

**TOWN OF RYE SELECT BOARD**

**Thursday, October 14, 2021**

**12:00 p.m.**

**Rye Town Hall**

*Present: Chair Bill Epperson, Vice-Chair Phil Winslow and Selectman Tom King*

*Others Present: Town Administrator Becky Bergeron*

**12:00 p.m.**

**I. CALL TO ORDER**

Chair Epperson called the meeting to order at 12:00 p.m.

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

**At 12:00 p.m., Phil Winslow made a motion to go into Non-Public Session per RSA 91-A:3 II (a) Personnel. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.**

**At 12:35 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Phil Winslow. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.**

**1:00 p.m. RECONVENE PUBLIC MEETING**

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

Chair Epperson called the meeting to order at 1:00 p.m. and led the Pledge of Allegiance.

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

- A.** Chief Walsh and Rye Emergency Management requests permission to accept and expend grant funds received from NH DOS Division of Homeland Security and Emergency Management to use towards the cost of updating the Hazard Mitigation Plan.
- B.** Chief Walsh – Event Permit Application: Wallis Sands Half Marathon, Sunday, 10/24/21, 8:00 – 11:00 a.m. to benefit youth athletic groups

It was decided to wait until Chief Walsh is in attendance to discuss consent item B.

**Motion by Phil Winslow to accept and expend grant funds received from NH DOS Division of Homeland Security and Emergency Management to use towards the cost of updating the Hazard Mitigation Plan as presented. Seconded by Tom King. All in favor.**

**V. WORK SESSION – Perkins Road/Ocean Blvd Intersection Reconfiguration**

Public Works Director Dennis McCarthy noted that a couple of years ago, the Select Board asked that a couple of conceptual plans be drafted to address a number of issues that they felt existed at the intersection of Perkins Road and Ocean Boulevard. Funds were put into the budget to cover this project and Hoyle Tanner Engineering was contracted to do the work.

**Traffic Engineer Steve Haas, Hoyle Tanner & Associates**, presented the conceptual drawings. The project began in June of this year with a site visit and GPS data collection locating the manholes, drainage, striping and edge of pavement. In August, during seasonal summer weather, there was another visit to the site to observe the traffic flows and traffic patterns for the parking in the area.

With the existing conditions, there is no defined area for pedestrians walking between the parking lot in back, down Perkins Road or the plaza at 2281 Ocean Blvd. Pedestrians seem to roam anywhere they want along Perkins Road, as there are no curbs for separation or sidewalks. People crossed the street where they wanted. It was observed that there was fairly good compliance with pedestrian crossing on Ocean Boulevard, as most people used the crosswalk or walked north a bit further to other access points to the beach.

In this area, the speed limit on Route 1A is 30 miles per hour, which increases to 35 miles per hour just south of the project. There is a 30 miles per hour speed limit on Perkins Road. High speeds were not observed during the site visit given the congestion at that time. There is a lot of pavement on the northern corner of Perkins Road. This makes it possible for high-speed turns from Route 1A onto Perkins Road.

It was noted that there is no defining edge to the plaza. A car can enter where they choose; either right at the intersection or just before. This doesn't give pedestrians or other cars any idea of where they will pull in and causes an uncontrolled situation. When the parking lot is full at the Jenness Beach State Park, access is blocked and this leads to drop-offs in other areas with more congestion at the intersection.

The sight distance coming out of Perkins Road onto Route 1A met the federal guidelines in both directions. NH DOT applies a more conservative approach and considers the offsets in the travel way. There is a bit of vegetation at the end of Perkins Road that would block the sight line, if a car were to be set back a bit on the road.

Overview of the concepts:

