

Town of Hampton



*Department of Resources and
Economic Development*



**Hampton Beach Area Commission
100 Winnacunnet Road
Hampton, New Hampshire 03842
Selectmen's Meeting Room – Town Hall
Monthly Meeting – February 2, 2017
7:00 PM
Minutes**

In Attendance:

John Nyhan, Chairman, Town of Hampton Representative
Fran McMahon, Rockingham County Planning Council
Rick Griffin, Selectman's Representative
Michael Housman, DRED Operations Supervisor
Bob Preston, Hampton Chamber of Commerce
Chuck Rage, Hampton Beach Village District
Robert Ladd, Hampton Beach Village District
Dean Merrill, Town of Hampton Representative

Excused: Bill Watson, NHDOT, Vice Chairman

Others Present: Jason Bachand, Town Planner

Call to Order: The meeting was called to order at 7:00 p.m.

Pledge of Allegiance.

Introduction of Commissioners.

Public Comments related to Agenda Items.

Mr. Ed McDonald, 25 Epping Avenue

Mr. McDonald commented that he had lost track of the Commission's planning efforts and questioned what happened to his comments from the October 13, 2015 Public Meeting. He had commented on a number of alternatives and improvements including having the 90 degree parking remain in the middle of the newly configured parking area and stated that limiting Ocean Boulevard to two lanes does not make sense. He recommended staying with two lanes in both directions north of Ashworth. He also spoke of Highland Avenue being one way west bound

and asked for consideration in reconfiguring Brown Ave. He also spoke of making a causeway from Rt 1 to the Marina along Glade Path. Further, he also asked about discussion on a connector from Rt 107 to Rt 195.

Mr. Nyhan responded to Mr. McDonald's questions and comments by explaining how the process progressed from the written and verbal comments from the Public Hearings being recorded and then submitted to NHDOT and VHB. He explained that during the process, the Commission continued to review additional comments and all correspondence went to the Commissioners for consideration. In October of 2016 there was a final discussion which included final remarks for issues/items not in the initial recommendations to VHB. In November of 2016 the Commission made final recommendations with space and costs being taken into consideration, noting the engineering designs were closely reviewed.

In response to Mr. McDonald's comments from October 2015, Mr. Nyhan stated that the bridge is also in the 10-year transportation plan to build a new bridge which would alter the traffic flow coming into Hampton from Seabrook. No money will be spent in this area until DOT has released its plans for the bridge. There will be Public Hearings on the bridge project. Mr. Nyhan said that Mr. McDonald is in the minority regarding the elimination of lanes in that the Fire and Police Departments were in favor of that recommendation. Highland Avenue will be kept as is after listening to the public safety personnel and this did not receive a recommendation by the Commission. Further, traffic data was updated and Mr. McDonald will be provided a copy. The connector from 107 to 95 was not discussed nor was a causeway to the Marina. On another question from Mr. McDonald regarding the bridge, Mr. Nyhan said that NHDOT is in the preliminary stages of design which is scheduled for 2024 and they (NHDOT) are looking at a high bridge as well as a draw bridge.

Appointments.

1. NH Representative Phil Bean – House Bill 302 – Feasibility Study

The proposed Bill reads: Analysis: *This Bill requires the Hampton Beach Area Commission to study the feasibility of the Commission or the Town of Hampton entering into an agreement with the Department of Resources and Economic Development to lease and operate Hampton Beach State Park.*

Mr. Nyhan asked that Rep. Bean provide the Commission with an understanding of where the bill goes from this point forward.

Mr. Bean provided the Commission with a copy of the Act relative to the Leasing of Hampton Beach State Park. A copy of the Amendment was also provided. Also, a letter from the Director of the State Park Phil Bryce, was provided to the Commission.

Mr. Bean stated that House Bill 302 is now before the Resources, Recreation and Development Committee and the amendment went to the Committee last week. Also, the DRED Director provided a letter to the Committee with his thoughts on the Bill. This, he said, is simply a "study" similar to that which was submitted for Sunapee leasing from the State.

