

**TOWN OF RYE - SELECT BOARD
MEETING
Monday, December 12, 2022 – 5:30 p.m.
Rye Town Hall**

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

Others Present on behalf of the Town: *Town Administrator Matt Scruton and Finance Director/Asst. Town Administrator Becky Bergeron*

5:30 p.m.

I. CALL TO ORDER

Chair Winslow called the meeting to order at 5:30 p.m.

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

At 5:30 p.m., Phil Winslow made a motion to go into Non-Public Session per RSA 91-A:3 II (b) Hiring. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.

At 6:32 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Winslow reconvened the public meeting at 6:38 p.m. and led the pledge of allegiance.

IV. ANNOUNCEMENTS

A. The Town Offices will be closed on Monday, December 26, 2022 for the Christmas Holiday.

B. The Pease Development Authority meeting that was scheduled for this week has been cancelled.

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.)

Hugh Lee, 220 Pioneer Road, spoke in regards to NH RSA 72:28 Standard and Optional Veterans' Credit, and RSA 78:28-b All Veteran's Tax Credit. NH RSA 72:28 addresses

Veterans who served during times of conflict. NH RSA 72:28-b deals with all other Veterans. In 2022, NH House Bill 1667 changed the definition within each of the two statutes. Therefore, the Town will need warrant articles moving forward. He requests within those warrant articles that the optional amount be increased to \$750. He thinks Veterans deserve this for the service they have given to our Country.

Steven Borne, representing the Rye Civic League, noted that RCL is working on organizing a Deliberative Fair from 11:00 a.m. to 1:00 p.m. during the lunch break at the Deliberative Session scheduled for February 4th. The idea is to invite groups, such as the Energy Committee, Fire and Safety, and the Rye400 to have tables for residents to visit and speak with the group to learn more about their organization. Mr. Borne pointed out that he will reach out to the Town Moderator Bob Eaton to get his approval.

Mr. Borne, speaking as a resident, 431 Wallis Road, spoke to the Select Board about the zoning ordinance addressing workforce housing. He noted that developers propose workforce housing in their developments in order to have more units. In doing that, the Town is giving something up. There is a lack of control as to where all the workforce housing units are located. The units don't always have to be sold for workforce housing. If the unit cannot be sold as workforce housing, it will go back to market pricing. Mr. Borne also spoke in regards to FB Environmental data and their recommendations. He noted that the action items are the same as prior years. The only change is the addition of the recommendation to reinstate the Parsons Creek subcommittee group. He also noted that the graph is showing E. coli readings over 140, which is deemed unsafe. Almost 88% of the readings show E. coli. In 2019, FB Environmental started doing dry readings. In reading the report, it says that when there are high E. coli readings when it is dry, it is coming from the groundwater, not animals or runoff. The Pump-Out Ordinance doesn't fix the problem. There are still too many leachfields in that area. The Town continues to allow additional building, more leachfields and variances in the buffer. The chart in the report shows a five-year trend and E. coli is getting worse.

Laura Webb, President of the Rye's Lion Club, and Randy Tompkins, Lion's Club International District Governor for N.H., presented the Granite State Fellow Award to Police Chief Kevin Walsh for exceptional service to NH Citizens and the citizens of the Town of Rye.

- **Jack Sullivan – New per diem firefighter**

Fire Chief Mark Cotreau introduced Jack Sullivan as the new per diem firefighter for the Rye Fire Department. Mr. Sullivan resides in Hampton and is a student at Southern Maine Community College.

Mr. Sullivan noted that he has always wanted to work in a seacoast town and is happy to be working with Rye.

Selectman Epperson noted that Mr. Sullivan is an EMT with Fire 1 and 2 training. He comes with a significant amount of experience.

The Select Board welcomed Mr. Sullivan to Rye.

- **Appointment of Dan Fuglestad as Sergeant**

Police Chief Walsh introduced Officer Dan Fuglestad as the newly appointed Sergeant for the Rye Police Department. Officer Fuglestad was chosen by an outside company for his past performance, retention, and leadership.

Office Dan Fuglestad received the oath of office for appointment to Sergeant from Town Clerk Donna DeCotis.

The Select Board congratulated Sergeant Fuglestad for his achievement.

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

- A. Town Transcriptionist Job Description
- B. The Rye Heritage Commission requests permission to accept and expend funds received from donations made in the amount of \$9,775.00.
- C. Email rec'd from Dominique Winebaum re: the legal notice for the Planning Board Public Hearing to consider amendments to the Rye Zoning Ordinance.

Consent agenda items A and B were pulled for discussion.

Motion by Phil Winslow to accept Consent Agenda Item C as presented. Seconded by Bill Epperson. All in favor.

- Town Transcriptionist Job Description

It was noted by Assistant Town Administrator Becky Bergeron that the job description is being presented as a housekeeping item, as the original job description had never been approved by the Select Board.

The Select Board agreed to remove the duty of scheduling meetings.

Motion by Phil Winslow to accept the Town Transcriptionist Job Description as amended. Seconded by Bill Epperson. All in favor.

- Rye Heritage Commission – donations

Selectman Epperson acknowledged the donations to the Rye Heritage Commission from Rye Citizens in the amount of \$9775. This is a testimony to the citizens and their civic involvement. He thanked the residents for their generosity. He also thanked Heritage Commission Member Peter White for spearheading the fundraiser and the Commission for all their hard work.

Vice-Chair King seconded the comment. He pointed out that the total in donations is over \$30,000 and is approaching \$40,000. Taking this in conjunction with the Rye400 donations, it's an incredibly generous effort by the Town of Rye.

Motion by Phil Winslow to accept Consent Agenda Item B as written. Seconded by Bill Epperson. All in favor.

VII. DISCUSSION ITEMS

A. Appointment of Dan Fuglestad as Sergeant

Addressed earlier in the meeting (see minutes above).

B. Joe Rankin – Resident Trash & Recycling Pick-up Proposal

Joe Rankin presented a proposal to the Select Board for residential trash and recycling pick-up for Rye. The intent is to start pick-ups before the Rye Transfer Station opens in the morning at 7:30 a.m. The proposal includes an income statement which accounts for the potential spending for an overflow trash dumpster space so there would be a safe space to hold waste without it being an issue to the environment.

DPW Director Jason Rucker confirmed that he and Mr. Rankin have spoken about some of the restrictions that have to be followed. Mr. Rankin would not be able to use the transfer station on Tuesdays and Saturdays, as those are the busiest days. There will be no monopolizing of the recycling bins or the compactor for household refuse. If there's a large que forming behind him, Mr. Rankin is going to go around the circle and get back in line. Pick-ups would not be starting before 7:00 a.m. Director Rucker also confirmed that they spoke about proof of insurance and a hold harmless agreement. A list of clients will be required to be sure the items are coming from Rye residents and not neighboring communities. All items will have to be sorted prior to showing up at the transfer station. Director Rucker noted that he is fine with the proposal, as long as they come up with a memorandum of understanding and all necessary requirements are fulfilled.

