

DRAFT DISCUSSION NOTES

PAL DRAFT OUTLINE/OTHER PB MEMBERS TO ALSO GIVE INPUT 1/10/22

Letter from Steven Borne, 431 Wallis Road to Town of Rye, 10 Central Road, Rye, NH 03870

December 20, 2021

Hello Select Board

Topic 1: Master Plan

At the December 16th Budget Committee Meeting, during the discussion of an additional \$20K to support the ongoing Visioning Chapter update, Select Board representative King indicated that the Select Board would be driving an update to the whole Master Plan on the heels of the Visioning Chapter update.

If that is the plan, where is the money in the 2022 budget or Capital Improvement Plan? It certainly should have been in the CIP before this year and it is not in the CIP you just accepted.

What are the chances of the Visioning Chapter getting drafted, reviewed and two public hearings completed before the March Election? This is not to say people have not been working very hard, they are doing the best they can.

My suggestion is that you put \$200K in the 2022 budget to develop a Best-in-Class Master Plan. Rye has been guilty of under investing in strategic planning. Make it a warrant article if you will not put it directly in the budget. Don't argue about what the exact amount should be, we have been penny wise and pound foolish for too many years on this topic. If Bedford spent \$163K, something north of that should be sufficient for a town with all of Rye's challenges. Only what is needed would be spent.

VISION FRAMEWORK TO MP JOURNEY - BACKGROUND 9/20 - current

PB DISCUSSION (9/15/20) PB Meeting (Minutes p. 7: Chair re RnR (Quinn, Paul, and herself), PB discussion, KR recommended follow on with a vision session in the spring

ENGAGEMENT: VISION FRAMEWORK/CHAPTER (3/22/21) - 8K CONTRACT WITH RPC– Julie Labranche, Staff Planner - terminated 7/21 due to JL departure from RPC, \$1300 expended. Balance of contract \$6,700 with JVL CONSULTING– target completion Jan/Feb of 2022

LRPVS (4/21 – CURRENT – FEB 22?) –Chair Steve Carter – 17 meetings+: 4/8/21, 5/5/21, 5/25/21, 7/15/21, 7/26/21, 8/11/21, 8/16/21, 8/24/21, 9/13/21, 10/5/21, 10/19/21, 11/9/21, 11/12/21 (VS), 12/7/21, 12/15/21, 1/5/22, 1/20/22

DIRECTION

3/19/21 letter KR to BOS: *The process will likely establish whether the MP needs a small update, or a full rewrite...next 2-3 years*

5/5/21 p. 4 KR: *Once they have chapter (VC) they can decide what needs to be done to move forward to create a MP. Creating a vision for how to create a MP.*

7/15/21 p.2 Re timeline: *KR and JL – outline of VC: MP to be on the ballot in '23, everything would be ready to go by 12/22, new MP 2024*

10/5/21 p.4 – Framework, VC, MP > 100K

12/15/21 JL – *request for quotes/qualifications, not a proposal, no interviews, range of service info used for budget number, pass in March 2023 budget. RFP could be drafted in Jan 2023, MP engagement begins if budget is approved in March 2023*

ON THE TABLE

Updating OR Full rewrite. Recent chapters include Coastal Hazards & Climate Adaptation 12/12/17, Existing & Future Land Use 9/11/18, Transportation 9/11/18, and Natural Resources 9/11/18) / Balance is 2013 or prior. Demographics - 2010 census (2020 now available). Current discussions include theme based/executive chapter/implementation chapter

OTHER COMMUNITIES' work – part of discussion

Reviewed: Exeter, Stratham, and Bedford – every 10 years, all used consultants and had a MP Steering Committee/Working Group to assist PB w/ organization of the MP during the engagement, concise documents 50-80 pages with action items:67-125 (current RMP close to 200 pages) Exeter – Adopted 2/18, 24 mos, theme based w/ Action Agenda (67): Support, Prepare, Steward, Grow, Connect, Communicate, Horsley, Whitten Group, Inc. (HWG, Inc.), Town Planner, Dave Sharples: Action Agenda Analysis 4/18/21 (46 of 67!), Stratham – Adopted 11/19, 10 years, 18 mos, (HWG, Inc.) Bedford NH – Adopted 11/2021, 10 years, Town Planning & Urban Design Collaborative. Populations: per '20C: B 23322, E 16049, S 7669, R 5453

Topic 2: Work Force Housing

Rye residents are giving something up when higher density developments are allowed because they contain units priced to enable work force housing.

While the “Management” or monitoring that the units will continue to be work force housing units is being outsourced to the Housing Partnership, units can return to market pricing and there could be disbursements of funds back to the Town. Note, I can’t find this approved document posted or attached to any older meeting minutes.

