



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
www.ci.durham.nh.us

NOTICE: Although members of the Town Council will be meeting in the Council chambers, the Council meetings are still available for members of the public to participate via Zoom or in-person.

AGENDA

DURHAM TOWN COUNCIL

MONDAY, MAY 9, 2022

DURHAM TOWN HALL - COUNCIL CHAMBERS

7:00 PM

NOTE: The Town of Durham requires 48 hours notice if special communication aids are needed.

- I. Call to Order
- II. Town Council grants permission for fewer than a majority of Councilors to participate remotely
- III. Roll Call of Members. Those members participating remotely state why it is not reasonably practical for them to attend the meeting in-person
- IV. Approval of Agenda
- V. Special Announcements - None
- VI. Public Comments (*) - **Please state your name and address before speaking**
- VII. Approval of Minutes - March 21, 2022
- VIII. Councilor and Town Administrator Roundtable
- IX. Report from the UNH Student Senate External Affairs Chair or Designee
- X. **Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
Shall the Town Council, upon recommendation of the Administrator, approve a contract with Municipal Resources, Inc. totaling \$142,400 to conduct a full revaluation for the residential and commercial properties in Durham for Tax Year 2023 and authorize the Administrator to sign said contract to commit an expense of \$75,000 for Tax Year 2022 and \$75,000 for Tax Year 2023?

XI. Committee Appointments

- A. Shall the Town Council, upon recommendation of the Durham Public Library Board of Trustees, appoint Martha Gooze to fill the unexpired Library Trustee vacancy created by the resignation of Stanley Reczek until the March 2023 Town Election?
- B. Shall the Town Council, upon recommendation of the Durham Public Library Board of Trustees, appoint Lai Lai Jenkins, Karen (Kam) Damtoft, and Kimberly Sweetman as alternate members to the Library Board for a period of one year with terms ending April 2023?
- C. Shall the Town Council nominate resident Catherine Ashcraft for appointment by the NHDES Commissioner as a Durham representative to the Oyster River Local Advisory Committee?

XII. Presentation Items

- A. Durham Public Library Strategic Plan – Sheryl Bass, Library Director
- B. Potential air cargo facility at Pease – Michael Lehrman, Durham representative on the PDA Noise Compatibility Study Committee **(30 Mins)**

XIII. Unfinished Business

- A. **PUBLIC HEARING AND ACTION ON RESOLUTION #2022-05** authorizing the raising, appropriating, and expenditure of an additional One Hundred Five Thousand Eight Hundred Fifteen Dollars (\$105,815.00) within the FY 2022 General Fund Budget, to refund an unexpended building permit fee deposit associated with the Oyster River Middle School Project, and approve said refund to be paid to Bauen Corporation, initiator of the building permit fee fund
- B. **PUBLIC HEARING ON AND POSSIBLE ACTION** to refer a new proposed Council-Initiated Solar Energy Ordinance to the Planning Board for its review and recommendations
- C. Continue discussion and development of the draft FY 2022-23 Town Council goals

XIV. New Business

Other Business

XV. Nonpublic Session (if required)

XVI. Extended Councilor and Town Administrator Roundtable (if required)

XVII. Adjourn (NLT 10:30 PM)

<p>(*) <i>The public comment portion of the Council meeting is to allow members of the public to address matters of public concern regarding town government for up to 5 minutes. Obscene, violent, disruptive, disorderly comments, or those likely to induce violence, disruption or disorder are not permitted and will not be tolerated. Complaints regarding Town staff should be directed to the Administrator.</i></p>
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8 NEWMARKET ROAD
DURHAM, NH 03824

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Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM:

10

DATE: May 9, 2022

COUNCIL COMMUNICATION

INITIATED BY:

Jim Rice, Assessor

AGENDA ITEM:

SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, APPROVE A CONTRACT WITH MUNICIPAL RESOURCES, INC. TOTALING \$142,400 TO CONDUCT A FULL REVALUATION FOR THE TOWN OF DURHAM AND AUTHORIZE THE ADMINISTRATOR TO SIGN SAID CONTRACT TO COMMIT AN EXPENSE OF \$75,000 FOR TAX YEAR 2022 AND \$75,000 FOR TAX YEAR 2023?

CC PREPARED BY:

Jim Rice, Assessor

PRESENTED BY:

Jim Rice, Assessor

Gail Jablonski, Finance Administrator

AGENDA DESCRIPTION:

The purpose of this Council Communication is to request the Town Council's approval of the assessing services of Municipal Resources, Inc. to perform the Full Revaluation for the residential and commercial properties in Durham, thereby revising the property assessments in Durham for tax year 2023. The project will be completed over a 2-year period where the data collection phase of the project will begin in 2022, and the project finalized in 2023. The updated valuations of all utility properties will be proposed under a separate contract.

As required by Article 6 of the State of New Hampshire's Constitution, all property assessments shall be updated once every five (5) years. The last statistical update in Durham was completed in 2018. The last full revaluation was completed in 2002. The Town received 3 responses to the RFP that was posted in the local newspaper which are as followed:

Municipal Resources, Inc.	\$142,400
Vision Government Solutions	\$137,600
KRT Appraisal, LLC	\$195,000



Re: Award Contract for Full Revaluation

After reviewing the applicants' proposals, the Assessor recommends and Town Administrator and Business Manager concur with choosing Municipal Resources, Inc. to perform the residential and commercial full revaluation portion of the 2023 full revaluation. Reference discussions with other municipalities revealed that Municipal Resources, Inc. past performances regarding revaluations and statistical updates were stellar, whereas the references received from the other two companies were concerning. Municipal Resources, Inc. also performed Durham's 2018 statistical update. Municipal Resources, Inc. performs most of their work in New Hampshire and are more familiar with the New Hampshire real estate market, whereas the other two companies are in MA. As such, we feel that it is worth spending the extra money knowing that we are going to receive a better product in the end.

In addition to updating the residential, land and commercial assessments, Municipal Resources, Inc. will also update all the tables in the Vision CAMA system. This includes all building tables (base rates, subarea code adjustments, size adjustments, etc), land tables (land curve, neighborhood adjustments, site index adjustments, etc) and depreciation tables. Municipal Resources, Inc. will also update the cost modeling tables to ensure that all the adjustments within the Vision CAMA system are calculating properly. Paul McKenney from MRI was requested to be the acting Supervisor for Durham's 2023 full revaluation who lives in Dover, NH and was previously employed with Vision and has extensive knowledge of the Vision CAMA system.

In addition to his regular duties, the Durham Assessor's responsibilities throughout this project will be to manage the full revaluation; update the assessments of the University properties; finalize the Current Use update per RSA 79-A-5; review all Elderly exemptions per RSA 72:39-a&b; review Veteran's Credit applications per RSA 72:28; review Total Disabled Veteran applications per RSA 72:35; review Blind exemptions per RSA 72:37; review disabled exemptions per RSA 72:37-b; review Religious, Educational and Charitable exemptions per RSA 72:23-c; assist each contractor as required.

The full revaluation will be comprised of the following:

- Hold a "start-up" meeting with municipality, DRA monitor to review contracts.
- Measure the exterior of residential and commercial buildings and if permitted by the taxpayers, inspect the interior of said properties. This phase of the project will begin in 2022.
- Review and analyze all qualified sales within past 2 years, prior to 4/1/23.
- Update all land and building tables as dictated by sales analysis.
- Review all properties in Durham for consistency purposes.
- Send preliminary revised assessments to taxpayers.

Re: Award Contract for Full Revaluation

- Conduct informal hearings with taxpayers.
- Implement a public relations program designed to educate the Town Council and taxpayers on all phases of the statistical update.
- Submit revised assessments to Town Council and Assessor for approval.
- Submit a Uniform Standards of Appraisal Practice (USPAP) compliant report detailing the results from the full revaluation to the New Hampshire Department of Revenue.

LEGAL AUTHORITY:

ARTICLE 6. [Valuation and Taxation]: The public charges of government, or any part thereof, may be raised by taxation polls, estates and other classes of property, including franchises and property passing by will or inheritance; and there shall be a valuation of the estates within the state taken anew once in every five years, at least, and as much oftener as the general court shall order.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The estimated cost for this project is \$150,000. Because the project will be completed over a 2-year period, \$75,000 has been appropriated for tax year 2022, and an additional \$75,000 will be appropriated for tax year 2023. The Town will also incur costs for the printing and mailing of requested information, preliminary and final value notifications.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council, upon recommendation of the Administrator, does hereby approval a contract with Municipal Resources, Inc. totaling \$142,400 to conduct a full revaluation for the residential and commercial properties in Durham and authorizes the Administrator to sign said contract.

Proposals for 2023 Full Revaluation - Completion Date July 31, 2023 - Effective Date April 1, 2023

	Municipal Resources, Inc.	MRI Notes	Vision Government Solutions	VGSI Notes	KRT Appraisal	KRT Notes
Total Bid Price	\$142,400*	Includes mileage and incidental expenses. *If a bond is not required and only requires a certificate of insurance, MRI will reduce cost by \$4,000.	\$137,600		\$195,000*	*Company recommends converting from VISION to AP5 CAMA software. Total cost for reval using AP5 is \$200,000 and includes AP5 software.
Price/Parcel	\$54.25		\$52.42		\$74.29	
Defence of Values (Local Level)	\$325/hour or \$95/hour Assessor Supervisor \$75/hour DRA Assessor		Two (2) Days included in price. Additional days @ \$1,000/per diem.		\$100/hour	
Defence of Values (BTLA or Superior Court)	\$125/hour		\$1,000/day or \$125/hour		\$100/hour	
Late Fee	\$100/day	Liquidated damages for late completion	\$500/day		\$500/day	
Retainage	10%-25% Total Cost of Project		10% Total Cost of Project		20% Total Cost of Project	Company requests the Town withhold an additional 10% retainage in-lieu of performance bond.
Updated Photos	Included in Price		400 photos included. Additional photos @ \$3.00/each or \$6,500		Included in Price	
Data Entry	Performed by Contractor		Performed by Contractor		Performed by Contractor	
Informal Hearings	Performed by Contractor		Performed by Contractor		Performed by Contractor	
USPAP Compliant Report	To be furnished no later than 30 days after filing of MS-1 Report		To be furnished no later than 30 days after filing of MS-1 Report		To be furnished no later than 30 days after filing of MS-1 Report	
Measuring/Insp. of properties	To commence in 2022		To commence in 2022		To commence in 2022	
Verification of Sales	Included/Performed by Vendor		Included/Performed by Vendor		Included/Performed by Vendor	
University Properties	Values to be revised in-house		Values to be revised in-house		Values to be revised in-house	
Utility Properties	Values to be revised by separate contractor.		Values to be revised by separate contractor.		Values to be revised by separate contractor.	
Town Responsibilities/Expense	Town assumes cost for printing and mailings.		If Town assumes cost, Vision will reduce cost by \$1,500.		Cost for printing and mailings included in price.	
Printing and Mailings of:						
Income/Expense Questionnaires						
Preliminary Values						
Final Values						



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11A

DATE: May 9, 2022

COUNCIL COMMUNICATION

INITIATED BY:

Martha (Martie) Gooze, 9 Meadow Road
Durham Public Library Board of Trustees

AGENDA ITEM:

SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE DURHAM PUBLIC LIBRARY BOARD OF TRUSTEES, APPOINT MARTHA (MARTIE) GOOZE, 9 MEADOW ROAD, TO FILL THE UNEXPIRED REGULAR TRUSTEE VACANCY CREATED BY THE RESIGNATION OF STANLEY RECZEK UNTIL THE MARCH 2023 TOWN ELECTION?

CC PREPARED BY:

Jennie Berry, Administrative Assistant

PRESENTED BY:

Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration is correspondence from Durham Public Library Trustee Chair Robin Glasser requesting that alternate trustee Martha (Martie) Gooze, 9 Meadow Road, be appointed to fill the regular trustee vacancy created by the resignation of Stanley Reczek until the March 2023 Town Election. At their meeting on April 14, 2022, the Board of Trustees voted to recommend that the Council appointment of Ms. Gooze to fill the regular vacancy.

Revised Statutes Annotated (RSA 669:75), states that "*Vacancies in the offices of constable, sewer commissioner, town assessor, overseers of public welfare, library trustee, and any other optional offices where no other method of filling a vacancy shall be provided by vote of the town shall be filled by appointment made by the board of selectmen.*"

Section 11.5 of the Durham Town Charter states that "*Unless otherwise specified in this Charter, in the event of a vacancy in an elected or appointed office, board, commission or committee of the town, the Town Council shall fill that vacancy by appointment, such appointment to continue until the next town election.*"

LEGAL AUTHORITY:

RSA 669:75 and Section 11.5 of the Durham Town Charter.

Re: Appoint Martha (Martie) Gooze to Fill Regular DPL Trustee Vacancy
Until March 2023 Town Election

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Durham Public Library Board of Trustees, appoint Martha (Martie) Gooze, 9 Meadow Road, to fill the unexpired regular trustee vacancy created by the resignation of Stanley Reczek until the March 2023 Town Election.

Jen Berry

From: Robin Glasser <book.woman11@gmail.com>
Sent: Sunday, April 17, 2022 10:18 AM
To: Jen Berry
Subject: Council Appointments

Good morning, Jenn

I'm writing as the newly elected Chair of the Library Trustees to let you know that Stan Reczek has recently resigned. See attached letter. At their meeting on Thursday evening, April 14, the Board of Trustees voted to recommend the appointment of Martha Gooze to fill the vacancy until the next election. At that same meeting, the trustees voted the following alternate positions: Kam Damtoft, Lai Lai Jenkins, and Kimberly Sweetman. Could you put this on the Council agenda as soon as possible?

Many thanks for your assistance.

March 11, 2022

Charlotte Ramsay, Chair
Durham Public Library Board of Trustees
49 Madbury Road
Durham, NH 03824

Dear Charlotte,

Please accept my resignation from the Durham Public Library Board of Trustees effective March 11, 2022. My resignation is for personal reasons. It is extended with genuine regrets and with keen awareness that I will miss serving with you and other trustees in the governance processes that make such meaningful contributions to our Durham Community.

It has been an honor and privilege to serve on the board as an alternate trustee and later as full member of the board. I am comforted to know I will be replaced by very capable new trustees. It is my hope the knowledge of the library and relationships with staff gained while a member of the board will be of value to me as I continue membership in the Friends and volunteer in the Book Store.

May I also express my great optimism for our Library going forward. Perhaps the best and most impactful decision made by the board in my association with the library was the selection of Sheryl as our Library Director. I sincerely believe the collaborative efforts of the board and Sheryl will serve the library well.

Sincerely,

Stan Reczek

Stan Reczek

CC: Sheryl Bass, Director



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8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603-868-5
Fax: 603-868-1858
www.ci.durham.nh.us

11B

DATE: May 9, 2022

COUNCIL COMMUNICATION

INITIATED BY: Durham Public Library Board of Trustees

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE DURHAM PUBLIC LIBRARY BOARD OF TRUSTEES, APPOINT LAI LAI JENKINS, KAREN DAMTOFT, AND KIMBERLY SWEETMAN AS ALTERNATES TO THE LIBRARY TRUSTEES FOR ONE-YEAR TERMS TO EXPIRE APRIL 30, 2023?

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration are applications for board appointments submitted by Lai Lai Jenkins (for reappointment), Karen Damtoft, and Kimberly, Sweetman, all requesting reappointment/appointment as alternate Library Board of Trustees.

RSA 202-A:10 states the board of library trustees may recommend to the appointing authority names of persons for appointment to vacancies on expired terms. The board of library trustees may recommend to the appointing authority the names of no more than three persons who may serve as alternate members on the board when elected members of the board are unable to attend a board meeting. The alternate members shall be appointed to one-year terms.

Attached is correspondence from Library Trustee Chair, Robin Glasser, endorsing the reappointment/appointment of these three individuals alternate board members.

LEGAL AUTHORITY:

202-A:10 Library Trustees; Vacancies; Alternates. The board of library trustees may recommend to the appointing authority the names of no more than 3 persons who may serve as alternate members on the board when elected members of the board are

Re: Appoint Lai Lai Jenkins, Karen Damtoft, Kimberly Sweetman as Alternates to the DPL Trustees

unable to attend a board meeting. The alternate members shall be appointed to one-year terms.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Durham Public Library Board of Trustees, appoint Lai Lai Jenkins, Karen Damtoft, and Kimberly Sweetman as alternate members to the Library Trustees for one-year terms with term expirations of April 30, 2023.



Town of Durham

8 Newmarket Road
Durham, NH 03824-2898
Tel: 603/868-5571
Fax 603/868-1858
jberry@ci.durham.nh.us

Application for Board Appointment

Type of Appointment and Position Desired (Please select only one):

New appointment/regular member ☐ New appointment/alternate member ☐
Reappointment/regular member ☐ Reappointment/alternate member ☒

NOTE: New applicants are asked to attend **AT LEAST ONE** meeting, as well as to meet separately with the Chair(s) of the committee(s) to which they are applying, prior to submitting an application for appointment.

Applicant has:

☒ ATTENDED A MEETING
☒ SPOKEN WITH CHAIR/V CHAIR
☒ BEEN RECOMMENDED FOR MEMBERSHIP

Name: Lai Lai Jenkins

Date: 04/27/2022

Address: 6 Morgan Way Durham, NH 03824

E-Mail Address: lwongjenks@gmail.com

Telephone: (646) 408-9831

Board/Commission/Committee to which you are interested in being appointed. (Please list in order of preference, if interested in more than one appointment).

1. Alternate Library Trustee
- 2.
- 3.

Are you willing to attend ongoing educational sessions offered by the New Hampshire Municipal Association, Strafford Regional Planning Commission, et al, and otherwise develop skills and knowledge relevant to your work on the board/committee? YES NO

(Over)

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee: My Political Interest in Environmental issues

My family + friends - thoroughly enjoy the services offered by library. I would like to continue to represent the community and ensure their needs are met.

Please provide brief background information about yourself:

I am a mother of two ORMS students who enjoys using library services.

Please provide below the names and telephone numbers of up to three personal references:

Name: Kerry Clift

Telephone: 603-855-1468

Name: Amanda Louiss

Telephone: 978-290-7555

Name: Courtney Rice

Telephone: 603-498-2835

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 8 Newmarket Road, Durham, NH 03824, or email Jennie Berry at jberry@ci.durham.nh.us.

LAI LAI JENKINS

Phone: 646.408.9831 ♦ Email: lwongjenks@gmail.com

Project Management – Analysis – Communication

COMPETENCIES

- ❖ Project Management & Leadership
- ❖ Process Analysis and Redesign
- ❖ Business Acumen
- ❖ Agile Business Analysis
- ❖ Application Testing & Delivery
- ❖ Fluent in Mandarin & Cantonese

EMPLOYMENT HISTORY

LIBERTY MUTUAL, DOVER NH

2004-PRESENT

Product Owner

2018-PRESENT

- ❖ Support an Agile Software Development process, working in conjunction with end users, stakeholders and technical delivery team to build the GRM-US data access security model in the Cloud
- ❖ Define the Minimum Viable Product (MVP) for release, through analyzing customer needs/pain-points and market needs by aligning product strategy to meet strategic objectives
- ❖ Represent the voice of the customer via customer interviews to provide a business perspective on value while defining and delivering features and technical user stories
- ❖ Work closely with counterparts in Product Management to align on the vision, program backlog, and roadmap for data migration to the Cloud
- ❖ Present the product vision and roadmap to stakeholders and business functions

Senior Business Systems Analyst

2014-2018

- ❖ Managed \$500k project to implement data governance policies for data change management and data quality measurement and monitoring via Informatica Business Glossary and Metadata Manager
- ❖ Created and implemented SAS data access request and security policy, reducing user access processing time by 92%
- ❖ Led legacy underwriting commission system replacement, working with Ebix to integrate Liberty Mutual's commission calculations into the product
- ❖ Maintained continuous alignment of program scope with strategic business objectives, and made recommendations to modify the program to enhance effectiveness towards the business result

Business Systems Analyst II

2009-2014

- ❖ Led a team of business systems analysts in gathering and documenting requirements
- ❖ Performed gap analysis between goals and existing procedures to design process and system improvements that increased productivity and reduced costs
- ❖ Performed detailed analysis of customer process and maintenance activities to identify end-to-end solution enhancements

EDUCATION AND PROFESSIONAL DEVELOPMENT

University of New Hampshire, Durham, NH

- ❖ *M.B.A.*

George Washington University School of Business, Washington, DC

- ❖ *Master's Certificate in Project Management*

Hamilton College, Clinton, NY

- ❖ *B.A. East Asian Studies*



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Application for Board Appointment

Type of Appointment and Position Desired (Please select only one):

New appointment/regular member ☐

New appointment/alternate member ☐

Reappointment/regular member ☐

☒ Reappointment/alternate member

for library Trustees

NOTE: New applicants are asked to attend **AT LEAST ONE** meeting, as well as to meet separately with the Chair(s) of the committee(s) to which they are applying, prior to submitting an application for appointment.

Applicant has:

☐ ATTENDED A MEETING

☐ SPOKEN WITH CHAIR/V CHAIR

☐ BEEN RECOMMENDED FOR MEMBERSHIP

Name: Karen (Kam) Damtoft Date: 4/19/22

Address: 26 Perley Ln. Durham

E-Mail Address: kpdamtoft@hotmail.com

Telephone: 603 534-6162

Board/Commission/Committee to which you are interested in being appointed. (Please list in order of preference, if interested in more than one appointment).

- 1.
- 2.
- 3.

Are you willing to attend ongoing educational sessions offered by the New Hampshire Municipal Association, Strafford Regional Planning Commission, et al, and otherwise develop skills and knowledge relevant to your work on the board/committee? YES NO

(Over)

☐ Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

Please provide brief background information about yourself:



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Application for Board Appointment

Type of Appointment and Position Desired (Please select only one):

New appointment/regular member ☐ New appointment/alternate member ☒
Reappointment/regular member ☐ Reappointment/alternate member ☐

NOTE: New applicants are asked to attend AT LEAST ONE meeting, as well as to meet separately with the Chair(s) of the committee(s) to which they are applying, **prior to submitting an application for appointment.**

Applicant has:

☒ ATTENDED A MEETING
☒ SPOKEN WITH CHAIR/V CHAIR
☒ BEEN RECOMMENDED FOR MEMBERSHIP

Name: Kimberly Sweetman

Date: 4/18/22

Address: 18 Ambler Way, Durham, NH 03824

E-Mail Address: Kimberly.sweetman@mac.com

Telephone: 774-208-3568

Board/Commission/Committee to which you are interested in being appointed. (Please list in order of preference, if interested in more than one appointment).

1. Durham Public Library Board of Trustees
- 2.
- 3.

Are you willing to attend ongoing educational sessions offered by the New Hampshire Municipal Association, Strafford Regional Planning Commission, et al, and otherwise develop skills and knowledge relevant to your work on the board/committee? YES NO

(Over)

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

It takes many people and a lot of work to make a great community. I am interested in volunteering my time and sharing my expertise with the library board of trustees. As a life-long library user, and a professional librarian for the past 25 years, I know I can contribute positively to the library board.

Please provide brief background information about yourself:

My family and I moved to Durham from Amsterdam, The Netherlands, about five years ago. Although I grew up in a small town similar to Durham, I have spent my entire adult life in major cities. We love the Durham community and I want to do what I can to support it.

From 2017-2020 I served on the board of the Oyster River Otters swim team, both as recording secretary and vice president. This work introduced me to effective board work and I look forward to transferring those skills to the library board.

I hold a master's degree in library and information science, and although my career has been spent in academic libraries, I understand and strongly support how essential public libraries are to our society.

Please provide below the names and telephone numbers of up to three personal references:

Name: Molly White Telephone: 315-382-8657

Name: Meredith Davidson Telephone: 603-812-5630

Name: Muriel Kelly Telephone: 281-630-9077



Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 8 Newmarket Road, Durham, NH 03824, or email Jennie Berry at jberry@ci.durham.nh.us.

Jen Berry

From: Robin Glasser <book.woman11@gmail.com>
Sent: Sunday, April 17, 2022 10:18 AM
To: Jen Berry
Subject: Council Appointments

Good morning, Jenn

I'm writing as the newly elected Chair of the Library Trustees to let you know that Stan Reczek has recently resigned. See attached letter. At their meeting on Thursday evening, April 14, the Board of Trustees voted to recommend the appointment of Martha Gooze to fill the vacancy until the next election. At that same meeting, the trustees voted the following alternate positions: Kam Damtoft, Lai Lai Jenkins, and Kimberly Sweetman. Could you put this on the Council agenda as soon as possible?

Many thanks for your assistance.



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DURHAM, NH **AGENDA ITEM:**
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11C

DATE: May 9, 2022

COUNCIL COMMUNICATION

INITIATED BY:

Catherine Ashcraft, resident
14 Stevens Way, Durham

AGENDA ITEM:

SHALL THE TOWN COUNCIL NOMINATE RESIDENT CATHERINE ASHCRAFT, 14 STEVENS WAY, FOR APPOINTMENT BY THE NHDES COMMISSIONER AS A DURHAM REPRESENTATIVE TO THE OYSTER RIVER LOCAL ADVISORY COMMITTEE?

CC PREPARED BY:

Jennie Berry, Administrative Assistant

PRESENTED BY:

Todd Selig, Administrator

AGENDA DESCRIPTION:

In 2011, legislation was enacted to designate segments of the Oyster River as a protected river under New Hampshire Revised Statutes Annotated (RSA) 483, New Hampshire Rivers Management and Protection Program (RMPP). When the designation became effective on June 2, 2011, the Oyster River joined a select group of rivers already designated under the RMPP. Designation calls for protection and management of New Hampshire's outstanding rivers through a two-tiered approach: state protection of instream values, and local management of riparian lands. The RMPP is administered by the Department of Environmental Services (DES) under RSA 483.

In the spring of 2011, the town received notification from DES requesting that it identify at least three individuals to serve on an Oyster River Local Advisory Committee. The committee must be composed of at least seven members. All must reside in New Hampshire in the vicinity of the Oyster River and represent a broad range of interests. These interests must include, but are not limited to: local government, business, conservation, recreation, agriculture, and riparian landowners (those who own property adjacent to the river). Each member, to be nominated by their respective local governing body, serves a term of three years.

Currently, Durham has two representatives, Jim Hornbeck and Michael Sullivan (UNH), with one vacancy remaining. Attached for the Council's information is a Local River Management Advisory Committee nominee form completed by Catherine Ashcraft, which needs to be submitted to the NHDES Commission, as

well as a Durham board appointment application requesting appointment to the remaining vacancy. Also attached for the Council's information are the Bylaws for the ORLAC.

The duties of the local advisory committee under RSA 483:8-a include:

1. To advise the commissioner, the advisory committee, the municipalities through which the designated river or segment flows, and municipalities within tributary drainage areas on matters pertaining to the management of the river or segment and tributary drainage areas. Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.
2. To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated.
3. To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10. The local planning board, or, in the absence of a planning board, the local governing body, may adopt such plans pursuant to RSA 675:6 as an adjunct to the local master plan adopted under RSA 674:4. No such plan shall have any regulatory effect unless implemented through properly adopted ordinances.
4. To report biennially to the advisory committee and the commissioner, and annually to municipalities on the status of compliance with federal and state laws and regulations, local ordinances, and plans relevant to the designated river or segment, its corridor, and tributary drainage areas.

LEGAL AUTHORITY:

New Hampshire Revised Statutes Annotated (RSA) 483, New Hampshire Rivers Management and Protection Program (RMPP).

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby nominate Catherine Ashcraft, 14 Stevens Way, for a three-year appointment to the Oyster River Local Advisory Committee by the Commissioner of New Hampshire Department of Environmental Services.



LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE NOMINEE FORM



New Hampshire Rivers Management and Protection Program

RSA 483:8-a

Please complete both sides of this form and email to riversprogram@des.nh.gov. Please type "NOMINEE FORM" and nominee's name in the subject line. Forms can also be sent by mail to: Rivers Coordinator, NHDES, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095. For questions please contact the Rivers Coordinator at 271-2959.

Nominee Information

Nominee Name: Catherine Ashcraft		Date: 4/28/22
Street Address: 14 Stevens Way		
Town: Durham, NH		Zip Code:
Phone (home): 603-397-5186	Phone (cell): 603-767-5899	Phone (work): 603-862-3925
Email: catashcraft@gmail.com		

Nomination Information

Type of Appointment -	<input checked="" type="checkbox"/> New Appointment	<input type="checkbox"/> Reappointment
River Name: Oyster River		
Type of Representation -	Municipality: Durham	Other:
Please state your interest(s) in serving on the Local River Management Advisory Committee:		
<input type="checkbox"/> Local Government	<input checked="" type="checkbox"/> Conservation	<input type="checkbox"/> Agriculture
<input type="checkbox"/> Business	<input checked="" type="checkbox"/> Recreation	<input type="checkbox"/> Riparian Landowners
<input type="checkbox"/> Other, please specify: Academic		

Board of Selectmen or Authorized Signature(s) – REQUIRED (e-signature acceptable)

Name:	Title:
Name:	Title:
Name:	Title:
<p><i>Note: By statute, the New Hampshire Rivers Management Advisory Committee appoints the Local River Management Advisory Committee (LAC) members for each Designated River from nominees submitted by the local governing bodies through which the Designated River flows (RSA 483:8-a).</i></p>	

(603) 271-2959 riversprogram@des.nh.gov

PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

Additional Information

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection:

I am an assistant professor at UNH in the Department of Natural Resources and the Environment. My teaching and research focus on environmental policy and planning with a focus on freshwater and coastal systems and climate impacts. I have a PhD in urban and regional planning, a master's in environmental science, and a BA in biology. I live within the Oyster River watershed, my property abuts conservation land along the river, and I enjoy recreating along the river with my family. I am a member of the NH River Restoration Task Force, the NH Coastal Adaptation Workgroup, and the Oyster River Conservation Alliance.

Most Local Advisory Committees engage in a variety of activities. Reviewing those activities listed below, please check those that are of most interest to you:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Grant Writing | <input checked="" type="checkbox"/> Public Education | <input type="checkbox"/> Committee Administration |
| <input checked="" type="checkbox"/> Event Organization | <input type="checkbox"/> Public Relations | <input checked="" type="checkbox"/> Management Plan Preparation/Implementation |
| <input type="checkbox"/> Other, please specify: _____ | | |

Most Local Advisory Committees meet monthly. In some cases they may meet more frequently to complete specific tasks, while in other cases your attendance may not be required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings:

- ☒ I can attend monthly meetings on most weeknights
- ☐ I can attend monthly meetings only if scheduled on a specific weeknight
- ☐ I can only attend a limited number of monthly meetings
- ☐ I cannot attend monthly meetings, but am willing to complete tasks on behalf of the Committee

For NHDES Office Use Only

LAC Member List and Contacts Database updated (date):

LAC Chair and Nominee have been contacted regarding nomination on (date):

RMPP Staff recommends appointment to the Rivers Management Advisory Committee -

☐ Approve

RMPP staff:

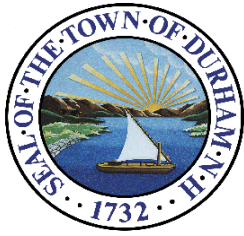
Date:

Appointment confirmation sent to municipality and LAC Chair on (date):

(603) 271-2959 riversprogram@des.nh.gov

PO Box 95, Concord, NH 03302-0095

www.des.nh.gov



Town of Durham

8 Newmarket Road
Durham, NH 03824-2898
Tel: 603/868-5571
Fax 603/868-1858
jberry@ci.durham.nh.us

Application for Board Appointment

Type of Appointment and Position Desired (Please select only one):

New appointment/regular member ☒X New appointment/alternate member ☐
Reappointment/regular member ☐ Reappointment/alternate member ☐

NOTE: New applicants are asked to attend AT LEAST ONE meeting, as well as to meet separately with the Chair(s) of the committee(s) to which they are applying, prior to submitting an application for appointment.

Applicant has:

☒X ATTENDED A MEETING
☒X SPOKEN WITH CHAIR/V CHAIR
☒X BEEN RECOMMENDED FOR MEMBERSHIP

Name: Catherine Ashcraft

Date: 4/28/22

Address: 14 Stevens Way, Durham, NH 03824

E-Mail Address: catashcraft@gmail.com

Telephone: 603-767-5899

Board/Commission/Committee to which you are interested in being appointed. (Please list in order of preference, if interested in more than one appointment).

1. Oyster River Local Advisory Commiteeee
- 2.
- 3.

Are you willing to attend ongoing educational sessions offered by the New Hampshire Municipal Association, Strafford Regional Planning Commission, et al, and otherwise develop skills and knowledge relevant to your work on the board/committee? X YES NO

(Over)

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

I live within the Oyster River watershed, my property abuts conservation land along the river, and I enjoy recreating along the river with my family. Through the Oyster River Local Advisory Committee, I am interested in contributing to local efforts, in partnership with the state, to protect the Oyster River and its watershed for the benefit of our aquatic resources, wildlife, and residents.

Please provide brief background information about yourself:

I am an assistant professor at UNH in the Department of Natural Resources and the Environment. My teaching and research focus on environmental policy and planning with a focus on freshwater and coastal systems and climate impacts. I have a PhD in urban and regional planning, a master's in environmental science, and a BA in biology. I am a member of the NH River Restoration Task Force, the NH Coastal Adaptation Workgroup, and the Oyster River Conservation Alliance.

Please provide below the names and telephone numbers of up to three personal references:

Name: Jason McKibben Telephone: 603-285-1660

Name: Shannon Rogers Telephone: 603-817-4847

Name: Wilfred Wollheim Telephone: 603-862-5022



Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 8 Newmarket Road, Durham, NH 03824, or email Jennie Berry at jberry@ci.durham.nh.us.

OYSTER RIVER LOCAL ADVISORY COMMITTEE

BY-LAWS

Article I NAME

- A. The name of this voluntary organization shall be the Oyster River Local Advisory Committee, hereinafter referred to as the Committee.

Article II AUTHORIZATION and DUTIES

- A. The authorization for the establishment of the Committee and its duties are set forth under New Hampshire RSA Chapter 483 and amendments thereto.
- B. The Committee shall:
 - 1. Advise the Commissioner of the New Hampshire Department of Environmental Services (commissioner), the Rivers Management Advisory Committee (RMAC), and the municipalities, through which the Oyster River flows, on matters pertaining to the management of the Oyster River.
 - 2. Consider and comment on any federal, state, or local governmental plans to approve, license, fund, or construct facilities or other activities that would alter the resource values and characteristics of the Oyster River.
 - 3. Develop or assist in the development and adoption of a local river corridor management plan pursuant to RSA 483:10. No such plan shall have any regulatory effect unless implemented through properly adopted ordinances.
 - 4. Report annually to the RMAC, the commissioner, and the local governing bodies on the status of compliance with federal and state laws and regulation, local ordinances, plans, and community education and outreach services relevant to the Oyster River and its corridor.
- C. The Committee may apply for and accept, from any source, gifts, grants, and other donations of money. The Committee may, without further authorization, expend any funds so received to carry out its duty pursuant to RSA 483:8-a. Monies will be accepted only by majority vote of the Committee.

Article III MEMBERSHIP

- A. The commissioner shall appoint the Committee. Committee members shall be chosen from lists of nominees submitted by the local governing bodies of Barrington, Durham, Lee, and Madbury.
- B. The commissioner shall appoint at least one (1) person from each of the municipalities named in Article III-A to the Committee. All members of the Committee shall be New Hampshire residents. In the event of a member's resignation, the commissioner shall appoint a new member upon the nomination of that municipality's governing board.

- C. The Committee shall be composed of at least seven (7) members who represent a broad range of interests in the vicinity of the Oyster River corridor. These interests shall include, but not be limited to, local government, business, conservation interests, recreation, agriculture, and riparian landowners. If an interest is not represented by the local governing bodies' nominations, the commissioner may appoint a member from the vicinity of the Oyster River corridor to the Committee who will represent that interest.
- D. Each member shall serve a term of three (3) years.
- E. Associate members may be appointed to the Committee annually by majority vote of full Committee members. Associate members are non-voting members of the Committee, but may engage in all remaining regular activities of the Committee. Associate membership is open to the residents of all towns within the Oyster River Watershed.

Article IV OFFICERS

- A. The officers of the Committee shall consist of a Chairperson, Vice-Chairperson, Secretary, and Treasurer.
- B. The Chairperson shall preside at all meetings and hearings of the Committee and the Chairperson or her/his designee shall have the authority to represent the Committee as required before local, state, and federal governments, and public and private agencies in carrying out the duties of the Committee. The Chairperson has the authority to establish special and/or sub-committees.
- C. The Vice-Chairperson shall act for the Chairperson in his/her absence and assume such other duties as may be assigned by the Chairperson or the Committee.
- D. The Secretary shall keep a record of all meeting notices, minutes, correspondence, member attendance and assume such other duties as may be assigned by the Chairperson or the Committee.
- E. The Treasurer shall receive and make payments as authorized by the Committee, maintain and reconcile bank accounts, report on all financial activity to the Committee at the regular monthly meeting, submit an annual report of all financial activity to the Committee, and transact any and all other necessary financial business as authorized by the Committee.

Article V ELECTION OF OFFICERS

- A. Officers shall be elected annually in February of each year. A candidate receiving a majority vote of the members present shall be declared elected and shall serve for one year. Vacancies in office shall be filled immediately at the next meeting by a majority vote of the members in attendance.

Article VI VOTING POWERS

- A. Each member shall be entitled to one (1) vote and each member must be present to vote.
- B. Business may be conducted with any number of members present; but, should a simple quorum not be present, all business requiring a vote shall be deferred until the next regular scheduled meeting.
- C. A quorum is defined as half of the current active membership.
- D. Determinations of any matter before the Committee shall require a majority vote of those voting.

Article VII MEETINGS

- A. All meetings shall be open to the public. Notice of all meetings shall be posted in an agreed upon location in each of the riverfront towns named in Article III-A at least 24 hours in advance and in accordance with all applicable local, state, and federal laws.
- B. Regular meetings of the Committee will be held monthly or as agreed upon at a prior meeting.
- C. Regular meetings of the Committee will normally be held at locations rotated among the municipalities represented by the membership of the Committee, or at any other site as decided at the prior meeting.
- D. Special meetings of the Committee may be called by the Chairperson provided that at least four (4) business days' notice of the time, place, and business of such meetings is given to each member.
- E. Robert's Rules of Order will govern the proceedings at the meetings when necessary as determined by the Chairperson.
- F. Approved minutes shall be forwarded to the appropriate municipal boards or commissions for each of the waterfront towns named in Article III-A within six (6) days following the meeting at which they were approved. Unapproved copies of the minutes from previous meetings shall be forwarded to each member prior to the next meeting. The minutes of previous meetings shall be submitted for approval at the regular meeting and any errors noted and corrections made, after which the regular order of business may be addressed. The reading of the minutes may be dispensed with and approved if there are no objections.
- G. Records shall be kept of member attendance. In the event that any member is absent from four consecutive meetings, the Chairperson may request the commissioner to terminate that membership and make a new appointment to replace that former member.
- H. In the event that an issue comes before the Committee that requires a confidential discussion in a non-public forum among Committee members, the decision to call an executive session may be invoked. Specific purposes of an executive session may

include personnel matters, land negotiations, and legal issues. In order for an executive session to be called, a two-thirds (2/3) majority of Committee members present at the meeting shall vote to exclude all except voting Committee members. During such executive sessions the Committee may discuss the issue under consideration, but may not take action or reach a formal decision on how to proceed. At times of executive session all non-Committee members shall leave the meeting, unless specifically requested to remain by the Committee. The proceedings of an executive session shall comply with RSA 91-A:3.

Article VIII SUPPORT SERVICES

- A. The Committee may enter into agreement for services, funding or other support from municipalities, Strafford Regional Planning Commission, New Hampshire Office of Energy and Planning, New Hampshire Department of Environmental Services, local governments, or other entities as appropriate.
- B. The Committee may request support for its activities equitably from each municipality for in-kind services which shall include, but not be limited to, secretarial services, postal expense, and photocopying.

Article IX AMENDMENTS

- A. These by-laws may be amended at any regular meeting by majority vote provided that such amendment has been presented in writing to the Committee at its previous meeting.



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603-868-5
Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEM:

12A

DATE: May 9, 2022

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: PRESENTATION ON THE DURHAM PUBLIC LIBRARY'S STRATEGIC PLAN – SHERYL BASS, LIBRARY DIRECTOR

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Durham Public Library Director Sheryl Bass has been invited to attend Monday night's Town Council meeting to provide Council members and others with information regarding the Strategic Plan developed by the Library, which is attached for the Council's review.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No action required at this time. Receive an update from Sheryl Bass regarding the Durham Public Library's Strategic Plan.





Durham Public Library

Strategic Plan 2022-2024



49 Madbury Rd., Durham, NH 03824

Approved by the Library Board of Trustees on 01/27/2022

1--Introduction/Executive Summary

The Durham Public Library is pleased to present its Strategic Plan 2022-2025. This plan is the result of many months of gathering community input, planning, discussion, meeting and work on the part of Strategic Planning Committee, Board of Trustees, and Library Staff. In summary, this plan outlines our prioritized goals for the near future taking into consideration feedback from over five hundred community members—users and non-users, the community, the Library’s mission, and our values as an organization. While it is designed to be flexible and dynamic, its foundational design will give us steady direction in our future endeavors to serve the community.

The four priority areas of focus that this plan covers are:

- **Community Connections:** The Library strives to be at the heart of Durham, supporting and strengthening the community by fostering social cohesion and cultivating opportunities for Durham residents to come together through shared spaces, resources, programs, and events that inform, educate, and entertain.
- **Access for All:** The Library will provide access to information resources to all, providing a welcoming and safe physical and digital environment.
- **Literacy and Lifelong Learning:** The Library reaffirms its commitment to supporting and celebrating reading literacy as well as cultural, digital, information, and art literacy as a mechanism for fostering learning, personal growth and discovery.
- **Focus on the Future:** The Library will continue to expand and enhance its ability to provide a wide range of evolving services that meet the needs of the community.

2--The Strategic Planning Process

Strategic planning is a key process to prepare organizations for the future and essential for successful change management. In late 2019, the Library Board of Trustees tasked the Library Director to endeavor to create a flexible roadmap to the Library’s future in the form of a 3-year strategic plan to be crafted in collaboration with the community. The COVID-19 pandemic served as a disruptor

to the goal of creating a plan in 2020 and the task was pushed to 2021.

