

**TOWN OF RYE –SELECT BOARD  
Monday, February 08, 2021  
5:30 p.m. – Via Zoom**

*Present: Chair Phil Winslow, Selectman Bill Epperson and Selectwoman Mae Bradshaw*

*Others Present: Town Administrator Becky Bergeron*

**5:30 p.m.**

**I. CALL TO ORDER**

Chair Winslow called the meeting to order at 5:35 p.m.

**II. NON-PUBLIC SESSION (1) PER RSA 91-A:3, II (I) Legal Advice**

**At 5:35 p.m., Phil Winslow made a motion to go into Non-Public Session per RSA 91-A:3 II (I) Legal Advice. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, Bradshaw - Yes.**

**At 6:24 p.m., Mae Bradshaw made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, Bradshaw - Yes.**

**6:30 p.m.**

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

Chair Winslow called the meeting to order 6:30 p.m. and led the Pledge of Allegiance.

**Motion by Phil Winslow to seal the minutes of the 5:30 p.m. non-public session.**

**Seconded by Bill Epperson.**

**Roll Call Vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.**

**Motion Passed.**

**Reading of Attestation**

**Statement by Phil Winslow:**

As Chair of the Select Board for the Town of Rye, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are providing public access to the meeting by telephone, with additional access possibilities by video and other electronic means. We are utilizing Zoom for this electronic meeting. All members of the board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone number: 646-558-8656 and Password:143241 or by clicking on the following website address: [www.zoom.com](http://www.zoom.com) ID #825 9274 6618.

- a) Public notice has been provided to the public for the necessary information for accessing the meeting, including how to access the meeting using Zoom telephonically. Instructions have also been provided on the Town of Rye website [town.rye.nh.us](http://town.rye.nh.us)
- b) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.
- c) Adjourning the meeting if the public is unable to access the meeting. In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

If anyone has a problem accessing the meeting please email the Town Administrator at: [bbergeron@town.rye.nh.us](mailto:bbergeron@town.rye.nh.us)

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Roll call attendance of Select Board:

- Bill Epperson
- Mae Bradshaw
- Phil Winslow

*Note: The Selectmen stated where they were at home and stated that their spouses were in the home during the meeting.*

#### **IV. ANNOUNCEMENTS**

- A. Chair Winslow announced that town offices will be closed Monday, February 15, 2021 for Presidents' Day.

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

- **Howard Kalet, Co-Chairman of the Rye Energy Committee**, reported that its his understanding that when Verizon rolls out 5G, which could be as soon as the end of the year, phones that work on 4G will continue to work on 4G.
- **Steven Borne, 431 Wallis Road**, stated that he hopes the Select Board has a chance to talk about his email listed under ‘Consent Agenda’ regarding town government communication with residents. He also spoke about ‘Discussion Item B’; Town Hall Safety Precautions. He stated that if it is a concern about the town hall employees and space, he would assume that they will talk about using the old court room and space in the conference room in the Safety Building for office space.

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

- A. Email rec’d from Steven Borne re: Town government communication with residents
- B. Email rec’d from Dominique Winebaum re: Next update to the Master Plan

Chair Winslow requested that both items be taken off the Consent Agenda for discussion.

- Email rec’d from Steven Borne re: Town government communication with residents

Chair Winslow reported that they have received several concerns on the part of Mr. Borne regarding agendas, notices and meeting minutes not being posted on the town website. He asked Town Administrator Bergeron to address this issue.

Town Administrator Bergeron reported that she has had an opportunity to speak to the staff about the posting of agendas, meeting minutes and information of public interest. Effective immediately the following posting protocol will be followed:

Agendas, meeting minutes, information of public interest will be posted on the Town maintained website first. The Website will be used as the primary source of information for the Town; and as such, will be kept up to date with the most relevant information appearing in the announcement banner. Subsequent to that, information will be posted in secondary area locations; such as, the Town Hall bulletin board, post office, and papers of general circulation.

- Email rec’d from Dominique Winebaum re: Next update to the Master Plan

Chair Winslow reported that Mrs. Winebaum has concerns that the Master Plan is not being updated in a proper and timely fashion. He asked that Town Administrator Bergeron contact Mrs. Winebaum. Since the Master Plan is under the jurisdiction of the Planning Board, Mrs. Winebaum should contact the Planning Board Administrator to see if she can get on an agenda of

the Planning Board to discuss her concerns. He stated that the Planning Board has plans to do a visioning session, but have expressed concerns that they need funds to do so. The budget will not be approved until July 13<sup>th</sup>, so it will have to wait until that time. This would be the decision of the Planning Board.

## **VII. DISCUSSION ITEMS**

### **A. Energy Committee discussion with the Board (limit 30 minutes)**

**Energy Committee Co-Chair Howard Kalet** introduced the committee members in attendance: **Lisa Sweet, Secretary; Tom Pfau, Co-Chair, Carl Nicolino, member and State Representative Jaci Grote.**

#### **1. COMMUNITY Power plans for 2022 & HB315**

This was a 2022 objective to provide an option for community power. A 2022 Warrant Article would offer all residential and commercial properties in town the opportunity to purchase power as a group purchase from a source. If an individual wanted to opt out, they could. This is a recent law and there are some towns in the State that are starting to roll this plan out. Since the law was passed, there have been two house bills presented that would gut this whole plan, in particular HB315. The Energy Committee and Representative Grote spent a lot of time discussing this at their last meeting. The Committee has drafted a letter in opposition to this bill that they have provided to the Select Board for review and asked that they endorse the letter.

