

**RYE HERITAGE COMMISSION  
MEETING**

**Thursday, July 8, 2021**

**5:30 p.m.**

**Via Zoom**

**Present:** *Chair Phil Walsh, Vice-Chair Gail Hughes, Peter White, Bev Giblin, David Choate, Alex Herlihy and Selectmen's Rep Bill Epperson*

**Also Present:** *Patty Weathersby for the Friends of Pulpit Rock Tower*

**I. Call to Order & Introductions**

Chair Walsh called the meeting to order at 5:35 p.m. and led the introduction of members.

Note: *Items were taken out of posted agenda order, as shown in minutes.*

- **Pulpit Rock Tower (Special Guest; Patty Weathersby)**

**Patty Weathersby, Friends of Pulpit Rock Tower**, met with the Heritage Commission to discuss the status of the Pulpit Rock Tower. She noted that Friends did not have tours of the tower, due to Covid. They did hold some private tours and held a yard clean up day. In terms of ownership and repair status of the tower, it's in pretty good shape, despite the engineering report. Over the past eight years, the Friends Group has replaced the roof, railings, windows and concrete.

She explained that the tower is owned by the State of NH Fish and Game. Fish and Game has indicated that they don't have a use for the tower anymore and would like to pass it on to another entity. The tower can be transferred, at no charge, to another government entity. The tower has been shopped around to other departments in the State of NH and there doesn't seem to be any interest. Friends would like to see the tower transfer to the Town of Rye so it remains in public hands.

Mrs. Weathersby continued that in 2015, Friends first approached the Town of Rye. Selectman Musselman, who was on the select board at that time, wanted the tower inspected by a structural engineer to get an estimate of what it would cost to do the repairs. A full evaluation was done of the tower and the engineer firm came up with an estimate of \$130,000 to do the repairs and have enough funds to take care of the tower moving forward. This went to town vote and was approved. The Friends Group care a lot about the tower, but they couldn't come up with that kind of money. So, they have been receiving money by applying for grants and those funds has

been spent on the repairs that were outlined in the engineering report. Friends has chipped away at all the big projects that were outlined in that \$130,000 estimate.

Mrs. Weathersby stated that Friends has decided to come to the Town again to ask if they would be interested, now that all those repairs have been made. Friends hired another engineer to come in and do a new evaluation of the tower. They came back with an estimate of \$550,000 for repairs. Friends is really discouraged and feel there is no way they can raise that kind of money. She commented that the tower is still available to the Town. It is really in the hands of the Town as to whether they want to pursue this and move forward with taking over the tower.

Member Giblin stated that a few years ago, members of the Heritage Commission took a tour of the tower and then had a meeting about it. It came down to the conclusion that the Heritage Commission really cares about the structure a great deal and sees the value. Everyone felt very strongly that it ought to be saved.

Member Herlihy asked if the Commission is confident there will be enough volunteers to continue the work.

Member White noted that it really is a town decision. It is not just a Rye Heritage Commission decision. Ultimately, the Town has to have the “pockets” to fund what needs to be done.

Member Herlihy suggested having a public hearing, so the town’s people could learn more.

There was some discussion about remaining repairs that need to be made based on the engineer’s report. There was also discussion about possibly marketing the tower as an attraction for people to visit, in order to garner some excitement about the property.

It was agreed that Member Choate should speak with Gregg Mikolaities, who is a retired engineer, to see if someone from Appledore Engineering would be willing to review the most recent evaluation report to confirm the information.

Speaking to Selectmen’s Rep Epperson, Vice-Chair Hughes asked if there is a way the Heritage Commission can take on the responsibility of the tower without going to the Town for a vote.

Selectmen’s Rep Epperson confirmed. He noted that this would not go to town vote until next spring anyways.

Member Choate commented that he wonders if there is any connection that could be made to some entity that already has a history with the tower; such as, the Seacoast Shipyard or Albacore Museum. There may be some ideas for a group to take it on as a larger project.

Mrs. Weathersby noted that they have reached out to the Seacoast Science Center, Albacore Museum, Wright Museum and a few other groups to try to work with the tourist department to do a history trail with the tower. Everyone loved the idea, but no one had the inclination to get it going.

The Commission agreed to have further discussion and get back to Mrs. Weathersby with their thoughts.

## **II. Approval of June Meeting Minutes**

**Motion by Peter White to approve the minutes of June 10, 2021 as presented. Seconded by David Choate. All in favor.**

## **III. Business**

### **a. Treasurer's Report: June 2021**

Treasurer Peter White reported that the balance in the Commission's account is \$24,452. The restricted gazebo funds are \$4,060 and contributions have been received from thirty-seven people, which is a 1.2% return on the fundraising mailer. In December, the Commission earmarked \$2,000 from the unrestricted funds of \$6,020. At this time, the Commission has \$6,060 available to move forward with work on the gazebo.

#### **Gazebo Update:**

Member Herlihy noted that he spoke with the gentleman that was recommended for the gazebo work, who works at the transfer station. The gentleman said he would think about the project. In the meantime, he spoke with his own carpenter, Greg Brown. Greg is very good friends with Bob Watt, who is a very skilled carpenter and did the restoration of the gazebo at the hotel. Member Herlihy commented that Greg took a look at the gazebo and agreed it was a carpenter repair job. Greg said he would work up an estimate for the Commission.