Mr. Rankin spoke about his passion for conservation and making sure waste is not produced that creates toxins to the environment.

Chair Winslow stressed the importance of trash coming from only households in Rye. If it's found that this is happening, the Select Board will have to pull the approval for the service in Rye.

It was agreed by the Select Board and the DPW Director that the services provided by Mr. Rankin for trash pick-up should begin with a trial run and a review of operations after ninety days.

C. Rye Energy Committee – Community Power Update

Lisa Sweet and Howard Kalet, members of the Rye Energy Committee, met with the Select Board to answer questions in regards to the Community Power Agreement. The final documents from CPCNH will be ready on December 15th and will be forwarded by the Town to legal counsel at that time. The goal of the Committee is to have the Select Board adopt the final documents in January.

Chair Winslow asked if a resident who is on Direct Energy, or another competitive supplier, has the option to not participate in Community Power.

It was confirmed that the resident would have the option. However, an Eversource customer will automatically go on the CPCNH program. They will be notified at least thirty days before the change. The notice will explain the steps the customer needs to take if they would like to opt out of the program. People who are on other suppliers will still be notified and will have the opportunity to opt into the program. People who sign up for the CPCNH program will be able to opt out at any time with a thirty-day notice to account for the monthly billing cycle.

The Energy Committee will be providing information to residents and is available to answer any questions.

D. Rye Mosquito Control Commission Recommendation for 2023 Mosquito Services

Note: *Town Administrator Matt Scruton recused himself from discussion about mosquito control services for the Town, as he has previously worked with one of the bidding vendors.*

The Mosquito Control Commission received proposals for mosquito control services for the Town for the 2023 season from Dragon Mosquito Control and Northeast Vegetation & Mosquito Control. The Mosquito Control Commission is recommending that the Town continue the services of Dragon Mosquito Control for 2023. There is a sixteen percent increase over the second proposal; however, Dragon has an excellent record in Rye and has done an incredible job.

Sally King, Conservation Commission Vice-Chair, noted that the Conservation Commission has worked with Dragon in the past at the Goss Farm. They have been amazing to work with and incredibly respectful of the agricultural operation at the Farm. The community gardeners can be outside next to the marsh because Dragon is so effective with their treatments. Conservation Commission members appreciate working with Dragon and will continue to do so.

Selectman Epperson commented that Dragon has a successful track record in Rye. He doesn't think they want to change course in the middle of history. His vote would be to continue with Dragon.

Vice-Chair King noted that he has no problem going with the higher bidder, as the Town has had good mosquito control over the last few years.

Motion by Phil Winslow to accept the proposal from Dragon Mosquito Control for larviciding and mosquito control services for 2023. Seconded by Tom King. All in favor.

VIII. CORRESPONDENCE

A. Letter rec'd from Members of the Rye Rec Over55 Club re: cost of the Over55 gatherings on the second Thursday of each month

Tabled for more information from Recreation Director Dyana Martin.

IX. NEW BUSINESS

Vice-Chair King commented that the Budget Committee discussed the Grove Road Landfill monitoring at their recent meeting. At a recent Rye Water District Meeting, the RWD Commissioners had noted that one sampling a year was probably not adequate for the Grove Road Landfill monitoring. The suggestion was to do the sampling more often. RWD is sampling at their well sites further downgradient every quarter. The Town is doing it once per year, so the data cannot be correlated. The question is whether more funds should be included in the budget so there is the option for more testing.

Chair Winslow noted that this was discussed at the RWD meeting last week. Commissioner Art Ditto is recommending that the Town test four times per year, similar to RWD's protocol, from the TW-102 site. Chair Winslow suggested they wait for more information from Craig Musselman from CMA Engineering.

Town Administrator Scruton confirmed that he has an upcoming meeting with Art Ditto regarding this matter.

After further discussion, the Select Board agreed to add the funds to the budget to cover four samplings. This can be reviewed and addressed at the next Budget Committee meeting.

Selectman Epperson commented that he has asked Police Chief Walsh to give a brief presentation of what the Police Department has been doing over the past five years in order to mitigate threats to the schools.

Police Chief Walsh explained that in November 2016, Police and Fire participated with the elementary school staff and Homeland Security in a table top exercise. The topic was how to conduct evacuations, while taking into consideration the plans of the Police Department and the school. The next step was to actually do the exercise, which was conducted on November 2, 2017. The school staff did an outstanding job. After that time, the Police and Fire Departments with Emergency Management looked at computer software which would match up with the written procedures for Police, Fire, and the Schools. There was also an application made to Homeland Security money for \$80,000 to look at the infrastructure of the buildings; which would include door locks, electronics, cameras, and fobbing systems. The Police Department also put in a portable radio that goes from the schools to the officers with a Town of Rye channel that's monitored by Police and Fire. The Departments are able to communicate with the school staff if something is going on in the school. The entry glass doors at the Rye Junior High have

been reinforced with bulletproof glass and a plastic film that would prevent the glass from collapsing. On January 11th, Homeland Security will be doing a full assessment at the Elementary School's security system and emergency plans. Chief Walsh noted that officers are at the schools when students are arriving in the morning. There's one specific door that is used for students entering. After the start of school, all doors are locked at the schools.

Chief Walsh presented the computer software being used by the Fire and Police Departments. The software is used to show the floorplan of the schools, and a complete property mapping of each school. The software also contains the school emergency plans, so the officers and fire fighters have this information. This software is available to the officers and fire personnel in the police cruisers and fire vehicles. Chief Walsh noted that training is conducted with the schools throughout the year. Two lockdown drills are done per year, along with two lockout drills. Deputy Chief Scott Blaisdell attended an ALICE Training (Alert, Lockdown, Information, Confront, and Evacuate) and those standards have been applied to both schools for all staff. At the start of school each year, active shooter training with the officers is given to the staff at the schools. This training has also been given to Rye Country Day, Learning Skills Academy, Webster at Rye, and Benchmark. This training is also available for the churches or other businesses that may be interested. Chief Walsh confirmed that he, Deputy Chief Blaisdell, and Fire Chief Cotreau are always looking for new resources to keep everyone prepared in case of an emergency. He assured the Select Board that both Departments work closely with the schools and have strong communications with all staff members.

