

**TOWN OF RYE – BOARD OF SELECTMEN**

**Wednesday, October 22, 2018**

**6:30 p.m. – Rye Town Hall**

*Present: Chairman Priscilla Jenness, Vice-Chair Phil Winslow and Selectman Keriann Roman*

*Others Present: Town Administrator Michael Magnant, Finance Director and Assistant Town Administrator Becky Bergeron.*

**6:30 p.m.**

**I. CALL TO ORDER.**

Chairman Jenness called the meeting to order at 6:30 p.m.

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

**At 6:30 p.m., Keriann Roman made a motion to go into Non-Public Session per RSA 91-A:3 II (e) Litigation. Seconded by Phil Winslow. Roll Call: Jenness – Yes, Winslow – Yes, Roman - Yes.**

**At 6:53 p.m., Keriann Roman made a motion to come out of Non-Public Session. Seconded by Phil Winslow Roll Call: Jenness – Yes, Winslow – Yes, Roman - Yes.**

**7:00 p.m. RECONVENE PUBLIC MEETING**

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

Chairman Jenness called the meeting to order at 7:02 p.m. and lead the Pledge of Allegiance

**IV. ANNOUNCEMENTS**

- Chair Jenness announced that Trick or Treating in Rye will be held on Tuesday, October 30, 2018 from 5:00-7:00 p.m.
- Vice-Chair Winslow thanked Governor Sununu for sending a letter on October 3<sup>rd</sup> to the Division Commander of the United States Code of Engineers in Concord, MA in support of Rye's request for dredging Rye Harbor.
- Vice-Chair Winslow announced that the Rye Jr. High will be holding its annual school play, November 15-16-17<sup>th</sup> at 7:00 p.m., called "School House Rock". He invited everyone to attend in support of the students.

**V. 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.)

**Peter Crawford, 171 Brackett Road**, stated that there are residents in attendance that would like to speak on the cell tower issue. If they would be allowed to speak during that section of the meeting they would be willing to wait until then. The Board agreed.

**Craig Musselman, 172 Sagamore Road**, presented a picture of a section of Sagamore road to the Board. He expressed his concern regarding the dangerous condition of the road for bicyclists. He stated that he and his wife ride that stretch of road often and it is a high traffic area. The road condition along the edge is poor. Because of the pot holes, they are forced to get off the pavement or be hit by passing cars.

**Fire Chief Cotreau** announced that the Fire Department will be holding a public forum to discuss the Fire Apparatus Capital Plan on Thursday, November 1<sup>st</sup> at 6:30 p.m. at the Rye Public Library. He stated that the discussion will include:

- The Operations of the Department
- Why the department needs the apparatus; number and types
- Details of the 6-year capital plan

Chief Cotreau added that there will be follow-up public forums in January and March.

**VI. CONSENT AGENDA ITEMS** – (to be discussed at the meeting only if pulled off the consent agenda by one of the three Selectmen.)

- A.** Sign request: Webster at Rye requests permission for a sign at Parson's Field for the Annual Christmas Fair to be held on Saturday, 12/01/18. The sign is requested from 11/23/18-12/01/18.
- B.** Fundraiser request – Rye Youth Softball requests permission to hold a bake sale at the Recycling Center on Saturday, 11/10/18 from 8:00 am – 3:00 pm.
- C.** Raffle request – Acorn School requests permission to hold a series of raffles with the drawing to be held on Friday, 11/16/18 from 7:00 – 10:00 p.m. at the Atlantic Grill.

