legal issues, the BI/CEO informs the Heritage Commission of the application and violations and the application is denied.
 - ii. If there are no violations or legal issues, the BI/CEO forwards the application to the Heritage Commission certifying there are no violations on the property.
 - 3. A copy of the application also goes to the assessor, who shall attach a copy of the tax card to the application with a calculation of the square feet of the barn or accessory agricultural structure as defined by the governing statute. The application and tax card are forwarded to the Heritage Commission.
 - 4. Steps B(1), B(2), and B(3) shall be completed within 15 days of receipt of the application.
- C. The Heritage Commission may invite the assessor to inspect the barn or accessory agricultural structure as defined by the governing statute within the timeframes for approval set out in the governing statute.

DISCRETIONARY PRESERVATION EASEMENTS

Draft 3. July 17, 2017

- D. The Heritage Commission reviews and submits its recommendation to the assessor for reductions in assessment of the barn or accessory agricultural structure as defined by the governing statute of 75%, 50%, and 25%.
- E.. The assessor submits the completed application with easement reduction totals to the Select Board (via the Town Administrator or Administrative Assistant) for consideration in a timely fashion that comports with the governing statute.

FORM

PA-36-A

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
DISCRETIONARY PRESERVATION EASEMENT APPLICATION

STEP 1 PROPERTY OWNER (S)

PLEASE TYPE OR PRINT	LAST NAME Kinney	FIRST NAME Shane
	LAST NAME	FIRST NAME
	STREET ADDRESS 120 Gosport Road	
	STREET (continued)	
	TOWN/CITY Portsmouth	STATE NH

STEP 2 PROPERTY LOCATION OF LAND AND HISTORIC AGRICULTURAL STRUCTURE BEING CLASSIFIED

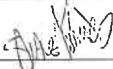
PLEASE TYPE OR PRINT	STREET 144 Lafayette Road				
	TOWN/CITY North Hampton			COUNTY Rockingham	
	NUMBER OF ACRES 4	MAP # 17	LOT # 99	BOOK #	PAGE #
	CHECK ONE: Original Application <input checked="" type="checkbox"/> Renewal <input type="checkbox"/>			Tax Year	2020

STEP 3 REASON FOR DISCRETIONARY PRESERVATION EASEMENT APPLICATION

Describe how the Historic Agricultural Structure meets one of the tests of public benefit per RSA 79-D:3. Submit additional sheets, if necessary.
Built in 1902, 100 years prior to the law, the "barn" has become home to the largest drum showroom in the world.

How many square feet will be subject to the easement?
19500

STEP 4 SIGNATURES OF ALL PROPERTY OWNERS OF RECORD

TYPE OR PRINT NAME (in black ink) Shane Kinney	SIGNATURE (in black ink) 	DATE 12/23/20
TYPE OR PRINT NAME (in black ink)	SIGNATURE (in black ink)	DATE
TYPE OR PRINT NAME (in black ink)	SIGNATURE (in black ink)	DATE
TYPE OR PRINT NAME (in black ink)	SIGNATURE (in black ink)	DATE

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
DISCRETIONARY PRESERVATION EASEMENT APPLICATION
 (CONTINUED)

STEP 5 TO BE COMPLETED BY THE LOCAL ASSESSORS

<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Pending approval of Discretionary Preservation Easement Agreement by landowner and assessing officials.
Comments:	

STEP 6 APPROVAL OF A MAJORITY OF SELECTMEN/ASSESSORS

TYPE OR PRINT NAME (ink black ink)	SIGNATURE (in black ink)	DATE

STEP 7 DOCUMENTATION

Is a map of the entire parcel showing the property location, orientation, overall boundaries and acreages clearly showing easement area requested submitted?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
--	------------------------------	-----------------------------

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
DISCRETIONARY PRESERVATION EASEMENT APPLICATION

GENERAL INSTRUCTIONS

WHO MUST FILE	Form PA-36-A, Discretionary Preservation Easement Application, shall be used by owners of historic agricultural structures applying for a discretionary preservation easement in accordance with RSA 79-D:3.
WHAT TO FILE	Land owners submitting a completed application, Form PA-36-A, shall also: Submit a map showing: (a) The location of the historic agricultural structure; and (b) The number of square feet to be included in the discretionary preservation easement.
WHEN TO FILE	A completed Form PA-36-A, and a map of the land to be subject to the discretionary preservation easement must be filed on or before April 15 of the tax year the easement is to be granted.
WHERE TO FILE	Once completed and signed in black ink, this form and attachments shall be filed as follows: Original: Register of Deeds Copy: Local Assessing Officials Copy: Land Owner
APPEALS	If an application for a discretionary preservation easement is denied, an applicant may appeal within six months of any such action by the assessing officials in writing to the New Hampshire Board of Tax & Land Appeals or the County Superior Court in accordance with RSA 79-A:9 or RSA 79-A:11. Forms for appealing to the Board of Tax and Land Appeals may be obtained from the NH Board of Tax and Land Appeals, 107 Pleasant Street, Concord, NH 03301 or by calling (603) 271-2578 or by visiting their web site at www.state.nh.us/btla . Be sure to specify that you are appealing a Discretionary Preservation Easement Application denial.
ADA	Individuals who need auxiliary aids for effective communication in programs and services of the department are invited to make their needs and preferences known to the NH Department of Revenue Administration.
NEED HELP	Contact your local municipality or the Property Appraisal Division at (603) 230-5950.

