

**TOWN OF RYE - PLANNING BOARD  
MEETING  
Tuesday, December 4, 2018, 7:00 p.m.  
Rye Town Hall**

***Planning Board Members Present: Chairman Bill Epperson, Vice-Chair Patricia Losik, J.M. Lord, Jeffrey Quinn, Jerry Gittlein, Steve Carter, Selectmen's Rep Priscilla Jenness, Alternates Nicole Paul and Katy Sherman.***

***Others Present: Planning & Zoning Administrator Kimberly Reed***

**I. Call to order and Pledge of Allegiance**

Chairman Epperson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

**II. Public Hearings on Zoning Amendments:**

- **Petition to amend RZO Section 505.3 Wireless to add Tax Map 23/Lot 1**

TOWN OF RYE BOARD OF SELECTMEN  
PETITION TO AMEND RYE ZONING ORDINANCE

Pursuant to RSA 675:3, we the undersigned members of the Town of Rye Board of Selectmen hereby petition the following zoning amendment onto the March 12, 2019 Town Warrant and Ballot. We request that the planning board hold the required public hearing on this amendment.

Text of Amendment

Amend Rye Zoning Ordinance Section 505.3 Wireless Telecommunications Facilities District and Map to add the following parcel to the district.

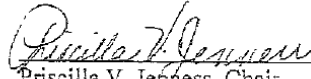
Tax Map 23/Lot 1  
Location: 0 Port Way.  
Owner: Town of Rye  
Present Use: Vacant  
Area: ±14 Acres

Explanation


*Wireless carriers have indicated that this parcel is a technically feasible location for a wireless telecommunications cell tower which would provide improved cellular service to the northeastern corner of Rye, including residences along portions of Brackett Road, Sagamore Road, Parsons Road, Clark Road and Ocean Boulevard; Odiorne State Park; and Wallis Sands State Beach.*

Date: November 12, 2018

RYE BOARD OF SELECTMEN

  
Priscilla V. Jenness, Chair

Philip D. Winslow, Vice-Chair

  
Kerriann Roman, Selectman

Chairman Epperson noted that the petitions were given to the Planning Board by the Selectmen. The amendment cannot be amended and has to remain as written. The Planning Board is required to have a public hearing. The Board can disapprove it or approve it with no changes whatsoever. If the Board approves it, the amendment will go on the ballot with a recommendation from the Planning Board. Either way, it will still go on the ballot in March.

The first petition is for the inclusion of 0 Port Way to the Wireless Telecommunications Facilities District and Map (RZO Section 505.3). This property has been identified by Verizon as a possible replacement for the 120 Brackett Road parcel, which has been a proposal Verizon has been working for over a year.

Chairman Epperson read part of the public statement made by Selectman Chair Priscilla Jenness at their November 12, 2018 Board of Selectmen's Meeting. (*Please see BOS meeting minutes 11/12/18 for complete statement.*)

*The Selectmen believe a tower on the town parcel is a much better alternative than a tower at 120 Brackett Road. It will be more than 800 feet from the nearest residence on Holland Drive and more than 1,000 feet from the nearest residences on Parson's Road. This compares to five residences within 300 feet of the Brackett Road tower. The Selectmen also believe that it will be less visually obtrusive than the tower proposed for 120 Brackett Road. Additionally, town taxpayers will benefit from the lease revenue and first responders will have improved communication capabilities in the northeast part of town.*

Chairman Epperson opened to the Board for comments.

Vice-Chair Losik submitted a printed map from the GIS (Geographical Information System) showing the parcel and surrounding properties. *(Please see attached map #1.)*

Hearing no comments from the Board, Chairman Epperson opened for public comment at 7:04 p.m.

**Michelle Tyminski, 121 Parson's Road**, stated that the Town of Rye has spent a lot of money on developing its Master Plan. The Master Plan addresses conservation land quite a bit. One of the things identified in the Master Plan is the State Coastal Program, which lists the Fairhill White Cedar Swamp as an area of importance with the highest concentration of conservation land in the Town of Rye. *(She submitted copies of the Master Plan map and parcel information to the Board. Please see attached maps & info #2, 3 & 4.)* She noted that the area is made up of about twenty-three contiguous properties, with eight being town owned conservation properties. In looking at what is being done, it is really spot zoning because the town is treating this one particular piece in the middle differently than all the other properties surrounding it. There are 150.55 acres of town land. There are three private conservation pieces which amount to approximately 33.3 acres. There are eight parcels of State conservation land which amount to 338 acres. She reiterated that this would be inconsistent with the other properties surrounding this area and could be considered spot zoning.

