

Draft Minutes, Non-Public Session, October 21, 2020: 7:30 p.m. Executive Conference Room, Town Administrative Building, North Hampton

The meeting was called to order at 7:30 p.m. via Zoom and in person.

Members Present, Executive Conference Room: Lisa Wilson (Chair)

Members Present via Zoom: Kathy Grant (Vice-Chair), Phil Thayer, Andy Vorkink, Lauri Etela, Audrey Prior, Dave Ciccalone.

The chair called for a motion to enter into a Non-Public Session pursuant to *RSA 91-A:3, II(d) for the consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. A motion to enter into non-public session was made by Kathy Grant, duly seconded by Audrey Prior. Roll call vote to enter into non-public session: Lisa Wilson, Yes; Kathy Grant, Yes; Andy Vorkink, Yes; Lauri Etela, Yes; Phil Thayer, Yes; Audrey Prior, Yes; Dave Ciccalone, Yes. The Motion Passed.*

The Commission entered into Nonpublic Session at approximately 7:31 p.m.

The Commission discussed the outcome of the conversations held with Mr. Walt Nordstrom about his desire to subdivide the land to create the 3-acre building lot and 37-acre conservation parcel.

Mr. Walter E. Nordstrom, owner of the 40 acre lot at Map 17-71 to the east of Highlander Drive authorized the Commission to proceed to take the necessary steps to subdivide into two lots, namely an approximately 2.6 acre buildable lot along North Road, and a remaining lot of approximately 37 acres running from an access strip on North Road to the border of Greenland, 37 acres to be donated to the Town and placed in conservation.

Mr. Nordstrom would find it very helpful for the town to waive the current use penalty. The Commission discussed that the town has waived Current Use penalties or the Land Use Change Tax in the past when land is conserved. The legislative body voted to invest 100% of the funds derived from the LUCT into the Conservation Commission account for the primary purpose of purchasing land for conservation after land that has been placed in Current Use has been sold. These are funds that would be deposited into the Conservation Commission account following the sale of Mr. Nordstrom's lot because it was placed in Current Use.

The Commission discussed that to implement this transaction the following steps are required:

1. Planning Board approval of the subdivision of the existing lot into the buildable lot and the conservation lot;
2. ZBA approval of two variances — a) Allowing a 50' wetlands setback on the buildable lot to make the buildable area larger, which would otherwise be permitted if the pre-existing overall lot were not to be subdivided, and b) Allowing a 25' pedestrian access running along the eastern edge of the buildable lot to reach the new conservation lot, which is approximately 450' from North Road. This variance is from the 40' access strip which would otherwise be required for a conventional subdivision designed for building lots, but here the 40' access strip is not necessary for pedestrian access to the conservation land.
3. Select Board approval for the Town to acquire the conservation lot, place it in conservation, and waive the current use penalty

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Mr. Nordstrom authorized the Commission to act as his agent in the processing of the above steps and cover the cost of preparing applications and any required accompanying documents. The Commission will be requesting the PB and ZBA to waive any waivable fees in the submission of applications. The Commission has also authorized the Andy Vorkink, Chair of the Subcommittee on Easements and/or the Chair of the Commission, Lisa Wilson, to sign any documents needed to support these applications. Mr. Nordstrom lives and works in Indiana and would not be present at any hearings involving this transaction.

Mr. Nordstrom previously prepared a survey and wetlands plan for the buildable lot. A change from the plan is that the access to the conservation lot shown on the plan would be narrowed from 35' to 25' as no vehicle access to the conservation lot is needed and as once the conservation lot is conserved, no future development of that Town-owned lot is possible. Also attached is an aerial map showing the proposed subdivision.

Mr. Nordstrom shared with the Commission survey work completed by T.F. Moran that includes testing sites for a potential septic system and wetlands delineations for the southern portion of the lot. The lot at Map-17-71 has been subdivided twice in the past. The first time was in 1972 when a southern buildable lot was created on North Road and in 1993 when seven buildable lots were created east of Highlander Road. Both subdivisions were approved by the Planning Board. Those subdivision plans are summarized in the attached history of Map 17-71. From past submissions to the Planning Board on the prior subdivisions, the metes and bounds are known Lot 17-71, which largely follow historic stone walls.

A motion was made by Phil Thayer, duly seconded by Dave Ciccalone, to authorize Andy Vorkink and Lisa Wilson to proceed to acquire the land, engage the surveyor, prepare the documents for the Planning Board and Zoning Board of Adjustment, and if necessary, a mylar for the Planning Board. Roll call vote: Lisa Wilson, Yes; Kathy Grant, Yes; Andy Vorkink, Yes; Lauri Etela, Yes; Phil Thayer, Yes; Audrey Prior, Yes; Dave Ciccalone, Yes. The Motion Passed.

A motion was made by Lisa Wilson, duly seconded by Kathy Grant, to engage Michele Peckham and to authorize an expenditure up to \$10,000 to pursue the acquisition and to take the necessary steps to acquire the land. Roll call vote: Lisa Wilson, Yes; Kathy Grant, Yes; Andy Vorkink, Yes; Lauri Etela, Yes; Phil Thayer, Yes; Audrey Prior, Yes; Dave Ciccalone, Yes. The Motion Passed.

A motion to leave non-public session was made by Phil Thayer, duly seconded by Lauri Etela. Roll call vote to leave non-public session: Lisa Wilson, Yes; Kathy Grant, Yes; Andy Vorkink, Yes; Lauri Etela, Yes; Phil Thayer, Yes; Audrey Prior, Yes; Dave Ciccalone, Yes. The Motion Passed.

Public session reconvened at 8:36 p.m.

A motion was made to seal these minutes by Phil Thayer and seconded by Dave Ciccalone because it is determined that divulgence of this information likely would render a proposed action ineffective. Roll call vote to reconvene: Lisa Wilson, Yes; Kathy Grant, Yes; Andy Vorkink, Yes; Lauri Etela, Yes; Phil Thayer, Yes; Audrey Prior, Yes; Dave Ciccalone, Yes. The Motion Passed

A motion was made by Lisa Wilson, duly seconded by to adjourn the meeting at approximately 8:37 p.m. Roll call vote to adjourn: Lisa Wilson, Yes; Kathy Grant, Yes; Andy Vorkink, Yes; Lauri Etela, Yes; Phil Thayer, Yes; Audrey Prior, Yes; Dave Ciccalone, Yes. The Motion Passed.

These minutes were recorded by Lisa Wilson, Chair, North Hampton Conservation Commission.