

*Town of Hampton*



*Department of Resources and  
Economic Development*



**Hampton Beach Area Commission  
100 Winnacunnet Road  
Hampton, New Hampshire 03842  
Hampton Police Station – 2nd Floor Training Room  
7 PM**

**January 27, 2011**

**MINUTES**

**In Attendance:**

John Nyhan, Chairman, Town of Hampton  
Fran McMahon- Rockingham Planning Commission  
Bob Preston- Hampton Chamber of Commerce  
Deputy Richard Sawyer, Citizen at Large  
Rick Griffin, Town Selectman  
Michael Roy, Village District  
Michael Housman, Operations Supervisor, DRED (Seacoast Parks/Recreation)

**Absent:**

Bill Watson, Secretary/Treasurer- NH Department of Transportation  
Geannina Guzman-Scanlan- Hampton Beach Village District

**Other:**

Jamie Steffen- Hampton Town Planner (Administration)  
Laurie Olivier- Secretary

1. Introduction of Commissioners

Mr. Nyhan introduced the members and stated that Bill Watson needed to go home to a sick family and Ms. Guzman-Scanlan was also ill.

2. Review & approval of 11/18/10 and 12/16/10 Minutes

Mr. Nyhan stated that the November Minutes cannot be approved tonight because there is not a quorum as only four Commission members were in attendance.

For the December Minutes, there is a quorum and they can be approved. The spelling corrections of "Stiles" and "Housman" have been corrected in those Minutes.

**MOTION** by Mr. Roy to approve the December 16, 2011 Minutes.  
**SECOND** by Mr. McMahon.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

3. Appointments – None

4. Public comment

Mr. Warburton appeared. He first congratulated Mr. Nyhan on his birthday. He then thanked Ms. Guzman-Scanlan and Mr. Nyhan for the notes he received from them upon departing from his position on the Commission.

Mr. Warburton stated that he still has a strong concern for the Hampton Beach project. He discussed communication and that there have been no weekly updates. He suggests that insignificant electronic information need not be sent. He wants milestone dates given to the public. Mr. Nyhan has been sending Mr. Warburton notes. Mr. Nyhan would like DRED to forward the information he is seeking directly to Mr. Warburton. Mr. Warburton stated that he is not getting responses back to him by DRED. He wants to see messages that give the public significant information. He heard bathrooms may be open for the Penguin Plunge. He does not like the word “may” be done. He wants more substantial updates for the public on exactly what is going on.

Mr. Warburton also asked if DRED is on target for November for the bathrooms to be completed. He stated they “have” to be done by November. Not being informed is very disturbing to Mr. Warburton. He wants Mr. Housman to report an update tonight.

Mr. Warburton discussed RSA 79-E. He said the Town should be careful with this. The historical resource group is hard to deal with. Revitalization was discussed. The seven sections of that RSA should be reviewed and kept in mind. He stated that the Historical Board can hold progress back for years, not months.

Mr. Warburton asked if there will be a grand opening in the spring. He discussed there should be a landmarked date. People are asking Mr. Warburton about dates.

5. Old Business

A. Beach Redevelopment Project updates (Housman)

Mr. Housman stated construction is just over 50 percent complete. Some of the site work is put off until warmer weather arrives. He stated a Certificate of Occupancy is pending soon for the bathhouses. He should have them next week. He stated the north and south pavilions are weather tight. Sheetrocking has been started as well as stone veneer and siding. The concrete work outside is halted due to the weather. The seawall is slowed down due to the weather as well. The temporary stage proposals have been accepted.

## **BOARD**

Mr. McMahon asked about the north/front area and which area it pertains to. Mr. Housman stated it is the Memorial Bridge area. Mr. McMahon asked about pedestrians. Mr. Housman said there will be an area set up for pedestrians.

Mr. Sawyer discussed the use of the north bathhouse. He asked if it will be ready for the event. Using portable toilets was discussed. Mr. Sawyer said the event will be run between A & B Streets. There will be a detour set up. Restrooms used before were just porta-potties that were set up over the Casino area. The bathrooms were not used in the past at the Seashell. Mr. Griffin asked how many porta-potties are used, but Deputy Sawyer was not sure.

It was noted that February 5<sup>th</sup> is the high school plunge and that Superbowl Sunday, February 6<sup>th</sup>, is the beach Penguin Plunge. Mr. Housman said Tuesday is when discussion will take place.

