

**TOWN OF RYE – SELECT BOARD**  
**Wednesday, April 17, 2024, 10:00 a.m.**  
**Rye Town Hall & via Zoom**

**Select Board Present: Chair Bill Epperson, Vice-Chair Bob McGrath, and Selectman Rob Wright**

**Also Present: Town Administrator Matt Scruton, and Asst. Town Administrator/Finance Director Becky Bergeron**

**10:00 a.m.**

**I. CALL TO ORDER**

Chair Epperson called the meeting to order at 10:00 a.m.

**II. NON-PUBLIC SESSION per (1) RSA 91-A:3, II (c) Reputation**

**10:45 a.m. RECONVENE PUBLIC MEETING**

**III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chair Epperson reconvened the public meeting at 10:55 a.m. and led the Pledge of Allegiance.

**IV. PUBLIC COMMENT – (at the beginning of the meeting, for any comment by any Rye resident on any topic. Requested time limit, up to 5 minutes each person.)**

**John Bellino, 2136 Ocean Blvd.,** spoke about the recent State of NH meeting with regard to coastal resiliency and the recent grant funding the State received to help rebuild parts of Route 1A. He requested that the Select Board hold a work session to talk about the challenges that Rye is going to face in regard to increasing storms in the future.

**Sam Winebaum, 52 Cable Road,** spoke about the need for long-term planning with regard to preparing for climate change and sea-level rise.

**Steven Borne, 431 Wallis Road,** commented about the recent EPA ruling that has been set for PFAS in drinking water. He encouraged the Select Board to talk about what can be done to protect the water supply for residents who get their water from Aquarion, as their water is now over the EPA limit. Mr. Borne also spoke about the upcoming update on the Watershed Management Plan and how he would like to be involved in the process. He also commented on

the upcoming discussion on Article #33 and would like to help and contribute. Mr. Borne spoke about the process of appointments to committees, boards, and commissions.

**Jeff Quinn, 71 Cable Road**, expressed concerns about the condition of South Road; specifically, the intersection of Woodland Road.

It was noted by DPW Director Jason Rucker that South Road, between West Road and Central Road, is on the schedule for paving this year, as well as Woodland Road. The island at the Woodland Road intersection is scheduled for removal. That intersection is also scheduled for narrowing, as it is too wide.

**Mary-Ann Sullivan, 754 Central Road**, expressed concerns on the speed of vehicles and reckless driving throughout Rye. She asked that the Select Board take the lead in giving the Police Department what they need to control the situation.

Mr. Winebaum noted that he served on the committee that worked on the Parsons Creek Pump-Out Ordinance. He heard that septic systems should not be allowed in Parsons Creek anymore. He thinks it is time to start planning for sewer in that area.

**Danie Seiglie, 633 Central Road**, noted that Rye has only one speed monitor. She has asked David Walker, Rockingham Planning Transportation Assistant Director, to include Rye as a potential recipient for a speeding monitor when DOT takes requests throughout N.H. Ms. Seiglie encouraged the Select Board to be responsive to the citizens who have spoken and support Article #30.

**Vikki Howard, 261 Brackett Road**, spoke about the challenge of walking safely on the roads in Rye and the changes that she has noticed in this regard over the past six years.

**Alex Herlihy, 55 Lang Road**, commented on the inconsistent speed limits on Rye's roads and his concerns with the speeding vehicles throughout the community.

## **V. AGENDA ITEMS**

### **A. Discussion on Petitioned Warrant Article #30 regarding speed limits and next steps**

ARTICLE 30 (By Petition) Shall the Rye Board of Selectmen implement a plan to determine which (if any) town roads, or portions thereof, having a posted speed limit of 35 mph are not currently in compliance with State law, and establish a speed limit of 30 mph on such roads, per RSA 265:60 and RSA 259:118?

As one of the residents involved in the drafting of Article 30, **Roger Wiegley, 633 Central Road**, spoke in regard to the intent and purpose of the article. He referred to NH RSA 265:60, which states that a proper speed in an urban residence district is 30-mph, which is defined as a road that

is mainly occupied by dwellings, and buildings used for business, with a distance of 300ft or more. Mr. Wiegley noted that he chose two roads in Rye that have both a 35-mph section and one or more segments with a 30-mph limit; Central Road to Route 1A and Washington Road to Route 1A. On those roads, he found that the 35-mph sections of the roads have more dwellings than the 30-mph sections. He commented that either the 30-mph sections are wrong or the 35-mph sections should be reduced to 30-mph so it's consistent. He also pointed out that the speed limit on Central Road, from the Grove Road intersection to Locke Road, is different; 30-mph traveling north and 35-mph traveling south. Mr. Wiegley stated that he thinks there's a methodology that the Select Board can use so this can be done efficiently at low cost in determining whether the 35-mph sections should be lowered to 30-mph.