He noted that the HBAC is under Section 216J which is a broad enabling Act. Section 216J3 contains general indications about land rights, etc. The Study proposed will sharpen the skills of the people in the Town, State, and the Commission. Mr. Bean further commented that Mr. Bryce, State Park Director, is not in favor of this study. He reported that State Committee members came up and asked how he could not be in favor of the study in that it is not a request for funding; however, orients the State and Town to the assets of the State Park. He stated there is a wide sentiment on utilization of year-round use and revenue on the return of investment. He questioned if one does not study, how does one know what is going on. This is a feasibility study regarding leasing property in the State of New Hampshire.

Mr. Bean commented that the Town spends a great deal of money in police and fire support for the beach, and commented we are all in this together. Mr. Bryce, he stated, is concerned about lost revenue that goes into the park systems.

Once again, Mr. Bean stated there is no monetary expenditure connected with this bill, it is to highlight the option of leasing the property. Revenue generated from the State Park are enriching other areas of the State, and he is encouraging the State to be more cooperative.

Mr. McMahon stated the first thing that comes to mind is revenue. He is not opposed to the study, but asked how and where would the Town find the money for the leasing.

Mr. Bean responded that this codifies power, will do the study, orients the State and Town, and does not mandate.

Mr. Griffin commented the he hopes that Mr. Bean and the Act have luck at the State House.

Mr. Ladd asked if there is likelihood the State Representatives will support the Act.

Mr. Bean questioned who will know who would support until start studying.

Mr. Preston noted there is legislation for offices such as his taxes being collected in both Seabrook and Hampton and this might help get a small slice of rooms and meal taxes. He noted there is a good Town relationship with the Parks and he does not want to disrupt this. He also suggested that Mr. Bean's Act might highlight the Town's police, fire, and trash services.

Mr. Bean stated the Rooms and Meals Tax is included in his bill as it comes from the Town.

Mr. Nyhan, reiterated that the HBAC Commissioners have been provided with copies of the Bill and Mr. Bryce's letter, and Mr. Bryce has asked to be put on the Agenda for the 2/23/17 meeting.

Mr. Merrill asked if the Committee (House Resources, Recreation and Development) has voted. Mr. Bean said there has been no vote; however, this is to codify options. The Committee is currently information searching.

Mr. Rage thanked Mr. Bean and other representatives, saying "small town, big voices". He noted that Hampton has the budget of a city and we now create enormous revenue for the State.

Mr. Nyhan stated that if the bill passes, and the HBAC votes to go ahead with the study, and if the study says it is feasible for the Town to lease the State Park it would be millions of dollars based on what the State Park expenses are, including bonding, and a lot of funding would be required to make it work. Further, the revenue the State Park takes in and pays out would be nearly \$3 million under a lease, which would mean the Town would need \$3 million for a lease. He questioned if Mr. Bean anticipates it being valued at \$3 million and would this be up to the Town?

Mr. Bean responded that this is putting the cart before the horse; that the State Park revenue is a cash cow for the State; however, this is not a moneymaking issue. Hampton Beach and the State Park are among the most valuable pieces of real estate in New England and the State uses it for only 12 weeks, then shuts down.

Mr. Nyhan thanked Mr. Bean for his presentation before the Commission.

2. Beach Related Warrant Articles

Chris Jacobs – Director of Public Works

Jen Hale – Deputy Director. of Public Works

Mr. Jacobs stated he and Ms. Hale will speak to two Warrant Articles which have direct impact on Beach Items – Warrant Articles 10 and 24. Photos of maps and plans were provided to the Commission. Slides will be available on the Town's Web Site after Saturday's Deliberative Session.

