

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

**Monday, September 9, 2019
9:30 a.m. – Rye Town Hall**

Present: Chair Patricia Losik, Jeffrey Quinn, and Planning/Zoning Administrator Kim Reed

I. Call to Order

Chair Losik called the meeting to order at 9:30 p.m.

II. Agenda Schedule for the rest of 2019

Mrs. Reed spoke about suggested areas of focus for the committee for the rest of 2019:

- **Codification** – The Town of Rye is having all its ordinances legally codified. Attorney Donovan has identified some minor language changes that need to go before the public.
- **Illicit Discharge (IDDE)** – Julie LaBranche, Rockingham Planning Commission, has asked the committee to relook at this to work towards getting this accepted, as it was supposed to go into effect at the end of July. This has been approved for the MS-4 Permit by the EPA and the town must now adopt it. The last time this was before the Planning Board there was some confusion with who was going to run it; however, the language is clear that the responsibility rests with DPW, which is already being managed by them. This needs to be brought back to the Planning Board for discussion and adoption.
- **Demolition Review Committee requested changes** – Attorney Donovan is reviewing the language change requested by the DRC. There should be an answer back from Attorney Donovan by the committee's next meeting.
- **Compensatory Flood Storage** – This has been given to Rye's FEMA representative for guidance and help with this language. The information from the representative might be available for the committee at their next meeting.

Referring to compensatory flood storage, Mrs. Reed explained that by Rye law, water cannot be displaced onto someone else's property. A stormwater management plan is needed to show how the water will be managed, as it cannot adversely impact neighboring properties. She noted that the stormwater management plan is on the building department's checklist and is required by the BOA, if a variance is being requested that might affect stormwater runoff.

Referring to Salem's ordinance, Chair Losik stated that it says if it is determined there is an encroachment, they have to provide storage equal to twice the amount of encroachment. A study by a licensed professional engineer is needed to prepare a flood plain storage plan. She commented that the City of Salem is a different kind of location; with ponds, lakes and streams. It will be really interesting to see what FEMA comes back with.

Mrs. Reed noted that she followed up with the past Town Administrator and there are no concerns with Air bnb's, so that will be removed from the committee's tasks. Member Nicole Paul drafted language regarding height requirements. The committee agreed to wait on discussion until Member Paul is present.

Chair Losik reviewed the building inspector's concerns that were raised in 2018.

- Request from building department for some type of amnesty that would bring all formerly unapproved and grandfathered apartments into compliance and under one approval. The town currently has five different types of apartment approvals since 1952, plus anything that was built prior to that.

Mrs. Reed stated that Attorney Donovan has drafted language for this and has put it back into the building inspector's hands to finalize "amnesty" and bring it to Rules and Regulations.

Chair Losik noted that last year they looked at other ordinances; such as, New Castle and North Hampton. She found information on Hampton when they adopted ADU's. Hampton also incorporated detached accessory dwelling units (DADU). Hampton called out in their ordinance, only those detached structures that existed at the time of the enactment of the zoning change. She commented that this might be a way of bringing in existing detached pre-2017 law.

Mrs. Reed stated that she could see people asking to tear down their garage with an apartment in it and trying to build new. That is going to be the unintended consequence. She continued that she sent a note, at the beginning of the summer, to the building department asking if there were any requests for changes for the committee to consider. Building Inspector, Peter Rowell, asked that apartments, seasonal uses, and cabin licenses be put at the top of the list. She noted that she asked Mr. Rowell to come to the meeting to clarify but he has not responded.

Chair Losik suggested that they look at the language that Attorney Donovan came up with last year, regarding "amnesty" for existing unapproved apartments. She also suggested having Peter Rowell give more details on what he is looking for. If there are other towns with which he is familiar, the committee could take a look to discern whether that language would make sense.

Member Quinn asked if they could ask the building inspector to bring a rough draft of what they are looking for when they request a change. That way the committee can get their heads around the scope of the problem and what they are suggesting.

Chair Losik agreed.

Mrs. Reed commented that it is reasonable to ask them to come up with the language that they want.

Chair Losik suggested that the NH Office of Planning may be another resource.

- **Next Steps**

- “Amnesty” language from Attorney Donovan
- Building Department to draft language on things they would like, highlight the important criteria.
- Mrs. Reed to reach out to NH Office of Planning.
- Contact Sally Soule, DES
- Compensatory storage – Mrs. Reed to follow up with FEMA representative.
- Codification language
- Illicit discharge language, which is part of the MS-4 Permit.
- Member Paul to review her language for height.

III. Other Discussion

The committee discussed the request from the Demolition Review Committee to change the language for structures to be considered for review from “and” to “or” 50 years old.

Chair Losik noted that right now under 509.3, structures have to meet both criteria; “The demolition is greater than 500sf of gross floor and it was constructed more than 50 years ago”. She continued that if “and” is struck and “or” is added, or if “and/or” exist together, it would mean any structure more than 500sf comes under the review of the Demolition Committee. She is interested in hearing from Attorney Donovan on whether this is recommended and in the purview of the original intent, which was adopted in 2009.

Mrs. Reed commented that Attorney Donovan wrote the ordinance in 2009, based on Concord’s ordinance.

Chair Losik pointed out that if it becomes “or”, even a structure that was built 12 years ago would fall under review of the Demolition Committee. Potentially, there would be no reference to age.

IV. Next Meetings

- **Tuesday, September 24th, 8:00 a.m. – committee members to meet** (*David Choate from Demolition Review Committee will be rescheduled.*)
- **Wednesday, October 2nd, 8:00 a.m. – committee to meet with David Choate, DRC.**

Adjournment

Motion by Jeffrey Quinn to adjourn at 10:24 a.m. Seconded by Pat Losik. All in favor.

Respectfully Submitted,
Dyana F. Ledger