

TOWN WARRANT

The State of New Hampshire

To the inhabitants of the Town of Rye, in the County of Rockingham in said State, qualified to vote in Town affairs:

You are hereby notified to meet at the Rye Junior High School **Saturday**, the 30th day of January 2021, next at **nine o'clock** in the forenoon to participate in the first session of the 2021 Annual Town Meeting.

You are hereby further notified to adjourn to the Rye Elementary School in said Rye on **Tuesday**, the 9th day of March 2021, next from **eight o'clock** in the forenoon until **seven o'clock** in the evening.

ARTICLE 01. To choose one (1) **Selectman** for three (3) years, one (1) **Treasurer** for three (3) years, one (1) **Cemetery Trustee** for three (3) years, two (2) **Library Trustees** for three (3) years, one (1) **Trustee of the Trust Funds** for three (3) years, two (2) **Budget Committee Members** for three (3) years, one (1) **Budget Committee Member** for one (1) year, one (1) **Planning Board Member** for one (1) year, two (2) **Planning Board Members** for three (3) years, two (2) **Zoning Board of Adjustment Members** for three (3) years, one (1) **Zoning Board of Adjustment Member** for one (1) year, one (1) **Sewer Commissioner** for three (3) years.

ARTICLE 02. To choose all necessary officers for the Rye School District in accordance with the statutory procedure adopted by said District at its March 1962 annual meeting.

ARTICLE 03. To see if the Town will vote to amend the Rye Zoning Ordinance in accordance with the recommendation of the Rye Planning Board, as follows:

Amendment 1.

Amend Section 190-5.9 (C) Demolition Review as follows (Note: New language *emboldened and italicized*. Deleted language ~~struck through~~).

190-5.9 C Demolition subject to review. Any demolition within the Town of Rye, *excluding the Historic District*, shall be subject to the requirements of this section where:

- (1) The demolition is:
 - (a) A building or part of a building greater than 500 square feet of gross floor area; or
 - (b) A monument, statue, or memorial; or
 - (c) An accessory building less than 500 square feet of historical or architectural interest; and

Explanation

To be consistent with the Demolition review language as contained in the Historic District, Section 190-3.3 (5).

Amendment 2.

Amend Section 190-5.9 (E)(2)(b) Demolition Review as follows (Note: New language *emboldened and italicized*. Deleted language ~~struck through~~).

190-5.9 (E)(2)(b) If the Demolition Review Committee determines that the building is potentially significant, it shall schedule a public hearing within 12 business days of making that determination, and within three days of making that determination notify the Building Inspector of it. Notice of the public

hearing shall be posted in two public places and published at least five days prior to the hearing, not including the day of the hearing or the day of posting. *Notice to abutters shall be made by certificate of mailing to all abutters not less than five calendar days before the date of the hearing.*

Explanation

To allow abutter notice when the Demolition Committee deems a building to be potentially significant and its demolition is subject to a public hearing.

Amendment 3.

Re: Zoning Map Changes: Business Districts in Rye Harbor Area

Amend the ZONING MAP TOWN OF RYE to change the following parcels from Business (B) District to Single Residence (SR) District: Tax Map 9.2/Parcels 22, 22-1; Tax Map 8/Parcel 56; Tax Map 8/Parcels 73, 73-1.

Explanation

These parcels, which are all in the vicinity of Rye Harbor, were once the sites of businesses: Saunders Restaurant; Pilot House (later Hemmingway's) Restaurant; Rye Beach Motel. The parcels have been redeveloped for residential use in recent years. Thus, the planning board believes residential zoning more appropriately represents the current uses and the goals of the Master Plan.

Amendment 4.

Re: Pervious

Add to Section §190-11.1 Definitions Review as follows (Note: New language ***emboldened and italicized***. Deleted language ~~struck through~~).

