

**RYE PLANNING BOARD
LONG RANGE PLANNING COMMITTEE
Land Development Regulations
Public Forum
Tuesday, September 24, 2019
6:30 p.m. – Rye Town Hall**

Present: LRP Chair Steve Carter, Patricia Losik, JM Lord, Jeffrey Quinn, Katy Sherman, Jim Finn and Selectmen's Rep Bill Epperson

Others Present: Julie LaBranche, Rockingham Planning Commission, and Planning/Zoning Administrator Kim Reed

I. Call to Order

Chair Carter called the meeting to order at 6:30 p.m.

II. Presentation of the Land Development Regulations rewrite

Members of the Long Range Planning Committee

- **Chair Steve Carter**
- **Katy Sherman**
- **Tim Durkin**

Planning Administrator Kim Reed explained that the committee has been working on a complete rewrite of the Land Development Regulations (LDR) since 2018. The LDR was written in the 60's and early 70's and has been added onto over the years. She noted that technology has changed significantly, since that time. A couple of years ago, she went to the Planning Board to discuss the rewrite and got their support. She sought out the money through the Capital Improvements Plan (CIP), as well as the Selectmen. In 2018, the Selectmen gave their approval to move forward. The funds were secured to work with Rockingham Planning Commission (RPC) and work began last September. She continued that the draft update has been available to the Planning Board members and the public since July. The purpose of the public forum is to review what was done in the past, where it is presently and where it will be going in the future. After the presentation, any questions or comments from the board or the public are welcome; however, there will be a cutoff date for those comments. The committee will work on a final draft with Ms. LaBranche. The final draft is intended to be presented to the full Planning Board in November with the goal of a public hearing in December. She explained the LDR is adopted by the Planning Board and does not have to go on a warrant article.

Julie LaBranche, Rockingham Planning Commission, thanked the LRP Committee for their diligent work. The committee has met monthly since last year, sometimes twice in a month. She continued that the public forum is part of the overall outreach plan for the update of the LDR document. Comments are being accepted and have been open to the public since July. The comment period will probably close in October. A public hearing will be held to adopt the update to the regulations.

Ms. LaBranche noted that she will be reviewing at this meeting the update of the plan, update process and major revisions of the document. She will also go over the reorganization of the document. She explained that securing the funding for this project, was a multi-year effort and involved many different entities. In the spring of 2017, Mrs. Reed spoke with RPC about the possibility of updating the regulations. A preliminary estimate was presented in the fall of 2017 and it was added to the CIP. The budget was adjusted for a \$23,000 contract, which was approved by the Selectmen, Planning Board and Budget Committee. It then moved forward in the budget for the town meeting of 2018.

Mrs. Reed noted that this particular public forum was requested by the public and was made part of the RPC agreement.

Ms. LaBranche continued that Mrs. Reed met with RPC a second time and negotiated a contract for \$22,000. The contract for the work was signed in 2018. There was quite a process to get the project approved, negotiated and funded. She further explained this is a Planning Board initiative. The board has the sole authority to adopt regulations for site plan review and subdivisions. The Planning Board propagates those updates and adopts them with a public hearing, which requires a notice and posting. She noted that she was the staff person from RPC assigned to work with the LRP Committee to update the document. The work began in 2018 with monthly meetings with the committee being scheduled. The work started with reviewing, revising and reorganizing some of the existing sections. The committee then went on to develop new content.

Ms. LaBranche reviewed the reorganization and update to the LDR:

- Section 300 and 400, addressing application types, application requirements, submissions, timeframes and plan requirements, were in two different sections. Those two sections were collapsed into one section.
 - Site plan review applications deals with non-residential developments and multi-family development.
 - Subdivision covers the subdivision of land for two lots or greater. There are minor and major categories of subdivision. Minor would be for three or less lots. Anything greater than three lots would be a major subdivision.
- Updated all state and local requirements, along with adding “as amended” to the document to address future changes.
- Document was reorganized for ease of use.
- The EPA MS-4 Permit requirements were reviewed for compliance. Elements that the Planning Board is responsible for were dovetailed into the LDR, which included the adoption of Erosion and Sediment Control Regulations and Illicit Discharge Detection Elimination. New stormwater regulations were also included in the update (Year 2 of MS-4 Permit).
- Several new content areas were located and moved into the appendices, with a reference in the main body of the document, because of their length.
- All standards related to street design and construction of streets was consolidated into Section 604.