Chairman Epperson commented that it should be acknowledged that the cell service in town certainly needs help.

Ms. Tyminski agreed. She pointed out that the Master Plan has addressed that as well. She thinks that the town needs to create a committee to look at this issue and come up with some alternative plans to recommend to the select board. This issue needs to be addressed in the town; however, this is not the appropriate location.

**Jeff Knapp, Parson's Road**, asked how often the Zoning Board will rezone property, especially in a residential neighborhood. In looking at the Wireless Ordinance, there have been four parcels added to it since its inception. The town is 8 miles long. If this proposal goes through and there is another tower, according to some of the experts, the lady on Baker Avenue still won't get a cell signal. Are they going to come back to "nibble" again to have one at Rye Rec or at Rye Harbor. Should there be a plan for the whole town to solve this problem? Could there be a small cell unit (MAS System) that would allow a wireless carrier to go down any street in any neighborhood? Spot zoning in a conservation area is the wrong thing to do and will not solve the whole wireless problem.

Mr. Knapp stated that in a 1500ft loop, there are nineteen residences that are impacted by the cell tower on Brackett Road. If the cell tower is located on the back end of the town land, there are over seventy residences within a 1500ft loop. He continued there is no guarantee as to where the cell tower would be located on the 14 acres. There are two locations where it could be placed. One is too close to houses and the other is going to involve some wetlands. This may not be the best solution to this problem.

**Steven Borne, 431 Brackett Road**, requested the Planning Board not approve this amendment on the grounds of lack of planning. He thinks everyone agrees a cell tower is needed. The Master Plan says it should be done. However, the town has not figured out where those cell towers need to be. He thinks it would be irresponsible for the Planning Board to approve something without the ability to say “this is the best place in that area for a cell tower to be”. Once the town has the information and if it turns out this is the best place, he would support it completely. However, he finds it hard to believe that this is the best place. A number of people went to the Selectmen’s meeting. Two people who are in the telecommunications industry said they would be willing to work on a committee. This is work that should have been done a long time ago. He urges the Planning Board to not approve this and work with the town to come up with a plan. As representatives for all the residents, the most appropriate thing to do would be to not approve this and work on finding the best locations so everyone can move forward together.

Chairman Epperson noted that the town is up against a federally mandated law; 1996 Communications Law. It gives Verizon, and all other carriers, a broad spectrum of what they need to do inside a town. The 120 Brackett Road site was identified as one of the best places they could put a tower. This was absolutely unacceptable to a lot of people for an awful lot of reasons. Due diligence was done to figure out where the best place was in town that would fit Verizon’s search ring. They have identified a search ring and anything outside that search ring is unacceptable to them. If the town says “no”, it will go to court and the town may or may not win. If the town loses, it goes back to 120 Brackett Road and that would be where the cell tower would go.

Mr. Borne stated that he is aware of those issues. He has spent a lot of time having personal meetings with the engineers to try to understand why the search ring is where it is and whether it was a business issue. The regulation that was cited is about cell coverage. The best thing to do is to move as quickly as possible to determine the top locations in the area. The town should be saying where the cell towers should be going. It should not be driven by one company’s search ring, which is driven by the business issue. He finds it hard to believe that a judge would side against a town that is working diligently to find all the places in town.

**Kathy McCabe, 135 Brackett Road**, stated that there is no harm in moving this forward because ultimately the town is going to be voting on it. There is risk in saying “the courts will support us”. Case law is replete with siding on a more favorable stance with the cell phone companies. There is risk in doing nothing or saying “no”. There is also significant risk for people who live within the fall zone of 120 Brackett Road. There is significant risk with not putting it on a town owned parcel because of the Middle Class Reform Act, which allows for extensive expansion on non-town owned property where it would be limited on town owned property so there would be control and planning. While she thinks that everyone would benefit by better planning, the town is in a position where they have to deal with facts. The town has an opportunity to keep this from being on a State road, which is going to be in the fall zone for two pieces of property 50ft from the road.