**Motion by Phil Winslow to accept items A, B, and C on the consent agenda. Seconded by Keriann Roman. All in favor.**

**VII. DISCUSSION ITEMS**

- A. Meeting Minutes - Moved to later in the meeting**
  - 1. Meeting, Wednesday, October 10, 2018, 7:00 p.m., Town Hall

2. Meeting, Friday, October 12, 2018, 2:00 p.m., Town Hall

3. Non-Public Session, Friday, October 12, 2018 (1) Per RSA 91-A:3,II (a) Personnel  
(2) Per RSA 91-A:3,II (c) Reputation

**B. Paula Tssetsilas, Rye School Board – School Reconfiguration – Moved to later in the meeting**

**C. Dr. Tom Sherman – Update on the Cancer Cluster Commission – Moved to later in the meeting**

#### **D. Grove Road Landfill Monitoring**

Chair Jenness explained that the Grove Road Landfill was not a landfill, it was the town's dump from 1927 to 1974 or 1976. It is now owned by the Rye Water District. However, the town has continued to monitor the waste by installing monitoring wells. Two years ago, the town started testing for PFOAs and PFOS. In a letter from Craig Musselman of CMA Engineers, it was suggested that since the area was owned by the Rye Water District that the testing be taken over by the district. The district needs to be looking at it as a drinking water source not as a trash management source, which is how the town has looked at it. Through correspondence, the Board was told by the Commissioners of the Water District that they felt they did not want to take that on but were open to a discussion. The Board invited Commissioner Arthur Ditto of the Rye Water District and Craig Musselman of CMA Engineers to discuss the issue this evening.

**Rye Water District Commissioner Arthur Ditto** addressed the Board. He stated that the landfill closed in the mid-70's. The waste disposal stopped at that time and no new waste has been deposited at the facility since the closing. He stated that the Water District Commissioner's feel that the town is dealing with a legacy versus a new release. The commission felt that they did not want to take on the responsibility of sampling landfill monitoring wells. They also felt that it was inappropriate for the district to do that type of sampling. They do agree with meeting all the requirements of the Ground Water Management Permit as issued by the state. However, they disagree with the statement in Craig's letter stating that the monitoring at the site be a water supply function rather than a solid waste function. He explained that it has always been a solid waste function because that's where the release is coming from. As long as there is waste at the site it is a solid waste function. The continued monitoring is for a release from the landfill that **may be** leaching into the surrounding areas and **may potentially** impact the well. He stressed the responsibility should stay with the town as the town operated the landfill during the time it was open. He noted that the district has been monitoring the Garland Road well since March 2016. Since July 2017, all three wells have been sampled on a monthly basis. The district is committed to continuing this process.

Commissioner Ditto added that as part of this process the district evaluates the data looking for trends, especially at the Garland well, to see if there is a need to add and upgrade the monitoring plan. An upgrade may include installation of monitoring wells across the boundary where the water is flowing downgradient from the landfill. The wells that are being talked about are primarily 102 and 6. Monitoring well 102 is half way between the landfill and the Garland well. Monitoring well 6 is on the landfill property.

Commissioner Ditto also explained that the district does not have the expertise to do the sampling that is required. The district staff only does graph sampling of the wells. The monitoring wells require a sampling procedure or protocol. The district would have to hire a contractor which would be very expensive. Commissioner Ditto also expressed concern regarding two questions:

1. Who would be responsible for the evaluation of the data?
2. Who would be responsible for follow-up actions if it was determined that there is a need?

**Craig Musselman of CMA Engineering** stated that there seems to have been a misunderstanding of the suggestion in his letter. He continued that first he would like to talk about two new pieces of information that has been received since his last meeting with the Board.

- He reported that a letter was received from DES stating that the town correctly categorized the process from a waste management prospective.
- In July, DES took samples from all active New Hampshire solid waste landfills; sampling the leaching and gathering data.

Mr. Musselman reported that the renewal of the Ground Water Permit is due in January 2019. It is a three-year permit. A requirement of the permit is that one sample per year be taken in April from five of the eight streams, which include MW102, MW5, MW6 and MW1, which is upgradient. He added that CMA will continue these samplings and send the assessments to the town. He explained that as part of these samplings, they do not assess the impact on the water supply well. Although, at the current time there is no indication of any off-site issues, it is important from the water supply management prospective to monitor the impact to the water source. He recommended that Rye Water District not only use the data from the town but gather data from other sources, such as Coakley Landfill and Aquarion Water, as PFCs can come from other sources, such as septic systems, etc. Also, Rye Water District should have their own advocate, in the form of an engineer, to review and monitor the data and to develop a comprehensive plan that may include more wells.

