

**TOWN OF RYE - SELECT BOARD
MEETING**

**Monday, September 25, 2023 – 5:45 p.m.
Rye Town Hall & via Zoom**

Selectmen Present: *Chair Tom King, Vice-Chair Bill Epperson, and Selectman Bob McGrath*

Others Present on behalf of the Town: *Town Administrator Matt Scruton*

5:45 p.m.

I. CALL TO ORDER

Chair King called the meeting to order at 5:58 p.m.

**II. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (a) Personnel
(2) per RSA 91-A:3, II (b) Hiring**

At 5:58 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (a) Personnel. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes, King - Yes.

At 6:14 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes, King - Yes.

At 6:15 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (b) Hiring. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes, King - Yes.

At 6:46 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Epperson – Yes, McGrath – Yes, King - Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair King reconvened the public meeting at 6:51 p.m. and led the Pledge of Allegiance.

IV. ANNOUNCEMENTS

- Fire Chief Mark Cotreau introduced Peter Anania who has recently been promoted to lieutenant and will be taking the place of Lieutenant Wunderly, who has been

promoted to Deputy Chief, as of October 1st. He congratulated Firefighter Anania on his promotion.

Firefighter Anania thanked Chief Cotreau and the Select Board for giving him the opportunity to continue serving the Town and its citizens.

- Chair King announced that the Rye Elementary School is one of three schools in the State of New Hampshire to receive the prestigious recognition of the 2023 National Blue Ribbon School. Rye Elementary, along with Dondero Elementary in Portsmouth and Riddle Brook School in Bedford, have been selected as being exemplary high performing schools. The Rye Elementary School staff have been commended for their commitment to service to students through continuous improvement and strong collaboration. Chair King pointed out that this proves Rye really has good schools and the community values education. There's a fair amount of property tax that goes to Rye's schools and this is an example of the payback. The Select Board congratulates the Elementary School, and the School District in general, for this honor and recognition.
- Chair King announced that Deputy Town Clerk Amy Thibodeau has passed the first phase for certification to become a full-fledged Town Clerk/Tax Collector. This is a four-year program and she is moving through the process. The Select Board commends Ms. Thibodeau for her achievement.
- Selectman McGrath thanked the Rye Lion's Club for another amazing car show that was held at Parsons Field on September 17th. He has attended the car show every year that he has lived in Rye. The longevity and excitement for the show is still there. He believes this was one of the largest participated shows.
- Chair King announced that Town Clerk/Tax Collector Donna Decotis was recognized by the N.H. Tax Collector's Association for ten years of membership in the association and for all her certifications. The Select Board commends Ms. Decotis for her recognition.

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.)

- **Rob Wright, 64 Alehson Street**, commented that he understands there is a request to the Select Board, from the Conservation Commission, to require permission in writing to hunt on town owned land. He asks that the Select Board not take up this request. There is no other use that requires this sort of permission in advance. This will require the user to do this in perpetuity. They will have to get written permission every year, which will represent a hardship that isn't put on any other user. Also, he doesn't see a viable means of enforcement and it will become another burden on the Town. This will push enforcement from town officials to N.H. Fish and Game, as they will have to enforce the requirement. This will become another level of administration that would cause a hardship. Mr. Wright pointed out that there's an

overabundance of deer in Rye, which tends to increase the number of apex predators. He asks that the Select Board not approve this request.

