



ABSENTEE  
OFFICIAL BALLOT  
ANNUAL TOWN ELECTION  
RYE, NEW HAMPSHIRE  
MARCH 12, 2019

BALLOT 1 OF 6

*Dorinda M. DeCotis*  
TOWN CLERK

INSTRUCTIONS TO VOTERS

- A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice(s) like this: ☒
- B. Follow directions as to the number of candidates to be marked for each office.
- C. To vote for a person whose name is not printed on the ballot, write the candidate's name on the line provided and completely fill in the OVAL.

<b>SELECTMAN</b> Vote for not for Three Years more than One <b>BILL EPPERSON 1353</b> <input checked="" type="radio"/> (Write-in) <input type="radio"/>	<b>TRUSTEE OF THE TRUST FUNDS</b> Vote for not for Three Years more than One <b>R. CHRISTOPHER NEE 1277</b> <input checked="" type="radio"/> (Write-in) <input type="radio"/>	<b>PLANNING BOARD</b> Vote for not for Three Years more than Two <b>TIM DURKIN 1243</b> <input checked="" type="radio"/> <b>PATRICIA LOSIK 1163</b> <input checked="" type="radio"/> (Write-in) <input type="radio"/> (Write-in) <input type="radio"/>
<b>CEMETERY TRUSTEE</b> Vote for not for Three Years more than One <b>FRANK DRAKE 1354</b> <input checked="" type="radio"/> (Write-in) <input type="radio"/>	<b>BUDGET COMMITTEE</b> Vote for not for Three Years more than Two <b>PEGGY BALBONI 1221</b> <input checked="" type="radio"/> <b>MAE C. BRADSHAW 1128</b> <input checked="" type="radio"/> (Write-in) <input type="radio"/> (Write-in) <input type="radio"/>	<b>ZONING BOARD OF ADJUSTMENT</b> Vote for not for Three Years more than One <b>ROBERT PATTEN 1243</b> <input checked="" type="radio"/> (Write-in) <input type="radio"/> (Write-in) <input type="radio"/>
<b>LIBRARY TRUSTEE</b> Vote for not for Three Years more than One <b>VICTOR AZZI 1308</b> <input checked="" type="radio"/> (Write-in) <input type="radio"/>	<b>PLANNING BOARD</b> Vote for not for One Year more than One <b>JEFFREY A. QUINN 1297</b> <input checked="" type="radio"/> (Write-in) <input type="radio"/> (Write-in) <input type="radio"/>	<b>SEWER COMMISSIONER</b> Vote for not for Three Years more than One <b>DAVID M. ADAMS 1279</b> <input checked="" type="radio"/> (Write-in) <input type="radio"/> (Write-in) <input type="radio"/>

ARTICLES

**ARTICLE 03.** To see if the Town will vote to amend the Rye Zoning Ordinance as petitioned by the Board of Selectmen as follows:

Are you in favor of the adoption of Amendment 1 as petitioned by the Board of Selectmen, as follows:

Amendment 1: Amend Section 505.3 to add the ±14 acres town owned Tax Map 23/Parcel 1 located at 0 Port Way to the Wireless Facilities Telecommunications District?

(The Planning Board recommends approval of this amendment).

1294  
YES ☒  
NO ☐  
274

**ARTICLE 04.** 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:

Are you in favor of the adoption of Amendment 1, as follows:

Amendment 1.

Re: Correction of Erroneous References/Indexing

Amend Section 1000 Amendment to add the following new paragraph:

Where a previously adopted amendment has resulted in an incorrect reference in another section of this ordinance or incorrect indexing of sections or when typographical errors are discovered, the planning board may make the corrections in the ordinance after a public hearing pursuant to RSA 675:3, without putting the corrections on the town warrant and ballot for approval.

Explanation

The Rye Zoning Ordinance is a 118 page ordinance with numerous cross references contained therein. When the planning board prepares amendments, it tries to identify and amend any references in other sections of the ordinance (or indexing) which may be affected by the amendment. Inevitably though, some are missed. The amendment provides a simple way of correcting the ordinance where a cross reference or indexing change has been overlooked or typographical errors discovered without taking up space on the town warrant and ballot for what is, in essence, a ministerial correction.

1305  
YES ☒  
NO ☐  
230

ARTICLE 4 CONTINUED ON BACK OF BALLOT

TURN BALLOT OVER AND CONTINUE VOTING

## ARTICLES CONTINUED

### ARTICLE 4 CONTINUED

Are you in favor of the adoption of Amendment 2, as follows:  
**Amendment 2.**

Re: Frontage

Amend Section 401.4 Requirements for Retirement Community Developments (RCD's), Subparagraph C; and Section 402.3 Requirements for Multi-Family Dwellings and Developments, Subparagraph C; and Section 403.4 Requirements for Conservation Land Developments (CLD's), Subparagraph C, as follows: (Note: New language **emboldened and italicized**. Deleted language ~~struck through~~.)