Mr. Musselman reported that the report from the sampling that DES took in July shows the levels of PFs concentration at this site are lower at 100 – 130 PFOAs and PFOs, compared to active landfills at 800-2000 PFOAs and PFOs. The two reasons for this could be that Rye's site has been leaching for 45 years and active landfills have 150 to 200 feet of waste on top that filters down through. Rye's site only contains about 30 feet.

In closing, Mr. Musselman suggested that it may be more advantageous to both parties if Rye Water District takes over the monitoring. He pointed out that Rye Water District has owned and operated the property since 1975. About twenty years ago, the state started talking about closer of the site. Rye Water District did the first phase of the hydro-geological study and then objected to moving forward. The town agreed to do the monitoring at that time. In the mid-90's, upon recommendation from CMA engineers, the town agreed to spend one plus million dollars to cap the site. Rye Water District disagreed, on the suggestion of their engineer, and felt that capping would have a far greater impact than leaving it. CMA recommended a minor modification of covering the site with clay in order to shed the water off the property. Rye Water District felt that it would still have more of a negative impact than leaving it alone.

Mr. Musselman reemphasized that the Ground Water Management is a settled issue and the Ground Water Permit is being renewed. However, moving forward; 1. Rye Water District needs more data than the town will be collecting. 2. An arrangement should be in place for the Rye Water District to gather the data that they will need.

Commissioner Ditto expressed his concerns stating that history cannot be re-written. As far as the landfill goes, the town is managing it and meeting the requirements of the permit. However, no one knows what is flowing off the site. He pointed out that there are no sample points on the downgradient side which would be opposite monitoring site 6. If there was a site down gradient 50 feet, the town would know what levels are flowing from that direction.

Mr. Musselman strongly disagreed stating that in situations where there has been exceedance on a site and downgradient monitoring with no exceedances, the state has never required the tester to go back to 50 feet off the property line to test.

Commissioner Ditto explained that in this case, no one knows where the NCL has reached. This is an unknown issue that needs to be answered.

Mr. Musselman stated that it had been answered by the state.

Commissioner Ditto disagreed with the answer.

Mr. Musselman stated that if that's the case the resolution would be to expand the GMZ to the point of where MW 102 is. The total effect of that would be nothing.

Commissioner Ditto stated that there may or may not be an impact on the Garland well. Right now, it seems to be at the post release stage. Everything seems to be on the lower level and staying that way. However, once the State establishes the NCL of the PFAs compound that number will drive what needs to be done in the future. This may be putting in a treatment plant or doing more conservation on the landfill site.

Mr. Musselman reemphasized that the town will continue to do what is required of the Ground Water Permit. He stressed that the Rye Water District should need more data than what the town will have and should start a process to gather it. The town should work with the water district to make that happen. The district will need more data than from a once a year sampling.

Commissioner Ditto stated that the Water District commissioners felt that the letter meant the town was not going to do anymore monitoring at all.

Mr. Musselman assured him that was not the intent.

Chair Jenness thanked both Mr. Musselman and Commissioner Ditto. She said that it is clear that there are two distinct goals. The town will continue to monitor the solid waste and the Rye Water District will monitor the water source.

### **E. Paula Tsetsilas, Rye School Board – School Reconfiguration**

Rye School Board member Paula Tsetsilas gave a report to the Board regarding the project of tracking school population. She reminded the Selectmen that the School Board printed up a questionnaire postcard. The postcard has been at the Town Clerk's office since August. When a new Rye resident registers their cars for the first time, they are asked to fill out the questionnaire. She informed the Board that there have been no responses. There were two refusals in August and none in September. Ms. Tsetsilas stated that some of the reasons could be that:

- New home owners don't always register their cars right away. They may be waiting for their birthday month or for their registration to expire.
- They are too busy at the time of registering their car. If they take the card to fill out later they may forget about it.
- They feel the information is too personal.

She added that she will still monitor the project but is not sure it will get the results the School Board was hoping for.