LINE-BY-LINE INSTRUCTIONS

STEP 1	Enter the complete name(s), address, municipality, state and zip code of the property owner(s) requesting a discretionary preservation easement under RSA 79-D:3.
STEP 2	Enter the location information of the land and Historic Agricultural Structure being classified in the spaces provided. Check whether original application or renewal and enter the tax year the easement is to be granted.
STEP 3	Describe how the Historic Agricultural Structure meets the requirements of RSA 79-D:3 and how many square feet will be subject to the easement. Submit additional sheets, if necessary.
STEP 4	All owners of record must type or print their full name, sign and date in black ink on the lines provided. If there are more than four owners, submit a supplemental list of all additional owners names and signatures.
STEP 5	To be completed by the local assessing officials, indicating approval or denial pending final approval of selectmen or assessors.
STEP 6	Signatures of a majority of the local selectmen or tax assessors on the lines provided indicates final approval.
STEP 7	Indicate whether a map has been included as described. If the map is missing or this application is incomplete, this application shall be denied in accordance with RSA 79-D:4,II.

New Hampshire Historic Agricultural Structures Advisory Committee
c/o New Hampshire Division of Historical Resources
19 Pillsbury Street
Concord, New Hampshire 03302-2043

**Determining Eligibility for RSA 79-D Discretionary Preservation Easements
For Preserving Historic Agricultural Structures**

RSA 79-D:2 III: "Historic agricultural structure" means a barn or other structure, including the land necessary for the function of the building, currently or formerly used for agricultural purposes and as further defined by the advisory committee established under RSA 227-C:29.

As further defined by the Advisory Committee:

"Historic" shall mean agricultural structures which are at least 75 years of age. Exceptions may be made for newer structures if they are considered to be of exceptional significance or importance.

An illustrative list of "agricultural structures" which might qualify for a discretionary preservation easement is provided in Attachment 1. Local governing bodies may decide to include other related agricultural structures in accordance with local circumstances.

"Barn" shall mean a building constructed to shelter livestock, equipment, feed, or other farm products. It may be free-standing, or connected to one or more other structures.

"Land necessary for the function of the building" shall consist of the footprint of the building and of any ramps or banks which are or were needed to support the structure and its operations.

Guidelines:

In deciding whether to accept a discretionary preservation easement, RSA 79-D:3 establishes that the local governing body of the municipality shall determine whether the structure provides at least one of the following public benefits:

- (1) there is scenic enjoyment of the structure by the general public from a public way or from public waters;
- (2) it is historically important on a local, regional, state or national level, either independently or within an historic district; or
- (3) the structure's physical or aesthetic features contribute to the historic or cultural integrity of a property listed on or determined eligible for listing on the National Register of Historic Places, State Register of Historic Places, or locally designed historic district.

In addition, the law states that, in determining whether an historic agricultural structure demonstrates the necessary public benefit, the local governing body shall have reference to guidelines adopted by the Advisory Committee. The guidelines are outlined in Attachment 2.

Attachment 1: Illustrative List of Agricultural Structures

Attachment 2: Guidelines to Assist in Determining "Necessary Public Benefit"

Guidelines and definitions adopted February 5, 2001; revised March 12, 2001, and August 26, 2002

apply to the governing body to grant a discretionary preservation easement to the municipality, agreeing to maintain the structure in keeping with its historic integrity and character during the term of the easement.

II. No owner of an historic agricultural structure shall be entitled to have a particular structure classified for any tax year under the provisions of this chapter unless the owner has applied to the governing body on or before April 15 of the tax year on a form provided by the commissioner of the department of revenue administration. Such application shall include a map showing the location of the structure to be subject to the discretionary preservation easement, and a description of how the property meets the tests of public benefit in RSA 79-D:3.

Source. 2002, 86:1, eff. July 2, 2002.

Section 79-D:5

79-D:5 Approval, Denial. –

I. If, after a duly noticed public hearing, the governing body finds that the proposed preservation of such historic agricultural structure is consistent with the purposes of this chapter, it may take steps to acquire a discretionary preservation easement as provided in this chapter. In exercising its discretion, the local governing body may weigh the public benefit to be obtained versus the tax revenue to be lost if such an easement is granted. The governing body shall have no more than 60 days to act upon the application.

II. If the governing body denies the application to grant a discretionary preservation easement to the municipality, such denial shall be accompanied by a written explanation. The local governing body's decision may be appealed by using the procedures of either RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith, discrimination, or the application of criteria other than those set forth in RSA 79-D:3 and paragraph I of this section.

