

RULES & REGULATION SUB-COMMITTEE MEETING

**Monday, April 17, 2023
9:00 A.M. – Rye Town Hall**

***Present:* Chair Steve Carter, Patricia Losik, Planning Administrator Kim Reed, Land Use Assistant Kara Campbell**

Chair Carter called the meeting to order, pledge of allegiance and introductions.

First item on the agenda: Rules of Procedure

Ms. Reed explained the initial need for the changes were due to change of date from 2nd Tuesday of each month to the 3rd Tuesday of the month, time changes and other edits to include the Master Plan Steering Committee. The Rules of Procedure were reviewed by Attorney Maher and sent out to other boards and commissions for their review, no comments were made except by Attorney Maher.

Chair Cater talks about a way to procedure.

Member Losik points 201.11 A and reads the process for adoption “

- A. Amendments to these rules are to be prepared by the Rules and Regulations Committee and may be proposed by motion at a regular meeting of the full Board. Said motion, if seconded, shall automatically be tabled until the next regular meeting, and all members shall be notified of the pending motion.
- B. Enactment. Amendments may be enacted upon affirmative vote of five lawfully seated members.

Member Losik summarizes by stating this committee would be the first public input meeting, not a hearing and move to the Planning Board Tuesday, April 18, 2023 meeting where with a vote and second, it would be tabled until the May meeting when it would then be taken off the table and motion to be approved.

Member Losik stated that this was a Public Meeting, not a public hearing.

Both Chair Carter and Member Losik agreed to leave the TRC as written

Dominque Weinbaum 52 Cable Road asked for a copy of the Rules of Procedure.

Ms. Reed pointed out that copies were available on the table for review.

Chair Carter recommended going through, line by line, the amended Rules of Procedure.

201-1 Authority. No changes for original.

202-2 Purpose. Change in to add “including but not limited to after functions in the first sentence. Also change his to his/her.

2023-3 Officers, committees.

A. after discussion that the Town meeting is more of a deliberative session it was agreed to, change Town Meeting to Annual Town Election and to add to the last sentence after one-year term, “unless removed earlier by the Planning Board, ...

Ms. Weinbaum asked about membership numbers on a committee.

Chair Carter stated it is mentioned later.

202-3 B Duties. (1) Chair. change to add the following in the first sentence after the word hearings and shall act as the presiding officer over all hearings. No changes to (2) Vice-Chair and under (3) Clerk deleted the word “the” in the first sentence after that and before minutes.

202-3 C Committees

Chair Carter read the entire paragraph with the minor changes that there are now 4 committees instead of 3 and to capitalize Public Library.

Ms. Weinbaum commented that there should be more public on the committees and that the Rules and Regulations committee is short a person. She commented on the Master Plan Steering Committee membership and again mentioned more alternates and public should be added to the committees.

Member Losik and Chair Carter talked about the committee and make up and agreed more alternates are needed and that they have had a hard time getting alternates. As for Rules and Regs, a long standing committee member was ill last year and reason for her absence.

The committee agreed to change the sentence where it states will consist of three members to say up to three members.

201-3 C (1) TRC both committee members agreed to leave this alone.

201-3.C (2) the only change in the Long-Range Committee was to change Selectmen to Select Board.

Ms. Reed agreed to do a search of the document and change all references to Selectmen to Select Board.

201-3.C(3) Rules and Regulations minor changes as pointed out by Attorney Maher.

Ms. Weinbaum mentioned the committee’s need for another member and that one person did not attend last year. She also mentioned that the Board used to keep track of attendance.

Member Losik stated that member was ill and excused.

201-3.C. (4) the addition of the Master Plan Steering Committee with some minor changes from Attorney Maher.

201-4 Meetings

A. Chair Carter stated that the reason to change is that the Board is now meeting the 3rd Tuesday of the month instead of the 2nd.

B. Other Meetings. No changes

C. Public Meetings.

(1) Change is from 10:00pm to 9:00pm. and the last sentence added by Attorney Maher which states "and to comply with NH Law".

