

Rye Beach Committee Meeting Minutes – June 12, 2018

Meeting Attendees: Beach Committee Members Larry Rocha, Steve Hillman, Brad Fulkerson, Lori Carbajal (Keper Connell - absent)
Police Chief Kevin Walsh, Fire Chief Mark Cotreau, Selectwoman Kerri Roman

Meeting Called to Order 7:38 PM followed by pledge of allegiance

Discussion agenda item – G Street by Steve Hillman and Larry Rocha the street though being a private way does not show signage showing beach access. Chief Walsh stated that after a settlement between owners on G Street and the town it was agreed that no sign be placed.

Discussion Agenda item – Sanders Poynt; Steve Hillman asking if a permanent sign has been posted showing public access as required by the settled law suit to open the space that was taken by Wentworth Country Club. Steve Hillman stated the post that was place was a sign in a bucket. Chief Walsh stated that since then a permanent sign is now in place.

Discussion Agenda item – F Street and the public way buffer zone; Steve Hillman indicated that the area west of the fencing at F Street along the northbound lane parking area has been planted with grass and shrubs which is a way of taking more area. Chief Walsh stated that is a state road and the state can take back that space when encroached upon by homeowners. Steve Hillman brought up the need for bike rakes especially in this vicinity and that the owner of Gus' Bike Shop would loan them to the town for the beach season and a need for space to do so possibly these areas where there is a need. He stated he would look into moving this along.

Discussion Agenda item – Dune Grass planted on the public beach at G Street and F Street and now also at Cable Road Extension. Steve Hillman, Larry Rocha, Brad Fulkerson and Lori Carbajal had all viewed the location at points prior to this meeting and were all in agreement the dune grass must go. Steve Hillman asked why the grass planting without town permission or permit was not just taken out since it is clear the owners that planted it did not check with the town nor the state in terms of regulation and assume this area is theirs. Lori Carbajal stated that she did check into deeds for two of the properties and there was no mention of any ownership or usage to mean high tide as referenced in other cases such as the Purdy Case. Chief Walsh and Selectperson Roman stated they were in agreement and they are taking the proper steps in conjunction with State DES, the towns attorney and the building department to remedy the issue in a legal and proper way. Steve Hillman stated that in the past when other beach front owners took it upon themselves to cordon off an area of the public beach steps to remove items such as boulders as was the case at E Street a few years earlier were remedied immediately. Chief Walsh and Selectperson Roman stated it is ongoing and they are working towards an end. Steve Hillman and Lori Carbajal both stated that at the time any deed containing the language of ownership to Mean High Tide place 100 years ago was vastly different shoreline. At that time there was no causeway (Route 1a), there was no harbor, there were no shale piles or breakwater barriers to keep the ocean back. So the notion that the existing town beach and public space is their properties is refutable. Additionally the measure of mean high tide is over a constant one year time line and that measurement is certainly much higher now than in the past 20 years if actually measured which likely had not been done. Selectperson

Roman stated they are taking a hardline legally to remove. Lori Carbajal added that per the UNH dune grass planting it is typically 100' from mean high tide which in the case of any of these beach front homes it clearly is not. Also the area in question is not a dune and the homeowners excavated beach sand and planted these stalks in a berm fashion. Other concerns are ticks that tend to come into areas of dune grass.

Discussion Agenda item – Lifeguard duties – Keper Connell although not present had voice his opinion and agreed by Larry Rocha and Lori Carbajal that the lifeguards should do more with beach ordinance responsibilities as the lifeguards to on NH state Beaches. The ordinances it seems are not being monitored by the town lifeguards with that task going to police personnel. Fire Chief Cotreau stated his view was the lifeguards were there for lifesaving and should be watching the water. Larry Rocha in response stated that with his governing of the beaches in New Jersey for 19 years lifeguards there also take care of beach issues beyond that of general lifesaving. He stated lifeguards are not in their chairs/towers for 8 hours straight as they are here and it is very important in keeping them sharp that walking the beach or taking more frequent breaks was essential in keeping them sharp. He further stated it was always two guards to a chair so the responsibilities were shared and someone was always watching the water. Chief Cotreau stated they have a total of one guard per chair and a total of six chairs/ six guards on duty. He further advised it has been difficult in terms of getting enough applicants in the process each year. Chief Walsh stated his department will have more duty officers on the beach all summer to watch for violations especially issues with alcohol which has been an ongoing protocol for his department.