III. The easement shall be a burden upon the property and shall bind all transferees and assignees of such property. An easement granted pursuant to this subdivision shall not be assigned, transferred, or released by the municipality without the consent of the owner, except as provided in RSA 79-D:8.

Source. 2002, 86:1, eff. July 2, 2002.

Section 79-D:6

79-D:6 Terms; Recording. – Any preservation easement acquired by the municipality pursuant to this chapter shall be for a minimum of 10 years. The easement terms shall include the method of assessment pursuant to RSA 79-D:7 and the terms of renewal pursuant to RSA 79-D:8, III. The local governing body shall provide for the recording of such easements with the register of deeds. Any costs of recording shall be the responsibility of the applicant.

Source. 2002, 86:1, eff. July 2, 2002. 2007, 27:2, eff. Jan. 1, 2008.

Section 79-D:7

79-D:7 Assessment of Property Subject to Discretionary Preservation Easement. –

I. The method of assessment of discretionary preservation easement structures shall be included as a term of the agreement in any discretionary preservation easement acquired by a municipality. Assessment shall fall within a range, one end of which shall be 75 percent of the full value assessment; the other end of the range shall be 25 percent of said full value assessment.

II. The local governing body shall have the discretion to set the value of the discretionary preservation easement at a level within this range which it believes reflects the public benefit conferred by the property under the criteria set forth in RSA 79-D:3, II. The assessment shall not be increased because the owner undertakes maintenance and repairs designed to preserve the structure.

Source. 2002, 86:1, eff. July 2, 2002.

Section 79-D:8

79-D:8 Release of Easement, Expiration, Renewal, Consideration. –

I. Any property owner who has granted a discretionary preservation easement to a municipality pursuant to the

terms of this chapter, after the effective date of this chapter, may apply to the local governing body of the municipality in which the property subject to a discretionary preservation easement is located for a release from such easement upon a demonstration of extreme personal hardship. Upon release from such easement, a property owner shall pay the following consideration to the tax collector of the municipality:

(a) For a release within the first half of the duration of the easement, 20 percent of the full value assessment of such structure and land under RSA 75:1.

(b) For a release within the second half of the duration of the easement, 15 percent of the full value assessment of such structure and land under RSA 75:1.

II. [Repealed.]

III. Upon the expiration of the terms of the discretionary easement, the owner may apply for a renewal, and the owner and local governing body shall have the same rights and duties with respect to the renewal application as they did with respect to the original application; provided, however, that at the time of the original granting of the discretionary preservation easement, the parties may include, as a term of the agreement, a provision for automatic renewal for the same term as the original. Such a provision may include the specification of the manner in which the tax assessment on the property for the next term is to be determined at the time of renewal.

IV. The tax collector shall issue a receipt to the owner of such property and a copy to the local governing body for the sums paid. The local governing body shall, upon receiving a copy of the above-mentioned consideration, execute a release or renewal of the easement to the owner who shall record such a release or renewal. A copy of such release or renewal shall also be sent to the local assessing officials if they are not the same parties executing the release or renewal.

V. In the event that the structure is destroyed by fire, storm, or other unforeseen circumstance not within the control of the property owner, the preservation easement shall be released without penalty.

VI. If, during the term of the preservation easement, the owner shall fail to maintain the structure in conformity with the agreement, or shall cause the structure(s) to significantly deteriorate or be demolished or removed, the preservation easement shall be terminated and a penalty assessed in accordance with RSA 79-D:8, I(a) and (b).

Source. 2002, 86:1, eff. July 2, 2002. 2007, 27:1, eff. Jan. 1, 2008.

Section 79-D:9

79-D:9 Payment; Collection. –

I. If a consideration is due under RSA 79-D:8, I, the assessed value shall be determined as of the actual date of the release or expiration. Any consideration is in addition to the annual real estate tax imposed upon the property, and shall be due and payable upon the release or expiration.

II. Any consideration shall be due and payable by the owner at the time of release or expiration to the municipality in which the property is located. If the property is located in an unincorporated town or unorganized place, the tax shall be due and payable by the owner at the time of release or expiration to the county in which the property is located. Moneys paid to a county under this chapter shall be used to pay for the cost of services provided in RSA 28:7-a and RSA 28:7-b. Any consideration shall be due and payable according to the following procedure:

(a) The commissioner shall prescribe and issue forms to the local assessing officials for the consideration due, which shall provide a description of the property, the discretionary preservation easement, the full value assessment under RSA 75:1, and the amount payable.

(b) The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the consideration along with a special tax warrant authorizing the collector to collect the consideration under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of tax. Such bill shall be mailed within 12 months of the release or expiration.

(d) Payment of the consideration shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum shall be due thereafter on any consideration not paid within the 30-day period.

Source. 2002, 86:1, eff. July 2, 2002. 2007, 27:3, eff. Jan. 1, 2008.

