



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

MARCH 8, 2021 7:00 PM

NORTH HAMPTON TOWN HALL

Approved March 22, 2021

MEMBERS PRESENT: Vice Chairman James Sununu, Selectman Larry Miller

PRESENT VIA ZOOM: Chairman Jim Maggiore

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

AGENDA

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

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

First Public Comment Session

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

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

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

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

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

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Seconded: Selectman Miller

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

Motion approved by a vote of 3-0

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

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

Vice-Chair Sununu continued the Public Hearing.

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

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

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

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

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

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

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

Motioned: Chairman Maggiore

Seconded: Selectman Miller

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

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

Motioned: Chairman Maggiore

Seconded: Selectman Miller

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

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

Motioned: Chairman Maggiore

Seconded: Selectman Miller

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

Report of the Town Administrator

A copy of the Report of the Town Administrator will be attached to these minutes.

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

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

Items Left on the Table

NEW BUSINESS

11.01 Surprise Presentation – John Savastano

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

11.1 Aquarion Water Company Quarterly Update

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

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

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

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

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

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

11.2 Economic Development Committee Majority Report Presentation and Minority Report on Ironwood Study

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

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

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

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

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

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

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

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

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

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

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

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

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

Motioned: Chairman Maggiore

Seconded: Selectman Miller

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

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

Motion approved by a vote of 3-0

11.3 Discussion of Outdoor Dining

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

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

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

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

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

Motioned: Chairman Maggiore

Seconded: Selectman Miller

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

Motion approved by a vote of 3-0

11.4 Discussion of GZA Environmental Agreement

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

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

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

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

Motioned: Vice-Chair Sununu

Seconded: Selectman Miller

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

Motion approved by a vote of 3-0

MINUTES OF PRIOR MEETINGS

Approval of the Regular Meeting Minutes of February 22, 2021

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

Motioned: Selectman Miller

Seconded: Chairman Maggiore

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

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

Motion: To approve the Non-Public Meeting Minutes of February 22, 2021 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

Any Other Item that may legally come before the Board

Second Public Comment Session

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

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

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

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

Next Regular Meeting: March 22, 2021

Adjournment

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

Respectfully submitted,

Patricia Denmark, Recording Secretary