

RULES & REGULATION SUB-COMMITTEE MEETING

**Wednesday, October 25, 2023
12:00 pm (Noon) – Rye Town Hall**

***Present:* Chair Steve Carter, Patricia Losik, Katy Sherman, Steven Born (ad-hoc member, via zoom) Planning Administrator Kim Reed, Land Use Assistant Kara Campbell and Jenn Rowden, RPC Consultant**

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

Mr. Carter stated that he keeps a log of items throughout the year for changes and these are some of the items that came up that are on the agenda, there may be more. What he did not see was the Demo Committee. He would like an interaction with David Choate.

Ms. Losik starting point look at the 4 pages from last meeting.

Ms. Reed will reach out to Mr. Choate. She asked Kara Campbell who attends the Demo committee meetings if she had any questions and/or information.

Ms. Campbell, they meet when applications come in and she will reach out.

Chair Carter says it behooves us to get up to date on demo since he thinks more demos will be coming and it is best to be on the same page.

Ms. Reed explains how zoning amendments work they become effective when it is legally noticed.

- a. Expansion of the historic district

Chair Carter wanted to go on and talk about Historic District expansion.

Ms. Reed stated until recently she received some data and there was some miss communication.

Ms. Losik has questions about the process and not fair to have a conversation today without Kaitlyn, David, and Peter.

Chair Carter agreed.

Ms. Reed said next meeting is November 8th at noon.

Discussion about date and times the committee looked at schedule late afternoon or early mornings so they concluded that keep it at noon and zoom option for Pat Losik and Steven Borne.

Ms. Winebaum informed the committee based on design guidelines plan and Rye has smallest historic district in the state and this is their way of expanding it.

Ms. Losik said the new guidelines were voted in March and in the district.

b. Tiny houses

Ms. Reed stated that a resident reached out to me that he wants to put a tiny house on his father's lot, he is a recent college graduate and thought this would be a good housing solution. I reached out Jenn Rowden to find out what she had heard in the State.

Ms. Rowden tiny houses are generally 400sq ft. or small fall into two buckets: On wheels or on a foundation. On wheels treated as recreational vehicles and under state code and most regulations how municipalities treat them because they can move and problems with wastewater and water. Set aside tiny homes on wheels. As far as structures with a foundation the real difference is real small homes. Under Rye ordinance minimal dwelling size is 960 so by that category you do not allow tiny homes.

Chair Carter we also do not have detached ADU's and they are smaller than that.

Ms. Rowden tiny home is just a loose definition it is term of art to treat it as a small home and recommends treating it like a small home. State adopted appendix Q building requirements. Have regulations in place it is minimal dwelling size is prohibition. Treated like any other dwelling just small.

Chair Carter brings up points of water, sewer and meeting the zoning requirements, ties into detached ADUs

Ms. Reed this combines tiny homes, detached ADUs and short term rentals. She asks what this committee wants to do with tiny houses.

Ms. Losik says she investigated this legislature what they did it did not go anywhere they included tiny house may be deemed a unit of workforce housing if it met the requirements of RSA 674:59/674:58 which is all we talk about percentage of income. Been through Appendix Q. Movement of tiny houses lost its luster.

Mr. Borne talks about cluster development of tiny homes get variances. Build cluster development I do not have a problem with that just get zoning variances.

Ms. Reed said it also needs Planning Board, CUP and may need other variances not just size depending on where it goes.

Ms. Losik gets into ADU questions.

Ms. Rowden Exeter has detached ADU max 800 sq. ft. may be off. Not uncommon there are designs that fit that sq footage. Attached that septic, water line. Looks like a tiny home. Self-sustained structures.

Ms. Reed recommends moving away from terminology and look at next agenda item and asks this committee if they want to consider detached ADU's and change the size and also consider 190-2.2. D(2) two dwellings on one lot.

Chair Carter, good.

Ms. Losik fine with conversation detached ADUs would like to hear (November 2021 minutes) fundamental issues not solved, where septic's will go? Rye water district. Numbers of attached ADU's not significant maybe 17. Not sure if detached what the uptick will be. NHDES water averages. Just had build out analysis if all become Rye Water District members not solved that water issue.

Ms. Campbell agrees with detached homes.

Mr. Borne with Pat need to get a hands around the infrastructure what the town can handle with water and septic. Build out said how many houses can we fit did not talk about land and community support.

Ms. Sherman agree that water and septic concerns when she saw tiny houses. How is our land going to support that.

c. Detached ADU's and parking for ADU's and g. Short Term rentals

Ms. Reed stated that there has been more discussion with residents about if they have a detached garage and/or barn can they put an ADU in it and they can apply for 2 dwellings on one lot.

Ms. Losik said the issues November 2021 reads the minutes from the rules and regs meeting and based on the Build out Analysis number of houses and a better understanding on water and smart septic and short term rentals those are her three.

Ms. Rowden cannot predict future but will not be bombarded with detached ADU's, maybe a slight uptick couple of years do not think every other home in Rye is not going to apply. Choose not forcing it on them. Seen saving historical character, can write a detached ADU can include a structure prior to (pick a date) that does limit the properties.

Chair Carter says conversion of existing structures then asks why a date restriction.

Ms. Rowden says based on community goals.

Chair Carter asks if allow detached ADU will be inhabited by more than one person.

Ms. Rowden cannot answer.

Chair Carter says it relates to parking.
Ms. Rowden says you will get a mix.