I would suggest that before any more developments are approved, Rye institutes a system for tracking, monitoring and reporting the work force housing granted in Rye. This information should be included in the annual town report.

COMPLIANCE REPORTING

Compliance reporting for monitoring Conditions is needed across Planning and CE. Believe this may be a funding challenge not a lack of awareness. Approved developments have included numerous conditions and reporting requirements. As these projects mature, reporting is key to tracking oversight and identification of issues as they present.

Consideration could include functional oversight by contract (Truslow Resource Consulting, JVL Consulting, Other).

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Topic 3: Parson's Creek Fecal Contamination

From the 2016 Parson's Creek Select Board committee report how many of the actions have been completed over the last five years? Besides the Septic Pump Out ordinances, what else has been done?

What actions (zoning) have been taken to not exacerbate the problem, protect the buffer better and manage storm water in the area over the last five years?

Waiting to learn if there is a non-human contribution to the problem is a delaying tactic. I will tell you now that there will be contributions from non-humans, but we know that a large factor is the oversaturation of leach fields and not enough land to filter all of that effluent. Add in a rising water table from storms and run off and the problem is escalated. You can also factor in the failure rate and higher costs of maintaining the new septic systems approved for this area.

There are no funds in the current budget, nor the CIP to address this health and safety issue.

Who is responsible for addressing the contamination from the Parson' Creek Watershed? What are the plans and when can results be expected?

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PCFC - Legal/Environmental/Capital Improvements

§126-1 of the Town Code, adopted 3-8-2016, applies to all on-site wastewater treatment systems located wholly or in part within the PC Watershed. The administration of this ordinance is BI or by another person designated by the BOS. Includes pump out every 1X every 3 years, establish/maintain records of PC systems, waiver based on H2O consumption except in ISWQZ Map. PB does not maintain septic system records.

LDR's (rev 1/2020 & current review) apply to subdivisions, and development, change, or expansion of use of land for nonresidential use or multifamily residential use, and redevelopment. Include: Septic system standards §202 6.7, Climate Adaptation and Resilience Standards §202 6.9 (see C floor 4' above SHWT), §202 6.11 Flood Hazards: §60-14 Water supply & Sewage Disposal Systems/Floodplain Mgmt Ord., and stormwater management §202-9.

RZO (non-conforming lots, tourist camps, condo conversions, AWHPD, wetlands buffers, Coastal Area District, ADU's, Retirement Communities, and use district requirements for septic setbacks.

PB: current legal review engagements for both LDR's (MD), and RZO (DTC)

Town Website/Parsons Creek Watershed info <https://www.town.rye.nh.us/parsons-creek-watershed-environment>. FB Environmental's 12/21 Report & Recommendations p. 12 includes: "Consider a town sewer system to connect homes in low-lying areas along the marsh and beach". Per Watershed Monitoring (Bacteria) summary: "These sites have showed historically elevated levels of Enterococci for multiple years and have been positive for human fecal contamination by either ribotyping or canine detection or both." And, "All sites exceeded the state criterion for geometric mean (35mpn/100mL) in 2021." Also posted are FB's prior reports.

Legislative and planning, legal headwinds

New Hampshire Shoreland Septic System Study Commission

<https://www4.des.state.nh.us/blogs/lmac/wp-content/uploads/2020/11/2020-10-30-NHShorelandSepticSSC-Final-Report.pdf> 20 page report by Commission established by HB475. Many recommendations including expanding language in RSA 485-A39: Waterfront Property Sale; Site Assessment to include septic system evaluation before a property is sold or transferred, and expand 200' reference line to the 250' NHDES Shoreland Protection Buffer. Julie LaBranche - Commission Member, Danna Truslow - presented in 10/2019. Legal headwinds discussed.

NHMA: <https://www.nhmunicipal.org/town-city-article/protecting-water-quality-septic-system-rules>.

Discusses municipal hurdles: availability of data on existing systems, no permits prior to '67, research via property tax cards & NHDES One-Stop consumes staff time. NH municipalities don't have authority to change the State's real estate closing or deed recording laws to require septic system evaluation (inspection) prior to closing. NHMA article includes - Town of Moultonborough, and other waterfront communities, and mentions Rye's pump out. FB Environmental has been involved with Moultonborough (NRI, build-out analysis identifying environmentally-constrained, non-buildable, and buildable areas, and ID targeted conservation vs developable areas. Moultonborough established a Septic Health Task Team, and though no minutes have been posted since early '20, it appeared the Team was working with Counsel to determine options.

Topic 4: Land Use Board Assistant

I concede the point that boards and the Building Inspector's office need help, there is no argument there.