Section 79-D:10

79-D:10 Exemption for Eminent Domain. – If any of the property which is subject to a discretionary preservation easement is condemned by any governmental agency or is acquired through eminent domain

proceedings, the local governing body shall execute a release of the easement to the owner. None of the liquidated consideration provisions of RSA 79-D:8, I shall be applicable to releases granted pursuant to this section.

Source. 2002, 86:1, eff. July 2, 2002. 2007, 27:4, eff. Jan. 1, 2008.

Section 79-D:11

79-D:11 Local Preservation Easement Programs. – This chapter shall not be construed to limit the development of any other state, county, town, or city easement program for preservation, conservation, or other purposes.

Source. 2002, 86:1, eff. July 2, 2002.

Section 79-D:12

79-D:12 Lien for Unpaid Taxes. – The real estate of every person shall be held for the taxes levied pursuant to RSA 79-D:8.

Source. 2002, 86:1, eff. July 2, 2002.

Section 79-D:13

79-D:13 Enforcement. – All taxes levied pursuant to RSA 79-D:8 which are not paid when due shall be collected in the same manner as provided in RSA 80.

Source. 2002, 86:1, eff. July 2, 2002. 2004, 203:14, eff. June 11, 2004.

Section 79-D:14

79-D:14 Rulemaking. –

I. The commissioner of the department of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The application procedures under RSA 79-D:4.
- (b) The payment and collection procedures under RSA 79-D:9.

II. The commissioner of the department of cultural resources shall adopt such rules as may be applicable under the authority of RSA 227-C:5.

Source. 2002, 86:1, eff. July 2, 2002.

Determining Eligibility for RSA 79-D Discretionary Preservation Easements
For Preserving Historic Agricultural Structures

Illustrative List of Agricultural Structures

The following are examples of buildings and structures that might qualify for a discretionary preservation easement. It is not intended to be a complete list. Local governing bodies may decide to include other related agricultural structures in accordance with local circumstances.

barn, separate or attached

silo

milk house

sugar house

carriage house

wagon shed

ice house

stable

corn crib

poultry barn or coop

well or spring house

blacksmith shop

piggery

granary

saw mill

cider mill

creamery

farrier or harness shop

hop house

equipment or machine shed

Delco house

grist mill

woodshed

farm stand

greenhouse

tool shed

windmill house

*Determining Eligibility for RSA 79-D Discretionary Preservation Easements
For Preserving Historic Agricultural Structures*

**Guidelines to Assist in Determining "Necessary Public Benefit"
To Qualify for a Discretionary Preservation Easement**

Public Interest and Benefit

Consider questions such as:

- Is it a familiar local landmark?
- Is it visible from a public road or from public waters? To what extent does it contribute to the scenic qualities of the community and region, thus benefiting local residents, visitors, and tourism?
- Is there interest or support for the structure's preservation?
Examples: owner/family maintenance efforts or commitment to preservation; structure surveyed by historical society; included in town preservation plan or historic district; offers of volunteer help with physical repairs, letter of support from local heritage commission or historical society?

Historic and Agricultural Significance

Consider the age of the structure and such questions as:

- Does it help tell the story of agriculture in the community or region?
- Is it a good representative of a type of barn?
- Is it now an unusual or rare surviving type of barn or outbuilding?
- Is it a good example of historic construction methods or materials?
- Does it retain its historic character?
- Is it part of a landscape or setting that retains its historic character?

Degree to Which Tax Relief will Help Preserve the Structure

Consider questions such as:

- Use and condition of structure; owner's investment over time.
- Plans for repair or renovation.
- Owner's use of, plans for, preservation tools such as conservation easements, investment tax credits, or local, state or national historic register listing.

Use of the Structure

Consider questions such as:

- Is the barn or other structure on a working farm or otherwise being used for agricultural purposes?
- If the structure has been adapted for other use, has the historic character of the structure been maintained?

Degree to which Building's Preservation reinforces other Local and State Goals and Policies, such as:

- Agricultural designations, e.g., Bicentennial, Farm of Distinction, Tree Farm, New England Green Pastures.
- Current Use (e.g., goals of maintaining the character of the state's landscape and conserving its resources).
- Scenic and Cultural Byways; Country Roads.
- Regional Plans and local Master Plans.

IMPLEMENTING RSA 79-D: Discretionary preservation easement for historic agricultural structures.

This summary was prepared by Carolyn W. Baldwin, Esq., of counsel to the law firm of Baldwin, Callen & Hogan of Concord, in collaboration with the chair of the NH Historic Agricultural Structures Advisory Committee, Carl Schmidt. It is a guide only, designed to assist applicants and selectmen to work through the process established by the legislature in RSA 79-D.

SELECTMEN

The Board of Selectmen in a Town (or the appropriate decision-making body in a City or Town with town council form of government) has the ultimate discretion to grant tax relief to the owner of an historic agricultural structure under the Statute. But the decision is not to be made in an arbitrary manner.

