

*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 – March 1, 2016  
Postponed from February 25, 2016  
7:00 PM**

**DRAFT MINUTES**

**In Attendance:**

John Nyhan, Chairman, Town of Hampton Representative  
Fran McMahon, Rockingham Planning Commission  
Rick Griffin, Town of Hampton 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, At Large

**Excused:** Bill Watson, Vice Chairman-NH Department of Transportation

**Absent:** 0

**Other:** Jason Bachand, Town Planner  
Anne Marchand, Secretary

**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. Tim Jones spoke to Warrant Article #38 which proposes to discontinue E Street as a Public Way. He said that E Street is central, paved, and a paper street which is at the heart of the beach. Further, the town has owned the street for many years and there is no reason not to own it. He said the land should be leased and is worth millions of dollars. He encouraged voters to vote "No" on Article 38. He also reported there is more information on the Website.

## **Appointments.**

1. Senator Nancy Stiles was present to provide an update on the Legislative Bills the HBAC has interest in: Bill 7497 - Meals and Rooms Tax – Senator Stiles said the communities need to get money back into their towns. There are two Bills before the Study Committee. One (House Bill 1214) would allow hotels to add a \$1 charge for every hotel room. There was a lot of discussion, but the bill went down 15 – 119. The second Bill looks at the overall picture with creative pieces put forward to get more money for the communities, which would allow the first portion to go back to communities, not losing because of less population. If the State received \$5 million or more, the \$5 million would go back to the communities based on where the money was generated. She said the 58 communities were all over the State; however, it went down in the Senate 13-10.

Senator Stiles further reported on Senate Bill 510 which she submitted at the request of Charlie Preston. This bill passed on a voice vote and would allow people who have a State Park license plate to park at meters at the beach between September 15<sup>th</sup> and June 15<sup>th</sup> on weekdays at no charge. It was suggested the State Parks consider raising their meter rates on weekends and holidays to mirror what goes on in private parking areas. The request would have to go through fiscal to get approved. The free parking would not be available if one is going to work or those who own property at the beach. She thinks the bill will be passed this year.

Senator Stiles also reported on SB 347 which is an Act to enable the state and municipalities to adopt laws and ordinances regulating attire on State and Municipal property. She announced the Bill will be heard on Wednesday, March 9, 2016 between 9 and 12 am. She will notify the HBAC as to the schedule. She further noted this Bill would also allow communities to direct where this would be happening and would be up to local ordinance. She further noted that there were those who said this Bill would be unconstitutional however, she moved forward. Currently there is no Statute and the reason the Gilford Case was thrown out is that the Attorney General said there was no statute directing otherwise.

Further, watching the Selectmen's Meeting on February 29<sup>th</sup>, she spoke about the land that is to be purchased by the State for the Court House. This matter is between the DOT and the Courts. The land is in back of the Park and Ride off I95. Now that the land is being purchased, she hopes to get money in the Capital Budget for the Court House. And, Senator Stiles said this is priority #1 for the State Capital Budget for next year.

With regard to the 10-year Plan and applying for the Tiger Grant, she went before the House DPW Committee today and explained what was needed to help the HBAC move forward. They understood, but said if one moves up, funds have to be taken away from someone else. DOT has been directed to bring an amendment to the House Committee to allow some mechanism that if get grant, it will be a "go". She said the HBAC should go forward with the Grant application. She also noted that DOT is supporting the bridge going over the river project. Further, the money is there and there are negotiations going on with money having been increased in the 10 Year Plan to have the purchase of the open rail land go forward.

Senator Stiles stated that the Warrant Article 21 is important to her. Mr Nyhan spoke to the Town Warrant Article regarding the rebuilding of the sea wall and stated that the HBAC will support that article.

Mr. Griffin asked if the Court House will go by the Park and Ride, will the Park and Ride remain. Senator Stiles said "yes".

Mr. Rage thanked Senator Stiles for all she is doing for the Town of Hampton.

Mr. Nyhan, with regards to the Tiger Grant, spoke to the process of the step-by-step application and how money might be moved from the 10 Year Plan. Senator Stiles said that DOT has the bridge as a priority. Mr. Nyhan said

once there is a better understanding of the process, Concord's support between the Governor, DOT and others, would go full court press this time around, even though there would be a second opportunity. Senator Stiles reported that Tiger money has to be used for construction.