X. OLD BUSINESS

A. Town Hall Annex Update

Assistant Town Administrator Bergeron gave an update on the Town Hall Annex. At this time, office furniture is being put into place and the phone system will be installed next week. Offices and staff will then be able to transition over to the annex. The intent is to start moving offices before the end of the year.

B. Town Center Committee & Tap Grant Committee – charge

The Select Board reviewed the proposed charges presented for both the Town Center Committee and Tap Grant Committee.

Motion by Bill Epperson to approve the Tap Grant Committee Charge and the Town Rye Center Committee Charge. Seconded by Phil Winslow. All in favor.

- Vice-Chair King noted that the Board has not given the Rye Lion's Club an answer as to placement of the bench that is being donated to the Town. It was agreed that Town Administrator Scruton should come up with a suggestion of where the bench should be located that would be functional and esthetically pleasing.

XI. SELECTMEN'S 2023 BUDGET WORK SESSION

A. Departmental Budgets

Town Custodian – 4194-02 Requested: \$164,568 Accepted: \$164,568

DPW Director Rucker noted that the budget has been revised to lower the contracted services for custodial services to \$40,000. The custodial wage has also been lowered to half a year wages.

Motion by Tom King to recommend \$164,568 for the Town Custodian Budget. Seconded by Phil Winslow. Vote: 3-0

DPW Personnel – 4312-23 Requested: \$943,854 Accepted: \$968,854

DPW Rucker reviewed the changes to the Public Works Personnel Budget. The new positions of a fulltime highway employee and an administrative assistant will be introduced in the fourth quarter to decrease the burden of the overall budget.

There was some discussion about the possibility of having the highway employee start earlier in the year, which would be an increase to the revised amount of approximately \$25,000. Director Rucker reviewed the benefits of having the additional highway employee and the safety factors of having two teams of two employees. The Select Board agreed that hiring the highway employee earlier in the year would be a benefit to the Town.

Motion by Tom King to increase the Public Works Personnel Budget by approximately \$25,000 in the wages line item to make an overall budget of \$968,854. Seconded by Bill Epperson. Vote: 3-0

Recreation – 4520-50 Requested: \$398,399 Accepted: \$398,399

Assistant Town Administrator/Finance Director Bergeron reviewed the changes to the proposed budget. The wages line item has been revised to reflect the cost share of the requested new position between the Recreation Budget and the Recreation Revolving Fund.

Motion by Phil Winslow to recommend the Recreation Budget in the amount of \$398,399. Seconded by Bill Epperson. Vote: 3-0

Sewer Collection & Disposal – Fund 2 Requested: \$423,440 Accepted: \$423,440

Finance Director Bergeron noted that the revised Sewer Budget reflects usage increases at Adam's Park, which is a \$9,000 increase. Appropriations to this budget are being raised in sewer fees charged to the users of the system.

Motion by Phil Winslow to recommend the Sewer Collection and Disposal Budget in the amount of \$423,440. Seconded by Bill Epperson. Vote: 3-0

Recreation Revolving – Fund 9 Requested: \$285,388 Accepted: \$285,388

Finance Director Bergeron noted that the revised Recreation Revolving Budget reflects the 35% cost of the new position of Assistant Recreation Director. Recreation Revolving is funded by Recreation Department programming.

Motion by Phil Winslow to recommend the Recreation Revolving Budget in the amount of \$285,388. Seconded by Bill Epperson. Vote: 3-0

B. Warrant Articles

Article A: To see if the Town will vote to raise and appropriate the sum of Two Hundred Thousand (\$200,000) to be added to the Highway Heavy Equipment Capital Reserve Fund created in 1994. This appropriation is in addition to the Operating Budget. Majority vote required.

DPW Director Rucker reviewed a memo outlining projections on equipment costs and replacements. He also spoke about the benefits of reducing the lifespan of the Department's vehicles.

Motion by Phil Winslow to accept Article A as written. Seconded by Bill Epperson. Vote: 3-0

Article F: To see if the Town will vote to raise and appropriate the sum of Three Thousand Dollars (\$3,000) to be added to the Grove Road Landfill Capital Reserve Fund established by Article 11 at the 1994 Town Meeting. This appropriation is in addition to the Operating Budget. Majority vote required.

There was discussion on whether or not this should be an operating expense, as this is something the Town does annually. At this time, there is \$7,884 in the reserve fund. It was agreed that this expense should be paid from the operating budget. An additional \$6,000 will be added to the Land Management Budget. The additional funds needed to cover the total for testing costs of \$12,000 for 2023 will be taken from the Grove Road Landfill Capital Reserve Fund.

Motion by Phil Winslow to recommend the Land Management Budget in the amount of \$153,328. Seconded by Bill Epperson. Vote: 3-0

The Select Board agreed to strike Article F.

Article I: To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to be added to the Recreation Buildings and Property Maintenance Fund for the purpose of which was amended by Article 18 of the 2022 Town Meeting. This appropriation is in addition to the operating budget. Majority vote required.

Motion by Phil Winslow to accept Article I as written. Seconded by Bill Epperson. Vote: 3-0

Article J: To see if the Town will vote to amend the Special Revenue Fund known as the Beach Cleaning Fund which was amended by Article 14 of the 2015 Town Warrant as follows: To increase the restricted beach parking permit revenues, which go into the fund, from fifty percent (50%) to seventy-five (75%) of the total beach permit revenues. Note: Expenditures from the fund require town meeting approval. 2/3 majority vote required.

Motion by Tom King to recommend Article J. Seconded by Bill Epperson. Vote: 3-0

Article K: To see if the Town will vote to establish an Emergency Management Capital Reserve Fund under the provisions of RSA 35:1 for emergency purchases including any expense associated with a disaster, critical incident, accident, fire, flood, public health concern, storm or any other weather related event, emergency infrastructure repair, pollution mitigation, coastal hazard or any other emergency preparation, or emergency response expense and to raise and appropriate the sum of Twenty Five Thousand Dollars (\$25,000) to be placed in this fund. This fund is from the unassigned fund balance. Further, to name the Select Board as agents to expend from said fund. Recommendation required. Majority vote required.

Motion by Tom King to recommend Article K as written. Seconded by

Article L: To see if the Town will vote to establish a contingency fund for the current year for unanticipated expenses that may arise and further to raise and appropriate Ten Thousand Dollars (\$10,000) to put into the fund. This sum to come from the unassigned fund balance. Any appropriation left in the fund at the end of the year will lapse to the General Fund. Majority vote required.

Town Administrator Scruton explained that this article was table by the Budget Committee. Some members of the Committee were concerned with establishing a contingency fund because they feared it might be used to directly fund areas that the Town doesn't support. Secondly, the Committee wanted to include naming the Select Board as agents to expend. Administrator Scruton is not sure this needs to be included because it's not a capital reserve fund.