**Section 401.4. C. Frontage:** An RCD shall have a minimum ~~contiguous~~ **continuous** frontage on a Class V Road or better of 150 feet. Each dwelling within an RCD shall face upon either an existing Class V Road or better or on a private way constructed within the RCD.

**Section 402.3. C. Frontage:** A multi-family dwelling or a multi-family development shall have a minimum ~~contiguous~~ **continuous** frontage on a town or state road or street of 150 feet. The planning board may allow the frontage requirement to be met on a private street provided the requirements of section 402.3, F are met and further provided that the planning board determines:

**Section 403.4 C. Frontage:** A CLD shall have a minimum ~~contiguous~~ **continuous** frontage on a town or state road or street of 150 feet. Each dwelling within a CLD shall face upon either an existing town or state road or street or on a private way constructed within the CLD.

#### Explanation

The amendment makes the language of these three frontage provisions consistent with the language of the definition of "Frontage" in the ordinance, which is: "All that continuous side of a lot or tract of land abutting on one side of a street, or proposed street, measured along the street line."

Are you in favor of the adoption of Amendment 3, as follows:  
**Amendment 3.**

Re: Access to Lots

Amend Section 202.14 **Access to Lots** as follows (Note: New language **emboldened and italicized**. Deleted language ~~struck through~~).

**202.14 Access to Lots:** ~~Access to a lot shall be over its own frontage. In order to be considered suitable for development, access to a lot shall be by a driveway from frontage which meets the minimum frontage requirements of this ordinance. (While a lot may be reached via a shared driveway by permission of the Planning Board for safety reasons, however a lot shall not be considered suitable for development unless it is accessible over its own frontage.)~~ **by a driveway from frontage which meets the minimum frontage requirements of this ordinance. (Driveway as defined by the Rye Land Development Regulation).**

#### Explanation

The amendment establishes that the driveway on a lot must be located on the frontage which meets the minimum frontage requirement of the ordinance. The present text of Section 202.14 has been interpreted to allow a lot which has more than one frontage to have its driveway off of frontage less than the minimum requirement, where the minimum requirement was made up totally of wetlands.

Are you in favor of the adoption of Amendment 4, as follows:  
**Amendment 4.**

Re: Yard Requirements for Corner Lots

Amend Section 202.6 **Corner** Lots and the Appendix Definitions of "Yards" as follows (Note: New language **emboldened and italicized**. Deleted language ~~struck through~~).

**202.6 Corner Lots:** On corner lots, the driveway shall exit only to the lesser traveled street. On a corner lot, frontage, depth and front yard requirements shall be met for both streets. **The yard behind the principal building shall meet the rear yard requirement. The side yard shall meet the side yard requirement. On a corner lot having only three (3) sides, the yard shall meet either the rear yard or side yard requirement depending on the orientation of the principal building.**

**YARD:** Means an open unoccupied space surrounding or adjoining a building on a lot, and in particular, shall mean as follows:

- 1. Front Yard:** Means the required open space extending across the whole width of the front, or street side, of the lot between the sidelines of the same lot, and running from the front (or street) line of the lot to the front line of the building, except for a corner lot as to which the front yard shall extend across both sides of the ~~main~~ **principal** building nearest the streets.
- 2. Rear Yard:** Means the required open space extending across the whole width of the lot in the rear of the ~~main principal~~ **principal** building, ~~except for a corner lot, as to which it is the area at the rear of the side yards.~~
- 3. Side Yard:** Means the required open space extending along the side lot lines from the front line extended of the ~~main principal~~ **principal** building to the rear line extended of the same building, ~~except for a corner lot, as to which the side yard limitations of the adjacent lots (as provided in this ordinance) shall apply.~~

ARTICLE 4 CONTINUED ON NEXT BALLOT

GO TO NEXT BALLOT AND CONTINUE VOTING

1307  
YES ☒  
NO ☐  
223

1196  
YES ☒  
NO ☐  
339

1208  
YES ☒  
NO ☐  
319



ABSENTEE  
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BALLOT 2 OF 6

*Sandra M. Pelletier*  
TOWN CLERK

ARTICLES CONTINUED

ARTICLE 4 CONTINUED

Explanation

The amendment clarifies how to apply the yard requirements to corner lots. The present ordinance is confusing with respect to yard requirements for corner lots.

Are you in favor of the adoption of Amendment 5, as follows:

**Amendment 5.**

Re: Principal Building

- I. Add the following definition to the Appendix of Definitions:  
**PRINCIPAL BUILDING:** A building in which is conducted the principal use of the site on which it is situated.
- II. Amend the following definitions found in the Appendix of Definitions. (Note: New language **emboldened and italicized**. Deleted language ~~struck through~~).

**ACCESSORY BUILDING:** Means a subordinate building on the same lot, whether attached or unattached to the ~~main~~ **principal** dwelling or **principal** building thereon.

**GARAGE:** An accessory building, joined or attached or entirely separate from the dwelling or ~~main principal~~ **principal** building it serves, and having a garage style door(s), the primary use of which is the storage or parking of not more than three motor vehicles. If the garage is used in conjunction with a multi-unit dwelling, the number of bays shall not exceed the number of units.