- **Mark Arsenault, 19 Whitehorse Drive**, supported the comments made by Mr. Wright. He noted that the deer population has exploded over the last twenty years. Making it harder for deer hunters to harvest the deer and keep the population down, will put more of a burden on the Town. Hunters do a very good job of keeping the population down in a humane way. He noted that there is a big coyote population because there is more deer. There needs to be some thought as to ways the deer population can be decreased without placing the burden on deer hunters by requiring written permission every single year. He pointed out that most hunters are just going to go to other towns. This is going to create more Lyme disease, more vehicle/deer collisions, and more burden on property owner's landscaping. There has to be something more reasonable in allowing deer hunters to access land. There should be an increase in access to land to help decrease the population of deer. A larger population of deer is not healthy, as they'll overrun the land and start to starve. Requiring hunters to ask for permission is going to make things harder.
- **Joann Hodgdon, 63 Cable Road**, commented on the bobcats that run through her backyard.
- **Mike Garvan, 220 Washington Road, Conservation Commission Member**, noted that the Rye Conservation Commission was looking at a proposed law, which has since not been passed. The Bill is in conference from the House to the Senate. RCC is not going to suggest any of those restrictions. On the livestreaming of the Conservation Meeting on September 14th at 1:04 into the meeting, this was discussed. The RCC has reservations about the administration of this; however, this is not a law, so the Commission is not going to be imposing any restrictions of this sort.
- **Steven Borne, 431 Wallis Road**, spoke in support of controlling the deer population. He continued that it's good to hear that the Fire and Police Chiefs have deputies, as it's important for a healthy department. It's good to hear the news about the Town Clerk and the Deputy Town Clerk. It would be a shame to lose Amy Thibodeau now that she has the certifications. The Town should focus on how to retain her. He noted that the Rye Water District is having a public meeting on Thursday, September 28th. The RWD has an approval for an eleven million dollar loan, with the two million dollars that will be forgiven, there will be nine million dollars to be covered. He pointed out that with regards to the Grove Road dump, it's trash that came from all over Rye. It's well known that whoever is responsible for putting it there is responsible for remediation. CMA Engineering explained that remediation is not fiscally possible. A treatment plant is going to have to be put in. This is a great opportunity to get funds. He would very much like to see the Select Board work hand-in-hand with Rye Water District to make sure they can get that money and start the process to put in a treatment facility for the PFOAs. He pointed out that the metals have to be taken out of the water before that can be done.

VI. AGENDA ITEMS

A. State Representatives Grote, Balboni & Malloy – Legislative Update

Representative Dennis Malloy, NH Weighs and Means Committee, spoke to the Select Board to give an update on the work of the Weighs and Means Committee for 2023. The Committee looks at and projects the revenue for the State for the tax basis; beer and wine tax and business profit tax. The first task of the year is to put together an estimate of the revenue and pass it to the Finance Committee to be used in decisions for appropriations. This information is revisited several times throughout the process to be sure the revenue is on track. He pointed out that last year, there was an overage and this year is moving towards an overage also. He also pointed out that January 1, 2023 started the two-year cycle. Representative Malloy continued that the Weights and Means Committee receive a lot of bills addressing charitable gaming, gambling, and bingo parlors. As a result, there is a commission that looks at charitable gaming from all aspects. It's first charge is to find a way to make it equitable for non-profits or charities to get a piece of that action. The commission will also be looking at the future revenue and other forms of gaming limits. There was considerable testimony about the fairness of charities getting a part of the proceeds. It's not well understood what qualifies a non-profit or charity for being able to give items.

Representative Malloy noted that the school funding bill is in the courts and there is no new information of how it will move forward at this time. Representative Malloy continued that there was a bill to legalize recreational marijuana. With a bill that has an interesting revenue component, it goes to the Weighs and Means Committee. The Committee will look at the possible revenue for the State. This information is sent back to the floor as a second bill for approval. The Weighs and Means Committee determined that it will cost about twenty-five million dollars, over three years, to get up and running, as the sale of recreational marijuana is going to be managed within the Liquor Commission. The State will have that expenditure before any revenue is seen from marijuana sales. At that time, it might take three or four years to get sales up to twenty-five million dollars a year to the State. This is what the Weighs and Means Committee determined. Rep Malloy noted that overall, the State is in a good financial position at this time.

Representative Peggy Balboni, NH Education Committee, noted that she just finished her first term on the Education Committee. It's a busy committee with a lot of national focus on education. She commended Rye's schools and congratulated Rye Elementary on its Blue Ribbon recognition. Representative Balboni continued there has been some push to put more State control over the local schools, by delegating certain authorities. The State is trying to clamp down on not only on how teachers teach, but also what materials could be available to the schools. It's important for individual parents to remember that they always have the right to opt out of any programs or materials that they don't want their child to participate in. But it can't be taken so far to allow a small group of parents to decide what the entire school has for curriculum. Specific to financial interests to Rye, the community should keep thinking about the educational voucher program, which is being expanded statewide. This hasn't really affected Rye yet. The program has been expanded to families that are 350% above the poverty level. There have been some bills that have been presented to remove any limitation. This would allow for anyone to

take their adequacy funds and use them for private, religious schools, or home school programs and materials. She pointed out that Rye has children who attend private schools. Right now, the Town does not pay for that. This could end up costing Rye in the future, if there is an expansion of that program to include all.

Representative Balboni noted there are two lawsuits regarding educational funding. These have not been decided, but there are thirty-two communities that will be impacted by the decision, especially in terms of the select funds. Representative Balboni noted that each representative is going to be at the Rye Public Library on October 4th starting at 10:00 a.m., to go over any issues the public may be concerned about.