Finance Director Bergeron noted that one of the best ways to utilize the fund would be for an unanticipated change in health insurance; such as, when an employee goes from a single plan to a family plan.

Motion by Phil Winslow to accept Article L as presented. Seconded by Tom King. Vote: 3-0

Article M: To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to be added to the Conservation Maintenance Expendable Trust Fund established by Article 13 of the 2021 Town Meeting pursuant to RSA 31:A-19-a to repair land and buildings owned by the Town of Rye and managed by the Rye Conservation Commission. This appropriate is in addition to the Operating Budget. Majority vote required.

Finance Director Bergeron explained there's significant work that needs to be done to the Goss Farm Barn, as there is a structural issue with the supporting beams. This fund will be used towards those repairs.

**Motion by Phil Winslow to accept Article M as written. Seconded by Bill Epperson.
Vote: 3-0**

Article N: To see if the Town will vote to raise and appropriate the sum of Three Hundred Seventy Thousand Dollars (\$370,000) to purchase a new emergency ambulance for the Fire Department to replace the existing 2008 ambulance and to authorize the withdrawal of up to Three Hundred Seventy Thousand Dollars (\$370,000) from capital reserve. This appropriation is in addition to the Operating Budget. This article has no tax impact. Majority vote required.

Fire Chief Cotreau explained this was originally planned in the CIP as a 2025 request; however, the issue is that it will be two years to get the ambulance. The frontline ambulance currently has 80,000 miles on it. It doesn't make sense for the Department to wait two years to order an ambulance and then wait another two years for it to be delivered. He noted that the replacement of Engine 3 was pushed back a couple of years in the CIP to help offset this expenditure.

Administrator Scruton recommended naming the Capital Reserve Fund that the funds are coming from in the warrant article.

It was noted that the fund is the Fire and Ambulance Vehicle Capital Reserve Fund.

**Motion by Phil Winslow to accept Article N as amended. Seconded by Bill Epperson.
Vote: 3-0**

Article 1: Shall the Town of Rye vote to approve the readoption of the Optional Veterans' Tax Credit RSA 72:28-II to allow for the expansion of the criteria needed to qualify for the Optional Veterans' Tax Credit to now include those service members who are currently serving and have not yet been formerly discharged from the armed services. Readoption of the Optional Veterans' Tax Credit, if approved, would continue to offer a five hundred dollar tax credit to all honorably discharged veterans that qualify under the current requirements, but as of April 1, 2023, it would expand the eligibility requirements to now include those individuals who have not been discharged from active service.
Note: If this article does not pass, the Optional Veterans' Tax Credit would revert to the standard Veteran Tax Credit under RSA 72:28-I and as of April 1, 2023 the standard Veteran Tax Credit would be in place to reduce the tax credit from \$500 to \$50 per year.

Chair Winslow pointed out that from the standpoint of the definition of active service it means reserves. Referring to Hugh Lee's comments during public comment to move the tax credit to \$750., Chair Winslow noted that he would not be in favor of \$750 as it would be moving the tax responsibility throughout the members of the community. He thinks it's appropriate to keep it at \$500.

Selectman Epperson agreed.

Vice-Chair King noted that for full disclosure, both he and Chair Winslow receive this Veterans' tax credit. He continued that even if he did support raising it, this would not be the year to do it, as they don't know what the effect will be. He thinks its something that could be discussed again in the future.

Motion by Phil Winslow to accept Article 1. Seconded by Bill Epperson. Vote: 3-0

As a result of passage of House Bill HB-1667, Chapter 121, Laws of 2022, which amends the eligibility requirements for certain Veterans' property tax credits to now include those service members currently serving active duty:

Article 2: Shall the Town of Rye vote to approve the readoption of the All Veterans' Tax Credit RSA 72:28-b to allow for the expansion of the criteria needed to qualify for All Veterans' Tax Credit to now include those service members which are currently serving and have not yet been honorably discharged from the armed services. The readoption of the All Veterans' Tax Credit, if approved, will continue to offer a Five Hundred Dollar credit to all honorably discharged veterans that qualify under the current requirements of RSA 72:28-b, but as of April 1, 2023, it would expand the eligibility requirements to now include those individuals who have not yet been discharged from active service.

Note: If this article does not pass, the All Veterans' Tax Credit will revert to the standard Veterans' Tax Credit under RSA 72:28-I and as of April 1, 2023 the standard Veterans' Tax Credit would be in place and reduce the Veterans' Tax Credit from \$500 to \$50 per year.

Motion by Phil Winslow to accept Article 2 as written. Seconded by Tom King. Vote: 3-0

C. Encumbrances

The Select Board reviewed the requested encumbrances for 2022 in the amount of \$188,404.49.

Motion by Bill Epperson to accept encumbrances in the amount \$188,404.49 for 2022. Seconded by Phil Winslow. Vote: 3-0

XII. OTHER BUSINESS

A. Meeting Minutes

1. Meeting, Monday, October 24, 2022, 5:30 p.m., Town Hall

The following corrections were noted:

- Page 6, 2nd paragraph from bottom, 1st sentence should read: **The Select Board asks Assistant Town Administrator Bergeron and Administrator Scruton to come up with a temporary plan for the staff until the current Town Hall can be reconfigured.**

- Page 7, 3rd paragraph, 8th sentence should read: **He thinks it is shortsighted He thinks it is short sided and he wouldn't do it if he was making the decision.**

Motion by Phil Winslow to accept the minutes of October 24, 2022 as amended. Seconded by Tom King. All in favor.

2. Non-Public Session, Monday, October 24, 2022 (1) per RSA 91-A:3 II (b) Hiring
(2) per RSA 91-A:3 II (a) Personnel

Motion by Phil Winslow to accept the non-public minutes of October 24, 2022 per RSA 91-A:3 II (b) Hiring as written. Seconded by Tom King. All in favor.

Motion by Phil Winslow to accept the non-public minutes of October 24, 2022 per RSA 91-A:3 II (a) Personnel as written. Seconded by Bill Epperson. All in favor.

3. Site Walk, Friday, October 28, 2022, 9:00 a.m., Town Hall Annex, 500 Washington Rd

Motion by Phil Winslow to accept the minutes of October 28, 2022 as written. Seconded by Tom King. All in favor.

4. Meeting, Thursday, November 3, 2022, 3:00 p.m., Town Hall

Motion by Phil Winslow to accept the minutes of November 3, 2022 as written. Seconded by Bill Epperson. All in favor.