**FRONT YARD:** Means the required open space extending across the whole width of the front, or street side, of the lot between the side lines of the same lot, and running from the front (or street) line of the lot to the front line of the building, except for a corner lot as to which the front yard shall extend across both sides of the ~~main~~ **principal** building nearest the streets.

**REAR YARD:** Means the required open space extending across the whole width of the lot in the rear of the ~~main~~ **principal** building, except for a corner lot, as to which it is the area at the rear of the side yards.

**SIDE YARD:** Means the required open space extending along the side lot lines from the front line extended of the ~~main~~ **principal** building to the rear line extended of the same building, except for a corner lot, as to which the side yard limitations of the adjacent lots (as provided in this ordinance) shall apply.

Explanation

The present ordinance uses both the term "principal building" and "main building". The amendment eliminates the term "main building" in favor of "principal building" thereby making the terminology of the ordinance consistent throughout. The term "principal building" is the standard term used in zoning ordinances.

Are you in favor of the adoption of Amendment 6, as follows:

**Amendment 6.**

Re: Coverage

Amend the following sections of the zoning ordinance. (Note: New language **emboldened and italicized**. Deleted language ~~struck through~~).

**Section 203.3. E. Building Area (in SR District).** No dwelling shall occupy more than fifteen percent (15%) of its lot. Every dwelling unit shall have a minimum ground floor area of 960 square feet, except that dwellings having living quarters on more than one floor above the basement may be reduced in ground floor area to 720 square feet, provided that a minimum living space of 960 square feet be provided therein. Open porches, garages, carports, barns, sheds, and un-walled covered areas shall not be included as ground floor area or living space, ~~but their additional area, together with the dwelling,~~ **Dwellings plus open porches, decks, garages, carports, barns, sheds and other accessory buildings; plus patios, unwall covered areas, impervious driveways, sidewalks, impervious walkways and other impervious surfaces** shall occupy no more than fifteen percent (15%) of ~~the~~ the lot.

**Section 204.3. E. Building Area (in GR District).** No dwelling shall occupy more than thirty percent (30%) of its lot. Every dwelling shall have a minimum ground area of 960 square feet except that dwellings having living space on more than one floor above the basement may be reduced in ground floor area to 700 square feet. Open porches, garages, carports, paved driveways and other impervious areas, barns, sheds, and unwall covered areas shall not be included as ground floor area or living space. ~~but their additional area, together with the dwelling, shall~~ **Dwellings plus open porches, decks, garages, carports, barns, sheds and other accessory buildings; plus patios, unwall covered areas, impervious driveways, sidewalks, impervious walkways and other impervious surfaces** shall occupy no more than thirty percent (30%) of ~~the~~ the lot. However, no dwelling unit shall provide less than 600 square feet of floor area per family.

ARTICLE 4 CONTINUED ON BACK OF BALLOT

TURN BALLOT OVER AND CONTINUE VOTING

1337  
YES ☒  
NO ☐  
197

## ARTICLES CONTINUED

### ARTICLE 4 CONTINUED

Section 304.5 Coverage (in Coastal Overlay District). Within the Coastal Area District, no dwelling shall occupy more than fifteen percent (15%) of its lot. ~~The dwelling plus open porches, accessory buildings, paved driveways, sidewalks and other impervious surfaces~~ **Dwellings plus open porches, decks, garages, carports, barns, sheds and other accessory buildings; plus patios, unwall covered areas, impervious driveways, sidewalks, impervious walkways and other impervious surfaces** shall not occupy more than thirty percent (30%) of the lot.

Section 304.6, F Coverage (for Redevelopment of Tourist Accommodation Uses). Dwellings plus open porches, decks, ~~garages, carports, barns, sheds and other accessory buildings; plus patios, unwall covered areas, impervious driveways, sidewalks, impervious walkways and other impervious surfaces~~ **garages, carports, barns, sheds and other accessory buildings; plus patios, unwall covered areas, impervious driveways, sidewalks, impervious walkways and other impervious surfaces** shall not occupy more than thirty percent (30%) of the parcel.

#### Explanation

*The amendment makes the language of the coverage restrictions in the ordinance consistent throughout the ordinance*

Are you in favor of the adoption of Amendment 7, as follows:

#### Amendment 7.

RE: DRIVEWAYS

Add the following definition to the Appendix of Definitions: (Note: New language **emboldened and italicized**. Deleted language ~~struck through~~).

**Driveway**: A private way for vehicles which provides entrance, exit, access or approach to or from land in Rye to/from a public street.

#### Explanation

*This amendment goes along with changes to Section 202.14 which refers to the definition of driveways in the Land Development Regulations. By adding the same definition to the zoning ordinance there will be consistency.*

**ARTICLE 05.** To see if the Town will vote to amend the Floodplain Ordinance in accordance with the recommendation of the Rye Planning Board, as follows:

Re: Floodplain Ordinance

I. To adopt the revised Rye Floodplain Ordinance based upon the State's updated Model Floodplain Ordinance and replace in its entirety the current Floodplain Ordinance approved March 8, 1988.

