

September 25, 2018

Mr. Bill Epperson
Ms. Pat Losik
Ms. Keriann Roman
Mr. Steve Carter
Mr. Jerry Gittlein
Mr. Jeffrey Quinn
Mr. J.M. Lord
Rye Planning Board
10 Central Rd.
Rye, NH 03870

Dear Messrs. Epperson, Carter, Gittlein, Quinn and Lord, Ms. Losik and Ms. Roman:

On September 18, 2018, by way of an email to Kim Reed, Verizon, acting through its attorney, requested a continuance of the September 18, 2018 Zoning Board of Adjustment and the September 27, 2018 Planning Board meetings relating to its applications to “allow our client to investigate new information on alternate sites.” The email also agreed to extend the “shot clock” through December 31, 2018. On September 18, 2018, the Zoning Board of Adjustment (“ZBA”), with only three of five members present, granted a continuance, but no date, time or location was established as is required by Rule 8.8.3 of its Rules of Procedure (as appearing on the town website, as amended through October 1, 2014). Furthermore, the ZBA’s Rule 8.8 requires that the ZBA make all decisions within 30 days of the close of public hearing, which occurred on September 4, 2018. That gives them until October 4, 2018 to reach a decision.

Verizon’s 90 day request amounts to a continuance through December 17, 2018. Given Verizon’s past disingenuous, intransigent and bullying behavior, it should be assumed that Verizon intends to gather ammunition to demonstrate that no alternatives to the 120 Brackett Rd. location are feasible. It could then spring a resurrected application on Rye’s Land Use Boards during the busy holiday season, with a year-end deadline looming.

The Planning Board must meet on September 27 to vote on a continuance and any continuance must be to a specific time, date and place (see Rules of Procedure 6.7). The continuance should be only until the Planning Board’s regular meeting on October 9, 2018. If the ZBA complies with its rules and issues its decision by October 4, and that decision denies one or more variances sought, the Planning Board could, at that meeting, deny the site plan approval pursuant to Rye Land Development Regulations §§601.1 and 611.1 (which prohibit the Planning Board from approving an application when a necessary ZBA variance has been denied). If not, then the Planning Board should require the applicant to demonstrate progress and a good faith basis for a continuance. Continuances should be for no more than a month at a time, lest the applicant continue to manipulate the process and hold the town and the residents of Brackett Rd. hostage.

Sincerely,



Peter A. Crawford
171 Brackett Rd., Rye, NH 03870