5. Non-Public Session, Thursday, November 3, 2022 (1) per RSA 91-A:3 (a) Personnel

Motion by Phil Winslow to accept the non-public minutes of November 3, 2022 per RSA 91-A:3 (a) Personnel as written. Seconded by Tom King. All in favor.

ADJOURNMENT

Motion by Bill Epperson to adjourn at 8:59 p.m. Seconded by Tom King. All in favor.

Respectfully Submitted,
Dyana F Ledger

12-12-22 Consent Item C

Janice Ireland

From: Matt Scruton
Sent: Thursday, December 8, 2022 12:48 PM
To: Dominique Winebaum
Cc: Janice Ireland
Subject: RE: Legal Notice + RZO + Codification

Good afternoon Dominique,

Thank you for your email. I will forward your email to Janice so that your email will be in the Board packets for Monday's meeting. The most efficient way to communicate with the Board is to send your emails directly to Janice at jireland2@ryenh.us so they can be shared with the Board.

Thank you,

Matt Scruton
Town Administrator
Town of Rye
10 Central Road
Rye, NH 03870
mscruton@town.rye.nh.us
603-964-5523 Ext 117

From: Dominique Winebaum <domiwine@comcast.net>
Sent: Wednesday, December 7, 2022 9:07 AM
To: Matt Scruton <mscruton@town.rye.nh.us>
Cc: patricia Losik <patlos@comcast.net>
Subject: Re: Legal Notice + RZO + Codification

Dear Matt,

I would also appreciate if you could forward this email to the Board of Selectmen — thank you.

I have not received a response to my email below from Kim. I understand that the legal notice for the Planning Board December 6th meeting was posted on November 30th and that Ms. Reed was at a training in Concord on December 1st, so I am assuming that the new updated RZO changes were posted on December 2nd. This is just to signal that often residents, like me, have to send requests for matters that should have been handled properly in the first place.

I attended the meeting last night and stayed almost through the end. I asked the question about the cost and lengthy content of the legal notice and Attorney Eric Maher stated that it "has only to be a topical description" and referred to NH RSA 675.

I am still confused as to whether or not the lengthy legal notice as posted on Seacoast Online was required or not. Could it have been more "topical" yet legal and less costly.

I am including a public/legal notice from the Town of Hampton Falls which was part of the agenda: https://www.hamptonfalls.org/sites/g/files/vyhlif5671/f/uploads/10282022_legal_notice_for_proposed_2023_zoning_amendments_posting_10272022_revised.pdf

Also, I made the point that the agenda posted did not include the lengthy and detailed legal notice but only referred to article numbers: https://www.town.rye.nh.us/sites/g/files/vyhlf3751/f/agendas/december_6_2022_zoning_amendment_agenda_0.pdf

No link either from the agenda to direct the reader to the RZO proposed changes though the legal notice was posted with the RZO proposed amendments.

I am heading to Geneva to spend the holidays with my 92 years old mother and do not have the time, nor do I want to burden myself with filing a RTK request to find out how much the legal notice cost. I also believe that RTK requests incur unnecessary cost to the Town and are a burden to many. I would appreciate it if you could provide me with that information. In addition, the public should know what has been the total cost of this update of the RZO. Attorney Eric Maher has done an excellent job along with Chair Pat Losik, who has overseen the whole project, including doing a huge amount of work/research in providing changes to the RZO, especially in regards to the wetlands ordinance, yet it is a substantial budget item which has not been accounted for.

Also, given the recent issues with the posting of meeting minutes for the ZBA (my email dated to you November 10th), I made the suggestion at last night meeting that the posting of meeting minutes for land use boards should be dated, alike to the notices of agenda. I brought this up for a number of reasons but also given the following section in the RZO, copied below. Under the current system, there is no way of knowing when the meeting minutes are posted unless you check the website everyday. See Section 190-7.3 Rehearing and appeal. A motion for rehearing "may be amended if minutes and notice of decisions are not filed within the five-business-day requirement." As explained in my email, the October ZBA meeting minutes were incomplete at the time of the November ZBA meeting, yet it was pretended that they were legal and several days later complete meeting minutes were posted. Excuses were made not to adopt the "so-call legal meeting minutes" at the October meeting. How fair is that to residents, especially those residents directly affected? Additionally, the section is somewhat "bare bone" as there is no requirement to properly notified abutters and leaves too much room for interpretation as was the case at the November ZBA meeting.

Lastly, I remain extremely concerned by the changes made in Section VII, "Administrative Decisions" though I understand the reasoning for the changes. Attorney Eric Maher praised at great length Chuck Marsden for his detailed letters of denial, the best he has seen as an Attorney!

§ 190-7.3 Rehearing and appeal.
[Amended 2001; March 2011; 3-8-2022 by Art. 3]

Every decision of such Board shall be subject to review upon motion for rehearing filed with the Board of Adjustment within 30 days after any order or decision of the Board, and to appeal to the Superior Court or the Housing Appeals Board in accordance with the terms of the statute. Such motion or appeal may be taken by any person aggrieved or by an officer, department or board of the Town. This thirty-day time period shall be counted beginning with the first day following the date upon which the Board voted to approve or disapprove the application and may be amended if minutes and notice of decision are not filed within the five-business-day requirement of § 190- 7.2D(4), per RSA 677:2.

Regards,
Dominique

On Dec 1, 2022, at 8:04 AM, Dominique Winebaum <domiwine@comcast.net> wrote:

Kim —

I understand it is the law to include a legal notice in the newspaper, however, I wonder if this could have been done differently, especially if the intent is to inform the public.

I would not be surprised if only a minority of Rye residents has seen the legal notice as published on Seacoast Online. I copied and pasted it in order to "save" it for my record. Attorney Eric Maher had stated that you may not have to write all the amendments but simply direct the reader to the amendments.

This update of the RZO, along with the recent update of the LDR, has not been budgeted as far as I can tell. Where is all the money coming from and accounted for? I have not counted the number of words but this legal notice must be very expensive. Can you please provide me with the dollar amount for this legal notice? Also, what has been the cost of updating the RZO, all the work done by Attorney Eric Maher? In addition, I would like to know the cost of codifying all these amendments and the prior amendments since 2021. None of these items are discussed during budget sessions.

Also, if the intent of the legal notice is to inform the public why do residents have to go in person to Town Hall to find "the full textual amendments to the RZO"? Residents could be directed to the Town of Rye website for a "fresh" version of the "full textual amendments," specifically under "Home News & Announcements" as well as on the Planning Board webpage. The electronic version with the "changes to the RZO" has not been updated since changes were made on November 17th. Could this lengthy and costly legal notice have been done differently, namely with only a short paragraph leading the reader to an easily accessible online version of this summary and full text.