**Police Chief Kevin Walsh** spoke in regard to Rye's Driver Compliance Plan, which is the Town's strategic plan encompassing education, awareness, and enforcement. He feels the mission of Warrant Article #30 has been completed, as the Rockingham Planning Commission (RPC), along with NH DOT, reviewed three communities (Exeter, Rye, and Portsmouth), and concluded that 35-mph is within compliance with state statute. Chief Walsh presented the steps the Police Department is taking to keep the roads safe in Rye. He also presented the initiatives being taken to work with other seacoast communities to address this issue. He noted that the accident data shows that accidents in Rye have decreased every year over the last five years. He pointed out that the next step is to work with DPW to improve road infrastructure by narrowing the yellow and white lines to 10ft, along with other pavement improvements. Accident statistics and signage will also be reviewed to make sure the Town maintains it's safe roads.

There was discussion with Chief Walsh about the pros and/or cons of bringing additional speed monitors into the Town.

**Dania Seiglie, 633 Central Road**, expressed her disappointment in regard to the impression that Chief Walsh is given that the warrant article has been achieved. She pointed out that voters came out to say something has to change. The current conditions are not what the residents want; otherwise, they wouldn't have voted in favor to have the Select Board consider what can be done to improve conditions. She asked the Select Board to not just take Chief Walsh's position to determine that they have achieved their goal. Ms. Seiglie also disagrees with the DOT. The definition of "urban" is not defined in the law and it's very random. She disagrees with them using that as a bases upon which to determine that the existing speed limits are correct. Ms. Seiglie also spoke in support of harmonizing the speed limits on the roads.

It was confirmed by Town Administrator Matt Scruton that Chief Walsh's detailed package, along with the opinions from the State, can be shared with the public.

Vice-Chair McGrath commented that he believes that Ms. Seiglie is saying that the public wanted a study. He believes what has been presented by Chief Walsh is an accurate study.

Selectman Wright supported Selectman McGrath's comment. He pointed out that Ms. Howard had said that in the last six years, safety on the roads has gotten worse. Chief Walsh's accident

report for the entire Town of Rye, which is required by the Department of Motor Vehicles for accidents with more than \$1,000 worth of damage, shows that from 2018 through October 2023, accidents have decreased every year and statistically things have improved.

Chief Walsh noted that the Police Department has changed the way they patrol and plan. Other communities are now changing based upon what Rye is doing. He spoke about the ways that surrounding communities are working together in order to drop the number of accidents in the seacoast.

DPW Director Jason Rucker spoke about the plans to narrow the roads and the striping of the roads down to a 10 ft driving lane to change the behavior of the drivers. The impression of a narrower road will cause drivers to slow down.

Speaking to Chief Walsh, Chair Epperson asked if the Driver Implementation Plan, along with the narrowing of the lanes, has significantly changed the speeding in town.

Chief Walsh confirmed that the plan, and everything else that is being done, is addressing poor driving behavior; speeding, passing, following too close, and going through stop signs. This can be seen in the accident statistics and in the number tickets/warnings that are being issued upon the officer's discretion.

**Sam Winebaum, 52 Cable Road**, thinks this is about the quality of life for residents. The main issue is distracted driving and speeding. He feels that all the roads should be 30-mph. He encouraged the Police Department to issue fewer warnings for stops that are considered stoppable and lower the level of when a ticket is written. Mr. Winebaum also spoke in support of having more speed monitors; especially, for the summer season. He thinks a summer plan, in addition to enforcement and additional signage, would be very helpful.

Chief Walsh confirmed that the State Police consistently work with Rye and have a presence in town. Requests for additional coverage in Rye can be made. Chief Walsh briefly outlined how the officers work in conjunction with the State Police.

**Tom King, 535 Wallis Road**, noted that Chief Walsh has statistically shown that the roads are safer, at least accident wise. The statistical background versus the residents' impressions is what drove the warrant article. He pointed out that the wording of the warrant article doesn't use the words "safety" or "accident." The article requires the Select Board to determine which roads are in compliance with the State RSA's that govern the rural and urban residence districts, irrelevant whether there are safety issues or not. The Select Board is being directed to do this by the residents. The Board can't pick and chose which statutes to enforce. The state statute determines whether it's 30 or 35 mph. The crux of the issue is to define whether it's rural or urban residence, which will drive the speed limit. The Board has been directed by the article to determine that and this will set, or confirm, the speed limit.