Tom Pfau stated that this Bill (HB315) will cut into all the provisions/selling points of the original bill. If HB315 passes it will take away the local control offered in the original bill.

Howard Kalet explained that the original plan cuts Eversource out of the energy supply piece. With community power, Eversource would still deliver the energy but the Town would have the option to get renewable energy from wherever it chooses. They would be able to choose multiple suppliers, reduce costs and have greener sources of energy.

Lisa Sweet pointed out that there should be a savings to the customer (residents) due to the economy of scale. The whole town would be purchasing energy together. Also, there is a potential for Rye to get into a pool with other communities as well. These are things that the Committee would like to research this next year.

Representative Grote stated that there is a hearing on this bill Friday February 12<sup>th</sup> at 3:00 pm. She will make sure everyone has the link to listen to the hearing. She will call the vice-chair of the committee that is presenting the bill to try to get an idea of what this is all about.

Chair Winslow stated that he has no problem signing the letter written by the Energy Committee. He recommended that a copy be sent to Representative Kate Murray and Senator Tom Sherman.

The letter will be signed by members of the Select Board, Energy Committee and Representative Grote.

## 2. Triennial efficiency plan – HB549

Howard Kalet explained that this is a three-year plan that provides energy efficiency credits to encourage towns, cities and commercial buildings to invest in energy efficiency. There was a surcharge that was supposed to start February 1<sup>st</sup> which would allow for additional energy efficient credits to be developed. These are the types of credits that brought lighting efficiency to the Town of Rye. The Energy Committee has taken advantage of these credits over the years. This bill will allow an even higher level of energy efficiency credits. The Committee doesn't have the details yet; however, it is money in a pool that comes from electric and natural gas bills and it will apply to all energy usage. The proposal was passed, but is being delayed because of a concern regarding the effect these surcharges would have on the weakened economy, due to Covid.

Tom Pfau explained that these are not new surcharges. This is the system's benefit charge that everyone pays every month. The pennies at the bottom of the bill that go into a fund for things like weatherization, and LED lighting programs, etc. The proposal is to increase that amount of system benefit charge.

Representative Grote stated that there is no hearing schedule yet for this bill. It is just being talked about in general. She reported that she has been speaking with the chair of the PUC in regards to the telephone bill. She has a call in to her to find out what the delay on this is all about. She hasn't heard back from her yet.

The Committee has written a letter for the Select Board to sign in favor of this bill. The Select Board agreed to support this effort and sign the letter.

There is also a letter to be signed, which will go to the Executive Director of the Utilities Commission to find out the status of the credits.

## 3. HB225

This is for net-metering credits. If the Town were to have solar panels off-location, where they are not behind the meter and that power was net-metered to another location in town, those credits are potentially subject to change. Currently, those net-metering credits could be 11, 12, or 13 cents per kilowatt hour. This bill would bring it down to the wholesale level of 2 to 3 cents per kilowatt hour. This would kill any incentive to have any remote panels in town. Rye does not have any project like that in mind at this time, but it would take away the incentive for any future plans.

Tom Pfau explained that this will affect not just the Town, but also any resident that currently has solar energy.

The Committee has written a letter in opposition to this bill and are asking the Select Board to endorse it.

This bill is not scheduled yet for a hearing. It was decided that in order to prevent this letter from being overlooked and not taken seriously, the other letters will be sent out that are scheduled for hearings. They will wait for a couple of weeks to send this out.

Representative Grote commented that she will notify the Town Administrator when the hearing is scheduled. A letter can be prepared and signed at that time.

All agreed.

#### **4. HB213**

This bill is in regards to renewable energy portfolio. The current requirements, as previously endorsed, is 25% in year 2025. What this bill does is reduce the requirement from 25% to 8%. This goes against the direction of what many other states in the Country have done, where they have much higher portfolio standards than New Hampshire. It is going in the wrong direction.

This bill will be heard Friday, February 12<sup>th</sup> at 2:00 pm.

Representative Grote stated that usually a bill like this doesn't have a lot of "leg"; however, it is important to state the Town's position. She encouraged the Select Board to weigh in on it. She pointed out that there are a lot of towns that have spent a considerable amount of money on renewable energy and solar panels. This has created a lot of jobs and opportunities in New Hampshire. She finds it strange that they want to cut all this off. So, it is something that should be verbalized, because at the "end of the day", the public's opinion is what counts. She added that she is thankful and applauds the work that the Energy Committee has done. It is a remarkable committee. They are knowledgeable and research orientated. She also thanked the Select Board for being there as constituents and as members of the community.

A letter not supporting this bill will be prepared and signed this week.