Ms. Tsetsilas also reported to the Board that in July the School Board voted to reconfigure the schools. The new model will be a middle school model as opposed to the current junior high model. Fifth grade through eighth grade will be the middle school. The School Board is excited about the change because it will expose the children to the unified arts program, band and other enrichment opportunities. Also, it will open up much needed space for other programming such as Rye Recreation's After School Program. The School Board has already met with the Rye Recreation Commission to discuss the change. Rye Recreation is forming a subcommittee to explore the opportunities. There is a plan to meet again soon.

She stated that since the July vote, the School Board formed a subcommittee to set the teaching model for the Rye Jr. High. There have been three work sessions with parents' input. There have been about twenty parents in attendance (mostly of the fourth graders) and there is an online feedback system for the parents that were unable to attend. The subcommittee has reviewed three schools already using the Middle School Model; York, Oyster River and Allenstown (which has the same population as Rye). She informed the Board that there may be an article on the school warrant for a name change to reflect the middle school model.

She extended an invitation to the Board to attend the reorganization session on November 8<sup>th</sup>. She stressed that it is important to get the word out and she will also be sending invitations to all the chairs of the boards, and commissions in town.

The Board of Selectmen recommended that she send a letter to the editor of the Portsmouth Herald. Information should also be sent to the Rye Civic League.

Ms. Tsetsilas asked for permission to put a sign at the end of Lang Road at Parsons Field. She also stated that she will report back to the Board of Selectmen in two months on the results of the tracking project.

**Motion by Phil Winslow to approve a sign to be placed at the end of Lang Road at Parsons Field. Seconded by Keriann Roman. All in favor.**

### **VIII. CORRESPONDENCE – Taken out of posted agenda order.**

- Letter rec'd from Colleen Pavlas re: Her request for a port-o-potty to be put at Sawyers beach.

Chair Jenness read Ms. Pavlas's letter into the record, (attached to minutes). In her letter Ms. Pavlas expressed her concerns about the location of the bathroom facilities at Jenness Beach, which cannot be accessed by the beach at high tide. This forces people to walk along a very busy section on Route 1A. She suggested that if money is an issue, the solution may be to move the Cable Road facility to Sawyers.

Chair Jenness asked Ms. Pavlas if she wanted to add anything to what she wrote in her letter.

Ms. Pavlas stated that she just wanted to point out the lack of facilities and the safety issues. If the Board would consider adding the same type of facility as what is at Cable Road, it would be appreciated.

Chair Jenness pointed out that there are homes at both ends of Sawyers Beach. She stated that placement of the facility may require taking out part of the shale pile. She also added that it would have to be by the stairs.

Public Works Director Dennis McCarthy stated that if approved by the Board he would have a cut made in the center of the shale pile.

There was discussion regarding the annual cost of the facility. Mr. McCarthy stated that it is approximately \$600 per year, per unit. Also discussed was the possible need of having two units because of the volume of use. The Board decided that they would address the issue at the all-day budget session on Thursday.

Vice-Chair Winslow recommended that this issue should also be referred to the Beach Committee for input. He suggested that the Board look at the total picture and see where else facilities are needed.

Selectman Roman suggested that while looking at the budget, they should also consider adding signage regarding usage. She stated that the Beach Committee will reach out to the police and public works department for guidance.

Police Chief Kevin Walsh reminded the Board that the surf camp is operated at Sawyers Beach so there will be extra volume on the facility.

Mr. McCarthy stated that the facility can be locked and unlocked by the lifeguards, the same as the other beaches. He added that he saw no issues.

### **F. Dennis McCarthy, Public Works Director – Timber Guardrail Bid Results**

Mr. McCarthy reported on the project of repairing the stone masonry wall in front of the Town Hall. He said Pride Landscaping will be doing the repairs. The wall is approximately 30 to 40 years old and upon inspection it is in relatively good condition. The guardrail will be 220 feet in length and will be placed on the parking side of the stone wall to prevent cars from hitting it. There were two bids received on the placement of the guardrail (\$7,700 and \$5,474). Atlantic Coast Fence installed the guardrail at the

Recreation area last year and did a good job. Mr. McCarthy recommended that the bid be award to the lowest bidder Atlantic Coast Fence.