#### Explanation

*While the minimum National Flood Insurance Program (NFIP) regulations have not changed, the new model version makes the regulations more understandable to both community officials and property owners. Other improvements include added sections that provide a clearer description of the floodplain administrator's role and responsibilities, explain the floodplain permitting process, and clarify how substantial improvement and damage determinations are made.*

*In addition to the model ordinances, an accompanying notes document that explains the sections of the ordinances, provides guidance resources, and references applicable sections of the Code of Federal Regulations, State statute, and State building code is also now available.*

**ARTICLE 06 (By Petition).** Passage of this article shall override the 10% limitation imposed on this appropriation if not recommended by the Budget Committee. To see if the Town of Rye will vote to authorize the Rye Selectmen to raise and appropriate the sum of three million five hundred thousand dollars (\$3,500,000) gross budget for the purpose of building a new Town Hall Structure on its current site, along with equipment and furnishings, including the payment of all other costs incidental and related thereto with some changes to foundation location, and to raze the old Town Hall building.

To construct, pursuant to the design for a new Town Hall, as developed by Rye resident John Loftus, and licensed New Hampshire Architect Robert A. Schaefer, AIA, LEED BD+C from the firm of R.A.SCHAEFER & D. M.WHITE ARCHITECTS.

To authorize The Rye Selectmen, to seek competitive bidding for architecture and engineering and the physical construction of a new Town Hall, as per the prepared contract documents, and to choose the best bid.

To authorize the borrowing of up to three million five hundred thousand dollars (\$3,500,000) through the issuance of not more than three million five hundred thousand dollars (\$3,500,000) of bonds or notes, for a 29 or 30 year term only, in accordance with the provisions of the Municipal Finance Act (N.H. RSA Chapter 33 as amended). At the estimated 4.5% interest rate, the interest payments will be at least an additional \$2.4 million assuming a 30-year term, for a total cost of \$5.9 million.

ARTICLE 6 CONTINUED ON NEXT BALLOT

GO TO NEXT BALLOT AND CONTINUE VOTING





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BALLOT 3 OF 6

*Sorrah McColis*  
TOWN CLERK

ARTICLES CONTINUED

ARTICLE 6 CONTINUED

To authorize the Selectmen to issue and negotiate such bonds or notes, for a twenty-nine or thirty year term only, to determine the rate of interest thereon, and to take such actions as may be necessary to effect issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Rye, and further, to apply for and accept and expend Federal and State Grants and any private donations toward this purpose.

(60% vote required) This appropriation is in addition to the operating budget.

This article is not recommended by the Selectmen (3-0)  
This article is not recommended by the Budget Committee. (6-3)

487  
YES ☐  
NO ☐  
1219

ARTICLE 07. To see if the Town will vote to raise and appropriate the sum of seven hundred thousand dollars (\$700,000) to replace the existing salt shed with a larger more efficient salt storage facility to allow all salt operations to be under cover, and authorize the withdrawal of ninety thousand dollars (\$90,000) from the Salt/Shed Storage Building Capital Reserve Fund created in 2005 for this purpose, and authorize the borrowing of up to six hundred ten thousand dollars (\$610,000) through the issuance of not more than six hundred ten thousand dollars (\$610,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act (N.H. RSA Chapter 33 as amended) and to authorize the Selectmen to issue, negotiate, sell and deliver such bonds or notes, to determine the rate of interest thereon and the maturity and other terms thereof, and to take such actions or to pass any vote relative thereto as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Rye, and further, to apply for, obtain, accept and expend Federal and State Grants or other aid and any private donations that may be available towards this purpose and to comply with all laws applicable to said project. (3/5 ballot vote required.)

This article is recommended by the Selectmen (3-0)  
This article is recommended by the Budget Committee. (9-1)

920  
YES ☐  
NO ☐  
711

ARTICLE 08. To see if the Town will authorize the Board of Selectmen, as the governing body, to enter into a long-term lease/purchase agreement in the amount of nine hundred, ninety two thousand dollars (\$992,000) payable over a term of five (5) years for a new pumper/ladder truck for the Fire Department with the first payment due in 2020 and to raise and appropriate the sum of four hundred ninety two thousand (\$492,000) for the down payment on the lease/purchase due in 2019 with one hundred twenty three thousand (\$123,000) to come from the Ambulance and Fire Vehicle Special Revenue Fund and to authorize the withdrawal of three hundred sixty nine thousand (\$369,000) from the Fire and Ambulance Vehicle Capital Reserve Fund. This article is in addition to the operating budget. (3/5 vote required)

NOTE: The Board of Selectmen will negotiate the interest rate on the lease/purchase as shall be in the best interest of the Town.