#### **5. Rye lighting upgrades update**

Howard Kalet reported that there are two phases to the upgrade. One is the Library, which is under way and near completion. The town garage/recycling center is next on the list. They are waiting on some parts to be delivered, which is about a month out. The other piece is that the Town has not decided to go ahead with the upgrade of the lights at the Public Safety Building, which is the most expensive portion of the upgrade project. The Committee is not sure what the incentives will be in 2021, but expect that they will be similar. The plan is to move ahead and check to see what those numbers are. However, in rough numbers, these lighting upgrades pay off in 2 ½ to 3 years with free financing. Once they are paid off, the Town receives all the benefits of the upgrade by reducing the energy in the buildings. With the school, the reduction was 19%.

## **6. Cost savings by changing energy supplier**

Tom Pfau reported that most of the town facilities have Eversource, which currently has the lowest rate. There are eleven or twelve locations that are on other third-party vendors that are charging more. The Library is on North American Power. They are paying about .06 cents per kilowatt hour more than if they were on Eversource. Some of the Water District facilities and the Public Safety Building are on Direct Energy and paying more than Eversource. Eversource dropped their rates last summer and again in December, which will last until this summer. The Energy Committee will be contacting the department heads and talking with them about changing over to Eversource.

## **B. Town Hall Safety Precautions**

Chair Winslow reported that there was a fire at the Jefferson Town Hall and all their paperwork was destroyed. As a result of that, Town Administrator Bergeron has done an audit of the Rye Town Hall to see what paperwork would be involved, what risk they are taking and how to minimize those risks.

Town Administrator Bergeron stated that she had a chance to speak with the staff in regards to documentation that could not be recovered, if there were to be a catastrophic event. For the Assessing Department, the Town would lose all the property history files and documentation on veterans and elderly exemptions. The Assessing Assistant has started building an online data base to covert those paper files to digital, in order to have a backup. There is one fireproof cabinet for personnel records and tax records. Everything else upstairs would be lost. She pointed out that this is not terribly critical because most of that information is contained in the accounting software. The Trust Funds only has one computer that is DOS driven and is not backed up, so all that history would be lost.

Town Administrator Bergeron continued that in the Building Inspectors Office, all thirty -two filing cabinets are not fire proof. All records would be destroyed and irrecoverable, as they are not in digital format. There have been discussions over the years of scanning and digitizing this information. It has been cost prohibited; however, it is time to reinvestigate the cost benefit of digitizing those records. The Town Clerk/Tax Collectors Office is the most problematic for Town Hall. The vault in that office is not fire proof because the cement between the fireproof blocks is cracked. If there were to be a fire, the records in the vault would not be protected. She has asked Tax Collector DeCotis and Chief Cotreau to reach out to vendors to find what would be entailed to bring the vault up to fireproof standards. She noted that Fire Chief Cotreau and one of his lieutenants will be conducting a fire inspection on the building, so some of the concerns can start to be addressed. An electrician will be visiting Town Hall to inspect the electrical panels. Also, Lamprey Oil will be doing an inspection on the boilers to make sure they are functioning properly.

Chief Cotreau stated the Town Hall is a beautiful building. However, it is not a modern building and there are numerous avenues of fire spread. He explained that during the inspection, they will

be looking for fire prevention and life safety items; things that can be changed or altered immediately to make a significant difference. They will then develop a list of issues beyond that. At the end of the inspection, they should have a good report and a good idea of the liabilities. He noted that he will report back to the Board with his findings and recommendations.

#### **C. Coalition Communities Discussion**

Town Administrator Bergeron updated the Board as to the progress happening with the coalition. There is a memorandum of understanding between the individual communities and the City of Portsmouth to continue with the process of hiring a lobbyist to oppose the SWAP Donor-Receiver Town Legislation. She asked the Board for a vote to authorize the Town Administrator to sign the memorandum of understanding.

**Motion by Phil Winslow to authorize the Town Administrator to sign the memorandum of understanding with the City of Portsmouth. Seconded by Bill Epperson.**

**Roll Call Vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.**

**Motion Passed.**

### **VIII. CORRESPONDENCE**

- A. Email rec'd from Alex Herlihy, RHS Museum Director, requesting the Town donate the painting of the Parsonage building that hangs in the Town Hall to the museum.

The Board agreed to donate the picture, as well as the plaque that hung on the side of the Parsonage to the Town Museum. Chair Winslow asked that a picture be taken of the two pieces being donated and a letter of receipt be signed by the Historic Society as documentation for the Town's records.

### **IX. NEW BUSINESS – None**

### **X. OLD BUSINESS**

Administrator Bergeron reported that Planning Administrator, Kim Reed and Town Attorney Donovan had a meeting with Chip Fredette and Attorney Weaver from Verizon. Chip Fredette is reasonably assured that the construction on the tower at Port Way will be started and completed in 2021. They are waiting on the tower foundation plan. Once that is received, they will bring it to the Building Inspector for the permit issue. Once the construction is started at Port Way, the plan is to release the Brackett Road application.