In collaboration with the Library Board of Trustees a working group to be called the Strategic Plan Steering Committee was formed in January 2021. The committee, which included a Library Friend, three Library Trustees, The Town Planner and the Library Director began meeting virtually in February of 2021 approximately every two weeks. The first task at hand was to review the Library's mission statement. All agreed that the Durham Public Library mission statement needed no improvement but would circle back to the statement at the end of the strategic planning process if new information revealed that it should be updated.

Next, the group was to establish a flexible timeline and basic process for the Strategic Plan. The framework of the plan and process was presented to the Library Board of Trustees at the June 10th meeting and was approved.

The next task of the committee was to identify how community feedback would be gathered for the purposes of informing the Strategic Plan. While a paper survey mailed out to the community was originally planned, the idea was tabled due to the sufficient number of responses (339) from the online survey. The committee agreed that both quantitative and qualitative data would be collected in the following ways from the following groups:

- *Personal one-on-one interviews* – The goal of these interviews was to get feedback directly from library users and non-library users about their thoughts and perception of the library and its role in the community.
- *Paper and Digital Surveys* – The goal of the survey was to gather both quantitative information such as patron demographics, and qualitative information about service priorities and community needs.
- *Community Planning/Visioning Meetings* - In two sessions the Community Planning/Visioning Meetings were designed to bring together 20 diverse, strategic-thinking stakeholders, from all walks of life who live in the Oyster River community to share their aspirations for the Durham community, the challenges to these aspirations, and the changes needed to overcome them.
- *Staff/Trustee/Friends Planning/Visioning Meetings* – These meetings were largely identical to the Community Planning/Visioning Meetings but for the targeted approach to solicit feedback from the groups most closely involved with the Library.

In September, around the same time that the Strategic Planning Steering Committee was able to begin meeting in-person again, it was decided that it would be helpful to engage a professional Library Strategic Planning consultant. Ruth Kowal joined the Steering Committee Team in September upon approval of the Library Board (09/09/21). Ms. Kowal helped the group drive the Strategic Plan to its finish with her skillful facilitation of both the community meetings and the overall planning process.

Key Findings

Beginning in March of 2021 and concluding in the Fall of 2021, the Strategic Planning Committee began engaging with community members through different platforms (see above) to collect data and feedback. Throughout all of the meetings there were themes that continued to surface during our discussions and interviews:

Community	Collaboration	Cooperation
Communication	Culture	Reading and Learning
Equity, Diversity, & Inclusion	Connection	Library Visibility
Promotion of Services	Meeting Space	Access

With regard to cooperation and collaboration, one survey respondent commented that they would like to see:

“ Full interoperability and membership with Lee and Madbury”.

Another stated,

“I use the Madbury Library. They will receive books from Durham for me. I wish the library cards were able to be used at all Oyster River libraries”.

Others would like to see us promote our services more stating:

“Maybe put out more info around the towns to show what they offer”.

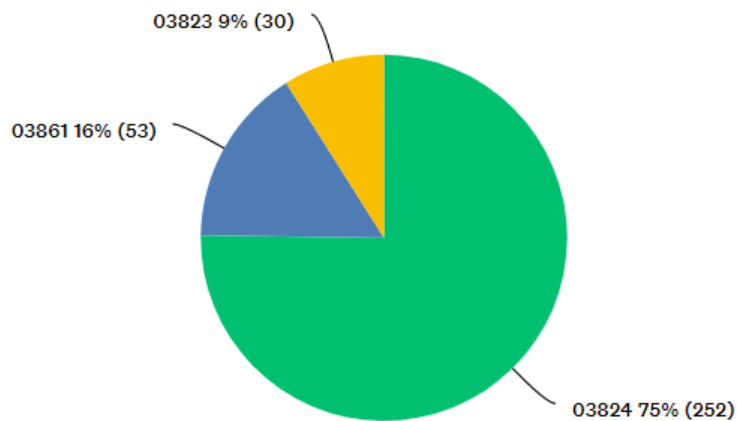
These themes are strongly reflected in the four areas of priority and corresponding objectives set forth in the Library Strategic Plan. Each objective is intended to produce corresponding activities that are relevant, achievable, and measurable. Planned operational activities relate directly to the objectives in the Strategic Plan and produce outcomes that will increase:

- connection, cooperation, and collaboration with other community entities such as schools and other community partners,

- provide increased and improved communication regarding library services available to citizens with the goal of increasing use and access,
- promote literacy and learning throughout all age groups, and
- foster social community and cohesion by continuing to provide safe spaces for civil discourse and the free exchange of information and ideas.

In planning operational activities, consideration was certainly given to the data gleaned from the responses to the online survey so that we might target our activities correctly and allocate the correct resources.

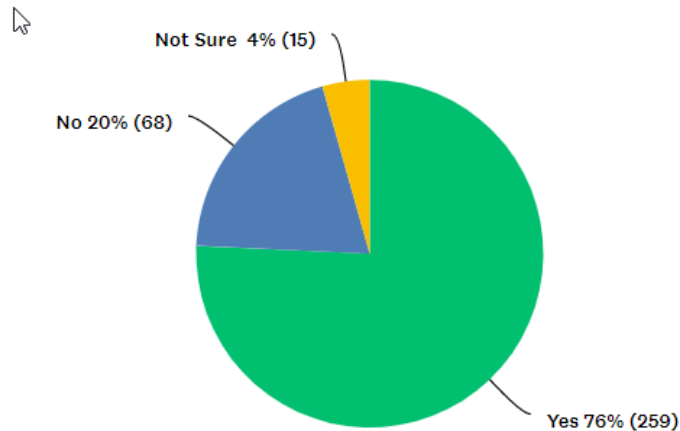
Despite the fact that nonresidents, local employees, UNH Staff & Students and other students eligible for the Oyster River Cooperative School District are eligible patrons, 75% of the survey respondents reside in Durham.



Most respondents possess a card (76%):

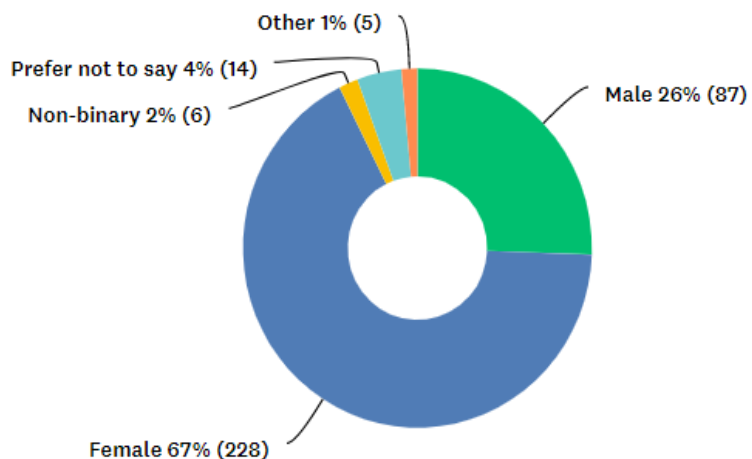
Do you have a Durham Public Library Card?

Answered: 342 Skipped: 0



When asked whether they access resources in the physical Library building, remotely or both, 38% responded that they visit the building, but a majority of people (42%) do both. Only 4% of respondents access resources remotely at this time.

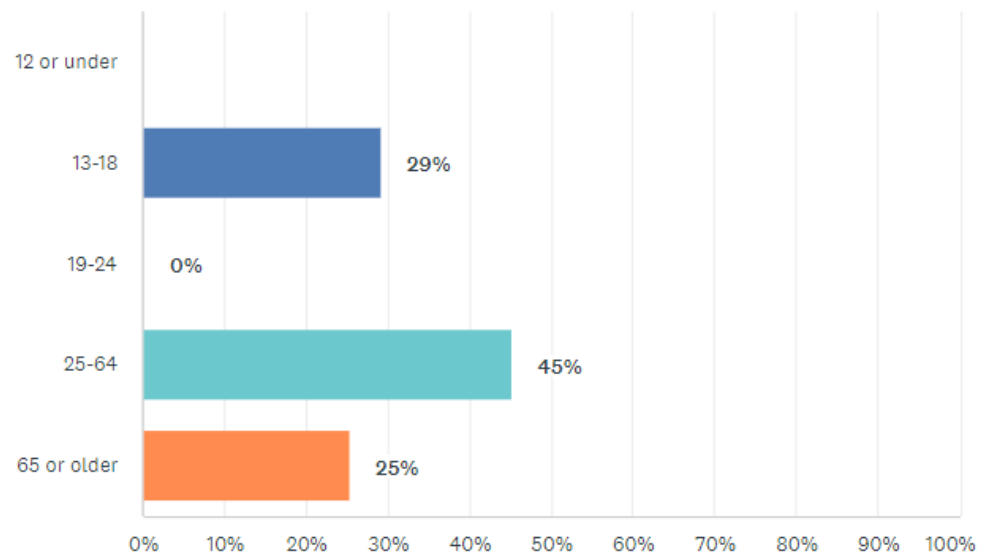
The majority of respondents were female.



While the majority of respondents fell somewhere in the 13-18 and 25-64 age range, a significant percentage of respondents were seniors 65 or older:

What is your age?

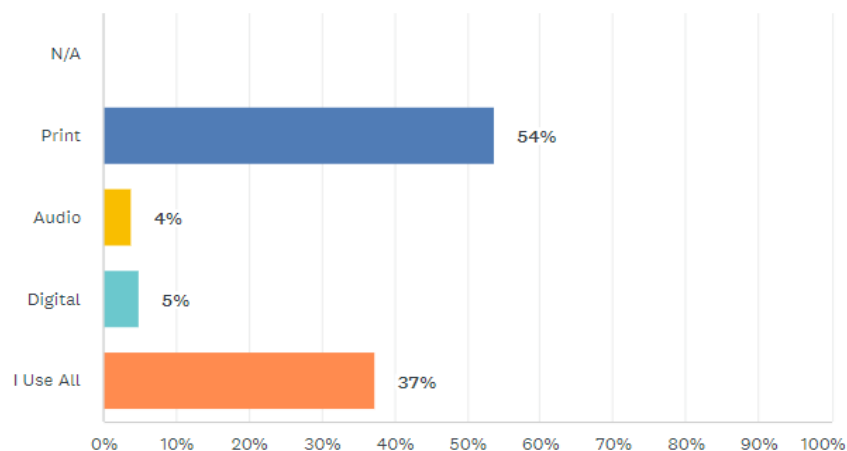
Answered: 340 Skipped: 2



And not *too* surprisingly 54% of our respondents told us that they prefer print materials over materials offered in other formats while 37% responded that they use all material formats when using the Durham Public Library.

Given the option, which materials format do you prefer?

Answered: 340 Skipped: 2



And though the Durham Public Library wasn't without criticism or suggestion for improvement, 88% of respondents rated the Library as excellent or good finding much value in our materials and resource, as well as in the help provided by Library Staff.

When asked what they valued most about the Durham Public Library many of our users told us:

“An excellent resource for all ages with an outstanding staff”.

“I value the public access to reading material and research material and also the access to indoor space that doesn't require money (the way a cafe would require purchases). “

“That it EXISTS in our town. It is a beautiful place in a beautiful setting. A refuge. I feel happy when I enter there”.

And so, the Durham Public Library continues to strive for excellence in its service to the community. This Strategic Plan, as presented, represents a forward-thinking approach to guide the Library into the future, serving the Durham and Oyster River community to the best of its's ability by setting the following Strategic Planning Priorities and Objectives in parallel with the Library's Mission.

3a--The Durham Public Library's Mission

The mission of the Durham Public Library is to enhance the quality of life in Durham through open access to ideas and information, encourage exploration and learning in people of all ages, and support cultural enrichment by establishing the library as a center of our community.

3b--Priorities and Strategic Objectives

Priority 1

Community Connections

The Library strives to be at the heart of Durham supporting and strengthening the community by fostering social cohesion and cultivating opportunities for Durham residents to come together through shared spaces, resources, programs, and events that inform, educate, and entertain.

Strategic Objectives

- Facilitate community conversations to support informed civic engagement and nurture civility.
- Actively represent the Library beyond its four walls. Encourage staff to foster relationships in the community and to utilize their extensive knowledge and resources for its continued development.
- Increase awareness and use of library resources, services, and programs by promoting offerings using the most effective and leading-edge tools, platforms, and media available.
- Seek out partners in the public, private, and nonprofit sectors with mutual interests to develop joint programs that will attract new populations and widen the scope of the Library.

Priority 2

Access for All

The Library will provide access to information resources to all, providing a welcoming and safe physical and digital environment.

Strategic Objectives

- Ensure that library services are delivered with sensitivity and care to people of all ages, abilities, education levels, interests and social and cultural backgrounds.
- Find creative ways to connect with underserved populations and identify and mitigate barriers to access.
- Facilitate patrons expanding their relationship with the library to use new resources and technologies.
- Engage non-users to find ways to accommodate their particular needs and interests.
- Provide an attractive, friendly, and stimulating space for the public and ensure that the Library's resources are legible and easy to use.
- Provide an inviting civic space—encourage the use of meeting rooms by community organizations and groups.
- Reflect multiple perspectives and remain a neutral and safe space for the civil exchange of ideas and information.

Priority 3

Literacy and Lifelong Learning

The Library reaffirms its commitment to supporting and celebrating all forms of literacy for fostering learning, growth, and discovery.

Strategic Objectives

- Celebrate the wonder of books. Promote reading and expansion of the mind. Facilitate the public gaining insight into our community, our country, and our world.
- Continue the Library's long tradition of nurturing readers and enthusiastic library users of all ages and backgrounds.
- Maintain the Library's position as a "trusted resource" of reliable information.
- Actively participate in Durham's intellectual and cultural life through events that celebrate what the Library does best —supporting reading, personal growth, education, and entertainment.

Priority 4

Focused on the Future

The Library will continue to expand and enhance its ability to provide a wide range of evolving services that meet the needs of the community.

Strategic Objectives

- Maintain and expand the range of library services that address 21st-century literacies available to the community including print, digital, and STEAM-themed services.
- Develop the Library's collections -print and digital- informed by community needs and interests, and to continue to be current, reliably factual, and representative of all people.
- Actively seek out reliable, stable, and appropriate resources to support service delivery priorities.
- Explore new, efficient, and convenient ways to deliver library services to meet the needs of community members.
- Recruit and train service-oriented, skilled, and knowledgeable staff to ensure first-rate public service and to be active participants in the planning and design of new models of service delivery.
- Form new partnerships with stakeholders in the community, including the university, the school system, Town Hall, and local businesses and organizations to promote mutual educational, cultural, and recreational goals.

4--About the Durham, NH Community

Durham is an historic university town located beside Great Bay at the mouth of the Oyster River. Citizens enjoy strong community bonds, excellent schools, recreational and cultural opportunities, an accessible downtown, and a rural quality evident in visible, verdant expanses with numerous outdoor activities accessible and available.

It is a town diverse in age groups, occupational endeavors, geographical backgrounds, and interests with a population of about ~16,015 people. The majority of that population is the student population of the University of the New Hampshire (UNH), the state's flagship public institution of higher learning, which contributes greatly to the Town's character, economy, and purpose. The ~6,500 non-university residents of Durham value positive interactions with the university population.

The population trend for Durham shows that while the school-age population will rise by about 4% by 2040 those over 65 are expected to grow at a rate of 17% as increased elderly housing is developed in the area. While age cohort population and poverty data for Durham (27%) may be distorted by the UNH student population, these projections are suitable for the purposes of library planning.

5--About the Durham Public Library

In 1958, Dimond Library was completed on the campus of the University of New Hampshire. The public portion of the library collection was stored in the basement of Dimond Library and grew to contain a multitude of children's titles and books available for use and checkout by the public. As space constraints and interest in the public collection increased, it became clear that the community required a separate public library building to house the public collection. In March 1997, by a voting margin of 2-1, Durham passed a charter amendment to establish a Board of Trustees to craft a plan for a new library. A temporary space was established in a store front that is now known as the Mill Plaza. On July 21, 1997, a dedication ceremony was held for the new library with Governor Jeanne Shaheen as the keynote speaker. It was the first new public library to be established in New Hampshire in almost a century.

Time passed and a grassroots movement led by the Library Friends, Board of Trustees and other community champions joined together to advocate for and establish a standalone library for the Durham community. In July 2013, a new public library building was completed at 49 Madbury Rd. The 10,500 square foot facility is a combination of new construction and renovation of an existing brick home on a 2.8-acre parcel near the center of Durham. While the building is not formally certified under any sustainable design and construction program, it was designed for

energy efficiency, durability, easy maintenance , and environmental sensitivity.

The beautiful physical space at the Library offers the Oyster River community the perfect place to gather as a community hub for programs, study, and exploration of the many resources the Library has to offer. In addition to the 35,580 physical items in the Library collection, the Library offers a multitude of information, entertainment and cultural resources in various formats. With online access to many digital information resources such as the New York Times and Wall Street Journal, and digital resources that support literacy and entertainment like hoopla, Kanopy and Libby, the Library offers a platform for access to interesting and engaging resources for all. The Durham Public Library strives to be a place of creativity and innovation that supports literacy and growth both inside and outside the four walls of the physical library building.

2021 Durham Public Library Statistics

Holdings - Physical Materials (Books, DVDs, Magazines, Audiobooks, etc.)	35,520
Circulation	
Adult Physical Materials Circulated	30,047
Juvenile/ YA Physical Materials Circulated	57,542
Total Physical Items Circulated	87,589
Total Digital Items (eAudio, eBooks, Digital Magazines, etc.) Circulated	19,294
Total Combined Circulation	106,883
Total Library Visits	43,418
Total Library Cardholders	5,377
Interlibrary Loan	
Interloan Materials Lent to NH Libraries	950
Interloan Materials Received for DPL Patrons	2,068
Total Interloan Transactions	3,018
Total Outreach- Physical Materials Delivered to Homebound Individuals	2,600

6--Durham Strategic Planning Timeline

Strategic Planning Steering Committee Formed	02/01/21
First and Subsequent Strategic Planning Steering Committee Meetings	02/08-01/22/21
Individual Interviews	03/01-04/30/21
Friends Input Session #1	09/30/21
Trustee Update	10/14/21
Friends Input Session #2	10/26/21
Online Survey Opens	11/01/21
Teen Advisory Board Input Session	11/01/21
Community Input Session #1	11/09/21
Community Input Session #2	11/15/21
ORHS River Survey Initiative	11/15 - 01/19/21
Staff Input Session	11/18/21
Survey Response Deadline	11/19/21
Steering Committee review of input; draft themes	11/22/21
Library Director & Facilitator draft statement of themes and priorities	11/29 - 12/15/21
Steering Committee input	12/16 - 12/29/21
Final Drafting	12/15/21 - 01/13/22
Trustee presentation/review/input into draft Plan	01/13/22
Board of Trustee Adoption	01/27/22

8— Appreciation

Thank you to the participants for sharing their ideas and visions for the Durham community, as well as their generous contributions of time to the strategic planning efforts.

Thank you also to the members of our Strategic Plan Steering Committee, composed of representatives from the Library Board, staff, Friends, and Town leadership, who gave generously of their time and dedicated themselves to the completion of this plan. The Library would also like to extend our sincere gratitude to Ruth Kowal, Library Strategic Planning Consultant, for her patience and steady guidance through the strategic planning process.

Robin Glasser, Library Trustee
 Beth Newkirk, Library Friend
 Michael Behrendt, Town Planner
 Ruth Kowal, Consultant

Erik Waddell, Library Trustee
 Stan Reczek, Library Trustee
 Sheryl Bass, Library Director



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AGENDA ITEM:

12B

DATE: May 9, 2022

COUNCIL COMMUNICATION

INITIATED BY: Michael Lehrman, Durham representative to the PDA Noise Compatibility Study Committee

AGENDA ITEM: PROPOSED AIR CARGO FACILITY AT PEASE – MICHAEL LEHRMAN, DURHAM REPRESENTATIVE TO THE PDA NOISE COMPATIBILITY STUDY COMMITTEE

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Michael Lehrman

AGENDA DESCRIPTION:

Durham resident and Durham's representative to the PDA Noise Compatibility Study Committee, Michael Lehrman, has been invited to attend Monday night's Town Council meeting to provide Council members with information relative to the air cargo facility being proposed for Pease and to also present concerns that have been raised by a number of Durham citizens concerning this matter. He may be accompanied by a community member or two.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No action required at this time. Receive an update from Michael Lehrman regarding the proposed air cargo facility at Pease.

Outline May 9, 2022

Presentation to Durham Town Council Regarding Pease Air Cargo

- **Why are we here? Why the concerns?**
- **Recap of what has been proposed at Pease.**
- **Very recently Pease Exec. Director Paul Brean has suggested the developers may be looking at other options where air cargo is only one component of development.**
- **Brief Relevant History of Pease**
- **Unique structure of Pease Development Authority (PDA) and state law governing Pease development and operation.**
- **Why ANY AIR CARGO, ANY SIZE is potentially a problem impacting Durham residents.**
- **Aviation Health Impacts -Noise from air cargo operations are a real health issue, as are jet and diesel truck exhaust emissions.**
- **Environmental Impacts, fuel spills, de-icing chemicals, hazardous cargo contents**
- **A Dilemma—The PDA and Kane/Procon have demonstrated very clear desire and intent to develop sizable air cargo/ E-commerce project. It has been explored and proposed for over two years. However, no definitive plan has been submitted for action and potential users have not been revealed. What to do?**
- **NEXT STEPS for Town Council- Mr. Brean's postponed presentation**
- **How does the Town Council see their responsibility to represent Durham residents and the town's long-term interests to the PDA board?**

'Significant interest': Pease airport cargo facility plan moves forward

Paul Briand

Special to Seacoastonline January 21, 2022

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PORTSMOUTH —An air cargo facility for the Portsmouth International Airport at Pease, proposed to be developed jointly by the Kane Company and Procon Construction, took a step forward Thursday.

The Pease Development Authority board of directors agreed to a 180-day option on the two parcels Procon/ Kane is eyeing at Hangar 227 at the end of Aviation Avenue and on property adjacent to the airport's north apron.

There is another air cargo proposal in play, this one from East West Aeronautical, also for the north apron parcel, referred to as the “North 40.” But the board’s actions Thursday put the Procon/ Kane proposal at least a full step ahead of the East West proposal.



More: Massive air cargo facility at Pease Tradeport? Two competing plans in development

The PDA oversees all development, both on the airport side and on the Pease International Tradeport side. Typically, the basic steps toward development of a parcel controlled by the PDA include a right of entry, an option of the parcel, then a lease of the parcel.

A right of entry extending to May 31 was granted to East West to do geotechnical and environmental assessments of the land to determine its suitability for its proposed 465,000-square-foot air cargo facility.

The Procon/ Kane proposal advanced one step further with the PDA board of directors' unanimous approval of options on the authority-held property.

In addressing the Procon/ Kane proposal, PDA Executive Director Paul Brean said in a memo to the board that “the granting of an option agreement should be viewed as an early step in the necessary planning of these projects and does not guarantee that lease agreements will be entered into, nor limit the necessary planning and review.”

What does the Procon/Kane plan look like?

The Procon/ Kane proposal is in two parts, each offered by a separate limited liability corporation.

The proposal for Hangar 227, a four-acre sized facility originally used by the U.S. Air Force when Pease was a Strategic Air Command base until it closed in 1991, calls for new construction of up to 400,000 square feet. That proposal is being made by Aviation Avenue Group LLC.

The proposal for land adjacent to the north apron is being made by North 40 Group LLC. It calls for 324,000 square feet of cargo facility development. The undeveloped land is sometimes referred to as the “North 40” because it encompasses about 40 acres on the Newington side of the airport.

Their rights of entry to the properties expire Jan. 31 and their options on the properties are effective Feb. 1 and run for 180 days.

“Procon/ Kane has indicated that there is significant interest in these projects from a large number of potential end users, the names of which are not currently subject to public disclosure, but would likely be familiar to all board members,” Brean said.

Procon is a construction management company based in Hooksett. The Kane Company is a commercial development business based in Portsmouth.

They’ve teamed up for several projects over the years, including several they showed to the board Thursday morning that included airport facilities akin to what they want to do

at Pease. They cited, among others, Prostar Aviation at the Manchester-Boston Regional Airport, Signature Flight Support at Manchester, and PlaneSense at Pease.

“It is exciting to have an established entity with significant development experience in the local area interested in aeronautical developments at Pease,” Brean said in his memo to the board.

East West's plan

The other air cargo proposal comes from Eric Robinson, CEO of East West Aeronautical, a cargo logistics and forwarding company at the Tradeport with an office at 1 New Hampshire Ave.

More: Republican Kevin Smith to resign as Pease Development Authority board chair to run for U.S. Senate

While nothing detailed has been provided yet to the board, a press release earlier this month said he is partnering with an investor, Valorev Capital of Brooklyn, N.Y., to build what they've called the “ACX Project” on the land abutting the north apron.

The ACX (Air Cargo and Aviation Complex) Project, according to the release, encompasses 465,000 square feet of construction to include an air cargo center (250,000 square feet), hangar/ maintenance for large and small aircraft (150,000 square feet), and research/ development center with museum devoted to the U.S. Air Force and Navy (65,000 square feet).

Robinson attempted but was not permitted to address the board Thursday morning. Board chair Kevin Smith had called for any public comment at the beginning of the session, but no one spoke up to be heard.

After the Procon/ Kane votes on the options, Robinson asked to be heard, saying he had signed in prior to the meeting as a speaker, but Smith told him he had failed to be recognized when given the chance at the meeting's start.

“It's just not fair; it's just not fair,” Robinson said.

What happens next?

Pease has two distinct areas of development, per the legislation that created the Tradeport in the first place. Pease owns the land and leases parcels to developers who then construct and own the building but pay a land lease to the PDA.

One area called the “land side” is for commercial and industrial development - the office buildings and Lonza Biologics, for example. The other area —the “air side” —is limited to development that is related to aeronautics, PlaneSense, for example.

Revenue from development, according to the Tradeport legislation, is meant to support continued operation of the airport.

“As we look toward the long-term growth and viability of the Portsmouth International Airport at Pease, the diversification of our airport development portfolio and increased opportunities for the generation of air traffic are key to the airport’s long-term success,” Brean said. “Additionally, the job growth and economic development these projects will spur is consistent with the underlying mission and objectives of the PDA.”

Given the scale of the tandem projects, the board extended the option agreements for Procon/ Kane from 60 to 180 days, including the provision that the developers start working right away on traffic impact statements.

The PDA board members from Newington, Portsmouth and Greenland (Margaret Lamson, Susan Parker, and Erik Anderson, respectively) expressed concerns about the impact that air cargo handling at the airport would have on the traffic in their communities.

Concerns were also expressed about air traffic and noise, hours of operation, and environmental impact. The North 40 is situated on the Newington side of the airfield where the New Hampshire Air National Guard is also quartered with its fleet of a dozen KC-46A tankers.

Lamson said, since the Tradeport's inception, it has been Newington's wish that Pease does not become what she called "Logan north" in reference to Logan International Airport in Boston.

Representing the project at Thursday's meeting were John Stebbins, Procon managing director; Jennifer Stebbins Thomas, Procon managing director; Paul Roy, Procon director of business development; and John Kane, principal at the Kane Company.

Stebbins said they hope to be "in the ground" with construction by fall.

According to Kane, there is high demand in the Northeast for infrastructure to handle cargo. "Regionally, we know there is a bubble of demand and we want to pull that up here," said Kane, noting the "Amazon effect" on home delivery.

"Geographically, it just, it works," said Kane. "There are some of the users we're talking to that want to be on the runway, and they have a demand for that use, or others that don't. But the fact is, there's massive demand. But you've got to build it," said Kane.

Portsmouth is emerging as a global supply chain hub. What we know about future plans

Paul Briand

Special to Seacoastonline FEBRUARY 17, 2022

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PORTSMOUTH — An air cargo facility at the Portsmouth International Airport at Pease is part of a broader vision Paul Brean, executive director of the Pease Development Authority, sees for the region.

That view encompasses Portsmouth Harbor and the roles it, Pease International Tradeport, and the airport could play, for example, in the future development of wind farms in the Gulf of Maine.

It's an "intermodal" view, according to Brean, involving a variety of ways to transport goods and products.

"We look at it as intermodal and we look at rail, we look at nautical and we look at surface highways," Brean said.

"Potentially," he added, "we could see some of the largest domestic investment in offshore wind energy in the Gulf of Maine. If you look at Portsmouth and the Piscataqua River, there could be an incredible infrastructure that supports not only the construction, but the ongoing maintenance of that type of facility."

NH airports and Port Authority a powerful combination

The Pease Development Authority could help shape intermodal development in the region since it has broad oversight over airports (both Portsmouth and Rochester), commercial development at the Pease Tradeport, and various ports along the coast,

including the largest, the New Hampshire Port Authority, on the Piscataqua River in Portsmouth.

Previous story: Pease airport cargo facility plan moves forward

Policymakers in Concord see the potential, too. The New Hampshire Legislature is looking at how to both regulate and take economic advantage of any wind farm development in the gulf.

Two offshore wind bills — both offered by state Sen. David Watters, D-Dover — passed a Senate committee in February with bipartisan support. The bills, in part, protect and promote New Hampshire employment and economic development related to the offshore wind industry.

“New Hampshire is uniquely positioned to take advantage of the offshore wind industry, both as an economic driver and as a major source of clean energy. Developing offshore wind on the Atlantic coast could lead to \$20 (billion) to \$30 billion of investment and 25,000 new jobs in pre-development construction and maintenance in the Gulf of Maine,” Watters said.

A preview to this has already played out at the tradeport. It served as a staging ground for the massive blades that were trucked to the wind farm in Antrim, New Hampshire, which opened in 2020 with nine turbines.

“It was really a great precursor of what, when we combine efforts, we have as far as intermodal capability,” Brean said.

Commercial airline growth still a goal

The idea of getting materials and products from one place to another, as it applies to an air cargo facility, fits the Portsmouth International Airport and tradeport well, according to Brean.

He doesn't see developing an air cargo hub as overshadowing current efforts to maintain and possibly expand its offerings of commercial passenger travel at Portsmouth's airport, where Allegiant Air is the only current airline.

Portsmouth International Airport (PSM):What's new with Portsmouth airport at Pease and where is Allegiant flying in 2022?



“In a perfect world, it’s a really nice blend,” Brean said, citing a mix of passenger, corporate, general aviation, and air cargo flights alongside the activity of the 157th Air Refueling Wing of the New Hampshire Air National Guard.

As far as commercial air traffic is concerned, according to Brean, growth might be hemmed in by other, larger airports in Boston, Portland, Maine, and Manchester.

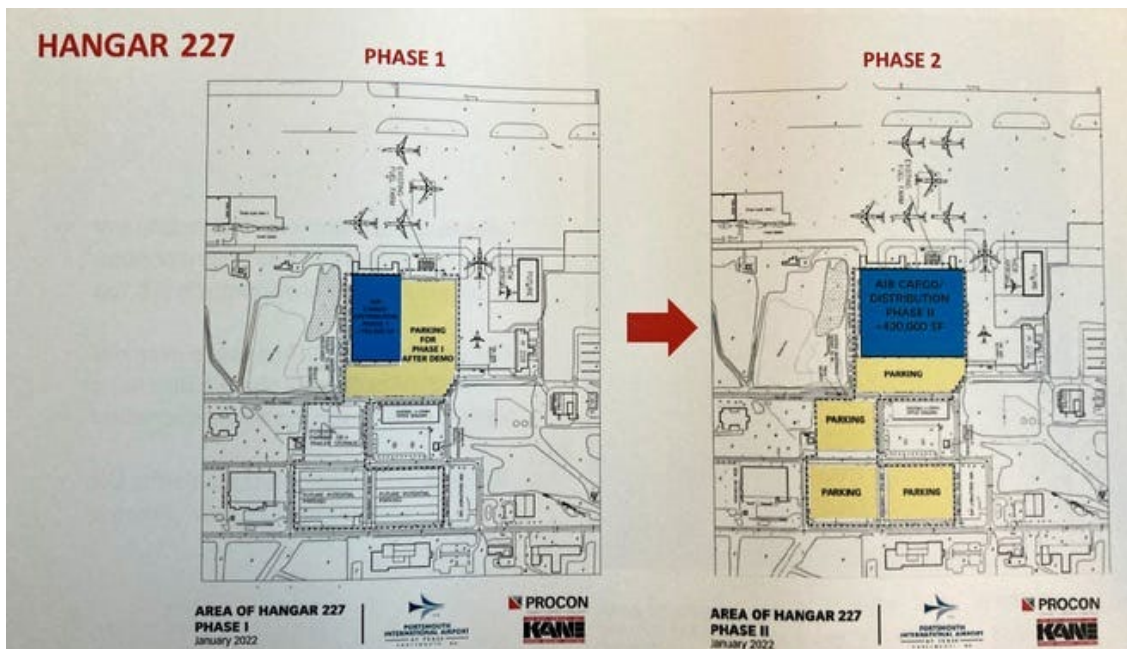
Currently, depending on the season, Allegiant Airlines provides flights to destinations in Florida and Nashville, Tennessee. Brean would like to see future flights — from Allegiant or another airline — that connect to a major passenger hub.

“Our intent is to continue to grow our domestic, ultra-low-cost leisure market and hopefully provide the Seacoast community with easier access to a major metropolitan area. If we can blend that with the right type of e-commerce air cargo entity, we will be very well positioned,” Brean said.

Air cargo plans at Pease intend to meet 'massive demand'

The PDA board of directors in January granted options to a development team that intends to develop two sites at the airport into air cargo facilities.

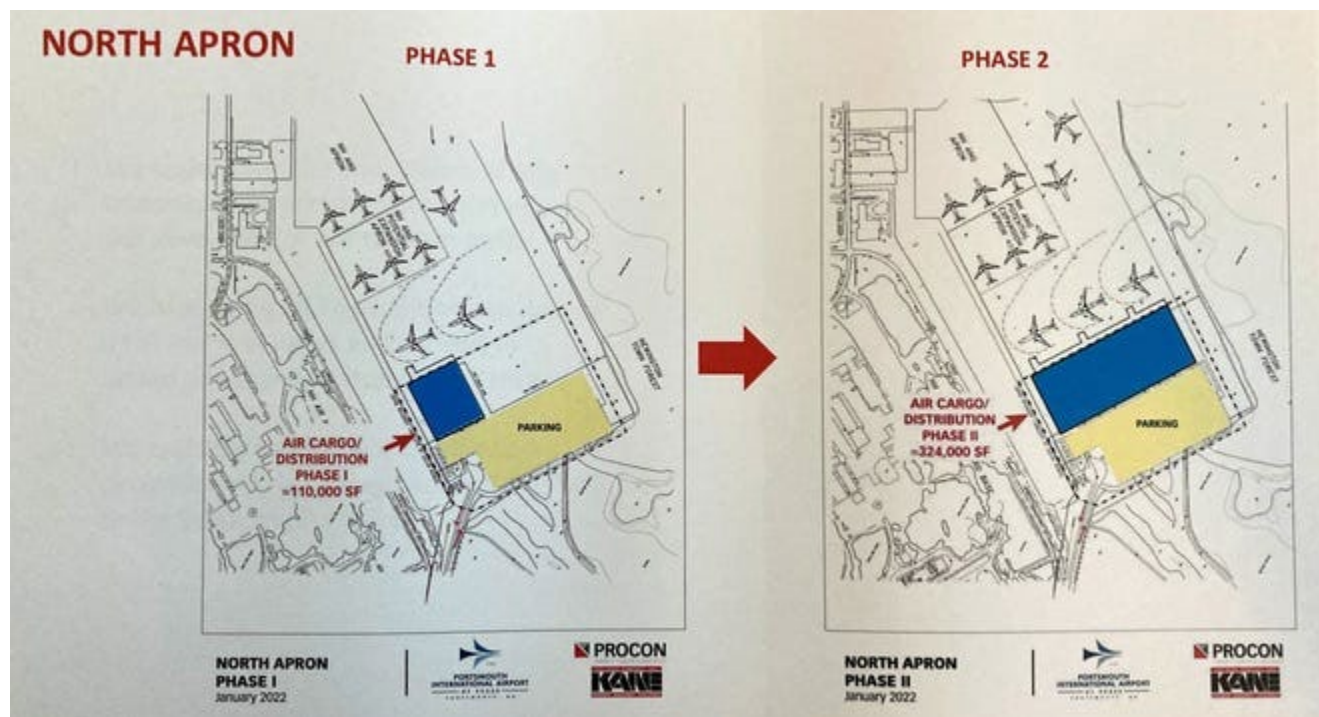
The team is made up of Portsmouth-based developer Kane Company and Procon, a construction services company based in Hooksett. The two properties under consideration are the massive former Air Force hangar (called Hangar 227) at the end of Aviation Avenue and the so-called North Apron (or North 40, because it encompasses about 40 acres) located off Arboretum Drive at the northern end of the airfield.



The proposal for Hangar 227, which would be demolished, is to start with a 185,000-square-foot air cargo/distribution building on the site with a phase two buildout to a total of 400,000 square feet.

For the North Apron, the Procon/Kane proposal suggests a first phase of a 110,000-square-foot air cargo/distribution facility with a phase two build out to a total of 324,000 square feet.

One other entity has been given a right of entry permit to study the feasibility of an air cargo facility at the North Apron. That was given to Eric Robinson, CEO of East West Aeronautical, a cargo logistics and forwarding company at the tradeport with an office at 1 New Hampshire Ave.



While nothing detailed has been provided yet to the board, Robinson wants to build what is being called the “ACX Project” on the land abutting the North Apron.

The ACX (Air Cargo and Aviation Complex) Project, according Robinson, encompasses 465,000 square feet of construction to include an air cargo center (250,000 square feet), hangar/maintenance for large and small aircraft (150,000 square feet), and research/development center with a museum devoted to the U.S. Air Force and Navy (65,000 square feet).

In granting Procon/Kane its options, the Pease directors included the proviso that the first task for the team is to study the consequences that traffic might have on

Portsmouth, Newington and Greenland. There were also concerns expressed about increased air traffic: the frequency of the flights, the timing of the flights, and the noise pollution.

The developers are not disclosing with whom they are in discussion as an air cargo client (or clients), citing non-disclosure agreements. Brean, in a memo to the PDA board, said the developers “indicated there is significant interest in these projects from a large number of end users, the names of which are not currently subject to public disclosure, but would likely be familiar to all board members.”

Todd Selig, the town administrator in Durham, said the developers told him in a meeting that Amazon “was one of many companies who they would have an interest in attracting to the site. Again, at this juncture they indicate no single company has been identified as the end user.”

Selig met with developers, in part, to get an idea of the frequency of air cargo flights and the noise they might generate. Concerns about noise have prompted numerous letters to the editor and opinion pieces from local residents to Seacoastonline about the potential impact on quality of life.



Selig noted that he was told likely the planes would be rated as Stage 4 or better. The FAA regulates plane noise through certain standards, with Stage 1 being the loudest and Stage 5 being the most quiet. He also noted that developers told him most cargo aircraft would land/take-off during the day,

Selig, in observations he provided via his weekly emailed newsletter, said “carriers would use the quieter Stage 4 aircraft or better, they would target daytime use, nighttime use would be quite small, and Amazon, while a user any such project would target, was not the sole identified end user as conversations with many potential users were in process.”

Where old Goss property in Durham may fit in

Durham could possibly have a stake in the region’s intermodal network.

The same developer — R.J. Kelly Co., of Burlington, Massachusetts — which purchased the former Goss International property off Route 155 in Durham near Route 4 is working on behalf of Amazon to redevelop a 60-acre property currently owned and used by security manufacturer Analogic in Peabody, Massachusetts. The plans call for a 183,000-square-foot warehouse space to provide “last-mile” delivery service to Amazon customers.

Kelly paid \$21 million in October to purchase the Durham property at 151 Technology Drive — 500,000 square feet of office and manufacturing space, with high-ceiling warehouse space and total land area in excess of 170 acres that would allow for further expansion.

Without naming names, Brandon Kelly, the Kelly CEO, said in an interview: “We're very hopeful and extremely confident that this building is going to bring a lot of jobs to the area. My guess is that it'll end up being a single tenant building, but I could be wrong. It could be a multitude of tenants.”

Supply chain needs 'secondary hubs'

According to Brean, the supply chain, as it relates to moving air cargo, is depending more and more on what are called “secondary gateways” or “secondary airports” or “secondary hubs” to avoid the congestion in the major, big city hubs.

Trade industry newsletters – the Journal of Commerce (JOC), for instance – point to a growing number of air cargo carriers shifting from choked city-based airports to regionally-based airports.

“These alternate airports are very efficient because they do not face the same challenges as traditional gateways, and the volumes are manageable,” Shawn Richard, vice president of air freight at SEKO Logistics, said in a Journal of Commerce posting. “We believe that although the major gateways will always maintain the larger share of volumes, there will be a long-term shift towards utilizing the secondary all-cargo hubs as the efficiencies cannot be ignored.”

Looking towards Maine: Supply chain challenges can't hold back China's love for US lobsters

Brean believes the airport is perfectly positioned to take advantage of that secondary hub need.

“A secondary airport is very attractive because you have a much more efficient process. The cargo isn't as priority sensitive,” he said. “The e-commerce warehouses that they’re building are basically supporting an inventory supply chain that may be restocking to support future demand.”

According to the Journal of Commerce, shippers are also concerned about whether their freight will be able to leave the big city airport terminal, another factor that Brean plays in Portsmouth’s favor.

By coming to a secondary hub, said Brean, “they stay out of congested major airports, which not only is a cost savings and but an environmental positive story with less of a carbon footprint because they're not in the flight pattern as long, they're not taxiing as far, they're not doing gate holds. But equally important to their

bottom number is the goods are not being held up in customs facilities at large airports. At major hub airports there's days of backlog to clear customs.”

In late January, the state’s two U.S. senators, Jeanne Shaheen and Maggie Hassan, visited Portsmouth to tout the \$1.6 million investment by the federal government to expand the Piscataqua River shipping channel and turnaround basin in order to accommodate larger ships at the New Hampshire Port Authority.

'Bigger ships, faster delivery':NH Port Authority gets \$1.6M for the basin. Why it matters

“Portsmouth Harbor and the Piscataqua River help facilitate the flow of goods from and through New Hampshire — which is critical to supply chains and our state’s economic prosperity,” Hassan said.