Regards,
Dominique

NOTICE OF HEARING PURSUANT TO RSA 675:7 TO CONSIDER AMENDMENTS TO THE RYE ZONING ORDINANCE The Town of Rye Planning Board will be conducting a hearing pursuant to RSA 675:3 on proposed amendments to the Town of Rye Zoning Ordinance on December 6, 2022 at 6:00 p.m. at the Rye Town Hall, 10 Central Road, Rye, New Hampshire 03870. The proposed amendments to the Zoning Ordinance are part of a comprehensive review and revision to the Zoning Ordinance and are, therefore, numerous. The proposed amendments to each Article of the Zoning Ordinance are summarized in the list attached and incorporated by reference into this Notice. The full textual amendments to the Zoning Ordinance are on file with the Rye Town Clerk and the Rye Planning Department, both of which are located in the Rye Town Hall at 10 Central Road, Rye, New Hampshire. Proposed Amendments Article I – Introduction • Amend §190-1.2, related to the Introduction of the Zoning Ordinance, to identify that "protection of sensitive environs and natural resources" is a purpose of the Zoning Ordinance and to further identify that the proper use and conservation of natural resources is identified as a purpose of the Zoning Ordinance. Article II—Use Districts • Amend §190-2.2, related to the applicability of use district regulations, to: clarify the limitations on the number of principal dwellings per lot; clarify the expansion of non-conforming dwelling units; eliminate references to "government uses" and "apartment houses"; and expand the types of uses which may constitute "noxious, unreasonable, or offensive" uses of property." • Amend §190-2.2(H) to amend the process related to the conversion of illegal apartments, including amending the required criteria for such a conversion and eliminating the requirement for a renewal of "certificates of legality." • Amend §190-2.2(I) to clarify

standards for the vegetative buffers between residential developments in residential districts abutting nonresidential districts and to add standards for the inclusion of vegetative buffers between residential and nonresidential uses on the same lot. • Amend § 190-2.2(J) to clarify the process and required parking for the conversion of seasonal dwelling units to year-round dwellings and to clarify that the conversion of a seasonal dwelling shall not result in more than one principal dwelling per lot. • Amend § 190-2.3(A)(3), related to the permissible uses in the Single Residence District, to: clarify the uses and required parking for home occupations and to remove signage requirements related to home occupations; eliminate the reference to “general municipal recreation use” as a permissible use; add religious institutions as a permitted use; and make a textual changes to requirements for the establishment/expansion of a golf course. • Amend § 190-2.3(B), related to uses allowed in the Single Residence District by special exception, to: eliminate “municipal uses”; clarify when special exceptions are required for public utility buildings; and eliminate reference to Planning Board approval when a bed-and-breakfast facility is sought to be established; and alter the criteria and requirements for the establishment of a home occupation. • Amend § 190-2.3(C) to make minor textual changes to the dimensional requirements in the Single Residential District. • Amend § 190-2.4(A), related to permissible uses in the General Residence District, to clarify the permissibility of and to eliminate “municipal use” as a permissible use. • Amend § 190-2.4(B) to make minor textual changes to the dimensional requirements in the General Residence District. • Amend § 190-2.5(B) to add that agriculture is a permissible use in the Conservation District, so long as it does not involve the construction of buildings or structures. • Amend § 190-2.9 to eliminate reference to the “Public Recreation District.” • Amend § 190-2.10 to expand the type of permissible dining establishments allowed in the Business District and eliminate the reference to “municipal uses” in the Business District. • Amend § 190-2.11(A), related to permissible uses in the Commercial District, to: permit diners and stationary food trucks; eliminate “municipal use”; and make a minor textual change related to permissible uses in the Commercial District. • Amend § 190-2.11(B), related to uses permitted by special exception in the Commercial District, to: alter the standard for the grant of a “special exception” by expanding the conditions of uses deemed “offensive or injurious to the neighborhood”; add manufacturing as a use allowed by special exception in the Commercial District; eliminate the reference to “municipal use;” eliminate the reference to “diners”; and clarify the public utility uses subject to § 190-2.11(B). • Amend § 190-2.12 by eliminating the Industrial District. Article III – Overlay Districts • Amend § 190-3.1, related to the Wetlands Conservation District, to: clarify the types of resources that implicate the Wetlands Conservation District; alter references to the manuals to be consulted for the delineation of wetlands; expand the purpose of the Wetlands Conservation District; require agricultural uses in the Wetlands Conservation District to comply with the Best Management Wetland Practices – Agriculture; clarify the extent of the buffer applicable to tidal lands, marshes, bays, estuaries, creeks, surface waters, and other water resources; amend the buffer applicable to other wetlands to establish a 75-foot buffer around all wetlands regardless of wetland size; clarify the extent of tree removal within the Wetlands Conservation District; and make textual changes and clarifications throughout. • Amend § 190-3.3, related to the Historic District, to include Federal and Victorian architectural as a prominent architectural feature in the District and amend the sign restrictions applicable to the District to eliminate content-based distinctions. • Amend § 190-3.4, related to the Coastal Area District, to: reflect that, to build on a pre-existing nonconforming lot in the Coastal Area District, a special exception is required; identify the criteria for the issuance of a special exception; identify the land characteristics to be considered in calculating the permissible lot yield for the redevelopment of Tourist Accommodations within the Coastal Area District; and make