PERVIOUS COVERAGE OR PERVIOUS

Any surface, whether natural, man-made, or modified, that can effectively absorb or infiltrate water including, but not limited to, vegetated surface, such as woodlands, planted beds, and lawns, and those pavements specifically designed and maintained to effectively absorb and infiltrate water. (From NH RSA 483-B:4, Shoreland Water Quality Protection Act.)

Explanation

Add the definition of pervious coverage or pervious which is consistent with NH RSA 483-B:4, Shoreland Water Quality Protection Act.

Amendment 5.

Amend Section 190-5.0 A. **Off-street parking and loading** as follows (Note: New language ***emboldened and italicized***. Deleted language ~~struck through~~).

190-5.0 A. Size of parking spaces. All parking spaces required herein shall have a minimum size of ***9 feet*** 10 feet in width by 18 feet in length.

Explanation

To make the parking size requirements consistent with surrounding towns size limits, compliant with the industry standards and it minimizes impervious paved surfaces.

Amendment 6.

Re: Disputes About Wetlands Boundaries

Amend § 190-3.1, C as follows. (Note: New language ***emboldened and italicized***. Deleted language ~~struck through~~).

~~Disputes about the locations of wetlands boundaries as determined by the Building Inspector or the Planning Board may be appealed *in the first instance to the Planning Board which may retain an independent Certified Soils Scientist to report his or her findings on the boundary to the Planning Board. The expense of such an investigation shall be paid by the party questioning the boundary. Decisions of the planning board may be appealed* to the Zoning Board of Adjustment as an administrative appeal pursuant to Section 701.1 *Article VII* of this ordinance. The zoning board of adjustment may call upon the services of an independent NH Certified Wetlands Scientist to examine said area and report his or her findings to the Board for their determination of the boundary. NH Certified Wetlands Scientist is interpreted to mean a person qualified in wetlands delineation and who is licensed by the State of New Hampshire.~~

Explanation

The amendment would require disputes about wetlands boundaries to be taken first to the planning board before being appealed to the Zoning Board of Adjustment.

Amendment 7.

Re: Delineation of Wetlands

Amend § 190-3.1, B to add the following new Subparagraph (3) as follows. (Note: New language ***emboldened and italicized***. Deleted language struck through).

- (1) The precise location of wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils and wetlands hydrology in accordance with the techniques outlined in the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1*, January 1987. The hydric soils component of delineations shall be determined in accordance with the manual *Field Indicators for Identifying Hydric Soils in New England* (Version 3, April 2004), published by the New England Interstate Water Pollution Control Commission.
- (2) Vernal pools shall be delineated based on the characteristics listed in the definition of vernal pools found in ~~Appendix A-§ 190-11.1~~.
- (3) ***Wetlands and vernal pools shall be identified by a Certified Wetlands Scientist based on field investigation conducted within 10 years of the application being reviewed.***

Explanation

The amendment requires wetlands and vernal pool delineations to be within 10 years because both wetland boundaries and professional standards of practice change over time.

Amendment 8.

Re: Wetlands

(Note: New language ***emboldened and italicized***. Deleted language struck through).

I. Amend the Definition of Wetlands found at § 190-11.1 as follows:

WETLANDS: An ***Those*** areas that is ***are*** inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions ~~does~~ ***do*** support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands ***generally*** include swamps, marshes, bogs and similar areas.

Explanation

The present language of the present definition matches the NH statutory definition at RSA 482-A:2, X. The amendment would make the language match the federal definition at § 33 CFR 328.3.

II. Amend the Definition of Vernal Pool found at § 190-11.1 as follows:

VERNAL POOL: A surface water or wetland which provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and which typically has the following characteristics: (1) cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year; (2) forms in a shallow depression or basin; (3) has no permanently flowing outlet; (4) holds water for at least 2 continuous months following spring ice-out; (5) lacks a viable fish population; and (6) supports one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators as described in *Identification and Documentation of Vernal Pools in New Hampshire*, 2nd 3rd Ed., 2004 2016 published by the NH Fish and Game Department.