Dominique Winebaum 52 Cable Rd sent you a long email, says that if you allow 1 parking for ADU then people will find ways to park, not pretty and not good for environment and placement by Beach, regulate short term rentals. Agree with existing barn preserving structure.

Ms. Rowden says it is good to have flexibility for parking and maybe think 1 per ADU, give yourself flexibility as the Planning Board, different lots have different configurations.

Mr. Borne wants pull in demographics.

Ms. Rowden says that ADU that primary resident must live therefore may limit the short term rentals.

Discussion on septic for ADU must have a plan to meet number of bedrooms and updated and water supply get a letter from utility able to support that expansion. Concern and would like RWD at a meeting because one ADU at a time adds up.

Ms. Losik Detached ADU worth more consideration would like Attorney Donovan draft Fall of 2021, tied to existing structures. If take up, reach out to RWD and the building department, add on their resources. Septic saying following the language in CUP and flexibly parking worth discussion. Discuss short term rentals before change of use. Our Attorney worked with Gilford, passed March 2023. Questions 2022 great article about property rights under statute and how does it play into this.

Ms. Sherman this conversation is huge and thinking about pervious and impervious coverage, go through with fine tooth comb.

Ms. Reed says zoning must apply whether it is attached, detached (wetlands, setbacks, etc).

Ms. Winebaum talks about an ADU that was approved on a 7,000sq ft lot in the general residence.

Ms. Reed stated that it did not meet the parking the PB sent to the ZBA and the parking was denied.

Mr. Borne says keep on talking about it.

Chair Carter says this is complicated and keep talking about it, leaning towards existing barn and talk about it more.

Ms. Rowden mentions Towns: Exeter, East Kingston, Stratham considering and Durham also allows Detached and Portsmouth and Portsmouth in a round about way addresses short term.

Ms. Campbell says to bring in the public it may be controversial and RWD.

Ms. Rowden in the housing needs assessment your short-term rental is overall impacting your housing stock, about 83 short-term taking up entire units, not just rooms. Recommends discussing it but do not have language. Does include RBVD.

Ms. Reed asks her recommendation.

Ms. Rowden says if nothing else define it, can use state definition if you chose to do a municipal ordinance which can be a Selectmen's ordinance that is a health safety, adequate egress, water and sewer and have a definition on the books then you are at least making progress on the issue.

Ms. Losik asks about Gilford.

Ms. Rowden says she would be happy to look at it and provide some language, thoughts how applicable.

e. Amendment to Condos (more than one dwelling on a lot) 190-2.2.D

Ms. Reed points to 190-2.2 two dwellings on one lot and condos when they make changes. Language from Attorney Maher to changes to 190-2.2.D (a) add a 5th exemption Condos.

Ms. Losik, he drafted the whole language and Ms. Reed will reach out to Attorney Maher and have him draft language for a zoning amendment.

d. Change of Use

Ms. Reed talks about Change of Use and it is different from Fire, Police and Building and would like to work with Attorney Maher, we have expansion of use in LDR but what the Planning Board is seeing variety of change of uses, would like clarity and maybe a definition.

Chair Carter agree with that.

Ms. Losik provided cases throughout the country, and he would like our input on these. She reads the list.

Discussion on whether to amend and talk about inundation by the Board and figure out where that line is what is minor that can be handled administratively.

Ms. Losik wants Ms. Reed to look at Franklin and they are on General Code.

f. Legislative changes

Ms. Reed ask Attorney Maher to look at legislative changes and make recommendations. Whatever is relevant. Surety gets taken care of in the legislature changes.

Covered everything on the agenda.

Ms. Winebaum 52 Cable Road says couple years ago request setback driveways. Speaks about a property and specific case before the Land Use Boards.

Both Steve Carter and Steven Borne leave the meeting at 1:38pm.

Ms. Reed asks Ms. Winebaum what her request is.

Ms. Winebaum continues to talk about her observations about driveways.

Ms. Losik tries to help Ms. Winebaum as to reach a request pertaining to driveways.

Ms. Winebaum wants more caution when granting a second driveway.

Ms. Winebaum wanted to talk about the application 665-667 Wallis Rd.

Ms. Reed says should not talk about specific cases that are before the Board.

Ms. Winebaum talks about Berry's Brook watershed plan 1993 in her opinion not wise to allow the application 665-667 Wallis Rd. for 3 dwellings

Ms. Losik tries to get from Ms. Winebaum what her ask is.

Ms. Winebaum in agreement with Mr. Borne amount of conditions require with approvals. She as a taxpayer does not want to pay and currently the building inspector wants to hire another building inspector. She does not want to pay the building inspector to inspect something that should not have been allowed in the first place.

Ms. Losik asks Ms. Winebaum if she is aware that Land Use rules are codified by the State and that property owners have rights.

Ms. Winebaum talks about barn at 691 Brackett Road. Stated they are taking down the barn after getting variances.

Ms. Losik requests that Ms. Winebaum get language from other communities to give to us for changes that she wants and summarizes what she understood were the concerns were:

- a. Driveway at 1065 Washington Rd think of semi-rural character before granting and site walk
- b. Berry Brook and 665-667 Wallis should not have been allowed
- c. Conditions not free
- d. 691 Brackett Road barn before demo after receiving variances
- e. Look at conservation master plan

Ms. Losik asked her to bring some suggestions of language for amendments.

Adjourned by Katy Sherman 1:55 and Pat Losik 2nd.