Mr. Nyhan discussed the north and south complexes and that a lot of work has taken place. He noted that the south complex needs to be completed first, then the north complex. He asked if it is still possible for either pavilion to be open for Sunday. Mr. Housman stated “yes” - that both should be open. Mr. Housman said that they should know in early March. Mr. Nyhan said by March 15<sup>th</sup> they should know the status of the pavilions.

#### (1) Temporary Stage Task Group Update (Nyhan)

Mr. Nyhan put together a proposal and sent it to DRED. He got correspondence back stating that the recommendation has been approved and it is okay to go forward with financial strategies of sponsorships, etc. They are working with Harvey Construction for tents and stage vendors. They are using the same vendor as they did for the Seafood Festival. He stated that June 13<sup>th</sup> is the week to actually construct the stage. The first show can be on the 18<sup>th</sup> of June.

Mr. Nyhan stated that this Board’s task is to work on getting sponsorships. Mr. Preston and Mr. Nyhan are willing to work with the Chamber and the Village District to come up with sponsors for a temporary stage. The goal is to raise \$1,000-\$5,000 or more and that will help the Village District with their March budget. This is a line item in their budget. Additional money through sponsorships will help with the project.

#### B. Beach Project/NH Arts Council updates (Guzman-Scanlan)

Mr. Nyhan stated that Ms. Guzman-Scanlan will be attending a very important meeting in February to raise \$20,000-\$25,000 to meet the Arts Council requirements. He stated that hopefully by the February meeting she will have an update on that for everybody.

#### C. May 5<sup>th</sup> Economic Development Action updates (ALL)

Mr. Nyhan stressed aggressive tasks for the Board to look into, for instance, parking. The 79E subject is under the new business. The Commission should discuss whether they support this or not. Ms. Guzman-Scanlan stated that John Kane spoke with her about strategizing marketing campaign for the early season and for the end of the season.

Mr. Preston agreed to work on the architectural design issues. Mr. Nyhan stated he has a relationship with the Planning Board and Kevin Schultz for rehabbing projects. Mr. Nyhan needs to set up a Mike Roy and Andy Herrick meeting to go over that project. The business community wants the businesses at the beach to be interested. If the business community is not on board, it will not be productive. Mr. Nyhan will set something up with Mr. Roy and Mr. Herrick soon.

The Master Plan was brought up by Mr. McMahon who stated that he feels that it is time to review the Master Plan. Ms. Guzman-Scanlan is taking on that assignment and she will make a presentation next month with key components.

Mr. Nyhan asked Mr. Housman to also continue to keep up to date on beach project and to keep the Commission in loop with DRED all activities.

Mr. Nyhan highlighted two projects as priorities: One is the Ocean Boulevard Reconstruction project and the second is the Scenic Byways for finding funds to complete the re-development project for the Visitor Center.

#### D. Scenic Byways Application Status

Mr. Nyhan stated he got a lot of advice on the Scenic Byways process. He stated the Commission should entertain the idea of not going to DRED, but to the DRED Tourism Center. He was able to set up a meeting with the new Director for DRED, Lori Harnois. She and Mr. Nyhan had a meeting in Concord. Tom Mansfield was also present. Mr. Nyhan discussed finishing the project and tying into the Federal Government for capital budget state money and federal documents. Pros and cons were discussed. Mr. Nyhan stated this could open up doors for transportation enhancement and the public transportation system being utilized also. Many opportunities could be considered if we looked at Scenic Byways funds.

Lori promised to have a meeting with her staff along with the Parks Division staff and she will look at the pros and cons of partnering with DRED. She will have a meeting with the Commissioner also. Commissioner Campbell is in support of the Letter of Intent. Mr. Nyhan said we should hear something next week. Mr. Housman will follow up on that with DRED's decision. We need the State agency to work with us, and that is DRED. The Scenic Byways application process will come out in mid-February and they are due the first week in April.

Mr. Nyhan stated that by applying for funds in 2011, these funds will then not become available until late 2012 and early 2013, so by that time, we should have a better picture of the complete project at the beach and it gives a fair amount of time for all parties to look at concerns they have from a financial perspective of operations.

Mr. Nyhan stated that this is not something to worry about today, but for a couple of years to think about how the costs of operation will be taken care of if it is able to be developed. Mr. Nyhan will shoot out an email once he hears the status of them partnering with us or not.

#### E. Ocean Blvd Reconstruction Project

Mr. Nyhan stated that Mr. Roy is handling this and that this is a large project. Before the process can start as far as the DOT is concerned, many things need to be addressed. Mr. Nyhan asked Mr. Griffin for help from the Town on this. The reconstruction of the road is the first hurdle. The second hurdle is drainage and the third hurdle is the sidewalks on the west end of Ocean Boulevard.