## **XI. OTHER BUSINESS**

Chief Cotreau reported that he was notified by the State this week that they will be doubling their resources at each of the state sights for the Covid vaccine. They will be running 12 hours a day, 7 days a week. The State is reaching out to the municipalities fire departments for help. Rye has three paramedics that are qualified and willing to help and the Chief feels very strongly that Rye should be involved. This is something that the individuals will do on their own time. They will just report to him as to when they will be engaged and he will coordinate the time with them. They will be paid at their overtime rate, through the Town, and the Town will be reimbursed through DHHS. He asked for the Board's Support.

The Board expressed their appreciation to the department members that have taken the initiative to get involved with the process. They gave the Chief their support.

### **A. Meeting Minutes**

#### **1. Non-Public Session, Wednesday, January 20, 2021 (1) per RSA 91-A:3, II (1) Legal Advice**

**Motion by Phil Winslow to seal the non-Public minutes of Wednesday, January 20, 2021.  
Seconded by Bill Epperson.**

**Roll Call Vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.  
Motion Passed.**

There was one correction noted: In the second line from the bottom the number 2.33 should be 2.3.

**Motion by Bill Epperson to accept the non-public minutes of Wednesday, January 20, 2021  
as amended. Seconded by Mae Bradshaw.**

**Roll Call Vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.  
Motion Passed.**

#### **2. Meeting, Monday, January 25, 2021, 5:30 via ZOOM**

**Motion by Bill Epperson to approve the meeting minutes of Monday, January 25, 2021 as  
written. Seconded by Mae Bradshaw.**

**Roll Call Vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.  
Motion Passed.**

#### **3. Non-Public Session, Monday, January 25, 2021 (1) per RSA 91-A:3 II (a) Personnel**

**Motion by Bill Epperson to seal the non-Public minutes of Monday, January 25, 2021.  
Seconded by Mae Bradshaw.**

**Roll Call Vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.  
Motion Passed.**

**Motion by Phil Winslow to accept the non-Public minutes of Monday, January 25, 2021 as written. Seconded by Mae Bradshaw.**

**Roll Call Vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.**

**Motion Passed.**

### **ADJOURNMENT**

**Motion by Bill Epperson to Adjourn at 7:45 p.m. Seconded by Mae Bradshaw.**

**Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye.**

**Motion passed**

Respectfully Submitted  
Dyana F. Ledger

2-8-21 Consent Item A

**Janice Ireland**

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**From:** STEVEN BORNE <s.borne@comcast.net>  
**Sent:** Wednesday, February 3, 2021 9:57 PM  
**To:** Janice Ireland  
**Subject:** Topic for February 8th Select Board meeting  
**Attachments:** Not on the Rye Website Jan 31 2021.pdf

Dear Select Board,

Culture is set from the top. If you chose to make it a priority that information be made promptly and easily accessible for the public, then those you oversee, may choose to operate differently.

In my opinion there is much room for improvement in how the Town portion of our government communicates and makes information available to the public. There is also a difference between complying with RSAs and communicating effectively.

For the past four months, information on upcoming meetings has been physically posted on bulletin boards but not posted online. I have brought this point up repeatedly and as there seemed to be some confusion as to what was happening, the attached PDF shows what was online and on bulletin boards on January 31<sup>st</sup>.

The RSA's allow for one of the "public" locations to be online and in our Covid-19 world you would think that if the goal was to communicate the online location would be the first-place information would be available.

I request at the February 8<sup>th</sup> Select Board meeting you explain what has been preventing information that is physically available from being posted online. Moving forward what can be done so that as soon as information is available it is posted and easily found on the Town website?

The attachment is the same as what I shared on January 31<sup>st</sup>, so there would be no questions as to the timing of the pictures.