**Peter Crawford, 171 Brackett Road**, stated that he lives close to 120 Brackett Road. Ironically, he probably would not be able to see a tower there but would be able to see a tower on Port Way. He would still support a tower on Port Way over Brackett Road because it will be much less visible to most people. He continued that there are two sites that are being discussed. One is at the end of Holland Drive next to Port Way. He does not think that is an acceptable site for the residents around that property as it would be highly visible. The other site is further back towards the property line of the Condon property. There are possible wetlands in this area; however, there does not seem to be significant wetlands until the Condon property. The location at the back of the property, the compound and the lower part of the tower would be completely invisible to any resident of Rye. The upper part of the tower, above the balloon line, would be visible to some residents. It would depend on the distance and the amount of trees on the person's property. He pointed out that it won't be known until a balloon test is done. He continued that there has been a lack of planning for twenty-five years. The Grove Road tower came up in 1993. The town should have realized at that point that there were not adequate district overlay locations in Rye and something should have been done. Once negotiations started with Verizon and the town moves in that direction, if this all falls apart because the Planning Board said don't vote for it and it gets voted down, the town's legal position will be much weaker. The town has a strong legal position now because nothing has been turned down. Once the town says "no", the town's position becomes worse. With some reluctance, he thinks the town needs to move forward on this. He would also encourage looking at other sites that could go in the overlay district. He thinks the other sites that should be considered are the Thiel and Roper properties. There is a chance to look at multiple opportunities and decide as a town.

Chairman Epperson agreed that there needs to be significant brainstorming and planning for the town's future because this will not be the last cell tower proposal.

**Diane Mason, 115 Brackett Road**, noted that she lives in one of the houses that the cell tower would fall on if it were located at 120 Brackett Road.

**Murray Mason, 115 Brackett Road**, stated that they have been living with this since last December. The boards have been great. There has been a lot of criticism, which has been heard at this meeting. The way things were done on the Grove Road site were pretty good. It was a good outcome. Brackett Road is not a good outcome. Maybe something on Port Way could be a good outcome.

Speaking to Selectmen's Rep Jenness, Chairman Epperson asked if she has any comments.

Selectmen's Rep Jenness stated that they have set up the arrangements as best as they can for both the town and the people who will be closest to it.

Chairman Epperson noted for the record that the Planning Board is not privy to negotiations that are taking place with Verizon.

**Mike Thiel, 34 Brackett Road**, stated that he supports Port Way. It is probably the second best location in the area that Verizon wants to cover. He commented that his property is probably the best but he is not particularly interested in having it on his land. He would rather see the town get the revenue.

Hearing no further comments regarding the petitioned amendment, Chairman Epperson closed the public hearing at 7:28 p.m. and opened to the Board for discussion.

Member Quinn stated that he was pleased to see in the recent town newsletter that the Selectmen are taking some steps towards planning in terms of this issue. He agrees with Mr. Borne that one should try to solve a problem with as much information as possible. There are two points of view. The best places in town for cell phone coverage needs to be established. There may be people who may or may not live close by those places that get identified. Depending on where those are, it could be a battle nonetheless. Speaking to Selectman Jenness, he asked if the Selectmen have any idea of how long it would take a task force to identify locations in town that would benefit the whole town.

Selectmen's Rep Jenness replied that in regards to searching for places, there have been groups in the past who have done just that. There are many restrictions on some of the conservation parcels that would not allow a cell tower.

Member Quinn commented that he would be inclined to vote to bring this amendment forward to town warrant.

Vice-Chair Losik stated that she appreciates Mr. Borne's comments about moving as quickly as possible to plan. That is a great goal; however, planning is always a lengthy process. She thinks the thought is noble that the court would find for the town if an extreme amount of diligence could be shown towards the planning process. She is not sure how that would pan out. Given the preferred characteristics of 0 Port Way over Brackett Road, which was stated in the Selectmen's November 12<sup>th</sup> statement, she thinks it would be prudent for the Board to put it for a vote by the town. The map that was sent around from the GIS shows a modest amount of wetlands on 0 Port Way. Mr. Crawford spoke well on the lack of planning. In laying out the Wireless Communications District, as the telecommunications industry has grown and changed vastly in the past twenty-five years, the town did not keep pace in planning for that. She noted that the one on Grove Road was controversial at the time as well; however, it was in response to what was needed for providing communication at that point. Her sense is the Board should move this to the warrant.