Mr. Nyhan explained that with regard to the RSA, the HBAC is considered a State Commission; however, the RSA has no reference that would allow the HBAC to adopt any revisions of the Master Plan. The Master Plan was previously submitted to the Hampton Planning Board then to the State. There was no Beach Commission at the time, however, the HBAC might need some help with revising the RSA that would empower the Commission to be the front runner of putting recommendations forward to adopt as revised. He noted the HBAC might need some help to go through the formal steps. Senator Stiles said there should be another process for adoption.

Mr. Nyhan also expects the HBAC is about 9 months away from formal recommendations and a more complete financial cost study will be done. DOT has informed the HBAC that once they are comfortable with the alternatives and revisions, then they will go back and start the financial analysis. He again said the HBAC may need help from Concord.

Senator Stiles said that her concern is doing something to Ocean Boulevard while doing something with the bridge. She wants to make sure that is considered and, whether they leave alone or expand, the bridge has to be able to connect to Ocean Boulevard.

The Commission thanked Senator Stiles for reporting the above to the Commission this evening and for her continued support.

2. Mr. Charlie Preston, first thanked Senator Stiles for her work on the State Park license plates. He then requested that the HBAC not vote to support Article 38 in the March 8<sup>th</sup> election. He spoke of the great families who have owned the Casino in the past and who set high standards. He said this Article would amount to a land give-a-way, and with the HBAC updating transportation plans, Article 38 would give away this property. He said this is not talking about taking land or business, but getting all parties to the same table to improve transportation and parking. Mr. Preston then provided and quoted from a number of HBAC past minutes from 2012 - 2015 and commented that the Casino owner has not yet met with the HBAC. Mr. Preston then spoke of the loyalty to his mother's beach and asked that this not be disrespected. He once again, encouraged voting No on Article 38.

#### **APPROVAL OF MINUTES.**

**MOTION: It was moved by Mr. Rage Seconded by Mr. Merrill to approve the Minutes of the January 28, 2016 Meeting as presented.**

**VOTE: 5 in favor, 2 Abstain (Griffin/Houseman) 1 Excused**

**MOTION PASSED**

#### **CHAIRMAN'S REPORT.**

1. Update Transportation Grant. Mr. Nyhan stated he had a meeting with the people from State Parks, along with William Rose and Bill Watson. He deferred the report on this meeting to Mr Housman.
  - a. Additional comments – State Parks (Mr. Housman)

Mr. Housman provided copies of a memo dated February 26, 2016 from Philip Bryce, Director of the Division of Parks and Recreation. Mr. Housman and Mr. Bryce thanked those in attendance and the briefing on the Hampton Beach Transportation Study. He agrees with the importance of parking facilities and the options and alternatives that have been reviewed and discussed which looked at safety, traffic flow and improvement issues on Ocean Boulevard north. He stated that Ashworth Avenue has no direct effect on the State Park, but is appreciative of being apprised of the concepts. The memo outlines other discussion items including revenue from State Park parking facilities, and stated the Division is interested in the Ocean Boulevard North alternative and proposed that this would be in the first phase of a new transportation vision.

He also noted that the Division supports the inclusion of bike lanes in all alternatives and to improve crosswalks, sidewalks, and streetscapes in all areas. Further, way-finding should start before visitors arrive on the beach with signage on Routes 95, 101, and 236 guiding people to the beach. It was also suggested the areas of the beach need to be branded so visitors can find their way to the various areas on the beach. Lastly he commented that the Division would not want to lose the parking spaces along Ocean Boulevard from N to H Street but would be willing to continue to evaluate all options that would both increase and decrease parking spots in certain areas. He commended the HBAC on keeping the Hampton Beach Master Plan up to date and their efforts to update the transportation section. The Division, he stated, looks forward to being an active and supportive participant in the steps toward development and implementation.

Mr. Nyhan commented that all shareholders of people on the beach, whether public or private, need to be kept up to date.

b. Project Scope Expansion and Next Steps: Mr. Nyhan noted that the task order revision would include transportation needs including Ashworth and Church Street north to Winnacunnet and discussed the areas Mr. Griffin requested. He reported that Mr. Rose is in negotiations with VHB and they are not yet in agreement with what has to be done in that area. Mr. Nyhan should know the final task order by next meeting and will report to the HBAC. He commented it would cost a lot of extra money.