Respectfully Yours,

Steven Borne

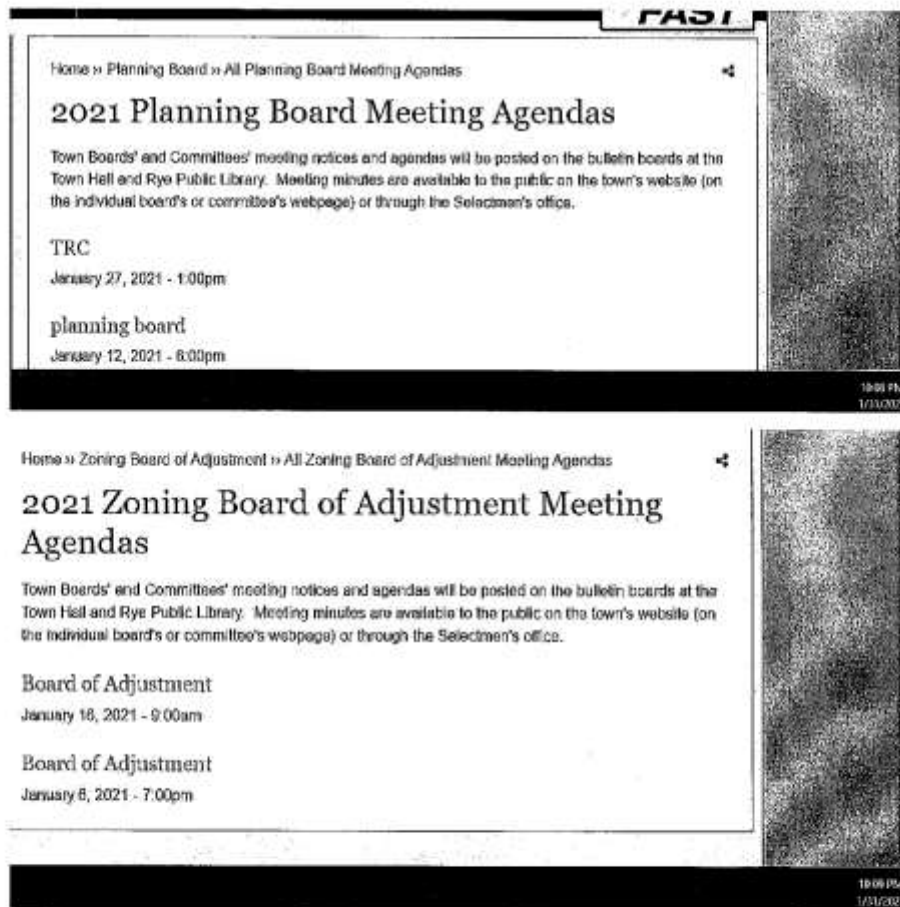
431 Wallis Rd

Steven Borne  
Cell: +1 603 770 1743

Date: January 31, 2021

Hello,

I will provide more detail later in the week, I wanted to make sure I sent this with the images below with the time stamps and the e-mail dated with the photos I took this morning.



## MEETING AGENDA

*The Board of Adjustment of the Town of Rye, NH will hold a public hearing  
at: 7:00 PM on Wednesday, February 3, 2021 Via ZOOM*