The need for logistics space is pushing companies out of the Boston metropolitan area, according to John Kane, a principal at the Kane Co. “Regionally, we know there is a bubble of demand and we want to pull that up here,” Kane said, noting the “Amazon effect” on home delivery.

“Right now we've identified 23 companies that are actively looking for logistics locations in greater New England,” Kane said during the Procon/Kane presentation to Pease directors in January.

As for Pease, according to Kane, “geographically, it just works.”

“There are some of the users we're talking to that want to be on the runway, and they have a demand for that use, and others that don't,” he said. “But the fact is, there's massive demand. But you’ve got to build it. We can't sit around and say we have an approved plan; you have to go into ground, you have to build it.”

“We are competing regionally,” Kane added. “Once those 23 companies — or whatever the number is — get absorbed, there are not another 23 behind it.”

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Significant risk': Residents speak out on Pease air cargo facility plan. Board responds.

Jeff McMenemy March 18, 2022

Portsmouth Herald

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PORTSMOUTH — A group of residents packed Thursday morning's meeting of the Pease Development Authority's board of directors to share numerous concerns about a proposed cargo facility.

Residents raised issues such as noise caused by nighttime flights, the impact the flights would have on the Seacoast's quality of life, potential health and environmental issues and traffic congestion caused by trucks bringing their products to the proposed facility at the Portsmouth International Airport at Pease.

The meeting room was so full some members of the public were moved to a different room to view a livestream after they ran out of chairs, while other people stood against a side wall during the public comment portion of the meeting.

'Significant interest':Pease airport cargo facility plan moves forward

Phil Winslow, vice chair of the Rye Select Board, said although PDA officials have said planning for the project has been under way for two years, "Rye was never officially notified" about it "or offered an opportunity for input."



The Pease Runway 34 flight path "runs directly over the center of Rye," he said, and planes coming into the airport "fly over Rye at approximately 1,200 feet."

He reminded the board the PDA's charter requires it to assess both the environmental impacts of projects at the Pease International Tradeport, as well as the impact on quality of life.

Previous story: Massive air cargo facility at Pease Tradeport? Two competing plans in development

"How can a plan to bring in nighttime freighter flights not impact your quality of life, much less not increase pollution?" he said.

Winslow, who was stationed at Pease as an Air Force captain, said, "Aircraft noise in support of protecting our democracy is different from the noise that comes from fattening the wallet of developers and investors on the back of destroying our quality of life."

Clinton Miller, a former neurosurgeon and chief of staff at Portsmouth Regional Hospital, pointed to the impact of nighttime flights from the proposed cargo facility.

"All Seacoast families and their children living under the Pease Airport flight path or around the perimeter of the runway and north apron will be put at significant risk for major quality of life impacts, resulting from sleep interruption or deprivation," he said.

Rye Selectman Tom King said residents of his town are "pretty concerned about this possible expansion of night flights."

King, who is a retired Air Force and commercial pilot, stated the town is "fully supportive of our military flying here."

But he said the addition of a cargo facility — with nighttime flights — "is a different story."

"Our biggest problem here in the Seacoast area is housing, not jobs," King said. "We just don't think this is the right kind of development that we need in the Seacoast area."

Details and status of air cargo proposal at Pease

The Kane Company and Procon Construction have proposed to jointly develop a cargo facility at the airport, but have not yet disclosed the identity of the facility operator, if it's ultimately approved.

At a January meeting, the Pease board approved giving a 180-day option on the two parcels Procon/Kane is eyeing at Hangar 227 at the end of Aviation Avenue, and on property adjacent to the airport's north apron.

Previous story:Portsmouth is emerging as a global supply chain hub. What we know about future plans

There is another air cargo proposal in play, from East West Aeronautical, also for the north apron parcel, referred to as the "North 40."



The Procon/Kane proposal has two parts, one being a proposal for Hangar 227, a 4-acre facility originally used by the U.S. Air Force when Pease was a Strategic Air Command base until it closed in 1991. It calls for new construction of up to 400,000 square feet

The proposal for land adjacent to the north apron calls for 324,000 square feet of cargo facility development. The undeveloped land is sometimes referred to as the "North 40" because it encompasses about 40 acres on the Newington side of the airport.

John Stebbins from Procon, issued a statement after Thursday's meeting.

"We refer to our op-ed, which clearly defines where we are in the process right now. We are at the early stages of a deep investigation," he said. "There is no defined program for either site and all potential FAA allowed uses for these sites are being considered. We appreciate the public comments, however any speculation about uses at this point is premature."

Commentary by Kane/Procon officials:Air cargo is just one component of our plan for airport at Pease

In a memo to the board before Thursday's meeting, PDA Executive Director Paul Brean provided an update to the "potential air cargo development."

He said the developers' engineers, Tighe & Bond, have started a traffic study.

“The developers have informed me that they are currently working with their consultants and engineers on survey, noise, and environmental aspects of these projects,” Brean said in the memo. “While the developers are working on plans to present to the board during public meetings for one or both locations, and hope such presentations may be this spring, they do not have a specific timetable for submittal at this time.”

Environmental concerns

During Thursday’s meeting, Rye resident Roger Wigley said he wants to see the Air Force conduct an environmental assessment.

“Because for the developers to do it is a little like having the fox check out the security measures in the hen house,” he said.

Keri Roman, a lawyer who formerly served on Rye’s select board, pointed to potential harmful effects from exposure to aircraft exhaust.

She said there would be “long-term and lasting environmental impacts that I don’t think the board can ignore.”

“In a community that’s already been rocked by PFAS contamination at Pease and at Coakley (landfill), when we have a cancer cluster and a community that fights hard for the preservation of its Great Bay, the PDA should not be considering these sized cargo facilities that will bring environmental health impacts to multiple area municipalities,” Roman said.

Durham resident Malcolm McNeill cited a lack of specificity about the proposed cargo facilities.

“One of the difficult things in considering this project is the fact there’s been no disclosure of the end user,” he said. “As we stand here today we don’t know whether this is going to be Amazon North, whether it’s going to be Federal Express, whether it’s going to be UPS.”

He advised the board to hire an expert on cargo carriers at the developer’s expense.

Without such an expert, “you’re guessing or you’re relying entirely on what you hear from the developer,” McNeill said. “This is important, it means a lot to all of us, and we ask you to give it the consideration it deserves.”

Impact on businesses at Pease

Rita Heimes, general counsel for the International Association of Privacy Professionals, described her company as “happy contented members of the Pease Tradeport community.”

But the company recently learned about the proposed “massive” development near its offices on Rochester Avenue.

“My only point today is you take into account your tenants and their long-term interests. We are not necessarily opposed to this use of the property if it’s the best use and all the environmental issues can be addressed,” she said. “We are speaking very selfishly at this point that we would need a new home if this is going to be happening all around us.”

She asked the board to “please keep (the) communication coming and please keep the tenants in mind.”

PDA board members pledge transparency

PDA board member Tom Ferrini, a former Portsmouth mayor, told residents who voiced their concerns, “We are in this together. We hear you. It’s our responsibility to provide information and an opportunity to be heard. Today is, as I see it, a small piece of what will happen.

“There’ll be an extensive opportunity for communities to get involved,” he said, adding later, “I would anticipate that this board is not in a rush to do anything other than understand.”

PDA board member Steve Fournier agreed with Ferrini’s comments, saying, “We need to make sure we’re transparent, we’re open.



“I can tell you that as a municipal official we have followed 91-A (the state's Right to Know law) to the letter of the law. Transparency is key, it will be through the entire process,” Fournier said. “There are no backdoor deals or anything like that going on. Everything will be done at this level.”

Susan Parker, who represents Greenland on the PDA board, talked about the importance of addressing environmental concerns, from noise to “various things having to do with water.”

“This is not a time for weak spines, to be bowled over by what I would say, as a New Hampshire native, sort of fancy words,” she said.

MEMORANDUM

To: Pease Development Authority Board of Directors

From: Paul Brean, Executive Director



Date: January 11, 2022

Re: Option Agreements:

- a. Aviation Avenue Group, LLC – 100 New Hampshire Avenue; 7 Lee Street and 14 Aviation Avenue (Hangar 227)
- b. North 40 Group, LLC – North Apron

Since the inception of the Pease Development Authority (“PDA”) in 1991, there has been a concerted effort to redevelop the former Pease Airforce Base with a mix of non-aeronautical commercial development and aeronautical development. These are often viewed as “land side” and “air side” development or “Tradeport” and “Airport” development. While Pease is rightly referred to as the most successful example of a BRAC redevelopment in the country, it is fair to say that the non-aeronautical commercial development has generally come easier over the past three decades. While the PDA has been fortunate to have successful partnerships on aeronautical development with entities such as PlaneSense and Port City Air, largescale aeronautical development has been more elusive. However, over recent years interest in airside development has grown.

> In 2019, conversations began with the late Mark Stebbins and Paul Roy of PROCON, a New Hampshire based design and construction company, about development of air cargo facilities at Portsmouth International Airport. Separate discussions on air cargo development began with Michael and John Kane of the Kane Company by late 2020. The changing retail landscape, rapid development of global e-commerce, and the increasing need for modern warehouse distribution have all dramatically increased the need for such air cargo facilities. This need has only been enhanced during the pandemic. Both PROCON and Kane were interested in potential development at Hangar 227 location, as well as on the North Apron. By early 2021 these two entities were working together on potential development projects. In July 2021, the PDA issued right of entry agreements for both parcels so these entities could get onto the parcels and advance their due diligence. <

> Over the summer and fall, through multiple conversations and meetings, the outline of potential projects began to take shape. At 14 Aviation Avenue, PROCON/Kane is interested in an air cargo facility of upwards of 400,000 sf. Over the past many years, PROCON has reviewed the

possibilities for redevelopment of Hangar 227, the old USAF nose dock hangar located at 14 Aviation Avenue. As a result of that work, PROCON has concluded that redevelopment of the existing Hangar 227 structure would cost over \$20 million and that the better path forward is removal of the existing structure and construction of a modern facility in that location. On the North Apron, PROCON/Kane would develop a facility of approximately 324,000 sf. Development of both facilities would be phased.

At 14 Aviation Avenue the project would include the development of parcels located at 100 New Hampshire Avenue, as well as 7 Lee Street, where the PDA Maintenance Department is currently headquartered. As such, PROCON/Kane would design and construct a new PDA Maintenance and storage facility in an agreed upon location, the cost of which the PDA would pay back as an interest free rent credit over a portion of the lease term. On the North Apron, PROCON/Kane had discussions with the NHANG to ensure any potential concerns were addressed in the planning and design process.


PROCON/Kane appreciates the need to utilize professional engineers and consultants to design these projects. Toward that end, PROCON/Kane has already retained these professionals and made clear its intention to study the potential environmental, traffic, and noise impacts its projects may have, and to incorporate recommendations into its design plans for these state of the art facilities. Furthermore, PROCON/Kane has indicated that there is significant interest in these projects from a large number of potential end users, the names of which are not currently subject to public disclosure, but would likely be familiar to all Board members.

Given the significant upfront costs that would be incurred to plan these projects and engage end users in order to get both projects to the point of seeking conceptual site plan approval from the Board, early last month PROCON/Kane requested option agreements on both parcels, so as to have a period of exclusivity concerning entry into potential lease agreements (see request attached). The granting of an option agreement provides the recipient with a period of time during which they have the exclusive right to enter into lease negotiations/agreements with the PDA for the parcel in question, conditioned upon the payment of an option fee. The PDA has granted option agreements in the past, including most recently to Lonza Biologic on the Iron Parcel.

Given the status of the projects, following receipt of the request draft Option Agreements were prepared for the two LLC's formed by PROCON/Kane for these projects. These drafts are generally consistent with prior PDA option agreements and based on a traditional PDA option fee structure. They provide for a six month option period, which may be extended a maximum of two times for a potential total of 18 months. On January 6, 2022, the proposed developments and draft Option Agreements were presented to the PDA Airport Committee for its review, questions, and feedback. The Committee's review was favorable.

It is exciting to have an established entity with significant development experience in the local area interested in aeronautical developments at Pease. Here, the granting of an option agreement should be viewed as an early step in the necessary planning of these projects and does not guarantee that lease agreements will be entered into, nor limit the necessary planning and review. Both PROCON and the Kane Company have experience with large-scale developments, have the

financial backing for projects of this scope as evidenced by their significant development portfolio, work with well-known planning and engineering companies, and have contacts throughout the air cargo industry. PROCON and Kane also understand the need to plan projects that will work for Pease and the surrounding municipalities.

As we look toward the long term growth and viability of the Portsmouth International Airport at Pease the diversification of our airport development portfolio and increased opportunities for the generation of air traffic, are key to the airport's long-term success. Additionally, the job growth and economic development these projects will spur is consistent with the underlying mission and objectives of the PDA. 

With the foregoing in mind, at the Board's January 20, 2022, meeting I request that the PDA Board of Directors grant me the authority to complete negotiations with the PROCON/Kane group and enter into Option Agreements generally consistent with the attached drafts, for the parcels described herein.



T 603.623.8811
F 603.623.7250
P.O. Box 4430
Manchester, NH 03108

December 1, 2021

Paul Brean
Pease Development Authority
55 International Drive
Portsmouth, NH 03801

Re: Option Agreements for 14 Aviation Way (aka Hangar 227) and North Apron, Pease International
Tradeport, Portsmouth, NH

Dear Mr. Brean:

It was a pleasure meeting with you and the members of the PDA Board last month to discuss our proposed development at Hangar 227 and the North Apron. We're extremely appreciative of the Board's time, consideration, and thoughtful feedback. As a New Hampshire based company with a deep history in this state, we are excited about the New Hampshire seacoast region and potential development at Pease.

We understand and appreciate the need for thorough studies to fully understand and plan for the effects that our buildings may have on Pease and the surrounding communities. In particular, we recognize the importance of understanding the road traffic and air traffic that our buildings will generate. We have lined up trusted consultants and engineers to embark on these studies, and they are ready to begin their work immediately.

We are also keenly aware of the need to construct a PDA maintenance and storage facility and have met with Ken "KC" Conley to develop a scope to replace the current PDA facilities in and around Hangar 227. We've engaged surveyors, engineers, and planners, and met with Mr. Conley, to identify the best location, and we have an architecture team to ensure the long-term stability and usefulness of the new facility. In addition, we will utilize these same professionals to plan the development of state-of-the-art facilities at both locations that will create jobs for the local economy and continue to enhance the development of the Portsmouth International Airport at Pease as a regional transportation hub.

It will take time and effort to thoughtfully work through these matters. Additionally, it will be a significant up front financial commitment to see this planning through. In order to give these projects the thoroughness they deserve and develop a plan that we can all be proud of, our team is respectfully requesting to enter into an Option Agreement with the PDA for each of the two parcels. This will give us the time we need to undertake the necessary detailed planning and get real answers, while also allowing us to maintain an exclusive right to develop the properties in order to continue meaningful conversations in real time with potential end users.

We realize this is a first step in the process and are excited to continue working with you. We are grateful for your partnership.

Thank you,



John Stebbins
Managing Director
PROCON



Michael Kane
Chief Executive Officer
The Kane Company

PROCON's Mission is to earn lasting partnerships by designing and building exceptional projects as if they were our own.
At PROCON, every solution is just down the hall.



PEASE DEVELOPMENT AUTHORITY BOARD OF DIRECTORS PROPOSED DEVELOPMENT PRESENTATION

January 20, 2022





We have a proven partnership with local ties and decades of experience in New Hampshire and at Pease, developing and owning over 20MM square feet

PROCON and The Kane Company have partnered together for more than 25 years to develop over 18MM square feet of commercial properties



- Largest NH-based architecture & engineering firm
- Largest NH-based construction management firm
- Designed and constructed over 100 commercial buildings in the state of New Hampshire over the last 10 years, including 14 buildings at Pease and Greater Portsmouth
- Designed and built over 3.3MM square feet of manufacturing and distribution space for national tenants including Rand Whitney, Coca Cola, and The Granite Group.



- Family-based real estate development company with long-standing ties to Greater Portsmouth
- Experience developing, owning and managing a wide variety of product types, from industrial to hospitality, office and senior living
- Community-focused developer with ties to local non-profits and community groups

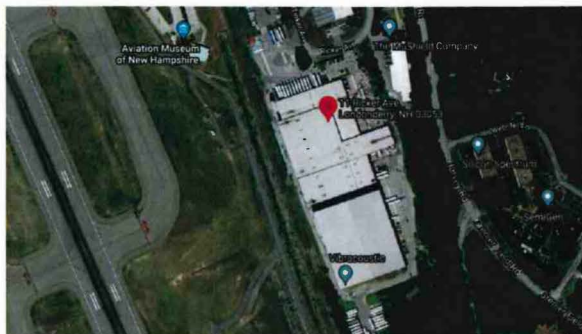


- Portsmouth-based investor and developer
- Currently own and/or manage 4MM square feet of commercial properties in New England, including 40 buildings in NH.
- Currently own 9 buildings and more than 660K square feet at Pease.



- T&B has over 110-years of engineering and environmental consulting experience in the Northeast.
- Over 35 years of design, permitting and construction phase services in the state of NH by our Portsmouth office located at Pease.
- Worked on over 20 successful projects at the trade port.
- Worked on dozens of industrial projects with local highlights that include Lonza Biologics at Pease and Lindt Chocolate in Stratham

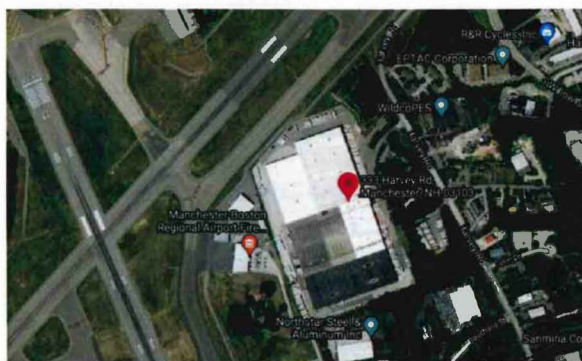
DEVELOPED OVER 6 MILLION SF OF WAREHOUSE/LOGISTICS SPACE



**11 RICKER AVENUE (MANCHESTER
AIRPORT) LONDONDERRY, NH
305,624 SF**



**COCA-COLA BOTTLING
LONDONDERRY, NH
365,000 SF**



**333 HARVEY ROAD
MANCHESTER, NH (MANCHESTER AIRPORT)
750,000 SF**



**F.W. WEBB COMPANY
AMHERST, NH
408,560 SF**

RELEVANT PROJECTS



**SIGNATURE FUEL FARM
MANCHESTER AIRPORT
420,000 Gallon Fuel Farm**



**RAND-WHITNEY CONTAINER
DOVER, NH
118,750 SF**



**PLANESENSE
PORTSMOUTH, NH
84,000 SF**



**GOURMETGIFTBASKETS.COM
EXETER, NH
106,600 SF**



**COBHAM
EXETER, NH
105,000 SF**



**PRO STAR AVIATION
LONDONDERRY, NH
50,000 SF**

RELEVANT PROJECTS



**LONZA – 164 CORPORATE DRIVE
PORTSMOUTH, NH
103,000 SF**



**LONZA
166 CORPORATE DRIVE
PORTSMOUTH, NH - 102,400 SF**



**MILLIKEN/ANDOVER HEALTHCARE
130 INTERNATIONAL DRIVE
PORTSMOUTH, NH - 50,687 SF**



**TELEDYNE INSTRUMENTS, INC.
162 CORPORATE DRIVE
PORTSMOUTH, NH – 102,400 SF**

HANGAR 227

- Extensive vetting indicates it makes more economic sense to demolish and build a new facility than to rehab existing building
- Currently used as snow removal and storage facility – our approach contemplates a new maintenance facility before existing storage facility is demolished
- Met with PDA and maintenance staff to identify scope and location for new maintenance facility

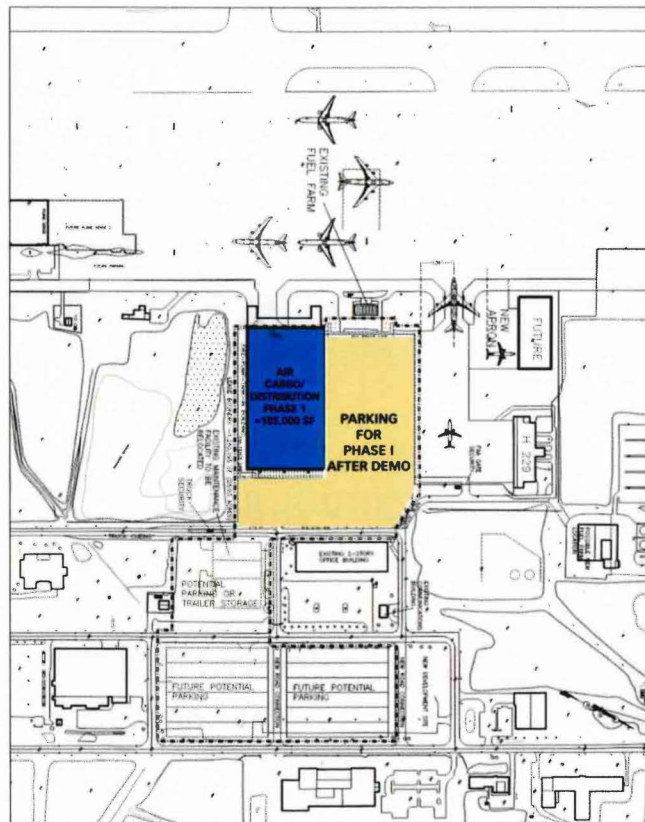


**EXISTING CONDITIONS
OF HANGAR 227**
January 2022



HANGAR 227

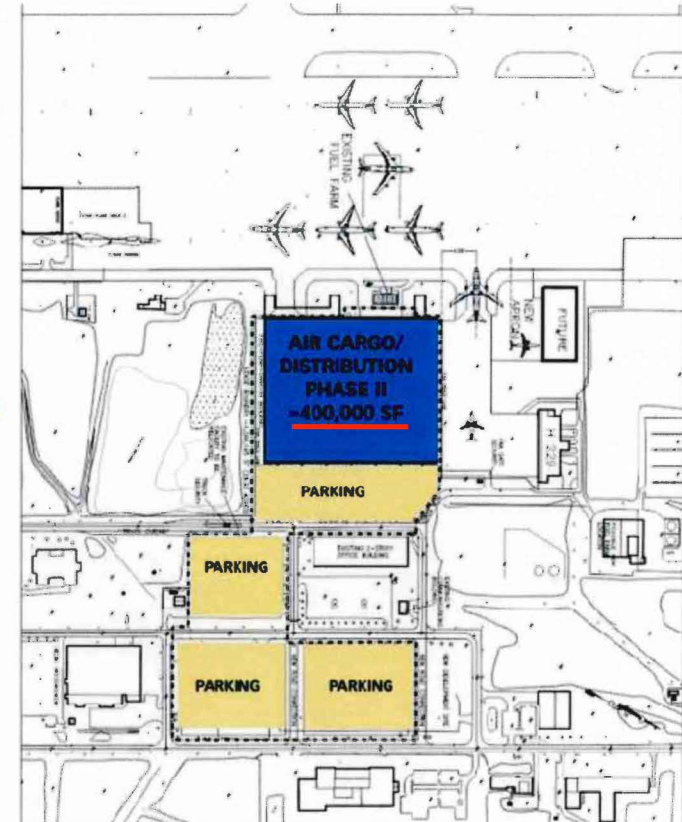
PHASE 1



AREA OF HANGAR 227
PHASE I
January 2022



PHASE 2

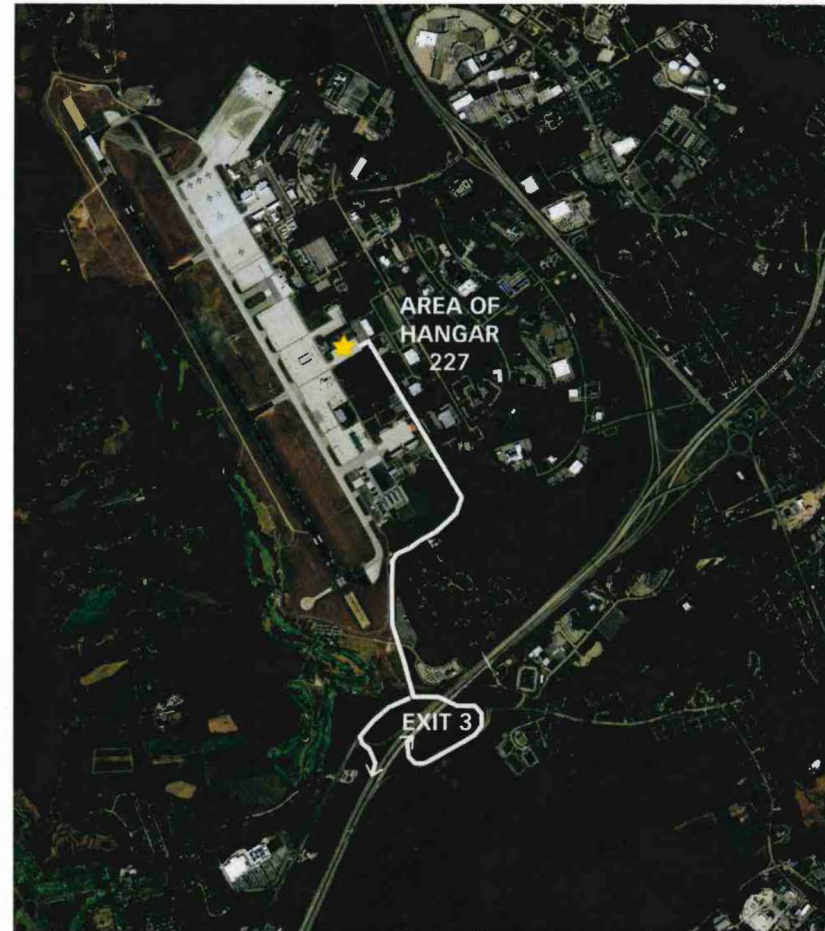


AREA OF HANGAR 227
PHASE II
January 2022



HANGAR 227

- We understand the importance of fully understanding and mitigating the effects our development will have on traffic.
- We have engaged Tighe & Bond to deliver a full traffic study as well as VHB to undertake an independent peer review
- We anticipate traffic will enter and exit primarily via Exit 3 on I-95



**AREA OF HANGAR 227
TRAFFIC PATTERN**
January 2022



NORTH APRON

- We have met and discussed our initial plans with the Air National Guard (ANG).
- We understand ANG's desire to avoid international flight traffic, and to ensure our development at this site will not interfere with ANG operations and allow for future expanded use
- All the potential end users we are dealing with are domestic-based companies that would comply with ANG guidelines

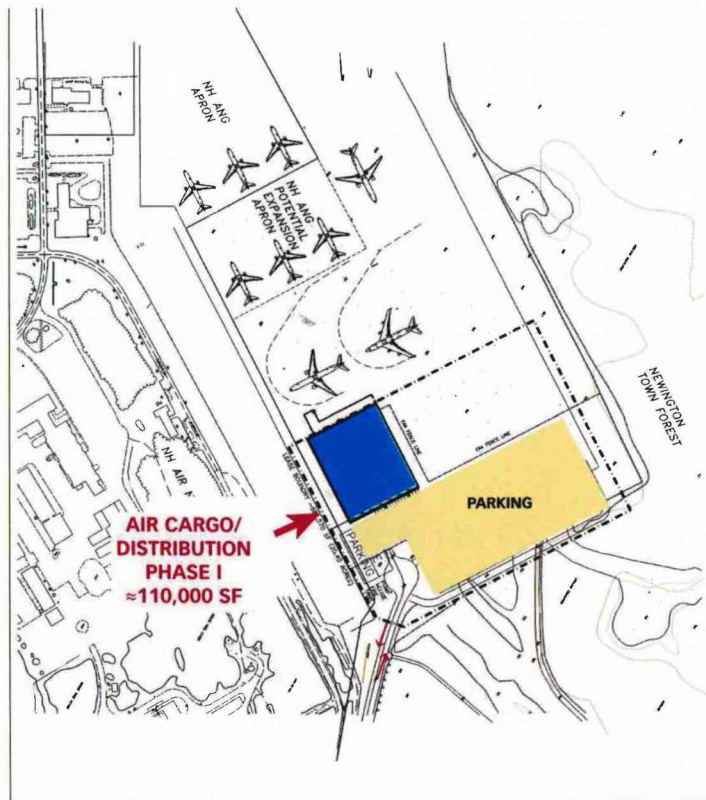


**EXISTING CONDITIONS
OF NORTH APRON**
January 2022

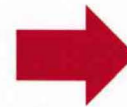


NORTH APRON

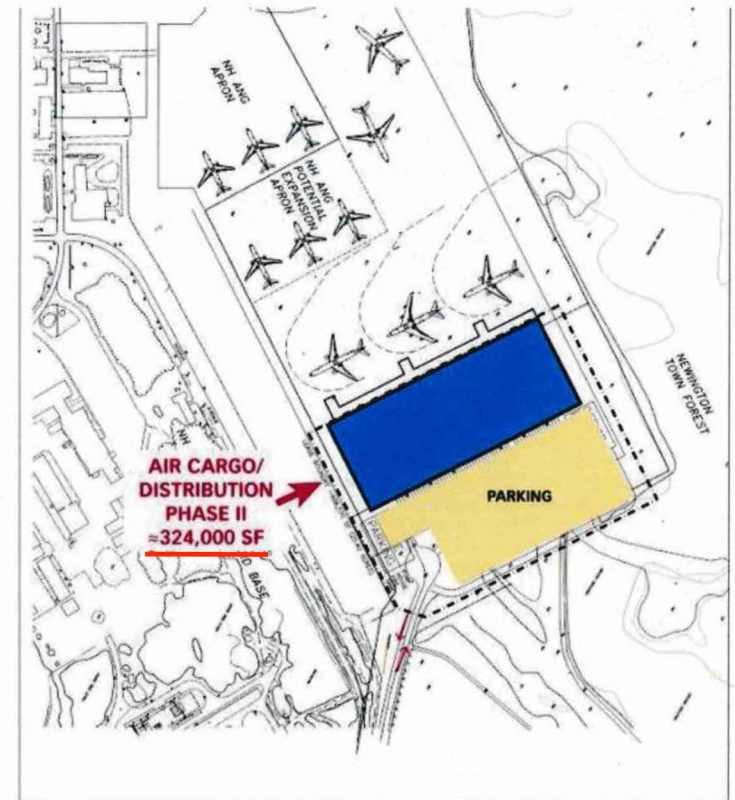
PHASE 1



**NORTH APRON
PHASE I**
January 2022



PHASE 2

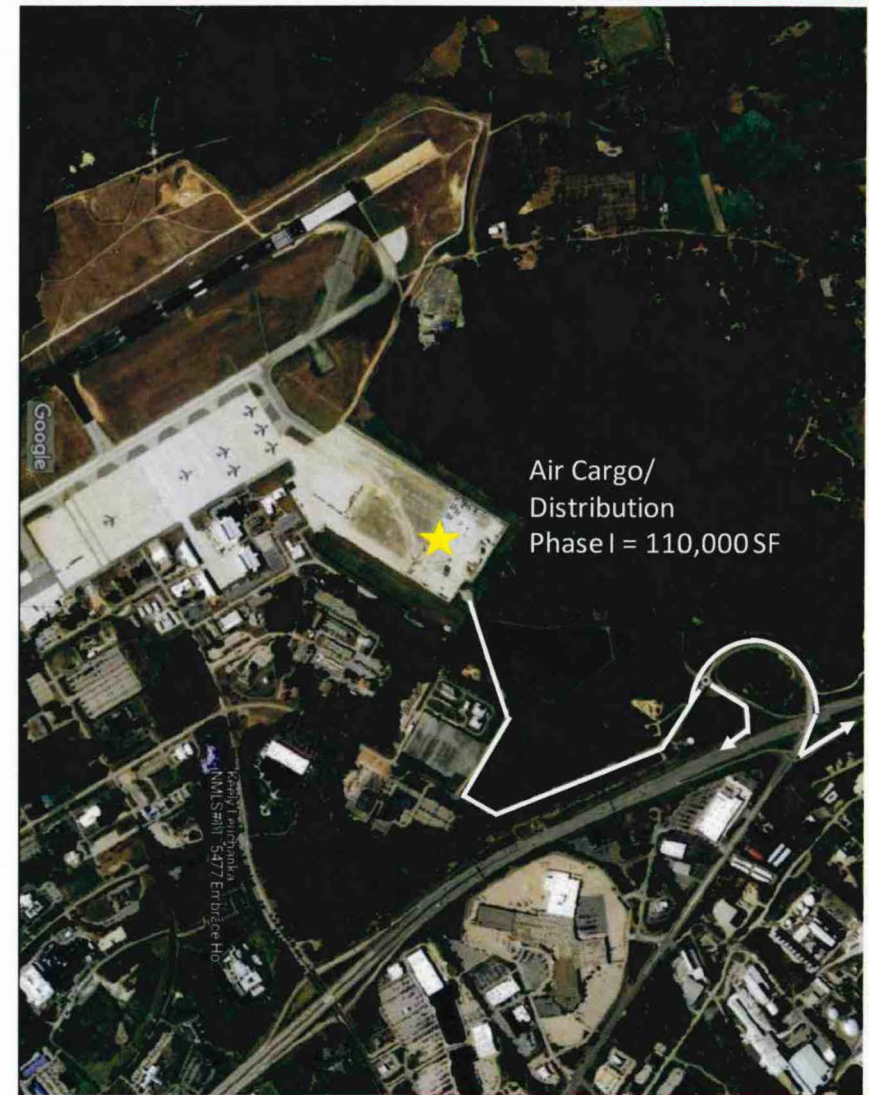


**NORTH APRON
PHASE II**
January 2022

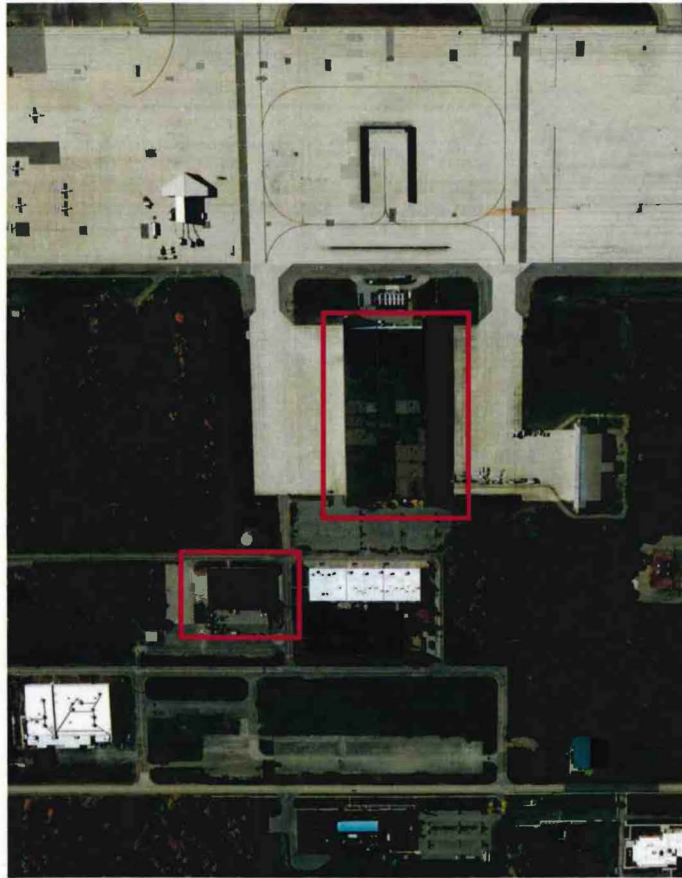


NORTH APRON

- We understand the importance of fully understanding and mitigating the effects our development will have on traffic.
- We have engaged Tighe & Bond to deliver a full traffic study as well as VHB to undertake an independent peer review
- We anticipate traffic will be able to circulate directly through Arboretum Drive to the Spaulding Turnpike.



RELOCATION OF EXISTING FACILITIES



**NEW MAINTENANCE
FACILITY**
January 2022





WHY NOW?

- The rise of e-commerce both nationally and locally is driving massive demand for air cargo and distribution facilities
- We are engaged in meaningful conversations with 23 potential tenants with real requirements and urgent needs.
- Favorable conditions to secure financing at historically low interest rates
- Now is the moment to take advantage of these market forces

WHY PEASE?

- Ample apron square footage & unrestricted apron parking weight
- Proximity to surging Seacoast market as well as Greater Boston and Southern Maine
- Registered foreign trade zone with US Customs Port of Entry Operations
- Fully reconstructed runway
- Reliable airport maintenance operation
- No landing fees
- Low fuel flowage fees
- Lack of air traffic congestion
- Ease of access to major highways
- Extensive experienced air cargo operations already onsite

WORK TO DATE

- Over the past 10 months, we have completed substantial due diligence:
 - Existing Conditions
 - Engineering
 - Environmental
 - Site Planning
 - Traffic
 - Feasibility Studies
 - End User Outreach
 - Construction Pricing
 - Underwriting and Financing
- Coordination with PDA and ANG
- Sub-Contractors currently assigned
 - Tighe-Bond
 - Doucette Survey
 - VHB
 - PROCON

WORK TO BE DONE

- Full Traffic Analysis
- Noise Studies and Mitigation Analysis
- Environmental Impact Studies
- Soil Analysis and Potential Remediation
- Security and Access Control Analysis
- Utility Connection Analysis
- Full Site Design Development working in conjunction with PDA
- Full Building Design Development
- Construction Cost Estimating
- End User Procurement and Tenant Negotiations
- Lease Negotiations with PDA
- Negotiate and Close Financing



January 18, 2022

Pease Development Authority
C/O Paul Brean
Executive Director
55 International Drive
Portsmouth, NH 03801

Re: Pease Air Cargo/Distribution Projects

By way of introduction, I am a Senior Vice President of Commercial Real Estate and New Hampshire Team Leader for People's United Bank, a \$63 billion Regional Bank with a significant presence in and commitment to the Seacoast New Hampshire Region, including 25 retail branch locations throughout the state.

Throughout the past fifteen years I have done business with PROCON, The Stebbins Companies, and The Kane Company, including Partners Jennifer Stebbins Thomas and John Stebbins, and John and Michael Kane, and I am pleased to have the opportunity to provide information to you regarding the longstanding banking relationships that I, personally, and People's United Bank, have enjoyed with these companies and their principals.

During my tenure with People's United Bank, the Bank has provided construction financing to several commercial real estate developers for which PROCON has successfully completed complex design-build construction projects, and the Bank has always observed the finished product to be expertly designed and of very high quality. In addition to projects that the Bank has financed for our clients, including Class A office, medical office, hotel, and mixed-use multifamily/retail properties, PROCON has also completed a significant amount of successful projects across a variety of property types, including retail, institutional/educational, senior living, aviation, and industrial properties, and is very highly regarded in the industry.

Over the course of our relationship with The Stebbins Companies, the Bank has provided more than \$300,000,000 in construction and permanent financing for numerous commercial real estate assets. Throughout these years, the principals have consistently exhibited a deep commitment to projects, savvy knowledge of their markets, an impressive ability to attract and maintain high quality tenants, strong property repositioning and construction expertise, and always a high level of integrity.

We understand that The Stebbins Companies and PROCON are part of a team that seeks to redevelop certain parcels of land owned by the Pease Development Authority, with the projects expected to cost in the range of \$30,000,000 to \$70,000,000 based on preliminary information provided to the Bank by this team. Given the Bank's history with PROCON and The Stebbins Companies, we are confident in the construction company's capabilities to complete a project of this magnitude and have previously successfully financed projects for The Stebbins Companies and its partners within and exceeding this range.

People's United Bank would welcome the chance to further expand our relationship with The Stebbins Companies and to pursue their financing needs in connection with this unique project located at the gateway of New Hampshire. (People's United Bank is the largest regional bank headquartered in New England, with \$60+ billion in assets, providing substantial lending capacity, and has regularly provided construction and permanent financing for these types of properties in our \$10+ billion Commercial Real Estate portfolio.)

I'm happy to provide any additional information that would be helpful.

Sincerely,

Philip C. Cohen
Senior Vice President | NH Commercial Real Estate
People's United Bank
325 State Street
Portsmouth, NH 03801
(603) 334-6705
Philip.Cohen@peoples.com

FINANCIAL CAPABILITY



January 18, 2022

Pease Development Authority
C/O Paul Beem
Executive Director
35 International Drive
Portsmouth, NH 03801

Re: Pease Air Cargo Distribution Projects

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Sincerely,

Philip C. Cohen
Senior Vice President / NH Commercial Real Estate
People's United Bank
325 State Street
Portsmouth, NH 03801
(603) 334-6705
Philip.Cohen@peoples.com

In addition to People's United Bank, we have deep, longstanding relationships with a number of strong regional banks, including:



We are confident in our ability to secure the right level of financing for these important projects.

Please see hard copy in board packet.



THANK YOU

Paul Brean

From: Kevin Smith <kevinhsmith@kevinhsmith.com>
Sent: Wednesday, November 18, 2020 5:38 PM
To: Paul Brean
Subject: Re: Pro-Con Mark Stebbins Meeting

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

sounds good Paul!

On Wed, Nov 18, 2020 at 3:46 PM Paul Brean <P.Brean@peasedev.org> wrote:
Great, I'll send out a link for a 830 zoom on Friday

Sent from my iPhone

On Nov 18, 2020, at 3:36 PM, Kevin Smith <kevinhsmith@kevinhsmith.com> wrote:

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Paul - yes, I could do Friday over zoom, but could we have the meeting at 830?

On Tue, Nov 17, 2020 at 11:23 AM Paul Brean <P.Brean@peasedev.org> wrote:

Hello Kevin,

Mark Stebbins, CEO of PROCON has asked for a face to face with us to discuss development of an E-Commerce Facility at Pease. Anthony and I met with Mark about a month ago and he would like to include you on an update regarding interest from his partners. He has this Friday at 8:00 AM available which I imagine is tough time for you. I could possibly suggest an in person meeting with me and a Zoom Call to you? Or we can propose alternative dates.

Let me know your availability and I'll connect us.