The Statute includes standards for determining eligibility, which have been elaborated by the guidelines adopted by the Advisory Committee under the guidance of the New Hampshire Division of Historical Resources.

Assume you, as a board of selectmen, have received an inquiry from a taxpayer about the possibility of accepting a discretionary preservation easement under RSA 79-D. Where do you begin?

1. First you provide the applicant with a copy of the application (Department of Revenue Administration Form PA-36-A) and guidelines. Then assuming that the property owner completes the application:

2. Study §1 of the statute: the declaration of public purpose. You have no authority to grant any special tax consideration through a discretionary preservation easement if the structure concerned does not meet this general purpose. Refer to the guidelines adopted by the NH Historic Agricultural Structures Advisory Committee to assist you in this initial review decision.

3. Schedule a public hearing. Notify the applicant and post and publish the notice of hearing. The general rule is 10 days notice published in a paper of general distribution and posting in two or three public places. Notify the Historic District Commission, Historical Society or Heritage Commission if one exists in your community.

4. Decide whether the structure is a "qualifying structure." Does it provide one or more of the "public benefits" contemplated in §3. Refer to the guidelines adopted by the NH Historic Agricultural Structures Advisory Committee.

- (a) Is it visible from a road or lake or river? Or
- (b) Is it historically important either independently or in an historic district? Or
- (c) Do the structure's physical or aesthetic features contribute to the historical or cultural integrity of a property listed on or determined eligible for listing on the National Register of Historic Places, State Register of Historic Places, or locally designated district?

5. Consider the applicant's proposal. Does the proposal preserve the structural and aesthetic integrity and character of the structure including the required commitment to maintain the structure in keeping with its historic integrity and character during

the term of the easement? Input from the Historic District Commission, Heritage Commission or Historical Society, together with the State guidelines, should be considered.

The issue of a change of use may arise. The purpose of the statute is to encourage an owner to maintain and preserve the structure. The cost of converting a barn to another use is NOT repair and maintenance. I.e. the costs of conversion for use as a dwelling, restaurant, theater, or other non-agricultural use is NOT "maintenance and repair." A structure that is converted to a non-agricultural use MAY be eligible if the adaptation retains the historic integrity of the building, but only for the level of maintenance and repair, not for the value added by the conversion.

6. Decision. Within 60 days after the Board accepts a completed application it must grant or deny it. Document the factual bases for your decision.

A. If the Board decides to deny the application, you should make findings: that it does not meet the qualifying criteria and or the loss of tax revenue outweighs the public benefit. BE SPECIFIC.

B. If you decide to approve the application, that is to acquire a discretionary preservation easement on the structure, you should find that the application is consistent with the purposes of the statute and that the public benefit to be gained by preservation of the structure outweighs any loss of revenue.

7. Determine the details.

- Percentage (between 25% and 75% of assessment value) that will apply.
- Length of time of the easement--minimum of 10 years.
- Amount of land to be included as "necessary for the function of the building."

8. Finalize and record the easement document. We can provide a sample easement document. Use it as a guide to help finalize the agreement. The applicant pays the costs of recording, but the Town should take responsibility for seeing that the document is recorded.

9. Follow up. Be sure your building inspector/code enforcement officer/assessor are aware of the easement and its terms. File a copy with the assessment card, along with a summary of your findings. (Remember, future boards, administrators etc. will not have first-hand knowledge, so leave a clear paper trail.) Any application for building permit should be checked for compliance with the easement. Monitor compliance from time to time. A Heritage Commission might be tasked to provide an annual report on compliance.

- - - - -

THE APPLICANT

1. Before you apply, study the statute and guidelines. Does your structure fit the criteria? How exactly? Refer to the procedural suggestions for Selectmen so you will know how the process may proceed.

2. What is your proposal? The purpose is to preserve the integrity of an historic agricultural structure. It is NOT the purpose to subsidize grandiose improvements or conversions of the structure to a new use such as a dwelling, restaurant, theater or whatever.

3. Talk to the selectmen informally, and explain what you intend to do. They may not be familiar with discretionary easements so help them to understand what you have in mind and how it meets the interest of the community to encourage the preservation of an historic agricultural structure, and how the public benefit outweighs any loss of tax revenue. (Selectmen have to be very sensitive to this issue. They will not be comfortable granting any kind of property tax break to a landowner if they perceive an unwarranted or unjustified burden on other taxpayers from doing so.)

If your structure is in an historic district, you may want to consult with the Historic District Commission for input. (The selectmen may also consult the HDC in such a case.) If your Town has a Heritage Commission or a Historical Society, their input may be helpful. For further assistance consult the State Division of Historic Resources and/or the New Hampshire Preservation Alliance.

4. Complete the application. Attach a map showing the location of the structure and any supporting land to be included in the easement. Photographs of the building and its environs and a sketch of any planned renovations may be helpful. Tell the Board how your application meets the statutory purposes and guidelines.

5. Attend the public hearing scheduled by the Selectmen. Bring along neighbors, representatives of the local historical society, historic district commission or heritage commission, or others who may offer useful input to the selectmen.