Representative Grote noted that she and Representative Malloy are on the Seacoast Safe Drinking Water Commission. There is going to be a workshop on Wednesday, November 15th at 6:00 p.m., at Greenland Central School, to teach the public about testing private wells. Private well owners will have the opportunity to have their well water tested with the results being sent directly to them. In the Town of Madbury, there have been some pockets of PFAS of values above the maximum levels for N.H. In Stratham, a lot of levels are showing high arsenic. When a well owner gets that data, they have the opportunity to work with NH DES to remediate that condition. This is a way of bringing people's awareness to water.

Representative Grote noted that there have been 792 bills filed for review since the beginning of January. There are bills of all types. Representative Balboni is the go-to person for education. Last year, the Education Committee had 92 bills. Representative Balboni was in conference five days a week for several weeks. She did a significant job for Rye, Greenland, and North Hampton in representing the importance of public schools. Representative Grote continued there were two special committees formed last term; one for childcare and one for affordable housing. The childcare area has to do with requirements for childcare; such as, a childcare fund or requirements for childcare workers to make childcare more affordable or more accessible. With affordable housing, a lot of the legislation has to do with availability. It's her view that it's unlikely that anything will pass statewide in regards to affordable housing. Communities will be better off to address it locally.

Chair King asked Representative Grote to briefly explain the bill addressing game cameras.

Representative Grote explained that a bill was submitted that would allow landowners to give permission for game cameras. The person putting the game camera up would have to put their name and address on the camera. If a landowner wanted to make their land accessible to any camera, all they had to do was to put up a sign that said this land is private but game cameras are allowed. This bill passed the Senate and when it went to the House, an amendment was added that had to do with controlled substances. At that time, the Senate said they didn't concur with the change and needed a committee of conference. A committee of conference was held and the report from the conference was never signed. Therefore, both the bill for the game camera and controlled substances died. She continued that Senator Waters made sure his bill stayed alive by attaching it to House Bill 221, which has to do with agriculture development. HB 221 went to committee of conference and passed. So, the game camera bill has passed which allows a

landowner to give permission for a game camera with the camera being labeled. Anyone wanting more information may contact Representative Grote.

The Select Board thanked the representatives for the updates and their hard work for the community.

- B. Joint Loss Committee** – request to accept and expend funds received in the amount of \$500 from HealthTrust, LLC

Motion by Tom King to accept and expend funds received from HealthTrust in the amount of five hundred dollars (\$500.00). Seconded by Bill Epperson. All in favor.

- C. Tom Pearson** – Discussion of a Founder's Monument

Mrs. Diana Pearson, representing her husband, met with the Select Board to discuss the possibility of having a founder's monument in town to recognize Rye's European founders, led by David Thompson and his wife. She began by reading a statement given by Reverend Hunting Porter of the Rye Congregational Church in a sermon he gave on January 1, 1801, which looked back on the 1700's. Mrs. Pearson referred to a letter submitted by Tom Pearson which included a list of names of the founding families of Rye. The list was developed from the Parsons History of Rye, N.H., 1623 to 1905. The study of that history was done by Mrs. Bonnie Goodwin, who died in 2006. For 30 years, Mrs. Goodwin was an officer of the Rye Historic Society, and for the last 15 years, she was co-chair, along with Alex Herlihy.

Mrs. Pearson commented that she would like to amend her husband's letter in which it says that she and her husband would be happy to pay half of the cost of the monument. She and her husband would like to give the entire cost of the monument and all costs related to getting it erected into position. Mrs. Pearson explained the details of the design of the 4'x5' monument. Mrs. Pearson pointed out that it would be up to the Select Board as to where the monument would be located. She and her husband suggested the lawn in front of the Town Hall Annex.

Vice-Chair Epperson stated that it's highly appropriate that the founding families of the Town are recognized. He thinks this should be discussed and brought up to the public, as to how it should be done.

Selectman McGrath thanked Mr. and Mrs. Pearson for their generous offer. Referring to Andy Stecher's response in regards to Mr. Pearson's email requesting that the Rye400 be a part of this, Selectman McGrath pointed out there are some valid points that probably could be worked out. He agreed that the people need to decide how, where, and who is on the monument being commemorated. He commented that Mr. Pearson was already before the Select Board once and they thought it was a wonderful idea. They were hoping that something could happen with the Rye400, but it doesn't seem like that will happen.

Mrs. Pearson pointed out that Mr. Pearson has done a lot of work on this for years before the Rye400. By the time this came about, Rye400 had everything in place and now they are out of time.