- Maximum concept
  - The defining feature is a raised concrete/asphalt sidewalk with curbing along Route 1A to separate the pedestrians and create specific space for people walking. The sidewalk would be 7' wide, starting at the entrance of the parking lot behind the plaza to the crosswalk on 1A.
  - It's recommended to have a one-way access aisle along the north side of the building down to the main parking lot. The goal would be to get rid of uncontrolled access to the plaza by limiting the points for vehicles to access, in order to limit potential conflicts.
  - At this time, there is no crosswalk at the end of Perkins Road. The concept includes a formalized crosswalk across Perkins for pedestrians to continue walking along 1A.
  - A considerable amount of pavement can be removed from the northern corner of Perkins Road, while still meeting safety standards for large trucks making that turn. It's also recommended to pull the striped edge line in a bit, which will make a narrower opening for vehicles to turn. By doing this, it will slow the vehicles making a right turn onto Perkins.
  - Cost estimate - \$150,000 – Doesn't include the cost of design, construction and engineering.
- Minimum concept
  - Instead of a raised sidewalk for pedestrians, a physical separation in grade is proposed. This will be done with a painted path on the pavement in a red brick color. The plan also complies with ADA crosswalk curb landings.
  - The work in the plaza would be less.
  - The work to be done would be within the town and state rights-of-way. Curb stops are shown along the edge of the path at each parking spot to keep cars from going any further into the space. Restriping along the edge is also shown.
  - The concept also includes a crosswalk across Perkins at the end and removing the excess pavement.
  - Cost estimate - \$45,000 – Assuming epoxy treated acrylic paint is used to add durability and increase skid resistance.

Chair Epperson opened to the public for comments.

**Attorney John Arnold, representing Martha Leary the owner of the Dunes Motel, 2281 Ocean Blvd,** stated that the conditions that are out there today with the open curb cut along the whole property, has been there for a long time. Both of the alternatives being proposed, not only eliminates a lot of access from a practical standpoint for what people actually use to get in and out of the property, but also involves a reconfiguration of a parking lot that eliminates a host of parking spaces on a site that is already under parked both pursuant to actual need and zoning code. His client has concerns about the impact to the property, both in terms of how it functions and the economic impact. His client respects the fact that the Select Board has to make the folks on Perkins Road happy and make sure this is a safe situation. Mrs. Leary would like to be involved in the discussions about how to achieve some of the objections that might be less impactful to her property. Attorney Arnold noted that both concepts are going to change

completely how the property operates and have a significant impact on the businesses. He commented that they would like to understand more about the specific objectives that the town is trying to achieve by putting a sidewalk in, so other options could be explored that would achieve the same goals.

Vice-Chair Winslow asked how many parking spaces are anticipated to be lost.

Mrs. Leary replied there are at least eight parking spaces in front of the surf shop and six on the other side. Several spaces near the restaurant would also be eliminated.

Attorney Arnold pointed out on the plan the area of parking spaces for the restaurant. He noted that the issue with putting the main access point in that area is that the whole area of parking spaces gets eliminated. He also pointed out on the plan other parking spaces that will be eliminated.

Mrs. Leary commented there would be approximately twenty spaces eliminated.

Attorney Arnold stated that a number of years ago there was an agreement with the town to reconfigure the pedestrian circulation for people accessing the parking lot in the back and walking across to the beach. There was a walkway that was put in that skirts around the corner of the building. Curb stops were pushed back off the edge to make a corridor around the building to connect to the crosswalk. This has been relatively effective and successful. The people who are using the parking lot in the back are generally following that path. He pointed out that with either of these plans, it creates two ways for pedestrians to go. He is not sure this is the most practical or efficient. It may just create confusion with pedestrians with respect to the existing pathway, if it were to remain. With respect to the improvements that are being shown on Mrs. Leary's property, restriping and repaving, it's not clear whether the town is proposing this as something that could be done if Mrs. Leary chose to do or whether it's something the town is going to do.

Referring to the maximum plan, Mr. Maas clarified that on the north side of the building, parking is being lost because of the sidewalk and the width of the aisle. There would be some more flexibility in the restriping to try to get back some of those spaces that are lost. He noted that they could look at other ways to provide more parking. With the minor concept, he noted there would still be full access to park on the side of the building. Cars could cross the painted walkway to park in the lot. It just lets pedestrians know where to go and lets cars know where the pedestrians are going to be.

**Brian Scott, NH DOT District 6 Engineer**, stated that the State would prefer to see an island on the Route 1A side as a physical barrier from the crosswalk, northerly to wrap around the corner to define the parking. He pointed out the location on the plan. He commented that the current parking in the right-of-way could probably remain with a permit or encroachment agreement. He thinks a hybrid concept with a solid barrier would be a good alternative. He noted that forcing everyone to come out onto Route 1A is not something the DOT would prefer.

Chair Epperson commented that Mrs. Leary has cooperated significantly over the last couple of years with bollards and staff directing traffic. The intent is to eliminate a lot of confusion in this area. He asked Chief Walsh to opine on this intersection.