Mr. Nyhan stated that he had a couple of meetings with the Town Manager and John Price regarding their stand on sidewalks. He stated that Mr. Welch is adamant that they cannot maintain the sidewalks even if the DOT constructs new sidewalks. The Town is not able to maintain the sidewalks because of a 1952 Supreme Court ruling stating local municipalities cannot maintain property that does not belong to them. Mr. Nyhan got the Supreme Court ruling and he sent it to Mr. Watson also to see if the DOT ruling addresses this issue, i.e. meaning to see if the Town of Hampton maintains sidewalks on the west end.

Mr. Welch also discussed the costs and stated that the DOT's stand is that they are not going to put in new sidewalks unless the Town of Hampton maintains the sidewalks. Mr. Nyhan is trying to figure this out. He stated that unless he is authorized by the Board Of Selectmen to take over the sidewalks at Ocean Boulevard, his stand is that the Town is not responsible. We can't go to businesses if we don't know if the sidewalk obligations will be taken care of.

Drainage was discussed by Mr. Nyhan. He stated that this is a DES issue. For us to hook drainage on letter streets, we need to get permits. The DES is not giving the Town any permits for anything. We just got permits for flappers on Brown Avenue. Mr. Griffin stated it's the moratorium that is holding up the permits. Mr. Nyhan stated the problem is the drainage can't be brought into the problem. The flooding was then discussed and how it is a large maintenance issue. The DOT has to go into the marshland and clean out drainage. Mr. Nyhan asked Senator Stiles for support and there is a meeting set up for one week from tomorrow with the DES and Mr. Nyhan. He wants the DES to be on the same page as DRED with what we are trying to do at the Beach. He asked how can the Commission can bring the Town and the DES together.

Mr. Griffin said there are about 10 drains attached the same way to the marsh. He thinks that people are out there trying to fix it, but it's getting stepped on and maybe collapsed. He stated that the Army Corps of Engineers has been there also and can't figure it out.

Mr. Nyhan stated many things need to be agreed upon before getting a new Ocean Boulevard. It's going to take longer than expected. He stated that he will have more to report next month. Also, the sidewalk ownership issue will also be addressed.

Mr. Nyhan discussed that another thing discovered was a 1957 Letter of Agreement between the State and the Town (DES, DRED and DOT). In 1957, there was a three-page document outlining who is responsible for what. Mr. Welch referred to the Agreement. It was never signed by any public official with the Town back then. The DOT is using that Agreement as its guideline as to who is responsible for what. He also stated that there is a 1957 document totally out of date. Mr. Nyhan wants the template of that Agreement and to update the document to where it's an agreement between the Town and State. One of Mr. Welch's objectives is to resolve some of those issues. Mr. Welch is on board to resolve them.

Mr. Griffin asked about the Town maintaining the sidewalks. Mr. Nyhan stated that the Town will be responsible for cleaning and maintenance of the sidewalks, if cracking starts, etc., and shoveling in the wintertime. Liability is where Mr. Welch is concerned. If someone trips and falls, and that person sues, who do they sue—the Town or the State? The State says "Town" and the Town says "State".

Mr. Griffin stated that the biggest problem will be from other citizens of Hampton that their sidewalks aren't maintained and not plowed and then people come forward with wanting new sidewalks in different areas of town. He stated there will be a lot of people in Hampton who won't want that to happen and they'll probably be vocal. Sidewalks come up a lot. Mr. Griffin asked if the budget was discussed.

Mr. Griffin thinks the drains should be easy to resolve. Mr. Nyhan stated that Commissioner Campbell is a friend of the Commission, but the window of opportunity is within the next two years. Mr. Nyhan stated Mr. Welch has been very cooperative. Mr. Nyhan needs Mr. Griffin in the loop on this as the Selectmen will need to become involved in this. Mr. Griffin is in favor of doing work on the sidewalks, but stated that it's going to be an uphill fight. Mr. Griffin mentioned the High Street sidewalks and how the Town did not stick to their own criteria on those sidewalks.

#### F. Any other Old Business

#### 6. New Business

##### A. Discount on RSA 79E

Mr. Nyhan wants this on the agenda for February's meeting for a discussion or debate. He wants to obtain as much information that can be gathered, and then the Commission will be asked to vote to support it or not, or to take no vote at all. Mr. Nyhan asked if this is coming from the Selectmen or Planning and Mr. McMahon stated from the Selectmen. He asked Mr. Griffin if a draft is complete to which Mr. Griffin stated "yes". Mr. Griffin stated that the AG made a ruling that it is illegal to put in a warrant article. It was done on all of them, and they all have to be revised/edited.