Further, Mr. Nyhan requested information from Mr. Rose on Task Order #1 Schedule and Task Status which was provided to the Commission members. Mr Nyhan also noted, for the record, that the status is posted on the Website. The last page of the report talks about the next steps and, once the recommendations are complete, there will be one more public meeting to present the information in front of the Commission and get further recommendations and thoughts for final review for this step in the project plan.

Mr Nyhan also asked Mr. Rose about the time frame, and he said it would be another 6-9 months away to narrowing down what will be covered. If there are other areas that fall in the transportation scheme that have not been discussed they will now have to be tied into that discussion.

He stated there was not a lot of discussion on the Intermodel and it would be kept as is in the Master Plan for now. He questioned if the Commission wants to extend and get more detail. Mr. Nyhan stated he feels comfortable with the work DOT and Mr Rose are doing now.

With regard to figures, the Commission is over the match of \$19,731 which will be monitored on a quarterly basis and the HBAC can continue to contribute by in-kind operation.

c. RSA Clarification, Adoption, and Adoption Process. ( Chapter 216-J )(See Page Three)

Mr. Nyhan stated that the RSA is vague in that it does not discuss “what if” during the 50 year plan if there would be revisions necessary for adoption. The Commission needs to look at the RSA and plan ahead, but begin the motion toward the mechanism once final recommendations are voted. When the Master Plan was first approved, it was approved by the Planning Board. Now, it is the HBAC responsibility. He questioned how the Planning Board

will come into the plan and this will have to be clarified by the AG's Office. He will keep the Commission up to date on this issue.

Lastly, Mr. Nyhan reported that Intermodel time can be included by the Commissioners as in-kind.

**TREASURER's REPORT:**

Mr Housman reported that there has been no change in the Balance. It remains at \$11,839.

**MOTION: It was moved by Mr. Merrill, seconded by Mr. Griffin to accept the Treasurer's Report as submitted.**

**VOTE: 8 in favor, 1 excused.**

**MOTION PASSED**

**OLD BUSINESS.**

**1. Subcommittee site review – 73 Ocean Boulevard.**

Mr Nyhan reported that the subcommittee consisting of Mr. Rage, Mr. Preston and Mr. Nyhan met with Al Fleury (Bernie's) regarding his plans for the two lots he has purchased in the block and provided designs of what he wants to do. The Planning and Zoning Boards recommended he confer with the HBAC. Mr Fleury is planning to increase his venue from 400 to 900 seats. He stated he has taken care of the neighbor's concerns of loud music and noise. Sound proof walls will be on the sides and back of the new construction. Music and noise will veer out to the center toward the ocean. Mr. Rage said Mr. Fleury has made a positive move. Also, the front of the retail stores on ground level will continue to be there and the store fronts will be remodeled. Mr. Rage said this is a win-win situation in that Mr. Fleury has also dealt with drainage issues which are under control.

Mr. Preston said that the plan is a nice improvement over what was there. This, he said, is a medium-term business, but at some time may be built up. The music will be similar to that type of music that is there now.

Mr. Merrill questioned the timing, and Mr. Rage said that Mr. Fleury is hoping this can be complete by summer and would like to open in July.

Mr. Bachand reported that there will be a second meeting of the Planning Board with Mr. Fleury as additional comments are needed. The site plan was confusing and clarification is needed on a few points. If the revisions are received next week, the Board may be able to schedule the second meeting the first week in April.

Mr. Nyhan said there are no issues with site changes.

**Consensus:** The HBAC agreed that Mr. Nyhan would send a letter to the Planning Board stating that the subcommittee reviewed the site and there are no issues of concern to the HBAC.

**2. Fund Raising.** Mr. Preston reported that he, Mr. Rage, and Mr. Merrill will work to get a plan for fund raising off the ground. It is a work in progress and should be kept on the next Agenda.

**NEW BUSINESS.**

**1. Mr. McMahon Reported on the Intermodal Center Presentation which was presented by the Rockingham Planning Council to the Hampton Board of Selectmen on Monday, February 29, 2016.**

A copy of the Feasibility Study by the RPC dated February 2016 was provided to the HBAC Commissioners.