Member Carter stated that there is a need of a cell tower in this part of town. From what he has heard from the experts, the small towers don't do it. They distribute it once there is a cell tower but they don't necessarily do the whole job. The town needs a spot and this is a very good spot to add to the overlay district.

Selectmen's Rep Jenness stated that she believes that both Mr. Crawford and Mr. Borne said that that there were other types of technology that could fill in the gaps; the small cells on individual telephone poles. In looking into this, it would not suit Rye on a large scale. It may be fine for

filling in little pockets in-between other cell towers but it is not an answer to what Rye needs at this time.

Member Lord stated that Vice-Chair Losik and Member Carter make very good points. He agrees that this is a good location. He also agrees they should start planning for the future. It would be a good idea to know where the town is going.

Chairman Epperson called for a vote to move the petitioned amendment to the town warrant.  
**So moved by Patricia Losik. Seconded by Steve Carter. All in favor.**

Chairman Epperson stated that he sincerely hopes that there is a consensus to support this particular warrant. It is needed, has been well thought out and vetted more than once. He asked for a vote to approve or disapprove the warrant.

**Motion by J.M. Lord to approve the petitioned amendment to add Tax Map 23/Lot 1 to RZO Section 505.3. Seconded by Patricia Losik. All in favor. Vote: 7-0-0**

- **Petition to amend RZO Section 505.3 Wireless to add Tax Map 23/Lot 2**

TOWN OF RYE BOARD OF SELECTMEN

PETITION TO AMEND RYE ZONING ORDINANCE

Pursuant to RSA 675:3, we the undersigned members of the Town of Rye Board of Selectmen hereby petition the following zoning amendment onto the March 12, 2019 Town Warrant and Ballot. We request that the planning board hold the required public hearing on this amendment.

Text of Amendment

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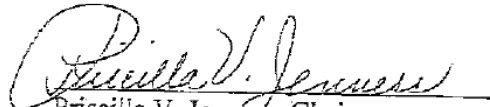
Tax Map 23/Lot 2  
Location: ± 400 feet off end of Port Way  
Owner: Nancy J. Condon Family Trust  
Present Use: Vacant  
Area: ±18.5 Acres

Explanation


*Wireless carriers have indicated that this parcel is a technically feasible location for a wireless telecommunications cell tower which would provide improved cellular service to the northeastern corner of Rye, including residences along portions of Brackett Road, Sagamore Road, Parsons Road, Clark Road and Ocean Boulevard; Odiorne State Park; and Wallis Sands State Beach.*

Date: November 12, 2018

RYE BOARD OF SELECTMEN

  
Priscilla V. Jenness, Chair

Philip D. Winslow, Vice-Chair

  
Keriann Roman, Selectman

Chairman Epperson stated that in light of the on-going negotiations, the town attorney has recommended to the Planning Board to table discussion on this amendment until January 8<sup>th</sup>.

Member Quinn commented that the Board should concur with the recommendations of counsel.

The Board agreed.

Chairman Epperson opened for public comment.

Mr. Crawford pointed out that if this is also on the warrant it might divide the vote.

Mr. Borne asked the pros and cons of the two properties.

Chairman Epperson stated that negotiations are going forward. The Planning Board has not been involved in the negotiations; only the Selectmen, attorneys and Verizon. He commented that he is satisfied that a process is moving forward that is favorable to the town. He closed public comment at 7:44 p.m.

