

**TOWN OF RYE – PLANNING BOARD
MEETING**

Tuesday, January 2, 2024 – 6:00 p.m.

Rye Town Hall

Members Present: Rob Wright, Selectmen’s Rep. Bill Epperson, Chair Patricia Losik, Vice-Chair JM Lord, Steven Borne, Kathryn Garcia

Also Present: David Choate (108 Washington Rd.), Peter Moynahan (146 Central Rd.), Jean Moynahan (70 Central Rd.), Maddie Dilonno of the RPC, and Kaitlyn Coffey, Chair of the Historic District Commission via Zoom.

I. Call to Order

Chair Losik led the Pledge of Allegiance and introduced board members and meeting participants.

II. Seating of Alternates

Alternate Steven Borne was seated in place of Steve Carter.

III. Proposed Amendments for Schedule of a Public Hearing:

Chair Losik explained that this discussion, while not a public hearing, would allow for HDC members to present and would allow for input. She explained that the HDC has developed a new proposal.

A. RZO 2024-03: 190-3.3: EXPANSION OF HISTORIC DISTRICT BOUNDARY

Chair Losik read the proposed language in §190-3.3A, listed the affected properties on Central Road, and the HDC’s reasons for the proposal. She stated that the HDC provided a GIS map depicting four affected properties and invited questions.

Mr.Choate presented a map of the current historic district and referenced a draft report from the HDC’s consultant.

Member Wright, referencing the HDC proposal, asked if it’s certain that property lines on the tax map are true and accurate.

Vice-Chair Lord reviewed discussions from the previous Planning Board meeting regarding property lines.

Mr. Choate discussed the affected property owners and the HDC’s varying responses from owners of lots 35, 36, and 37.

Chair Losik and Mr. Choate discussed the owners of the trolley barn, who were before the ZBA for a renovation. Mr. Choate stated that they would make a presentation to the HDC at their next meeting.

Member Wright asked if all four property owners agreed that they'd like to participate.

Mr. Choate stated that the HDC invited them to a meeting in October and the residents of 1 Central Road came. He stated that the HDC would like to bring this to a public hearing and then gather all property owners for a more in-depth discussion.

Chair Losik clarified the process, noting that if it is voted forward by the board, it would go to the warrant, which would be discussed at the deliberative session on February 3, 2024.

Mr. Choate discussed his hope to get owners together to deliver information from a unified source and his interest in having a Neighborhood Heritage District as an advisory committee to the Planning Board. The board discussed the potential benefit of a Neighborhood Heritage District.

Member Wright asked if any of the four property owners had declined to participate.

Mr. Choate stated that the owner of 17 Central Road is up in the air, and the owner of 37 Central Road is a definite no. He also discussed the criteria for the historical significance of a building.

Member Wright expressed his concern that an affected property owner would object and be forced into the historic district. He discussed possible outcomes that might result in legal ramifications for the town and suggested buy-in from the current owners as criteria before moving forward. He also discussed the differences between the Aquifer and Wellhead Protection overlay as compared with the Historic District overlay; he stated that one's purpose is for the protection of health and water quality maintenance, and the other is to manage aesthetics.

Mr. Choate discussed the purposes of creating a historic district and preserving the vista on Central Road, potentially expanding to Washington Road.

Chair Losik discussed the purposes of the Historic District Overlay and the importance of those purposes related to the Master Plan; specifically, chapter 9 which addresses civic life. She discussed the importance of retaining, preserving, and caring for this area. She noted that the November 2021 visioning session pointed out that historic homes are considered by many to be a desirable characteristic of Rye and offer opportunities for adaptive reuse.

Member Wright expressed his concern that somebody will object to being a part of it and wondered if this is the best process.

Chair Losik discussed the visual harmony created by the four discussed parcels.

Mr. Choate read from the consultant's report and noted that properties cannot be cherry-picked for participation in the district and that this would be a relatively small expansion of the district.

Member Borne stated that this is an improvement from what was presented at the last Planning Board meeting. He stated that it would be nice to send a formal invitation to the public hearing to the property owners before the meeting. He noted the importance of communicating that if it's moved forward at the public hearing, it cannot be changed at the deliberative session.

Chair Losik called attention to the advice of counsel, that if affected properties are less than 100, they should get a notice via first-class mail under the rules of notification. She also read advice from counsel that affected properties have the option of a protest petition, which can elevate the minimum required vote to a supermajority.

Chair Losik and Ms. Dilonno discussed the protest petition process.

Chair Losik and Mr. Choate discussed historic district commission guidelines as listed on the website, concerns around historic districts in other communities, the notion of a neighborhood heritage district, and the importance of Historic Districting, especially related to recent changes to 237 Locke Road.

Member Wright stated that he's not opposed to preserving historic areas and asked for clarity as to whether any of the four property owners responded with a hard 'yes'.

Mr. Choate stated that the HDC would like to go through the process with property owners.

Member Wright expressed his concerns about trodding on private property rights.

Vice-Chair Lord and Member Wright discussed the way overlays affect private property rights.

Selectmen's Rep. Epperson noted that moving this to a public hearing would force property owners to decide whether they want in or out.

Chair Losik clarified that the property owners should be notified by first-class mail ten days prior.

Mr. Choate stated that the HDC provided property owners with information and invited them to the October HDC meeting.