**Police Chief Kevin Walsh** thanked the Select Board's and Mrs. Leary's cooperation with the bollards and cones. This year Mrs. Leary's staff did a great job. He also pointed out that when the parking lot is full at the State Park, access is blocked and there are unintended consequences. That's when the police parking staff has stepped up to make sure the traffic keeps moving. He thinks it would be a good plan with the solid barrier and the painted walkway to allow the same traffic flow at the plaza. It will also give a visual effect for the pedestrians to guide them on where to walk on the road. The main objective he likes about both plans is reducing the width of Perkins Road. He continued that the crosswalk at the end of Perkins is a good idea to encourage the pedestrians to continue to the crosswalk on Route 1A and eliminate the crossing at the Jenness State Beach exit. Mrs. Leary's staff has done a great job of managing the parking of the cars and to manage the entrances/exits to the property in the front and to the rear.

Referring to Mr. Scott's concept, Mr. McCarthy stated that having an island makes sense, as it gives people a safe place to step to. He pointed out another area where he would suggest an island.

Chair Epperson asked if there would be enough room to preserve the northerly parking spaces with the hardscape.

Mr. McCarthy confirmed.

**Tyler McGill, Summer Sessions Surf Shop**, commented there are pretty serious implications for the businesses with the elimination of parking. It's also going to create more traffic issues in the parking lot. With these concepts, there will be one-way traffic along the pizza shop, which is going to push the traffic out towards Route 1. The most congested area in that parking lot is the area by the back parking and the entrance/exit by Jenness Beach. This will force more traffic into the most dangerous and backed up areas. He thinks this is something to consider. He continued that all of the proposals are going to cause the loss of parking spaces. On that property is the restaurant, the surf shop, the pizza place and apartments above, which all need parking. Currently, the parking lot does not have enough parking spaces to meet the ordinance. Any elimination of parking is going to make it difficult for people to get in and out of the businesses. That is a huge concern for the business owners. He assumes the safest way for people to walk up from the back parking lot is to stay along the building. The issue with the crosswalk is to direct people to walk down Perkins. It drops them in the middle of the road and there's no place for people to go. He asked if there has been any thought to having the crosswalk go directly to the existing walkway along the building. He asked if it would be safer than having people walking around the busy corner onto Route 1A.

There was some discussion about how large trucks would be able to access the property for deliveries.

Chair Epperson stated that they are trying to make some concise sense out of this intersection. Clearly, the intersection is paramount. The traffic needs to be considered, as well as, the seasonality and speed. They need to put their heads together to find a solution to make this better. It's not going to get any better in the years to come. The decisions that are made need to be a decision that's going to last for a while. He appreciates the comments and they will all be taken into consideration.

In regards to the islands, **Fire Chief Mark Cotreau** stated that fire truck access is always an issue in this spot. Whatever the community comes up with, he would urge that the islands are done so the fire trucks can get across at any spot along that way. Curbs can be made to still do its job but the fire truck and ambulance can go over the curb to have access. He thinks this is an important safety consideration. From the Fire Department's perspective, he is okay with the concept but the islands need to maintain access for fires and emergencies.

Chair Epperson asked about plowing in the winter.

Mr. McCarthy confirmed it would not affect plowing.

Attorney Arnold noted that Mrs. Leary would like time to digest and consider some of the alternatives that were presented today. She would also like to time to have her engineers to look at the plan to see if it makes sense.

Chair Epperson commented that no decisions are being made at this meeting. There is still more work to be done.

Mr. McGill stated that one of the concerns of the Perkins Road Parking Committee is that they didn't want cars stacking up waiting to get into the parking lot at either section. Currently, the cars will line up on Mrs. Leary's property, along the pizza place. With either of these proposals, the cars waiting to get into the parking lot are inevitably going to have to stay on Perkins. He is not as concerned about the front section. However, the back area is going to create more problems with traffic on Perkins Road.

**Mary Westover, 9 Perkins Road**, commented that both the plans are very creative and address a lot of concerns the neighborhood brought up in regards to safety. Minimizing the width of the intersection will be really helpful. There are a lot of people who don't know how to navigate in this area. Mrs. Leary has done an amazing job of trying to manage what is there and the staff was exemplary this year. However, they can't police people who are making stupid decisions. There's going to be vehicle stacking and backing up no matter what because what's happening there now will not facilitate the flow of traffic throughout the summer. The most important thing to her as a resident of the street, is safe access for people going back and forth to the beach, the parking lot behind the Dunes Motel and also to the neighborhood. The safety and flow coming down Perkins Road and navigating that turn is really important for everybody.