My concern is that we are using a permanent position as a band-aid. I am fine with this being an annual or temporary position, so we are not locked into a permanent position when a major re-engineering is required.

The dynamics of the best development lots long gone and migration of deep pocketed people to communities such as Rye has been with us for many years.

The question is, what should have been done to get in front of this curve? Given where we are today, what must happen to make up for lost time and not kick the can down the road any further?

For example, what must happen to figure out how to handle all of what is happening on Route 1 for the development we know about now, and for every acre of non-developed land in that watershed?

- - Where is the breaking point for leach fields? While it is a function of soil type, we know from the State in 2017 that more than 0.26 Septic Systems per acre can be a problem.
- - Until there is a Sewer system – that number needs to be known, communicated and managed to (i.e. not approving additional development).
- - If there are no droughts, fires and people don't irrigate too much in Rye, Rye Water District says there should be enough water. However, do we have a sensitivity analysis to fully understand how far the town is from different levels of water restrictions and what residents would consider hardships for the rest of us.
- - Additional water moving to and from new homes requires infrastructure that must be paid for and maintained. This should also be well known and communicated to RWD residents.
- - Also, the aquifer does not restrict itself to the manmade boundaries of RWD and Aquarion, so this must be coordinated at the aquifer level

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LUBA –

At the threshold of needing to expand resources. Must evaluate, and prepare to address existing challenges which have implications NOW! Consider using a municipal/planning consultant to guide decision making.

Planning & Zoning Dept includes: zoning, review/investigation of zoning complaints i/c/w Code Enforcement and ZBOA, assisting/servicing all land use and development inquiries, assisting applicants with development review process, analysis and information to BOS/Town Departments/Commissions, and MP oversight.

Future initiatives (P&Z&CE)

- Build out analysis
- Zoning and LDR review Ph I – current engagements (MD and DTC)
 - Examples: wetlands (CUP), use districts/dimensional requirements, integrate appropriate model ordinances, and updating environmental/climate
- Master Plan update or rewrite
- Master Plan implementation and semi-annual (?) reporting
- Zoning and LDR review Ph II
- Compliance tracking and enforcement i/c/w CE
- Expanding tool kits/grants
 - Grants/expand & extend Town resources – Climate Summit 5/21 – Kim presented LDR standards, also ex: Hampton (Jennifer Hale/DPW/Flood Mitigation Study), Portsmouth (Peter Britz Port Ext Flood Haz area), Lee (Haz Mit Study/Kyle Pimental), PD has been active – must continue
- Collaboration w/ infrastructure & utility providers: DPW/RFD/RPD/AQ/RWD/Ports Water/Sewer/Others
- Meeting infrastructure: design/communications/etc.
- Enhanced communications – who tells the story?

PB volunteerism is alive and well - 50 meetings last year, BOD of 10 @ 5-10/hrs each represents 5K hrs at upper end. However, the role of the PB is within limited scope – see discussion in PB Chair info.

AQUIFER COMMENT

See USGS: Assessment of Ground-Water Resources in the Seacoast Region of NH (Thomas Mack), and USGS/NHDES: Geohydrology and WQ of Stratified-Drift Aquifers in the Lower Merrimack and Coast River Basins, Southeastern NH, Preliminary-assessment and upgrade of a groundwater flow model of the Seacoast Bedrock Aquifer, New Hampshire (Thomas Mack)

Next, look at the 420 South Rd. development. At most Planning Board meetings for the past few years, there is a comment or discussion about what has been going on there. Do we have any idea of what the total cost (include efforts of employees and board members) has been to the town from this development? Don't forget the \$400K settlement, legal fees, the properties that were taxed for years as non-buildable and the many other cost components.

Costs during build out such as construction inspections by the PB Engineers, Legal, Hydrogeology, Environmental are absorbed by the Applicant/Developer/Builder. The assistance of CE, Planning/Zoning, and various Department Heads (DPW) are not cost allocated.

421 - Conservation efforts were considered integral to water quality and quantity in the WHP area, and mitigation of habitat disturbance. Forested landscape has a significant impact on the environment and valuable to water quality, a factor which was reflected in the Lot Development Plans. Per 1985 MP – Bailey Brook basin noted as the 2nd largest of Rye's watersheds.

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How did this happen? Do we fully understand what enabled this? Has there been a lesson learned analysis and what are the actions to address the enabling causes?

What is happening on Rt 1, Parsons Creek pollution, and the million plus dollars spent since what to do with Town Hall hit the Select Board meetings all ties back to a lack of strategic planning leadership.

What will this Select Board do, so Rye finally has strategic planning leadership?