Article 10 – Church Street Force Main Replacement. Ms. Hale reported that the Church Street Sewer Pumping Station handles sewer flow from the Beach and Sun Valley which comes to the treatment plant summer and winter. NHDES notified the Town in December about high fecal readings. This line is 50 years old. The Board of Selectmen were presented with what was found and what one could or could not do. After options being weighed, a permit was applied for through the DES. The plan was to repair the pipe which had ruptured (discovered in February 2016) due to a penetration in the pipe made by a rock left near the pipe during its initial construction and

was then it was repaired out of necessity. One of the major issues was how to maintain and if the pipe were to be in the marsh, it could not be maintained properly. The sewer line is eight feet under the marsh and dips under three creeks. A matrix was developed and options reviewed with future maintenance issues considered. It was noted that Hampton Beach has earned the ranking of one of the cleanest beaches. Moving forward, a design was chosen for a force main out of the marsh, instead constructed along Rte. 101 from the Church Street Sewer Pumping Station to the Wastewater Treatment Plant, going along 101 with a utility bridge. The pipes which are located in the marsh will no longer be used. The project under Article 10, will last for the long haul. It will have two force mains operationing to transport the normal sewerage flow to the Treatment Plant during the six months of the year to prevent backup and overtopping of the sewer system at the Beach. If the force mains are not replaced, there is a chance for a similar rupture to occur in the future which would severely affect the Hampton Beach area. A copy of the Matrix was also provided and will be on the Town's Web Site. The Matrix describes options and costs.

This project will have to be done some day, but if the Warrant Article does not pass there would have to be a conversation with the State in that this is a State mandated replacement.

Mr. Preston stated that he is in strong support and with the problem, there may be penalties. We have to keep the two miracle miles and it is important to support Article 10.

Mr. McMahon stated this is a critical project and he strongly supports.

Mr. Griffin said this project has meant a lot of work and is a job well done. Further, if people vote this down, the State will work with the Town mandate. It will be no less expensive than it is today and he supports Article 10...

Mr. Ladd stated that delays are not beneficial and there are no other options.

Mr. Nyhan questioned if a positive vote, what is the time line.

Mr. Jacobs reported that the plans are now at DEP and that specifications are being worked on. The Town has been before the NH Wetlands Commission and has asked for expedited review which was granted. It is a tough situation and he feels they are working on the best path. The Wetlands Council prefers something in dry vs wet. Mr. Jacobs said they are working diligently to move the project forward; and, hoping that prior to voting in March, a price will have been determined. It is a logical path to take given the growth of the Town.

Mr. Griffin noted that this presentation was very convincing and is the way it should be.

Mr. Nyhan encouraged support at the Deliberative Session on Saturday, February 4, 2016 and thanked Mr. Jacobs and Ms. Hale for their presentation.

**MOTION: On Motion of Mr. Preston, Seconded by Mr. Rage, the Hampton Beach Area Commission voted Unanimously to highly support WARRANT ARTICLE 10.
MOTION PASSED**

Article 24 – Bicentennial Sea Wall Design. Ms. Hale addressed this Warrant Article stating there is deterioration at the wall. She provided current photos of the wall. It is crumbling from within and there is a potential for failure. The wall is not sitting on or connected to bedrock. Approval has been given for a temporary repair which is a revetment procedure as a means to curtail undermining. This will not stop the concrete from crumbling. The article is for the design of a new seawall which is needed. The new wall is to be as high as the State wall. The intent is to stop erosion on the back area as there are lots of things not right going on. It is necessary for correction. She also noted there is a nine-month approval process.

Mr. Griffin noted that people are saying the sand is moving south, and Mr. Jacobs agreed it is possible the sand is moving up the beach. Further, Mr. Griffin said this was a nice job coming up with a plan.

Mr. Preston asked why this wall is not a State wall. Mr. Jacobs there is a line of demarcation and that section of the beach to Plaise Cove belongs to the Town.

**MOTION: On Motion of Mr. McMahon, Seconded by Mr. Griffin, the Hampton Beach Area Commission voted Unanimously to support WARRANT ARTICLE 24.
MOTION PASSED**

3. Charlie Preston - Beach Traffic Flow

Mr. Preston requested that people who are re-registering their cars to use the State Park Plate, now available. He also spoke of supporting the exit plan, for which he submitted a drawing, from the Town’s Ashworth parking lot during the “season”. He would like to see this plan supported and sent to the Board of Selectman for approval. He spoke to the advantages of having the proposed exit which would not involve any funding. He proposed Jersey barriers to limit the width, and should this not work, the gate could be closed. This could be fixed with a cost of signage only.