Andy Stecher, Rye400 Committee Chair, noted that the Committee thought that once the year concludes, there would be something left behind for future generations to look back on. The Committee has held a lot of events for Rye with there being fifty-five in total. There is a subcommittee that is working on leaving something behind; however, the idea was to commemorate the celebration. He thinks Rye400 Program covers many parts of Rye history at given time and century. It was always about events, not so much anyone in particular.

There was some discussion about the Pearsons working with the Rye Historical Society on this endeavor and possibly with the Rye Heritage Commission, along with the Historic District Commission.

Leigh Yeaton-Derochemont, 45 Adam's Park, commented that she's part of a family with eight or nine generations in Rye. Out of the list of names, she has a direct lineage to twenty-two of those people. She feels strongly about this initiative and would like to see it happen.

Roger Philbrick, 111 Garland Road, stated that the founding families' efforts are why Rye is what it is today. It's only fitting and proper to recognize those families as a whole. From all that hardship, Rye became a successful place to be proud of. He doesn't think it's asking too much to have a historic marker. He feels it would be positive for the Town.

The Select Board agreed this is a worthwhile project. They also agreed that the Heritage Commission, and/or the Historical Society, along with the Historic District, should be involved with the project. The Select Board will work on moving the project forward.

- D. **Parsons Field Application** – Rye400 Committee requests tree lighting, campfire, petting zoo, warm clothes collection box, blow ups and a food/hot drink vendor on Saturday, 12/2/23, 3:30 – 4:30 p.m.

Deb Toohey confirmed that she has spoke to the Fire and Police Chiefs about the event application. The request is to use Parsons Field for the festivities. A paid lighting company will be lighting the tree. In addition, the school children will be hanging ornaments that they have made, which will be done before the tree is lit. There will be a food/drink vendor on site with the hopes of a small petting zoo for families and children. She is also speaking to the Fire Chief about the possibility of having a campfire on Parsons Field. The event is being sponsored by Tate & Foss Sotheby's International Realty. All parties agreed to work under the auspices of the Rye Recreation Department.

Selectman McGrath requested that the Animal Control Officer be on duty for the event to make sure there are no incidences with the petting zoo.

Fire Chief Mark Cotreau noted that there still needs to be discussion about the campfire, as there are some details to still work out. He confirmed that staff will be on duty for the event.

DPW Director agreed that his department will be able to support the event.

Police Chief Walsh briefly spoke in regards to how traffic will be handled.

Motion by Bill Epperson to approve the Parsons Field event application for December 2nd for the second year Tate and Foss Sotheby's International sponsorship of tree lighting, Rye Elementary School to hang nature themed ornaments, with petting zoo and campfire, and to allow Tate and Foss to have a warm clothing box for donations, subject to the approval of Primex Insurance for the events and with the an agreed upon safety plan by Rye Police, along with waiving the fee of fifty dollars (\$50.00) for the use of Parsons Field. Seconded by Tom King. All in favor.

Note: *The Select Board agreed to take the Parsons Creek update business out of posted agenda order (as shown in minutes).*

VII. OLD BUSINESS

A. Parsons Creek Update

Selectman McGrath noted that he had a discussion with Roger Philbrick about a news article that talked about dredging Parsons Creek. **Mr. Philbrick was in charged of doing the work, which was done in 1983. At that time, the bridge had been filled with seaweed, not allowing for waterflow to go into the creek. At the same time, a piece of the barge was lifted in the air and kids were using it as a diving board, so it was taken out. A crane lifted many pieces of the barge out and a bulldozer was used to reconfigure the creek at the ocean side. No material was taken out, it was just moved around.**

Roger Philbrick commented that years ago, not related to the same time period, a young teenager, who lived on Washington Road, would swim in the creek. The teenager developed a disease and had to have his stomach removed.

Selectman McGrath asked how it was determined it was the bacteria in the creek.

Mr. Philbrick replied that his mother was a nurse and she suspected. However, he doesn't know all the details.

Selectman McGrath commented these are stories that show it's not an issue that is new to the Town. He pointed out that Mr. Philbrick has said that the waterway starts behind the Junior High, travels, and crosses over Long John and again at Brackett Road. This might be two areas that could be tested at some point, before it gets into the actual creek, to see if there's bacteria in those zones.

Mr. Philbrick commented this could also be done on Brackett Road at London Bridge, near the intersection of Clark Road and Brackett Road. All the drainage from Sagamore Road comes down on the north side of Wallis Road and drains out right at that intersection.