(2) change times no new applications after 8:00pm so that no later than 9:00pm and add to the last sentence "unless the failure to do so would constitute a violation of RSA 676:4."

Ms. Weinbaum stated that was good.

201-3 D Non-public meetings there was a minor change second sentence after the word shall add "in public session"...

201-3. E Public Notice. The beginning of the paragraph will read. "Public notice of all Board and committee meeting shall be posted at two public places, such as the Town Hall and the Rye Public Library or the Town of Rye website, at least 24 hours before the meeting, excluding Sundays and legal holidays." then add to the end of the paragraph this sentence. "Such public notice will be in addition to any notice required by RSA 676:4".

Ms. Weinbaum pointed out that the Town Website has the PDF of the General Code and she would like the link to General Code.

The committee with Ms. Reed looked at the website it has the PDF from 2020 but also a link to General Code.

Member Losik says to add PDF to the up-to-date Zoning Ordinance, Delete the 2020 PDF and make the link clearer.

201-3. F there were no changes.

201-3. G

(1) the only change was due to legislative changes to change 90 to 95.

(2) No changes.

201-3. H. Change himself/herself and Selectmen to Select Board. Add this sentence at the end "Alternates are strongly encouraged to attend all meetings and review relevant submittals such

that the alternate is familiar with the record on the application should that alternate be called to site for an absent member.”

201-3. I no changes.

201-3. J add RSA 676:3,II.

201-3.K no changes.

201-5 Rules of order. No changes.

201-6 Conduct of Public Hearing.

A. Add this to the beginning of the paragraph “The Planning Board shall open the public hearing on an application after the Board has accepted the application. (RSA 676:4. 1 (c)).

201-6 B. No changes

201-6 C. No changes

201-6. D No changes.

201-6. E No changes.

201-6. F No changes.

206-6. G No changes.

201-7 Conflicts of Interest. No changes.

201-8 Ex parte

A. Had some changes. Attorney Maher wanted the following added “Ex parte communications include but are not limited to, verbal or written communications between a Board or committee member and (i) an applicant, (ii) an abutter, (iii) surveyor, engineer, architect, or similar design professional, or (iv) other member of the public regarding the substance or merit of an application.”

B. Only change is to capitalize Planning Board.

201-9 Filling Board vacancies. No changes.

201-10 Removal of members. No changes.

Discussion on adding wording on accepting Grants. Decided to put Grants in under 201-11 and make amendments 201-12.

§ 201-11 Grants. in the event the Planning Board submits a grant application pursuant to its authority to receive grants per RSA 673:16. I, a Planning Board submission should be signed and dated by the Board chair and include an attachment of the minutes of the meeting at which the Planning Board authorized the grant application. Such grant(s) received by the Planning Board pursuant to RSA 673:16.I shall be administered in accordance with the Town of Rye purchasing policies. The Long-Range Planning Committee may select the winning bidder for recommendation to the Planning Board. The Planning Board and the Select Board will authorize the winning bidder.

§ 201-12 Amendments.

It was agreed these would go to the Full Board on Tuesday, April 18th and the Board can have the discussion about membership.

Member Losik would like more information on substantial improvement/substantial damages and how the building department will track it before they consider this further. She would like to know how the building department determines market value. Will there be systems in place by the building department if 5 years or 10 years.

Chair Carter asks why the whole town can't be brought up to code if there is a substantial damage/substantial improvement.

Ms. Reed explains it is not all about code it is bringing properties in the Special Flood Hazard Zone up to Town of Rye Floodplain Ordinance per flood zone the property is in.

Member Losik talks about Findings of Fact and shares the print out that she has and based on the discussion of how it can be applied by Attorney Maher.

Chair Carter wants the findings of fact to be consistent for all applications.

Ms. Reed stated that she and Member Losik were looking at updating the checklist for applications and the idea that Kara Campbell, Land Use Assistant could assist by updating the checklist.

Adjournment.

Respectfully Submitted,
Kimberly Reed, CFM