Thanks,

Paul

Paul Brean

From: Kevin Smith <kevinhsmith@kevinhsmith.com>
Sent: Sunday, November 07, 2021 6:24 PM
To: Paul Brean
Cc: Anthony Blenkinsop; Raeline O'Neil
Subject: Re: November PDA Board Non-Public

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Paul, sounds like a plan to me. Look forward to it.

Kevin

On Thu, Nov 4, 2021 at 11:28 AM Paul Brean <P.Brean@peasedev.org> wrote:

Kevin,

In advance of the 11/18 Board meeting, I wanted to let you know that we are planning an hour long non-public at the start (8:30-9:30). The purpose of this non-public meeting is to update the Board on a few real estate development projects, but we plan to spend most of the hour on the desire of the PROCON/Kane group to construct two e-commerce warehouse/distribution sites, one on the North Apron and the other in the Hangar 227 area. As you know, these projects have been discussed for much of 2021, however PROCON/Kane is very interested in moving these projects forward over the coming months, and are interested in entering into option agreements for these areas by late 2021 or early 2022. With that in mind, John Stebbins and Michael Kane, along with their development team, will be at the meeting to inform the Board on their interests and answer Board members' questions. There are a lot of moving parts to these projects, including the relocation of the PDA Maintenance and SRE building, the removal of old AF buildings, relocation of the N. Fuel Farm, accommodation of NHANG growth, involvement of multiple parcels, increased truck and airplane traffic, etc., so we wanted to make sure the Board can hear directly from the development team.

Please let me know if you have any questions or wish to discuss prior to the 18th.

Best,

Paul

Paul Brean

From: Paul Brean
Sent: Friday, November 12, 2021 2:01 PM
To: Michael Kane
Cc: John Stebbins; Paul Roy (proy@proconinc.com)
Subject: RE: Kane/PROCON

Me too! Have a great weekend!

From: Michael Kane [mailto:mkane@netkane.com]
Sent: Friday, November 12, 2021 1:59 PM
To: Paul Brean <P.Brean@peasedev.org>
Cc: John Stebbins <jstebbins@xsshotels.com>; Paul Roy (proy@proconinc.com) <proy@proconinc.com>
Subject: Re: Kane/PROCON

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Ready to get going! Thanks Paul

Michael Kane
The Kane Company, Inc.
210 Commerce Way, Suite 300
Portsmouth, NH 03801

d: (603) 559-9628
m: (603) 966-8887

Executive Assistant: Tracey Parent

TParent@netkane.com

d: (603) 559-9651

On Nov 12, 2021, at 12:54 PM, Paul Brean <P.Brean@peasedev.org> wrote:

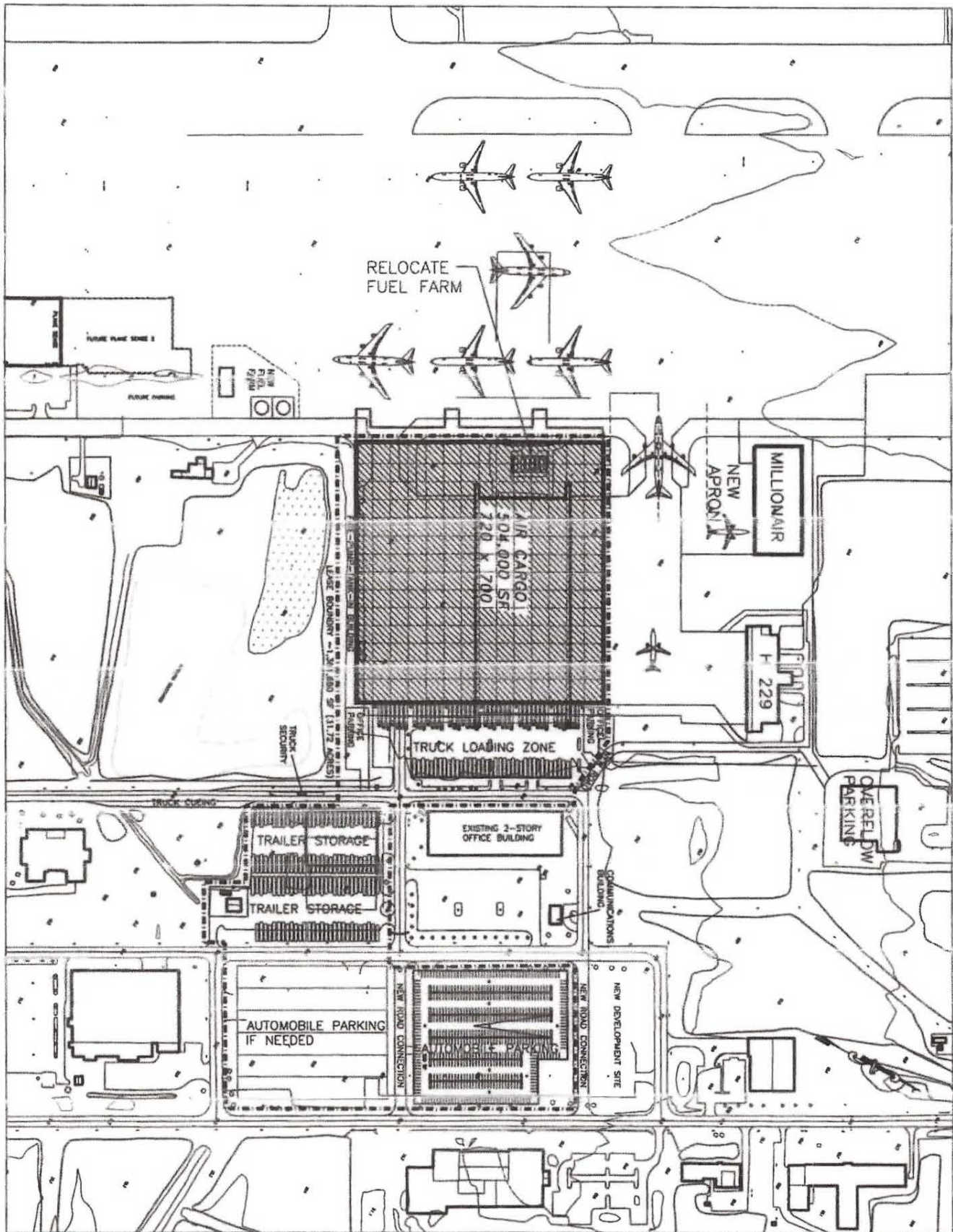
OUTSIDE EMAIL

Michael and John,

I am emailing to confirm you are all set to present your development plans to the Board during a non-public session on Thursday, November 18th. The Board's non-public session will begin at 8:30 a.m. However, we have a few other quick matters to discuss with the Board at the start of the meeting, so we will plan to call you into the meeting room around 8:45 a.m. We have set aside 45 minutes for you and your team.

Please let me know if you need anything from me. If you have any items you would like to be able to show electronically on the TV screen in the room, please get those to me in advance of the meeting.

Thanks,



E-COMMERCE REGIONAL AIR HUB PORTSMOUTH, NEW HAMPSHIRE

AREA OF HANGAR 227



OCTOBER 17, 2021

Raeline O'Neil

From: John Kane <JohnKane@netkane.com>
Sent: Wednesday, December 29, 2021 3:25 PM
To: Paul Brea
Subject: Confidential list/ Logistics @ Pease Tradeport
Attachments: Prospective Tenants at Pease Tradeport.pdf

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Paul , Attached is the list of companies we have discussed. Our team has connected with all parties and confirmed interest. The Timing , Rent , Competing locations and the nature of the requirement are all factors we look forward to tackling.

Many thanks. John

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Attachment withheld as confidential/commercial information

TITLE I

THE STATE AND ITS GOVERNMENT

Chapter 12-G

PEASE DEVELOPMENT AUTHORITY

Section 12-G:1

12-G:1 Declaration of Purpose. –

I. The general court recognizes that the closure and redevelopment of Pease Air Force Base is a matter of great concern for the town of Newington, the city of Portsmouth, the seacoast region, and the state of New Hampshire. Therefore, the general court finds that a comprehensive study of all issues related to the closure and redevelopment of Pease Air Force Base is necessary to ensure proper planning and optimal use of the property. The study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment, and quality of life of the affected communities, the seacoast region, and the state.

II. The general court further recognizes that the economies, environment, and quality of life of the affected communities, the seacoast region, and the state will depend on the speedy and proper redevelopment of Pease Air Force Base. Thus, it is hereby declared to be in the public interest and to be the policy of the state to foster and promote the redevelopment of Pease Air Force Base by implementing the comprehensive conversion and redevelopment plan being prepared by the former Pease Air Force Base redevelopment commission and the Pease development authority.

III. It is further declared that creation of a development authority to implement the comprehensive conversion and redevelopment plan and to promote, oversee, and integrate the development of Pease Air Force Base is in all respects for the benefit of the affected communities, the seacoast region, and the state and for the improvement of their welfare and prosperity, including the creation of employment and other business opportunities. It is also the intent of the general court that the authority be empowered to assume from the Pease Air Force Base redevelopment commission the responsibility for obtaining federal approval of the comprehensive conversion and redevelopment plan and complete any steps in the planning process that may remain incomplete as of July 1, 1990, and to create a development authority with the power, duties, and authority to implement all aspects of the comprehensive conversion and redevelopment plan subject to provisions of this chapter, including without limitation, taking title in the name of the state of New Hampshire, acting by and through the authority, to any or all of Pease Air Force Base.

IV. The general court further recognizes that integration of the functions of the former New Hampshire state port authority with the functions and duties of the Pease Development Authority will allow for faster and more coordinated development of New Hampshire ports with the conversion and redevelopment of Pease Air Force Base. Thus, it is declared to be in the public interest and the policy of the state to combine in one authority all power, authority, and responsibility for the promotion and development of Pease Air Force Base and the ports of New

Hampshire for the benefit of the seacoast region and all of the citizens of New Hampshire. It is also the intent of the general court that in the furtherance of its responsibility to promote and develop New Hampshire ports that they remain working ports with due consideration given to the commercial, recreational, and private interests associated therewith.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:2

12-G:2 Definitions. –

In this chapter:

I. "Airport district" means:

(a) The property conveyed, granted, or otherwise transferred to the authority by the federal government or any agency thereof pursuant to section 13(g) of the Surplus Property Act of 1944, as amended, or such other provision of federal law authorizing transfer of federal surplus property for airport purposes. Property conveyed, granted, or otherwise transferred to the authority in this manner shall automatically become part of the airport district, but may be removed from the airport district by the authority in accordance with the procedures prescribed in RSA 12-G:13, II, after the contraction of the airport district has been approved by the governing body of the municipality in which the land sought to be taken from the airport district is located; or

(b) Property conveyed, granted, or otherwise transferred to the authority by the federal government or any agency thereof, or otherwise acquired by the authority, and declared or designated by the authority as the "airport district" in accordance with the procedures prescribed in RSA 12-G:13, II, after the expansion of the district has been approved by the governing body of the municipality in which the land sought to be added to or taken from the airport district is located. Such property may be subsequently removed from the airport district by the authority in accordance with the procedures prescribed in RSA 12-G:13, II, after the contraction of the airport district has been approved by the governing body of the municipality in which the land sought to be taken from the airport district is located.

II. "Airport project" means the development, construction, reconstruction, maintenance, or operation of any property of the authority or of any airport by the authority, including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities which are part of such airport or used or useful in connection therewith either as ground facilities for the convenience of handling aviation equipment, passengers, and freight or as part of aviation operation, air navigation, and air safety operation, and excluding any division project.

III. "Airport property" means all real property and tangible and intangible personal property, rights, and facilities of the authority excluding division property.

IV. "Appointing authorities" means the governor and executive council, the president of the senate, the speaker of the house of representatives, the mayor and city council of the city of Portsmouth, and the board of selectmen of the town of Newington.

IV-a. "Associated facilities" means all property owned or operated by the authority in the vicinity of a state-owned commercial pier, including, but not limited to, roadways, access ways, parking lots, buildings and other structures, boat ramps, equipment, and utilities.

V. "Authority" means the Pease development authority.

VI. "Board" means the board of directors of the authority.

VII. "Bond" means any bond, note, or other evidence of indebtedness issued under this chapter.

VII-a. "Business-use pier" means:

(a) The fixed piers, wharves, docks, and attached floats in Hampton Harbor located southeast of the year-round concrete floats of the Hampton Harbor recreational-use pier;

(b) All fixed piers and attached floats located on Pierce Island in Portsmouth owned by the authority; and

(c) The fixed piers, wharves, docks, and attached floats south of the state administration building in Rye Harbor.

VIII. "Commission" means Pease Air Force Base redevelopment commission established pursuant to 1989, 3:2.

IX. "Director" means a member of the board.

X. "Division" means the Pease development authority, division of ports and harbors.

XI. "Division director" means the director of the division of ports and harbors.

XII. "Division project" means the development, construction, reconstruction, maintenance, or operation of any property of the authority related to the ports and state tidal waters under the jurisdiction of the authority, including dredging activities authorized under RSA 12-G:45 and including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities used or useful in connection therewith and listed on the inventory of division projects maintained pursuant to RSA 12-G:43, I(e).

XIII. "Division property" means all real property and tangible and intangible personal property, rights, and facilities of the authority related to ports and state tidal waters administered or operated by the authority through the division and listed on the inventory of division property maintained pursuant to RSA 12-G:43, I(e).

XIV. "Division revenues" means any appropriations received by the division and any rents, profits, fees, charges, receipts, and other income derived or to be derived by the authority from the purchase, sale, leasing, development, or operation of division property or projects and the operation of related facilities located thereon.

XV. "Excess revenues" means those revenues other than division revenues in excess of the funds identified in the audit performed pursuant to RSA 12-G:29 required (a) to pay the costs of operating, maintaining, and repairing all property and projects of the authority except division property and division projects, (b) to pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director except those costs of administering and operating the division, (c) to pay the principal of, and premium, if any, and the interest on the outstanding bonds of the authority, including bonds relating to Skyhaven airport, except any bonds issued in relation to any division property or project, as the same become due and payable, (d) to create and maintain reserves established pursuant to RSA 12-G:18 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority, (e) to create and maintain a capital improvement fund for airport property and airport projects to be established by the board in an amount not more than \$10,000,000, and (f) to pay all taxes owed by the authority related to its ownership or operation of airport property or airport projects. Excess revenue shall not include any revenues generated from property transferred or conveyed to the authority pursuant to section 13(g) of the Surplus Property Act of 1944, 50 U.S.C. app. section 1622(g), as amended, within the airport district, unless the board and the Federal Aviation Administration deem, in compliance with applicable federal law, including but not limited to 49 U.S.C. app.

section 2210(a)(12), such revenues to be excess revenues within the meaning of this chapter.

XVI. "Land use controls" means all municipal ordinances and requirements or rules of the authority regulating the use, development, and improvement of property, including, but not limited to, zoning ordinances, subdivision regulations, site plan review regulations, and building, electric, plumbing, and fire codes.

XVII. "Pease Air Force Base" means all land, easements, buildings, structures, and appurtenances owned or controlled by the United States Department of Defense on January 1, 1990, in the towns of Newington and Greenland, or the city of Portsmouth.

XVIII. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state (including the state of New Hampshire), municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body.

XIX. "Port authority" means the New Hampshire state port authority established pursuant to 1957, 262:1.

XIX-a. "Recreational-use pier" means:

(a) The fixed pier and attached floats located north of the state administration building at Rye Harbor; and

(b) The fixed pier and attached year-round concrete floats located northwest of the business-use pier at Hampton Harbor.

XX. "Resolution" means:

(a) The statements of intent adopted by formal vote of the commission on the dates set forth below and related to the following:

(1) The New Hampshire Air National Guard on August 1, 1989.

(2) The Pease Air Force Base trash-to-energy plant on August 15, 1989.

(3) The proposed wildlife refuge at Pease Air Force Base on August 29, 1989.

(4) Asbestos in housing at Pease Air Force Base on October 10, 1989.

(5) The provision of health care for military retirees on October 24, 1989.

(b) Any other statement of intent designating a resolution and adopted by the commission since March 20, 1989.

XXI. "Revenues" means the gifts, contributions, and appropriations from any source and the rents, profits, fees, charges, receipts, and other income derived or to be derived by the authority from the purchase, sale, leasing, or development of Pease Air Force Base and the operation of related facilities located thereon and all right to receive the same, including investment earnings and the proceeds of any borrowing hereunder or of any sale or disposition or insurance of any assets of the authority, excluding division revenues.

XXII. "Security document" means any trust agreement, security agreement, or resolution authorizing the issuance of or securing bonds.

XXII-a. "Slip" means a volume of water at least 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high tide and located adjacent to a structure such as a dock, wharf, or pier to which a vessel may be secured.

XXIII. "State" means the state of New Hampshire.

XXIII-a. "State-owned commercial pier" means any business-use or recreational-use pier owned by the state and located at Portsmouth, Rye Harbor, or Hampton Harbor.

XXIII-b. "State tidal waters" means any harbor or other tidal waters within the state.

XXIV. "Surplus Property Act" and all references to section 13(g) of the Surplus Property Act of 1944, as amended, mean any provision of federal law authorizing transfer of federal surplus

property for airport purposes, including 49 U.S.C. section 47151(a); 50 U.S.C. app. Section 1622(g), as amended, to the extent applicable prior to the enactment of 49 U.S.C. Section 47151(a); and any other provision of federal law that may be subsequently enacted that authorizes the transfer of federal surplus property for airport purposes.

XXIV-a. "Tidal waters" means any waters, including rivers, that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

XXV. "Vessel" means boats of all sizes propelled by sail, machinery, or hand, scows, dredgers, shellfish cars, barges, seaplanes, personal water craft, and craft of every kind, including but not limited to non-displacement craft, used or capable of being used as a means of transportation or storage on water.

Source. 2001, 290:6. 2003, 242:2-6. 2005, 269:1-4. 2009, 113:3, eff. June 26, 2009. 2018, 204:7, eff. July 1, 2018.

Section 12-G:3

12-G:3 Pease Development Authority Established. –

I. There is hereby created a body politic and corporate of the state, to be known as the Pease development authority, to carry out the provisions of this chapter. The authority is hereby deemed to be a public instrumentality, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state.

II. Any resolution or contract executed or approved by or on behalf of the commission shall be binding on, shall inure to the benefit of, and shall be performed by, the authority whether so expressed or not. All rights, title, and interest in and to all assets and all obligations and liabilities of the commission vested in or possessed by the commission on June 1, 1990, shall vest in and be possessed, performed, and assumed by the authority. The passing of rights, remedies, duties, covenants, agreements, and obligations in accordance with this paragraph shall not increase or diminish them.

III. Nothing in this chapter shall be construed as requiring the authority to assume, adopt, or otherwise be bound by the bylaws, votes, or decisions of the commission or any advisory committee thereof except as set forth in paragraph II and RSA 12-G:44.

IV. Any rule or contract executed or approved by or on behalf of the port authority shall be binding on, shall inure to the benefit of, and shall be performed by, the authority whether so expressed or not. All rights, title, and interest in and to all assets and all obligations and liabilities of the port authority vested in or possessed by the port authority when the duties, functions, and jurisdiction of the port authority are transferred to the authority shall vest in and be possessed, performed, and assumed by the authority. The passing of rights, remedies, duties, covenants, agreements, and obligations in accordance with this paragraph shall not increase or diminish them. Nothing in this chapter shall be construed as precluding the authority from amending or rescinding, to the extent permitted by law, and by law, rule, vote, or decision rendered by the port authority prior to the transfer to the authority of the duties, functions, and jurisdiction of the port authority.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:4

12-G:4 Management by Board of Directors; Executive Director. –

I. The management of the authority shall be vested in a board of 7 directors to be appointed as follows:

- (a) One member appointed by the governor and executive council.
- (b) One member appointed by the mayor and city council of the city of Portsmouth.
- (c) One member appointed by the board of selectmen of the town of Newington.
- (d) One member appointed by the president of the senate.
- (e) One member appointed by the speaker of the house of representatives.
- (f) One member appointed jointly by the board of selectmen of the town of Greenland and the board of selectmen of the town of Newington.
- (g) One member who is nominated by majority vote of the legislative delegation of Strafford county, including the senators whose districts include towns in Strafford county, and who is appointed by the governor, the senate president, and the speaker of the house. The member appointed in this manner shall be a resident of Strafford county and shall serve an initial term of 2 years beginning June 1, 1993. Subsequent terms shall be governed by the provisions of this section. The member appointed in this manner may be removed from office for cause after hearing by the Strafford county legislative delegation.

II. The governor shall appoint the chairman of the board, who shall serve in that capacity at the pleasure of the governor. Directors shall hold office for 3 years and until their successors shall have been appointed. State-appointed directors may be removed from office pursuant to the provisions of RSA 4:1. Directors appointed by the municipal appointing authorities may be removed from office for cause after hearing by the municipal appointing authorities.

III. Four members of the board shall constitute a quorum. A minimum of 4 affirmative votes shall be required for any action of the board, except for the adoption of land use controls, which shall require 5 votes.

IV. The directors shall serve without compensation from the authority, except for such incidental expenses determined by the board to be necessary and incurred while performing business of the authority.

V. Directors shall be residents of the state. No director shall be an elected public official of the state, federal government, or any political subdivision of the state or federal government. Notwithstanding any other provision of law, public employees and appointed officials of the state and any of its political subdivisions may serve, if appointed in accordance with the provisions of this chapter, as directors of the authority.

VI. The board shall appoint an executive director, who shall be the chief executive and administrative officer of the authority and who shall have general and active supervision and direction over the day-to-day business and affairs of the authority and its officers and employees, subject, however, to the direction and control of the board. The executive director shall be responsible for ensuring that all division revenues and all costs associated with operating and maintaining division property and division projects are accounted for separately from all other revenues and costs of the authority and shall perform all such other duties as from time to time may be assigned to the executive director by the board. The executive director shall hold office for an indefinite term at the pleasure of the board. The executive director shall also be the

secretary of the authority, shall keep a record of the proceedings of the authority, and shall be the custodian of all books, documents, and papers filed with the authority and of its minute book and seal. The executive director shall have the power to cause copies to be made of all minutes and other records and documents of the authority and to give certificates under the seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates. The executive director may employ such assistants, legal counsel, and clerical and administrative staff as is directed by the board and within the limits of funds available for that purpose. The executive director may from time to time, with the prior consent of the board, establish and maintain such operating divisions within the authority as he or she shall deem necessary for the proper and efficient conduct of business under this chapter and may assign such staff members to any such division. The salary of the executive director shall be established by the board.

Source. 2001, 290:6, eff. July 1, 2001. 2019, 256:1, eff. Apr. 30, 2021.

Section 12-G:5

12-G:5 Statements of Financial Interests; Content; Form. –

- I. Every member of the board shall file by July 1 of each year a verified written statement of financial interests in accordance with the provisions of this section, unless the member has already filed a statement in that calendar year.
- II. A member of the board shall not be allowed to enter into or continue his or her duties, unless the member has filed a statement of financial interests with the secretary of state.
- III. Statements of financial interests shall contain the following information:
 - (a) The name, address, and type of any professional, business, or other organization in which the reporting individual was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year.
 - (b) The description of any debt and the name of the creditor for all debts in excess of \$5,000 owed by the reporting individual, as well as the description of any debt and the name of the debtor for all debts in excess of \$5,000 owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done work for or business with the state in the preceding calendar year. Loans issued by financial institutions whose normal business includes the making of loans of the kind received by the reporting individual, and which are made at the prevailing rate of interest and in accordance with other terms and conditions standard for such loans at the time the debt was contracted need not be disclosed. Debt issued by publicly-held corporations and purchased by the reporting individual on the open market at the price available to the public need not be disclosed.
- IV. The statement of financial interests shall be completed by typewriting or hand printing, and shall be verified, dated, and signed by the reporting individual personally. It shall be submitted on a form prescribed by the secretary of state.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:6

12-G:6 Disqualification of Member. – If any director, or the spouse or issue of any director, shall be interested either directly or indirectly or shall be a director, officer, or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract or other matter with the authority, including any loan to any eligible mortgagor or loan to or purchase of any loan from any lending institution, such interest shall be disclosed to the board and shall be set forth in the minutes of the board. The member having such interest shall not participate on behalf of the authority in any proceedings or decision relating to such contract or matter.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:7

12-G:7 Duties. –

- I. The authority assumes from the commission and shall perform the following duties:
- (a) Monitoring the proposed closing of Pease Air Force Base.
 - (b) Conducting a comprehensive study of all issues related to the closure, conversion, redevelopment, and future use of Pease Air Force Base. This study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment, and quality of life of the affected communities, the seacoast region, and the state.
 - (c) Reviewing all options relative to the most appropriate use of Pease Air Force Base.
 - (d) Formulating and adopting a comprehensive plan for conversion and redevelopment of Pease Air Force Base and submitting this plan to the federal authorities no sooner than 30 days following submission to the appointing authorities.
 - (e) Submitting the comprehensive plan for the conversion and redevelopment of Pease Air Force Base to the appropriate agency or agencies of the federal government.
- II. The authority shall at all times act in a manner which is consistent with the public good and pursuant to this chapter shall seek to implement the comprehensive plan for the conversion and redevelopment of Pease Air Force Base identified in paragraph I.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:7-a

12-G:7-a Payments for Centralized Business Services. – For the fiscal year ending June 30, 2010 and for each fiscal year thereafter, the authority shall pay the department of administrative services its portion of indirect costs for centralized business services, as determined by the statewide indirect cost allocation plan for the authority, including the division of ports and harbors.

Source. 2009, 144:233, eff. July 1, 2009.

Section 12-G:8

12-G:8 Incorporation; Powers. –

The authority shall have all of the powers necessary or convenient to carry out the purposes and provisions of this chapter, including the power:

I. To sue and be sued in all courts and to initiate or participate in actions and proceedings, whether judicial, administrative, arbitral, or otherwise.

II. To have a seal, and to alter such seal at pleasure and to use it by causing it or a facsimile to be affixed or impressed or reproduced in any manner.

III. (a) To employ or retain as independent contractors architects, engineers, attorneys, accountants, and such other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law or personnel or civil service rule of the state, to prescribe their duties and qualifications, and to fix and pay their compensation, if any.

(b) To appoint qualified individuals to serve as unpaid volunteers or advisors under such terms and conditions as it may deem necessary. Such volunteers or advisors may be reimbursed for such incidental expenses determined by the board to be necessary and incurred while performing the business of the authority.

IV. To purchase, receive, take by grant, gift, devise, bequest, or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with property or any interest therein, whether tangible or intangible, for its purpose.

V. To sell, convey, lease, exchange, transfer, abandon, or otherwise dispose of, or mortgage, pledge, or create a security interest in, all or any of its airport or division property or any interest therein, except that no real property of the division may be sold, conveyed, exchanged, transferred, or otherwise disposed of, except by license, lease, or other agreement subject to a term of not more than seven years, without the prior approval of the governor and the executive council.

VI. To apply for and accept gifts, loans, grants, property, funds, money, materials, labor, supplies, or services from the United States of America or its agencies or departments or any state agency or any political subdivision of the state, or any other person, to carry out the terms and provisions of, or make agreements with respect to, any such gifts, loans, or grants, and to do any and all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or disposing of such gifts, loans, or grants.

VII. To purchase, take, receive, subscribe for, or otherwise acquire, hold, make a tender offer for, vote, employ, sell, lend, lease, exchange, transfer, or otherwise dispose of, mortgage, pledge, or grant a security interest in, use, or otherwise deal in and with, bonds and other obligations, shares, or other securities or interests therein issued by others, whether engaged in a similar or different business or activity.

VIII. To make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic, provided that no contract in excess of \$10,000, including contracts under paragraphs III and XV but excluding contracts and agreements entered into under paragraph V, shall be made without requests for proposal. This requirement may also be eliminated by an affirmative vote of 5 members of the board on any particular matter.

Justification for eliminating the requirement shall be recorded in the minutes of the meeting.

IX. To borrow money for purposes not related to division property or division projects at such rate or rates of interest as the authority may determine, issue its notes, bonds, or other obligations

to evidence such indebtedness, and secure any of its obligations by mortgage or pledge of all or any of its airport property or any interest therein, tangible or intangible, whether then owned or thereafter acquired.

X. To arrange for guaranties of its notes, bonds, or other obligations pursuant to RSA 12-G:31 by the federal government or by any private insurer or otherwise, and to pay any premiums therefor.

XI. To issue such notes, bonds, or other obligations, whether or not the income therefrom to the holders is exempt from federal income taxation.

XII. To purchase notes, bonds, or other obligations of the authority at such price or prices, in such manner, and upon such terms as the authority may determine.

XIII. To invest and reinvest its funds, and take and hold property as security for the payment of funds so invested.

XIV. To procure insurance against any loss in connection with its airport or division property or projects in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums therefor. Nothing in this paragraph shall be construed as a waiver of the sovereign immunity of the state except as authorized under RSA 491:8.

XV. To enter into and perform contracts and agreements, whether or not they may be deemed to constitute indebtedness under applicable law, for the joint and separate planning, financing, construction, purchase, operation, maintenance, use, sharing costs of, ownership, mortgaging, leasing, sale, disposal of, or other participation in facilities, products, or services of any person who engages in business on property owned or controlled by the authority.

XVI. To maintain a principal office in the state and an office or offices at such other place or places as it may determine.

XVII. To make any inquiry, investigation, survey, feasibility study, or other study which the authority may deem necessary to enable it to carry out effectively the provisions of this chapter.

XVIII. To apply to the appropriate agencies and officials of the federal government and the state for licenses, permits, or approvals of its plans, airport projects, or division projects as it may deem necessary or advisable, and to accept such licenses, permits, or approvals as may be tendered to it by such agencies or officials, upon such terms and conditions as it may deem appropriate.

XIX. To make bylaws and establish committees for the management and regulation of its affairs as it may deem necessary, and subject to agreements with bondholders, to make rules pursuant to its own procedures for the use of its airport projects and property and division projects and property, including but not limited to zoning, subdivision, and site plan review regulations, and building, electric, plumbing, and fire codes, and to establish and collect rentals, fees, and all other charges for the use of projects under the jurisdiction of the authority and for services or commodities sold, furnished, or supplied by the authority.

XX. To design, construct, maintain, operate, improve, and reconstruct such airport projects and division projects as shall be consistent with the purposes and provisions of this chapter, including without limitation the maintenance and development of aviation and port services, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, piers, wharves, docks, navigation aids, and all facilities necessary or convenient in connection with any such airport project or division project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon, all on such terms and conditions as the authority may determine.

XXI. To take such other action as it may deem necessary and advisable in the furtherance of the purposes of this chapter.

Source. 2001, 290:6. 2003, 242:7. 2005, 269:5, eff. Jan. 1, 2006.

Section 12-G:9

12-G:9 General Authority Power. – In addition to the powers and duties specifically enumerated in RSA 12-G:7, RSA 12-G:8, and RSA 12-G:42, the authority shall have every power enumerated in the laws of the state granted to the authority, the division, the executive director, the division director, the port authority, or any administrative unit of the authority.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:10

12-G:10 Repealed by 2008, 356:12, I, eff. July 11, 2008. –

Section 12-G:11

12-G:11 Status of Authority Employees; Entitlement to State Benefits; Reimbursement of Costs. –

I. Except for any classified employee as provided in paragraph IV, the authority may hire, fix, and pay compensation, prescribe duties and qualifications, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. Except for any classified employee of the division, the employees of the authority shall not be classified employees of the state within the meaning of RSA 21-I:49. Except for any classified employee of the division, any individual employed by the authority shall be an employee at will and shall serve at the pleasure of the authority.

II. Notwithstanding any other provision of law, any nonclassified employee's service with the authority, including employment with the authority prior to the effective date of this paragraph, shall be credited to such employee as continuous state service for all purposes, including without limitation rate of pay, determination of seniority and years of state service, longevity pay, and annual, sick, or other forms of leave.

III. Notwithstanding the provisions of paragraph I, any individual employed by the authority, except for any classified employee of the authority, whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state. Upon election by such individual, the authority shall pay from its revenues the state's share of such benefits. Any remaining costs of health, dental, life insurance, deferred compensation, and retirement benefits which an individual elects to receive pursuant to this section, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the authority. This paragraph shall not apply to any classified employee of the division.

IV. The state classified positions of the port authority shall be transferred to the authority when the duties, functions, and jurisdiction of the port authority are transferred to the authority. Any person employed in such a position at the time of such transfer or at any time subsequent thereto shall be deemed a classified employee of the division. All classified employees of the division shall be classified employees of the state of New Hampshire within the meaning of RSA 21-I:49 and shall be subject to all requirements, and be entitled to all benefits and emoluments, of the state personnel system. Nothing herein shall preclude the general court from increasing or decreasing the number of classified positions within the division.

V. Any person holding or appointed to the position of chief harbor master or deputy chief harbor master shall be a certified police officer and a group II member of the state retirement system. If such person is not a member of the state retirement system at the time of employment as chief harbor master or deputy chief harbor master, such person shall become immediately upon appointment a member of the retirement system subject to the requirements of such system then in effect.

VI. Notwithstanding any other provision of law, the authority or the executive director may assign as necessary any employee of the authority with appropriate skills and training to perform any responsibility, task, or duty assigned by statute to the authority or the division, including without limitation, on a temporary basis, any responsibility, task, or duty previously or otherwise assigned to any classified employee of the division. To the extent that the wages, salary, benefits, or other expenses, including without limitation reasonable overhead expenses, of any employee of the authority assigned to carry out any responsibility, task, or duty of the division are paid from the fund established under RSA 12-G:36 or revenues of the authority other than division revenues, such fund or other source of revenue shall be reimbursed for the cost of such wages, salary, benefits, and other expenses, including without limitation reasonable overhead expenses, from funds drawn from the fund established under RSA 12-G:37 and, to the extent authorized, from the fund established under RSA 12-G:46. The executive director of the authority, subject to the approval of the board, is authorized to determine and fix, as necessary, rates of reimbursement.

Source. 2001, 290:6. 2002, 110:1. 2008, 356:1, eff. July 11, 2008.

Section 12-G:12

12-G:12 Coordination Between State and Federal Governments. –

I. In addition to any other duties set forth in any provision of this chapter, the authority shall coordinate with, and provide information to, the United States Department of Defense, and any official or employee thereof, regarding any matter related to the ownership, condition, closure, conversion, redevelopment, or future use or operation of Pease Air Force Base. Notwithstanding any other provision of law, no political subdivision of the state shall submit any plan regarding the closure, conversion, redevelopment of future use, or operation of Pease Air Force Base without the prior approval of the authority.

II. Notwithstanding any provision of law, except for the authority, no political subdivision or any agency of the state or governmental unit thereof, may apply for or receive pursuant to any provision of federal law any funds, grants, or other assistance from the Office of Economic Adjustment within the United States Department of Defense relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior approval of the authority.

Except for the authority, no state political subdivision, or any agency or governmental unit thereof, shall apply for or receive any funds, grants, or other assistance from any agency of the federal government relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior notification to the authority. The provisions of this paragraph shall not apply to the adjutant general or to school administrative units for the city of Portsmouth or the town of Newington.

III. Except for the adjutant general and notwithstanding any other provision of law, the authority shall be the only person in the state authorized to negotiate, purchase, or otherwise obtain on behalf of the state or any of its political subdivisions any fee ownership, easement, lease, or other property interest in any property in, or on a part of, Pease Air Force Base, except that the town of Newington may negotiate for and reacquire from the federal government the "Old Stone School" and associated yard located on Nimble Hill Road and the city of Portsmouth may negotiate for and acquire Jones School and Brackett School and associated yards located on Northwood Road and Rockingham Drive, respectively. The board may grant exemptions in its sole discretion from this provision to any state agency or political subdivision on such terms and conditions as it may deem appropriate.

IV. Notwithstanding any other provision of law, the authority shall be the only person authorized in the state to accept on behalf of the state or any of its political subdivisions any title to, or any other interest in, the runway, taxiways, parking aprons, hangars, control tower, airspace, or other property or related facilities at Pease Air Force Base, from the United States pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. app. Section 1622(g)), as amended.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:13

12-G:13 Local Land Use Controls. –

I. Notwithstanding any other provision of law, any and all land use controls of the town of Newington and the city of Portsmouth shall not apply to any of the property at Pease Air Force Base transferred, conveyed, or otherwise granted to the authority by the federal government or any agency thereof. The authority shall have the exclusive jurisdiction in adopting and establishing land use controls for the property at Pease Air Force Base transferred, conveyed, or otherwise granted to the authority by the federal government or any agency thereof.

II. The authority shall adopt land use controls including, without limitation, regulations to establish zones, building codes, subdivision regulations, site plan review, and fire codes in order to implement the comprehensive conversion and redevelopment plan prepared by the commission no later than December 31, 1991. All land use controls and amendments to such controls shall be enacted in accordance with rules of procedure adopted by the authority and shall include at least one public hearing. In order to adopt, amend, interpret, or override any land use control, 5 affirmative votes of the authority shall be required. All land use controls enacted by the authority shall be filed in the Rockingham county registry of deeds, the clerk's office for the town of Newington, the clerk's office for the city of Portsmouth, and the New Hampshire office of planning and development. This paragraph shall not apply to any division property or projects listed on the inventory required under RSA 12-G:43, I(e).

III. In adopting land use controls, the authority may adopt, in whole or in part, the land use

controls of the town of Newington and/or the city of Portsmouth. If the authority opts not to adopt the land use controls of Newington and/or Portsmouth, in whole or in part, the authority shall adopt its own land use controls which are consistent with the comprehensive conversion and redevelopment plan prepared by the commission and consistent with the master plans of the town of Newington and the city of Portsmouth. This paragraph shall not apply to any division property or projects listed on the inventory required under RSA 12-G:43, I(e).

IV. The land use controls and any amendments to them adopted by the authority shall only apply to all airport property at Pease Air Force Base acquired by the authority from the federal government or any agency thereof, and shall remain applicable and enforceable after the sale, lease, assignment, or other transfer of any or all of such property to such person by the authority. All other property at Pease Air Force Base shall be subject to all land use controls of the municipalities in which such property is located. This paragraph shall not apply to any division property or projects listed on the inventory required under RSA 12-G:43, I(e).

V. With the exception of the airport zone and that portion of the airport industrial zone acquired by the authority pursuant to the Surplus Property Act of 1944, section 13(g), in the enforcement of land use controls, the following shall apply to property located at Pease Air Force Base:

(a) The authority shall delegate enforcement of the land use controls to the appropriate land use boards of the town of Newington and the city of Portsmouth for airport property within each municipality, respectively.

(b) If the town of Newington or the city of Portsmouth, as appropriate, rejects the enforcement on the basis of Part I, Art. 28-a of the New Hampshire constitution, the authority may delegate such enforcement to the community which did not reject it or to another community. If the town of Newington and/or the city of Portsmouth elects to perform said enforcement, the building inspection services, zoning enforcement services, and planning services of Portsmouth and/or Newington shall be made available to the authority for all land within the authority's control. In addition, the building code boards of appeal, the zoning boards of adjustment, and the planning boards of the respective municipalities shall process building code appeals, administrative appeals, special exception and variance requests, as well as subdivision, site plan review, and conditional use applications. The only charge that may be made for such services shall be the standard application fees charged by the municipalities for local permits.

(c) In all instances, the authority shall retain the power to make the final decision regarding applicability, interpretation, and enforcement of its land use controls, which shall require 5 affirmative votes.

(d) Any action of the authority in the exercise of its powers under this section shall be subject to a motion for rehearing and appeal in accordance with the appropriate provisions of RSA 677. In addition to any other person deemed to be an aggrieved person, the city of Portsmouth and the town of Newington and any abutters shall have standing to appeal land use decisions made by the authority.

(e) Any property located at the former Pease Air Force Base which is sold, leased, or otherwise conveyed by the United States government to any person other than the state of New Hampshire or one of its political subdivisions shall be in full compliance with all applicable municipal land use regulations, building codes, electrical codes, plumbing codes, and related codes prior to being occupied for any use by any person.

VI. The authority, after notice and hearing and in addition to any contract right or other power, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of the authority's land use controls applicable to the airport zone or that

portion of the airport industrial zone acquired by the authority pursuant to the Surplus Property Act of 1944, section 13(g). The proceeds of any administrative fine levied pursuant to this section shall be deposited in the Pease Development Authority Airport Fund. The authority shall adopt rules relative to:

- (a) A schedule of administrative fines which may be imposed under this paragraph for violations of the authority's land use controls as provided in this paragraph;
- (b) Procedures for notice and hearing prior to imposition of an administrative fine; and
- (c) Procedures for rehearings and appeals to the board.

Any final action by the board in the exercise of the authority's powers under this section shall be subject to appeal in accordance with RSA 677.

VII. Notwithstanding any provisions of this section, all property on Pease Air Force Base west of McIntyre Road shall be designated a wildlife preserve under the control of the United States Department of the Interior, United States Fish and Wildlife Service, National Wildlife Refuge, or other appropriate federal or state agency. Except for the establishment of a national veteran cemetery, the authority shall not permit the development of the property designated a wildlife refuge or preserve.

VIII. In any event, regulatory power over all land use controls at Pease Air Force Base, except for the airport district and all property west of McIntyre Road designated as a wildlife preserve, shall revert exclusively to the municipalities no later than January 1, 2050, or sooner at the election of the authority.

Source. 2001, 290:6. 2003, 319:9. 2004, 257:44. 2012, 182:2, eff. Aug. 10, 2012. 2017, 156:64, eff. July 1, 2017. 2021, 91:198, eff. July 1, 2021.

Section 12-G:14

12-G:14 Limitations on State and Local Taxation; Provision of Services. –

I. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the state, for their well-being and prosperity, and for the improvement of their social and economic conditions, and, except as provided in paragraph II, the authority shall not be required to pay any tax or assessment on any property or project owned by the authority under the provisions of this chapter or upon the revenues from such property or project, nor shall the authority be required to pay any recording fee or transfer tax of any kind on account of instruments recorded by it or on its behalf. Nothing in this section shall be construed to exempt any transferee, lessee, or tenant of the authority from paying any recording fee, transfer tax, or other tax required by state law.