Selectman McGrath pointed out that Roger Philbrick was the DPW Director in the 80's.

Chair King commented there's obviously an issue with Parsons Creek and the Town is trying to do something about it.

The Select Board reviewed the most recent data report received on September 11th. Town Administrator Matt Scruton noted that Luke Frankel from FB Environmental will be at the Select Board meeting on October 10th and he can address the data in the report.

Selectman McGrath stated it would be a good idea to do some bacteria testing at some of the storm drains that go into the waterways, as well as the areas suggested on Long John and Brackett.

Mr. Philbrick suggested testing near Petey's Market, along Marsh Road, and another area on Parsons Road.

Selectman McGrath asked about the outcome after the dredging. He asked if there was more dilution.

Mr. Philbrick replied until the next storm came in and caused it to back up again.

Selectman McGrath asked Mr. Philbrick if he ever remembers anyone talking about dredging beyond the bridge in the actual creek.

Mr. Philbrick replied never. He noted that some time in the 80's, a temporary bridge was put in on the west side of the bridge to do work on the permanent bridge. The construction equipment would've disturbed the area on the west side. In looking at some old town reports, the Selectmen, at that time, discussed that they had dredged Parsons Creek two years in a row; always on the ocean side. He commented that finding the pollution is the major issue. The logical solution would be to test at each one of the known crossings.

Chair King noted that Luke Frankel with FB Environmental will be at the Select Board meeting on October 10th. Mr. Frankel is the project manager and has been working on this for years. He's coming to discuss some ideas about what the Town can fund. The Town has never really put much money into this so far, as the testing has been done through DES grants. This year, for next year's testing, the Town did not receive a grant. If the Town doesn't fund something, nothing will get done next year and that's not a good plan when the contamination levels are this high. The Select Board has asked Mr. Frankel to come up with a proposal to continue through until the Town hopefully gets another grant to continue with bigger dollar issues. He continued that the five locations are all way over the limit. He agreed that the Town needs to find an answer because there can't be this kind of pollution in water and it seems to have other affects, such as, the beach itself.

B. Rye400 Community Picnic

Lisa Connors, 3 Rands Lane, spoke to the Select Board about the proposal for a community picnic at Parsons Field, as part of the Rye400 Celebration. She confirmed that Recreation Director Dyana Martin was contacted about doing the event under the auspices of the Recreation Department for insurance purposes.

Motion by Tom King to authorize, and waive the fee for the use of Parsons Field, for the Rye400 Community Picnic, contingent upon an agreed upon safety plan with Rye Police and Rye Fire Departments. Rye400 shall also provide the Town with a certificate of insurance naming the Town of Rye as additionally insured, to the Town Administrator's satisfaction. Seconded by Bill Epperson. All in favor.

C. Pease Update

Chair King noted that a lot of residents were concerned about the Million Air proposal for Pease. The news received last week was that the FAA will require the PDA to do a full environmental impact statement. This is a significant development and may have some effect on the potential air cargo facility, as that would be more significant than the Million Air proposal.

VIII. CORRESPONDENCE

- A. Email rec'd from Shawn Joyce** re: hunting and hunting cameras on town land as discussed in RCC site walk minutes
It was noted by the Selectmen that the letter from Mr. Joyce was received and read. The topic was addressed earlier in the meeting (see minutes above.)

IX. NEW BUSINESS

None

X. OTHER BUSINESS

A. Select Board Representative Updates

- Vice-Chair Epperson noted that the Long Range Planning Committee will be holding a public forum on Wednesday, September 27th, at 6:30 p.m., addressing the Housing Opportunity Grant as a follow up to the survey that was sent out. It's important for people to attend to discuss housing; where it should go and where it shouldn't be.
- Rye Water District will be holding a public meeting on Thursday, September 28th at 6:30 p.m., Rye Junior High.
- Rye Elementary School and Portsmouth High School are holding open houses on Thursday, September 28th, starting at 6:00 and 6:15 p.m.

- Town Administrator Scruton submitted the response received in regards to the request for proposals that was posted by the Historic District Commission for survey work of the Historic District. Only one response was received from a preservation company who has worked with the HDC in the past. The HDC is requesting approval from the Select Board to work with this company, so the work can move forward.

Motion by Bob McGrath to approve the awarding of the HDC New Area Survey Proposal for completion of the Historic District Area Form for the Rye Town Center to Ruedig Preservation Company. Seconded by Bill Epperson. All in favor.