Meeting ID: 872 7254 3023  
Passcode: 123456  
Call-in Number: 646-558-8056

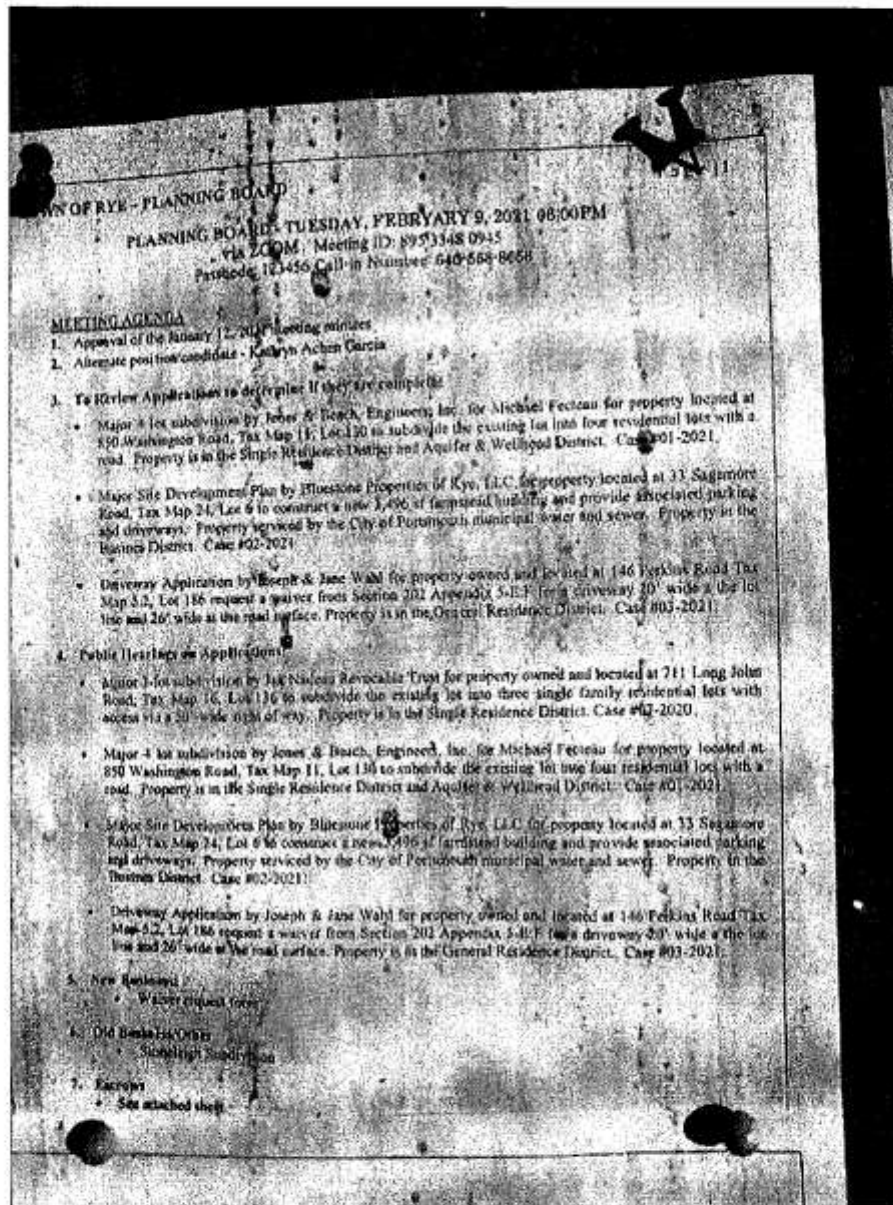
### ESS

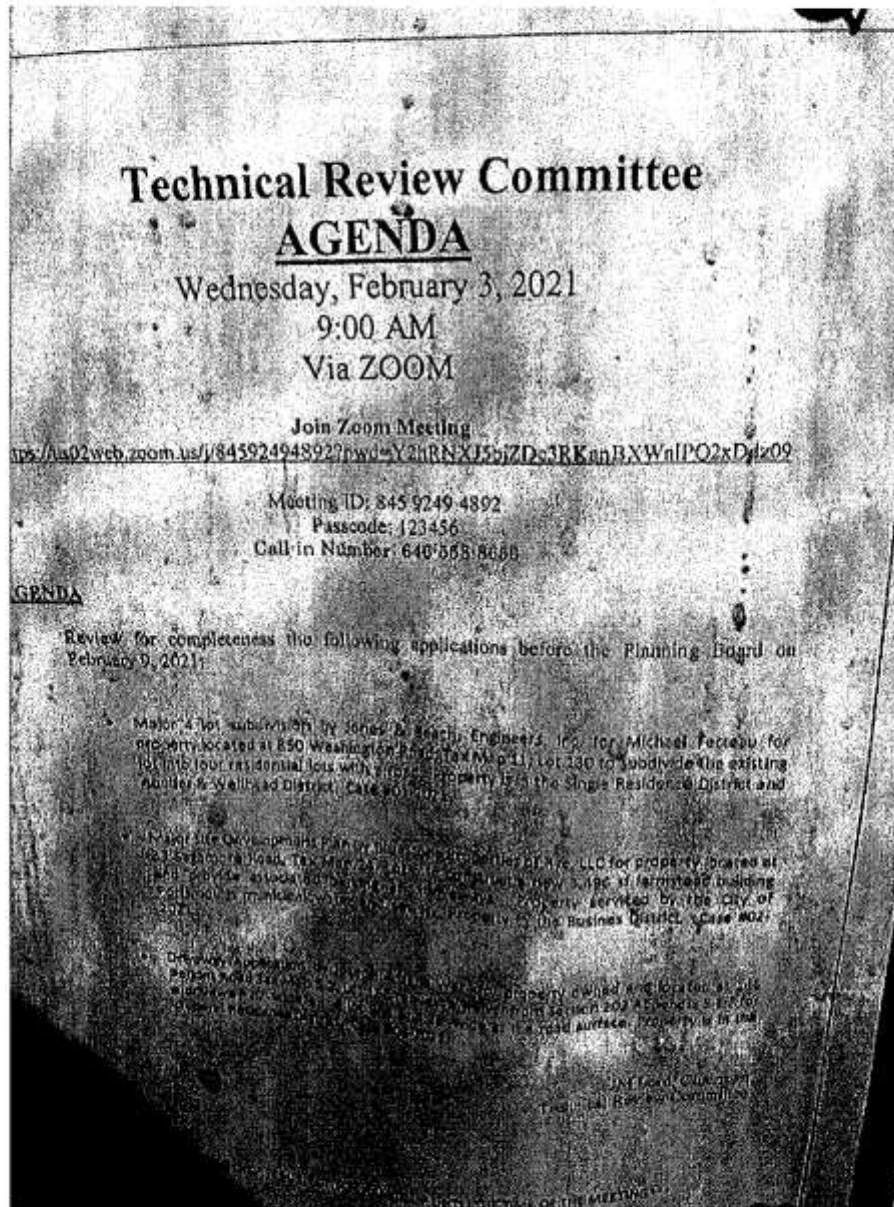
- o Approval of the January 6, 2021 minutes