The Board agreed.

### **G. Cell Tower Zoning Amendments**

Chair Jenness read into the record a draft letter from the Board of Selectmen to be sent to the Chair of the Planning Board, Bill Epperson, regarding Cell Tower Zoning Amendments (attached to minutes). The letter proposed that two parcels be included in the Wireless Telecommunication Facilities Overlay District of the Town; 0 Port Way, Map 23 – Lot 1 and the Condon parcel, Map 23 – Lot 2. The Board also recommended two proposed zoning amendments to section 505.3, that Chair Jenness read into the record and are attached. The Board asked the Planning Board to hold the necessary public hearings and place each of the separate proposed amendments on the 2019 Ballot. Including this land in the Wireless Overlay District would mean that a cellular carrier would not have to obtain a use variance from the ZBA to construct a cell tower. A Special Use Permit (SUP) would still be required from the Planning Board and if wetlands or wetland buffers are impacted, relief from the ZBA would be required.

#### **Public Comment:**

**Michelle Tyminski, 121 Parsons Road**, stated that she had sent a letter to the Town Administrator outlining her concerns regarding the rezoning of this area. She referred to the original regulations of conservation land as written in 1999 and revised in 2014. She pointed out that the intent was to reduce adverse impacts to environmentally sensitive areas. The Port Way parcel is primarily wetland and borders conservation and state land. She stressed that the construction of a cell tower will have a detrimental impact on surrounding property values. She added that she felt that neither the Brackett Road nor the Port Way site are a good choice because of these reasons. She pointed out that Port Way has a greater population density and would affect a greater number of home owners.

Ms. Tyminski referred to the section in the Telecommunication Zoning Ordinance that talks about permitting the construction of new towers only when all other reasonable options have been exhausted. She reported that a new type of communication technology is the distributive antenna system. She suggested that this system may alleviate many of the people who are in opposition to the cell tower.

Ms. Tyminski proposed looking at the state property across the street from Odiorne State Park; the old Brown Farm. She pointed out that it's an equal distance from all neighborhoods. She acknowledged that there are restrictions on the property but stated that they could be worked around.

**Jeff Knapp, Parsons Road**, asked if the Brown Property could be added to the Telecommunication Zoning District.

Chair Jenness pointed out that it is state property and could not be added.



Mr. Knapp stated that the people in his neighborhood do not want to fight the location on the town land but would like to work with the proper political parties on a solution to put it on the Brown property. He suggested that perhaps the Port Way town property could be swapped for a piece of the Brown property. The town could locate the tower on the Brown property and it will become a town revenue source. He suggested that it could be a win for the town, the state and the neighborhood. He commented that a group of individuals from the neighborhood would be willing to get together to work on this project.

Selectman Roman stated that she was under the impression that the reasons the Board explored the Port Way option was because there was more support for this location.

**Stephanie Knapp, 1 Port Way**, stated that she is right next door to this property. She has never been approached about this and would never be in favor. She told the Board that her son has a family legacy in that neighborhood. She is concerned about the increase in traffic on her private property. She pointed out that the public land and the Condon property are at the end of Holland Drive, Starboard Way and Port Way. These parcels are wetlands that have served the neighborhood for generations. They are actively used as a recreational area. One of the reasons her family chose to move to Port Way was because it was a safe place for their son to play away from traffic. The tower will be 900 to 1,500 feet from several residential dwellings that house Rye homeowners and Rye taxpayers. She added that her kitchen window and her son's bedroom window face the proposed site. The tower will be the first thing and the last thing that they will see every day. She stressed that they purchased the property in the hope of a future for their son in the town; however, the effect of the cell tower on the property is a real danger on their family legacy.

Ms. Knapp stated that she is representing her husband, her son and all the neighbors that are in opposition to the tower location that could not be at the meeting. Upon talking with many of her neighbors, she reported that they just want the tower to be in a location that is fair to as many residents as possible. They feel that it should not be placed in a residential or wetland area. They are in opposition of the rezoning of Port Way, Starboard Way, Holland Drive and the Condon property. They are in opposition to the construction of the cell tower in these same locations; however, they are not in opposition to the tower.