- Selectman McGrath noted that the Budget Committee had a meeting with Matt Curtin from the School Board to go over brought forward balances. It was a good meeting that was well attended.
- Selectman McGrath noted that because the minutes of the potential expansion of the Historic District were released, there were a couple of family members present at the recent Historic District Commission meeting that had questions and concerns about their property possibly being joined into the District. Plans were made by the HDC to hold an informal meeting and invite the property owners to educate them on the process and the benefits. The HDC also talked about the poster that was created for Rye Day. They would like the poster displayed somewhere in the Town Hall. There was also discussion that maybe HDC, with the Heritage Commission, could come up with a theme to redecorate the Town Hall. Also, Dan Philbrick made a commitment to the Annex.

Town Administrator Scruton confirmed that he spoke with Mr. Philbrick who is working on his offer.

Selectman McGrath agreed to reach out to Mr. Philbrick to discuss printing and vendors.

- Chair King reported that the Beach Committee had a meeting last Monday. The Committee conducted site walks at Cable, E Street, F Street, Wallis Sand Extension, and Concord Point to look at the beaches and the access points. This was done to familiarize some of the new members with the beaches.
- Chair King reported that the Capital Improvements Program (CIP) Committee will have their first meeting on September 26th. All submittals have been received from all department heads.

B. Meeting Minutes

1. Meeting, Monday, August 23, 2023, 1:00 p.m., Rye Town Hall

Motion by Tom King to accept the meeting minutes of August 23, 2023 as written. Seconded by Bill Epperson. All in favor.

2. Meeting, Monday, August 28, 2023, 6:00 p.m., Rye Town Hall

Motion by Tom King to accept the meeting minutes of August 28, 2023 as written. Seconded by Bob McGrath. Vote: 2-0-1 Abstained: Bill Epperson

3. Non-Public Session, Mondy, August 28, 2023, (1) per RSA 91-A:3 II (b) Hiring
 - The minutes were amended to include Bill Epperson under ‘Members Present’ via Zoom.

Motion by Tom King to accept the non-public meeting minutes of August 28, 2023 as written. Seconded by Bob McGrath. All in favor. (Bill Epperson attended via Zoom.)

Adjournment

Motion by Tom King to adjourn at 9:20 p.m. Seconded by Bill Epperson. All in favor.

Respectfully Submitted,
Dyana F. Ledger

9-25-23 Correc. A

Janice Ireland

From: Shawn Joyce <sjoyce@nerallc.com>
Sent: Saturday, September 9, 2023 10:53 AM
To: Janice Ireland; William Epperson; Bob McGrath (bob4rye@gmail.com); Tom King
Cc: Shawn Joyce
Subject: Arbitrarily Limiting Use of Public Land
Attachments: 2023.08.23_site_walk_agenda_2.pdf; 08-23-23_minutes_-_site_walk.pdf

Board of Selectmen
Town of Rye
10 Central Road
Rye NH 03870

Dear BOS:

Please see the attached Rye Conservation Commission minutes from the 08/23/23 site walk. In the minutes, it states the following:

"Game cameras were discussed. Pursuant to discussions with Matt Scruton, Town Administrator, RCC determined that all town conservation land that permits hunting should be posted with signs stating: "Hunting allowed with permission of the owner: Town of Rye." Game cameras are permitted on conservation land that permits hunting, with permission. Hunters are required to write or call the town hall to request permission to hunt on a property and/or to install a game camera. GAME CAMERAS WILL BE REMOVED FROM ANY PROPERTY THAT DOES NOT ALLOW HUNTING OR, IF PERMISSION HAS NOT BEEN GRANTED FOR INSTALLATION, ON LANDS THAT DO ALLOW HUNTING."

Requiring hunters to get permission to legally hunt town property is overly burdensome and an overreaching attempt by RCC leadership to limit use that does not coincide with their personal beliefs. Furthermore, the matter was not placed on the agenda and there was no public hearing and vote, which is illegal.

Requiring folks using wildlife cameras (hunters and non-hunters) to now get permission from the Town is also overly burdensome and an overreaching attempt by RCC leadership to limit use that does not coincide with their personal beliefs. Furthermore, the matter was not placed on the agenda and there was no public hearing and vote, which is illegal. Ironically, wildlife cameras placed in leash zones in the Town Forest to during breeding season have shown an RCC member, family and friends not complying with the requirement to leash their dogs at the detriment of wildlife.

I respectfully ask that the BOS intervene in these matters and ensure that RCC leadership is not allowed to arbitrarily limit the legal use of town land for their own personal beliefs and benefit.