**Motion by Patricia Losik to table the decision on the petitioned amendment for the Condon property until January 8, 2019. Seconded by J.M. Lord. All in favor. Vote: 7-0-0**



- **2019-02 Re: Frontage**

Revised 10-18-18

RYE PLANNING BOARD  
PROPOSED ZONING ORDINANCE AMENDMENT 2019-02

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."*

Vice-Chair Losik explained that the Rules and Regulations Committee started meeting this year on July 25<sup>th</sup>. The committee looks at any concerns and proposals regarding zoning ordinances, the building codes and Land Development Regulations, which come from a variety of places; including the Planning Board, public and various departments within the town. The committee discusses the concerns, listens to the public and looks at more information to help resolve issues. This year the committee looked at frontage, access to lots and the related issues. The committee looked at the cases that involved frontage and access to lots. The committee considered the implications of not changing the language to come up with recommendations.

Vice-Chair Losik reviewed the changes being proposed for frontage.

At 7:50 p.m., Chairman Epperson opened to the public for comments.

Mr. Crawford asked if “continuous” means that it is no longer continuous if it turns a corner. He noted that a corner lot could be argued that it is continuous if it goes around a corner not on an intersection. (He referenced a lot on Hunterville and another on Central Road with Cable and Central.)

Vice-Chair Losik stated that she does not disagree that it could be continuous but she would say they are three sided lots with one frontage.

Alternate Paul stated that corner lots fall into a different definition.

Mr. Crawford stated that there is a definition of frontage that talks about continuous. He asked if it says where it stops if it is a lot that goes around a curve or a ninety degree angle. It doesn't say it stops at the corner so arguably it is continuous. He does not think the intent is to add the frontage on two streets. He is not sure this amendment is clear.

Member Quinn explained the intent is that frontage cannot be interrupted and picked up again somewhere else because of the way the property is configured.

Alternate Paul stated that corner lots are in a separate section of the ordinance. That section specifically deals with frontage on corner lots.

Mr. Crawford stated that in talking about frontage, maybe it ought to specifically say in the definition of frontage that it should be on the street that keeps the same name.

Mr. Borne spoke in regards to definitions of frontage.

Chairman Epperson stated that there have been cases where they have taken the front and the back and called that frontage. There have been two cases in the last five years, which have resulted in relief from the ZBA after the Planning Board voted it down. The ZBA did their due diligence and said that because the way it is written it was right. They have no jurisdiction to turn it down if the applicant can prove to them that the definition is in error.

There was more discussion on frontage for lots on a corner.

Hearing no further comments from the public, Chairman Epperson closed the public hearing at 8:01 p.m.

**Motion by J.M. Lord to move Proposed Zoning Amendment 2019-02 to the town warrant. Seconded by Jeffrey Quinn. All in favor. Vote: 7-0-0**

- **2019-03 Re: Access to Lots**

RYE PLANNING BOARD  
PROPOSED ZONING ORDINANCE AMENDMENT 2019-03

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.*

Vice-Chair Losik reviewed the proposed amendments to Section 202.14; Access to Lots.

At 8:06 p.m., Chairman Epperson opened to the public for comments.

Mr. Crawford commented this is long overdue and should have been done after Marjorie Way. He noted that “driveway” is defined by the LDR. He suggested that the definition be added to the zoning ordinance, rather than referring to the LDR.

Vice-Chair Losik stated if the Board wants to go that route, she does not have an issue with that suggestion.

Alternate Paul stated she would keep it consistent so there is no conflict.

Vice-Chair Losik noted that the Rules and Regs Committee will do this at their next meeting on the 19<sup>th</sup>.

Mr. Crawford asked if it would be clearer to say; “access to a lot shall be by a driveway across frontage”, rather than saying “from frontage”.

Vice-Chair Losik stated that “from” indicates that it is coming out of that land. The driveway is being born out of the frontage that meets the minimum requirements.

Mr. Crawford stated it seems more natural to say “across” or “over”. Frontage is a dividing line between the lot and the road. It is kind of saying “from” a line, rather than “across” a line.

It was the consensus of the Board to leave the proposed amendment for ‘Access to Lots’ as presented with the word “from”.

Hearing no further comments from the public, Chairman Epperson closed the public hearing at 8:13 p.m.

**Motion by J.M. Lord to move Proposed Zoning Amendment 2019-03 to the town warrant. Seconded by Steve Carter. All in favor. Vote: 7-0-0**

- **2019-04 Re: Yard Requirements for Corner Lots**

RYE PLANNING BOARD  
PROPOSED ZONING ORDINANCE AMENDMENT 2019-04

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 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.

