

**RYE PLANNING BOARD
RULES & REGULATIONS COMMITTEE
MEETING**

**Thursday, August 15, 2019
9:00 a.m. – Rye Town Hall**

Present: Jeffrey Quinn, Nicole Paul and Planning Administrator Kim Reed

Also Present: David Choate, Demolition Review Committee Chair

I. Call to Order

Planning Administrator Reed called the meeting to order at 9:07 a.m. and led the Pledge of Allegiance.

II. Discussion with David Choate, Demolition Review Committee

David Choate, Chair of the Demolition Review Committee, presented his proposed changes to the committee with regards to the demolition ordinance. He submitted a memorandum listing his recommended changes to the demolition permit review procedure. He also submitted a copy of the demolition review checklist that his committee uses when reviewing applications. He noted that buildings that would be required to go to demolition review would be any building over 50 years old that is 500sf or larger. He also noted that the Demolition Review Committee is an advisory board and does not have the ability to stop demolition.

Highlights of proposed changes to RZO Section 509:

Add to criteria for review

- **If a building is of historical or architectural interest** – There are buildings of importance that are not 50 years old.
- **If a building is to be dismantled and removed**
- **If the building is 50 years of age or if it is 500 square feet or larger** – The way the ordinance is currently written, if the building is less than 50 years of age, but is more than 500sf, it would not need Demolition Committee review.

Change regarding meetings

- **Initial determination of significance can be made by an email poll of the majority of committee members or by an in person meeting** – Currently, the members have to view the property on their own time and then a meeting must be held to determine whether the building is of significance or not. This would eliminate the need for a meeting for buildings of no significance. The deadline for reviewing applications is very tight and scheduling a meeting with the members can be difficult to accommodate in the time given. (It is unsure if this is possible to be done legally under State regulations.)

- **Initial determination meeting shall be held as soon as possible, but no later than ten (10) business days from notification of receipt of the application by the Building Inspector –** Currently, the committee has to meet within five (5) business days (509.5 A.2). It is difficult to meet the requirements for the posting of the notices.
- **Notice of public hearing will be published at least five (5) business days in advance of the public hearing – (509.5 B.2)**

Add regarding demolition permit issuance:

- **A demolition permit may be issued with conditions**
- **A demolition permit shall be issued only after all unappealable local, state and federal permits have been received by the applicant -** The Demolition Committee feels the demolition permit should be the last permit to be received. At this time, the applicant can get a permit to demolish a structure, tear down the building, and then not receive necessary approvals for the project. The applicant can then decide not to continue with the project.
 - Member Quinn expressed concerns about the applicant's project being held up because of the Demolition Committee.

Mr. Choate noted that the applicant can go through the demolition review process but this change in the ordinance would require the demolition permit to be held and not issued until all other permits are approved and in place.

There was some discussion on having a condition that the structure cannot be torn down until all other permits and approvals are received for the new construction. It was noted that the committee has forty-nine (49) days to go through the process once the applicant applies. The applicant has the choice of when they want to file for the demolition permit. They can go through the review process at the beginning or wait until the other approvals are received.

Miscellaneous:

- **Add one more alternate position**
- **Committee is open to other suggestions from Rules & Regs Committee**

Mr. Choate reviewed the process for reviewing an application for demolition.

Member Quinn asked how the determination is made that the building is significant.

Mr. Choate explained it is based on the committee members' knowledge and expertise of architecture and historic preservation. He noted that he sits on the NH Preservation Alliance Board. The features of the building are considered. The committee also considers the setting and the condition of the building. He noted that the Demolition Committee does not have any say in whether the house is torn down or not. They just meet and talk with the property owners to give them the reasons why it should not be torn down, if it is a building of significance. The committee is only an advisory board. He noted that the committee will take photos of building features that are significant for future documentation. Sometimes, items that are being discarded from the home that the owner does not want may be taken to the Rye Historical Museum if it is found to be of importance.

In regards to the suggested amendments, Member Paul stated that she does not think an email poll would be sufficient, as the purpose of having a meeting is to give the public an opportunity to hear and speak about the proposal.

Mr. Choate stated that the proposal to extend the time for the committee to meet to 10 days would help with this situation. It is very difficult to schedule a meeting within 5 days and meet the notice requirements.

Member Paul commented she does not have a problem with extending the timeframe.

Member Quinn noted that he had the same concern. It seems that an email would be out of the public purview of the process. The 10 days would help mitigate that issue.

Mr. Choate pointed out that if the committee was given another alternate it would help in scheduling meetings. Right now, a meeting has to have three of the five members. The committee currently has two alternates.

Member Quinn stated he would like the committee to have the opportunity to review the suggested amendments with Patricia Losik (chair of the LDR Committee).

The committee agreed to schedule a second meeting with Mr. Choate.

- **Meeting Scheduled for Tuesday, August 27th, 9:00 a.m.**

III. Other Business

Proposed Elevation Limit Draft – Submitted by Nicole Paul

Member Paul stated the elevation requirements are in the flood plain ordinance but are not in the zoning ordinance. She has not had the time to review the two together to make sure they work together the way this is drafted.

Member Quinn stated that right now there is a height limit of 28ft. He assumes this is just allowing for freeboarding. He asked what would happen if someone wanted to raise their property greater than 2ft.

Planning Administrator Reed noted that the way it is written right now, if it goes above 28ft the property owner would need a variance, for the Coastal Overlay District.

Member Paul noted that in the flood plain ordinance it addresses how much the house needs to be raised and it has a maximum of 2ft. That is why she limited it to no more than 30ft above grade. She tied it to the ordinance because she wants to capture that the increase is only to comply with the flood plain ordinance, not just to have a taller building.

There was some discussion about the Demolition Review Committee and the Conservation Commission only being advisory committees.

Adjournment

Motion by Jeffrey Quinn to adjourn at 10:15 a.m. Seconded by Nicole Paul. All in favor.

Respectfully Submitted: Dyana F. Ledger