

Abbreviated History of Sanders Poynt Dispute

produced by Bob Jeserum

- October, 2012: The Town of Rye issued a permit enabling WBTSCC to build a fence which blocked Sanders Poynt and access to Little Harbor Beach. Little Harbor Beach is a long stretch of beach which continues onto rocks and marsh. The beach, rocks and marsh wrap around much of the golf club. All this belongs to the public, but is now inaccessible except by crossing a private club.
- August, 2015: After a Scope of Easement Hearing, the NH Superior Court ordered WBTSCC “to restore Sanders Point to the condition it was prior to October 2012.”

History of Dispute, continued.

- December, 2016: The NH Supreme Court affirmed “the trial court’s ruling that the public has a prescriptive easement over Sanders Point and its determination of the scope of the easement.”
- It took over 4 years for this case to wind its way through the courts, and since then, WBTSCC has been issuing a series of non-compliant plans. The latest is the 4th version of Plan B, supported by the Town of Rye.
- Plan B.4.....

WBTSCC Plan B.4

- Sanders Poynt had been an open area with unimpeded access across its entire width to access Little Harbor Beach
- There was a “trodden path” leading to the water’s edge.
- There was room for cars to park and for a simultaneous turn-around area used by the Rye Police and by school buses.
- Now, WBTSCC seeks to reduce the area by approx. 1/2: moving parking closer to the street and enveloping the entire area with gated fencing, still blocking access to Little Harbor Beach.

Last Court Order (May 1, 2017)

- “The Court’s Order clearly obligates Defendants to “restore Sanders Point to the condition it was prior to October 2012.””

May 23, 2017: Attorney Donovan wrote, on behalf of the town: *“The town’s position is that WBTSCC should ‘put it back the way it was’ prior to October 2012, as documented by photos provided to the court by Paul [McEachern]. There should be no subsequent enhancements. It is time for this saga to end.”*

Then the town changed its mind in its filing of June 23rd with the NH Superior Court..

- “The [sic] were safety issues associated with the pre-Oct. 2012 layout.”
- “The town worked with WBTSCC in arriving at Plan B.4.”

WBTSCC Plan B.4, cont.

The [sic] were safety issues associated with the pre-Oct. 2012 layout.

- What were the safety issues (which had never been raised before), and how is this reduced footprint, with cars parked closer to the highway, going to increase safety?
- Attorney Donovan has volunteered that the town will support WBTSCC to restrict parking on Wentworth Road, further reducing the ability of the public to enjoy Little Harbor Beach.
- Why? Why are you, our elected selectmen, endorsing these plans, and why do you not support the prescriptive rights of the citizens of Rye, of NH and of the USA? Why are you ignoring your constituents? Why not support the citizens of Rye who elected you to office to represent them?

NH Superior Court Contempt Hearing

- Breaking News! Contempt Hearing has been scheduled on August 17 on our motion to hold WBTSCC in civil contempt of court!

- WBTSCC lost the case in the NH Superior Court and in the NH Supreme Court. Why do you, our elected selectmen, stand with the loser in trying to restrict public access to Little Harbor Beach?

In conclusion, please start representing us, your voters:

- Please defend public rights.
- Please oppose any efforts to circumvent the court's order.
- Please support your voters at the contempt hearing.
- Please oppose the building of yet another fence blocking public access to Little Harbor Beach.
- Please oppose any gates blocking access.
- Please support the restoration of the full footprint of Sanders Poynt, as ordered by the court.
- Please oppose new parking restrictions on Wentworth Road.