Mr. Nyhan asked if someone from the Town could come in regarding warrant articles, whether it would be Dick Nichols, Fred Welch or Attorney Gearreald. Mr. Griffin said Dick Nichols wouldn't mind, and Fred Welch wouldn't mind. Mr. Nyhan asked Mr. Griffin to see if he could get someone to come in and talk about the warrant article.

B. Economic Development Strategies

C. Any other New Business

Mr. Nyhan discussed the Economic Development initiative. He needs someone focused on this in the Town of Hampton. He stated that he has no disrespect to the RCP and others, but his thought process is thinking that the month of March would be a good month to ask someone from the State and Coastal Economic Development to have an open discussion on suggestions and recommendations to see how to establish a formal economic development strategy that would be consistent with the Master Plan. He asked for Mr. Griffin's comments.

Mr. Sawyer said having anyone come in and speak is a good idea.

Mr. Roy agrees with Mr. Sawyer. He feels we need feedback. He feels it is a good idea for everybody's sake.

Mr. Griffin agrees.

Mr. Preston asked who else has this in place and is wondering how it was started and that maybe there would be other towns to talk to.

Mr. Nyhan stated maybe Coastal Economic Development—Mr. Watson is wondering how best to get started.

Mr. Nyhan wants a discussion on this and feels it should be put on the table. Mr. Sawyer asked if this is a sub-committee. Mr. Nyhan stated we would be facilitating a way to bring economic development down to the Beach. That person wouldn't be working for us, or set up through the Beach Commission, but it would be a resource for the community. Mr. Sawyer asked if other communities have this. Mr. Nyhan stated Newburyport and Portsmouth have directors who work for their cities. Federal funds were discussed.

Mr. Nyhan stated there is no one in the community looking for investors. There is no public effort to help in terms of properties, redevelopment, etc. No one on the Board has time or knowledge on how to handle this. Mr. Griffin asked about a warrant article, i.e. having the Hampton Beach Commission sponsor a warrant article. He is not sure the Town would be happy to accept that position. He said it's a good case for a warrant article and many people at beach would be supportive. The Town could be included in it. Maybe people in town would be supportive and it should be reviewed how new businesses are doing downtown. This is something that could be done next year.

Mr. Sawyer discussed having the Chief come in to discuss traffic flow on Ocean Boulevard. Special events and traffic was discussed. Mr. Sawyer stated the Chief is open to it if he is invited. Mr. Griffin stated it would include the sidewalk traffic also. Everyone on the Board feels that it is a good idea to have the Chief attend a meeting. Safety needs would be discussed also.

Mr. Griffin stated the Chief is an effective speaker. He also stated that the Board of Selectmen thought that Ashworth Avenue would become part of Route 1A, but he thought it was voted down by the Town. Mr. McMahon stated the other half of 1A, i.e. going north and south had to do with ownership of the road. Mr. Griffin said the State was involved. Mr. Nyhan asked Mr. Sawyer to talk to him about a date for the Chief to come in and meet with the Board.

Mr. McMahon discussed Brian Warburton's concerns regarding the grand opening. He also would like to know what it consists of and also wants to know when it will happen.

Fireworks were discussed and special bands or shows. He asked if the Precinct would be involved. He asked if the grand opening would be around Columbus Day. He said someone should think about this.

Mr. Nyhan asked Mr. Housman to pop his head into Andy Bassett and discuss the grand opening. Mr. Housman said in-house they are discussing the grand opening, but everyone should get together and get their thoughts together. Mr. Nyhan asked Mr. Housman to deal with timing issues and then a task group can be set up.

Mr. Nyhan discussed getting more substance into the weekly reports. He again mentioned the Penguin Plunge and also the bathrooms.

Mr. Preston made the announcement of wishing John Nyhan a HAPPY BIRTHDAY!

Mr. Sawyer discussed that the NH Police Academy is discussing a part-time police academy and that the numbers are exceeding availability. Hampton's training room was discussed. There could be a conflict of our meetings in February, March and April. The Academy utilizing our Police Department room for training discussion was discussed. There's a potential to use the room for Wednesdays or find another location.

8. Adjourn

**MOVED** by Mr. Sawyer to adjourn.

**SECOND** by Mr. Griffin.

**VOTE: 6 – 0 – 0**

**MOTION PASSED.**

Meeting adjourned at 8:23 p.m.

Laurie Olivier  
Secretary