Mr. Nyhan asked if there has been support by the Police or Parks and Recreation. Mr. Preston said the Police Chief said it is worth exploring and Dyana Martin, Recreation Director, said she agrees with the concept, but is concerning about staffing.

This item will be TABLED until the February 23, 2016 HBAC Meeting after consulting with public safety and Parks and Recreation staff.

Mr. Rage commented that signage is important and this may alleviate traffic.

APPROVAL OF MINUTES. Review and Approval of the November 17, 2016 Minutes

MOTION: It was moved by Mr. Merrill, seconded by Mr. Houseman to approve the Minutes of the November 17, 2016 Meeting as edited.

VOTE: 8 In Favor, 1 Absent (Mr. Watson) MOTION PASSED

Treasurer’s Report: Mr. Housman

Mr. Housman reported that the balance of \$9,994.43 remains the same as the month of October’s balance. An invoice was received from the Town in the amount of \$366.00 for secretarial services.

MOTION: It was moved by Mr. Griffin, seconded by Mr. Merrill to approve payment of the Town’s Invoice in the amount of \$366.00 for Secretarial Services for the months September through December.

VOTE: 8 In Favor, 1 Absent (Mr. Watson) MOTION PASSED

MOTION: It was moved, seconded, and voted 8 in favor, 1 Absent (Mr. Watson) to approve the Treasurer’s Report as submitted. MOTION PASSED

Transportation Grant Discussion – William Rose and Bill Watson

Neither Mr. Rose or Mr. Watson were present this evening; however, Mr. Rose communicated with Mr. Nyhan stating that:

“Since the last meeting with the HBAC in November, I have met with the VHB staff to discuss next steps and flesh out the plans for moving the plan update forward. This resulted in some discussion re scope of work for the next task order. Once we had general agreement on the scope, a blank task matrix was developed and forwarded to NHDOT to develop an Independent Government Estimate (IGE), what we believe the scope of work will cost. Once the IGE is complete, we will negotiate over the final cost. I expect to get together with you in-person or by phone at that point to discuss and see if we covered everything. We have also been reviewing opportunity for the NHDOT to assist with the scope by completing some or all of the potential borings and assisting with some ROW limit identification”.

Further, Mr. Watson communicated to Mr. Nyhan said that the Transportation Grant is moving forward and once the agreement of scope is approved, DOT will look at the Matrix and will then come in front of the Commission with the next Task Order and will be seeking approval by the HBAC to move forward. There is no time-line, but should be within the next few months.

Old Business:

1. 2017 Town Warrant Articles impacting the beach area. (Jason Bachand, Town Planner)

Mr. Bachand briefly summarized Warrant Articles before the Town.

Zoning – there are 7 Zoning Articles before the voters and he will discuss 2 and mention briefly those that effect the beach area:

- Article 2, Accessory Dwelling Units - which would provide that a single-family dwelling may only include one accessory dwelling unit, subject to the zoning requirements. This Article would also address location, permits required, provisions for living facilities, etc. It also includes parking requirements for dwelling units; and, exterior designs prepared. He also commented that if any community (Hampton) does not adopt the zoning amendments, then the Town would be subject to the new State laws. This Article would put safeguards in place for the Town of Hampton.
- Article 5, Flood Hazard Ordinance – This amendment would involve getting the Town into the CRS and by amending can gain additional points. Changes are administrative from what we had, but a new item includes the elevation of new structures. The Planning Board supported increasing the height of buildings by one foot.
- Article 6 includes housekeeping articles;
- Other articles, not necessarily Planning Board, but effect the beach area are:
 - Article 21 – Maintenance and Reconstruction of Streets, which includes the beach area;
 - Article 22 – Sidewalks, also including the beach area;
 - Article 33 – Release of Deed Restrictions. The BOS has the authority to release the restrictions;
 - Article 35 – Accepting certain streets as Class V Highways at no cost to the Town as they have been paved and maintained by the Town for many years;
 - Article 38 – Regulating disposal of animal waste;
 - Article 39 – Modify a Deed Restriction at 33-35 Dover Avenue;
 - Article 42 – Remove Deed Restriction – 11 O Street – addresses fence height.