II. All airport property within the boundaries of Pease Air Force Base but outside of the airport district located thereon that is owned or occupied by a person, other than the authority or any other entity exempted from taxation under RSA 72:23, shall be taxable by the municipality in which the property is located as though such property were not owned by the exempt entity and were held in fee simple. Upon leasing or renting by the authority of any of its airport property outside the airport district to a non-exempt entity for any use, the municipality in which such property is located shall subject such property to any and all applicable property taxes of the municipality as though such property were not owned by the state or authority and were held in fee simple. Tax payments shall be made as follows:

- (a) In the case of such airport property rented from the authority, the renter shall pay, in lieu of

real estate taxes, to the municipality in which the property is located an amount equal to the amount that would have been paid as ad valorem taxes in respect to such property, had it been owned by a nongovernmental person.

(b) In the case of such airport property leased from the authority, the lessee of such property shall pay all taxes duly assessed against such property no later than the due date. If the lessee fails to pay such duly assessed taxes by the due date:

(1) Interest shall accrue on the unpaid taxes at a rate of 18 percent per annum from the due date until such taxes are paid;

(2) The municipality in which the leased airport property is located shall have a lien, subordinate only to any existing lien of the authority or the state, upon any personal property including, but not limited to, equipment owned by the lessee, which lien shall continue in force from the due date until the taxes and accrued interest are paid; and

(3) The municipality may bring suit against the lessee in any court of competent jurisdiction for the recovery of any unpaid taxes and interest, together with reasonable attorney's fees and costs.

(c) Such tax payments shall be made at the times and in the manner prescribed for ad valorem property taxes for nongovernmental persons and shall be based on the valuation of the property determined by the respective municipality for such purpose, subject to any equalization or proportionality factor to be applied within such municipality. If the lessee or authority determines that any valuation made by a municipality is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

III. For all airport property within the boundaries of Pease Air Force Base and within the airport district that is owned, leased, or occupied by a person, other than the authority, who is subject to the payment of a municipal services fee in lieu of real estate taxes for the provision of services by or on behalf of the authority which are traditionally provided by the town of Newington and/or the city of Portsmouth, and to the extent such municipal services fee is based in whole or in part on the valuation of the property by the respective municipality for such purpose, subject to any equalization or proportionality factor to be applied within such municipality, if the lessee or authority determines that any valuation made by a municipality is excessive, it may seek a reduction of the valuation by following the procedures prescribed in RSA 76 for the abatement of taxes.

IV. Notwithstanding any other provision of law:

(a) Security for all land and buildings within the airport district and security for all flights at Pease Air Force Base shall be provided by the authority. All other police services within the airport district shall be provided by the municipalities. Any municipality providing police services to the authority within the airport district shall be reimbursed in timely manner pursuant to a contract with the authority for all costs incurred by the municipality in providing such services, including but not limited to, salaries, benefits, insurance, equipment, and associated administrative expenses.

(b) The provision of all other services to land, buildings, and people in the airport district which are traditionally provided by the town of Newington and/or the city of Portsmouth shall be exclusively the responsibility of the authority. These services shall include, but not be limited to, the provision of fire protection, roadway maintenance, runway and parking apron maintenance, maintenance of all underground storage facilities, public assistance, public education, and public utilities. In accordance with the provisions of RSA 12-G:8, VIII, the authority may contract with any person for the provision of these services.

(c) Outside of the airport district the provision of the municipal services by the towns of

Greenland and Newington and the cities of Portsmouth and Rochester shall be governed by the general law of the state and the other provisions of this chapter.

V. Notwithstanding any other provision of law, all property formerly held by the port authority and transferred to the authority, or acquired by the authority pursuant to RSA 12-G:39, is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision thereof; provided that in lieu of such taxes the authority shall make payments to the city of Portsmouth in the amount of \$30,000 annually for the tax year commencing April 1, 2001, and each subsequent tax year for highway maintenance, fire protection, and other services.

VI. Notwithstanding any other provision of law, all property formerly held by the department of transportation and transferred to the authority, or acquired by the authority pursuant to this chapter, including property that is leased to or occupied by a person, other than the authority or any other entity exempted from taxation under RSA 72:23 is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision thereof, including any property tax assessed by the municipality in which the property is located; provided such property is used for airport or aeronautical related purposes.

Source. 2001, 290:6. 2009, 113:8, 9. 2011, 224:326, eff. July 1, 2011.

Section 12-G:15

12-G:15 Distribution of Excess Revenues. –

I. Subject to the limitations contained in RSA 12-G:2, XV, excess revenues of the authority may be distributed by the board annually within 30 days of the end of the authority's fiscal year as follows:

(a) 50 percent to the state treasurer for deposit in the general fund.

(b) 50 percent to the town of Newington, the town of Greenland, and the city of Portsmouth, to be distributed based upon the ratio of the equalized assessed value of the real property within the boundaries of Pease Air Force Base, but not including the airport district, located within the town or city limits of each municipality to the total equalized assessed value of all such property.

II. Before any excess revenues are distributed pursuant to subparagraphs I(a) and (b), the authority shall reimburse in full on a pro rata basis the state, the town of Newington, and the city of Portsmouth for all funds provided to the commission or authority since March 30, 1989.

III. The annual report prepared by the authority pursuant to RSA 12-G:29 shall include a detailed explanation of any distribution of excess revenues made pursuant to this section or of any decision by the board not to make such distribution.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:16

12-G:16 Limited Liability of State and Municipalities. –

I. Except as provided in paragraphs II and III of this section, all obligations and liabilities incurred by the authority related to airport property or airport projects, whether arising from bonds, contracts, or otherwise, shall be corporate obligations of the authority and not general obligations of the state or any political subdivision thereof, and neither the full faith and credit

nor the taxing power of the state, nor any subdivision thereof is pledged to support such obligations, except as provided in RSA 12-G:31, nor shall they be deemed a debt of the state or any political subdivision thereof in determining its borrowing capacity under any applicable law.

II. Any agreement between the United States and any agency thereof and the authority shall constitute a binding agreement between the United States and the state. Any agreement between the United States and the authority obligating the state to expend funds may be satisfied in full by revenues, bond proceeds, or other funds provided by the authority in the first instance, and if such funds are insufficient, then the obligations shall be satisfied by the state from other funds. Furthermore, any agreement between the United States and the authority requiring payment of funds by the authority to purchase any property at Pease Air Force Base shall be satisfied in full by revenues, bond proceeds, or other funds provided by the authority, and such payment shall not require a pledge of the full faith and credit of the state, except as otherwise provided under RSA 12-G:31.

III. All obligations and liabilities incurred by the authority related to division property or division projects, whether arising from bonds, contracts, or otherwise, shall be general obligations of the state of New Hampshire.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:17

12-G:17 Issuance of Bonds. – The authority may issue bonds which shall be obligations of the authority and not general obligations of the state, except as provided in RSA 12-G:31. Such bonds may be issued from time to time consistent with the purposes and provisions of this chapter, including, without limitation, financing the preacquisition costs and other costs of acquisition of any property or interest therein at Pease Air Force Base, or for any costs incurred in undertaking any airport project authorized by this chapter, or for paying or refunding any bonds issued pursuant to this section or interest thereon. The principal of, and premium, if any, and interest on all bonds shall be payable solely by the authority in accordance with the provisions of this chapter. Prior to each new issuance of bonds, the authority shall provide written notice to the state treasurer of the maximum amount of bonds proposed to be issued. The bonds shall be issued by the authority in such amounts as the board shall determine, not exceeding in the aggregate \$250,000,000. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate, or other method as may be determined by the board, and shall mature at such time or times as may be determined by the board, except that no bonds shall mature more than 30 years from their date of issue. Bonds may be made redeemable before maturity either at the option of the authority or at the option of the holder, or upon the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the board prior to the issuance of the bonds. The board shall determine the form and details of the bond. Subject to RSA 93-A, the bonds shall be signed by at least 4 members of the board. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest as the board may determine.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:18

12-G:18 Security Documents. – Any bonds issued pursuant to RSA 12-G:17-28 may be issued pursuant to and entitled to the benefits of a security document between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a security document directly between the authority and the purchasers of the bonds, and such security document shall be in such form and executed in such manner as may be determined by the board. Such security document may include the mortgage, pledge, or grant of a security interest in any airport property of the authority and may pledge or assign, in whole or in part, the revenues held or to be received by the authority, excluding any division revenues, any contract or other rights to receive the revenues, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the authority, and any proceeds thereof, excluding any division revenues. Such security documents may contain provisions for protecting and enforcing the rights, security, and remedies of the bondholders as may, in the discretion of the board, be reasonable and proper and not in violation of law. Such security documents may include provisions defining defaults and providing for remedies in the event of defaults, which may include the acceleration of maturities and the enforcement of any mortgage, pledge, or security interest, and covenants setting forth the duties of, and limitations on, the authority in relation to the custody, safeguarding, investment, and application of moneys, the issue of additional or refunding bonds, the fixing, revision, and collection of rates, charges, and other revenues, the use of any surplus bond proceeds, the establishment of reserves, the acquisition of any property or interest therein, or undertaking of any project, any contracts relating thereto, and subsequent amendments of such provisions and contracts. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues, or other moneys under a security document and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or credit facilities as may be required by the authority acting under RSA 12-G:17-28. Any such security document may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:19

12-G:19 Credit Facilities and Insurance. – Any bonds issued pursuant to RSA 12-G:17-28 may be issued pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements with the purchasers or makers thereof, as the board may determine to be in the best interests of the authority. In addition to other security provided herein or otherwise by law, bonds issued by the authority pursuant to RSA 12-G:17-28 may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the authority by any bank, trust company, or other financial institution, within or without the state, and the authority may make any pledge, mortgage, assignment, or security interest in respect of its airport property and revenues other than division revenues as security for the reimbursement by the authority to the issuers of such letters or lines of credit, insurance, or credit facilities or any payments made thereunder.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:20

12-G:20 Perfection and Priority of Mortgage, Pledge, or Security Interest.

— Any mortgage, pledge, or security interest made by the authority under RSA 12-G:17-28 shall be valid and binding and shall be deemed continuously perfected for the purposes of RSA 382-A and all other laws from the time when the mortgage, pledge, or security interest is made. The airport property or revenues other than division revenues so mortgaged, pledged, or subjected to a security interest then held or thereafter acquired or received by the authority shall immediately be subject to the lien of such mortgage, pledge, or security interest without any physical delivery or segregation thereof or further act. The lien of such mortgage, pledge, or security interest shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. No such property or revenues may be used in a manner inconsistent with the terms governing such mortgage, pledge, or securities interest. Any agreement by which a pledge or security interest in personal property is created under RSA 12-G:17-28 shall be filed or recorded in the records of the secretary of state. Any mortgage or other agreement by which a security interest in real property is created under RSA 12-G:17-28 shall be filed with the register of deeds for Rockingham county.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:21

12-G:21 Enforcement of Rights. — Any owner of a bond issued under the provisions of RSA 12-G:17-28 and any trustee under a security document securing the same, except to the extent the rights given in this section may be restricted by such security document, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state granted hereunder or under such security document and may enforce and compel performance of all duties required by this chapter or by such security document to be performed by the authority or by any director or officer of the authority.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:22

12-G:22 Refunding Bonds. — The authority, when authorized by the board, may issue refunding bonds for the purpose of paying any bonds issued under the provisions of RSA 12-G:17-28 at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the bonds being refunded as the board may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the

refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a security document securing the bonds. The authorization and issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties, and obligations of the authority in respect to the same shall be governed by the provisions of RSA 12-G:17-28 relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:23

12-G:23 Separate Funds. — Any debt service fund, construction fund, debt service reserve fund, or other fund established in connection with the issuance of bonds pursuant to RSA 12-G:17-28 shall be kept separate from other moneys of the authority. The moneys deposited in any such funds, together with the income derived from any investments held as part of such funds, shall be expended without further authorization or appropriation as provided for in the security document establishing such funds.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:24

12-G:24 Investment of Funds. — Moneys in any fund or account created under the provisions of RSA 12-G:17-28, subject to the terms and provisions of any security document applicable thereto, may be invested. Except as otherwise provided by any such security document, obligations so purchased as an investment of money in said fund or account shall be deemed at all times to be part of said fund or account, and the interest thereon and any profit arising from the sale thereof shall be credited to said fund or account, and any loss resulting on their sale shall be charged to said fund or account, respectively.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:25

12-G:25 Alteration of Rights of Bondholders. — The state does hereby pledge to and agree with the holders of bonds issued RSA 12-G:17-28 that the state shall not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements made with the said holders of such bonds or in any way impair the rights and remedies of such holders until such bonds, together with the interest on them, with the interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:26

12-G:26 Tax Exemption. – Bonds issued pursuant to RSA 12-G:17-28 and their transfer and income, including any profit made on their sale or transfer, shall at all times be exempt from all taxation by or within the state.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:27

12-G:27 Investment Securities. – Notwithstanding any of the provisions of RSA 12-G:17-28 or any recitals in any bonds issued pursuant to RSA 12-G:17-28, all such bonds shall be deemed to be investment securities under RSA 382-A.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:28

12-G:28 Eligible Investments. – Bonds issued under the provisions of RSA 12-G:17-28 are hereby made securities in which all public officers, agencies and authorities of the state and of its political subdivisions, insurance companies, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency, authority, or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state or any political subdivision is now or may hereafter be authorized by law.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:29

12-G:29 Audit and Annual Reports. – The accounts of the authority shall be subject to an annual audit performed by an independent certified public accountant selected by the authority. The authority shall submit annually to all appointing authorities, to the house finance committee, the senate finance committee, the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library a detailed report of its operations and a complete financial audit for the preceding fiscal year, including financial statements prepared in accordance with generally accepted accounting principles.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:30

12-G:30 Repealed by 2008, 356:12, II, eff. July 11, 2008. –

Section 12-G:31

12-G:31 State Bond Guarantee. –

I. In view of the general public benefits expected to be derived from the airport property acquisitions and airport projects to be financed under this chapter, and their contribution to the social and economic prosperity of the state and its political subdivisions, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued pursuant to RSA 12-G:17-28. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$ 70,000,000, plus interest. The governor, with the advice and consent of the council, is authorized to draw a warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

II. In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use of any airport property or operation of any airport project and the revenues therefrom, and reimbursement to the state if any state funds are used to honor the guarantee. Such terms and conditions may be contained in an agreement between the state and the authority, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the authority by at least 4 directors.

III. In lieu of a state guarantee under this section, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding the total state bond guarantee authorized in paragraph I to make a loan or loans to the authority for the purposes of this chapter relating to airport property and airport purposes, and issue general obligation bonds or notes in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Not later than December 1, 2008, the authority shall make payment to the state for \$10,000,000. The principal amount of bonds of the authority that may be guaranteed by the state under paragraph I shall be reduced by the amount of bonds issued by the state under this paragraph.

Source. 2001, 290:6. 2008, Sp. Sess., 1:5, 6, eff. June 10, 2008.

Section 12-G:32

12-G:32 Operating Budget. – The authority shall comply with the requirements of RSA 9:1 through 9:9, relative to the budget. The authority shall include in its biennial estimate of the expenditure requirements of the division of ports and harbors a separate line item titled

"Reimbursement to Pease Development Authority for Services" and request a reasonable estimated amount to cover such costs as necessary.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:33

12-G:33 Repealed by 2019, 346:164, I, eff. July 1, 2019. –

Section 12-G:34

12-G:34 Pease Matching Grants. – Notwithstanding any other provision of law, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$5,000,000 to make a loan or loans to the authority to be used for the purposes of matching funds for Federal Aviation Administration grants, Economic Development Administration grants, and other available grants. General obligation bonds and notes shall be issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any such loan shall be determined by the state treasurer and the governor and council may impose such other conditions as they may deem appropriate. Payments of principal and interest on the bonds or notes issued under this paragraph shall be made when due from available funds of the authority.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:35

12-G:35 Repealed by 2019, 346:164, II, eff. July 1, 2019. –

Section 12-G:36

12-G:36 Pease Development Authority Airport Fund; Expenditure of Other Revenues. –

I. For the purpose of providing a fund to be known as the Pease Development Authority Airport Fund, the state treasurer shall credit to such fund any appropriation made to the authority for each fiscal year excluding division revenues and any appropriation related to the division, division property, a division project, or any activity of the division.

II. All sums so credited are appropriated to the authority:

- (a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise deal in and with airport property, an airport project, or any interest therein, whether tangible or intangible, as otherwise authorized under this chapter;
- (b) To pay the costs of operating, maintaining, improving, and repairing all airport property and airport projects of the authority;
- (c) To pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive director but excluding any such costs related to administering and operating the division, division

property, or any division project;

(d) To pay the principal of, and premium, if any, and the interest on the outstanding bonds of the authority related to airport property or airport projects as the same become due and payable;

(e) To create and maintain reserves established pursuant to RSA 12-G:18 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority related to airport property or airport projects;

(f) To create and maintain a capital improvement fund for airport property and airport projects to be established by the board in an amount not more than \$10,000,000;

(g) To pay all taxes owed by the authority related to airport property or airport projects;

(h) To pay any excess revenues authorized pursuant to RSA 12-G:12; and

(i) In general for the payment of all expenses incident to the management and operation of the authority, excluding such expenses related to the management and operation of the division, division property, or any division project, as are consistent with its statutory purpose and as the board thereof may from time to time determine.

III. This fund shall constitute a continuing appropriation for the benefit of the authority. Any amount remaining in this fund to the credit of the authority at the close of any fiscal year shall be nonlapsing and shall be carried over and credited to its account for the succeeding year.

IV. Money in this fund shall be paid to the treasurer of the authority on manifests approved by the governor and council in the same manner as other state claims are paid, provided that there shall be advanced to the treasurer such money as may be requested by the treasurer of the authority and approved by the governor and council, and provided further that manifests covering the money so advanced shall be submitted according to regular procedure at the earliest practicable time.

V. The revenues received and due to the authority from all other sources, except by way of state appropriation or division revenues, from whatever source derived shall be retained by the authority and shall be used in such manner as the board may determine consistent with the provisions of this chapter or as is otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest, trust, or security document.

VI. Notwithstanding any other provision of law, no revenues of the authority other than division revenues shall be used for or paid on account of any obligation or liability of the authority related to or arising out of the ownership, operation, or maintenance of the division, division property, or any division project.

Source. 2001, 290:6, eff. July 1, 2001.

Section 12-G:37

12-G:37 Pease Development Authority Ports and Harbors Fund. –

I. For the purpose of providing a fund to be known as the Pease Development Authority Ports and Harbors Fund, the state treasurer shall credit to such fund any appropriation made to the authority for each fiscal year relating to the division, division property, a division project, or any activity of the division, except any appropriation made to the harbor dredging and pier maintenance fund in accordance with RSA 12-G:46.

II. All sums so credited are appropriated to the authority for the benefit of the division:

(a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise deal in and with division property, a division project, or any interest therein, whether tangible or

intangible, as otherwise authorized under this chapter;

(b) To pay the costs of operating, maintaining, improving, and repairing all division property and division projects;

(c) To pay all costs as allocated by the authority for administering and operating the division, including, but not limited to, all wages, salaries, benefits, and other expenses authorized by the board, the executive director, the division director, or other provision of law, including without limitation, reimbursement of the fund established under RSA 12-G:36 or any other source of revenue of the authority other than division revenues to the extent that the wages, salary, benefits, or other expenses, including without limitation reasonable overhead expenses, of any employee of the authority assigned to carry out any responsibility, task, or duty of the division are paid from the fund established under RSA 12-G:36 or from revenues of the authority other than division revenues;

(d) To pay the principal of, and premium, if any, and the interest on any outstanding bonds of the state related to division property or division projects as the same become due and payable;

(e) To create and maintain reserves required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority related to division property or division projects;

(f) To pay all payments in lieu of taxes owed by the authority, if any, related to division property or division projects; and

(g) In general for the payment of all expenses incident to the management and operation of the division, division property, or division projects as are consistent with its statutory purpose and as the board may from time to time determine.

III. This fund shall constitute a continuing nonlapsing appropriation for the benefit of the division.

IV. Money in this fund shall be paid to the treasurer of the authority on manifests approved by the governor and council in the same manner as other state claims are paid, provided that there shall be advanced to the treasurer such money as may be requested by the treasurer of the authority and approved by the governor and council, and provided further that manifests covering the money so advanced shall be submitted according to regular procedure at the earliest practicable time.

V. Division revenues or any other revenues, other than revenues from or associated with airport property or airport projects, received and due to the authority shall be retained by the authority and shall be used for division property or division projects in such manner as the board may determine consistent with the provisions of this chapter or as is otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest, trust, or security document.

VI. Notwithstanding any other provision of law, no money in the fund shall be used for or paid on account of any obligation or liability of the authority related to or arising out of the ownership, operation, or maintenance of airport property or airport projects.

Source. 2001, 290:6. 2003, 242:20. 2008, 356:2, eff. July 11, 2008.

Section 12-G:38

12-G:38 Authorization to Seek Designation as Port of Entry or International Airport and to Establish Foreign Trade Zones. –

I. The authority shall be and is hereby authorized to make application to the Secretary of the

Treasury of the United States for the purpose of having Pease Air Force Base, or portions thereof, designated, established, or constituted, a port of entry, or an international airport, pursuant to the Customs Reorganization Act, 19 U.S.C. section 1 et seq., as amended, and 19 U.S.C. section 58b, as amended, and regulations of the United States Customs Service, including 19 C.F.R. section 101.0 et seq. and 19 C.F.R. section 122.1 et seq.

II. The authority shall be and hereby is authorized to make application to the Secretary of Commerce of the United States for the purpose of establishing, operating, and maintaining foreign-trade zones in the state of New Hampshire, including without limitation at Pease Air Force Base, pursuant to the Foreign Trade Zones Act, 19 U.S.C. section 81a et seq., as amended, providing for the establishment, operation, and maintenance of foreign trade zones in or adjacent to ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes. Unless precluded by federal law, any foreign trade zone previously under the jurisdiction of the former port authority, and all duties, responsibilities, and obligations associated therewith, shall be transferred to the authority when the duties, functions, and jurisdiction of the port authority are transferred to the authority.

III. The authority shall have full power and authority to select and describe the location of the zone for which application to establish may be made and to make such rules and take such other actions concerning the operation, maintenance, and policing of same as may be necessary to comply with the Foreign Trade Zones Act and the regulations adopted thereunder, or as may be necessary to comply with such regulations made in accordance with the acts of Congress relating to foreign trade zones. The authority hereby granted to the authority confers on the authority the right and duty to do all things necessary and proper to carry into effect the establishing, maintaining, and operating of foreign trade zones with the state of New Hampshire to comply with the provisions of any acts of Congress or rules promulgated thereunder relating to foreign trade zones. The authority shall also be authorized to set and collect fees for the management of any foreign trade zone established or maintained under this chapter.

IV. The authority shall have full power and authority to lease the right or to erect, maintain, and operate any structures or buildings or enclosures as may be necessary or proper for the establishing and operating of any such foreign trade zones that might be established at Pease Air Force Base or in the state of New Hampshire.

V. The authority shall have the power and the duty to establish areas at Pease Air Force Base and in and around the ports and state tidal waters wherein personal property in transit shall be exempt from the provisions of the stock-in-trade tax and such other taxes and customs as are normally levied in a port of entry. For the purpose of this section, personal property in transit through the areas established by the authority is defined as follows: goods, wares, and merchandise which is (a) moving in interstate or international commerce through or over the areas hereinbefore established, or (b) which was consigned to a warehouse, public or private, within the state, from outside the state, whether specified when transportation begins or afterward. Such property shall not be deprived of exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled, or repackaged. The exemption granted shall be liberally construed to effect the purposes of this chapter, provided, however, that the warehouse in which said goods, wares, or merchandise is stored shall not be owned, in whole or in part, by either the consignee or consignor.

Source. 2001, 290:6. 2003, 242:8. 2005, 269:6, eff. Jan. 1, 2006.

Acquisition and Management of Division Property

Section 12-G:39

12-G:39 Acquisition of Land for Port Purposes. – In addition to any other power or authority conferred on the authority under this chapter, the authority, with the approval of the governor and council, may, in the name of the state, purchase, lease, or otherwise acquire lands or interests in land, including options, on, near, or adjacent to the state tidal waters suitable for constructing, establishing, and maintaining thereon piers, wharves, docks, warehouses, or other facilities useful and necessary in the encouragement and development of commercial navigation. Before making any such purchase or acquisition, the authority shall submit to the governor and council a detailed description of the land or interests therein to be acquired, together with a statement of the purposes for which the property is suited and the cost of acquisition and estimated cost of development, as well as such other information as the governor and council shall require. The authority, with the approval of the governor and council, may accept gifts of land; and may in like manner accept and apply to the purchase of land or the development thereof, contributions, gifts, or aid in any form made or given for the purpose by any person, firm, or corporation, or by any municipality or by the United States, and may execute instruments necessary to qualify for such contributions, gifts, or aid. Any land or interest in land acquired by the authority pursuant to this section shall be considered division property and not airport property and shall not be included in the airport district.

Source. 2001, 290:6. 2003, 242:9. 2005, 269:7, eff. Jan. 1, 2006.

Section 12-G:40

12-G:40 Improvements. – The authority, with the approval of the governor and council as to the nature and specifications of the intended project and the cost thereof, may undertake the improvement of any land acquired by it pursuant to RSA 12-G:39 by the construction thereon of piers, wharves, docks, warehouses, or other facilities as specified in RSA 12-G:39. Any such improvement shall, insofar as possible, be self-liquidating; and the authority shall charge just and reasonable fees for the use thereof. All revenue received from such fees shall be considered division revenues, shall be accounted for separately from other revenues of the authority, and, after the deduction therefrom of the cost of operating such project, shall be applied to the amortization of any obligations of the authority related to division projects.

Source. 2001, 290:6. 2005, 269:8, eff. Jan. 1, 2006.

Section 12-G:41

12-G:41 Reservation of Local Authority. – All towns and cities within the confines of which there are ports, harbors, or navigable tide rivers of the state which are subject to the jurisdiction of the authority, or the division acting on behalf of the authority, shall retain all the powers of such town or city relative to such ports, harbors, and navigable tide rivers and the lands abutting the same, excluding lands located within the boundaries of the former Pease Air

Force Base, so long as the authority has not by positive action or definite rule or regulation preempted the jurisdiction hereof. No town or city shall have any jurisdiction over the land or activities at the former Pease Air Force Base except as specifically authorized under other provisions of this chapter.

Source. 2001, 290:6, eff. July 1, 2001.

Division of Ports and Harbors

Section 12-G:42

12-G:42 Additional Powers and Duties. –

The authority, acting through its division of ports and harbors, shall be responsible for the former functions, duties, and responsibilities of the port authority and shall have the following powers and duties in addition to any other powers and duties set forth in this chapter:

- I. Have the authority to make all necessary arrangements with port authorities of other states and federal departments, agencies, and foreign countries and their port entities for the interchange of business, for the security of ports, division property, and state tidal waters, and for such other purposes as will facilitate and increase the commerce of the ports and state tidal waters.
- II. Establish offices for the transaction of division business at such places as, in the opinion of the authority, shall be advisable and necessary in carrying out the purposes hereof.
- III. Be authorized and empowered to appoint and compensate a chief harbor master, a deputy chief harbor master, and one or more harbor masters for communities within the confines of which there are ports or state tidal waters who will enforce the directives of the authority and the division, including but not limited to the placement of moorings, the assignment of anchorage areas, and the movement of traffic. The authority may appoint one or more assistant harbor masters at any such place to assist the chief harbor master, the deputy chief harbor master, or one or more harbor masters in carrying out any of their duties. Any person appointed by the authority as a chief harbor master or deputy chief harbor master shall hold a valid and current certification as a full-time police officer in accordance with RSA 106-L:6 and any rules adopted thereunder.
- IV. Be authorized and empowered to contract with and secure the services of a port terminal operating firm, subject to approval of governor and council, for the purpose of having such firm operate a part or all of the facilities of the authority, including piers, wharves, docks, warehouses, parking and storage areas, or other facilities owned or leased by the authority acting through the division, with such operating firm having the exclusive right to operate the business of a port terminal operator and stevedore, including but not limited to the handling of cargo, the collection of fees from wharfage and dockage and other marine terminal operations, the maintenance and security of the premises, and the promotion, encouragement, and solicitation of business for such port facility or facilities. Such contract with an operating firm shall include the following provisions:
 - (a) Said firm shall file with the division for its approval a tariff clearly defining the terms "wharfage" and "dockage" and the charges to be made therefor;
 - (b) The amount of minimum payments per year satisfactory to the authority to be paid to it for the exclusive right to operate upon the marine terminal, as described in the contract, the business of a port terminal operator and stevedore;
 - (c) The amount retained by said firm from all fees for which it is accountable, said amount being

a percentage to cover administrative costs of collection;

(d) Said firm to supply a ship's manifest for every vessel using said facilities;

(e) Said firm to provide a performance bond in an amount and form acceptable to the authority, as well as insurance in amounts acceptable to the authority for fire and extended coverage, public liability, property damage, and other risks as required by the authority, the insurance company or companies to be licensed to do business in New Hampshire and to be acceptable to the authority;

(f) Said firm to file quarterly reports with the division indicating the amount of all fees for which it is accountable to the authority, the amounts collected, and the amounts retained, with a certified audit prepared by a certified public accountant submitted annually;

(g) Such other appropriate provisions which in the opinion of the attorney general will carry out the intent of this section and best protect the interest of the authority and of the state.

V. Be authorized and empowered, in lieu of the provisions set forth in paragraph IV, to undertake the business of a port terminal operator and stevedore as to any division property, including but not limited to the handling of cargo, the setting and collection of fees from wharfage and dockage and other marine terminal operations, the maintenance and security of the premises, and the promotion, encouragement, and solicitation of business for such port facility or facilities. In undertaking the business of a port terminal operator or stevedore on any division property the authority may exercise any of the powers granted it under this chapter.

Notwithstanding any other provision of this chapter, any person granted by the authority a non-exclusive lease or license relative to division property who, pursuant to such lease or license, handles or manages or in any way participates in the handling or management, including but not limited to, the loading, unloading, stockpiling, storing, or other transfer, of cargo owned, controlled, or otherwise lawfully in the possession of or being delivered to or from any such non-exclusive lessee or licensee shall not be deemed to be operating the business of a port terminal operator and stevedore as set forth in paragraph IV.

VI. Administer and enforce permit programs for the placement and use of moorings, including temporary seasonal moorings, and state-owned slips in state tidal waters, including waiting lists for such permits.

VII. Set and collect fees for mooring and state-owned slip permits and waiting lists for such permits. The authority shall establish fees for state-owned slips in ports, harbors, and state tidal waters. Fees shall not be charged for state-owned slips in ports, harbors, or state tidal waters securing vessels discharging cargo that is subject to the federal Harbor Maintenance Tax imposed pursuant to 26 U.S.C. sections 4461-4462. The fees for state-owned slips shall be paid into the harbor dredging and pier maintenance fund established under RSA 12-G:46. If a mooring holder fails to submit a complete mooring application by the annual deadline, including any applicable late application filing period, and a mooring permit is not issued, then following reconsideration by the division director, said applicant may file an appeal with the board. The authority shall establish in rules the timeframe and standards for consideration of such an appeal.

VIII. Install and continually maintain a uniform system for marking the intercoastal waters of the state including the state ports and state tidal waters not presently marked by the United States Coast Guard, using funds collected from the fees required under RSA 270-E:3, III, and any other funds so appropriated. Said marking system shall be installed on an incremental basis and maintained as necessary.

IX. Have the responsibility for and jurisdiction over state-owned commercial piers and associated facilities, including the establishment of permit programs and wait lists for vessels securing to or berthing at state-owned piers and associated facilities, and the establishment of

fees associated with the implementation of such permit programs, including fees for vessels secured to or berthed at state-owned commercial piers in a manner not authorized under rules of the division adopted under this chapter. The authority shall also operate, maintain, and manage the parking facilities at all state-owned commercial piers and associated facilities and shall be authorized to establish permit programs and fees or to otherwise charge for the use of parking at such piers and facilities, including fees or charges for vehicles or trailers parked at state-owned commercial piers or associated facilities in a manner not authorized under rules of the division adopted under this chapter.

X. Adopt rules, pursuant to RSA 541-A, relative to:

(a) Port captains, pilots, and pilotage.

(b) Harbors and harbor masters.

(c) The terms, conditions, and procedures under which the division shall issue, suspend, revoke, deny, or approve permits required under this chapter for moorings and state-owned slips.

(d) State-owned commercial piers and associated facilities, including without limitation the terms, conditions, and procedures under which the division shall issue, suspend, revoke, deny, or approve permits authorized under this chapter relative to the use of state-owned commercial piers and associated facilities and such other rules as the division deems necessary for the proper and safe use, operation, and management of such commercial piers and associated facilities.

XI. Adopt rules, after obtaining prior approval by the board, relative to the setting and collecting of fees authorized under RSA 12-G:38, relating to foreign trade zones; RSA 12-G:42, IV and V, relating to wharfage, dockage, and other marine terminal operations; RSA 12-G:42, VI, relating to moorings, state-owned slips, and wait lists; RSA 12-G:42, IX, relating to state-owned commercial piers and associated facilities; RSA 12-G:49-a, relating to pilotage; and any other matter necessary for the proper administration of the division with respect to the setting and collecting of fees. The rules adopted under this paragraph shall not be subject to the provisions of RSA 541-A, so as to provide the authority with the ability to maximize revenues and to adjust fees according to market conditions and trends as is the common practice in private industry.

Fees established pursuant to this paragraph shall be consistent with the following criteria:

(a) Fees relating to the establishment and operation of foreign trade zones shall be designed to recover a reasonable portion of budget expenses consistent with the purposes of RSA 12-G:38.

The general court does not intend that such fees cover all of the budget expenses associated with the implementation of RSA 12-G:38.

(b) Fees relating to wharfage, dockage, and other marine terminal operations shall be comparable with the fees for wharfage, dockage, and other marine terminal operations assessed by other port authorities and other marine terminal operators and stevedores in the United States.

(c) Fees relating to the mooring permits, including temporary seasonal moorings, and mooring wait lists shall be designed to recover all of the budget expenses associated with implementation of the mooring permit and wait list system as well as a reasonable portion of the budget expenses consistent with the purposes of RSA 12-G:42, III, VI, and VII; RSA 12-G:43, I(a) and (c); and RSA 12-G:50.

(d) Fees relating to slips shall be designed to be proportional to the fees for moorings established under subparagraph (c).

(e) Fees relating to state-owned commercial piers and associated facilities shall be established giving due consideration to the fees for use of similar privately-owned facilities.

(f) Fees relating to pilotage shall be comparable with the pilotage fees assessed by other port authorities in the United States.

XII. Encourage any contractor bidding on a division project at the port of Portsmouth which is funded through the division or the state of New Hampshire, to employ the maximum possible number of New Hampshire residents. For the purposes of this paragraph, "resident" shall mean any person maintaining a dwelling within the state of New Hampshire who has a present intent to remain within the state for a period of time.

XIII. [Repealed.]

XIV. Be authorized to enter into a memorandum of agreement with the Department of the Army concerning the construction of the Shoreline Erosion Control Demonstration Project in Seabrook, New Hampshire, as authorized by Section 227(3) of the Water Resources Development Act of 1996, Public Law 104-303, as amended. Incident to the execution of the agreement and the acceptance of federal aid, the authority is authorized to take all actions required of the authority under the agreement, including, but not limited to:

- (a) Execute an indemnification agreement in the name of the authority and the state with and for the benefit of the United States for damage arising from construction, operation, maintenance, repair, replacement, rehabilitation, monitoring and adaptive management of the project;
- (b) Accept, as between the Corps of Engineers and the authority, the obligations imposed on an operator of the project under the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, 42 U.S.C. section 9601, et seq., as amended;
- (c) Operate, maintain, repair, replace and rehabilitate the project or any functional portion of the project upon notification from the department;
- (d) Provide or acquire all lands, easements, rights of way, and suitable borrow and dredged or excavated material disposal areas that the Department determines the authority must provide for the construction, operation, maintenance, repair, replacement, rehabilitation, monitoring and adaptive management of the project; and
- (e) Bear half the costs for services provided in connection with non-binding alternative dispute resolution as may be necessary under the agreement.

XV. Be authorized to enter into a project partnership agreement with the Department of the Army in connection with the Hampton Harbor, Hampton, Seabrook, New Hampshire Navigation Improvement and Maintenance Dredging Project, Section 107 of the River and Harbor Act of 1960 (PL 86-645), as amended, for the dredging of Hampton Harbor inlet, and the commercial anchorage areas of Hampton and Seabrook Harbors. Incident to the execution of the agreement and the acceptance of federal aid, the authority is authorized to take all actions required of the authority under the agreement, including, but not limited to:

- (a) Execute an indemnification agreement in the name of the authority and the state with and for the benefit of the United States for damage arising from the design, construction, or operation and maintenance of the project and any betterments and the local service facilities;
- (b) Accept, as between the U.S. Army Corps of Engineers and the authority, the obligations imposed on an operator of the project under the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, 42 U.S.C. section 9601, et seq., as amended;
- (c) Provide or acquire all lands, easements, rights of way, and suitable borrow and dredged or excavated material disposal areas that the Department determines the authority must provide for the construction, operation, maintenance, repair, replacement, rehabilitation, monitoring and management of the project; and
- (d) Bear half the costs for services provided in connection with non-binding alternative dispute resolution as may be necessary under the agreement.

XVI. Be authorized to enter into project partnership agreements for navigation improvement and maintenance dredging with the Department of the Army in connection with the ports and state tidal waters under the jurisdiction of the authority and authorized under RSA 12-G:45, including projects to procure, accept, or acquire gifts, loans, or grants from the United States of America or its agencies or departments. Incident to the execution of such agreements and the acceptance of federal aid, the authority may take all actions required of the authority under the agreement, including, but not limited to:

- (a) Executing an indemnification agreement in the name of the authority and the state with and for the benefit of the United States for damage arising from the design, construction, or operation and maintenance of the project and any betterments of the local service facilities;
- (b) Accepting, as between the U.S. Army Corps of Engineers and the authority, the obligations imposed on an operator of the project under the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, 42 U.S.C. section 9601, et seq., as amended;
- (c) Providing or acquiring all lands, easements, rights of way, and suitable borrow and dredged or excavated material disposal areas that the Department of the Army determines the authority must provide for the construction, operation, maintenance, repair, replacement, rehabilitation, monitoring and management of the project; and
- (d) Bearing half the costs for services provided in connection with non-binding alternative dispute resolution as may be necessary under the agreement.

Source. 2001, 290:6. 2003, 242:10. 2004, 2:5, 6. 2005, 269:9-14, 17. 2008, 308:1, 2; 356:12, III. 2012, 182:3, eff. Aug. 10, 2012; 247:9, eff. Aug. 17, 2012. 2015, 209:1, eff. Sept. 4, 2015. 2017, 206:3, eff. Sept. 8, 2017.

Section 12-G:43

12-G:43 Division of Ports and Harbors. –

I. There is established within the authority a division of ports and harbors that is subject to the direction and control of the board, the executive director, and the division director. The division of ports and harbors shall:

- (a) Plan for the maintenance and development of the ports and state tidal waters from the head of navigation to the seaward limits within the jurisdiction of the state, in order to foster and stimulate commerce and the shipment of freight through the state's ports and, as an agency of the state, to assist shipping, and commercial and industrial interests that may depend on the sea for transport of products, including such interests as may be desirous of locating in tidewater areas of the state; as well as to encourage the establishment of accommodations for the boat traveler, the area boat owners, the pleasure fishermen, and others who pass up and down our coast line or in its tributaries.
- (b) Aid in the development of salt water fisheries and associated industries.
- (c) Cooperate with any agencies or departments of the federal government in planning the maintenance, development, and use of the state ports and state tidal waters.
- (d) Plan, develop, maintain, use, and operate a heliport facility on property owned or controlled by the division. The division shall cooperate with departments, agencies, authorities, or commissions of the federal, state, or local governments and accept grants, aid, or services from such agencies in the carrying out of this purpose. Such authorization relating to heliport facilities

shall include and be governed by all other provisions of this chapter.

(e) Maintain at all times a complete inventory of division property and port projects.

(f) Perform such other duties and functions relating to the administration, management, and operation of division property and division projects as are assigned to division by the authority.

II. The board shall appoint a director of the division of ports and harbors who shall be qualified by education and experience and who shall hold office for an indefinite term at the pleasure of the board. The director of the division shall be the administrative officer of the division and shall have general and active supervision and direction over the day-to-day business and affairs of the division and its employees, subject, however, to the direction and control of the board and the executive director. The division director shall perform all such other duties as from time to time may be assigned by the board or the executive director. The division director shall also be the secretary of the division of ports and harbors advisory council, shall keep a record of the proceedings of the council, and shall be the custodian of all books, documents, and papers filed with the division or the ports and harbors advisory council. The division director shall have the power to cause copies to be made of all minutes and other records and documents of the council and to give certificates under the seal of the authority to the effect that such copies are true copies, and all persons dealing with the division or authority may rely upon such certificates. In addition to the classified employees of the division, the division director, with the concurrence of the executive director, may employ such assistants and clerical and administrative staff as are within the limits of funds available for that purpose. The salary of the division director shall be established by the board.

Source. 2001, 290:6. 2003, 242:11. 2008, 356:3. 2012, 182:1, eff. Aug. 10, 2012.

Section 12-G:43-a

12-G:43-a Report on the Division of Ports and Harbors. –

I. The division director shall submit a biennial report on the status of development at the division to the governor and council, the board, the mayor and the city council in the city of Portsmouth, the selectmen in the towns of Rye, Newington, Hampton, North Hampton, New Castle, and Seabrook, the chairmen of the house and senate executive departments and administration committees, and the commissioner of the department of business and economic affairs. Such report shall be submitted and made available to the public biennially beginning on June 30, 2010. The first report issued on June 30, 2010 shall be for the 2-year period ending on June 30, 2009.

II. The report shall include descriptions of:

(a) The financial status of the division, including a report on the activities of the Pease development authority ports and harbors fund and a recommendation on whether to continue the fund as a nonlapsing fund and an accounting of the activities of the division of ports and harbors revolving loan fund.

(b) Any contracts involving use of division property that have been executed in the previous 24-month period and the status and scope of all ongoing port development projects.

(c) Programs and informational meetings held to permit and encourage communication between the division and the communities it serves.

(d) Environmental reports, investigations, and permits received by, prepared by or on behalf of the division with respect to division property and activities on division property.

(e) Any proposals for the sale of division property.