### ICATIONS

1. Craig & Denise Benson, Trustees, K&L Realty Trust for property owned and located at 2 Merrymeeting Lane, Tax Map 15, Lot 18 request a special exception pursuant to §190.3:111.2(f) and §190.3:111.2(g) for a driveway in the wetlands buffer. Property is in the Single Residence District and Wetlands Overlay District. Case #454-2020.
2. Craig & Denise Benson, Trustees, K&L Realty Trust for property owned and located at 2 Merrymeeting Lane, Tax Map 15, Lot 18 request variances from §190.3:111.2(a)(1)(b) and (g) for a new house with an eave 14.1' a wall 17', a septic system 66' and a previous driveway 15' from the wetlands where 100' is required and from §190.3:111.2 (e) for cutting trees greater than 4.5' in diameter within the wetland buffer and relief from Building Code §35-14 B(2); D (1) for a septic system 66' from the wetlands where 75' is required. Property is in the Single Residence District and Wetlands Overlay Districts. Case #454-2020.
3. Deen Pierce of Seacoast Modular Homes, Inc for the Kehler Family Living Trust for property owned and located at 1187 Ocean Blvd, Tax Map 5.3, Lot 7 request an equitable waiver of dimensional requirements pursuant to §190.7 for a newly built home with a height of 30.29'. Property is in the General Residential and Coastal Overlay Districts and the SFHA Zone. Case #4-2021.
4. Dery & Alex Singer for property owned and located at 18 Park Ridge Ave, Tax Map 15.4, Lot 10 request a variance from §190.2:4.C(1) to remove an existing deck and replace with a pergola and a one car garage 15.4' from the rear boundary where 30' is required and from §190.2:4.C(2) for an office 15.6' from the rear boundary and 14.7' from the right side boundary where 20' is required. Property is in the General Residential and Coastal Overlay Districts. Case #5-2020.
5. Robert Webster of Webster & Son, Inc for property owned and located at 798 Washington Road, Tax Map 11, Lot 11 & 12 request a two story addition to the Special Exception granted 03/03/2019, case #04-2019. The work is limited to the building expansion 15,224. Property is in the Single Residence District. Case #04-2021.
6. Stephen H. & Kathleen Smith, Trustees, K&L Realty Trust for property owned and located at 27 P Street, Tax Map 15.4, Lot 10 request a variance from §190.2:4.C(1) for an 8' x 10' deck and a previous deck 8' x 11' from the rear boundary where 20' is required, from §190.2:4.C(2) for an 8' x 10' deck 17.3' and a previous deck 10.4' from the side boundary and relief from §190.3:111.2(f) for a special zoning exception. Property is in the Single Residence District and Coastal Overlay Districts. Case #07-2021.
7. Tracy & John Smith for property owned and located at 1267 Ocean Blvd, Tax Map 15.4, Lot 10 request a variance from §190.2:4.C(1) for a 10' x 10' deck 17.3' from the rear boundary where 20' is required, from §190.2:4.C(2) for a 10' x 10' deck 17.3' and a previous deck 10.4' from the side boundary and relief from §190.3:111.2(f) for a special zoning exception. Property is in the Single Residence District and Coastal Overlay Districts and SFHA Zone A O I. Case #07-2021.

Mark Dinkins, Clerk





2-8-21 Consent Item B

**Janice Ireland**

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**From:** Becky Bergeron  
**Sent:** Thursday, February 4, 2021 1:17 PM  
**To:** Janice Ireland  
**Subject:** FW: Select Board meeting -- request to include an agenda item

**From:** Dominique Winebaum <domiwine@comcast.net>  
**Sent:** Tuesday, February 2, 2021 8:07 AM  
**To:** Becky Bergeron <BBergeron@town.rye.nh.us>  
**Subject:** Select Board meeting -- request to include an agenda item

Dear Becky,

I am contacting you regarding an article I wrote for the February Rye Civic News regarding the next update of the Master Plan. This article is a sequel to the article I wrote for the December Rye Civic News and which you included in the Consent Agenda of a Select Board meeting in early December. I spoke to it at the meeting, however, the Select Board did not provide any comments.

I would appreciate it if you could include this present article (see link below) as an item in the next Select Board agenda meeting.

<https://ryecivicleague.org/wp-content/uploads/2021/02/Opinion-Feb-Master-Plan-2021.pdf>

The article is titled "Where do we stand about updating the Master Plan?"

Thank you for your consideration.

Regards,  
Dominique



Where do we stand about updating the Rye Master Plan?  
An Investigation by Dominique Winebaum

This is a sequel to an "Opinion" I wrote for the December Civic News (and which was emailed to different Town boards) regarding the next update of the Rye Master Plan. [CLICK HERE](#). It is recommended that a Master Plan be updated every 5 to 10 years.

As per New Hampshire state law (RSA 674:2 I), "The purpose of the master plan is to set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning board, to aid the board in designing ordinances that result in preserving and enhancing the unique quality of life and culture of New Hampshire, and to guide the board in the performance of its other duties in a manner that achieves the principles of smart growth, sound planning, and wise resource protection."

For more information on statutory guidelines regulating the Master Plan in NH: [CLICK HERE](#)

Over the past decade, the Planning Board, under the guidance of the Planning and Zoning Administrator, and at times, with the assistance of the Rockingham Planning Commission, undertook a number of updates of the "2006" Master plan, which was adopted in 2007, and which was done in accordance with the RSA requirements to amend a master plan. With the exception of 2015, the Planning Board has been in a continuous mode of updating the master plan from 2011 through 2018.

- 2011-2014. Master Plan (2013): update of all chapters and the addition of a new Energy chapter (from the Energy Committee).
- 2016-2018. The addition of a new Climate Adaptation and Coastal Hazards chapter (2017) and update of three chapters: Natural Resources, Land Use, and Transportation (2018).

