



TOWN OF RYE • OFFICE OF SELECTMEN
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December 14, 2020

The Select Board has a fiduciary responsibility to manage the prudential affairs of the Town including Town assets. The only agenda the Select Board has is in furtherance of that responsibility. We are committed to seeing that all employees have sufficient and safe work-space which is part of the reason the land exchange was brought to the voters in March of 2020. To follow is a factual summary of the timetable surrounding the land exchange since the inception.

Since 2011, the Town has been grappling with the space and access needs of the Town Hall. During the period from 2011 to 2019, voters have rejected at least seven different plans to make changes to the Town Hall to safely house all the staff and make it accessible for all visitors. At the 2019 Deliberative Session, Article 31 was amended to require the Selectmen to develop a plan to renovate the Town Hall to better accommodate the staff office needs, to make the Town Hall ADA compliant, and to keep the Town Hall located on its historic site, in the center of Rye. This Article was passed by the electorate. Early in 2019 an RFP was sent out to several architectural firms with experience working with historical buildings. The RFP asked prospective firms to provide a quote to review the layout of Town Hall to make the building ADA compliant. The architectural firm was to design a new office layout to provide adequate meeting room space, to determine what the cost of the renovation would be and to determine how many additional square feet of space we would need to house the offices. On August 26, 2019 at a public meeting, the Select Board voted to hire Barba and Wheelock. Their interim report of November 2019 identified an additional 2,500 square feet necessary to adequately house all the departments within Town Hall.

At the same time in 2019, the lease at the Parsonage with the Housing Partnership was set to expire. A Parsonage Committee was chartered and this committee met over the summer of 2016 and concluded with a final report stating that the Town not engage in a long-term lease with the Housing Partnership, the lease was extended for a 1-year period to relocate the existing residents of the Parsonage.

On September 23, 2019, Dan Philbrick made a presentation to the Select Board that entailed an exchange of the Parsonage parcel for the TD Bank building and the accompanying 3.71 acres which abuts Town owned land behind it. Since the Library Board of Trustees had stated publicly that the Library did not have any interest in the Parsonage and the reality that the Parsonage was going to be vacant and in need of a considerable amount of money to repair and given that the TD Bank building would adequately fill the space shortage at Town Hall, the Select Board brought this opportunity before the voters in March of 2020. To that end, an appraisal was done of both properties. The key part of the appraisal was that the Parsonage was valued as vacant

land because the highest and best use based on the appraiser's determination of the Parsonage was to tear it down. At their public meeting on December 16, 2019, the Select Board voted unanimously to sign the Purchase and Sale Agreement contingent upon town ratification or approval.

On March 4, 2020 and March 7, 2020, the Select Board held listening sessions to discuss the exchange. One of those was held at the TD Bank Building and one included a tour of the Parsonage. The main issues raised over those meetings were the lot lines of the parcel that was going to be conveyed, what town offices were going to be relocated to the TD Bank, what the final disposition of the Parsonage would be and what would be done with the 3.71 acres behind the TD Bank. Throughout the entire process, the Select Board remained consistent that their primary objectives with the exchange were to address the space needs issue at the Town Hall, divest the Town of an aging, decrepit and soon to be vacant Parsonage, and to acquire the 3.71 acres of land behind the TD Bank. To that end they committed to work with the Library Trustees to attempt to resolve any issues raised by the conveyance of the Parsonage Parcel.

On March 10, 2020, Articles 7, 8 and 9 were passed by the voters. Shortly thereafter the Library Trustees expressed concerns over the final lot lines and the existing lighting/landscaping that they felt were under their control pursuant to RSA 202-A:6. For the next several months a representative from the Select Board, Town Counsel, 500 Washington Road LLC. and the Library Trustees met almost weekly to resolve concerns. At the end of May, the Select Board signed a Maintenance Agreement that they felt adequately protected the Library's interests. Unfortunately, due to the length of time that the above negotiations took, the Select Board was unable to obtain subdivision approval by the Planning Board by May 31, 2020 and on June 1, 2020 500 Washington Road LLC., exercised the option to release himself from the agreement.

For the next several months a representative from the Select Board worked to get all parties back to the table and to re-engage 500 Washington Road LLC. in the Agreement. In late July, 500 Washington Road LLC. proposed to the Trustees a plan by which the entire Parsonage parcel would be conveyed to 500 Washington Road LLC. but then ½ of that lot would be sold to the Town for Library use. As part of the Conceptual Agreement in Principle that was signed by all parties in August, the Trustees would use a recent bequest as payment for the lot and the Parsonage would be razed. 500 Washington Road LLC. would manage the demolition and the cost shared by both 500 Washington Road LLC. and the Trustees. This agreement fell apart in late August due to irreconcilable differences in finalizing the formal amendment.

Again, a representative from the Select Board worked to get 500 Washington Road LLC. to re-engage and in early October, 500 Washington Road LLC. submitted new terms under which they will re-enter the agreement. The major points of this agreement were as follows:

1. The Parsonage would be razed on or before November 25, 2020 and the demolition would be paid for and managed by 500 Washington Road LLC.
2. 75' closest to the Library or, approximately 40% of the lot, would be preserved by deed restriction to be attractively landscaped open space thereby opening up a beautiful view of the Library from Washington Road.

3. The Town would retain a lighting and maintenance easement, again for the benefit of the Library.
4. The minor subdivision application of the .40 acres from the larger 1.96-acre lot would need to be approved by the Planning Board at their November 10, 2020 meeting.

At their November 10, 2020 meeting, the Planning Board unanimously voted to approve the minor subdivision application. After that, the Select Board and 500 Washington Road LLC. signed the Swap/Exchange Amendment. Shortly after this, (2) members of the Historic District Commission, along with the Library Trustees filed a complaint in Superior Court seeking to enjoin both the demolition of the Parsonage and the conveyance of the +/- .40-acre parcel of land. The Judge ruled in favor of the Town and on November 25, 2020, as outlined in the amendment, the Parsonage building was razed. Much of the above time line and plan was posted in advance on the Town website and Facebook page as well as in the Portsmouth Herald on October 31st.

The intent of the vote was to exchange the TD Bank building property for the Parsonage property, to sell the Trolley Barn and use those proceeds with guidance from the Budget Committee to renovate the TD Bank building to address the space issue at Town Hall and to renovate the 2nd floor of the existing Town Hall to create much needed meeting space. The Select Board has never wavered from the commitment to effectuate the will of the voters that passed Articles 7, 8 and 9 on March 10, 2020.

Much of the controversy surrounding the swap has been whether the library has been impacted as to limit their ability to expand. This of course is not accurate. The latest rendition of any future expansion, as expressed by the trustees, was in front of the building abutting the sidewalk to Washington Road nearest the Parsonage parcel. For clarification one of the trustee's placed stakes where the outer wall would be. This proposal in no way either inhibits or infringes on that plan. Further, the library has control of land in the back and to the north where any future expansion could take place.

Rye Select Board,

Philip D. Winslow, Chairman

William Epperson, Selectman

Mae Bradshaw, Selectwoman