Explanation

The amendment updates the reference to a technical publication.

III. Amend § 190-11.1190-3.1, B.(1).

The precise location of wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils and wetlands hydrology in accordance with the techniques outlined in the *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual; Northcentral and Northeast Region Technical Report Y-87-1, January 1987*. The hydric soils component of delineations shall be determined in accordance with the manual *Field Indicators for Identifying Hydric Soils in New England* (Version 3 4, April 2004 2019), published by the New England Interstate Water Pollution Control Commission.

Explanation

The amendment updates the references to technical publications.

ARTICLE 04. To see if the Town will vote to amend the Building Code in accordance with the recommendation of the Rye Planning Board, as follows:

Amendment 1.

Amend Section 35-16. *Mobile Homes* as follows (Note: New language *emboldened and italicized*. Deleted language struck through).

§ 35-16. Mobile homes.

A. ~~All mobile homes within Zone A on the Flood Hazard Boundary Maps shall be anchored to resist flotation, collapse, or lateral movement by providing over the top and frame ties to ground anchors. Specific requirements shall be that:~~

- ~~(1) Over the top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;~~
- ~~(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;~~
- ~~(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and~~
- ~~(4) Any additions to the mobile home be similarly anchored.~~

This section intentionally deleted.

B. See also Chapter, 60, Floodplain Management, for any additional requirements

Explanation

Delete Section A. It is redundant and already covered in the Floodplain Ordinance Section 60 of the Rye Code.

ARTICLE 05. Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein totaling ten million seven hundred fifty-four thousand six hundred sixty-five dollars (\$10,754,665)? Should this article be defeated, the default budget shall be ten million one hundred eighty-nine thousand three hundred three dollars (\$10,189,303) which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Majority vote required.)

NOTE: This operating budget warrant article does not include appropriations in any other warrant articles.

This article is recommended by the Selectmen (3-0)

This article is recommended by the Budget Committee. (8-0)

ARTICLE 06. To see if the town will vote to raise and appropriate the sum of eight hundred thousand dollars (\$800,000) for construction of transportation safety improvements, including a sidewalk and a bike lane, in the Town Center from the intersection of Washington Road and Wallis Road to the intersection of Central Road and Washington Road with five hundred thousand (\$500,000) to come from NH Department of Transportation alternatives program grant (TAP) and the balance of three hundred thousand (\$300,000) to come from general taxation for the local match required for the grant. This article is non-lapsing until December 31, 2025 or until the project is complete, whichever comes first. This project is contingent upon the receipt of the TAP grant. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

This article is recommended by the Budget Committee. (8-0)

ARTICLE 07. To see if the Town will vote to raise and appropriate the sum of three hundred fifty thousand dollars (\$350,000) to mitigate future salt intrusion into the ground by erecting a salt storage handling and storage facility at the existing Public Works/Transfer Station property (309 Grove Road), and to authorize the withdrawal of ninety-two thousand dollars (\$92,000) from the Salt Shed Storage Capital Reserve Fund created in 2005 for this purpose. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

This article is recommended by the Budget Committee. (8-1)

ARTICLE 08. To see if the Town will vote to raise and appropriate the sum of three hundred thousand dollars (\$300,000) for the purchase of a mini pumper to replace engine 1 and to authorize the withdrawal of two hundred thousand (\$200,000) from the Ambulance and Fire Special Revenue Fund and one hundred thousand (\$100,000) from the Fire and Ambulance Vehicle Capital Reserve Fund the purpose of which was amended by Article 15 of the 2018 Town Meeting. This article has no current tax impact. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

This article is recommended by the Budget Committee. (9-0)

