

From: Dominique Winebaum
Sent: Wednesday, December 7, 2022 9:07 AM
To: Matt Scruton <mscruton@town.rye.nh.us>
Cc: patricia Losik
Subject: Re: Legal Notice + RZO + Codification

Dear Matt,

I would also appreciate if you could forward this email to the Board of Selectmen — thank you.

I have not received a response to my email below from Kim. I understand that the legal notice for the Planning Board December 6th meeting was posted on November 30th and that Ms. Reed was at a training in Concord on December 1st, so I am assuming that the new updated RZO changes were posted on December 2nd. This is just to signal that often residents, like me, have to send requests for matters that should have been handled properly in the first place.

I attended the meeting last night and stayed almost through the end. I asked the question about the cost and lengthy content of the legal notice and Attorney Eric Maher stated that it “has only to be a topical description” and referred to NH RSA 675.

I am still confused as to whether or not the lengthy legal notice as posted on Seacoast Online was required or not. Could it have been more “topical” yet legal and less costly.

I am including a public/legal notice from the Town of Hampton Falls which was part of the agenda: https://www.hamptonfalls.org/sites/g/files/vyhlf3751/f/uploads/10282022_legal_notice_for_proposed_2023_zoning_amendments_posting_10272022_revised.pdf

Also, I made the point that the agenda posted did not include the lengthy and detailed legal notice but only referred to article numbers: https://www.town.rye.nh.us/sites/g/files/vyhlf3751/f/agendas/december_6_2022_zoning_amendment_agenda_0.pdf

No link either from the agenda to direct the reader to the RZO proposed changes though the legal notice was posted with the RZO proposed amendments.

I am heading to Geneva to spend the holidays with my 92 years old mother and do not have the time, nor do I want to burden myself with filing a RTK request to find out how much the legal notice cost. I also believe that RTK requests incur unnecessary cost to the Town and are a burden to many. I would appreciate it if you could provide me with that information. In addition, the public should know what has been the total cost of this update of the RZO. Attorney Eric Maher has done an excellent job along with Chair Pat Losik, who has overseen the whole project, including doing a huge amount of work/research in providing changes to the RZO, especially in regards to the wetlands ordinance, yet it is a substantial budget item which has not been accounted for.

Also, given the recent issues with the posting of meeting minutes for the ZBA (my email dated to you November 10th), I made the suggestion at last night meeting that the posting of meeting minutes for land

use boards should be dated, alike to the notices of agenda. I brought this up for a number of reasons but also given the following section in the RZO, copied below. Under the current system, there is no way of knowing when the meeting minutes are posted unless you check the website everyday. See Section 190-7.3 Rehearing and appeal. A motion for rehearing "may be amended if minutes and notice of decisions are not filed within the five-business-day requirement." As explained in my email, the October ZBA meeting minutes were incomplete at the time of the November ZBA meeting, yet it was pretended that they were legal and several days later complete meeting minutes were posted. Excuses were made not to adopt the "so-call legal meeting minutes" at the October meeting. How fair is that to residents, especially those residents directly affected? Additionally, the section is somewhat "bare bone" as there is no requirement to properly notified abutters and leaves too much room for interpretation as was the case at the November ZBA meeting.

Lastly, I remain extremely concerned by the changes made in Section VII, "Administrative Decisions" though I understand the reasoning for the changes. Attorney Eric Maher praised at great length Chuck Marsden for his detailed letters of denial, the best he has seen as an Attorney!

§ 190-7.3 Rehearing and appeal.

[Amended 2001; March 2011; 3-8-2022 by Art. 3]

Every decision of such Board shall be subject to review upon motion for rehearing filed with the Board of Adjustment within 30 days after any order or decision of the Board, and to appeal to the Superior Court or the Housing Appeals Board in accordance with the terms of the statute. Such motion or appeal may be taken by any person aggrieved or by an officer, department or board of the Town. This thirty-day time period shall be counted beginning with the first day following the date upon which the Board voted to approve or disapprove the application and may be amended if minutes and notice of decision are not filed within the five-business-day requirement of § **190- 7.2D(4)**, per RSA 677:2.

Regards,
Dominique

On Dec 1, 2022, at 8:04 AM, Dominique Winebaum <[t](#)> wrote:

Kim —

I understand it is the law to include a legal notice in the newspaper, however, I wonder if this could have been done differently, especially if the intent is to inform the public.

I would not be surprised if only a minority of Rye residents has seen the legal notice as published on Seacoast Online. I copied and pasted it in order to "save" it for my record. Attorney Eric Maher had stated that you may not have to write all the amendments but simply direct the reader to the amendments.

This update of the RZO, along with the recent update of the LDR, has not been budgeted as far as I can tell. Where is all the money coming from and accounted for? I have not counted the number of words

but this legal notice must be very expensive. Can you please provide me with the dollar amount for this legal notice? Also, what has been the cost of updating the RZO, all the work done by Attorney Eric Maher? In addition, I would like to know the cost of codifying all these amendments and the prior amendments since 2021. None of these items are discussed during budget sessions.

Also, if the intent of the legal notice is to inform the public why do residents have to go in person to Town Hall to find “the full textual amendments to the RZO”? Residents could be directed to the Town of Rye website for a “fresh” version of the “full textual amendments,” specifically under “Home News & Announcements” as well as on the Planning Board webpage. The electronic version with the “changes to the RZO” has not been updated since changes were made on November 17th. Could this lengthy and costly legal notice have been done differently, namely with only a short paragraph leading the reader to an easily accessible online version of this summary and full text.

Regards,
Dominique