Chair Losik suggested providing property owners with minutes from the Rules and Regs meeting along with noted periods of relevant discussion from streaming. She also suggested providing minutes from the HDC meetings, which would give them information regarding the pros, cons, and concerns.

Ms. Coffey stated that the HDC has done their due diligence by inviting property owners to meetings, noting that the invitation to their October meeting was sent via legal mail.

Selectmen's Rep. Epperson exited the meeting at 7:00 PM.

Mr. Moynahan observed that since 12/19/23, three houses were removed from the initial proposal. He wondered the cause of their removal. Noting that the residents of 45 Central Road have voiced since October that they would not like to be a part of this, he expressed concern that their stance hasn't been represented and offered a copy of an email to the Planning Board. He also stated that he's spoken with the residents of 1 Central Road, who also have concerns. Mr. Moynahan wondered if the consultant's report would be made public before the public hearing. He also expressed concern that the HDC stated in September that the consultant would talk to all property owners, which hasn't happened.

Ms. Coffey and Mr. Choate responded to each of Mr. Moynahan's concerns.

Mr. Choate stated that the HDC thought the consultant would meet with property owners, which they recently learned would not be the case. He clarified that the board hadn't yet met to report that information. Ms. Coffey clarified that the consultant's purpose was to fill any holes in research in history provided by the Historical Society, not to interview the owners.

Regarding the consultant's report, Ms. Coffey stated that the timetable included a delivered draft by the first of the year, but she doesn't foresee a final draft being complete. She stated that the HDC could share the draft, but it won't be in its final form or voted on.

Member Wright asked what would be shared in the first class mail notification with the four property wonders. Vice-Chair Lord stated that an agenda would be shared. Ms. Coffey stated that this won't be the first time these people will be informed about this.

Mr. Choate questioned Mr. Moynahan's reasons for opposing the proposed historic district expansion. Mr. Moynahan clarified that he's not in favor of it, but feels most concerned about the lack of communication, noting that most homeowners have heard about this once or not at all.

Member Borne noted that the consultant's report is a separate project from the expansion of the historic district.

Chair Losik observed that the final consultant's report, a 150-page document, would be a great tool for the warrant and would serve for many years. She also noted that it doesn't state anywhere that the consultant would actively spend time with homeowners.

Mr. Choate agreed that contact would only occur if they couldn't find historical information about the properties, and then they would contact the owners.

Ms. Coffey agreed that the consultant's report is independent of the expansion of the district and explained that the chosen properties were selected with the consultant's expert input. She also clarified that language on page three of the contract which states, "the town has identified..." means that the HDC has identified those properties.

Member Wright wondered if and how the HDC could identify specific historic buildings to preserve throughout town rather than designating one geographic area which includes non-historic properties.

Mr. Choate and Ms. Coffey discussed the Rye Advocates, the logistics of trying to create protection, and the consultant's process in selecting houses to be included in the historic district.

Member Wright stated that he supports preserving historical properties, but is aware of private property rights and would like this study to be adopted because there is a groundswell of enthusiasm to protect these places.

Chair Losik wondered if the HDC would rather step back and wait for further investigation of other options.

Mr. Choate stated that the HDC would like to take this to a public hearing and if a lot of people feel that they should wait another year, they could pull it from the public hearing.

Chair Losik discussed the importance of historic properties, barns, and connected farmhouses to the culture of the town. She stated that the document should continue, that these four properties are very impactful to the Central Road vista, and that bringing these properties into the historic district would be an accomplishment.

Member Wright expressed his concern about the process and stated that he'd like to see something beyond an agenda sent to the people who are impacted.

Member Borne agreed that those affected should be provided more context before the public hearing.

The board discussed whether it should move forward to the public hearing. Vice-Chair Lord stated that he's on the fence and expressed his concerns with property lines, ambiguity and that the process may deserve more time so people could have the opportunity to read the report, understand where things are going, and consider how other places in town could also be saved.

Member Borne stated that the HDC has done a lot of work to get to this point and if they would like it to go to a public hearing then he thinks that's the right thing to do.

Referring to the 2013 Master Plan, Chapter 9, Chair Losik noted that there was a goal by the Heritage Commission to increase the adaptive use of historic buildings rather than demolition

and new construction. She stated that this is a small step towards that and is in support of the work that this committee has done.

Vice-Chair Lord expressed that any time a project will affect someone else's property, notice should be sent via certified mail to make sure there's notice that it was received.

Ms. Dilonno clarified that if fewer than 100 properties are affected, it's required to be noticed via first-class mail.

Motion by Kathryn Garcia to move this process forward to the public hearing on January 16, 2024. Seconded by Pat Losik.

Vote: 4-1-0 (K. Garcia, P. Losik, J. Lord, S. Borne in favor, R.Wright opposed)

B. RZO 2024-07: 190-2.1: ZONING MAP

Motion by Kathryn Garcia to move the amendment for 2024-07 to the public meeting on January 16, 2024. Seconded by Steven Borne.

Vote: 5-0-0 (K. Garcia, R. Wright, P. Losik, J. Lord, S. Borne in favor)

Motion by Rob Wright to adjourn at 7:46 PM. Seconded by JM Lord. All in favor.

Respectfully Submitted,
Emilie Durgin