6. If the Board decides to grant your application, work with them or their representative to complete the easement document. You are accepting an obligation to maintain the structure consistent with the purposes of the chapter. Remember this is a legal and enforceable interest in property that you are granting to the Town. It will be recorded and is a lien on the property. If you should market the property, it may affect the title. So be sure you are comfortable with that outcome.

- How long a term (10 years is the minimum)?
- What are the provisions for renewal?
- What is a fair level of taxation (25%-75% of assessed value) that will compensate you for granting the Town an interest in your property?¹

Revised, November 2003

¹Note that should the municipality undergo a general reevaluation, your assessed value may rise in accordance with the general rise in values throughout the community. The percentage of assessed value agreed upon in the easement will NOT change during the term of the easement.

JANET FACELLA
ADMINISTRATIVE ASSISTANT

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TOWN OF NORTH HAMPTON, NEW HAMPSHIRE

ADMINISTRATIVE OFFICES

May 1, 2023

LBH, LLC.
3811 Joselyn St. NW
Washington, DC 20015-1919

Dear Property Owners:

This letter is to inform you the North Hampton Select Board will be holding a Public Hearing on Monday, May 22, 2023, at 7:00 PM to discuss your application for a Discretionary Barn Easement.

Should you have any questions, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Janet L. Facella".

Janet L. Facella
Administrative Assistant



Memo

To: North Hampton Select Board

Mike Tully, TA

From: Town of North Hampton Heritage Commission

Evaluation of barn at **48 Ocean Blvd, North Hampton** for preservation easement under the provisions of NH RSA 79-D

Date: May 4, 2023

Having inspected the barn at 48 Ocean Blvd and considered the conditions for which the Heritage Commission may recommend a preservation easement on a qualifying structure, we believe the applicant meets the tests of public benefit in RSA 79-D:3, II and recommend a discretionary preservation easement be granted at the full 75% reduction to assessment for the qualifying structure for a term of not less than 10 years.

The tests for public benefit in RSA 79-D:3, II are:

There is scenic enjoyment of the structure by the general public from a public way or from public waters.

The historic barn can be seen clearly from Route 1A either driving north or south, walking along the same route, and most probably, from the ocean by boat (although this was not confirmed as we did not apply the test from a boat). The barn can also be seen clearly from Chapel Road.

The structure is historically important on a local, regional, state, or national level, either independently or within an historic district.

The barn at 48 Ocean Blvd lies entirely within the Village District of Little Boar's Head ("LBH"). LBH was formed by an Act of the New Hampshire Legislature in 1905. LBH is listed in the National Register of Historic Places. According to the National Register of Historic Places: "The barn predates the existing main house by several years. An item published in the *Exeter News-Letter* on May 29, 1896 indicated that Mrs. C.H. Bell was having a stable built in the rear of her residence, from plans by Wales & Holt. The hip-roofed carriage house was constructed by North Hampton builder Warren B. Moulton. According to the Historic Resources Town-Wide Area form: "[The home was] constructed in 1898 and designed by Boston architects Wales and Holt, the Bell-Sullivan House at 48 Ocean Boulevard (photo #108) expresses both the Shingle Style of the 1880s and the Colonial Revival of the 1890s. Resting on a stone foundation, it was originally sheathed in brown shingles. It was subsequently clapboarded and renovated in the Colonial Revival style in the 1920s."

The structure's physical or aesthetic features contribute to the historic or cultural integrity of a property listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or locally designated historic district.

The property owner stated that she and her family are committed to restoring the 1650 SF barn and maintaining its historic features. Substantial repairs will commence this Spring 2023 with additional work planned in 2024. The work will be done by Drew Bedard. Anticipated costs are \$50,000 in addition to the usual maintenance expenses. As such the barn will continue to contribute to the cultural integrity of the property and the historic quality of the District.

Respectfully,

North Hampton Heritage Commission

April 16, 2023

Donna Etela, Chair
Heritage Commission
237A Atlantic Avenue
North Hampton, NH 03862

Dear Donna and Heritage Commission members,

On behalf of the North Hampton Agricultural Commission, I wholeheartedly support the application of Patricia Meyers, Bell-Sullivan House, 48 Ocean Boulevard, North Hampton, NH, for RSA 79-D tax relief.

I visited this 1896 carriage barn on 8/31/18 during the Agricultural Commission's survey of North Hampton barns. The barn was in excellent condition and well maintained. Participants on the bus tour of four North Hampton barns (provided by the North Hampton Historical Society and the North Hampton Agricultural Commission) visited the barn on 9/10/22 to the delight of all. This unique carriage barn is one of only very few remaining carriage barns in North Hampton.

The carriage barn was built several years before the house, probably by local contractor Warren B. Moulton, who later built the house. The front part of the barn is an open area where carriages were stored, and the rear portion has horse stalls as well as a cow stall. There is a separate room where the harness was kept, as well as beautifully finished beadboard throughout the barn.