Mr. McMahon said that three alternatives were involved in the process. It was recommended that all proposed work will be in the existing rights of way. There can be difficulties looking at all the impacts, environmental, etc

which can be dealt with within the existing rights of way. Also existing roadways and bridges will be utilized which will minimize the cost. The aspect of the RPC is the Intermodal aspect, incorporating an Intermodel Center. There are three alternatives/locations for the Center which will fit within the existing interchange. The plan looks at 400 parking spaces accommodated by three types of transportation. Mr. McMahon stated that he feels the plan should look at Rt 101 serving Manchester.

The second alternative deals with local bus service. Coast Bus Lines serves the area from Dover/Portsmouth, but service should be extended to Seabrook, through the center in that Seabrook has not had public service in a long time. Bus service is important, both for employment and other business activities.

The third is a beach shuttle and satellite parking for the beach. The Center, in the interchange, is the most important piece to look at and coordinate with beach business. Mr. McMahon noted that HBAC has a major part in this plan.

Mr. Griffin said that discussion on this has been going on for so long, and it is not different than 10 – 12 years ago. He noted that the Board of Selectmen is supportive.

Mr. Preston stated he sensed enthusiasm looking at the three aspects and this is good for the HBAC in that it helps with parking and being tourism friendly. It also helps Experience Hampton on how things are going on uptown. It is a nice enhancement and is attractive. Also, the part of the plan to have parking should be pushed quickly.

**2. ELECTION OF 2016 OFFICERS Reconfirmation.**

Mr. Nyhan reported that no one has come forward to be considered for the positions of President, Vice President, or Treasurer. Therefore, as agreed by the current officers, the following motion was made:

**MOTION: It was moved by Mr. Preston, seconded by Mr. Rage to continue with the officers currently serving on the HBAC: John Nyhan, Chairman; Bill Watson, Vice-Chairman; and Michael Housman, Treasurer.**

**VOTE: 8 in favor, 1 excused.**

**MOTION PASSED**

**3. Warrant Articles impacting the Master Plan.**

**a. Article #21 – Town to approve \$85,000 professional design with regard to the wall at North Beach, owned by Town.**

**MOTION: It was moved by Mr. Griffin, seconded by Mr. McMahon to support Warrant Article 21 to approve raising and appropriating the sum of \$85,000 for the design for the reconstruction and/or replacement of the seawall at Bi-Centennial Park and temporary repairs during the preliminary design phase.**

**VOTE: 8 in favor, 1 excused**

**MOTION PASSED**

**b. Article #38 - E Street**

Mr. Rage feels that this Article 38 needs to be looked at more and, if someone is paying taxes, they are paying for use. He said he doesn't know where this is coming from and a lot has happened in the past 18 years. He stated he gets all the questions, but does not have the answers. Also this is a hard time to have the HBAC take a stand on this Article either way.

Mr. Nyhan said he has not heard from Mr. Lupoli in quite a while with regard to his plans. Mr. Nyhan said he knows there are other property owners that have a share of the Casino block and has not heard from the public whether or

not there is impact. If this was a major concern, he thinks he would have heard something, but has not. The Town Manager sees this article as a housekeeping type of Warrant Article which needs to be cleared up and something done.

Mr. Nyhan questioned what impact this will have on the owners of the Casino block. If they wanted to get something in there, they would have to get a permit whereas it is Town property. Mr. Nyhan said this is his take on this issue. He further stated that, at this point, there is not enough information to vote to ask the Town and voters to vote on this issue. Further,, not knowing the details, he is reluctant to commit. Mr. Nyhan also said that the HBAC has a right to take, or not take, a stand.

Mr. Griffin said the land is not being taxed, and he wonders if this is why Mr. Lupoli is not moving forward which may be holding the matter up. The Selectmen, he stated, have not met with Mr. Lupoli, although Mr. Lupoli has spoken with the Town Manager and Department Heads. Tax money has never been paid and, if something is going in there, it will be something big and taxable by the Town. He believes the Board of Selectmen are supporting this Article.

Charlie Preston stated that Adverse Possession does not come into this equation and asked the HBAC to take a stand against Article 38.

Mr. Rage commented that there are beach properties with Deeds that are not too accurate and are grandfathered. He also questioned how the HBAC, as a Commission, can approve or disapprove of this Warrant Article.