ARTICLE 09. To see if the Town will vote to raise and appropriate the sum of two hundred thousand dollars (\$200,000) for the purchase of a backhoe or front-end loader and to authorize the withdrawal of two hundred thousand dollars (\$200,000) from the Highway Heavy Equipment Capital Reserve Fund created in 1994 for this purpose. This article has no current tax impact. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be added to the Highway Equipment Capital Reserve Fund created in 1994. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

ARTICLE 11. To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be added to the Fire and Ambulance Vehicle Capital Reserve Fund the purpose of which was amended by Article 15 of the 2018 Town Meeting. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

ARTICLE 12. To see if the Town will vote to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) to be placed in the expendable general trust fund known as the Town Employees' Accumulated Leave Fund, established pursuant to RSA 31:19-a by Article 14 of the 1990 Rye Town Meeting for the purpose of funding Town Employees' accumulated leave accounts. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

ARTICLE 13. To see if the Town will vote to establish a Conservation Maintenance Expendable Trust Fund under the provisions of RSA 31:19-a for the purpose of creating a fund to repair and maintain land and buildings owned by the Town of Rye and managed by the Rye Conservation Commission and to raise and appropriate the sum of forty-five thousand dollars (\$45,000) to be placed in this fund, and to designate the Rye Conservation Commission as agents to expend. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

ARTICLE 14. To see if the Town will raise and appropriate the sum of thirty-five thousand dollars (\$35,000) to be added to The Municipal Buildings Maintenance Expendable Trust Fund established by Article 11 at the 2007 Town Meeting under the provisions of RSA 31:19-a, for the purpose of major repairs to municipal buildings. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

ARTICLE 15. To see if the Town will vote to raise and appropriate the sum of thirty thousand dollars (\$30,000) to be added to the Revaluation Capital Reserve Fund established by Article 24 at the 2020 Town meeting pursuant to RSA 35:1 for the future revaluation of the Town so that the assessments are at full and true value at least as often as every fifth year. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

ARTICLE 16. To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the Library Employees' Accumulated Leave Fund established by Article 22 at the 2018 Town Meeting under the provisions of RSA 31:91-a, for the purpose of funding Library Employees' accumulated leave. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

ARTICLE 17. To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the Rye Public Library Building Maintenance Expendable Trust Fund established by Article 14 at the 2005 Town Meeting under the provisions of RSA 31:19-a, as a maintenance fund for the Rye Public Library building. This appropriation is in addition to the Library's operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (9-0)

ARTICLE 18. 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.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

ARTICLE 19. To see if the Town will vote to authorize the Select Board to sell the 0.4 +/- acre parcel which was the site of the former Second Parsonage to the highest bidder over five hundred thousand dollars (\$500,000) if the parcel has not been exchanged for the former TD Bank property by July 31, 2021. The conveyance would include an easement allowing the parcel to utilize the septic system under the adjacent town parking lot provided the purchaser agrees to assume responsibility for the maintenance, repair and replacement, if necessary, of the system and any consequential repair of the parking lot to the satisfaction of the Public Works Department. The conveyance would retain a 3-foot-wide easement along the south and west boundaries of the parcel, allowing the Library Trustees to maintain the sidewalk and maintain and control the library sidewalk lighting adjacent to the present parking lot. The purchaser will have to comply with all zoning, historic district and planning board regulations.

This article is recommended by the Selectmen (3-0)

ARTICLE 20. To see if the Town will vote to delegate to the Select Board the authority to accept dedicated streets in accordance with RSA 674:40-a. This delegation would be limited to those roads that the Planning Board has approved following subdivision plan, site plan or street plat approval, and have received approval for dedication by the Planning Board and have been constructed and completed in accordance with Planning Board road construction regulations and have been recommended for acceptance by the Planning Board and Public Works Director. The Select Board may accept these roads after holding a public hearing. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