The barn is located to the rear of the house on scenic Rt. 1A and is highly visible to local traffic enjoying the impressive oceanside mansions. Bell-Sullivan House is located in the Little Boar's Head Historic District of North Hampton and listed on the National Register of Historic Places.

Based on the excellent up-keep of the barn to date, I am confident the owners will provide exemplary repairs to the water damage in keeping with the era of the barn.



Joan Ganotis, Vice Chair
North Hampton Agricultural Commission

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

MICHAEL J. TULLY
TOWN ADMINISTRATOR

mtully@northhampton-nh.gov



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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 **MAY 8, 2023 7:00 PM**

5 **NORTH HAMPTON TOWN HALL**

6 ***DRAFT MINUTES***

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

8 EXCUSED: Chairman Jonathan Pinette

9 ALSO PRESENT: Town Administrator Michael Tully
10

11 Acting Chairman Maggiore welcomed everyone to the Select Board Regular Meeting of May 8, 2023 and
12 called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance; Jonathan Pinette cannot be
13 here tonight.

14
15 **First Public Comment Session**

16 No Public Comments.
17

18 **Consent Calendar**

19 3.1 Payroll Manifest of April 27, 2023 in the amount of \$72,063.15

20 3.2 Payroll Manifest of May 4, 2023 in the amount of \$220,572.49

21 3.3 Accounts Payable Manifest of April 27, 2023 in the amount \$1,064,807.42

22 3.4 Abatement Application

23 3.5 Elderly Exemption Applications

24 3.6 Veterans Credit Application
25

26 **Motion:** Approve Consent Calendar as presented.

27 **Motioned:** Vice-Chair Sununu

28 **Seconded:** Acting Chair Maggiore

29 **Vote:** Motion approved 2-0
30
31

32 ***Disclaimer –These minutes are prepared by the Recording Secretary within five (5) business days as required by***
33 ***NH RSA 91-A:2, II. They will not be finalized until approved by majority vote of the Select Board.***
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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Correspondence – None

Committee Updates

Acting Chair Maggiore said *Heritage Commission* has been busy with Preservation Easement 106 to be done in case of possible property impacts to Historic Structures, update to Master Plan to be presented May 19, 2023; *Water Commission* has not met.

Vice-Chair Sununu said *Rails to Trails Committee* has not met but will have an update under New Business; *Budget Committee* is meeting next Monday May 15 with presentation on current state of economy and appointing a new member to fill vacancy.

Report of the Town Administrator

Period: April 25– May 5, 2023: Finance at 17% of Budget with 9 weeks remaining in fiscal year; Police Chief Kurz working on expanding search capabilities for qualified candidates; search process closed May 1st with 32 resumes received; Fire Department filled vacant FF/Paramedic position with Jarrod Wheeler, now at full staff; biggest challenge during build has been parking; new North Hampton Parks & Recreation Coordinator Kristina Chiumiento; Memorial Day barbecue on schedule; Old Home Day, 2nd Saturday in August with 5K race; new Summer Camp Director Molly Lawrence, Assistant Director Josie Maggiore; may have to add adult softball team.

Items Left on the Table

NEW BUSINESS

8.1 Community Power Coalition of New Hampshire – Electric Aggregation Program

Town Administrator Tully said Community Power Coalition of New Hampshire was not present but if they get back in touch, we can reschedule them. He said he and Mr. Sununu spoke with representatives from Hampton about an aggregation program where the Town could pool resources together and purchase a bigger group of electricity allowing lower rates; joining is automatic unless you opt out; would have to have a Warrant Article in the fall.

8.2 Freedom Energy Logistics – Electric Aggregation Program

Bart Fromuth of Freedom Energy Logistics said with Eversource charging \$0.20/kWh, the Town can basically negotiate and enter an electrical contract pooling users together to get favorable rates and contract terms. He said his company partners with Colonial Power Group of MA, and VP of Power Group Stuart Ormsbee is here this evening.

Mr. Fromuth said they began working on this project in 2019, and there was also some disagreement between what the law stated and the information Eversource was willing to provide. New Hampshire PUC promulgated rules and provided clarity for the marketplace after 2 years and we are now seeing the first aggregations across the State ready to launch this summer.

Stuart Ormsbee of Colonial Power Group said they work with cities and towns of various sizes and were just awarded a contract with Springfield, MA. He said the market approach is to provide turnkey services to the community requiring contracts with the supplier bearing all the market risk, offering multiple products at the same time; get lowest rates possible on an opt-out basis; if interested Select Board should

86 set up an Energy Committee with steps laid out in the Statute, requiring 2 Public Hearings for input;
87 committee would work with Mr. Fromuth and myself to create a plan already vetted with Utility
88 Commission in New Hampshire.