2. **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.

3. **Side Yard:** Means the required open space <sup>principal</sup> extending along the side lot lines from the front line extended of the ~~main~~ 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 amendment clarifies how to apply the yard requirements to corner lots. The present ordinance is confusing with respect to yard requirements for corner lots.*

Vice-Chair Losik reviewed the proposed amendments to Section 202.6; Corner Lots.

Chairman Epperson opened to the public for comments at 8:17 p.m.

Mr. Crawford asked for clarification on a lot with three sides on a street.

The Board discussed the characteristics of a corner lot with Mr. Crawford.

**Motion by J.M. Lord to move Proposed Zoning Amendment 2019-04 to the town warrant. Seconded by Jerry Gittlein. All in favor. Vote: 7-0-0**

- **2019-06: Principal Building**

RYE PLANNING BOARD  
PROPOSED ZONING ORDINANCE AMENDMENT 2019-06

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* 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.*

Vice-Chair Losik reviewed and explained the purpose of Proposed Zoning Amendment 2019-06.

Chairman Epperson opened to the public at 8:28 p.m.

Mr. Crawford commented he did not have any issues with the proposal. He asked for clarification on the definition of garages (not a proposed zoning amendment.)

There was some discussion on the definition of garages.

Mr. Crawford pointed out that this may be an issue for the Rules and Regs Committee to look at for next year.

Hearing no further comments from the public, Chairman Epperson closed the public hearing at 8:32 p.m.

**Motion by J.M. Lord to move Proposed Zoning Amendment 2019-06 to the town warrant. Seconded by Steve Carter. All in favor. Vote: 7-0-0**

- **2019-07: Coverage**

RYE PLANNING BOARD  
PROPOSED ZONING ORDINANCE AMENDMENT 2019-07

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, unwallled covered areas, impervious driveways, sidewalks, impervious walkways and other impervious surfaces* shall occupy no more than fifteen percent (15%) of ~~its~~ *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 unwallled 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, unwallled covered areas, impervious driveways, sidewalks, impervious walkways and other impervious surfaces* shall occupy no more than thirty percent (30%) of ~~its~~ *the* lot. However, no dwelling unit shall provide less than 600 square feet of floor area per family.

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, unwallled 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, unwallled covered areas, impervious driveways, sidewalks, impervious walkways and other impervious surfaces* accessory buildings, patios, paved walks, paved driveways and other impervious surfaces shall not occupy more than 30% of the parcel.

*thirty percent*

Explanation

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

Vice-Chair Losik explained the purpose of the language changes proposed in Zoning Amendment 2019-07, which implicated five different areas of the RZO; 203.3 E, 204.3 E, 210.3 E, 304.5 and 304.6. She noted that the Committee did not look at coverage percentages. Those remained the same.

Member Quinn noted an editorial change.

Chairman Epperson opened to the public at 8:36 p.m.

Mr. Crawford asked if this is making these sections the same.

Vice-Chair Losik explained that the assets will be the same. The coverage calculations are not being changed.

Mr. Crawford asked if all sidewalks would be considered impervious.

Chairman Epperson replied yes, unless they are specifically constructed to be pervious.

Vice-Chair Losik explained that in all the zoning ordinance categories the imperious coverage limitation terminology varied. The purpose of the amendment is for consistency.

There was some discussion on sidewalks.

Hearing no further comments from the public, Chairman Epperson closed the public hearing at 8:43 p.m.

**Motion by J.M. Lord to move Proposed Zoning Amendment 2019-07 to the town warrant, with the editorial change noted. Seconded by Jerry Gittlein. All in favor. Vote: 7-0-0**