Speaking to Mr. Scott, Vice-Chair Winslow asked his thoughts on Chief Cotreau's comments about the drive over curb.

Mr. Scott explained that DOT generally does not allow that; especially, along the side of Route 1A. He assumes that there would be enough room for a truck to get in if it were fully open along Perkins with it just being painted. He noted that if they can go over the curbs with trucks, people are going to go over them with cars.

Chair Epperson closed to the public at 1:59 p.m.

Selectman King stated that he spent quite a few hours looking at this and walking the property. He pointed out that the curbing is a nonstarter for him, as it is so tight on the north side. Plus, they would lose parking spots. He watched delivery trucks and people coming in and out without the curbing. He doesn't think it's reasonable to run curbing along there and lose all those parking spots and create confusion with trucks trying to go in and out while creating a one-way. (He pointed out the area on the plan where he was not in agreement.) He continued that he doesn't like moving the entrance over to the edge of the parking lot (along Route 1A). There is parking in this area that will be lost. This concept is a permanent solution to a temporary problem. This is for only a few days in the summer. He doesn't see that putting in curbing in this area is necessary for a problem that exists for only a short period of time. His overall feeling is that he doesn't want an expensive permanent solution to a temporary problem. The business owners understand it's in their best interest to make this work. They have hired people to make it work. He would personally prefer, at best, the minimal paint. He might be persuaded to put an island at the corner. He likes the idea of going in and out in a wider area and not being forced to the side, taking away parking. He doesn't believe there should be any curbing up Perkins Road. It would be reasonable to pick an alternative hybrid solution to paint and see how it works out for a year, before spending \$150,000 for something that is not needed for nine months of the year. He thinks it's complete overkill to build this.

Vice-Chair Winslow stated that for safe access of pedestrians, the walkway along the building should be kept. By the same token, he thinks they need to accommodate people walking from the east on Perkins. He thinks there should at least be a painted walkway there. It would accommodate people parking behind the building and would also accommodate people walking to the corner. He agrees with Selectman King's thinking on losing the parking lot by forcing the access to be at the very end of the parking lot. He thinks they should look at other alternatives to get into the parking lot without losing those parking spaces. From the standpoint of safety, having a raised concrete area on the east side of the property is appropriate.

Chair Epperson commented that if more parking is lost, people are just going to go further up on Perkins to park. It seems that everyone is saying that the full concept is not a starter. The second concept with painting could be considered with some kind of plan that makes sense for the foreseeable future.

Vice-Chair Winslow noted that it makes sense to have Mrs. Leary and her team look at this and make some recommendations. He would like everyone to work cooperatively on this to get some ideas.

Mr. McCarthy stated that he would like Hoyle Tanner to be able to close out their contract with the town. They would take the information from today and come up with a final plan for a final presentation to the Select Board.

After discussion, it was agreed to eliminate the first concept and tweak the second version with some viable solutions to what was discussed. More information from Mrs. Leary and her team will be submitted to Hoyle Tanner for consideration. It was also noted that NH DOT concurrence is needed for any proposal. Hoyle Tanner will come back to the Select Board with a revised plan.

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

**C.** Chief Walsh and Rye Emergency Management requests permission to accept and expend grant funds received from NH DOS Division of Homeland Security and Emergency Management to use towards the cost of updating the Hazard Mitigation Plan.

**D.** Chief Walsh – Event Permit Application: Wallis Sands Half Marathon, Sunday, 10/24/21, 8:00 – 11:00 a.m. to benefit youth athletic groups

Police Chief Walsh reviewed the details for the Wallis Sands Half Marathon. Insurance paperwork is in place for the event.

**Motion by Phil Winslow to approve the Wallis Sands Half Marathon for the 24<sup>th</sup> of October with a start time of 8:00 a.m. with an end time of 11:00 a.m., based upon the information provided with the application. Seconded by Tom King. All in favor.**

**VII. OTHER BUSINESS**

*None*

**ADJOURNMENT**

**Motion by Phil Winslow to adjourn at 2:24 p.m. Seconded by Tom King. All in favor.**

Respectfully Submitted, Dyana Ledger