minor textual changes. • Amend §190-3.6, related to the Aquifer Protection District, to replace references to “regulated substances” and “hazardous waste” with “toxic or hazardous material” throughout. • Amend §190-3.6(A), related to definitions applicable to the Aquifer and Wellhead Protection District, to remove definitions already defined in Article XI and replace the phrases “regulated substances” and “hazardous waste” with “Toxic and Hazardous Materials,” as defined in Article XI. • Amend §190-3.6(D), related to the applicability and extent of the Aquifer and Wellhead Protection District, to identify the extent of the District when a portion of a lot is within the Aquifer and Wellhead Protection District. • Amend §190-3.6(E), related to prohibited uses in the Aquifer and Wellhead Protection District, to clarify the permissibility of storage of fertilizers, manure, and compost and clarify the permissibility of wastewater or septage lagoons. • Amend §190-3.6(E)(2), related to commercial and industrial uses allowed in the Aquifer and Wellhead Protection District by conditional use permit, to amend the criteria for the grant of a conditional use permit related to pollution control measures, spill prevention, and storage of toxic and hazardous materials. • Amend §190-3.6(F), related to special requirements in the Aquifer and Wellhead Protection District, to require secondary containment safeguards related to toxic and hazardous materials, prevent contact between precipitation/runoff and animal manure, amongst other minor textual changes. • Amend §190-3.6(G), related to performance standards in the Aquifer and Wellhead Protection District, to: eliminate the definition of regulated substances (which was replaced by toxic and hazardous materials); expand the environmental conditions that require protection from exposure to toxic and hazardous materials; limit blasting within the Aquifer and Wellhead Protection Zone to avoid impacts to drinking wells and limit dewatering; require inspections as a condition to any permit issued within the Aquifer Protection Zone to ensure compliance with applicable performance standards; amongst other minor textual changes. • Amend §190-3.7 to clarify the types of structures permitted within the Multifamily Dwelling District by striking “housing” and replacing that phrase with “dwellings and/or developments.” Article IV • Amend §190-4.0(C), related to the criteria for the issuance of a special exception for a mobile home park or subdivision, to: clarify the need to satisfy the criteria in §190-7.1(A)(3); amend the requirement related to the necessary street access; limit the location of such developments close to wetlands; clarify requirements related to play areas; expand the purpose of necessary bonding; and prohibit the storage of material under mobile home units. • Amend §190-4.1, related to the requirements for a Retirement Community Development, to: amend the manner in which maximum density is calculated; amend density bonus criteria to allow for a bonus for designs that connect developments to public amenities; clarify the application of the 75-foot setback from interior and abutting property lines and street; encourage the location of open space adjacent to other open space parcels; strike language seeking to limit the issuance of variances from the requirements in §190-4.1; and eliminate the reference to Webster’s at Rye. • Amend §190-4.2, related to the requirements for a multifamily development, to: allow for such a development along a private street so long as RSA 674:41 is satisfied; clarify the manner in which the maximum number of dwelling units are calculated for parcels owned by the same individual or affiliated entities; amend the manner in which maximum permissible density is calculated to require consideration of steep slopes, ledge, soil types, and other limitations on development; amongst other minor textual changes. • Amend §190-4.3, related to the requirements for a Conservation Land Development, to: amend the manner in which maximum permissible density is calculated to require consideration of steep slopes, ledge, soil types, and other limitations on development; require the uniform distribution of workforce housing throughout such a development; clarify the covenants and documents that are subject to the Planning Board’s review; amend the density bonus criteria to allow for a bonus for designs that

connect developments to public amenities; clarify the entities that may hold conservation easements or open space; clarify the type of documents which may establish and reflect open space restrictions; expand the available bonus allowed to reduce required open space when open space is made available to the residents of the Town; amongst other minor textual changes. Article V • Amend §190-5.0, related to required off-street parking, to: amend the number of required parking spaces for home occupations; clarify the calculation for necessary parking for hotels and motels; add parking requirements for stationary food trucks; amend the required parking for personnel service establishments and to add a definition for such establishments; alter the calculation for required parking for health clubs/fitness centers; amongst other minor textual changes. • Amend §190-5.1, related to sign regulations, to eliminate content-based regulations and to make the same sign restrictions applicable to all signs regardless of type or content. • Amend §190-5.2 to: alter existing regulations associated with quarries, pits, and turf farms and establish regulations related to earth movement activities and excavations; permit excavation activities when exclusively incidental to construction of a permitted and approved structure or development; permit excavation activities when incidental to agricultural and silvicultural activities; authorize the Building Inspector or Public Works Director to require the submission of bonds and application materials; require excavation activities to comply with Minimum and Express Operational Standards and Minimum and Express Reclamation Standards established under RSA chapter 155-E; amongst other minor textual changes. • Amend §190-5.3, related to condominium conversions, to: clarify that any such conversion is subject to the approval of the Planning Board in accordance with the Town's Land Development Regulations; clarify the minimum square footage for condominium units; require consideration of driveways and parking areas in determining minimum common area for detached dwellings; expand the purpose underlying the Town's prohibition on the conversion of tourist accommodations to permanent occupancy; and eliminate requirements related to deed restrictions for pre-existing condominium conversions. • Amend §190-5.3.1, related to condominium conversions of existing dwelling spaces, to identify the appropriate procedure for appeal of decisions related to such condominium conversions, amongst other minor textual changes. • Amend §190-5.4, related to tourist camps, motels, hotels, and lodging houses, to: identify that such uses require site plan review with the Planning Board; clarify the manner in which garbage is to be collected and stored; clarify the manner in which occupancy limits are to be established; and establish limitations on occupancy of units in such establishments. • Amend §190-5.5, related to wireless telecommunications facilities, to: identify the official authorized to permit collocations; allow for the expansion of the Wireless Telecommunications Facilities District when necessary to allow for the siting of a telecommunications facility where a gap in coverage exists and no other alternatives exist for the siting of a telecommunications facility; clarify the permissibility of amateur radio and receive-only antennas; clarify when telecommunications facilities may have lighting; amend the required setbacks for telecommunications facilities; expand the requirements for required photosimulations; require applications for telecommunications facilities to demonstrate the consideration of potential alternative sites and facilities; allow the Planning Board to consider adverse impacts to abutting properties and coverage gaps in reviewing applications for telecommunications facilities; authorize the Planning Board to require decommissioning bonds for telecommunications facilities; clarify the availability for the waiver from approval criteria; amend the deadlines for the review of applications for collocations and substantial modifications; amongst other minor textual changes. • Amend §190-5.6, related to accessory apartments, to: clarify that applicants for accessory dwelling units provide permits and approvals for the provision of water and sewerage/septic; clarify the requirement for compliance with all other provisions of the