ARTICLE 21. **(By Petition)** To see if the Town will vote to authorize the Selectmen to convey a portion of the 0.407 acre Parsonage lot (said lot being Lot No. 1 on the survey plan filed in the Rockingham County Registry of Deeds as Plan D-42497) and to acquire in an exchange at par the former TD Bank building and its 3.7 acre parcel, pursuant to the AMENDMENT TO CONTRACT FOR PROPERTY EXCHANGE/SWAP, dated November 6, 2020 and effective November 10, 2020, between the Rye Select Board and 500 Washington Road, LLC, but with the following exceptions to the said AMENDMENT:

1. Rather than the 75 foot privately owned landscaped Open Space contemplated by Clause 11.3 of the AMENDMENT, said 75 foot area shall be retained by the Town of Rye for the exclusive use of, and control by, the Rye Public Library and for potential future Library expansion, with subdivision survey costs to be paid by the Library; and
2. The right of 500 Washington Road, LLC to own and control the lighting, pursuant to Clause 6.1 of the AMENDMENT, shall not apply to the areas adjacent to the 75 foot area referenced in 1. above; and
3. The date for Closing, pursuant to Clause 5 of the AMENDMENT, shall be extended to April 1, 2021.

The selectmen are specifically not authorized and are directed not to carry out the swap agreement unless amended by the provisions of the Warrant Article.

This article is not recommended by the Selectmen (3-0)

ARTICLE 22. **(By Petition)** To see if the town will vote to urge that the New Hampshire General Court, which is obligated to redraw the maps of political districts within the state following the federal census, will ensure fair and effective representation of New Hampshire voters without gerrymandering.

Additionally, these voters ask the town of Rye to urge the NH General Court to carry out the redistricting in a fair and transparent way through public meetings, not to favor a particular political party, to include communities of interest, and to minimize multi-seat districts.

Furthermore, as the New Hampshire State Constitution, Part 2, Article 11 allows towns of sufficient population to have their own state representatives, not shared with other towns, for the town of Rye to petition the NH General Court for its own exclusive seat(s) in the NH House of Representatives if it does not already have it, ensuring that State Representatives properly represent the town's interests.

The record of the vote approving this article shall be transmitted by written notice from the selectmen to Rye's state legislators, informing them of the demands from their constituents within 30 days of the vote.

This article is not recommended by the Selectmen (2-1)

ARTICLE 23. To see if the Town will vote to authorize the Selectmen to sell to the highest bidder at public auction, or sealed bid, such surplus Town equipment as is not traded in on new equipment in 2021.

This article is recommended by the Selectmen (3-0)

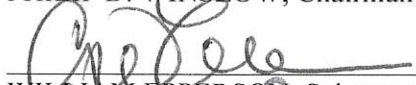
ARTICLE 24. To transact any other business which may legally come before this meeting.

This article is recommended by the Selectmen (3-0)

Given under our hands and seal this 25th day of January in the year of our Lord, two thousand and twenty-one.



PHILIP D. WINSLOW, Chairman



WILLIAM EPPERSON, Selectman



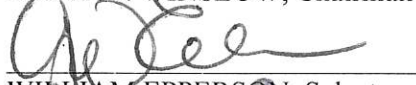
MAE BRADSHAW, Selectwoman



A true copy of the Warrant,
ATTEST:



PHILIP D. WINSLOW, Chairman



WILLIAM EPPERSON, Selectman




MAE BRADSHAW, Selectwoman



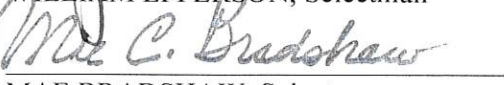
We hereby certify that we gave notice to the inhabitants within named, to meet at the times and places and for the purpose within mentioned, by posting up an attested copy of the within **WARRANT** at the places of meeting within named and a like attested copy at the **RYE TOWN HALL**, being public places in said Town, on the 25th day of January, 2021.



PHILIP D. WINSLOW, Chairman



WILLIAM EPPERSON, Selectman



MAE BRADSHAW, Selectwoman