This article is recommended by the Selectmen (3-0)  
This article is recommended by the Budget Committee. (10-1)

1019  
YES ☐  
NO ☐  
599

ARTICLE 09. 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 nine million seven hundred eighteen thousand one hundred forty-six dollars (\$9,718,146)? Should this article be defeated, the default budget shall be nine million one hundred fifty-two thousand ninety-one dollars (\$9,152,091) 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. (10-1)

1009  
YES ☒  
NO ☐  
598

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of two hundred thousand dollars (\$200,000) for the reconstruction and paving of Shoals View Drive, a town-maintained road, between Parsons Road and Ocean Boulevard, and accept and expend Federal and State Grants or other aid and any private donations that may be available towards this purpose and to comply with all laws applicable to said project. 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. (8-2)

807  
YES ☒  
NO ☐  
806

TURN BALLOT OVER AND CONTINUE VOTING

## ARTICLES CONTINUED

**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 Highway Equipment Capital Reserve Fund created in 1994. This appropriation is in addition to the operating budget. (Majority vote required.)

1046  
YES ☒  
NO ☐  
517

This article is recommended by the Selectmen (3-0)  
This article is recommended by the Budget Committee. (10-0)

**ARTICLE 12.** 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.)

1057  
YES ☒  
NO ☐  
501

This article is recommended by the Selectmen (3-0)  
This article is recommended by the Budget Committee. (9-1)

**ARTICLE 13.** 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.)

988  
YES ☒  
NO ☐  
561

This article is recommended by the Selectmen (3-0)  
This article is recommended by the Budget Committee. (10-0)

**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.)

1158  
YES ☒  
NO ☐  
401

This article is recommended by the Selectmen (3-0)  
This article is recommended by the Budget Committee. (10-0)

**ARTICLE 15.** To see if the Town will vote to discontinue the Ambulance Capital Reserve Fund established by Article 13 of the 1995 Town Meeting. Said funds with accumulated interest to date of withdrawal are to be transferred to the town's general fund. (Majority vote required.)

1160  
YES ☒  
NO ☐  
367

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

**ARTICLE 16** If Article 15 is adopted, to see if the Town will vote to raise and appropriate the sum of eleven thousand seven hundred fourteen dollars (\$11,714), the sum of which to come from unassigned fund balance, to the Fire and Ambulance Vehicle Capital Reserve Fund, which was re-established under a change of purpose by Article 15 of the 2018 Town Meeting. Note: This is the amount transferred to the General Fund by Article 15, so there is no net impact on the tax rate if Articles 15 and 16 are adopted. (Majority vote required.)

1147  
YES ☒  
NO ☐  
382

This article is recommended by the Selectmen (3-0).  
This article is recommended by the Budget Committee (11-0).

**ARTICLE 17.** 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.)

1119  
YES ☒  
NO ☐  
443

This article is recommended by the Selectmen (3-0)  
This article is recommended by the Budget Committee. (10-0)

**ARTICLE 18.** 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.)

1266  
YES ☒  
NO ☐  
301

This article is recommended by the Selectmen (3-0)  
This article is recommended by the Budget Committee. (10-0)

**GO TO NEXT BALLOT AND CONTINUE VOTING**



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MARCH 12, 2019**

BALLOT 4 OF 6

*Dorinda M. DeCotis*  
TOWN CLERK

**ARTICLES CONTINUED**

**ARTICLE 19.** To see if the Town will vote to accept as town roads, Autumn Lane and Signature Drive in the Stoneleigh Preserve Subdivision as shown on a plan entitled "Subdivision Plan of Stoneleigh Preserve (Rye Tax Map 4, Lots 25, 27, 21 & 32) for WNRV, LLC South Road, Rye New Hampshire", recorded in the Rockingham County Registry of Deeds as Plan No. D-40857. This acceptance is conditioned upon the final approval of the Public Works Director, the Board of Selectmen and the Planning Board. The Planning Board has approved the subdivision creating Autumn Lane and Signature Drive as identified on the above-referenced plan. (Majority vote required.)

983  
YES ☒  
NO ☐  
598

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

**ARTICLE 20.** Shall the town vote to adopt the provisions of RSA 36-A:4-a, I. (a) to authorize the Conservation Commission to expend funds to purchase interests in land outside the boundaries of our municipality, subject to the approval of the local governing body?

981  
YES ☒  
NO ☐  
629

This article is recommended by the Conservation Commission.

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

**ARTICLE 21.** To see if the Town will vote pursuant to RSA 41:11-a to ratify a lease agreement negotiated by the Board of Selectmen between the Town and Cellco Partnership d/b/a Verizon Wireless for lease of an area of 10,000 square feet of town owned land Tax Map 23/Parcel 1 for use as a cell tower site and compound. The town owned parcel is  $\pm$ 14 acres in size.

1325  
YES ☒  
NO ☐  
305

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

**ARTICLE 22.** To see if the Town will vote to retain, pursuant to RSA 80:80 V, the  $\pm$ 14 acres Tax Map 23/Parcel 1, which was acquired by the Town of Rye by tax deed in 2011, for the purposes of lease of a 10,000 square feet cell tower site to Cellco Partnership d/b/a Verizon Wireless and for open space preservation and further to authorize the Board of Selectmen to convey the parcel to the Conservation Commission for open space preservation subject to the cell tower lease.