Source. 2008, 356:4, eff. July 11, 2008. 2017, 156:14, II, eff. July 1, 2017.

Section 12-G:44

12-G:44 Division of Ports and Harbors Advisory Council. –

I. There is hereby established a division of ports and harbors advisory council consisting of 8 members, 6 of whom shall be appointed by the governor, with the advice and consent of the council. Two of said appointive members shall be residents of the cities and towns of the seacoast region or state tidal waters that are not represented on the board, one appointive member shall be a commercial fisherman engaged in that industry on the seacoast, and 2 appointive members shall be experienced in a maritime industry. Each appointive member shall serve for a term of 5 years. Said members shall serve until their successors are appointed and qualified. Any vacancy occurring in the membership of the appointive members shall be filled by the governor and council for the unexpired term. In addition to the 6 appointive members, the commissioner of the department of business and economic affairs, or designee, and the mayor of the city of Portsmouth, or designee, shall be, by virtue of their offices, members of the council.

II. The council shall elect one of its members as a chairman, one as a vice-chairman, and one as a treasurer. The members of the council shall receive no compensation for their services; but their reasonable expenses, incurred in the performance of their duties, shall be paid by the state. The council shall have the right to establish bylaws for the management of its affairs within the meaning of this chapter and the laws of the state. The division shall provide the council with the administrative support necessary to carry out its responsibilities under this chapter.

III. The council shall consult with and advise the division director with respect to the policy, programs, and goals of the division, the operation of the port, the selection of harbor masters and assistant harbor masters, and the procurement of services of a port terminal operating firm. In order to accomplish said purposes, the council shall meet with the division director no less frequently than quarterly, or at the call of the chairman or 3 council members. All potential conflicts of interest shall be adequately disclosed. The council shall file annually a report of its deliberations and recommendations with the board and the executive director. The authority, by 5 affirmative votes, may override any action of the council.

IV. The division director shall present all rules proposed to be implemented by the authority under RSA 12-G:42, X to the council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to the proposed rule to the division director and to the board in writing within 15 days of submission to the council by the division director. The authority may adopt a rule to which the council has objected only upon 5 affirmative votes of the authority and after presenting a written reply to the council detailing the reasons for adopting the rule over the objections of the council.

V. The council may propose rules to the authority for adoption under RSA 12-G:42, X. The authority shall adopt rules proposed by the council unless, within 15 days of their proposal, the authority, by 5 affirmative votes, objects to the adoption of such rules and presents a written reply to the council detailing the reasons for objection.

Source. 2001, 290:6. 2003, 242:12, 13. 2008, 356:5, eff. July 11, 2008. 2017, 156:14, II, eff. July 1, 2017.

Section 12-G:45

12-G:45 Dredge Management in Tidal Waters. –

The division, subject to the supervision, direction, and control of the authority and in consultation with the division of ports and harbors advisory council, the executive director, and the division director, shall be responsible for managing harbor and channel dredging activities within state tidal waters. The division shall:

- I. Assess the existing dredge permitting process with state and federal permitting agencies for the purposes of identifying an improved review process.
- II. Establish and implement a process to ensure that dredging projects are completed in a timely and cost effective manner, recognizing the need to:
 - (a) Coordinate with and utilize the services of the local and private sector to establish a reliable program; and
 - (b) Work in conjunction with other state and federal agencies to ensure uniform and timely compliance with other laws, regulations, and rules, including, but not limited to, permitting in accordance with RSA 482-A and RSA 485-A and to ensure that a certificate of consistency is obtained from the coastal zone management program; and
 - (c) Develop a long-range plan and schedule to serve as a guide for individual dredging activities.
- III. Initiate and implement dredging projects, which may include dredging performed by the authority, to maintain and improve channels and harbors in accordance with the long-range plan and schedule.
- IV. Submit an annual report to the senate president, the speaker of the house of representatives, and the governor and council on the status of current dredging projects and the projection of future dredging projects and costs.

Source. 2001, 290:6. 2003, 242:14. 2008, 356:6, eff. July 11, 2008.

Section 12-G:46

12-G:46 Harbor Dredging and Pier Maintenance Fund Established. –

- I. There is hereby established a harbor dredging and pier maintenance fund to be used by the authority acting through the division to meet its obligation to initiate and implement dredging projects to maintain channels and harbors, and to initiate projects to maintain state-owned commercial piers in safe and efficient condition.
- II. The fund shall be nonlapsing and continually appropriated for the purposes of initiating and implementing harbor dredging projects and maintaining state-owned commercial piers. The authority shall, in each biennium, request annual appropriations to the fund in an amount sufficient to provide for the funding of the authority's periodic harbor dredging and pier maintenance efforts. The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.
- III. The authority shall not encumber, obligate, or expend any funds from the harbor dredging and pier maintenance fund without the prior approval of the capital budget overview committee.

Source. 2001, 290:6. 2005, 269:15, eff. Jan. 1, 2006.

Section 12-G:46-a

12-G:46-a Repealed by 2008, 356:12, IV, eff. July 11, 2008. –

Pilots and Harbor Masters

Section 12-G:47

12-G:47 Pilots. – The authority, in consultation with the executive director, the division director, and the division of ports and harbors advisory council, may adopt rules prescribing the qualifications of pilots, and from time to time appoint and commission, under its hand and seal, as many pilots as it may judge necessary, and remove the same at pleasure; and it shall take from them such security, by bond or otherwise, as it may deem proper.

Source. 2001, 290:6. 2003, 242:16. 2008, 356:7, eff. July 11, 2008.

Section 12-G:48

12-G:48 Authority of Pilot. – Any pilot appointed by the authority, who has given security for the faithful discharge of his or her duties, may take charge of any vessel, except pleasure or fishing vessels, or a vessel of 150 gross tons and under, and shall pilot such vessel into and out of the river and harbor of the Piscataqua, first showing to the master thereof the pilot's appointment if requested.

Source. 2001, 290:6. 2003, 242:16, eff. July 8, 2003.

Section 12-G:49

12-G:49 Pilots Required. – All vessels, except pleasure or fishing vessels or vessels of 150 gross tons or under, are required to be piloted by a pilot appointed by the authority into and out of the Piscataqua River and harbor from a point designated by the authority.

Source. 2001, 290:6. 2003, 242:16, eff. July 8, 2003.

Section 12-G:49-a

12-G:49-a Pilotage Fees. – All vessels required to engage a pilot under RSA 12-G:49 shall pay a pilotage fee to the pilot. Pilotage fees shall be established by the authority.

Source. 2003, 242:16, eff. July 8, 2003.

Section 12-G:50

12-G:50 Duties; Chief Harbor Master; Deputy Chief Harbor Master; Harbor Masters. –

I. Subject to the supervision of the authority, the executive director, and the division director, the chief harbor master's duties shall include but not be limited to the following:

(a) Enforcement of authority directives and rules adopted by the authority pursuant to this

chapter relating to the activities and operations of the division or division property.

(b) Issuing and overseeing mooring permits and management of the mooring wait list and of the assignment and placement of moorings.

(c) Designation of anchorage areas.

(d) Management of navigation aides outside of the federal channel.

(e) Management of the movement of traffic, as necessary.

(f) Direction of the removal or movement of vessels during emergencies.

(g) Overseeing the dredge management program.

(h) Overseeing the harbor management program.

(i) Inquiring into and prosecuting all offenses occurring within the chief harbor master's jurisdiction.

(j) Any other duties assigned by the authority or the division director.

II. Subject to the supervision of the authority, the executive director, the division director, and the chief harbor master, the deputy chief harbor master's duties shall include but not be limited to the following:

(a) Enforcement of authority directives and rules adopted pursuant to this chapter relating to the division or division property.

(b) Performance of the duties of the chief harbor master during the absence or incapacity of the chief harbor master or when such duties are specifically delegated to the deputy chief harbor master by the authority, the division director, or the chief harbor master.

(c) Performance of any other duties assigned by the authority, the division director, or the chief harbor master.

III. Subject to the supervision of the authority, the executive director, the division director, the chief harbor master, and the deputy chief harbor master, the duties of a harbor master shall include but not be limited to the following:

(a) Monitoring the placement and use of moorings in state tidal waters to which the harbor master has been specifically assigned by the chief harbor master or the deputy chief harbor master.

(b) Notifying the chief harbor master or the deputy chief harbor master of any violations of any provision of RSA 12-G or any rules of the authority adopted under RSA 12-G relating to the division or division property.

(c) Performance of any other duties assigned by the division director or the chief harbor master or the deputy chief harbor master.

IV. An assistant harbor master shall assist the chief harbor master, the deputy chief harbor master, or any harbor master as directed by the division director, the chief harbor master, or the deputy chief harbor master in the performance of the chief harbor master's, the deputy chief harbor master's, or harbor master's duties.

Source. 2001, 290:6. 2003, 242:16. 2008, 356:8, eff. July 11, 2008.

Section 12-G:50-a

12-G:50-a Prohibitions. –

I. No person shall abandon any vessel at any time on or in state tidal waters. Any vessel found unattended in a sunken, beached, or drifting condition, or otherwise anchored and unattended in such a manner as to pose a threat to navigation or the safety of the public or other vessels shall be

deemed abandoned by the owner.

II. No person shall place any mooring in state tidal waters without a permit issued by the division pursuant to this chapter and any rules adopted pursuant to this chapter.

III. No person shall moor, make fast, or otherwise secure a vessel to a mooring located in state tidal waters unless:

(a) The owner of the vessel has secured a mooring permit from the division authorizing such vessel to be secured to such mooring;

(b) The owner of the vessel has been directed by, or otherwise has secured the permission of, the chief harbor master, the deputy chief harbor master, a harbor master, or an assistant harbor master to secure such vessel to such mooring; or

(c) Failure to secure such vessel to such mooring would otherwise present an imminent and substantial hazard to navigation or to the safety of any passenger on such vessel.

Source. 2003, 242:16, eff. July 8, 2003.

Section 12-G:51

12-G:51 Enforcement Powers. –

The chief harbor master and the deputy chief harbor master shall have all of the powers of a police officer, including but not limited to the power to make arrests set forth in RSA 594, to enforce, investigate, and prosecute any:

I. Violation of the provisions of this chapter or rules adopted under this chapter relating to the division and division property, including but not limited to the provisions of RSA 12-G:42, X and XI; and

II. Offense under New Hampshire law occurring on division property where the arrest is made on division property or on vessels secured to or immediately adjacent to division property.

Source. 2001, 290:6. 2003, 242:16, eff. July 8, 2003.

Section 12-G:52

12-G:52 Penalty. – Whoever violates any of the rules of the authority relating to the division or division property, including but not limited to the provisions of RSA 12-G:42, X or XI, or refuses or neglects to obey the lawful and reasonable orders of the division director, the chief harbor master, the deputy chief harbor master, a harbor master, or an assistant harbor master, or resists or otherwise interferes with the division director, the chief harbor master, the deputy chief harbor master, a harbor master, or an assistant harbor master in the execution of their duties shall be guilty of a class B misdemeanor.

Source. 2001, 290:6. 2003, 242:16, eff. July 8, 2003.

Section 12-G:52-a

12-G:52-a Penalty for Illegally Moored or Anchored Vessels. –

Notwithstanding the provisions of RSA 12-G:52 or any other provision of law, any owner or operator of any vessel moored or anchored in violation of RSA 12-G or rules adopted pursuant to

this chapter relative to the division or division property shall be subject to the following penalties in addition to any other penalty, cost, or forfeiture imposed under other provisions of law or this chapter:

- I. For a first offense, the offense shall constitute a violation, and the fine shall be \$100 if a natural person and \$300 for any other person.
- II. For a second offense, the offense shall constitute a violation, and the fine shall be \$250 for a natural person and \$500 for any other person.
- III. For a third offense and any offense thereafter, the offense shall constitute a class B misdemeanor, and the minimum fine shall be at least \$500 for a natural person and \$1000 for any other person.

Source. 2003, 242:16, eff. July 8, 2003.

Section 12-G:52-b

12-G:52-b Impoundment and Forfeiture of Vessels and Moorings. –

- I. The division director, the chief harbor master, or the deputy chief harbor master may impound or order the removal and storage of any vessel or mooring found to be in violation of RSA 12-G:50-a or any rule adopted pursuant to this chapter. All reasonable charges for such impoundment, removal, and storage shall be a lien against the vessel.
- II. The division director shall notify the owner, if known, of the fact of such impoundment, removal, and storage. If the vessel is registered in this state, such notification shall be mailed to the person identified as the owner on the vessel registration at the address listed on such registration. In all other cases, notice shall be placed on file with the division director and published in a newspaper of general circulation.
- III. The owner of the vessel or mooring impounded pursuant to this section may redeem the vessel or mooring within 90 days of its removal by payment of all charges and fees incurred by the division related to the impoundment, removal, and storage of such vessel or mooring and release the lien identified in paragraph I.
- IV. No person who impounds, removes, or stores or who is in charge of the impoundment, removal, or storage of such vessel or mooring shall be liable for any damages to the vessel or mooring arising out of the impoundment, removal, or storage thereof.
- V. Upon the expiration of the 90-day period identified in paragraph III, the division director may dispose of any unredeemed vessel or mooring by destroying such vessel or mooring or by offering such vessel or mooring for sale at public auction or the division director may retain such vessel or mooring for use by the state; provided, however, if the vessel or mooring is sold or retained, the purchaser or the state, in the event of retention, shall pay the cost of impoundment, removal, and storage, and shall obtain release of the lien identified in paragraph I. Any money received by reason of sale of such vessel or mooring at public auction shall be deposited in the Pease development authority ports and harbors fund established in RSA 12-G:37.
- VI. Nothing in this section shall be construed to limit, restrict, or modify in any way authority granted to the commissioner of safety or the director of state police to remove or impound boats or moorings pursuant to RSA 270 or RSA 270-B.

Source. 2003, 242:16. 2008, 356:9. 2011, 224:235, eff. July 1, 2011.

Section 12-G:52-c

12-G:52-c Removal and Disposition of Abandoned or Illegally Located Vehicles and Other Devices. –

I. No person shall park or otherwise leave any vehicle, trailer, equipment, or other device on airport property or division property except as authorized by the authority.

II. The authority may remove, tow, impound, and dispose of, or arrange for or order the removal, towing, impoundment, or disposal of vehicles, trailers, equipment, or other devices abandoned on airport property or division property or parked or located in violation of this chapter, or any rule adopted thereunder, and for any of the reasons set forth in RSA 262:32. Each vehicle, trailer, equipment, and other device removed, towed, or impounded by or on behalf of the authority shall be stored at a secure location until such time as it is claimed by the person lawfully entitled to possession of the vehicle.

III. Notwithstanding the provisions of RSA 259:4-a, or any other provision of law, the authority may enforce RSA 262:31 through RSA 262:40-c relative to the removal and impoundment of abandoned vehicles. Pursuant to its authority under this section:

(a) The executive director or the division director, as designated by the authority, shall have any power, duty, or responsibility assigned to the commissioner of safety or a head of a law enforcement agency under RSA 262:31 through RSA 262:40-c; and

(b) A designated employee of the authority shall have any power, duty, or responsibility assigned to an "authorized official" under RSA 262:31 through RSA 262:40-c.

Source. 2005, 269:16, eff. Jan. 1, 2006.

Construction and Effect of Other Laws

Section 12-G:53

12-G:53 Construction and Effect of Other Laws. –

I. All actions and proceedings of the authority shall be governed by the provisions of RSA 91-A.

II. Purchases and contracts of the authority may be made or let without regard to any provision of law relating to public purchases or contracts.

III. Except for rules adopted pursuant to RSA 12-G:42, X, which shall be subject to the provisions of RSA 541-A:3 through RSA 541-A:15, the authority shall be exempt from the provisions of RSA 541-A and may adopt rules and bylaws in accordance with its own procedures, including, but not limited to, rules regulating the conduct of hearings. Except for rules adopted pursuant to RSA 12-G:42, X, the authority shall file in the office of legislative services a copy of all rules and bylaws adopted, amended, or repealed by the authority. All such rules and bylaws shall be filed in the office of legislative services within 7 days of such adoption, amendment, or repeal.

IV. Any rule adopted by the authority pursuant to RSA 12-G:47 shall be adopted in accordance with the provisions of RSA 541-A; any rule adopted by the authority pursuant to RSA 12-G:42, X shall be adopted in accordance with the provisions of RSA 541-A:3 through RSA 541-A:15.

V. The provisions of this chapter shall be liberally construed in order to effect its purpose.

VI. If any provision of this chapter or the application thereof to any person or circumstance is

held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

Source. 2001, 290:6. 2003, 242:17, eff. July 8, 2003.

Division of Ports and Harbors Revolving Loan Fund Committee

Section 12-G:54

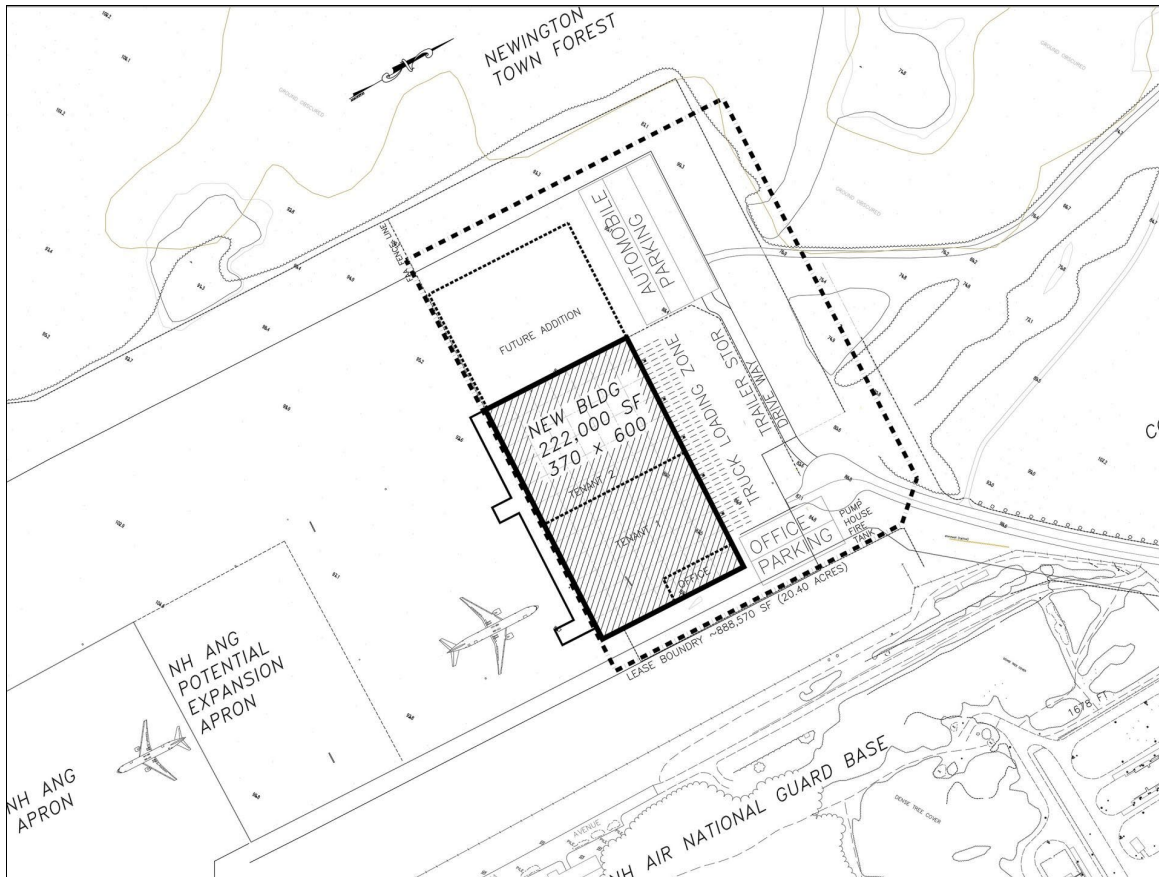
12-G:54 Division of Ports and Harbors Revolving Loan Fund Committee.

— There is hereby established the division of ports and harbors revolving loan fund committee. The committee shall assist the division of ports and harbors in administering loan funds. The committee shall review applications for loan funding to determine whether they meet the minimum eligibility requirements and comply with applicable federal and state laws. The committee shall make recommendations to the division of ports and harbors for each application. Members of the committee shall be appointed by the governor.

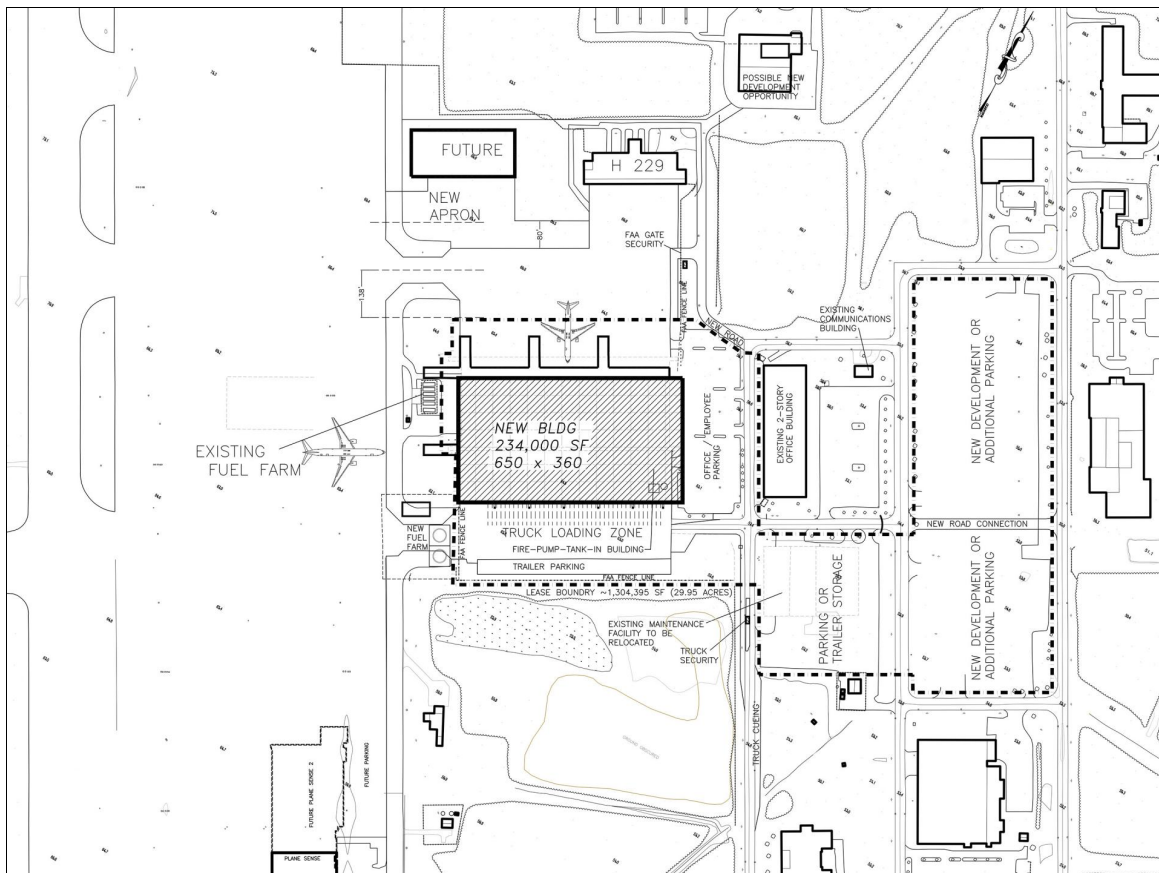
Source. 2001, 290:6, eff. July 1, 2001.

From Developers own website May 4, 2022
PeaseAirsidedevelopment.com

TOTAL BUILDING AREA 456,000 S.F.



From PeaseAirSideDevelopment web site May 4, 2022 proposed North Apron Area



From PeaseAirSideDevelopment.com web site May 4, 2022 proposed Hangar 227 Development Area

Seacoast Business Leaders Work To Meet Industry Need and Support Economic Development

Over recent years, the rise of ecommerce has changed the way individuals purchase and receive goods. During the pandemic, this country has become acutely aware of the vulnerabilities of our nations supply chain and the need for a strong and robust supply distribution system. Across the country, the demand and need for modern warehouse and transportation facilities has boomed.

The Kane Company and TST Development teams have a long-term partnership that goes back over 30 years with local ties throughout New Hampshire, greater Portsmouth and at Pease, developing and owning over 20 million square feet of commercial space. This local partnership offers extensive experience and has shown a proven commitment to developing projects responsibly and giving back to the community. The developers live in Portsmouth and have partnered with local lenders and financiers to invest in Portsmouth and Greater Seacoast New Hampshire. They have a vested interest in ensuring this project has the lowest impact and the highest value for the community.



- Portsmouth-based investor and developer
- Currently own and/or manage 4 million square feet of commercial properties in New England, including 40 buildings in NH.
- Currently own 9 buildings and more than 660,000 square feet at Pease.



- Family-based real estate development company with long-standing ties to Greater Portsmouth
- Experience developing, owning and managing a wide variety of product types, from industrial, distribution to hospitality, and office
- Community-focused developer with ties to local non-profits and community groups

Benefits for Potential Tenants at Pease

- The rise of e-commerce both nationally and locally is driving massive demand for airside development
- Ample apron square footage & unrestricted apron parking weight
- Proximity to surging Seacoast market as well as Greater Boston and Southern Maine
- Registered foreign trade zone with U.S. Customs Port of Entry Operations
- Fully reconstructed runway

- Reliable airport maintenance operation
- No landing fees
- Low fuel flowage fees
- Lack of air traffic congestion
- Ease of access to major highways
- Extensive experienced air cargo operations already onsite

Benefits for Seacoast Region and State of New Hampshire

- Thoughtful development of airside facilities will provide expanded, on time access to consumer goods and services for NH's growing resident base
- Potential to create hundreds of local jobs for local residents
- Proximity to surging New Hampshire market as well as Greater Boston and Southern Maine
- Direct access to major highways allows traffic to stay out of residential areas

Air Cargo Construction Is Booming, Thanks to Amazon

Airports across the United States are devoting more space to freight shipments as online shopping surges in the pandemic.



A rendering of the new Amazon processing center at Cincinnati/Northern Kentucky International Airport in Hebron, Ky. Credit...Amazon

By Keith Schneider *New York Times*

Jan. 12, 2021

HEBRON, Ky. — Since the pandemic started nearly a year ago, 15,000 fewer people arrive and depart daily from the Cincinnati/Northern Kentucky International Airport, known as CVG. Yet the 60 percent drop in passenger traffic is not so apparent on the airport's four runways, which are handling a record amount of air cargo — nearly 4,000 tons a day.

Ranked by the Federal Aviation Administration as the nation's sixth-largest cargo airport, CVG's standing is about to climb higher.

Amazon Air, the e-commerce giant's five-year-old cargo airline, is completing a 798,000-square-foot sorting center, seven-level parking structure and acres of freshly poured concrete to accommodate 20 aircraft. The new facility, under construction on a 640-acre site along the airport's southern boundary, is scheduled to open in the fall. It represents about a third of the \$1.5 billion, three-million-square-foot air cargo hub Amazon is committed to building at CVG.

"This hub is going to let us to get packages to customers faster," Jeff Bezos, the Amazon founder and chief executive, said during the groundbreaking ceremony at CVG in May 2019. "That's a big deal."

By far the largest air cargo construction project in the airport's 74-year history, the mile-long facility will be the center of Amazon Air's national air transport network, which now has more than 70 aircraft and hundreds of daily flights to 35 other cities in the United States. Last

week, [Amazon announced the purchase of 11 Boeing 767-300 aircraft](#) as part of an effort to expand its fleet.

The new building is a signal measure of Amazon's influence as the largest online retailer and its dedication to fast delivery. Both have helped generate a wave of air cargo construction at airports across the United States.



Image

The new FedEx center at Ontario International Airport in California. Credit...Hunter Kerhart for The New York Times

FedEx, the world's largest air cargo carrier, handled an average of 6.2 million air packages a day last year, a 48 percent increase over 2016. The company just opened a \$290 million, 51-acre project at the Ontario International Airport in Southern California. It features a 251,000-square-foot sorting facility, spacious concrete ramps, nine gates, 18 truck loading docks and the capacity to handle 12,000 packages an hour.

UPS and Amazon also operate out of older buildings at the airport, which is handling 30 percent more cargo than it did in 2019. "There is a lot of consumer behavior that permanently changed in 2020," said Mark A. Thorpe, the airport's chief executive. "We're seeing levels of cargo today that were expected in 2028."

Ted Stevens Anchorage International Airport, the second-largest air cargo airport in the United States after Memphis International Airport, is planning for \$500 million in new freight and package handling and sorting facilities. The demand for more space by the airport's cargo companies — among them Alaska Cargo & Cold Storage, 6A Aviation, FedEx, UPS and Amazon — is soaring. As of the end of September 2020, the airport reported that 2.3 million tons of cargo had touched down in Alaska, a 9 percent increase over the same nine-month period in 2019.

At Chicago Rockford International, plans are underway to build a 90,000-square-foot cargo facility. As soon as it opens in the spring, the airport will start another 100,000-square-foot cargo project for DB Schenker, Emery Air and Senator International. Last year, Rockford completed a \$22.3 million, 192,000-square-foot facility for Amazon, along with \$14 million in concrete aprons sturdy enough for Boeing 747 aircraft.

“The traffic in cargo is responsible for all the new demand at airports now,” said Rex J. Edwards, an industry analyst and vice president of the Campbell-Hill Aviation Group, a Northern Virginia consulting firm. “The cargo carriers want more airport space. They need room to park planes and facilities that meet next-day delivery requirements. That is the evolution of the business now.”

Before the pandemic, e-commerce sales were growing more than 10 percent annually, pushing total air cargo to 12 million tons last year, according to the Bureau of Transportation Statistics, a unit of the Transportation Department. Federal analysts project that air cargo will reach 45 million tons annually by midcentury. But executives at big air shippers, airports and airplane manufacturers say that the pandemic altered online commerce so substantially that the industry will hit that mark a decade sooner.

Three years ago, Philadelphia International Airport paid \$54.5 million for 135 undeveloped acres next to the airfield. The airport is now developing a master plan for the ground that includes 1.5 million square feet of cargo handling facilities. “We knew, prepandemic, that cargo was only going to increase,” said Stephanie Wear, the airport’s director of air service development and cargo services.

For the time being, Amazon is the largest influence in new airport cargo construction.

To serve the 14 immense fulfillment centers it built in California near San Bernardino and Riverside, Amazon established a western hub at San Bernardino International Airport. This month, it is finishing a 658,000-square-foot handling and sorting center and two smaller 25,000-square-foot buildings at the 79-year-old airport, which started as a World War II military airfield. The \$300 million project includes parking and gates to handle 14 aircraft and 26 flights daily, said Mark Gibbs, the airport’s director of aviation.

No airport is receiving more attention from Amazon Air than Cincinnati/Northern Kentucky. The company liked what it heard from airport executives, who spent the last decade diversifying CVG’s revenue and recovering from a fiscal catastrophe by recruiting air carriers and related companies to its 7,700-acre airport.

Image



Construction is still underway at Amazon Air’s project at the Cincinnati/Northern Kentucky International Airport. It is scheduled to open in the fall. Credit...Amazon

In 2008, in the midst of a deep recession, Delta Air Lines unexpectedly shut its regional hub at CVG, halting more than 500 flights a day, closing terminals and throwing the airport into a

panic. Executives countered by marketing CVG's location, a half-day drive or a short flight from most of the major metropolitan regions in the East, Midwest and South. CVG had plenty of space for development, and it is close to important interstate highways and to Cincinnati's [renovated Ohio River shoreline](#) and [city center](#).

The German carrier DHL became interested straightaway and arrived in 2009; four years later, it completed its one-million-square-foot North American hub. Amazon arrived in 2017 and contracts for loading and sorting at the DHL facility. FedEx also operates out of the airport.

The air cargo activity generates its own momentum. Five years ago, Wayfair, the online décor and home furnishing company, completed a 900,000-square-foot logistics center at the airport. Last year, FEAM Aero, an aircraft maintenance company, opened a \$19 million, 103,000-square-foot aircraft service hangar on an eight-acre site.

Amazon Air's strategy for cargo routes and ground facilities differs substantially from that of other carriers. Its cargo is composed of goods sold on its own online market; its airport facilities are close to Amazon's network of fulfillment centers.

That formula fits Amazon's decision to settle at CVG, on the Kentucky side of the Ohio River across from Cincinnati. Since 2010, according to the company's data, Amazon has spent more than \$15 billion in Kentucky, much of it on 10 fulfillment and sorting centers, two delivery stations, a customer service center and two Whole Foods Markets. The company says it employs 14,500 people in the state. Its air cargo hub will add 2,000 jobs.

The cargo strategy was essential to keeping CVG operating since March 2020, when the pandemic took hold, said Candace S. McGraw, CVG's chief executive, who led the work to recruit Amazon and the other carriers.

Air cargo grew 14 percent in 2020 at CVG and is expected to grow at least 10 percent more in 2021 and 2022, when Amazon's new facility is fully operational. Cargo now accounts for 75 percent of the more than \$25 million in annual revenue from landing fees, the second-largest source of CVG's income after parking.

"We learned the lesson to diversity from Delta," Ms. McGraw said. "We're grateful for the cargo business."

Amazon Air arrives at Des Moines International Airport as company pushes toward same-day service



Hannah Rodriguez

Des Moines Register Nov 9, 2021

[View Comments](#)



Amazon Air, the air cargo carrier for the Seattle-based e-commerce giant, began daily cargo service Tuesday at Des Moines International Airport, a move analysts said inches the company closer to achieving same-day delivery of many of its products in central Iowa.

The airport leased 8,052 square feet in an existing facility and 32,475 square feet of adjacent tarmac and other storage areas to Trego-Dugan Aviation, an Amazon contractor that will operate the cargo hub.

The inaugural Amazon Air flight arrived shortly before 3 a.m. from Fort Worth, Texas. Cargo was unloaded, and the plane departed again at 6:18 a.m., an airport news release said.

It's the first gateway for Amazon Air in Iowa and "supports shipment of Amazon customer packages throughout the region and country," said a statement from the airport.

The number of jobs at the hub was not released.

Amazon Air's arrival in central Iowa comes as the company is investing hundreds of millions of dollars to build delivery infrastructure in the Des Moines metro and elsewhere in Iowa. The work began in 2018 with the establishment of a delivery center in North Liberty near Iowa City. A massive expansion began the following year with the construction of a 3-million-square-foot fulfillment center in Bondurant.

More: Plan for massive warehouse in Dallas County's Woodward shrouded in Amazon-like secrecy

Since then, it has built or opened:

- A 247,591-square-foot delivery center in Iowa City.
- A 110,000-square-foot delivery center in Grimes.
- A 278,000-square-foot sortation center in Bondurant, adjacent to the fulfillment center.
- A 137,000-square-foot warehouse in Ankeny.

Under construction are a fulfillment center in Davenport and a 270,000-square-foot sortation center in Council Bluffs. And all signs point to Amazon as the tenant for a planned 1.08-million-square-foot warehouse and distribution center in Woodward. It would have the largest single-floor footprint of any facility of its kind in the metro.

Marc Wulfraat, president of Canada-based supply chain consulting firm MWPVL International Inc. and a close student of Amazon's expansion, said the establishment of the Des Moines air cargo operation was a predictable part of the company's plan for Iowa. The next nearest gateway for Amazon Air is Kansas City International Airport, nearly 200 miles away.

"Des Moines is geographically remote and has a metro population of 635,000 people so it needs to be connected to the rest of the country to enable two-day delivery for

Amazon Prime customers for products that are stocked elsewhere in the country," Wulfraat told the Des Moines Register via email Tuesday.



Amazon initially jumped into air delivery service back in 2015, building up its cargo operations in an effort to avoid delays and maintain its rapid e-commerce growth, according to reporting from The Seattle Times.

Since then, Amazon Air has expanded operations to more than 40 airports in the U.S. and over a dozen international locations, according to research published in September by DePaul University's Chaddick Institute for Metropolitan Development.

The cargo airline, the research says, maintains a fleet of 73 planes.

"Amazon Air's expanded reach bolstered its ability to rapidly move inventory among its multitude of warehouses and sorting services to make next-day delivery possible for an enormous array of products to much of the U.S. population," said the report, titled "Blue Skies for Amazon Air: The Expanding Capabilities of Amazon's Cargo Airline."

Amazon continues to grow in Iowa

Amazon so far has invested around \$250 million in Iowa, adding around \$200 million into Iowa's annual gross domestic product, according to Amazon spokesperson Caitlin Polochak.

That's not counting the warehouse planned in Woodward. Code named Project Hawk., it is slated for the Woodward Eco-Business Park, just south of Iowa Highway 141.

City officials say they are sworn to secrecy about the company behind the project. But the name of the project is not unlike the initial code name used for the Bondurant fulfillment center, Project Blue Jay, when it was under a similar secrecy pact. Also, just as with that project, an application for state funding to help pay for a roadway surrounding the facility says the company behind Project Hawk "strives to be Earth's most customer-centric company, Earth's best employer, and Earth's safest place to work."

The phrase is identical to one on an Amazon public relations website describing the company.

More:Davenport officials confirm Amazon project, bringing company's Iowa facilities to at least seven

Wulfraat said Amazon's growth in Iowa is only just beginning, with same-day delivery for the Des Moines metro likely within the next two to three years.

"They will likely be adding delivery stations to Cedar Rapids, Sioux City, Davenport, Waterloo and Dubuque over time," Wulfraat said. "Des Moines will likely in the future be getting a 150,000-square-foot, sub-same day fulfillment center, as Amazon calls it."

The smaller fulfillment center stocks around 100,000 of Amazon.com's most popular products so the company can offer a five-hour delivery window.

More:Amazon to open Council Bluffs warehouse, likely to be seventh Iowa location over two years

Hannah Rodriguez covers retail for the Register. Reach her at herodriguez@registermedia.com or on Twitter [@byherodriguez](https://twitter.com/byherodriguez).

REFERENCE MATERIAL REGARDING PEASE AIR CARGO PRESENTATION MAY 9, 2022

Attached in the email are the following documents:

#1A OUTLINE Pease Air Cargo Presentation- These are the major points we plan to discuss in the 30-minute presentation.

#1B News Article Air Cargo Terminal Advances- Seacoastonline news coverage of 1/20/22 PDA board meeting.

#2 News Article Portsmouth Emerging Global Supply Chain Hub- Seacoastonline 2/17/22 Interview with Paul Brean discussing his vision of Portsmouth being a global hub of multi-modal shipping. Tying air cargo with Portsmouth harbor, rail and highway access.

#3 News Article Residents Speak Out on Air Cargo- Seacoastonline news coverage of 3/17/22 PDA board meeting where numerous area residents offered public comment opposed to an air cargo project.

#4 P Brean Memo to PDA board RE Kane Air Cargo project- This is a 3-page memo dated 1/11/22 provided by Pease Exec Dir Paul Brean to the PDA board reviewing the events leading to the January 20, 2022 PDA board meeting where the Kane/Procon development team presented their proposal for an air cargo facility and requested an exclusive lease option. It is important as it demonstrates how long the air cargo project had been under discussion prior to becoming visible to the public.

#5 PROCON/ Kane proposal to PDA board- This is the project description book provided by the developers to the PDA board at 1/20/22 board meeting. It contains schematic diagrams showing the potential build out of 724,000sf of air cargo/warehouse space and bullet points the rationale and demand for the project.

#6 Docs Freedom Info Non-Public Discussions & Confidential End User List- This is a 6-page compilation of PDA info just acquired through a Freedom of Information Request. It is a short read of 2020 and 2021 emails documenting non-public discussions between PDA and developers regarding the air cargo project. It reinforces the serious intent and desire of developers to move quickly on the project. Pg 3 is schematic showing E-COMMERCE REGIONAL AIR HUB at 504,000sf at Hangar 227 site. It includes an email from developer John Kane to Paul Brean on 12/29/21 providing a confidential list of companies with confirmed interest in leasing/operating an air cargo facility. Confirms PDA Exec Dir knew potential end users prior to the public board meetings when the board and the public inquired about who the "end user" air cargo operators might be.

#7 PDA Enabling Legislation 1991 as Ch 12 G- This is an important document to scan through. I have highlighted sections of 8 pages. Section 1 and 8 define the purpose and duties of the PDA board that importantly instruct the PDA that the economies, environment and quality of life of the affected communities, seacoast... are to be primary concerns of redevelopment of Pease AFB. Other highlighted sections show structure of the board and how land use will be controlled between PDA, Portsmouth and Newington.

#8 KANE/ Procon Pease development Website w Plans- This contains copies of plans and text from the developers PeaseAircargo.com website promoting the project. The information was copied from the website on May 4, 2022. It shows plans for 456,000sf of air cargo distribution facilities.

#9 Air Cargo Construction is Booming Amazon NYT- This is a NY Times story from January discussing the rapid growth of air cargo facilities around the country and Amazons role in the growth.

#10 Amazon Air Arrives Des Moines- This is an article from the Des Moines Register discussing Amazons first flight into its new air cargo facility and the growth of distribution centers in Iowa being driven by ecommerce.



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AGENDA ITEM:

13A

DATE: May 9, 2022

COUNCIL COMMUNICATION

INITIATED BY: Audrey Cline, Code Administrator

AGENDA ITEM: PUBLIC HEARING AND ACTION ON RESOLUTION #2022-05
AUTHORIZING THE RAISING, APPROPRIATING, AND EXPENDITURE
OF AN ADDITIONAL ONE HUNDRED AND FIVE THOUSAND EIGHT
HUNDRED AND FIFTEEN DOLLARS (\$105,815.00) WITHIN THE FY
2022 GENERAL FUND BUDGET TO REFUND AN UNEXPENDED
BUILDING PERMIT FEE DEPOSIT ASSOCIATED WITH THE OYSTER
RIVER MIDDLE SCHOOL PROJECT, AND APPROVE SAID REFUND
TO BE PAID TO BAUEN CORP, THE INITIATOR OF THE BUILDING
PERMIT FEE FUND

CC PREPARED BY: Audrey Cline, Code Official

PRESENTED BY: Todd Selig, Administrator
Audrey Cline, Code Administrator

AGENDA DESCRIPTION:

The Town of Durham and the Oyster River Cooperative School District reached an agreement in April of 2020 that in lieu of the standard building permit fee for the Middle School project, the general contractor for the project, Bauen Corporation, would place an initial deposit of \$135,000 with the Town. The Town would keep track of any inspections done by the Town at a rate of \$75.00 an hour, as well as any other costs incurred by outside sources and third-party consultants and draw down the \$135,000. An accounting would be completed throughout the project and at the end of the project the Town would either refund any monies not expended or invoice Bauen Corporation for any additional costs.