In closing, I respectfully request that this email be noted as received on the 9/25/23 meeting agenda and included with the public minutes that are circulated by email and posted on the town's website.

Sincerely,

Shawn Joyce
PO Box 5
Rye, NH

RYE CONSERVATION COMMISSION
SITE WALK AGENDA
Wednesday, August 23, 2023

- I. CALL TO ORDER
- II. SITE WALKS
 - **9:30 a.m.** – 0 Pioneer Road – Site Walk and Listening Session with Ambit Engineering
 - **11:00 a.m.** – 0/581 Long John Road
- III. OTHER BUSINESS
- IV. ADJOURNMENT

*This agenda is subject to change up to time of meeting

RYE CONSERVATION COMMISSION
SITE WALK / LISTENING SESSION MINUTES
August 23, 2023

I. CALL TO ORDER

The meeting was called to order by Chair McFarland at 9:36 AM

II. LISTENING SESSION WITH AMBIT ENGINEERING

- 9:30 AM 0 PIONEER ROAD, JUNKINS FAMILY CONSERVATION LAND

Rye Conservation Commission members present at site walk: Chair McFarland, Vice Chair King, Clerk Susan Shepcaro, members Joe Tucker, Karen Oliver, Mike Garvan, Paula Mahoney.

Also present: John Chagnon, Ambit Engineering, Rye Selectman Tom King, Land Use Assistant Kara Campbell, Andi Boorman, Tim Boorman, Andrea Lee, Hugh Lee, James Shanley, Zadoc White, Gene Shea, Dale Shea, Jeff Keefe, Rob Brady, Joe Cummins, Dean Chase.

The Rye Conservation Commission (RCC) hosted a listening session with John Chagnon of Ambit Engineering and abutters and other members of the public, at the conservation property located at 0 Pioneer Road (Junkins Family Conservation Land) to discuss a proposed public access point and parking area with abutters.

Chair McFarland provided background information. The Junkins family owned two (2) lots: 3 Brackett Road and 0 Pioneer Road. The existing home was located at 3 Brackett Road. The RCC purchased the land at 0 Pioneer Road (3.6 acres) from the Junkins family in of April 2022. 0 Pioneer Road extends west along Pioneer Road. It is a heavily wooded lot that is burdened by many invasive plants such as bittersweet and poison ivy. There are wetland and salt marsh areas on the lot. The lot is subject to the 100-foot wetland buffer zones that emanate from the salt marsh and the wetlands. Both lots have frontage on Seavey Creek/Berry's Brook. Ambit Engineering has surveyed both lots. The Junkins family is pleased that the land is being conserved.

Ms. McFarland informed the group that the Select Board approved the purchase of the property. This project was included in the Capital Improvement Plan (CIP) for the town, which lays out the financing, location, and timing for capital improvement projects over several years. Potential capital improvements for this property went through the review and approval process with both the Budget Committee and Select Board. The area in which the Listening Session was held is currently the proposed access point.

The RCC has discussed creating an access point onto the property from Pioneer Road. A small parking area is being considered to facilitate public access. As part of the project, the RCC would create a six (6) foot wide natural path to the edge of the marsh to guide foot traffic. The intent is to open the area for use by fishermen, kayakers, and walkers. The purchase of this lot in 2022 was supported by the Select Board for several reasons, one of which was the opportunity to create an additional access point to Seavey Creek/Berry's Brook for recreation. This parcel has 326-feet of frontage on Seavey Creek/Berry's Brook.

If the property is developed, a driveway permit is needed from the New Hampshire Department of Transportation (NHDOT) because Pioneer Road is part of a state highway. RCC has asked Jeffrey

Keefe, 3 Brackett Road, if he would be willing to allow a sight line easement on his property. This would be required if the property is developed in this specific location. Mr. Keefe has declined.

Mr. Chagnon informed the group that the NHDOT requirement for sight distance is 15-feet off the white edge of road line. Depending on the curve of the road, trees, tree limbs and brush may need to be cut along the edge of the property. Mr. Chagnon states that often the cutting occurs in the existing road right of way. Mr. Keefe has requested that no trees be cut on his property.