89
90 Mr. Ormsbee said they would then come back to the Board for final plan approval, and if the Board wishes
91 to move forward they would put a Warrant Article on the upcoming Town Meeting and have voters adopt
92 the plan; if successful at Town Meeting gets filed with Utilities Commission for their approval (statutorily
93 within 60 days); once approved Town can go out for pricing. He said he has been doing this in MA for 12
94 years and said North Hampton could probably get a plan in the range of \$0.11 - \$0.12/kWh.

95
96 Mr. Fromuth said Eversource is likely to come down in the next rate cycle; he said Exeter is in the Coalition
97 and our business model is very different; the Coalition has a regional buying group and puts a reserve fee
98 on top of that for 3 months. He said our fee stays consistent throughout your relationship with us at 1/10
99 of a cent/kWh and with local control. He asked if the Town was looking for a maximal savings rate or
100 would like to go full renewables; vote could go with 40% renewable inclusion as baseline default; everyone
101 in coalition gets the same rate.

102
103 Town Administrator Tully asked about solar and net metering. Mr. Ormsbee said currently nobody wants
104 to put current net metering customers at a disadvantage and those customers are probably better off
105 staying with their utility company right now; work yet to be done working collaboratively with Eversource
106 to provide better data.

107
108 Acting Chair Maggiore asked if School would need a separate plan as they would have a separate Warrant
109 Article; Mr. Fromuth said they may be better staying on their own, but in theory they could join. Vice-
110 Chair Sununu explained that the Town is laying the groundwork for a Warrant Article to be on the ballot
111 in March after looking at pricing. Mr. Ormsbee said the Town may wonder if they would be better off
112 joining the Coalition or some larger buying group to get better prices, but that is not really the case. He
113 said the Town of North Hampton is large enough to get attractive offers.

114
115 Acting Chair Maggiore asked about next steps; Town Administrator Tully said the Board should have a
116 discussion and decide if they see the benefit here, and if so put together an Energy Committee. Vice-Chair
117 Sununu said it is certainly worth moving forward on. Mr. Ormsbee said people could visit their Website at
118 colonialpowergroup.com for further information. Mr. Fromuth said he could also provide a slide package
119 which could be posted on the Town Website; he added that his firm would handle all customer service.
120 Town Administrator Tully asked that the Board permit him to move forward on this and bring back a plan
121 to the Select Board; approved by consensus.

122
123 **8.3 Discussion of Town Employee Retention**
124 Town Administrator Tully said the Board is well aware of what is happening in the Police Department with
125 employees being poached by other communities willing to offer larger sign-on bonuses or pay raises. With
126 difficulties finding qualified candidates and public service difficult to fill right now, he sees this as a risk
127 going forward. He said Gilford is putting \$1.5 Mil into salary and benefits. Vice-Chair Sununu said for scope
128 that is more than 10% of their annual budget and said he does not want to see difficulty hiring Police
129 Officers shifting into other areas.

130
131 Vice-Chair Sununu said it is happening broadly through the labor market with low unemployment rates
132 and strain for labor becoming acute in certain areas like the hospitality industry; no workers and lack of
133 affordable housing forcing people to leave the State, particularly in municipal government and public

134 safety with workers opting to do other things; needs to be addressed across the board and will need to
135 be taken into account as we do budgeting. He said the Fire Contract is up this year and they may want to
136 make adjustments to the Police Contract. He said demographics are not on our side and the labor market
137 is likely to be strained for the foreseeable future.

138

139 The Select Board gave consensus for Town Administrator Tully to move ahead with this.

140

141 **8.4 Discussion of Rail Trail**

142 Vice-Chair Sununu said construction on the Rail Trail has begun and work is being done in 2,500-ft
143 increments with each one taking 21 working days, sections to be opened as completed; the Seacoast
144 Greenway Committee had a recent meeting. Town Administrator Tully said they talked about seventeen
145 2,500-ft sections; ties are being removed as well as trash and debris; working on drainage at Coakley with
146 a possible October finish.

147

148 Town Administrator Tully said they just got the 501-C:3 established with hopefully all towns joining to
149 work together to reduce costs.

150

151 **MINUTES OF PRIOR MEETINGS**

152 **9.1 Approval of Minutes of Regular Meeting of April 24, 2023**

153 **Motion:** To approve the Regular Meeting Minutes of April 24, 2023 as presented.

154 **Motioned:** Vice-Chair Sununu

155 **Seconded:** Acting Chair Maggiore

156 **Vote:** Motion approved 2-0

157

158 **9.2 Approval of Minutes of Non-Public Meeting of April 24, 2023**

159 **Motion:** To approve minutes of the Non-Public Meeting Minutes of April 24, 2023 as presented.

160 **Motioned:** Vice-Chair Sununu

161 **Seconded:** Acting Chair Maggiore

162 **Vote:** Motion approved 2-0

163

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

165

166 **Second Public Comment Session**

167 No Public Comments.

168

169 **Next Regular Meeting:** May 8, 2023

170

171 **ADJOURNMENT**

172

Acting Chair Maggiore adjourned the meeting at 8:10 pm.

173

174 Respectfully submitted,

175 Patricia Denmark, Recording Secretary