At this time as the building of the new school is near completion the Town has recorded expenses in the amount of \$29,185.25 leaving a balance of \$105,814.75. It is anticipated there may be a few more inspections required during the demolition phase of the old school, so we are recommending releasing \$100,000 back to Bauen Corporation.

When the funds were received in 2020, they were not segregated as an escrow payment, as intended, but were recorded as Building Permit Revenue. All revenue

accounts are closed at year end, increasing the Town's Fund Balance. The \$135,000 received from Bauen Corporation in 2020 followed that path increasing the General Fund Unassigned Fund Balance. As a result, the Town will need to raise, appropriate, and authorize the expenditure from the General Fund Unassigned Fund Balance the funds necessary to fulfill the building permit fee arrangement. We are requesting the amount of \$105,815 which is the total of the unused funds, however, we will only be releasing \$100,000 at this time. The remaining \$5,815 will be released upon completion of the project, less any additional expenses incurred.

On April 18, 2022, the Town Council scheduled a Public Hearing for the proposed resolution to be held on Monday, May 9, 2022. A notice of Public Hearing was published in the Foster's/Seacoast News on Thursday, May 28, 2022 and was posted at the Town Hall, Durham Public Library, and Public Works Department.

Attached for the Council's consideration is Resolution #2022-05, which will amend the 2022 General Fund budget to raise and appropriate \$105,815.00 from the unassigned fund balance for refunding said amount to Bauen Corporation.

LEGAL AUTHORITY:

Section 5.5 of the Durham Town Charter states: *No appropriation shall be made for any purpose not included in the annual budget as adopted unless approved by a two-thirds majority of the Council after a public hearing. The Council shall, by resolution, designate the source of any money so appropriated. This provision shall not apply, however, to emergency appropriations adopted pursuant to 3.10 of this Charter.*

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Bauen Corporation will receive a refund in the amount of \$100,000.00 at this time and the remaining amount of \$5,815 authorized will be held until the project is completed.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION 1:

The Durham Town Council does hereby OPEN the public hearing on Resolution #2022-05 authorizing the raising, appropriating, and expenditure of an additional One Hundred and Five Thousand Eight Hundred and Fifteen Dollars (\$105,815.00) within the FY 2022 General Fund Budget to refund an unexpended building permit fee deposit associated with the Oyster River Middle School Project, and approve said refund to be paid to Bauen Corp, the initiator of the building permit fee fund.

MOTION 2:

The Durham Town Council does hereby CLOSE the public hearing on Resolution #2022-05 authorizing the raising, appropriating, and expenditure of an additional One Hundred and Five Thousand Eight Hundred and Fifteen Dollars (\$105,815.00) within the FY 2022 General Fund Budget to refund an unexpended building permit fee deposit associated with the Oyster River Middle School Project, and approve said refund to be paid to Bauen Corp, the initiator of the building permit fee fund.

MOTION 3:

The Durham Town Council does hereby APPROVE (as presented/as amended) Resolution #2022-05 authorizing the raising, appropriating, and expenditure of an additional One Hundred and Five Thousand Eight Hundred and Fifteen Dollars (\$105,815.00) within the FY 2022 General Fund Budget to refund an unexpended building permit fee deposit associated with the Oyster River Middle School Project, and approve said refund to be paid to Bauen Corp, the initiator of the building permit fee fund. (TWO-THIRDS 2/3 VOTE REQUIRED).

RESOLUTION #2022-05 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE RAISING, APPROPRIATING, AND EXPENDITURE OF AN ADDITIONAL ONE HUNDRED AND FIVE THOUSAND EIGHT HUNDRED AND FIFTEEN DOLLARS (\$105,815.00) WITHIN THE FY 2022 GENERAL FUND BUDGET TO REFUND AN UNEXPENDED BUILDING PERMIT FEE DEPOSIT ASSOCIATED WITH THE OYSTER RIVER MIDDLE SCHOOL PROJECT, AND APPROVE SAID REFUND TO BE PAID TO BAUEN CORP, THE INITIATOR OF THE BUILDING PERMIT FEE FUND

WHEREAS, the Town and the Oyster River Cooperative School District reached an agreement in April of 2020 that in lieu of the standard building permit fee for the Middle School project, the general contractor for the project, Bauen Corporation, would place an initial deposit of \$135,000 with the Town; and

WHEREAS, the Town would keep track of any inspections done by the Town at a rate of \$75.00 an hour, as well as any other costs incurred by outside sources and third-party consultants and draw down the \$135,000; and

WHEREAS, an accounting would be completed throughout the project and at the end of the project the Town would either refund any monies not expended or invoice Bauen Corporation for any additional costs; and

WHEREAS, at this time, the building of the new school is near completion and the Town has recorded expenses in the amount of \$29,185.25, leaving an unexpended balance of \$105,815.00; and

WHEREAS, in accordance with Section 5.5 of the Town Charter, the Durham Town Council may approve additional appropriations not included in the annual budget by resolution designating the source of the additional appropriation with a two-thirds vote of the Council after a public hearing; and

WHEREAS, the \$105,815.00 was not included in the approved FY 2022 budget and is recommended to come from the Unassigned Fund Balance; and

WHEREAS, a public hearing notice was published in the *Foster's Daily Democrat* on Thursday, April 28, 2022, and was posted on the public bulletin board

located outside of the Town Hall, at the Department of Public Works, and the Durham Public Library; and

WHEREAS, on May 9, 2022, a public hearing was held in accordance with Article 5, Section 5.5 of the Durham Town Charter on Resolution #2021-02 to raise, appropriate, and expend an additional \$105,815.00 within the FY 2022 General Fund budget to refund the excess building permit fee associated with the new Oyster River Cooperative School District Middle School Project.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, does hereby **ADOPT Resolution #2022-05** authorizing the raising, appropriating, and expenditure of an additional One Hundred and Five Thousand Eight Hundred and Fifteen Dollars (105,815.00) within the FY 2022 General Fund Budget, to refund an unexpended building permit fee refund associated with the Oyster River Middle School project, and approve said refund to be paid to Bauen Corp, the initiator of the building permit fee fund.

PASSED AND ADOPTED this 18th day of April, 2022 by a **two-thirds (2/3) majority vote** of the Durham Town Council with _____ affirmative votes, _____ negative votes, and _____ abstentions.

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector



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13B

DATE: May 9, 2022

COUNCIL COMMUNICATION

INITIATED BY: Jim Lawson, Town Councilor

AGENDA ITEM: PUBLIC HEARING AND POSSIBLE REFERRAL OF A COUNCIL-INITIATED SOLAR SYSTEM ORDINANCE TO THE PLANNING BOARD FOR ITS REVIEW AND RECOMMENDATIONS

CC PREPARED BY: Jim Lawson, Town Councilor

PRESENTED BY: Jim Lawson, Town Councilor

AGENDA DESCRIPTION:

The Planning Board initiated a draft Ordinance for Solar Energy Systems in April 2019, and forwarded it to the Town Council for review and possible action in Accordance with Section 175-14.A "Amendments Initiated by the Planning Board". The Planning Board's proposal was based on a draft developed the previous year by the Durham Energy Committee. The Board made modifications to the Energy Committee's draft and held public hearings, as required, before referring the ordinance to the Town Council. It should be noted that the Planning Board worked on the Ordinance despite having over thirty-five completed applications and actions on their 2018 agenda.

Residents raised a number of concerns at the Planning Board hearings about the ordinance that were not resolved or mitigated in the Planning Board's final proposal. Specifically, allowing utility scale solar systems in the Rural and Rural Coastal Districts as a Conditional Use. Other issues were also noted, including eliminating the maximum size of residential freestanding solar systems recommended by the Energy Committee. Note that the Town Council cannot make substantive changes to a zoning proposal initiated by the Planning Board.

The Town Council decided not to move the proposed ordinance to First Reading, and instead, have Town Councilors Lawson and Welch along with Planning Board and Energy Committee representatives work on issues with the proposed ordinance. Most recently, Councilor Lawson has worked on the ordinance the Town Planner Michael Behrendt.

Proposed changes to the Solar Ordinance have been presented to the Town Council, Energy Committee and Planning Board at various times by Councilor Lawson. All of the meetings resulted in comments, some from the public, that were considered for incorporating into the Ordinance. The most substantive changes to the new proposal are as follows:

1. The definitions of large utility scale systems have been aligned with the definitions used in State RSAs and by the Public Utilities Commission.
2. Group Net-Metering hosts are better defined, and residential solar systems are permitted to be a Group Net-Metering Host.
3. The size of freestanding residential systems is limited to an area of 1,800 sf. This is based on the original Energy Committee recommendation, and calculations were made to ensure this area was sufficient for residential needs, including Electric Vehicles and geothermal heating.
4. More options are provided for the placement of residential freestanding solar systems.
5. Large utility scale systems are only permitted in specific Research-Industry zones as a Conditional Use. Utility scale systems are not permitted in the Rural and Rural Coastal zones.
6. Solar Parking Canopies are allowed as a Conditional Use in all Commercial Core and Research-Industry zones except the Central Business district.

The attached proposed ordinance can be referred to the Planning Board for its review per Section 175-14.B "Amendment Initiated by the Council". However, it is recommended that the Town Council first provide an informal public hearing on the draft, similar to the attached presentation provided to the Planning Board, at the Council's May 9, 2022 meeting, and accept public comments about the ordinance both at that time and before referring it to the Planning Board at a subsequent meeting. This may allow the Council to address any concerns before the proposed ordinance is formally referred to the Planning Board.

LEGAL AUTHORITY:

This would be a Council initiated zoning change in accordance with Section 175-14.B "Amendment Initiated by the Council".

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION 1:

The Durham Town Council does hereby OPEN the Public Hearing on the proposed Council-initiated Solar Energy System ordinance being considered for referral to the Planning Board.

MOTION 2:

The Durham Town Council does hereby CLOSE the Public Hearing on the proposed Council-initiated Solar Energy System ordinance being considered for referral to the Planning Board.

NOTE: *At this time, the Durham Town Council can continue its discussion on the proposed ordinance, taking into consideration input received from the public, and if it so desires, make the motion below, or take other action as deemed necessary.*

MOTION 3:

The Durham Town Council does hereby REFER the proposed Council-initiated Solar Energy System ordinance to the Durham Planning Board for its review and consideration.

May 3, 2022

Re: Draft Solar Ordinance

Dear Members of the Durham Town Council,

I would like to thank Jim Lawson and all the other citizens who have been involved in drafting and revising Durham's Solar Ordinance. What I appreciate about this latest version is that it has moved beyond "boiler plate" and is now designed with Durham's unique characteristics and values in mind.

This is made clear by the inclusion of 2b in the Purpose statement:

- 2b. promote environmental sustainability while respecting the rural character and scenic landscape of Durham and the use of productive agricultural lands;

One example of this sensitivity and striving for balance is that commercial utility-scale systems will be permitted only in the commercial zones, ORLI and MUDOR, and by Conditional Use. This allows the PB to look at each proposal and require conditions that might mitigate the visual impact of such systems on pastoral viewsheds like Mast Road fields. The draft 's sensitivity to these systems' potential visual impact is further demonstrated by its requirement for setbacks of at least 100 ft and buffering from other homes and the road.

When questioned about why the draft ordinance would not allow such large commercial systems at all in the Rural and Residence Coastal zones, where there is more undeveloped land, Jim Lawson offered two reasons: 1) to avoid the temptation to cut down forests to install solar as a commercial enterprise, thus reducing the environmental benefits that our forests provide, and 2) to preserve the aesthetic, pastoral nature of these more rural areas of town. Here again, I applaud the draft's sensitivity to Durham's unique characteristics and values.

However, there is one area where I believe the draft ordinance falls short. And that is in the application of its criteria for solar system on historic properties where homes were built very close to the road and have accompanying scenic fields, which serve as valued reminders of our agricultural heritage. In Durham's Rural Zone, there are numerous historic homes that stand only 15, 10, or even 5 ft from the road's edge. Let me explain why the draft ordinance, as now written, could potentially be detrimental to these areas which also happen to be Durham's Designated Scenic Roads—Packers Falls Road, Bennett Road, Durham Point Road and one other).

On page 8 of the Solar Ordinance, item 4b, four different sets of criteria for placement of free-standing accessory systems in Durham's residential zones are laid out. Homeowners in these zones must meet one or more of these requirements. Item 1) requires that the system be "largely not visible from a road abutting the property." It stipulates that the system be hidden from view by "land topography, existing structures, or vegetation." Item 2) foregoes these

more detailed requirements and simply requires that systems be “placed 150 feet or more from any portion of a public road.” I believe that these first two sets of criteria reinforce the intent of this ordinance to protect the existing characteristics of any given residential zone, protection particularly important along our Designated Scenic Roads.

However, I believe that the criteria for approval in items 3) and 4) fall short of protecting these scenic landscapes and our rural character. Both items 3) and 4) allow for placement of free-standing solar systems to be determined solely by the placement of the house relative to the road. In item 3), the setback of a free-standing system under 12 feet must be no closer to the road than “the fully enclosed part of the residence closest to the road.” (I take that to mean the front wall of the house.) In item 4), the setback of a free-standing system over 12 feet tall must be no closer to the road than “the fully enclosed part of the residence furthest from the public road.” (What I consider to be the rear wall of the house.) In both cases, the system must not extend more than 100’ from the side of the house.

In our part of town, with many homes built so close to the road, far closer than the standard 30-ft setback from the road, I understand that the 30-ft setback would establish the minimum setback. Yet a 30-ft setback is still a very short distance from the road. And in the properties that have fields (some large and some small), the 100-foot side-yard envelope could result in free-standing systems being placed just 30 feet from the road, in the middle of a (relatively small but important) scenic field, with no buffering required. These placement requirements pale in comparison to the 100- or 150-ft setback requirements for fields in other zones.

While one might argue that the requirement is only for systems under 12 feet tall, I point out that these systems can be up to 1800 square feet or 90’ x 20’, which could have a sizeable visual impact if not screened and/or setback a substantial distance. Keep in mind, there exist instances in which a smaller home, built right on the road, has the rear wall of the house just 30 or 35 feet from the road AND has a side field that creates a cherished scenic vista. The current ordinance language would allow for a 90’ x 20’ array taller than 12’ to be positioned 30 or 35 feet from the road. While establishing criteria based on house proximity to the road may work in the RA and RB zones, I would argue that it does not work in the R and RC zones.

For example, on our own property, with our 200-year-old home built just 20 feet from Packer’s Falls Road, we could cut down a couple of trees in the front and install a free-standing system in our side yard, just 30 feet from a Designated Scenic Road. I wouldn’t do this to my neighbors or to passersby, but some would not think twice about it.

I count 10 properties along Packers Falls Road, and another along Bennett Road, for which the current language could result in an array of arrays built in fields, without buffering, close to the edge of these Designated Scenic Roads. This would be most unfortunate.

One might argue: “so what if we are talking about 10 or so properties in all of Durham?” (Likely there are more, including along Durham Point Road, with which I am less familiar.) I would remind the TC that these are the very properties that provide the scenic viewsheds that define

our rural character and speak to our agricultural heritage, as noted in the Purpose Statement for each of these zones.

175-38. Rural District (R). A. Purpose of the Rural District.

The purpose of the Rural District is to preserve the rural character of the areas of Durham that have historically been rural, that are low density, that are not served or intended to be served by public water and public sewerage, and that the Master Plan identifies as areas that should remain rural and their agricultural heritage preserved. *In this district, customary rural land uses will be preserved and all development will be carried out with the objective of preserving the natural and scenic environment of the district. Residential development will be limited to housing that is designed so that the character of the district is maintained, the scenic quality is protected, and a significant amount of open space is permanently preserved.* (Italics added for emphasis)

175-41. Residence Coastal District (RC). A. Purpose of the Residence Coastal District.

The purpose of the Residence Coastal District is to protect the water quality of the community's principal surface waters and to preserve the rural character and scenic beauty of these coastal areas including the view of the shore as seen from the water. *In this district, all development will be carried out in a manner that preserves the natural and scenic environment of the district. Residential development shall be limited to housing that is designed so that the character of the district is maintained, the scenic quality of coastal areas is protected, and a significant amount of open space is permanently preserved.* (Italics added for emphasis)

In sum, while I believe that requirements for free-standing system placement set out in items 1) and 2) are admirably sensitive to that Purpose Statement of the Solar Ordinance, I see items 3) and 4) as having serious unintended consequences for the properties in the Rural and Residence Coastal zones. Given those possible consequences, I would like to suggest that where the placement requirements set out in items 1) and 2) cannot be met within the R and RC zones, that we use the designation of Special Exception to find a more nuanced approach to mitigating visual impacts, one that is more aligned with the Purpose Statements of these zones (noted below) and the Purpose Statement of the Solar Ordinance (2b noted near the top of this letter).

Recommendations:

The Solar Ordinance already uses Special Exception as a tool to accommodate situations where a property does not meet the required criteria. In the Rural and Residence Coastal zones, use of SE would result in a more nuanced placement of solar systems— a “one size does not fit all” approach-- to avoid dramatically altering the rural character and scenic quality which defines these zones.

To better meet those goals, I would like to suggest amending item “**4b Placement**” such that items 3 and 4 apply to RA and RB only (because they make sense for those neighborhoods) and that an additional item (5) be added, designed to mitigate visual impacts in R and RC. These suggestions are as follows (proposed language is underlined):

- b. **Placement** – A Freestanding Solar Energy System shall be placed in a location conforming to the setbacks of Table 175-51 “Table of Dimensions” and shall meet one or more of the following criteria.
- (1) The system is placed where it is largely not visible from a public road abutting the property, as determined by the Code Enforcement Officer, due to land topography or existing structures or vegetation that are expected to be maintained until the Solar Energy System is decommissioned.
 - (2) The system is placed 150 feet or more from any portion of a public road.
 - (3) In RA and RB, when a system is equal to or less than 12 feet in height and does not meet the requirements of (1) or (2) above, the system shall be placed beyond the fully enclosed part of the residence closest to the public road and shall not extend beyond 100’ from the side of the residence.
 - (4) In RA and RB, when a system is greater than 12 feet in height and does not meet the requirements of (1) or (2) above, the system shall be placed beyond the fully enclosed part of the residence that is furthest from the public road and shall not extend beyond 100’ from the side of the residence.
 - (5) In R and RC, where a proposed Single-Family or Duplex Residential Solar Energy System does not conform with (1) or (2) above, an alternative placement may be approved by Special Exception.

This revised language will allow the R and RC Zones to retain the aesthetic, rural, scenic qualities that so drew so many residents to purchase homes in these areas and to maintain the characteristics described in each of the Purpose Statements of these zones while still offering free-standing solar system placements unique to each property.

I would very much appreciate the Town Council giving serious consideration to the potential unintended consequences of the current draft ordinance and to consider the proposed language above as a remedy.

Thank you.

Respectfully submitted,

Beth Olshansky
122 Packers Falls Road

SOLAR ENERGY SYSTEMS
DRAFT ORDINANCE VERSION 4.6 - Durham, New Hampshire
Initiated by the Town Council on [Date to be Determined]

Proposed amendments to the Durham Zoning Ordinance to accommodate solar energy systems.

❖ ***Make the following changes in Article II. Definitions.***

- ***Add this new section for “Solar Energy Systems.” Place this section right before “Solid Waste” and retain the order as shown here.***

SOLAR ENERGY SYSTEMS – Specific definitions pertinent to solar energy systems follow.

Building-Mounted Solar Energy System – A solar energy system attached to and completely supported by a building that does not extend more than 5 feet beyond the building footprint. The system may include necessary accessory equipment that is ground mounted.

Freestanding Solar Energy System – A ground-mounted solar energy system, including a stationary or tracking system (either single axis or dual axis). A Solar Photovoltaic (PV) Parking Canopy is not a Freestanding Solar Energy System.

Group Net Metering Host, Small – A Solar Photovoltaic (PV) System less than or equal to 100 KW that shares energy and Net Metering benefits with members of a registered group per N.H. PUC 909.

Group Net Metering Host, Large – A Solar Photovoltaic (PV) System greater than 100 KW and less than 5 MW that shares energy and Net Metering benefits with members of a registered group per N.H. PUC 909.

Multi-unit Residential or Nonresidential Solar Energy System – An accessory use designed to provide solar energy for the principal and accessory uses of Multi-Unit Residential, mixed Use with Residential and other Nonresidential uses. Solar Energy – Radiant energy emitted by the sun.

Shared Solar Energy System – A solar energy system that serves single family or duplex residential buildings situated on two or more separate and contiguous lots. The system is considered accessory to the uses on each of the lots that it serves.

Single-Family or Duplex Residential Solar Energy System – A Solar Energy System that is an accessory use designed to generate energy for use at the property. A Single-Family or Duplex Residential Solar System may also be a Small Group Net Metering Host up to the size limits specified in 175-109R.4.

Solar Energy System – A structure and the related components used to transform solar energy into electricity (through a solar photovoltaic system) or heat (through a solar thermal system).

Solar Photovoltaic (PV) Parking Canopy – An elevated structure that supports solar panels over Surface Parking.

Solar Photovoltaic (PV) System – A solar collection, mounting, inversion, storage and distribution system that converts sunlight into electricity.

Solar Thermal System – A solar collection system that directly heats a heat-transfer medium.

Utility-Scale Solar Energy System, Small - A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity equal to or less than 100 kW that generates energy for use off site by customers. A Small Utility-Scale Solar Energy System does not function as a Small Group Net Metering Host.

Utility-Scale Solar Energy System, Large – A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity of greater than 100 kW and less than 5 MW that generates energy for use off site by customers. A Large Utility-Scale Solar Energy System does not function as a Large Group Metering Host.

➤ ***Add this new section in Article II definitions***

CARPORT – A roofed structure designed to shelter motor vehicles and that is open on at least two sides. A carport may be a freestanding structure or attached to a building.

❖ *Modify the Table of Uses as follows:*

Add the new uses below in the Table of Uses in Section 175-53 under Subsection VI. Utility & Transportation Uses at the end after Personal Wireless Services Facility:

[illegible]

• Building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P
• Freestanding (less than 30 kW of capacity as Specified in Article XX)	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P

❖ ***Modify the Wetland Conservation Overlay District and Shoreland Preservation Overlay District as follows:***

➤ ***Add the following use at the end of Section 175-60. Permitted Uses in the WCOD Subsection A.:***

10. Building-mounted solar energy system.

➤ ***Add the following use at the end of Section 175-71. Permitted Uses in the SPOD Subsection A.:***

10. Building-mounted solar energy system.

➤ ***Add the following use at the end of Section 175-61. Conditional Uses in the WCOD:***

6. Freestanding solar energy system.

➤ ***Add the following use at the end of Section 175-72. Conditional Uses in the SPOD:***

6. Freestanding solar energy system.

❖ ***Add the following as a new section in Article XX – Standards for Specific Uses, Section 175-109, and reletter R. Temporary Sawmill (including the table shown at the end).***

R. ***Solar Energy Systems.*** Solar energy systems shall be allowed in conformance with the following standards and procedures (See Definitions for solar energy systems).

1. **Authority.** This ordinance is adopted pursuant to RSAs 362-F, 374-G, 477:49, 672:1 III-a, and 674:17 (I)(j).

2. **Purpose.** The purpose of this ordinance is to:

- a. Encourage the implementation of solar energy systems in accordance with the recommendations stated in the Energy Chapter of the 2015 Durham Master Plan;
- b. promote environmental sustainability while respecting the rural character and scenic landscape of Durham and the use of productive agricultural lands; and

- c. comply with and support the State of New Hampshire's goal of developing clean, safe, renewable energy resources as provided for in the statutes referred to in 1., above.
- 3. **Applicability.** Solar installations that are designed to generate less than one kilowatt and are not connected to the electrical grid are not covered by this ordinance, though they may be subject to other specific regulations.
- 4. **Single-Family or Duplex Residential Solar Energy System – accessory use.** The following provisions apply to single-family or duplex residential solar energy systems.
 - a. **Basic requirements.** This accessory use serves single-family or duplex residences situated on the same lot. A Freestanding Solar Energy System may occupy a ground area of up to 1,800 square feet . Solar Energy Systems complying with b. and c. below, as applicable, require only a building permit. A building mounted Solar Systems require only a building permit.
 - b. **Placement –** A Freestanding Solar Energy System shall be placed in a location conforming to the setbacks of Table 175-51 “Table of Dimensions” and shall meet one or more of the following criteria.
 - (1) The system is placed where it is largely not visible from a public road abutting the property, as determined by the Code Enforcement Officer, due to land topography or existing structures or vegetation that are expected to be maintained until the Solar Energy System is decommissioned.
 - (2) The system is placed 150 feet or more from any portion of a public road.
 - (3) When a system is equal to or less than 12 feet in height and does not meet the requirements of (1) or (2) above, the system shall be placed beyond the fully enclosed part of the residence closest to the public road and shall not extend beyond 100' from the side of the residence.
 - (4) When a system is greater than 12 feet in height and does not meet the requirements of (1) or (2) above, the system shall be placed beyond the fully enclosed part of the residence that is furthest from the public road and shall not extend beyond 100' from the side of the residence.

- c. Carport Mounted Solar Energy System – A solar energy system may be mounted on a carport when the carport is attached to the single-family or duplex residence and the carport is located beyond the fully enclosed part of the residence closest to the public road.
- d. Special Exception. A proposed Single-Family or Duplex Residential Solar Energy System that does not conform with a. or b. or c. above may be approved by a special exception.

5. **Multi-unit or Nonresidential Solar Energy System – accessory use.**
The following provisions apply to multi-unit or nonresidential solar energy systems.

Only a building permit is required for a building-mounted system.

The following standards and procedures apply to freestanding multi-unit residential or non-residential systems.

- a. Site plan review and approval by the Planning Board is required.
- b. No part of the system may be placed closer to the front property line (and side property line in the case of a corner lot) than the part of the fully enclosed principal building closest to the street. In addition, for a system that exceeds 12 feet in height (any part of the system), no part of the system may be placed closer to the front property line (and side property line in the case of a corner lot) than the fully enclosed part of the principal building furthest from the street.
- c. In cases where there is no building or no distinct principal building on the lot or where there are multiple lots, the system shall be set back at least 100 feet from the front property line and buffered from the road.
- d. A proposed system that does not conform with b. or c. above, may be approved by a special exception.

- e. The Solar Energy System shall be sized to provide up to the projected annual energy needs of the multi-unit or nonresidential use including approved ancillary uses.
- f. Where the nonresidential use is Commercial Agriculture, the system may be sized to generate up to 100 kW more than the projected annual energy needs of the Principal Use, and the Solar Energy System may function as a Small Utility-Scale Solar Energy System or Small Group Net Metering Host.

6. **Small and Large Utility-Scale Solar Energy System – principal use.**
The following provisions apply to Utility-Scale Solar Energy Systems.

Only a building permit is required for a building-mounted system.

The following standards and procedures apply to freestanding Utility-Scale Solar Energy Systems.

- a. Site plan review and approval is required.
- b. Freestanding systems shall be set back at least 100 feet from the front property line. The system shall be buffered from single family homes, neighboring roads and abutting properties in accordance with the Site Plan Regulations and as reasonably determined by the Planning Board.

7. **Small and Large Group Net Metering Host – principal use.** The following provisions apply to Group Net Metering Hosts.

Only a building permit is required for a building-mounted system.

The following standards and procedures apply to freestanding Group Net Metering Hosts.

- a. Site plan review and approval is required.
- b. Freestanding systems shall be set back at least 100 feet from the front property line. The system shall be buffered from single family homes, neighboring roads and abutting properties in accordance with the Site Plan Regulations and as reasonably determined by the Planning Board.

8. **Solar PV Parking Canopy – accessory use.** The following apply to a Solar PV Parking Canopy.
- a. A Site plan review is required for all systems.
 - b. The parking must be an approved use specified in Section 175-53 “Table of Uses” excluding parking for Single-Family and Duplex Residences.
 - c. The height of the canopy, including panels, above the ground shall not exceed the height limit permitted in the zone and be no greater than 25 feet.
 - d. The structure supporting the photovoltaic panels and the panels of a Solar PV Parking Canopy must be located on or over the surface parking.
 - e. A Solar PV Parking Canopy may function as a Multi-unit or Non-Residential Solar Energy System, a Utility-Scale Solar Energy System (Large or Small) or a Group Net Metering Host (Large or Small).
9. **Other provisions.** The following additional provisions apply to all solar energy systems.
- a. **Building permit.** A building permit is required for the installation of any system.
 - b. **Setbacks.** Every part of a freestanding system, including components elevated above the ground, components that track and move, and necessary accessory equipment that is ground mounted, shall conform to required setbacks for the zoning district.
 - c. **Maximum height.** For building-mounted systems, the maximum height for any part of the system is ten feet above the ridge of the roof of the primary building or ten feet above the highest part of the roof of the primary building where there is no ridge. The maximum height for freestanding systems is 25 feet (excludes **Solar PV Parking Canopy**).

- d. Impervious surface. The maximum impervious surface ratio in the Table of Dimensions does not apply to solar energy systems.
- e. Submission requirements. Applicants for projects that require a site plan shall submit all pertinent information, including specifications for the equipment, to the Planning Board, as specified in the Site Plan Regulations. Applicants for a special exception shall submit plans showing all pertinent aspects of the project and all elements specified by the Zoning Board of Adjustment.
- f. Decommissioning. Applicants for a Solar Energy System that requires a Site Plan review shall submit a plan as part of that review for the removal of the structures and reclamation of the site when the system is no longer in use. It is expected that the decommissioning plan will specify the removal and disposal of photovoltaic panels using a means allowed by applicable state and federal regulations at the time of decommissioning.
- g. Historic District. Additional procedures and standards for proposed solar energy systems located within the Durham Historic District are contained in Article XVII of this ordinance.

Solar Ordinance Update

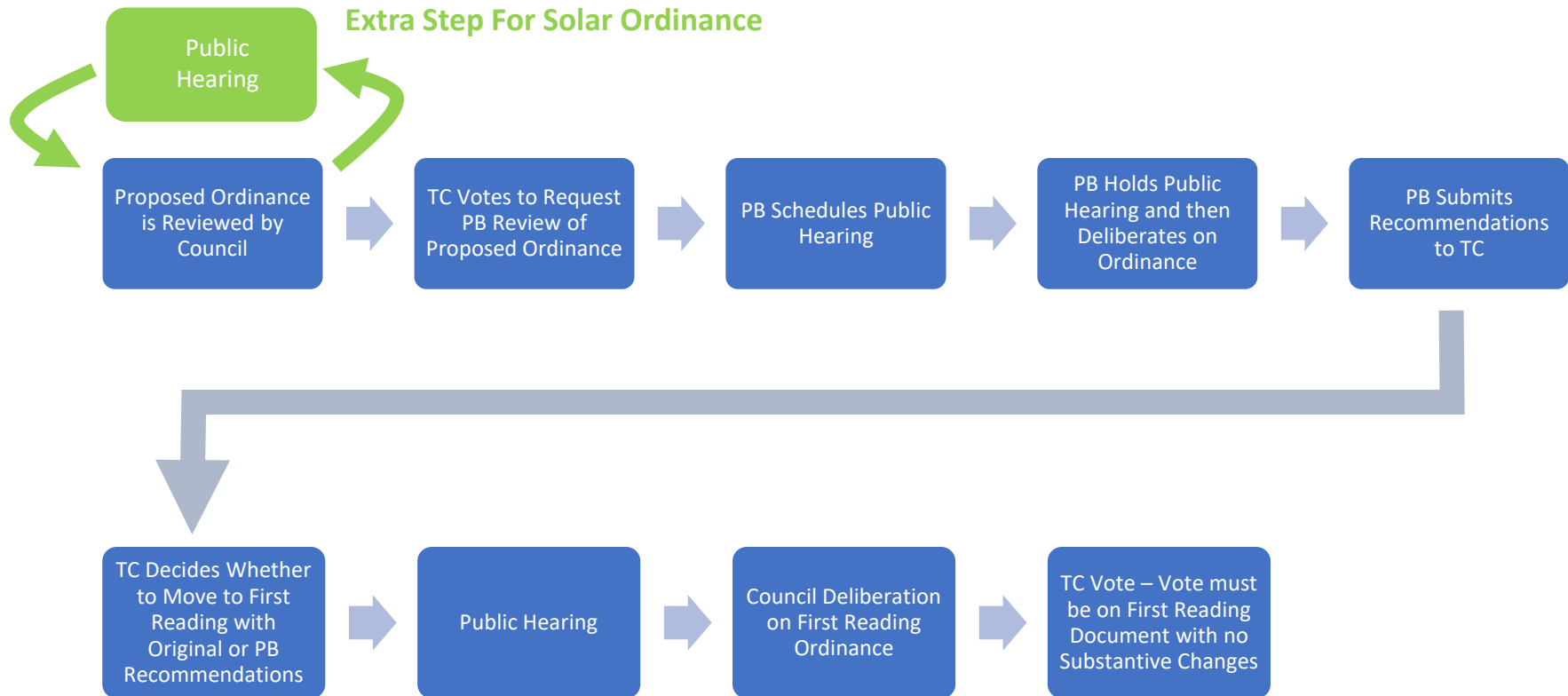
January 26, 2022

Jim Lawson

lawsonje24@comcast.net

603-397-7921

Process for Council Initiated Ordinance



Ordinance Use Much of the Planning Board's Original Proposal

SOLAR ENERGY SYSTEMS
DRAFT ORDINANCE – Durham, New Hampshire
Initiated by the Town Council on TBD

Proposed amendments to the Durham Zoning Ordinance to accommodate solar energy systems

❖ **Make the following changes in Article II, Definitions:**

➤ **Add this new section for "Solar Energy Systems." Place this section right before "Solid Waste" and retain the order as shown here.**

SOLAR ENERGY SYSTEMS – Specific definitions pertinent to solar energy systems follow.

Solar Energy – Radiant energy emitted by the sun.

Solar Energy System – A structure and the related components used to transform solar energy into electricity (through a solar photovoltaic system) or heat (through a solar thermal system).

Solar Photovoltaic (PV) System – A solar collection, mounting, inverter, storage and distribution system that converts sunlight into electricity.

Solar Thermal System – A solar collection system that directly heats a heat-resistant medium.

Building-Mounted Solar Energy System – A solar energy system attached to and completely supported by a building, that does not extend more than 3 feet beyond the building footprint. The system may include necessary accessory equipment that is ground-mounted. A single-family or duplex residential solar energy system or a multi-unit residential or nonresidential solar energy system that is installed on a carport is considered a building-mounted solar energy system.

Freestanding Solar Energy System – A ground-mounted solar energy system, including a structure or tracking system (either single-axis or dual-axis). A Solar Photovoltaic (PV) Parking Canopy is not a Freestanding Solar Energy System.

Single-Family or Duplex Residential Solar Energy System – A Solar Energy System that is necessary and designed to generate energy for use at the property. A Single-Family or Duplex Residential Solar System may also be a Small Group Net Metering Host up to the size limits specified in 175-008.4.

Multi-unit Residential or Nonresidential Solar Energy System – An accessory use designed to provide solar energy for uses other than single-family or duplex residences, including the principal use listed under the categories of Retail, Institutional, Commercial & Industrial, and Utility & Transportation in Table 175-53.

Solar Energy Systems – Draft Revision 3.3 1

Small Utility-Scale Solar Energy System – A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity of equal to or less than 100 kW that generates energy for use off-site.

Large Utility-Scale Solar Energy System – A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity of greater than 100 kW that generates energy for use off-site.

Small Group Net Metering Host – A Solar Photovoltaic (PV) System less than or equal to 100 kW that shares surplus energy with members of a registered group per N.H. P.U.C. 909.

Large Group Net Metering Host – A Solar Photovoltaic (PV) System greater than 100 kW that shares surplus energy with members of a registered group per N.H. P.U.C. 909.

Shared Solar Energy System – A solar energy system that serves single-family or duplex residential buildings, situated on two or more separate and contiguous lots. The system is considered accessory to the uses on each of the lots that it serves.

Solar Photovoltaic (PV) Parking Canopy – An elevated structure that supports solar panels over Surface Parking or Structured Parking.

➤ **Add this new section to Article II, Definitions**

CARPORT – A roofed structure designed to shelter motor vehicles and that is open on at least two sides. A carport may be a freestanding structure or attached to a building.

Solar Energy Systems – Draft Revision 3.3 2

❖ **Modify the Wetland Conservation Overlay District and Shoreland Preservation Overlay District as follows:**

➤ **Add the following use at the end of Section 175-6d, Permitted Uses in the WCOO Subsection A:**

1b. **Building-mounted solar energy systems.**

➤ **Add the following use at the end of Section 175-7i, Permitted Uses in the SPOO Subsection A:**

1b. **Building-mounted solar energy systems.**

➤ **Add the following use at the end of Section 175-8d, Conditional Uses in the WCOO:**

6. **Freestanding solar energy systems.**

➤ **Add the following use at the end of Section 175-7i, Conditional Uses in the SPOO:**

6. **Freestanding solar energy systems.**

❖ **Add the following as a new section in Article XX – Standards for Specific Uses, Section 175-109, and retitle R. Temporary Seasonal (including the table shown at the end).**

R. Solar Energy Systems. Solar energy systems shall be allowed in conformance with the following standards and procedures (See Definitions for solar energy systems).

Authority. This ordinance is adopted pursuant to RSA 362-B:1, 376-62, 477-06, 672:1 III.a. and 676:17 (I)(b).

Purpose. The purpose of this ordinance is to encourage the implementation of solar energy systems in accordance with the recommendations stated in the Energy Charter and the 2023 Durham Master Plan.

➤ **promote environmental sustainability while respecting the rural character and scenic landscape of Durham and the uses of productive agricultural lands, and**

➤ **comply with and support the State of New Hampshire's goal of developing clean, safe, renewable energy resources as provided for in the statute referred to in 1., above.**

Applicability. Solar installations that are designed to generate less than one kilowatt and are not connected to the electrical grid are not covered by this ordinance, though they may be subject to other specific regulations.

Solar Energy Systems – Draft Revision 3.3 6

4. **Single-Family or Duplex Residential Solar Energy System – accessory use.** The following provisions apply to single-family or duplex residential solar energy systems:

a. **Basic requirements.** This accessory use serves single-family or duplex residences situated on the same lot. A Freestanding Solar Energy System may occupy 1,800 square feet of surface area or less (equivalent to a rated maximum capacity of approximately 30 kW or less). Only a building permit is required, except under c. below.

b. **Placement.** A Freestanding Solar Energy System may be placed in a location conforming to Table 175-51 "Table of Dimensions" and other applicable zoning subject to meeting one or more of the following criteria:

(1) The system is placed where the system will not be visible from a public road abutting the property due to land topography or existing vegetation as determined by the Code Enforcement Officer.

(2) The system is placed 150 feet or more from any portion of a public road.

(3) When a system is equal to or less than 12 feet in height and does not meet the requirements of (1) or (2) above, the system may be placed behind the fully enclosed part of the residence closest to the public road.

(4) When a system is greater than 12 feet in height and does not meet the requirements of (1) or (2) above, the system may be placed no closer to the public road than the fully enclosed part of the residence that is furthest from the public road.

❖ **Special Exception.** A proposed Single-Family or Duplex Residential Solar Energy System that does not conform with a. and b. above may be approved by a Special Exception.

5. **Multi-unit or Nonresidential Solar Energy System – accessory use.** The following provisions apply to multi-unit or nonresidential solar energy systems:

Only a building permit is required for a building-mounted system.

The following standards and procedures apply to freestanding multi-unit residential or nonresidential systems:

a. **Site plan review and approval by the Planning Board is required.**

b. **No part of the system may be placed closer to the front property line (and side property line in the case of a system less than the part of the fully**

Solar Energy Systems – Draft Revision 3.3 7

enclosed principal building closest to the street. In addition, for a system that exceeds 12 feet in height (any part of the system), no part of the system may be placed closer to the front property line (and side property line in the case of a corner lot) than the fully enclosed part of the principal building furthest from the street.

c. **In cases where there is no building or no distinct principal building on the lot or where there are multiple lots, the system shall be set back at least 100 feet from the front property line and buffered from the road.**

d. **A proposed system that does not conform with b. or c. above, may be approved by a special exception.**

e. **The Solar Energy System shall be sized to provide up to the projected annual energy needs of the multi-unit or nonresidential use. Where the nonresidential use is Commercial Agriculture, the system may be sized to generate up to 100 kW and the Solar Energy System may function as a Small Utility-Scale Solar Energy System or Small Group Net Metering Host.**

6. **Small and Large Utility-Scale Solar Energy System – principal use.** The following provisions apply to Utility-Scale Solar Energy Systems.

Only a building permit is required for a building-mounted system.

The following standards and procedures apply to freestanding Utility-Scale Solar Energy Systems.

a. **Site plan review and approval is required.**

b. **Freestanding systems shall be set back at least 100 feet from the front property line. The system shall be buffered from neighboring roads and properties in accordance with the Site Plan Regulations and as reasonably determined by the Planning Board.**

7. **Small and Large Group Net Metering Host – principal use.** The following provisions apply to Group Net Metering Hosts.

Only a building permit is required for a building-mounted system.