1334  
YES ☒  
NO ☐  
285

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

**ARTICLE 23.** To see if the Town will vote pursuant to RSA 674:40, to approve the Board of Selectmen's layout as a town road of a  $\pm$  75 feet long by 25 feet wide section of Starboard Way (which is currently a private way). This section of Starboard Way runs northerly from Parsons Road and includes the easterly half of the present 50 feet wide private right-of-way. The layout is necessary to allow legal access to town owned land Tax Map 23/Parcel 1 on which a cell tower site is proposed. (Majority vote required).

1265  
YES ☒  
NO ☐  
304

The Planning Board has approved this article.

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

**ARTICLE 24:** If Article 23 above is approved, to see if the Town will vote to raise and appropriate the sum of up to four thousand dollars (\$4000) for payment of any damages sustained by all owners of land taken for such road as required by RSA 231:15 which may be assessed as a result of the road layout approved by Article 23. This article is in addition to the operating budget. (Majority vote required).

1219  
YES ☒  
NO ☐  
386

This article is recommended by the Selectmen (3-0).  
This article is recommended by the Budget Committee (11-0).

**ARTICLE 25:** To see if the Town will vote in favor of the expansion of the City of Portsmouth sewer system (at no cost to the Town of Rye and pursuant to an intermunicipal agreement to be negotiated between the Rye Sewer Commission and the City of Portsmouth) in order to provide public sewer service by the City of Portsmouth from the Rye/Portsmouth boundary on Route 1 ending at the Route 1/Washington Road intersection.

1449  
YES ☒  
NO ☐  
175

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

**TURN BALLOT OVER AND CONTINUE VOTING**

## ARTICLES CONTINUED

**ARTICLE 26.** To see if the Town will vote to amend Section 11 of the Beach Ordinance as follows: (Note: New language emboldened and italicized.)

**Section 11.** Dogs are not permitted on Town Beaches before 7:00 p.m. or after 9:00 a.m. from the Saturday before Memorial Day to the first Saturday after Labor Day. The only exception will be the area between Wallis Sands State Park and Odiome State Park, where dogs and people are allowed between the hours of 6:00 a.m. and 12 midnight.

During this part of the year:

1. All dogs shall be otherwise under the control of its owner or other custodian.
2. The owner or custodian of any dog that defecates on Town of Rye beaches shall immediately remove such defecation from public property and dispose of it on their own property or otherwise properly dispose of same.
3. ***Dogs are not permitted on Town beaches on Saturdays from 7:00 p.m. until 9:00 p.m. from the Saturday before Memorial Day to the Saturday after Labor Day. The only exception will be the area between Wallis Sands State Park and Odiome State Park. This Subsection 3 shall expire on the first Sunday after Labor Day 2019.***

This article is recommended by the Dogs At Large Committee.

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

886  
YES ☒  
NO ☐  
737

**ARTICLE 27.** Shall the Town adopt the following ordinance regulating dogs in the town forest, on town beaches and town property and in other public places? (Majority vote required).

TOWN OF RYE ORDINANCE NO. \_\_\_\_  
CONTROL OF DOGS IN TOWN FOREST, ON TOWN BEACHES AND  
TOWN PROPERTY AND IN OTHER PUBLIC PLACES

1. **Applicability.** This ordinance applies to the Town Forest, Town Beaches, Town Property and other public places.
2. **Authority.** This ordinance is enacted pursuant to (1) RSA 41:11-a: Board of Selectmen's authority to manage town property; and (2) RSA 31:39, I (b): Authority of towns to make bylaws for the prevention of going at large of horses and other domestic animals in any public place in the town.
3. **Dog Control.** It shall be unlawful for any dog to run at large in the Town Forest, on Town Beaches, on Town Property or in other public places, if the dog is not under control as defined below. Any dog not under control needs to be immediately leashed.
4. **Definitions.**
  - a. "Run at Large" means the dog is off the premises of the owner or responsible party and is not under the voice control and sight control of any persons responsible for the dog.
  - b. "Voice control" of the dog means a dog returning within 3 calls to and remaining by the side of the responsible party, in response to the responsible party's command for the dog to return.
  - c. "Sight Control" of the dog means the dog always being within the sight of the responsible party.
  - d. "Responsible Party" means any person or persons accompanying a dog, whether or not said person(s) is the owner of the dog.
5. **Other Unlawful Acts.** It also shall be unlawful.
  - a. For a dog to jump on an unwelcoming party.
  - b. For a dog to show aggression to another dog and not be under voice control of the responsible party.
  - c. For a responsible party to refuse to call their dog through voice control when requested to by an authorized Town of Rye official.
6. **Enforcement.**
  - a. The animal control officer or any police officer shall have the authority to enforce this ordinance. The Board of Selectmen may empower the animal control officer to serve notice of forfeiture (citation) relating to animal control and may also empower the animal control officer to investigate all reports of violations involving animals in violation of this ordinance.
  - b. Any duly authorized officer may issue, in the name of the owner or custodian of such dog, a notice of violation for a nuisance dog pursuant to RSA 466:31, II (a).
  - c. A person found guilty of violating this ordinance shall be subject to a fine of not more than \$100 for each dog found to be in violation, not to exceed \$1000.
7. **Severability.** Should any section or provision of this regulation be held to be invalid or unconstitutional such holding shall not affect, impair or invalidate any other section or provision of this regulation, and to such end all sections and provisions of this regulation are declared to be severable.
8. **Conflicts.** To the extent this ordinance may conflict with the Town Forest Leash Ordinance, the Town Forest Leash Ordinance shall govern. To the extent this ordinance may conflict with Section 11, Part 1 of the Beach Ordinance this ordinance shall govern.
9. **Effective Date:** This ordinance shall be effective upon publication by the town clerk.