The Rye Master Plan does not properly reference and include the 2011 Rye Recreation's own comprehensive Master Plan, which was prepared by Marty Klenke, Strategic Reach Consulting, LLC, and in collaboration with the past and present members of the Rye Recreation Commission. [CLICK HERE](#)

The present Rye Master Plan: [CLICK HERE](#)

**Master Plan (2013)**

It is unclear why the whole Master Plan was updated in 2013; the efforts began in 2011, less than 5 years after the adoption of the 2006/2007 Master Plan. Moreover, the public was not invited to participate. The Vision chapter was revised by the Planning Board members as opposed to seeking public input via Visioning Sessions. As per RSA requirements, "A vision

section that serves to direct the other sections of the plan. It shall contain a set of statements which articulate the desire of the citizens affected by the master plan" (RSA 642:2, II. a). To be noted, the changes made to the Vision chapter were minimal and mostly grammatical. The Vision chapter fails to refer to all sections of the plan. The creation of a new chapter, Energy, was done without a Visioning.

#### **New Chapter and Update of 3 chapters (2016-2018)**

In 2016, two Visioning Sessions were planned in order to create a new chapter and update three chapters (\$20,000 budget). The Visioning Session for the Climate Adaptation chapter was attended by approximately 35 people. The Visioning for the update of the three chapters, Natural Resources, Land Use, and Transportation, was attended by only 6 people and the meeting was "cut short" precluding the public to provide comments regarding the Natural Resources chapter. See 2016 Master Plan update schedule [CLICK HERE](#)

Even as the Natural Resources (NR) chapter was amended in 2018, the "Visioning Session in 2002" remains the main resource summarizing the issues facing the Town of Rye and its residents' "vision" for the future. To be noted, there is a recent section under the Visioning in the NR chapter relating to climate change.

In my prior article for the Rye Civic News (December), I made the recommendation to take a different approach in regard to the membership of the Committee overseeing the next update of the Master Plan. Furthermore, someone has to take responsibilities for the project as a whole, past, present, and future. Thereby, and it is my opinion, there is a need to create an ad-hoc committee, a Steering Committee, as other towns do, which would:

- Thoroughly review the Master Plan to identify gaps/deficiencies
- Quantify related budget needs
- Establish an implementation plan with specific, measurable, attainable realistic and timely (SMART) goals
- Establish review cycle/process for future updates

Clearly, Master Plan fatigue is palpable among planning board members, to say the least, and the membership count to undertake yet another update (as was discussed at the December 2020 Planning Board meeting) is/was in the low range of two members. Each member of the Planning Board (including alternate(s)) serves on a sub-committee of the Planning Board, such as Technical Review Committee, Rules and Regulations, Long-Range Planning (Master Plan), as well as on the Capital Improvement Program Committee, in addition to the monthly meeting and occasional site-walk meeting.

At the November Budgeting Sessions, the Planning and Zoning Administrator provided a one liner when it came to justify an increased printing budget which was questioned by Selectman Winslow by stating that *the Planning Board* wanted to have "a Visioning in the Spring" and that the Town hadn't had a "Visioning since 2002." There was no formal proposal presented (RFP)

for this budget item. Moreover, there was visioning beyond 2002: 2004-2005 for the "2006" Master Plan and the 2016 Visioning Sessions. [CLICK HERE](#)

As seen in the past, 3-4 years is a lengthy time to update a Master Plan, while some of the updates are not real updates as mandated by the RSAs. Case in point, it appears (from my own investigation) that the plan for a "Visioning in the Spring" is to fulfill the need for the Rye Conservation Commission to go ahead with the creation of a Natural Resources Inventory (NRI) document (as per the RSAs) as the Vision for the Natural Resources chapter is outdated. Even though a NRI is long overdue, it should not drive the next update of the Master Plan, especially as it has been presented. Clearly, the Rye Master Plan with all its updates is not up to date. Additional chapters are needed as well, such as an Executive Summary and an Implementation Chapter, to name a few.

As stated by a HDC member at a recent Historic District Commission meeting, the Town Center is a "corridor," which is not what the public wished for during the Visioning Sessions in 2004-2005, and also as expressed by the public during the Rye Community Design Charette held in 2019.

We will promote additional opportunities to foster regular and multiple social interactions for all members of the community to include but not limited to: pedestrian paths, bikeways, and traffic-calming and mitigating features along town roads within and leading to the Town Center. We envision pocket parks and gardens for all to enjoy and a few apartments built over small retail establishments. The additions of a cafe and general store in our Town Center will increase our opportunities to foster a sense of community. This will be unified by human-scale density and architectural style honoring the historic buildings and character of much that already exists. (2013 MP, *Vision*, p. 1-1).

The Introduction of the "2006" Master Plan called for "An Invitation to Community Planning in Rye." The Rye Community Design Charette in 2019 to "help craft vision of Rye's future" (*Seacoast Online June 1<sup>st</sup>, 2019*) was attended by approx. 170 people. Indeed, Rye residents were eager to participate in community planning about the future of our Town center. The next update of the Master Plan should be a complete update given that the Visioning in the 2013 Master Plan dates from 2004-2005 Visioning sessions. The Climate Adaptation and Coastal Hazard chapter (2017) is possibly the only chapter that will not require updating.

Dated: February 1<sup>st</sup>, 2021