Jeff Knapp pointed out that in terms of density, in a 1,500-foot circle there are 19 homes at the Brackett Road location and 70 at the Port Way location. He reported that his neighbors all want the cell signal but want to work to push the location to the Brown property.

Chair Jenness stated that she couldn't imagine the state swapping the Brown property for an isolated parcel.

Ms. Tyminski stated that it doesn't have to be an equal swap and it didn't have to be the whole Brown property.

Chair Jenness pointed out that access is an issue to consider.

Vice-Chair Winslow also pointed out that the Brown Property is where the first burial site in the State of New Hampshire is located.

Ms. Tyminski acknowledged the need of access and the need to preserve the historic cemetery. She suggested some other town properties that may be used as a swap that would be a benefit to the state.

Selectman Roman stated that the Board wants what is best for the town and are struggling with a solution. She pointed out that the last thing the town needs is to have a federal court step in and order the construction of a cell tower where the town does not want it. An important driving issue is what coverage will be provided. Selectman Roman said that the coverage zone needs to be explored and she will be looking into it. She inquired if there is a group of individuals that would participate in a committee to work on this.

Ms. Tyminski confirmed.

**Peter Crawford, 171 Brackett Road**, acknowledge that this discussion was a positive first step. He said he thinks that the town should go ahead and add the state property to a third article on the ballot. He felt there was no reason why it could not be done. He added that just because the property is in the overlay district, it would not have any impact on what the state would decide to do as far as allowing a cell tower on the property. That would have to come from lobbying. He added that the town has to work together and be proactive or end up in federal court. He also talked about other options, such as the Thiel and Roper properties. He suggested the option of holding a special town meeting to debate and vote on this issue.

**John McNair, 35 Brackett Road**, asked how the process got to this stage. He stated that he thought that the discussion phase of this issue had been closed. Now at tonight's meeting, there is an open discussion on the issue with a lot of new options and information on the table. He feels that negotiations have been going on behind closed doors and the public is in the dark.

Selectman Roman explained that the Board has been trying to avoid possible litigation by proposing other possibilities. It had come to the Board's attention, that Verizon may be interested in these two parcels or this area to fill the coverage gap. Because of the threat of possible litigation, the Board has been working with town counsel. There is sensitive information, as with any litigation, that is not available to the public during this time. This public discussion is an exploration to vet the issues and find a property that will be mutually beneficial and acceptable to Verizon, the town and the people that live here. The Board is trying to keep things as open as possible to the public. She asked for a point of contact for the Port Way group.

Ms. Knapp gave her contact information.

The Board agreed to continue the discussion at their next meeting.

#### **H. Finance Director, Becky Bergeron – 12 Months COLA Average**

Finance Director Becky Bergeron reported that the average 12-month COLA change is 3.4%.

**Motion by Phil Winslow to extend the 3.4% COLA to the nonunion personnel. Seconded by Keriann Roman. All in favor.**

## **I. Appointment of Selectman Pro Tem for Selectman Roman for the Nov. 6<sup>th</sup> General Election**

Selectman Roman told the Board that she will be out of state on November 6<sup>th</sup> and in accordance with State law, RSA 658:21-A she has appointed Bill Epperson as her Pro Tem on November 6<sup>th</sup>. She stated that she had already talked with the Town Moderator regarding this and he agrees.

### **• Meeting Minutes:**

**Motion by Keriann Roman to seal the minutes of the non-public meeting held earlier until the conclusion of the litigation. Seconded by Phil Winslow. All in Favor.**

#### **1. Meeting, Wednesday, October 10, 2018 p.m., Town Hall**

The following corrections were noted:

- Page 2: Fourth paragraph from the bottom: Mr. Borne stated that he still feels that with \$2 ~~million~~ in assets; should read Mr. Borne stated that he still feels with \$2 billion in assets
- Page 3: Last paragraph, last sentence: The work ~~consisted~~ of resetting rocks; should read: The work consists of resetting rocks.
- Page 4: quote reads Cold Zone there is no danger; should read: In the cold zone there is no danger.
- Page 5: Correspondence B: NAOH; should be NOAH

#### **2. Meeting, Friday, October 12, 2018, 2:00p.m., Town Hall**

The following correction was noted:

- Selectman Roman noted that the motion to seal the Non-Public Session, (1) Per RSA 91-A:3, II (a) Personnel and (2) Per RSA 91-A:3,II (c) Reputation. Can only be for RSA 91-A:3, II (c) Reputation. Personnel is not a reason to seal minutes.