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

987  
YES ☒  
NO ☐  
712

**GO TO NEXT BALLOT AND CONTINUE VOTING**





ABSENTEE  
OFFICIAL BALLOT  
ANNUAL TOWN ELECTION  
RYE, NEW HAMPSHIRE  
MARCH 12, 2019

BALLOT 5 OF 6

*Donna M. DeCotis*  
TOWN CLERK

ARTICLES CONTINUED

**ARTICLE 28.** To see if Town will vote to adopt a Voice and Sight Control Tag Program at the Town of Rye Forest and abutting Town property, Parsons Field Conservation land, and to enact a leash law in and around the Town Forest for all dogs. The Voice and Sight Control Tag Program allows dogs to be off leash at Town Forest and abutting Town land, if the dog (s) display a participating tag and the dog (s) are under "Voice and Sight Control" of the dog (s) guardian at all times. The participating Voice and Sight Control tag signifies the dog's (s') guardian has registered in the program, has been given guidelines of program, watched the online video of what it means to control a dog (s), and the dog (s) meets vaccination requirements. The money from fees will pay for the expenses of the Voice and Sight Control Tag Program. Voice and Sight Control Tag Program expires every December 31st of each year. Voice and Sight Tag Program privileges must be renewed annually.

A guardian who participates in the Voice and Sight Control Tag Program may still be issued a violation of the rules including but not limited to the following infractions:

- The dog guardian is walking more than three dogs
- The dog guardian is not carrying a leash for each dog and dog waste bag (s)
- The dog guardian fails to display a voice and sight tag on dog
- The dog guardian has a dog under voice and sight control and is not registered in the Voice and Sight Tag Control Program
- The dog is not within the guardian's sight and under voice control at all times
- The dog does not come to and stay with guardian immediately after (3) requests by guardian
- The dog jumps on, charges, chases or otherwise displays aggression toward any person, or behaves in a way that any reasonable person may find harassing or disturbing
- The dog charges, chases or otherwise displays aggression toward any dog or person
- The dog chases, harasses or disturbs wildlife or livestock
- The dog is on private property without permission of the landowner
- The dog guardian does not carry dog waste bags and does not immediately pick up their dog's waste, carry it with them (does not leave it to be pick up at later time) and dispose waste in waste can (at home)

Dog is automatically defined as out of control and in violation of this Ordinance if dog (1.) is on private property without permission, (2.) jumps or knocks down an unwelcoming person, (3.) fights with or shows aggression to another dog(s), (4.) A responsible party refuses to attempt to call their dog (s) when requested by an authorized Rye official is automatically in violation of this Ordinance.

Penalties

Offenses related to not meeting the requirements of the Voice and Sight Tag Program, off-leash or voice and sight control violations, and dog at large circumstances are subject to a maximum penalty first violation of up to \$100.00 and/or loss of one year of Voice and Sight Tag Program privileges for the dog and its guardian. For a second violation, the maximum penalty is a fine of up to \$200.00 and/or loss of one year of Voice and Sight Tag program privileges for the dog and its guardian. A third violation will result in a fine of up to \$300.00 and/or a permanent loss of Voice and Sight Tag Program privileges for the dog and its guardian. Additional fines may be applied \$50.00 up to \$1,000.00 for dog waste violations.

To the extent the Voice and Sight Control Programs conflicts with the Ordinance on Control of Dogs in Town Forest, on Town Beaches and Town Property and in Other Public Places, (Article 27 if enacted), the Voice and Sight Control Tag Program shall govern.

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

782  
YES ☒  
NO ☐  
853

TURN BALLOT OVER AND CONTINUE VOTING

## ARTICLES CONTINUED

**ARTICLE 29. (By Petition)** To see if the Town will vote to amend Ordinance #3 Skateboard, Roller Skate, Bicycle, Pedestrian Regulations as follows (changes illustrated in **bold/italic/underlined font**):

SKATEBOARD, ~~ROLLER SKATE~~ ROLLERBLADING/IN-LINE SKATING BICYCLE AND PEDESTRIAN REGULATIONS

1. Skateboards ~~and Roller Skates~~. The use of skateboards ~~and roller skates~~ on all public highways, sidewalks and commons within the Town of Rye is prohibited, provided however, that the Chief of Police with advice and consent of the Selectmen, may designate certain streets, roads and ways upon which the use of skateboards ~~and roller skates~~ may be permitted.