The following standards and procedures apply to freestanding Group Net Metering Hosts.

a. **Site plan review and approval is required.**

Solar Energy Systems – Draft Revision 3.3 8

b. **Freestanding systems shall be set back at least 100 feet from the front property line. The system shall be buffered from neighboring roads and properties in accordance with the Site Plan Regulations and as reasonably determined by the Planning Board. (Same language as above)**

8. **Solar PV Parking Canopy – accessory use.** The following apply to a Solar PV Parking Canopy:

a. **A site plan review is required for all systems.**

b. **The parking must be an allowed accessory use to an Institutional, Commercial or Industrial use specified in Section 175-53 "Table of Uses".**

c. **The height of the canopy, including panels, above the ground shall not exceed the height limit permitted in the zone.**

d. **The structure supporting the photovoltaic panels and the panels of a Solar PV Parking Canopy must be located on or over the surface or structure parking.**

e. **A Solar PV Parking Canopy may function as a Multi-unit or Non-Residential Solar Energy System, a Utility-Scale Solar Energy System (Large or Small) or a Group Net Metering Host (Large or Small).**

9. **Other provisions. The following additional provisions apply to all solar energy systems:**

a. **Building permit.** A building permit is required for the installation of any system.

b. **Setbacks.** Every part of a freestanding system, including component elevated above the ground, components that track and move, and necessary accessory equipment that is ground-mounted, shall conform to required setbacks for the zoning district.

c. **Maximum height.** For building-mounted systems, the maximum height for any part of the system is two feet above the ridge of the roof of the primary building or ten feet above the highest part of the roof of the primary building where there is no ridge. The maximum height for freestanding systems is 25 feet (excludes Solar PV Parking Canopy).

d. **Impervious surface.** The maximum impervious surface ratio in the Table of Dimensions does not apply to solar energy systems.

Solar Energy Systems – Draft Revision 3.3 9

e. **Submission requirements.** Applicants for projects that require a site plan shall submit all pertinent information, including specifications for the equipment, to the Planning Board, as specified in the Site Plan Regulations. Applicants for a special exception shall submit plans showing all pertinent aspects of the project and all elements specified by the Zoning Board of Adjustment.

f. **Decommissioning.** Applicants for a Solar Energy System that requires a Site Plan review shall submit a plan as part of that review for the removal of the structure and relocation of the site when the system is no longer in use. It is expected that the decommissioning plan will specify the removal and disposal of photovoltaic panels using a method allowed by applicable state and federal regulations at the time of decommissioning.

g. **Historic District.** Additional procedures and standards for proposed solar energy systems located within the Durham Historic District are contained in Article XXIV of this ordinance.

Solar Energy Systems – Draft Revision 3.3 10

Significant Changes From the Planning Board's Proposal

- Solar as an Accessory Use to a Single Family or Duplex
 - Set reasonable limits on freestanding system size
 - Allow a residential solar system to be a Group Net Metering Host
 - More options for placement of freestanding system when the visual impact is negligible from public road
- Alignment of Ordinance Definitions With NH PUC and RSA Definitions for Utility-Scale and Group Net Metering Host Systems.
 - “Enterprise Solar” is now “Utility Scale Solar”
 - “Community Solar” is now “Group Net Metering Host”
 - Proposed as a CU in specific commercial zones
 - Not Permitted the RC or Rural Zones
 - Two sizes based on RSA and PUC thresholds
- Introduction of Solar Photovoltaic Parking Canopies

Single Family and Duplex – Accessory Use

Residential Solar in New Hampshire

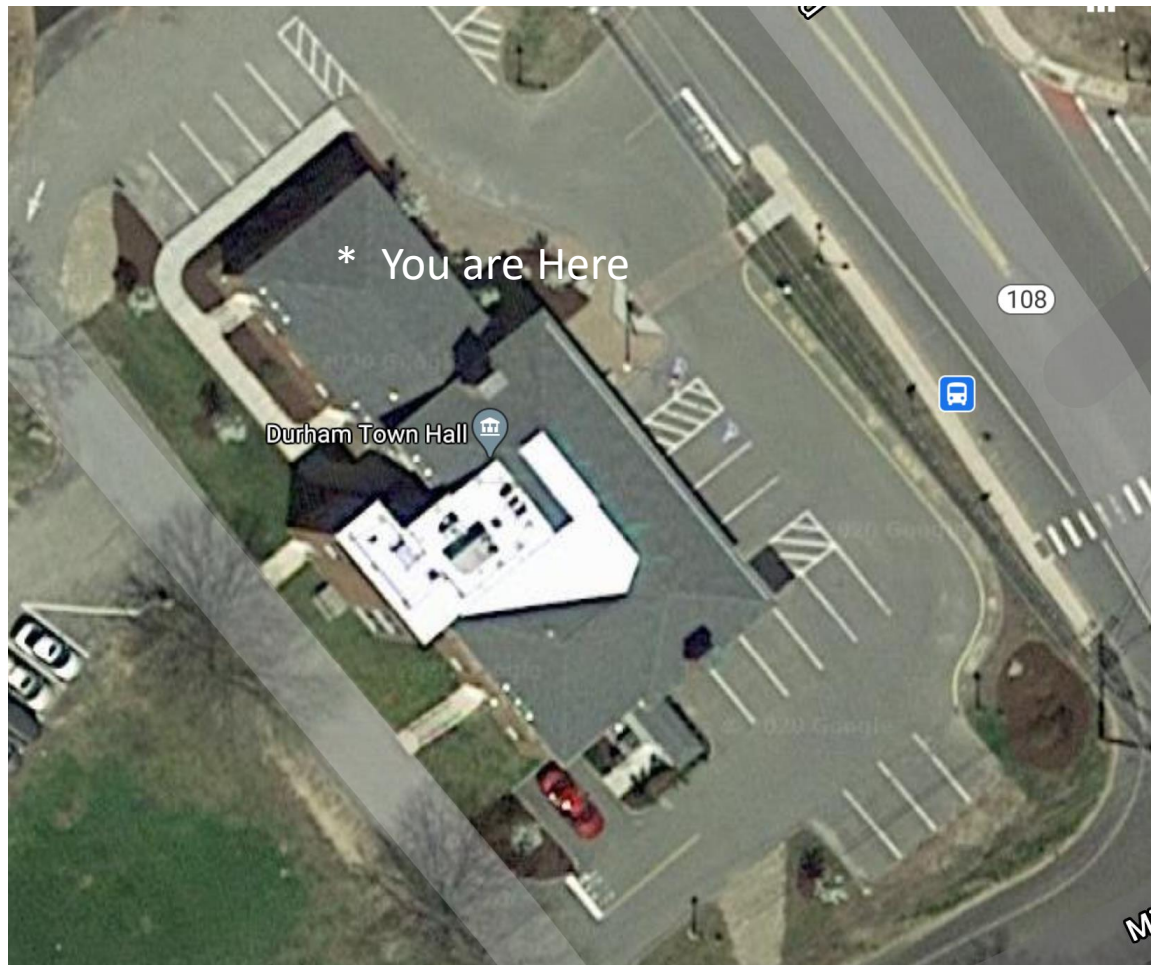
NH Residential Solar System Sizing			
Annual Energy Use (kWH)	Average Solar System Rating (kW) in NH to Meet Annual Energy (1)	Number of 355 fixed watt panels required	Freestanding (Frame) area required for solar panels (ft^2) (2)
4,000	3.5	10	220
6,000	5.2	15	330
8,000	7.0	20	440
10,000	8.7	25	550
12,000	10.4	30	660
14,000	12.2	35	770
16,000	13.9	40	880
18,000	15.7	45	990
20,000	17.4	49	1,078
22,000	19.1	54	1,188
24,000	20.9	59	1,298
26,000	22.6	64	1,408
28,000	24.3	69	1,518
30,000	26.1	74	1,628
32,000	27.8	79	1,738
34,000	29.6	84	1,848
(1) 1,150 kWH/year per 1KW of Solar Panels in NH			
(2) Average freestanding fixed frame space per panel is 22sf			

Electrical Vehicles Charging			
Miles Per Year	Energy Required (kWH) (1)	Solar System Rating for Charging (kW)	Number of fixed 355 watt panels required
8,000	2,720	2.4	7
10,000	3,400	3.0	9
12,000	4,080	3.5	10
14,000	4,760	4.1	12
16,000	5,440	4.7	14
18,000	6,120	5.3	15
(1) 34 kWH per 100 miles			
(2) 1,150 kWH/year per 1KW of Solar Panels in NH			

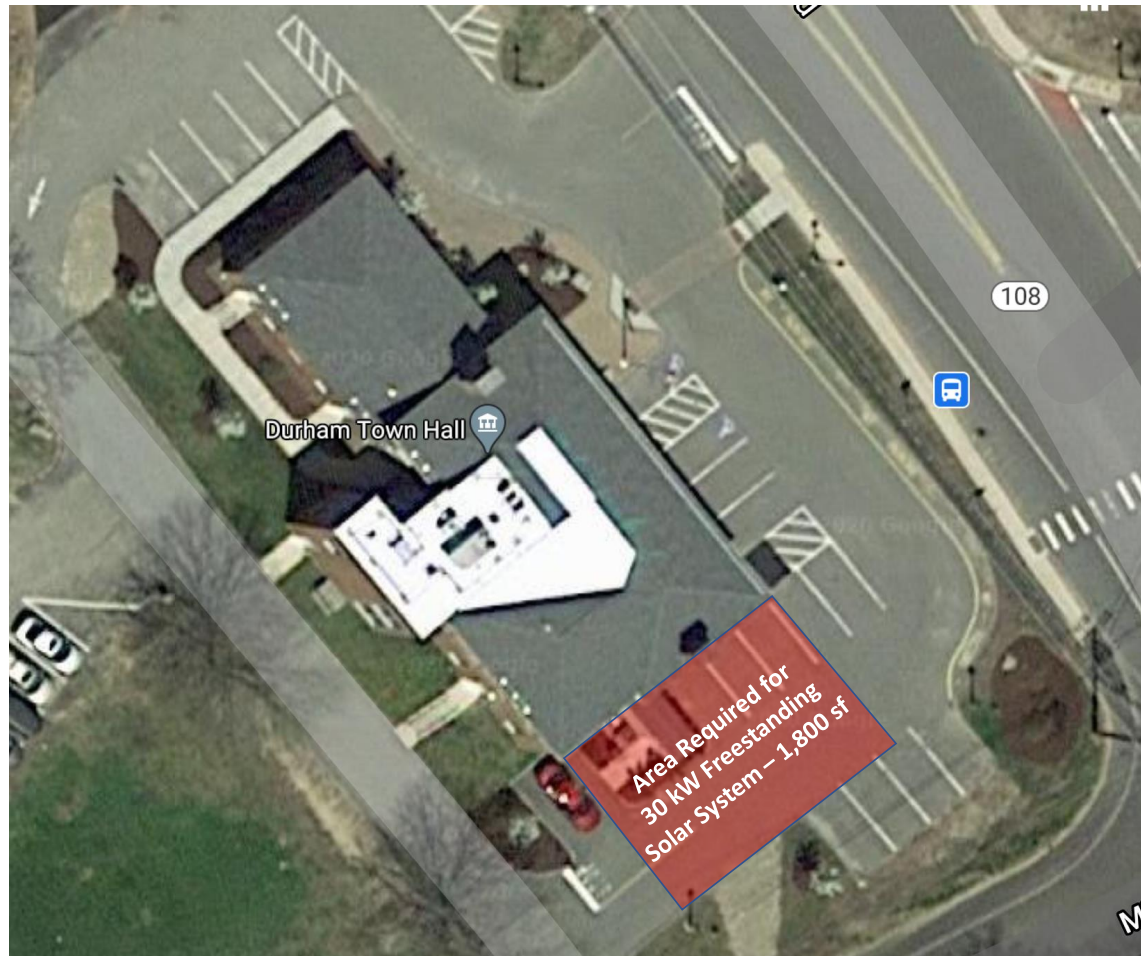
Residential Solar Systems Changes

- Concerns about financial incentives to oversize freestanding system and the resulting impact
 - Reintroduced 30kW size for a residential free standing system
 - Most homes require 6-10 kW solar system
 - Homes with an EV driven 16,000 miles would require 5.3 kW system
 - Geothermal for 2,000 sf homes require 8 kW system
 - 30 kW freestanding system – 1,800 sf ground area
- Maximum creates an opportunity for residential systems to be a Group Net Metering Host

Size of a 30kW Freestanding System



Size of a 30kW Freestanding System



Residential Freestanding System Placement – Original Proposal

- Placed anywhere behind the front of house if freestanding system is <12'
 - Behind house if >12'
- Special Exception (ZBA) to locate anywhere else
- Works well in the RA - But what about other zones?
 - Average RA Lot - .65 Acres
 - Average RB Lot – 1.78
 - Average R Lot – 4.72



Durham Home in RB District

Example of Rural Durham Lots



Residential Placement in Original Proposal



Residential Placement in Revised Proposal



Single Family Group Net Metering Host is Permitted

- Old Definition – “An accessory use that is designed to provide energy for the property.”
- New Draft Definition – “A Solar Energy System that is an accessory use designed to generate energy for use at the property. A Single-Family or Duplex Residential Solar System may also be a Small Group Net Metering Host up to the size limits specified in 175-109R.4”

What is a Group Net Metering Host??

- Allowed by RSA-362 and Codified by PUC-9000 Rules

RESIDENTIAL HOST



↑
Monetary
bill credit

DISTRIBUTION UTILITY

Excess generation is valued based on applicable net metering tariff.

Utility applies on-bill monetary credit on Member and/or Host electric bills each billing cycle based on pre-defined percentage allocations.

On-bill Credits to Host & Members

Host assigns allocation to Host and each Member as a % of total monetary credit

Monetary
bill credit



and/or
Business(es)

Monetary
bill credit



and/or
Residential Customer(s)

Monetary
bill credit



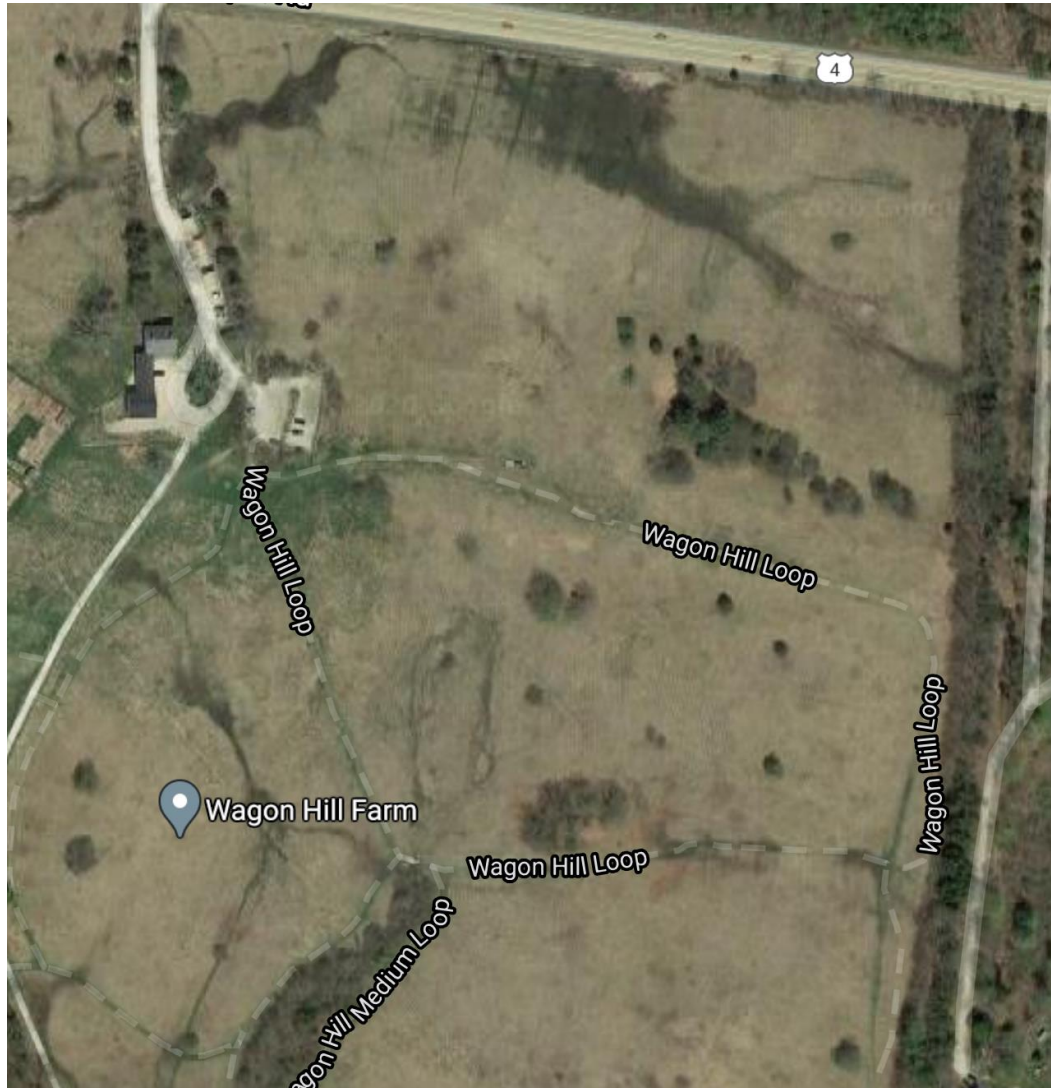
Within Single Distribution Utility Service Territory

Large Scale Solar Systems

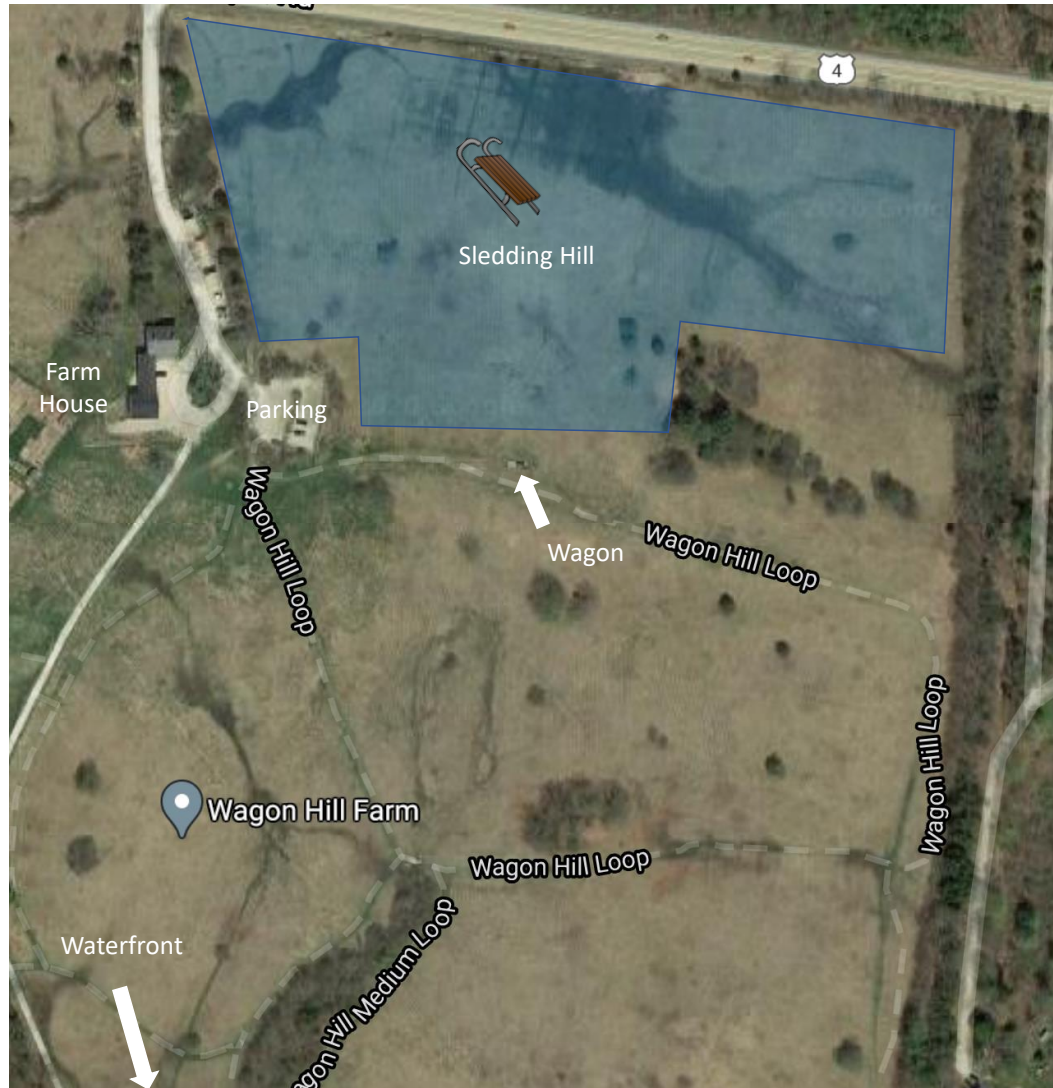
Large Utility and Group Solar Systems

- Revised Definitions based on PUC 9000 and RSA-362-A
- Defined system sizes based on the PUC 9000 Small and Large Customer Generator definitions.
 - Creates more options in the Table of Uses
- Utility-Scale Definitions
 - **Small Utility-Scale Solar Energy System** - A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity equal to or less than 100 kW that generates energy for use off site by customers. A Small Utility-Scale Solar Energy System does not function as a Small Group Net Metering Host.
 - **Large Utility-Scale Solar Energy System** – A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity of greater than 100 kW and less than 5 MW that generates energy for use off site by customers. A Large Utility-Scale Solar Energy System does not function as a Large Group Metering Host.
- Group New Metering Host
 - **Small Group Net Metering Host** – A Solar Photovoltaic (PV) System less than or equal to 100 kW that shares energy and Net Metering benefits with members of a registered group per N.H. PUC 909.
 - **Large Group Net Metering Host** - A Solar Photovoltaic (PV) System greater than 100 kW and less than 5 MW that shares energy and Net Metering benefits with members of a registered group per N.H. PUC 909.

Visualizing the size of a 100 kW, 1 MW and 5 MW System

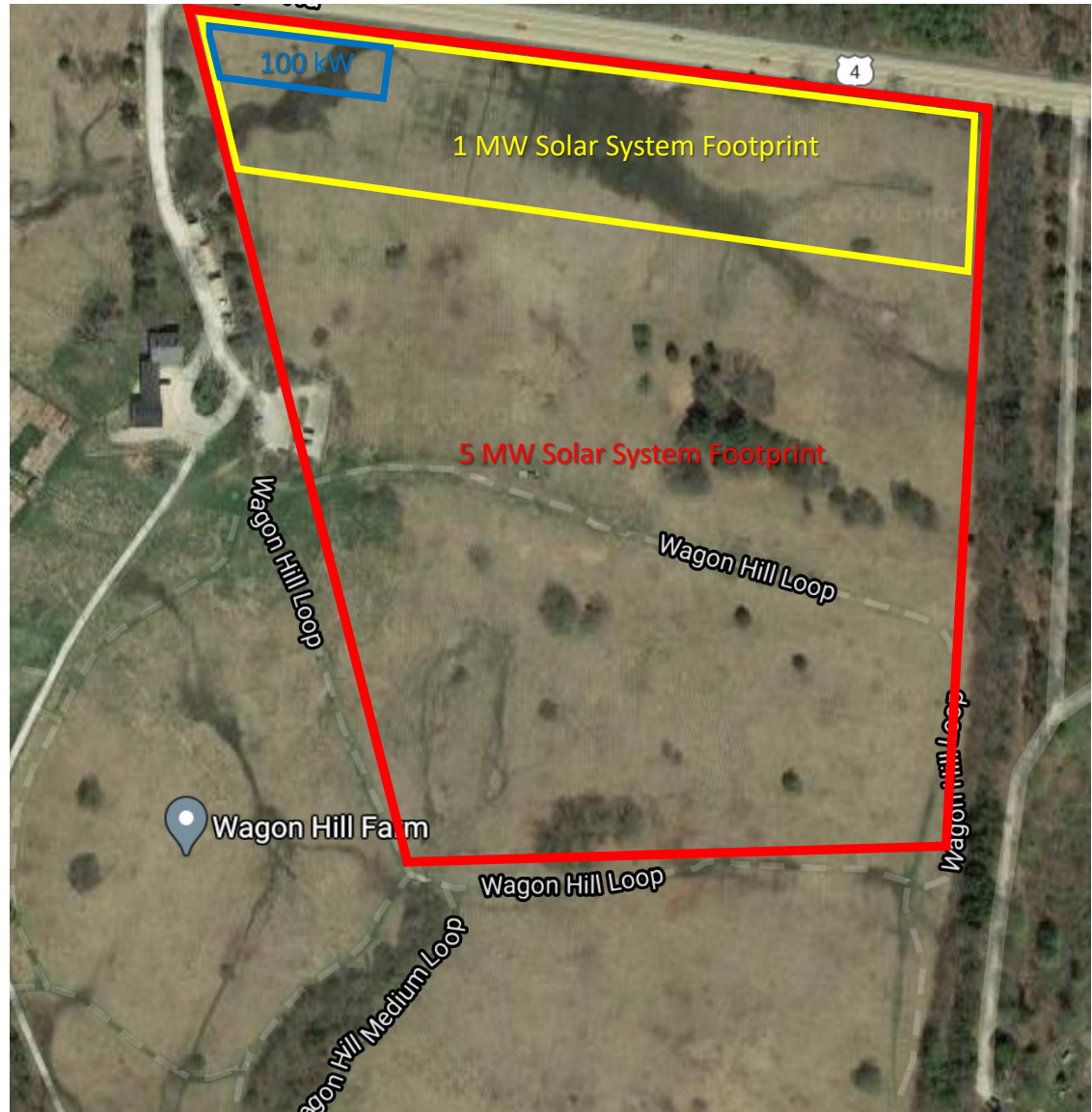


Visualizing the size of a 100 kW, 1 MW and 5 MW System



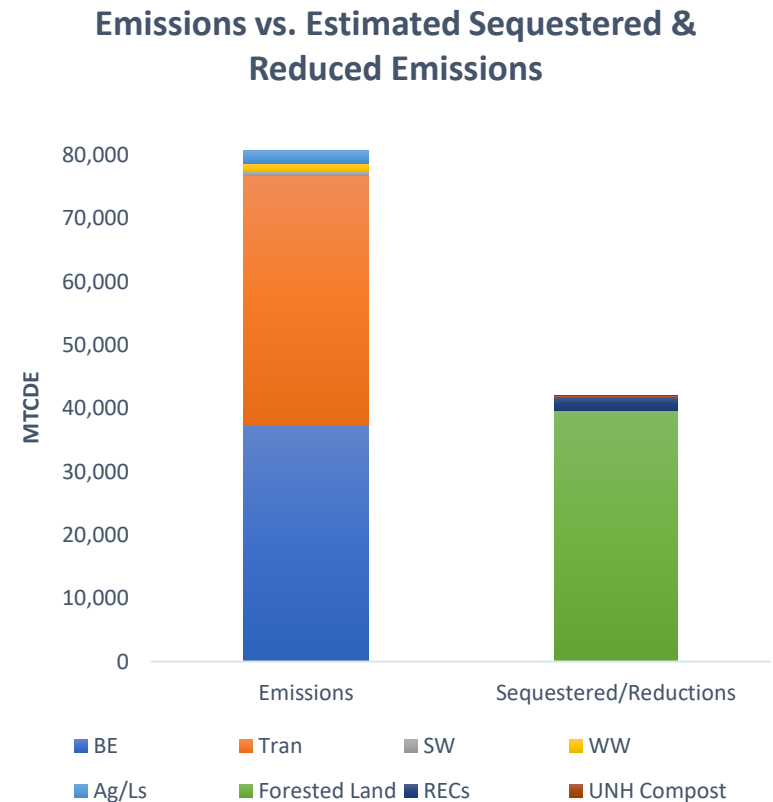
Visualizing the size of a 100 kW, 1 MW and 5 MW System

- To be clear, no commercial solar is being suggested for Wagon Hill Farm!
- 100 kW system – Approx. 20,000 sf
- 1 MW System – Approx. 4.5 acres
- 5 MW System – Approx. 22.5 acres

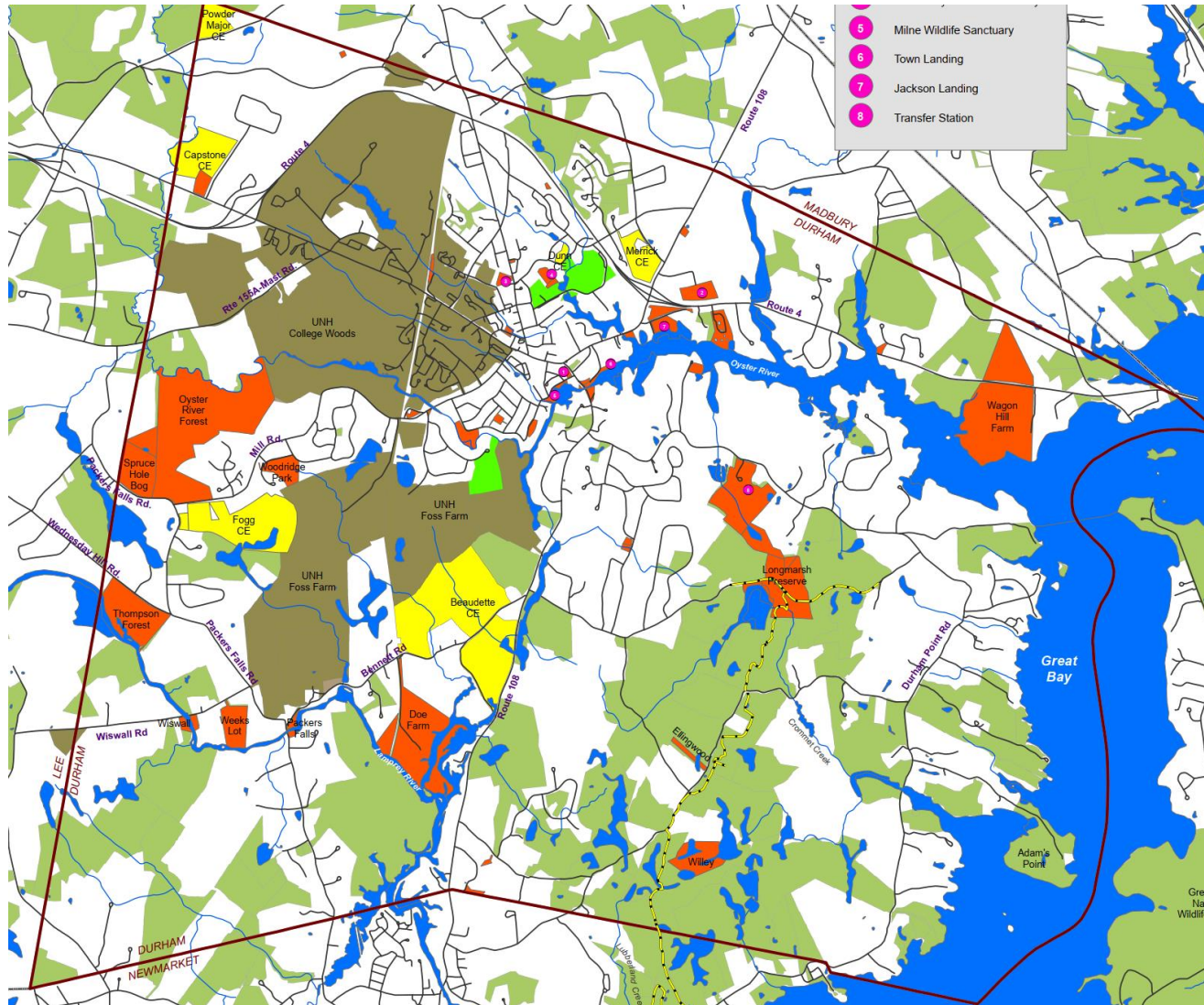


Where Should Large Scale Solar Be Located?

- Guidance from the Work of Durham's UNH Sustainability Fellow and the Greenhouse Gas Inventory Filed with GCOM
 - 8,300 Acres of Durham Forested Land Sequester 40,000 MTCDE Annually
 - 49% of the Town's Emissions, Including Transportation, are sequestered by forests!
 - 4.8 tons sequestered per acre
- Large Scale Solar System are NOT Always Installed in Open Space and Fields
 - Stumpage Value of Timber
 - High Quality Timber Value



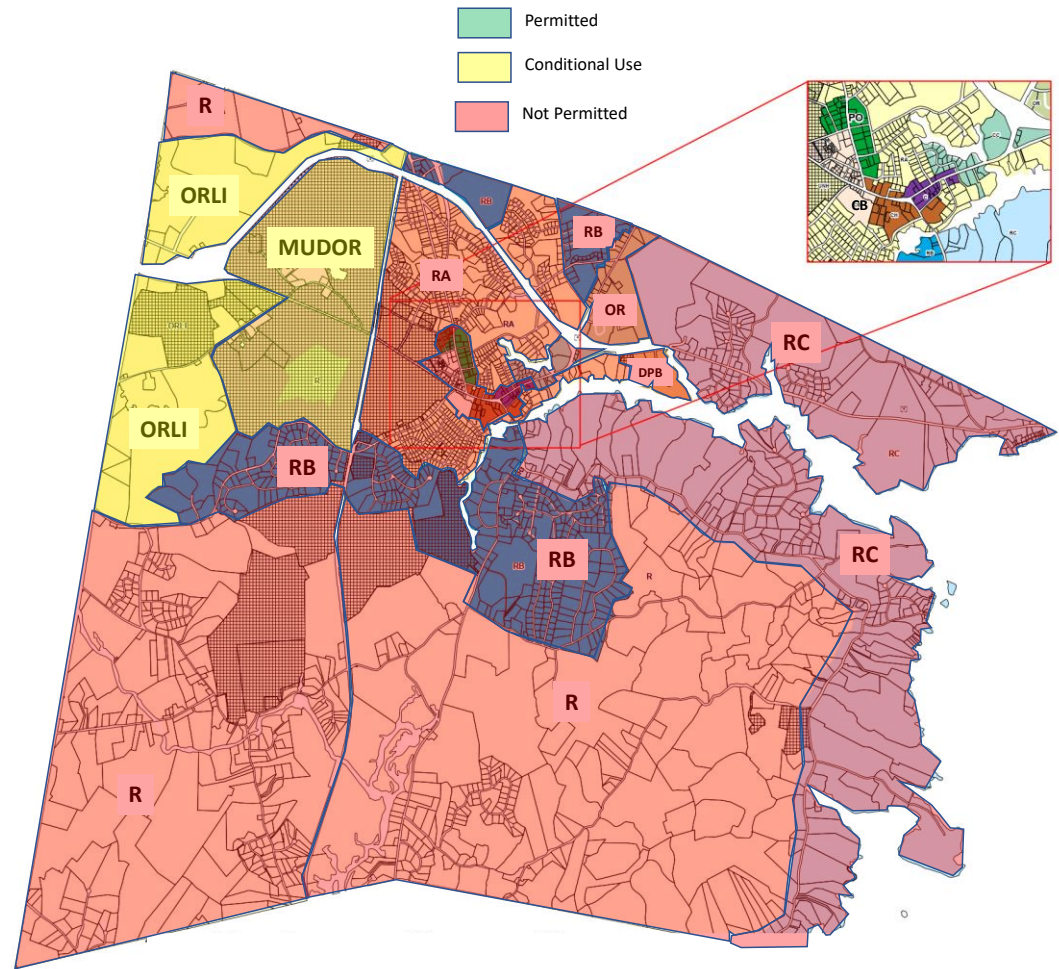
Durham Conservation Land



Conservation Land and High Value Wildlife Areas

Utility-Scale and Group NET Metering Host Principal Use (Freestanding)

- Permitted by Conditional Uses in ORLI and MUDUR zones
- Setback requirements Remain the same - 150'
- Screening requirements remain the same



Solar Photovoltaic Parking Canopy - New

- Accessory Use to Parking
- Parking must be an approved use
 - Excludes Single Family and Duplex Parking
- Solar System is limited to the parking area
- Height Limits
 - Max of 25' above ground and not exceeding the limit in the zone
- Conditional Use in all Commercial and Research-Industry zones excluding the CBD
- Site Plan Review



Multiunit and Nonresidential Solar

Multiunit and Non-Residential Definition Update

- Old Definition – “An accessory use that is designed to provide energy for all uses other than single-family or duplex residences – multiunit developments, commercial uses, other nonresidential uses, mixed uses, and Shared Solar Energy Systems.
- New Draft Definition – “An accessory use designed to provide solar energy for the principal and accessory uses of Multi-Unit Residential, Mixed Use with Residential and other Nonresidential uses.”
- No other changes



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AGENDA ITEM: # 13C

DATE: May 9, 2022

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: CONTINUED DISCUSSION AND ADOPTION OF THE TOWN COUNCIL GOALS FOR 2022/23

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Town Administrator

AGENDA DESCRIPTION:

At the March 21, 2022 Town Council meeting, Council members began discussing the process for the development of goals for the upcoming year.

Council members were asked to submit any suggested changes to the Administrator's office for incorporation into the draft 2022/23 goals, which were further discussed at the April 5, 2021 Council meeting and a few additional amendments to the goals document were suggested.

Attached for the Council's information is the most recent draft goals list for 2021/22 which incorporates all comments and suggestions that have been discussed to date. At this time, it is recommended that the Council finalize the document and adopt the goals for 2022/23.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

If the Council is ready to move forward with adopting the goals either as presented with changes that have been incorporated to date or with additional changes, then the following motion is suggested:

MOTION:

The Town Council does hereby adopt, (as presented with amendments) (as further amended) the attached #7 draft goals list dated May 9, 2022 establishing the goals of the Town Council for 2022/2023.



TOWN OF DURHAM
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2022-2023 Council Goals

WORKING DRAFT #7 - 5-6-2022

Mission

To provide ongoing stewardship for the Durham community that ensures effective and efficient municipal services reflective of our commitment to long-term economic, environmental, and human (social?) resiliency, intertwining the amenities, resources, history, and culture inherent in a university town rich in natural resources.

Core Values

- Embrace openness in the transaction of public business while conducting Town affairs in a manner that is just and best demonstrates a genuine respect for different ideas, opinions, and perspectives.
- Integrity.
- Excellence in all endeavors.
- Resilience.

Action Goals

(Note: These goals are intended to convey a 1- to 3-year time horizon and assume but do not list baseline activities.)

Ensure smooth and, to the extent possible, transparent functioning of Town government.

- Work toward providing town-based e-mail addresses for Town Councilors and board/commission chairs.

Continue monitoring the COVID-19 pandemic using information available from state and Federal agencies.

- Convey timely information to the community when necessary.
- Ensure the Town has an adequate supply of Personal Protection Equipment for its emergency services and town staff.

Conduct planning necessary to protect public health and safety and provide ongoing service continuity given the anticipated impacts of climate change and other trends.

- Update Fire Department Strategic Plan and continue to plan for future fire department facility needs, including a new station on Water Works Road, and

evaluate opportunities with surrounding communities regarding whether there is a potential for shared services.

- Move forward with Land and Mobile Radio (LMR) emergency communications upgrade to municipal infrastructure.
- Move forward with emergency generator enhancements for critical infrastructure.
- Continue to monitor and evaluate the reliability, capacity, and functionality of public water, wastewater, and stormwater services, and move ahead with associated capital initiatives as appropriate.
- Update land use and other regulations as necessary to ensure local resilience due to climate change.
- Take steps as necessary to ensure Durham's IT infrastructure remains secure from cybersecurity threats and other challenges.
- Support efforts to enhance community food security.

Pursue long-term economic sustainability and resiliency, anticipating the community's, the region's, and the nation's economic characteristics and opportunities.

- Task the administrator with meeting the following budget goals for 2023. Hold the municipal tax rate at the 2022 level or less. For the medium and long-term, the Town will continue to make an effort to control its spending, broaden the tax base, and explore innovative ways to stabilize or reduce the municipal tax rate.
- Work to leverage available external grant funding opportunities to address local and regional priorities and mitigate the short and long-term cost of municipal service delivery.
- Support as appropriate the efforts of local businesses, the Durham Business Association, and Celebrate Durham as they plan and host events and activities intended to maintain and enhance a vibrant downtown Durham.
- Pursue opportunities to broaden the tax base that are consistent with Council goals and be mindful of the economic impact they may have on the Town's operational and long-term fiscal health.
- In 2023, start to develop a plan for the re-development of 66 Main Street.
- Continue to work toward defining and addressing downtown parking challenges to support local businesses, the diversification of downtown housing opportunities, and the expansion of the tax base for both today and the future.

Pursue long-term environmental sustainability and resiliency taking into account existing and predicted impacts of climate change in multiple areas including drinking water, agriculture, food, society, transportation, ecology, and economy.

- Take steps that reflect Durham's commitment to the mission of the Global Covenant of Mayors for Climate and Energy (GCOM) to include the development of a Climate Action Plan (CAP) to reduce Durham greenhouse gas emissions 68 million pounds (35.5%) by 2030, enabling Durham to be both more resilient and adaptable to anticipated impacts associated with climate change.
- Support efforts of the IWMAC, Ag. Commission, and DPW to increase composting

- and reduce MSW landfill use and Durham's carbon footprint.
- Adopt an updated solar ordinance to more effectively govern the placement of solar panels supporting a range of community priorities.
- Support ongoing improvement of pedestrian and bicycle connectivity and public transportation availability.
- Work toward the removal of the Mill Pond Dam on the Oyster River, including engineering plans and pursuit of external funding, and through community input and outreach, plan for the use of the resulting public open space that incorporates opportunities for gathering and recreation as well as recognition of the location's deep historical significance in the pre-colonial, colonial, and modern eras.
- Support local and regional efforts to promote and improve the long-term health of the Great Bay Watershed, including its tributaries and surrounding catchment areas.
- Continue to support the proactive stewardship of Town-owned lands and other lands in Durham held in conservation or under easement with nonprofit organizations while improving sustainable public access and use of those lands.

Pursue long-term social/community (human?) resiliency.

- Strengthen the community by supporting the needs of residents, families, and other stakeholders by offering a wide array of active and passive recreational opportunities, programming, events, and facilities.
- Continue to work to preserve the health and vitality of Durham's neighborhoods.
- Explore regulatory strategies to buffer the transition from the downtown commercial core to adjacent residential neighborhoods.
- Support efforts to investigate opportunities, challenges, and options to ensure the continued availability of workforce housing in Durham.
- Continue developing plans for the rehabilitation of both the Old Town Hall/Courthouse and the Bickford-Chesley House at Wagon Hill Farm.
- Take steps as needed over time to help Durham remain a welcoming community.

Continue cooperative and collaborative efforts with UNH to enhance mutual intellectual, cultural, environmental, social, and economic benefits associated with hosting New Hampshire's flagship state university.

Leverage town committees and subcommittees to develop tactical plans to align with the broader goals of the Council, and encourage them to collaborate with each other and communicate as necessary with the community at large.

** Note that the order of the goals does not imply priority.*