**Motion by Phil Winslow to approve the minutes of October 1, 2018 as amended. Seconded by Keriann Roman. All in favor.**

#### **3. Non-Public Meeting, Friday, October 12, 2018**

**Motion by Phil Winslow to approve the minutes of the non-public meeting of Friday, October 12. Seconded by Keriann Roman. All in Favor.**

## **IX. NEW BUSINESS - None**

**X. OLD BUSINESS - None**

**XI. OTHER BUSINESS – None**

**ADJOURNMENT**

**Motion by Phil Winslow to adjourn 9:29 p.m. Seconded by Keriann Roman. All in favor**

Respectfully Submitted:  
Dyana F. Ledger

DRAFT MINUTES of the Board of Selectmen's Meeting 10/22/18

See minutes of 11/12/18 for approvals/corrections

10-22-18 Corres. A

October 17, 2018

Dear Selectmen,

I am writing to you today to request the installation of a Porta-potty at Sawyers Beach. Currently, no bathroom services are available to residents at Sawyers and there is very much a need. I propose a unit similar to the one already used for Cable Beach at the northern most point of the parking for Sawyers on 1A.

The closest restroom to Sawyers is located at Jenness Beach, a short 10 minute walk away. However, these facilities can only be accessed by way of the beach if it is **not** high tide. At high tide, the surf comes all the way up making this stretch of beach impassable. A person's only option to reach the bathroom at Jenness at high tide is to walk on a very dangerous section of 1A. This stretch of road is narrow, without a side walk, and often very busy in the summer. Families with young children must navigate this stretch of road to get to the bathhouse. Its truly an accident waiting to happen. Driving from Sawyers to the bathhouse is never an option because parking at Jenness' small metered lot is always full in the summer. So, a residents choice is to walk a treacherous stretch of 1A, or to make the ocean their toilet.

The costs associated with the new porta-potty could be paid for by using funds from beach stickers and parking violations to pay for this much needed facility. Life guards could be responsible for locking it up at the end of their day much in the same way with how it is currently managed at Cable.

If the Selectman feel that there is just no money to fund this for 2019, I propose moving the porta-potty from Cable to the Saywers location. I feel this is a fair solution because at no point during the day does the tide prevent people on the Cable side from accessing the facilities at Jenness via the beach. Only Sawyers beach is impacted by the tide.

My goal is to make Sawyers Beach a great experience for those families in town who frequent it. Having a Porta-potty for Sawyers beachgoers will really make a difference. If this can be done for Cable, where a large number of non-residents utilize the porta-potty, can't we find a way to get one on the resident beach?

I thank you for your attention to this matter.

Respectfully,

Colleen Pavlas

711 Central Rd., Rye Beach

DRAFT MINUTES of the Board of Selectmen's Meeting 10/22/18

See minutes of 11/12/18 for approvals/corrections

October 22, 2018

William Epperson, Chairman  
Rye Planning Board  
10 Central Road  
Rye, NH 03870

Re: Cell Tower Zoning Amendments

Dear Bill:

As you know the Board of Selectmen is exploring with Verizon the possibility of a cell tower being located on two possible parcels:

- Town owned 0 Port Way: Tax Map 23/Lot 1.
- Condon parcel: Tax Map 23/Lot 2.

As you also know, Verizon has indicated that each of these parcels is a technically feasible alternative to the proposal at 120 Brackett Road. The matters being explored by Verizon and the selectmen involve resolution of access with respect to 0 Port Way and Condon.

