

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

**Thursday, October 24, 2019
8:00 a.m. – Rye Town Hall**

*Present: Chair Patricia Losik, Nicole Paul, Jeffrey Quinn and Demolition Committee Review
Chair David Choate*

I. Call to Order

Chair Losik called the meeting to order at 8:00 a.m.

II. Continuation of Proposed Zoning Amendments for discussion

a. Demo Review

David Choate, Demolition Review Committee Chair, submitted a proposal for the definition of “demolition” to the Committee for review. He noted the definition is based on the City of Portsmouth’s definition of demolition, which is pretty simple.

Proposed definition:

Demolition is defined as any razing or destruction, entirely or in part, of any exterior surface of a building or structure, including monuments, statutes and memorials, whether or not reconstruction is planned after demolition. Demolition shall also include the removal of any building in whole or in part from its present location.

Member Paul noted the Town has a defined term for “structure”, so they need to be careful.

The Committee reviewed the town’s current definition of “structure”.

Member Quinn noted that 509.2 attempts to describe what is meant by “demolition”.

Mr. Choate stated the one thing that is missing in 509.2 is the last sentence of Portsmouth’s definition “shall also include the removal of any building in whole or in part”. The question is whether “demolition” needs to be in the definitions, or just default to 509.2.

Chair Losik commented she likes the last sentence of Portsmouth’s definition. Their definition picks up structure. It also makes it clearer with “in whole or in part”.

Member Paul stated she has an issue with including the word “structure”. She does not think it is the intent in looking at Rye’s definition of “structure”; mobile homes, radio towers, sheds, storage tanks, portable carports, swimming pools, tennis courts and parking lots. She asked if this is what they are really trying to cover.

Chair Losik replied it is not what they are really trying to cover. When she looks at the language in the information from the National Historic Trust for Historic Preservation, it clearly picks up “structures” in that body of work.

Member Paul pointed out their definition of structure might be very different from Rye’s statute.

Member Quinn noted everything that comes down does not have to come under demolition review.

The Committee agreed. They went on to review the definition of “building”.

Referring to the proposed definition for “demolition”, Chair Losik stated she likes the reference to building. She agrees that Rye’s definition of “structure” is more expansive and is probably not a proper relationship. She is struggling with clarifying the ordinance. If it is more than one building, does it apply to each component? If it is under 500sf, is it not considered?

The Committee reviewed Attorney Donovan’s memo regarding the proposed zoning amendment submitted by Mr. Choate, on behalf of the Demolition Review Committee. Attorney Donovan recommended against the amendment, as he is not sure it is consistent with the purposes of the ordinance and would likely overburden the building inspector and the Demolition Review Committee.

The Committee agreed with Attorney Donovan’s memo, as it would apply to every house.

Chair Losik stated she is not in favor of going to “or” because it makes it a wider bucket. The Committee has reviewed the origin of the ordinance and the subsequent changes. It consistently has been “and”.

Member Paul stated that in order to capture monuments, statues or memorials, which would probably never be more than 500sf, the word “or” could be added to the first section; A.

The demolition is either greater than 500sf of gross floor area or a monument, statute or memorial and...

There was some discussion on how the DRC handles situations where there is a house with a separate structure that might not meet the 500sf standard; such as, a small barn. The Committee reviewed the criteria in 509.7.

Mr. Choate noted that in his memo of August 15th, the criteria he suggested adding was “if a structure is of historical or architectural interest”.

The Committee agreed with his suggestion. They also agreed that the last sentence of Portsmouth’s definition addressing “removing or razing a building or a part of a building (including monuments, statues and memorials)” should be include in Rye’s definition.

The group reviewed 509.3 and 509.2. They questioned the wording “or commencing the work of total or substantial destruction”, which will be sent to Attorney Donovan to be addressed. Chair Losik agreed to work on a proposed draft for 509.3. Member Paul will work on a draft regarding “outbuilding”.

Referring to the Demolition Review Committee’s proposal to conduct meetings by email, Chair Losik noted this would violate the Right-to-Know Law. Referring to 509.5 B, she questioned the term “potentially significant”.

The Committee reviewed 509.7; criteria in determining if a building is “potentially significant”.

Referring to 509.7 B, Chair Losik stated she struggles with “the building is of such unusual or uncommon design”. She thinks that is broad.

There was some discussion about homes in Rye that may be of unusual or uncommon design, but may or may not hit the 50 year criteria.

Regarding 509.7 B, Member Paul stated she does not have an issue with changing the language. However, she keeps going back to the fact that this is a committee that has no teeth. In reality, she doesn’t care what goes in front of them because it is really just a discussion to persuade the homeowner to do what is best for the Town, but they can’t do anything to prevent something from being torn down.

Chair Losik asked if the homeowner should need to respond, if the committee is saying it should be saved because it is unusual or uncommon, if there is no additional connectivity to support.

Mr. Choate stated this comes back to being able to issue permits with conditions. Right now, homeowners do not have to agree to do anything. The Demolition Review Committee would like to have the ability to put some reasonable conditions on the permit.

There was some discussion on whether certain conditions would be legal to put on the permits.

Chair Losik reviewed tasks for the next time the Committee meets with Mr. Choate.

b. IDDE

The Committee reviewed the explanation drafted and submitted by Planning Administrator Reed for Illicit Discharge Detention and Elimination (IDDE). The proposal to add a new section to RZO 507; Stormwater Management per requirements of MS4, is scheduled for a public hearing at the Planning Board’s November meeting.

c. Height in Coastal Overlay

The Committee reviewed the proposed amendment to Section 304.4; Height within the Coastal Area District. The Committee agreed they were comfortable with the wording. The proposed amendment is scheduled for a public hearing at the Planning Board’s November meeting. The Committee reviewed the explanation for the proposed amendment. It was agreed that the wording in the explanation was confusing. It was suggested to state; **“The amendment defines the height limit within the Coastal Area District and Flood Hazard area.”**

d. Open Space in side, rear, front setbacks

Current definition of Open Space:

Means an unoccupied area of land not covered in any manner and open to the skies.

In regards to things in the setbacks areas, Member Paul stated that her opinion is the definition of “open space” should be changed to “not covered in any permanent manner”. To her, it is permanent structures that should be regulated.

Chair Losik read an ordinance from Hooksett, which restricts travel trailers and motor homes from being parked or occupied on any lot of any occupied dwelling which is not part of the premises. She noted there are languages in ordinances on the Cape for boats in yards. She asked if Rye needs something like this addressing motor homes and/or boats.

Member Paul stated if they are going to do a travel trailer/motor home, tiny houses should be thrown in and then there would be a definition problem, as Rye has not defined “tiny houses”. However, she thinks this should be addressed, one way or another, since the Building Department is getting complaints.

Chair Losik agreed to work on language for the next meeting for more discussion.

III. Public

No members of the public present.

- **Next meeting scheduled for Wednesday, October 30th, 8:00 a.m.**

Adjournment

Motion by Jeffrey Quinn to adjourn at 9:40 p.m. Seconded by Nicole Paul. All in favor.

Respectfully Submitted,
Dyana F. Ledger