Discussion Agenda item – Warrant Article proposal for Beach Commission by Keper Connell – Keper Connell had voice his concern as well as other member of the existing beach committee that the committee has no teeth being a committee, in terms of the permit process, beach regulation and protocol for the life guards and general beach management. Chief Walsh stated we have done a great job in making sure the public is being served in that the public informs committee members of issues, as with the dune grass issue, parking problem areas etc. Lori Carbajal stated the members of the committee were not going to continue on in the committee for 2018 but felt perhaps one more year with the changes that have occurred with the select board may yield some much needed changes this year and next. Larry Rocha thanked Selectwoman Roman for coming to our meeting which is the first time any selectperson has ever been in attendance. He further stated we seem to make the same recommendations year after year and nothing changes so there is great frustration give our free time we give to the town to have no power and to have our recommendations heard but not acted upon. Chief Walsh advised that if there are issues with any of the permittees he would look for input from members on the subject as was done with informing about issues with parking problems at Sawyers Beach. He stated a parking plan which was required by him to for the new season permit for Summer Sessions, is being implemented this season by Summer Sessions due to problems with U-turns and children crossing Route 1a during surf camp last year and drop off pick up of cars without permits created a very dangerous situation. Lori Carbajal asked why that location is still the location of choice since that is the furthest location for bathroom access for the small children that are in these camps which makes no sense. Brad Fulkerson added that the north part of Sawyers going north to the Browns cottages cannot be accessed at high tide with children so to use the bathroom they would have to go north on Route 1A. Lori Carbajal recommended the ideal spot and situation for parking would be at the Browns Cottages midway between Jenness State Beach and Sawyers which is where camps from Hampton set up during high tide sessions at North Beach in

Hampton. The location would allow for bathroom access and a less crowded area for the camps along that stretch. Additionally there is generally more long term parking available in the area of Jenness State Beach along Route 1a during weekday mornings or the rear of Summer Sessions. The crosswalk would make it much safer for everyone and parents could stay on to watch their children.

Discussion Agenda item –Permit Processing Fee – Committee members felt there should be an application fee to apply for a permit. The fee is not acceptance for a permit and does not guarantee the permit it is a processing cost for man hours for the police department. Fees could be based on usage and duration or a flat fee. Chief Walsh stated he felt a fee could not be charged in that it would then imply they permittee would receive something from the town. Selectwoman Roman disagreed and found no issue with charging a fee for processing documents.

Discussion Agenda item –Access – The committee members feel access is vital to the natural enjoyment of our beaches. With every move to privatize as was done with the closure of A, B, C and D streets in Rye creates larger crowds at the remaining access points such as we have now at E street and Cable Road Extension. Closure is designed to keep tourists out however Tourists are not going to stay home because of added dune grass or more closures of access points. The tourists will come and the group that it will impact the most, are the other tax paying Rye residents that have to crowd into the smaller areas of the remaining beach.

Discussion Agenda item – Parsons Creek – Brad Fulkerson inquired as to the issues of septic systems and pump outs of area businesses in the Parsons Creek area what is being done at the town and State of NH. Selectwoman Roman stated the planning department with the state EPA is to identify problem and sources. Kim Reed has been monitoring where it is coming from. There are soon to be new state requirements for the town and state to be put in place. The building department has information as to when commercial businesses pump out and that information can be obtain by going there directly.

Meeting Adjourned 8:56 PM