Even if these issues cannot be favorably resolved in the short term, the selectmen believe it is in the long range interest of the town to include these two parcels in the Wireless Telecommunications Facilities Overlay District. Accordingly, we are enclosing two proposed zoning amendments which we recommend that the Planning Board hold public hearings on and move forward to the 2019 ballot.

Including this land in the Wireless Overlay District would mean that a cellular carrier would not have to obtain a use variance from the ZBA to construct a cell tower. A SUP from the Planning Board would still be required. If wetlands or wetlands buffers are impacted, relief from the ZBA would be required.

We are recommending the two enclosed separate amendments because each parcel will likely have some opponents who would not object to one or the other of the parcels. If the two are grouped into one amendment, those opposed to only one site would vote against the amendment even though they are not opposed to the other site.

The attached map shows these parcels.

DRAFT MINUTES of the Board of Selectmen's Meeting 10/22/18  
See minutes of 11/12/18 for approvals/corrections

Thank you for considering this request.

Sincerely,  
Rye Board of Selectmen

---

Priscilla V. Jenness, Chairman

---

Philip D. Winslow, Vice-Chairman

---

Keriann Roman, Selectman

Enclosures: Amendments (2)  
Map

DRAFT

DRAFT MINUTES of the Board of Selectmen's Meeting 10/22/18

See minutes of 11/12/18 for approvals/corrections

TOWN OF RYE BOARD OF SELECTMEN

PETITION TO AMEND RYE ZONING ORDINANCE

Pursuant to RSA 675:3, we the undersigned members of the Town of Rye Board of Selectmen hereby petition the following zoning amendment onto the March 12, 2019 Town Warrant and Ballot. We request that the planning board hold the required public hearing on this amendment.

Text of Amendment

Amend Rye Zoning Ordinance Section 505.3 Wireless Telecommunications Facilities District and Map to add the following parcel to the district.

Tax Map 23/Lot 1  
Location: 0 Port Way.  
Owner: Town of Rye  
Present Use: Vacant  
Area: ±14 Acres

Explanation

*Wireless carriers have indicated that this parcel is a technically feasible location for a wireless telecommunications cell tower which would provide improved cellular service to the northeastern corner of Rye, including residences along portions of Brackett Road, Sagamore Road, Parsons Road, Clark Road and Ocean Boulevard; Odiorne State Park; and Wallis Sands State Beach.*

Date: October \_\_, 2018

RYE BOARD OF SELECTMEN

\_\_\_\_\_  
Priscilla V. Jenness, Chair

\_\_\_\_\_  
Philip D. Winslow, Vice-Chair

\_\_\_\_\_  
Keriann Roman, Selectman



DRAFT MINUTES of the Board of Selectmen's Meeting 10/22/18

See minutes of 11/12/18 for approvals/corrections

TOWN OF RYE BOARD OF SELECTMEN  
PETITION TO AMEND RYE ZONING ORDINANCE

Pursuant to RSA 675:3, we the undersigned members of the Town of Rye Board of Selectmen hereby petition the following zoning amendment onto the March 12, 2019 Town Warrant and Ballot. We request that the planning board hold the required public hearing on this amendment.

Text of Amendment

Amend Rye Zoning Ordinance Section 505.3 Wireless Telecommunications Facilities District and Map to add the following parcel to the district.

Tax Map 23/Lot 2  
Location: ± 400 feet off end of Port Way  
Owner: Nancy J. Condon Family Trust  
Present Use: Vacant  
Area: ±18.5 Acres

Explanation

*Wireless carriers have indicated that this parcel is a technically feasible location for a wireless telecommunications cell tower which would provide improved cellular service to the northeastern corner of Rye, including residences along portions of Brackett Road, Sagamore Road, Parsons Road, Clark Road and Ocean Boulevard; Odiorne State Park; and Wallis Sands State Beach.*

Date: October \_\_, 2018

RYE BOARD OF SELECTMEN

\_\_\_\_\_  
Priscilla V. Jenness, Chair

\_\_\_\_\_  
Philip D. Winslow, Vice-Chair

\_\_\_\_\_  
Keriann Roman, Selectman