- New content areas added:
 - Construction Site Runoff – Erosion and Sediment Control (Section 608 and Appendix B) – Required for MS-4 Permit.
 - Two future elements of the permit:
 - Standards to permit green infrastructure.
 - Strategies to reduce impervious coverage.
 - Post-Construction Stormwater Management (Section 609 and Appendix C) – Southeast Watershed Alliance model was used.
 - Outdoor Lighting Standards (Section 611 and Appendix D) – Addresses commercial and new subdivision lighting.
 - Landscaping Standards (Section 612 and Appendix E) – Control of invasive species on construction and development sites was also incorporated.
 - Coastal Climate Adaptation and Resilience Standards (Section 613) – Guidelines for creating new subdivision lots, siting the lots and septic systems.

Ms. LaBranche noted that once the document gets to a final draft, it will be reformatted and redesigned. Public comment period has been open since July and will continue through to October. The Planning Board will receive the proposed final draft in November. The Board can then decide to take it to a public hearing in December or January. The ultimate action is the adoption of the new Land Development Regulations document. Once the LDR is adopted, it will be posted to the town's website with printed copies being distributed to applicants.

III. Discussion with the Planning Board

The Board discussed their thoughts on the update with Ms. LaBranche.

Pat Losik stated the appendices are very well done. They will be a great tool for the Planning Board, the applicants and the public to use.

Ms. LaBranche reminded the Board that these are regulations and they have the authority to grant waivers. There are exceptions to all regulations and rules where something just does not apply or there is a better way.

Selectman Epperson stated that as much ambiguity should be taken out of this process as possible. If the regulations are accurate and fair, there is less opportunity for someone to get relief from them. He continued that it should not be so onerous that it prohibits someone from building anywhere in town.

JM Lord asked how accurate and fair would be defined.

Selectman Epperson stated that developers come in and want everything they can get onto a site. The Planning Board has pushed back on that sufficiently to make sure the population and land is protected, as best as possible, without infringing on the rights of the owner of the land.

Pat Losik noted that Appendix C and Section 609 relates to MS-4 and the AOT language. A lot of this the town is already doing. Some of the things that the town has been doing are now codified.

JM Lord asked how the regulations compare to other communities.

Ms. LaBranche replied that the regulations are on par with communities such as, Portsmouth, Exeter, Durham and Hampton. She explained that most towns have adopted some manner of aquifer protection. There are some elements that are stronger in other communities because of the need.

Selectman Epperson commended the work of Ms. LaBranche and the committee. He finds the appendix to be a helpful addition.

Chair Carter noted that a lot of the things that were added are already being done by the DPW Director or the Building Inspector. This is not adding a lot of work that isn't already there.

Jeffrey Quinn asked what the procedure is for amending the LDR in the future.

Mrs. Reed explained that the Planning Board can amend the document at any time. The amendment that is being proposed would be discussed by the Board. It would then be scheduled for a public hearing, upon majority vote, with it being noticed prior to the meeting. The amendment to the LDR would be discussed. If there are any substantial changes, it would be continued to the next meeting. If there are no substantial changes, the Board can adopt that change, which would become effective upon adoption by majority vote.

There was some discussion about the wording and formatting of the document. There was also discussion on the new engineering standard for colored plan sets.

IV. Public Comment

No members of the public present.

Adjournment

Motion by Pat Losik to adjourn at 7:58 p.m. Seconded by JM Lord. All in favor.

