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Rye, November 9th, 2022

Board of Selectmen
Town Administrator, Matthew Scruton
10 Central Road
Rye, NH 03870

RE: Planning and Zoning Administrator Scope of Responsibilities

Dear Board of Selectmen and Town Administrator, Matthew Scruton,

I attended on Monday, November 7th at 9:30 am, the very first Rules and Regulations meeting open to the public to discuss “Changes to the Rye Zoning Ordinance.”

In an email dated November 1st addressed to Planning and Zoning Administrator, Kim Reed, I requested an electronic copy of the “changes made to the Rye Zoning Ordinance” as it had not been posted on the Town of Rye website. I did not receive a reply to my email.

However, when I checked on Nov. 3rd, I saw that a link to the document had been posted next to the upcoming Nov. 7th Rules and Regulations meeting agenda. Please take note that as the writing of this letter, it is almost impossible to find the link as one has to go back to that Nov. 7th past agenda via the calendar with no link to the changes to the Zoning Ordinance readily accessible by anyone.

As noted in Attorney Roger Wiegley’s letter to the Town, dated September 4th:

It is not a sufficient to say that the revised ordinances will later be presented to the public in a public meeting before they are voted upon. It is the very process of review and amendment that the public is most interested in. The logic of, and need for, and wording of, and relevance of, and alternatives to, revisions to ordinances is exactly what public participation is for. It is the public that is affected, so the public should be allowed to comment at the early planning stages, not merely at the final vote.

Clearly, as pointed out by Attorney Wiegley, “the public should be allowed to comment at the early planning stages,” [of the RZO updates], however, what was presented on Monday, November 7th, were changes that had already been made without public participation and without any explanation as to why some of changes or even full comprehension by the chair of the Rules and Regs of what the changes could mean.

For instance, as per statement by Chair Steve Carter in response to my concerns in regards to decreasing off-street parking for ADUs from two to one space, is that “there are only “600 square

feet” for ADU’s (when in fact they can be up to 1,200 square feet) and that “normally it is just going to be for a mother-in-law or a father-in-law, we did not anticipate having more people” (Planning Board meeting on November 8th). Really!

Even though it is not under the purview of the Select Board to review the RZO, it was stated during the meeting, that “Section 190-8.3 Administrative Decisions” had been done “internally” after I had raised concerns about shifting responsibilities, such as reviews of applications requiring variance relief, from the Building Inspector, Chuck Marsden, to the Planning and Zoning Administrator, Kim Reed.

Ms. Reed stated that the decision had been made with Assistant Town Administrator, Becky Bergeron, and Building Inspector, Chuck Marsden. It is unclear when the decision was made, however, it appears it may have been made when Chief Kevin Walsh was acting as our interim Town Administrator.

I understand why Chuck Marsden might be happy to lighten his workload considering the “backlog” of cases; however, an additional building inspector was hired last year. But more to the point, there are many reasons to feel concerned by shifting some of his responsibilities to the Planning and Zoning Administrator, considering known conflicts of interest as Ms. Reed is a Rye resident. Likewise, the Town has not addressed complaints and concerns by residents, such as me, in regard to Ms. Reed, sent via emails and letters.

I would ask that the Board of Selectmen and our new Town Administrator, Matthew Scruton, review “Section 190-8.3 Administrative Decisions” and to seriously consider reverting to having our building inspector, Chuck Marsden, who “goes by the book”, who can be trusted to do a thorough job, and without any bias. It has been our experience that the Town is not always fair, however, Chuck Marsden can be trusted to thoroughly review applications for variance relief. If this is a matter of aligning with practices done throughout the State where applications are handled by a Planning Department, land use assistant, Kara Campbell, would be another person who could take on the task.

Further and in the same vein at the November 8th Planning Board meeting, Chair Pat Losik suggested to Kim Reed to reach out to land use assistant, Kara Campbell, to assist with grant writing in lieu of Ms. Reed reaching for outside help, which I felt made sense, however, Ms. Reed responded with a categorical “No.”

I hope my time and efforts help shed light on these issues and are not in vain. There are many issues facing the Town and it is time for across-the-board competence, fairness, transparency and accountability to move us forward in these challenging times.

Sincerely,



Dominique Winebaum

Cc Planning Board