Zoning Ordinance; among other minor textual changes. • Amend §190-5.7, related to stormwater management, to include excavation to the list of land disturbance activities which cannot increase surface water drainage flowing onto adjacent property. • Amend §190-5.7.1, related to the Town's Illicit Discharge and Elimination Ordinance, to eliminate the ordinance, contingent upon the Select Board enacting an Illicit Discharge and Elimination Ordinance pursuant to RSA 149-I:6-a. • Amend §190-5.8, related to small wind energy systems, to: allow the Planning Board to require a photosimulations of proposed small wind energy facilities; require setbacks from occupied structures; require applicants demonstrate the appropriateness of the height of the system for the proposed location; clarify the manner in which anticipated sound impacts are measured; require consideration of points of public importance and required lighting in assessing visual impacts; allow for the Planning Board to reconsider the amount of required decommissioning bond over the life of a system; amongst other minor textual changes. • Amend §190-5.9, related to Demolition Review, to provide for the Demolition Review Committee to both consider whether a building is potentially significant and that its loss will be detrimental to the neighborhood and discuss alternatives to demolition in the same hearing and eliminate the requirement for such discussions to occur over two meetings. • Amend §190-5.10, related to fences and walls, to state that retaining walls shall be considered structures and are subject to setback requirements, amongst other minor textual changes. Article VI • Amend §190-6.2, related to pre-existing non-conforming uses, to: clarify the criteria necessary for the grant of a special exception to change to another non-conforming use; clarify the phrase "obsolescence" related to the restoration of a pre-existing, non-conforming use; and clarify that non-conforming structures may not be rebuilt where the volume of a structure that is non-conforming increases, notwithstanding a reduction of the footprint of the structure. • Amend §190-6.3, related to pre-existing non-conforming structures, to: identify permissible expansions of non-conforming structures that do not increase the amount of non-conformity; define the phrase "obsolescence" related to the restoration of a pre-existing, non-conforming structure; and clarify that non-conforming structures may not be rebuilt where the volume of a structure that is non-conforming increases, notwithstanding a reduction of the footprint of the structure. Article VII • Amend §190-7.1, related to the powers of the Zoning Board of Adjustment ("ZBA"), to: identify that the ZBA may consider appeals related to the interpretation, application, or construction of the Zoning Ordinance; eliminate the recitation of the variance criteria and replace that recitation by referencing the statute setting forth the criteria for a variance; amend the criteria for the grant of a special exception to clarify that such criteria may be subject to other special exception criteria in other portions of the Zoning Ordinance; and eliminate the reference to the Zoning Board of Adjustment having authority to consider matters other than variances, special exceptions, equitable waivers, or administrative appeals. • Amend §190-7.2, related to appeal procedures at the ZBA, to: amend the deadlines by which the ZBA must act on an application for appeal; identify the effect of an applicant's failure to provide the name of abutting property owners; identify that the ZBA may deny an appeal, without prejudice, if the ZBA does not have sufficient information to make a decision and an applicant fails to assent to an extension of established deadlines; eliminate the authority for the ZBA to waive the variance criteria; amongst other minor textual changes. Article VIII • Amend §190-8.1, related to building permits, to: provide an exemption for instances where building permits are not required under the Rye Building Code or the State Building Code; eliminate the exemption from a building permit for alterations less than \$1,500.00, where the State Building Code contains its exemptions to building permits; clarify the Building Inspector's ability to revoke permits issued for violating the Zoning Ordinance; amongst other minor textual changes. • Amend §190-8.2, related to certificates of occupancy, to

incorporate the definition of "live loads" reflected in the State Building Code. • Amend §190-8.3, related to enforcement of violations of the Zoning Ordinance, to identify that the Building Inspector may issue cease and desist orders under RSA 676:17 and RSA 676:17-a; amend the Select Board's duty to enforce the Zoning Ordinance or any permit issued pursuant to the Zoning Ordinance by requiring the investigation of complaints, and, upon a determination of a violation, seek relief using the action appropriate to the Select Board, in its discretion; amongst other minor textual changes. • Add §190-8.4, related to administrative decisions, to: authorize the Planning and Land Use Administrator to interpret, apply, and construe the Zoning Ordinance and provide administrative decisions upon request of an applicant for the purposes of seeking relief from ZBA; establish the procedures for the issuance of such administrative decisions; identify the effect of such an administrative decision as it relates to decisions made by the Building Inspector; and clarify the effect of such administrative decision on the Planning Board. Article X • Amend §190-10.0 to amend the Zoning Ordinance to clarify the jurisdiction of the Housing Appeals Board regarding determinations of legality of the Zoning Ordinance, amongst other textual changes. Article XI • Amend §190-11.1, related to the definitions used throughout the Zoning Ordinance, to: incorporate the definition of "Agriculture" under RSA 21:32-a; expand the definition of "Apartment House" to include where the owner of the or principal of the owner lives in the structure; add a definition for "Best Management Wetland Practices – Agriculture"; add the word "pecuniary" before "gain" in the definition of "Business"; expand the definition of "Development" to include clearing and site preparation; clarify the definition of "Dwelling Unit" to exclude establishments allowing for "transient occupancies"; amend the definition of "Dwelling Unit, Seasonal" to identify "inadequate insulation" as a condition reflected in such structures; add a definition for "Primary Dwelling"; expand the definition of "Earth Excavation" to include other types of activities associated with excavation and earth moving activities; amend the definition of "Grade" to clarify the manner in which grade is calculated for structures set back in excess of 100 feet from streets; amend the definition of "Junkyard" to increase the number of unused, inoperative, or unregistered motor vehicles from one to two; alter the definition of "Living Space" to change the phrase "dead areas" to "areas that do not constitute living space"; reference the definition of "Earth Excavation" in the definition of "Mining of Land"; revise the definition of "Neighborhood" to allow for consideration of other factors beyond radius and include "traffic" as a consideration in determining neighborhood impacts; clarify the definition of "Special Exception" and reference the need to satisfy established criteria; identify that "retaining walls" less than 3 feet in height are not deemed "Structures"; expand the definition of "Toxic or Hazardous Materials"; expand the definition of "Upland Soils" to include slopes less than 20%; reference RSA 674:33, I(a)(2) in the definition of "Variance"; incorporate the definition of "Workforce Housing" reflected in RSA 674:58.

12-12-22 Corrus. A

December 8, 2022

To the Board of Selectmen

Of the Town of Rye, NH

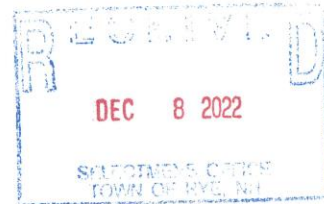
Philip D. Winslow, Chairman

Bill Epperson, Selectman

Tom King, Vice-Chairman,

10 Central Road

Rye, New Hampshire 03870



Re: Rye 55 and Alive Club/a.k.a. The Wave

Gentlemen:

As members of the Rye 55 and Alive Club/a.k.a. The Wave, we, the undersigned, are asking the Rye selectmen to reconsider the cost of attending the gatherings of Rye 55 on the second Thursday of each month. Raising the cost of this meeting from \$15.00 to \$25.00 has caused a drop in membership to 15+ attendees. (We used to have close to 100 each meeting!). There must be a way for the Town of Rye to offer these programs at a more reasonable price for seniors. The New Hampshire Humanities programs are basically free only costing the mileage to be paid by the venue.

Won't you please help us enjoy a day out with friends and acquaintances? Rye 55 is a vital part in many of our lives and we would think the Town of Rye would jump at the chance to be supporting us.

Sincerely,

Nancy Philbrick
Patricia Linchey
Marge Robertson
Cynthia Drake
Bob Lemi
Janice H. Witham
Lynne Miller
Joan Manotis

Susan Dufey
Vincent Demellaro
Coker Demellaro
David J. Demellaro
Jim Kinton
Jane Cummings
Paula Paulding
Robert Paulding
Carolyn Barrett