Respectfully Submitted,
Dyana F. Ledger

Rye Land Development Regulations 2019 Comprehensive Update

PUBLIC WORKSHOP - SEPTEMBER 24, 2019

**Julie LaBranche
RPC Senior Planner**

**Rye Long Range Planning Committee,
Kim Reed - Planning & Zoning
Administrator**

COCKINGHAM PLANNING COMMISSION

Welcome and Thank You for attending!

Public Workshop – part of public outreach plan

Overview of the update plan

Overview of the update process

Review of major revisions and new content

Comments and Questions

Where this all began...

Began discussions with RPC in Spring of 2017 about LDR update

K. Reed presented a preliminary estimate to Selectmen, September 2017
Budget was adjusted to \$23,000 and added to the CIP

K. Reed met with Selectmen and Budget Committee for approval of
\$23,000 budget

2017: K Reed met with Planning Board September, Selectmen October
and Budget Committee in November to get approval to move forward

K. Reed met with RPC in 2018 to negotiate a new contract budget of
\$22,000

Project budget was added to the CIP for 2018

Town signed contract with RPC in September 2018

Update Overview: Land Development Regulations

Planning Board initiative

Contract with Rockingham Planning Commission

Lead by Long Range Planning Committee and Kim Reed,
Planning & Zoning Administrator

Began work October 2018

Worked on individual sections, developed content for new
sections

Reorganized document, produced 1st draft January 2019

Update Overview: Land Development Regulations

Reorganize the document for ease of use

Update outdated references to state and local requirements

New Content Areas

Required elements for EPA MS4 Permit compliance

Reformat and redesign the document

Public comment period and public information workshop

Public hearing with the Planning Board

Adoption of the new LDR's

Update Overview: Land Development Regulations

Reorganize the document for ease of use

- Section 300 Application Procedures and Submission Requirements and Section 400 Required Submittals were combined
- Several new content areas located in the Appendices
- All standards related to street design and construction consolidated into Section 604

Update Overview: Land Development Regulations

Update outdated references to state and local requirements

- **NH Department of Environmental Services permitting and program references**
- **RSA statute references**
- **Technical document references (soil based lot sizing, NHDES Stormwater Manual Volume II)**

Update Overview: Land Development Regulations

New Content Areas Added

- Construction Site Runoff – Erosion and Sediment Control (Section 608 and Appendix B)
- Post-Construction Stormwater Management (Section 609 and Appendix C)
- Outdoor Lighting Standards (Section 611 and Appendix D)
- Landscaping Standards (Section 612 and Appendix E)
- Coastal Climate Adaptation and Resilience Standards (Section 613)

Update Overview: Land Development Regulations

Required elements for EPA MS4 Permit compliance

- Construction Site Runoff – Erosion and Sediment Control (Section 608 and Appendix B)
- Post-Construction Stormwater Management (Section 609 and Appendix C)

Future content may be added within 5-year permit term –

- *standards to permit green infrastructure*
- *strategies to reduce impervious cover*

Update Overview: Land Development Regulations

Reformat and redesign the document

- Final draft before Planning Board public hearing

Public comment period and public information workshop

- Public comment open from July – October 2019

- *Public Workshop tonight*

Public hearing with the Planning Board

- Planning Board public hearing in December 2019/January 2020

Adoption of the new LDR's

- Posted to website, printed copies, distribute to applicants

Update Overview: Land Development Regulations

Comments on document format

Comments on document reorganization

Comments on new content areas

Comments/Questions about adoption process and timeline

Other Comments or Questions?

- Written or email comments accepted through October 31, 2019
- Submit to Julie LaBranche at RPC (see last slide for contact info)

Questions?

Julie LaBranche, Senior Planner

labranche@rpc-nh.org | 603-658-0522

Rockingham Planning Commission

156 Water Street | Exeter, NH 03833

603-778-0885 | www.rpc-nh.org