**Motion by Bev Giblin to approve the Treasurer's Report for July. Seconded by Bill Epperson. All in favor.**

### **b. Demolition Review Committee**

Member Choate noted that the committee talked about a tear down and rebuild of a garage at last month's meeting. The property is located on the corner of Highland Avenue and Ocean Boulevard. The owners are basically rebuilding the garage in the same footprint and it was nothing of significance, so it was approved. He continued there is an application that is anticipated for 1481 Ocean Boulevard, which the committee will be hearing soon.

### **c. Rye Advocates Update**

Member Choate reported that the Rye Advocates have been meeting monthly. They will have a presence at the Town Elections on July 13<sup>th</sup> and will be sharing a table with the Heritage Commission. The purpose of the Advocates will be to get more people to fill out the surveys and to get the word out about what they are doing. The Heritage Commission will be selling their merchandise.

#### **d. Fundraising Subcommittee**

Member Giblin noted that she is looking for volunteers to be on the committee. At this time, there are three or four committed. She has been thinking about what they could do for a main event. The first goal is to make money for the gazebo. She thinks they could raise a large amount of money by doing suspenseful type marketing, with some ticklers starting in September. She continued that in thinking about an event, the idea is to get 150 to 200 people to attend. The key is to get the right people to attend. She is thinking the event should be a cocktail reception with an auction. The ticket price should cover the cost of the event and everything that is made on the auction goes to the bottom line. She pointed out there have not been a lot of auctions held recently and people are looking forward to going out. She is hoping to hold the auction in March or April of 2022.

Chair Walsh asked Member Giblin to keep the Heritage Commission posted. They are happy to help in any way they can.

#### **IV. Old Business**

##### **a. Pulpit Rock Tower (Special Guest; Patty Weathersby)**

*Taken out of posted agenda order (see minutes above)*

##### **b. Gazebo Repairs Update**

*Taken out of posted agenda order (see minutes above)*

##### **c. Election Day: RHC Merchandise Table?**

*See minutes above. Addressed under DRC update.*

#### **V. New Business**

##### **a. House Plaque Project Promotion (Herald Article set; Rye mag forthcoming – other PR ideas?)**

Chair Walsh noted that he has been in touch with the Portsmouth Herald and they are going to do an article about the house plaque project.

#### **VII. Other Business**

##### **a. Continued Commission Discussion re: Zoning/Variance (Special Meeting Date)**

Chair Walsh reported that he reached out to the chairs of the Planning and Zoning Boards through Planning/Zoning Administrator Kim Reed. The chairs of the two boards do not feel comfortable speaking on behalf of their boards at a meeting. Their thought was for the Heritage Commission to attend one of their meetings.

Selectmen's Rep Epperson commented that he told them that was probably not a practical solution for what the Commission really wants to know. The Commission wants to know the process by which the zoning is done, how it goes on the warrant, why it goes on the warrant and the criteria for approving an application. He noted that Kim Reed is perfectly willing to provide that information and that is her expertise. This can be done a couple of ways. It can be done at a meeting specifically scheduled for this discussion or it can be done at the Heritage Commission's monthly meeting.

Member Choate stated that he still thinks it's a good idea to have a work session with the two boards. He commented that the ZBA approves most applications because they say the zoning is wrong. He continued that just because the zoning may be wrong does not mean the application should be approved. The criteria for a variance are really particular. Variances should be the exception and not the rule. In looking at the history of variances granted, most are for side and rear yard setbacks. In most cases, someone buys a property and wants to build a bigger house. However, they have to violate the setback in order to build the bigger house. Their desire to build a bigger house should not be a reason to grant a variance. He pointed out that at a recent ZBA meeting, a resident wanted to speak; however, they were not allowed to speak because they were not an abutter. He commented that anybody should be allowed to speak at a public hearing. Not allowing someone to speak is wrong. He commented that there are a lot of people in town that are not really happy with what's happening.

Selectmen's Rep Epperson stated that the Planning Board makes ordinances for a reason, but the ZBA makes their own decisions on them. So, the Planning Board really doesn't have any leverage.

Member Choate stated that the Planning Board makes the rules and regulations because they feel it's in the best interest of the Town, in terms of setbacks and uses, etc. However, they are really almost wasting their time because people will go to the ZBA and get a variance. He commented that he does not know how the Town overcomes this issue. The best way is to have people on the ZBA who understand the law and appreciate that a variance really is for a hardship. He pointed out that an economic hardship is not a hardship. He continued that the legislature tried to pass a bill that would require new members of planning and zoning boards to go to training; however, it didn't pass. He thinks part of the problem is the lack of understanding the ordinance and the statute. At the very least, the Town should have a mandatory training session for planning and zoning members.

Selectmen's Rep Epperson agreed this is a great idea.

Member Choate noted there are people from the Office of State Planning that will give the training.

Speaking to Member Choate, Selectmen's Rep Epperson asked him to write a statement about his concerns. He will take the statement to Planning/Zoning Administrator Reed and the select board.

There was some discussion about some of the recent development in town and how to preserve the community for the future. After discussion, the Commission agreed that having a meeting with Kim Reed would be helpful, in order to learn more about the zoning process. Selectmen's Rep Epperson will follow up on a meeting date and time.

**b. Update on RSA 79-D**

***RSA 79-D authorizes towns and cities to grant property tax relief to barn owners who can demonstrate the public benefit of preserving their barn.***

Selectmen's Rep Epperson noted that this was discussed at the last Select Board meeting. Town Administrator Becky Bergeron was going to run this by Town Counsel, and it will be brought back to the Select Board for adoption.

- **Next Heritage Commission meeting to be held on August 12<sup>th</sup>, 5:30 p.m., Town Hall.**

**Adjournment**

**Motion by Peter White to adjourn at 6:59 p.m. Seconded by Bill Epperson. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger