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BY: EMAIL ONLY

June 5, 2020

Planning Board and Board of Selectmen
Town of Rye
10 Central Road
Rye, NH 03870

Dear Members of the Planning Board and Board of Selectmen,

This Office represents the Trustees of the Rye Public Library. The Trustees have asked me to weigh in on their behalf on the Town's plans relative to the proposed subdivision of the properties at 575 Washington Road and 8 Olde Parish Road, identified on Rye Tax Map 12 as Lot 43 (the "Parsonage Parcel").

The Town acquired the Parsonage Parcel in 1995 for the express purpose of expanding the Rye Public Library ("RPL"). At a Special Meeting of the Town held on October 14, 1997, competing Warrant Articles were considered by the voters concerning the disposition of the Parsonage Parcel. Warrant Article 1 asked whether the Town should "retain ownership of the parsonage." Warrant Article 2 asked whether the Town should "sell the parsonage." The voters ultimately voted in favor of Article 1. Accordingly, the Town retained ownership over the Parsonage Parcel, confirming the voters' desire to keep this land for library purposes. Shortly thereafter, the RPL was renovated and expanded and associated improvements were made to the original library property (Tax Map 12, Lot 42) and the Parsonage Parcel. Of those improvements, the RPL constructed a large parking lot and associated drive from Olde Parish Road, a fence, a "front yard," walkways to the entrance of the building from Washington Road and Olde Parish Road and a landscape buffer between the "Old Parsonage Apartment Building" and the library walkways and building. Since construction was completed in early 1999, the Library has maintained these improvements, including the lighting bollards, a landscape buffer, additional shrubs to replace a fence, and assumed the cost to install and maintain the same.



The current two-lot subdivision plan for the Parsonage Parcel, would separate the property into two lots. Lot 1, which contains the Old Parsonage Apartment Building, would consist of 0.407 acres. Lot 2, which contains the library parking lot, drive and walkways would consist of 1.56 acres. Included within Lot 1 are the Library's lighting fixtures and the landscaped buffer that the Library has maintained at its own cost since 1998.

The proposed subdivision furthers the Town's plan to convey Lot 1 to 500 Washington Road, LLC in exchange for the former TD Bank property. This proposed land swap was approved in conceptual form by voters at the March 10, 2019 Town Meeting. At the time of this vote, the locations of the intended new property lines, and the extent of the proposed subdivision, had not been revealed to the RPL Trustees nor to the voting public, despite repeated requests by the Trustees to the Board of Selectmen.

Generally, the Trustees of the RPL do not oppose the concept of subdividing off the land upon which the Old Parsonage Apartment Building sits. They understand that a majority of voters agreed to this goal in principle. However, they do **strongly** oppose the inclusion of the strip of land containing the RPL's landscaped buffer as part of Lot 1 and therefore, assert that the Board of Selectmen and Planning Board do not have the legal authority to move forward with the subdivision plan as proposed or the maintenance agreement entered into with 500 Washington Road, LLC. They further believe that the majority of Rye taxpayers would not have consented to a subdivision if they had known that the Rye Public Library would be forced to give up a portion of its property as part of the transaction.

RSA 202-A:6 provides that [t]he library trustees shall have the entire custody and management of the public library and of all the property of the town relating thereto [...]. RSA 202-A:6 gives the Trustees a broad grant of power over all Town property related to the library, which includes the land subject to the proposed subdivision, which was acquired in 1995 for library-related purposes. To-date, the Trustees have been excluded as a party to the Selectmen's plans for Lot 43 property and do not consent to the subdivision as proposed. Any subdivision of the land without the Trustees' consent would inherently create a cloud upon title.

If the current subdivision plan is approved in its current form without the Trustees' consent, the Trustees will be forced to consider legal action. It is advisable that the Planning Board continue its upcoming hearing on the Subdivision application so that further discussions may be had between the Board of Selectmen and the Trustees regarding the lot lines and the manner in which the Trustees must be involved in this transaction if it is going to proceed.

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Derek R. Durbin', is written over a horizontal line.

Derek R. Durbin, Esq.