**Coleen Penacho, 1182 Ocean Blvd.,** commented that it sounds like the Select Board is taking evidence on this issue from the experts. The Rockingham Planning Commission has said that the roads are in compliance with state law. She thinks this is what the warrant article says the Selectmen are to determine. It seems the people who brought the warrant article forward now disagree with the RPC because they came out with the result they didn't want. The people also said they don't agree with the DOT's definition of words not defined in the statute. She pointed out the DOT is a state agency. If there is not a term defined, the state agency who defines that term is given preference in how it's defined. She doesn't think the Town can say that they don't agree with what DOT has said about this definition. She thinks the Select Board is doing what was requested in the warrant article. They are taking evidence from experts in this area to make a determination.

**Jeff Quinn, 71 Cable Road,** applauded the efforts of the Rye Police Department and the presentation Chief Walsh made, as it is doing due diligence. He pointed out that more restrictive laws don't change behavior; however, it multiplies the amount of work the Police Department would have to do to implement a change like this, based on a general feeling that people are driving too fast. He noted that the Department is making efforts to try to get people's attention and remove the safety issues regarding distracted driving and speeding. He thinks the status quo is appropriate and things should be addressed in a way the Police Chief is recommending.

Selectman Wright stated that he agrees with Mr. King that the Select Board was given a specific charge to study this issue. He thinks that it's been under a study for some time. An appropriate conclusion would be to add another data point, or two, to see the actual results. Notwithstanding the fact that Article 30 does not mention "safety", the speed limit cannot be uncoupled from the safety, as that's the reason it's there to begin with. Viewed in the context of NH DOT offering an opinion that rural and urban are "vague and subjective;" according the RSA 41:11 and 47:17, the purgative to set the speed limit lies with the Select Board. He proposed taking a few more data points to see where it leads. He would also like to consult with the Town Attorney to be sure the Board hasn't missed anything that may have an impact on this discussion.

There was some discussion with Chief Walsh about collecting a bit more data and acquiring more speed monitoring signs.

Chair Epperson commented that he wanted to be sure that the people who voted for this article were honored and aware. To ignore them would be unfair. He believes that the Chief and associated departments have done a good job in trying to mitigate this problem. He thinks there is no question it's a study, but there could be a finer point on it and it should continue to be massaged as best as possible.

Town Administrator Scruton recommended taking Chief Walsh's presentation and formalizing it into a report that constitutes the study that meets the article.

Ms. Seiglie asked that there be an analysis that is independent of all the worst-case scenarios that have been presented. She pointed out that there are opportunities for monitors and other options

should be considered. The Select Board has spoken many times about what can be done better. In this specific situation, the residents are asking the Board to do that.

**Alex Herlihy, 55 Lang Road**, noted that inconsistent speed limits will not improve the culture of bad behavior. He pointed out that since 1950, over 2,000 homes have been built in town and have added density. That's why the speeds should be reduced from 35-mph.

Vice-Chair McGrath believes that the Select Board has met the goal of the warrant article. Experts have been hired in town to do a job and the Board should listen to them.

Selectman Wright would like to see the results from the past two months of data on the Washington Road JAMAR device and add the results from the new placement into the report.

Chair Epperson agreed that this suggestion goes with the spirit of the article, as people are concerned about speed, and they can look a bit further. Through this discussion with regard to the analysis, he believes the Board has determined that the requirements of Article 30.

The Board agreed with Town Administrator Scruton's suggestion to not release the report until it's in a final form that has been formally adopted by the Select Board. Chief Walsh will finish his data analysis and prepare the final report, which will be presented to the Select Board at an upcoming meeting. The intent is for the report to be completed by the Select Board's first meeting in July.

**B. Discussion on Petitioned Warrant Article #33 regarding informational guide for land use applicants and next steps**

ARTICLE 33 (By Petition) To see if the Town will vote to authorize the Select Board to prepare an informational guide to assist land use applicants, developers, and members of the public with regard to the building and land use processes in the Town of Rye, said guide to identify the various ordinances, rules, and regulations applicable to building and land use, as well as the various applications, checklists, and fee schedules which may be applicable.

**Jenn Madden, 620 Central Road**, spoke in regard to Article 33. She proposed forming a committee that will clarify ways to improve the process for obtaining a building permit that will enable the applicant to know what to expect in terms of process, as well as the financial and time commitment. The goal is to save all parties involved time and money, set reasonable expectations for the residents and contractors for obtaining a permit, and identify best practices. Once best practices are identified, the Town also has to identify what makes Rye different; such as, challenges, municipality statutes, and technology. Proposed solutions should provide reliable and predictable prothesis. She noted that most people in town are unclear about the process.