Mr. Preston said that Charlie Preston has expressed his opinion, that there are real estate conveyances there, and maybe there should be more discussion, but it is something the HBAC cannot solve.

Mr. Ladd commented that if one cannot get permits to improve the property, it would have an impact on the value of the property.

Mr Nyhan said that it was explored with Mr. Lupoli to create a lane to exit out of the beach quickly and create the idea of an entrance way. He questioned if that was given consideration and does not know. Further, if the Town has part of a street there, it does give access.

c. **Warrant Article #42.** Mr. Griffin spoke to Warrant Article 42 which falls within the mission of the HBAC and Master Plan. This article requests the Town not approve any special event requests that result in the closure of any road in Town. Mr. Griffin noted that some towns have limits as to the number of participants and the pros and cons have been discussed, commenting that there are options. He encouraged not supporting this Article.

Mr. Ladd said meetings have been held and positive things have been brought forward including business and good publicity. The benefits outweigh the inconveniences.

Mr. Merrill said this is not just an Ocean Boulevard issue, it involves Hampton Academy, WHS, and others, and has brought money in locally. It is a Hampton thing.

**MOTION: It was moved by Mr. Griffin, seconded by Mr. McMahon that the HBAC not support Warrant Article 42.**

**VOTE: 7 in favor, 1 Abstain (Mr. Housman) 1 Excused**

**MOTION PASSED**

4. **TIGER GRANT** . Mr. Nyhan said that notice was received on 2/23/16 that there is \$500 million in Tiger Grant money for people, towns, and organizations to apply for. Mr. Nyhan spoke to Mr. Watson and he indicated that we have a good opportunity to make an application based on the track record from Federal Highway. This, he said, is a way to move with the 10 Year Transportation Plan. Mr. Nyhan noted that we should be construction ready by September 2019 and questioned what we needed to do to make this happen. Mr. Watson summarized that we have money in the Master Plan and have money that has been approved, but it is out a way. A little over \$5.7 million was put into the Plan by Councillor Sununu for engineering, design, and construction which is to be spent from 2021 to 2024. Mr. Watson proposed to take the engineering money out and move into the transportation time line for 2017. With the \$250,000 we have for engineering, which is required by DOT to complete construction and, if Senator Stiles can get an amendment to move the \$750,000 for this year, we can tell Federal Highway we have money for engineering and can be construction- ready by 2017. Further, would have to go to Federal Highway for \$12 million through the Tiger Grant.

Mr. Nyhan reported there is a WEB-A-NAR on line on March 8<sup>th</sup> which gives details of the Tiger Grant application process. He then asked for a vote from the Commission to support the application process for the Tiger Grant.

**MOTION: Mr. Preston moved, seconded by Mr. Rage to support having the HBAC review the Tiger application process in detail and return with a final decision at the March 31<sup>st</sup> HBAC meeting. Further, on or before April 29<sup>th</sup> at 8:00 pm, submit the final application.**

**VOTE: 8 in favor, 1 excused.**

**MOTION PASSED**

Mr. Nyhan stated that it is time to move forward to the next step, and Mr. Preston stated the next step in critical. Mr. Nyhan stated help is needed to show supplemental studies that have been done, recent findings and related studies. Also letters of support will be needed from Town and State which means there is a lot of work to be done in the month of April to make submission by the end of April. Mr. Nyhan will assume the Project Manager role, but will need support.

**Senate Bill 347. (Senator Stiles – See Page Two)**

**MOTION: Mr. Preston moved, seconded by Mr Rage to support Senate Bill 347 enabling the State and Municipalities to adopt laws and ordinances regulating attire on State and Municipal property.**

**VOTE: 8 in favor, 1 excused.**

**MOTION PASSED**

Mr. Preston thanked Senator Stiles for all the work she does for Hampton and the HBAC.

**ADJOURNMENT/MEETING DATE CHANGE:**

**MOTION: It was moved by Mr. McMahan, seconded by Mr. Housman and voted unanimously to adjourn the meeting at 8:48 p.m. and to reschedule the Regular March Meeting to Thursday, March 31, 2016 at 7:00 pm.**

**MOTIONS PASSED.**

Respectively submitted,  
Anne Marchand, Secretary

**THANK YOU CHANNEL 22**