Several abutters and other members of the public attended the listening session. Various aspects of the proposed project were discussed, including but not limited to:

- Why the town has an interest in developing the property.
- Proposed number of parking spaces planned for the parking area.
- Upgrading the parking area at Seavey Acres, a conservation parcel that abuts 0 Pioneer Road, as an alternative to creating a parking area at this location.
- Concerns about increased use and trespassing on private property along Berry's Brook, from Seavey Acres to upper Brackett Road.
- Concerns about increased traffic.
- Concerns about speeding on Pioneer Road and the dangers of entering and exiting at this location.
- Concerns about attracting overnight parking and transient visitors.
- Concerns about trash being left on the property.
- Concerns about the required sight line easement.
- Selectman King pointed out that the town has the right to pursue a curb cut to access town property.
- Mr. Chagnon noted that a Shoreland Permit would be required prior to creating an access trail to Seavey Creek/Berry's Brook.

RCC member Mike Garvan summarized by stating that many of the issues brought up during the listening session are views RCC had not been aware of. He also thanked all participants for attending the listening session. He made a motion to have a public hearing, inviting all neighbors and interested members of the public, to discuss these issues further. Seconded by Vice Chair King. All in favor. Mr. Tucker requested that the Select Board be invited to attend this public meeting.

• **11:00 a.m. – 0/581 LONG JOHN**

The meeting was called to order by Chair McFarland at 11:05.

Rye Conservation Commission members present at site walk: Chair McFarland, Vice Chair King, Clerk Susan Shepcaro, members Karen Oliver, Mike Garvan, Paula Mahoney, Danna Truslow.

Also present: Building Inspector Chuck Marsden, Land Use Assistant Kara Campbell, Alex Ross, Ross Engineering, Marc Jacobs, Wetland Scientist.

Alex Ross informed the group that the site was cleared in December 2022. This was prior to the revised wetland ordinance that was passed in March 2023. At the time the clearing was done, there was no wetland buffer on the property, however now a 25-foot wetland buffer applies to small, isolated wetlands, such as the one located on this property. There is a dead red maple to the left of the isolated wetland. Mr. Ross isn't sure if there were other dead trees in this area that were removed. The next-door neighbor drove by and informed Mr. Marsden and Ms. King that her yard has been flooding since the site was cleared.

Mr. Garvan asked if the stumps have been ground; Mr. Ross replied yes.

Mr. Marsden informed the group that an application for a driveway permit has been submitted, but no building plans have been approved, which triggered the new 25-foot buffer requirement. The septic plan has been approved. The original driveway was in the new buffer. The driveway has been moved so that it is out of the buffer. All structures will also out of the 25-foot buffer.

A pool was initially proposed but it has been removed.

Ms. Truslow requested that the 25-foot buffer be staked and flagged during construction. Mr. Marsden and Mr. Jacobs suggested that compost filter socks be installed along the buffer during construction. RCC recommends a minimum 5-foot planting buffer adjacent to the isolated wetland. There was discussion among RCC members about planting trees to replace the trees cut, as well as adding blueberry bushes and dogwood trees to mitigate the damage done in the buffer. RCC also recommends that the 25-foot buffer become a no mow area seeded with an appropriate conservation grass mix. Members noticed that there are many stumps adjacent to the stream. RCC requested that an inventory of stumps within the 25-foot buffer be performed to determine how many trees were cut and how many new trees should be planted. Ms. McFarland suggested a 2:1 ratio as many large trees were removed.

After the inventory of stumps is completed and the 25-foot buffer staked, RCC will review a submitted planting plan.

III. OTHER BUSINESS

Chair McFarland presented invoice # 98283 in the amount of \$55.00, from Southport Printing Company for town maps. An Eversource bill for the Goss Farm in the amount of \$93.92 and invoice # 20237081, from Ambit Engineering, in the amount of \$2400.00, regarding 0 Pioneer Road, Junkins Family Conservation Land. Paula Mahoney made a motion to pay all bills. Seconded by Susan Shepcaro. All members voted in favor.

Game cameras were discussed. Pursuant to discussions with Matt Scruton, Town Administrator, RCC determined that all town conservation land that permits hunting should be posted with signs stating: "Hunting allowed with permission of the owner: Town of Rye." Game cameras are permitted on conservation land that permits hunting, with permission. Hunters are required to write or call the town hall to request permission to hunt on a property and/or to install a game camera. GAME CAMERAS

WILL BE REMOVED FROM ANY PROPERTY THAT DOES NOT ALLOW HUNTING OR, IF PERMISSION HAS NOT BEEN GRANTED FOR INSTALLATION, ON LANDS THAT DO ALLOW HUNTING.

IV. ADJOURNMENT

Motion to adjourn: Danna Truslow, seconded by Paula Mahoney, all in favor.

The site walk meeting was closed by Chair McFarland at 11:30 AM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Susan Shepcaro", followed by a horizontal line.

Susan Shepcaro