Mr. Griffin stated that Article 42 regarding fence height is meant to hide trash barrels, etc.

Mr. McMahon stated that Article 5 could reduce the cost of Flood Insurance.

Mr. Preston noted that Article 2 is critical to go through the Planning Board rather than just “pulling a permit”. Mr. McMahon noted Article 2 will protect the Town.

2. Progress Report – Partnership with HPD.

Mr. Nyhan said more information will be provided by Police Chief Sawyer for the February meeting.

3. Discussion – any additional Commission objectives for coming season

Mr. Nyhan asked that the Commissioners provide him with additional objectives.

4. 2016 Annual Report – Next Steps

Mr. Nyhan said that after the Deliberative Session, he will provide a report to the Board of Selectmen and after the March election, the report will be sent to the State. .

5. Other Old Business. There was no other old business for discussion this evening.

New Business:

Mr. Nyhan said he will ask that Phil Bryce attend a future meeting of the HBAC to discuss House Bill 302. Mr. Housman, with regard to the above comment by Mr. Bean about the State Park “shutting down after 12 weeks”, he wanted to indicate that this does not happen. He also stated that revenues from Hampton State Park do support other parks, and, he too, suggested that Mr. Bryce come to a future meeting to address the issues.

1. NH Transportation Plan (Bill Watson)

Mr. Watson sent information to Mr. Nyhan stating that the cycle for the (10) year transportation process has started and it is a major step for any organization to submit an application to the Rockingham Planning Council with regard to addition funding that the entity would like to go through the ten-year plan. There is \$8 million in the ten-year plan and the money will become available beginning in 2019. Mr. Nyhan stated that one issue the HBAC may consider is asking if transportation grant money could be asked for 2018 to start construction. He will check with Mr. Watson on this. The deadline for getting in funding requests is March 3, 2017 and he will seek Mr. Watson’s advice on what he would propose for the HBAC to do in terms of applying for the \$8 million. It may be possible to move forward with an application and present it to the HBAC at the February 23 meeting. He would like to have the legislators come to the HBAC meeting to bring the Commission up to date.

2. Legislative discussion invitation for 2/23/17 Meeting.

Mr. Nyhan will send a formal invitation to the legislators to attend the February 23rd meeting. (See above)

3. Other New Business - Al Flury Proposal regarding restaurants remaining open until 3 a.m.

Mr. Rage asked for discussion on the proposal to have restaurants remain open until 3:00 am. Mr. Griffin stated that this is an important issue and the Board of Selectmen is aware that the Village District voted not to support the proposal. Further, Mr. Griffin stated that a Public Hearing is important in that it will give people the opportunity to speak. The Board of Selectmen anticipates having a hearing within 30 days. Many people, he stated, have issues with noise; and he feels it would be good thing to have a diner, but only open until the current 1 a.m. closing time. Mr. Rage agreed with the 1:00 am closing. Mr. Ladd noted this is a very important issue for the HBAC and it is quality of life issue. Mr. Griffin will let the Commission know once the BOS has scheduled a Public Hearing on this matter.

MOTION: Mr. Rage moved, seconded by Mr. Griffin, the HBAC voted 7 in favor, 1 abstain (Mr. Housman), absent (Mr. Watson) to continue having all establishments close no later than 1:00 am

Adjournment.

MOTION: It was moved by Mr. Houseman, seconded by Mr. Merrill to adjourn the meeting at 9:08 pm.

VOTE: 8 in Favor, 0 Opposed, Excused (Mr. Watson) MOTION PASSED

Respectfully submitted,

Anne Marchand, Secretary

Thank you Channel 22.