It was noted by **Building Inspector Chuck Marsden** that the town ordinances and building codes describe what is required for a building permit.

The Select Board asked Ms. Madden if she thinks there needs to be a checklist or flowchart submitted with the building permit application.

Ms. Madden commented that this needs to happen in conjunction with someone acting as a guide to get applicants through the application process.

Selectman Wright agreed that there can be a lot of wasted time. However, he doesn't agree that it's the Town's job to provide a concierge for every application. What he would like to get at is a process plan that works; such as, a flowchart showing the various conditions operations.

Chair Epperson commented that he has been on the Planning Board for almost fifteen years. He has seen applications that come before the Board that are a mess because the people don't have the right guidance from the people they hire, which is not the Town's responsibility.

Ms. Madden commented it's about the rules and a bit procedure based, as to which board comes first and the documents that are needed.

Selectman Wright noted there's a lot of detail and requirements with every step. There's a lot of complexity. He agrees that there could be a better job of identifying the entire interconnections of the Land Use Regulations and the various building districts in an encyclopedic format, with a quick start user guide; however, it's going to require a big effort for description because there are so many different contingencies.

Ms. Madden spoke further about allocating a person to walk the applicant through the process.

Building Inspector Marsden spoke about some of the challenges the Building Department faced during its busiest year, which was 2022. He also spoke about how the new department space has helped with servicing the public. He pointed out that the department has extended its hours for the public to review files and there are extra stations for people to use. There is also room now for people to meet with the building inspectors in the back office to ask questions. The department is now open at 7:00 a.m. for contractors to come in and pull permits the same day. As far as building permit applications coming in, everything is complicated. He agrees that the applications are antiquated. He already has a draft made up to help finetune and update the application. Mr. Marsden explained why the application process can be lengthy, due to the number of applications received with missing information.

**Victor Odryna, 640 Long John Road,** commented on his experience in going through the building permit process and the guidance that would have helped him through his project.

The public was presented with a draft document, prepared by Building Inspector Marsden, listing the steps that need to be taken in the building permit process. There was further discussion with Building Inspector Marsden in regard to the overall process.

**Mike Garvan, 220 Washington Road, RCC Member**, spoke in regard to the work the Rye Conservation Commission does in conjunction with the Building Department, as an advisory committee.

**Kevin Brandon, 617 Central Road**, spoke in support of streamlining the information, as it's in respect of everyone's time.

**Steven Borne, 431 Wallis Road**, made comment on how costly the process can be for everyone involved. He encouraged better support and better communication.

**Tom King, 535 Wallis Road**, gave further comments on the process.

After discussion, it was agreed to start with the Building Inspector's recent document addressing the building permit application process. A new committee will be created to address the building permit process. Town Administrator Scruton will draft a charter for the new committee to be presented at the next select board meeting.

## **VI. OTHER BUSINESS**

### **A. Consideration of a committee policy waiver request for the HDC**

Chair Epperson read the request received from the Historic District Commission to the procedural requirements set forth in the new policy established in the General Rules of Procedures for Boards, Committees, and Commissions. As a result of the new policy, the HDC lost two full members and there are five alternate positions open. The chair has not been able to establish a quorum in order to hold a monthly meeting. There are two pending applications that need to be reviewed by the HDC. The HDC also needs to vote on releasing the final payment to the consultant that provided services for the 2023 CLG Grant and the recreation of the Historic District's survey form.

Town Administrator Scruton noted there are currently two member reappointment requests from David Choate and Stacey Smith for three year terms. Also, John Moynahan has submitted a request to be an alternate for a three-year term. If the Board would agree to waive the procedural requirements of the policy, and make a motion to reappoint David Choate and Stacey Smith, along with appointing John Moynahan as an alternate, this would solve the concerns of the HDC chair.

**Motion by Rob Wright to waive the policy on committee formation in the General Rules of Procedures Governing Boards, Committees, and Commissions for the Historic District Commission. Seconded by Bill Epperson. All in favor.**

**Motion by Rob Wright to appoint for a three year term, Stacey Smith and David Choate as full members to the HDC, and John Moynahan as an alternate, per their applications. Seconded by Bill Epperson. All in favor.**



**ADJOURNMENT**

**Motion by Bill Epperson to adjourn at 1:50 p.m. Seconded by Bob McGrath. All in favor.**

Respectfully Submitted,  
Dyana F Ledger