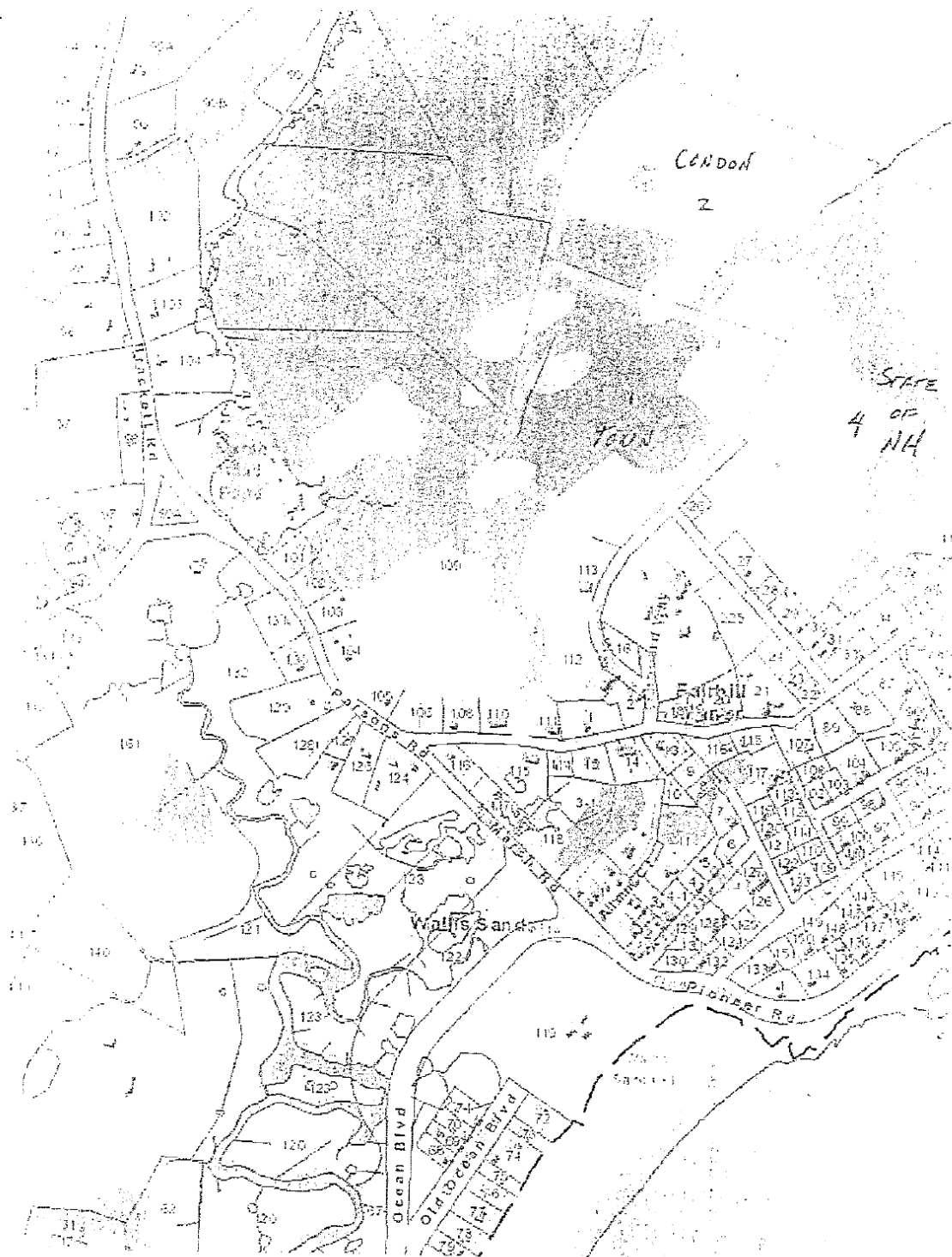
Adjournment

**Motion by Patricia Losik to adjourn at 8:34 p.m. Seconded by Jeffrey Quinn. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger



#1



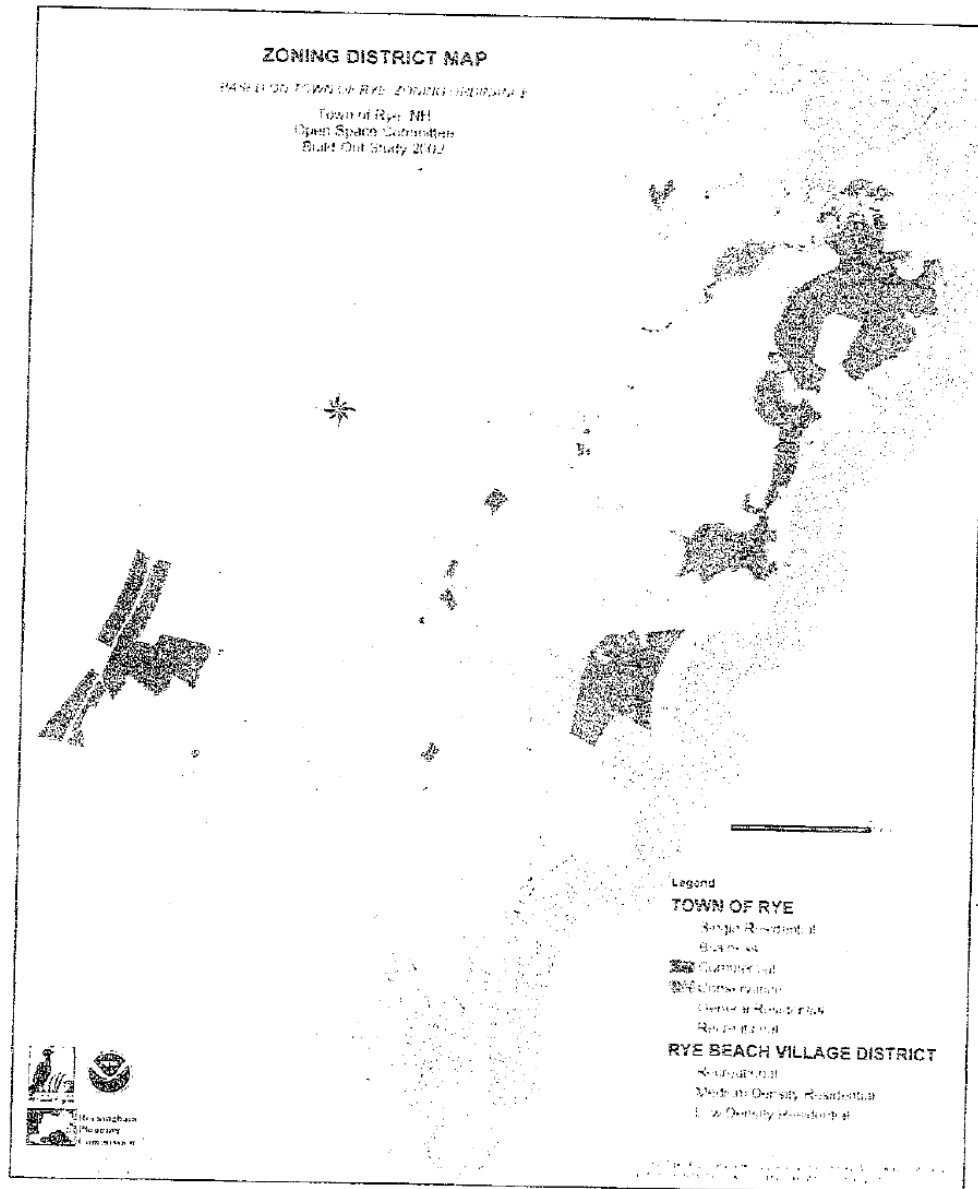
#2

12/4/18 Handout  
Michelle Tyminski

RYE MASTER PLAN 2013

CHAPTER 3

### FUTURE LAND USE MAP





#4

**Conservation land around Fairhill Marsh**

Map/Lot #	Owner	Acreage
019-099	Town of Rye	5
019-100	Town of Rye	10.84
019-109	State of NH	15
022-098	Town of Rye	5.09
022-099	Town of Rye	19.91
022-100	Gary Wendell	14.52
022-101	Town of Rye	6.98
023-003	Nancy J Condon Family Trust	21.3
023-004	State of NH	111
023/008	Town of Rye	0.87
023/010	Town of Rye	16.33
023-011	Town of Rye	3.1
023-012	Alan Bucklin	2.48
023-013	Town of Rye	2.63
023-014	Town of Rye	75.5
023-015	Town of Rye (assessed w/023-014)	
025-001	State of NH	61.25
025-002	State of NH	1.65
025-003	State of NH	5.5
025-004	State of NH	1.1
025-005	State of NH	5.5
025-009	Town of Rye	4.3
025-011	State of NH	137.5
	Total	527.35