2. Bicycles. Any person propelling a bicycle on any public highway shall ride single file and shall ride as near to the right side of the road as practical.

3. Pedestrians. Any person running, jogging or walking on the traveled way of any public two-way highway, shall run, jog or walk single file and shall do so as near to the left side of the roadway as practical.

**4. Rollerblading/in-line skating. Any person rollerblading/in-line skating, on the traveled way of any public two-way highway, shall do so single file and as near to the left side of the roadway as practical.**

5. Violation of this regulation shall subject the person convicted to the maximum penalty provided for violation of Town Ordinance provided that person be over the age of seventeen (17) years. For the first violation of this regulation by any child seventeen (17) years of age or under, the parents or guardian of such child shall be notified. Upon any subsequent violation, the parents or guardians of such child shall be guilty of a violation as defined by the New Hampshire Revised Statutes Annotated.

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

1139  
YES ☒  
NO ☐  
465

**ARTICLE 30. (By Petition)** To see if the Town will vote to establish a committee in accordance with the 2006 Master Plan vision. Such committee, under the guidance of a telecommunications consultant, will be charged with developing a plan to investigate and identify types of telecommunications infrastructure which will eliminate basic text and voice cellular dead spots throughout the Town of Rye. The plan will identify and rank potential locations for such infrastructure, listing pros and cons and identifying specific town actions that will ease the burden for infrastructure approvals, deployment and maintenance.

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

1270  
YES ☒  
NO ☐  
319

**ARTICLE 31. (By Petition)** To see if the Town will vote 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 is recommended by the Selectmen (3-0)

999  
YES ☒  
NO ☐  
590

**ARTICLE 32. (By Petition)** Establishment of Clean Fill/soil standards within the Town of Rye, which are protective of human health.

To see if the Town will request the Rye Planning Board to study the use of fill to facilitate construction of new buildings (commercial or residential) or otherwise used in the Town of Rye and draft a Clean Fill/Soil standard which is protective of human health. The Planning Board will recognize the many issues of cost, testing parameters, enforcement, etc. in their study and if appropriate will bring it for possible implementation in 2020.

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

1194  
YES ☒  
NO ☐  
369

**ARTICLE 33. (By Petition)** Shall the Town of Rye increase parking fines in Resident Only Permit Parking areas, from \$50.00 to \$100.00? To increase fines in all NO PARKING areas from \$30.00 to \$50.00. This warrant article is recommended by the Rye Beach Committee.

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

1210  
YES ☒  
NO ☐  
388

**ARTICLE 34. (By Petition)** Shall the Town of Rye make the Rye Beach Committee a selectmen's committee in 2019 to continue to provide advice on town beaches working with municipal town departments to include: Police, Fire and DPW as well as the select board to vet all issues regarding Rye beaches? To recommend best beach practices for safety, conservation per the Rye Master Plan, environmental soundness in compliance with NH DES, State and Federal impact law and recommendations by these agencies. The Selectmen shall develop a plan to make the Committee a standing committee commencing in 2020.

The Beach Committee is due to sunset March 31, 2019.  
This warrant article is recommended by the Rye Beach Committee.

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

1270  
YES ☒  
NO ☐  
316

**GO TO NEXT BALLOT AND CONTINUE VOTING**



ABSENTEE  
OFFICIAL BALLOT  
ANNUAL TOWN ELECTION  
RYE, NEW HAMPSHIRE  
MARCH 12, 2019

BALLOT 6 OF 6

*Roxanne DeCotis*  
TOWN CLERK

ARTICLES CONTINUED

**ARTICLE 35. (By Petition)** In order to comply with New Hampshire Department of Environmental Service regulations, uphold sound beach management and environmental practices, preserve the adjoining Eel Pond wetlands, and maintain the natural aesthetic beauty of the Sawyers Beach conservation land, shall the Town prohibit the placement of portable toilets (Porta Potties) at Sawyers Beach? Nothing herein shall affect the existing portable toilets at Cable Rd. Extension or Wallis Rd. Extension. This article is recommended by the Beach Committee.

This article is recommended by the Selectmen (2-0)

1209  
YES ☒  
NO ☐  
404

**ARTICLE 36. (By Petition)** Shall the Town of Rye investigate, through the State of New Hampshire Department of Transportation, ways of legally restricting parking of large campers and Recreational Vehicles along portions of Route 1A in Rye, the parking of which currently pose safety issues along this corridor? This article is recommended by the Rye Beach Committee.

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

1265  
YES ☒  
NO ☐  
361

**ARTICLE 37.** 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 2019.

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

1539  
YES ☒  
NO ☐  
91

YOU HAVE NOW COMPLETED VOTING THIS BALLOT