

RULES AND REGULATIONS SUB-COMMITTEE

MEETING MINUTES

Monday, December 11, 2023

12:00 PM – Rye Town Hall

Present: Planning and Zoning Administrator Kim Reed, Katy Sherman, Chair Steve Carter, Land Use Assistant Kara Campbell, Patricia Losik via Zoom, Kaitlyn Coffey via Zoom

I. Introductions/Pledge of Allegiance

Chair Carter called the meeting to order and led the Pledge of Allegiance. All introduced themselves.

2. Follow up from 12-1-23 meeting:

- **HDC**
- **Demo**

Mr. Choate, HDC, said at the last meeting they were charged to check Rules and Procedures. There are bylaws that allow work sessions with applicants. HDC will do a thorough review of bylaws, make changes via vote, not town meeting. Ms. Coffey still said they are not where they want to be with the application yet, don't have anything to present at this time, seeking town attorney input of where they need to be. They will work through Town Administrator to schedule meeting with town attorney.

Ms. Losik said they're talking about two components of the ordinance, D1, application and D2 public hearing component.

Ms. Losik asked if they are staying with the language that only notification is required for in kind materials. Ms. Coffey said yes.

Ms. Losik questioned Mr. Choate's statement that 50 years is considered historic. She said the ordinance isn't stating that. Mr. Choate said that is the charge of the Demo Committee. HDC oversees any building in the district, whether built 5 or 500 years ago.

Mr. Carter said any house in the district falls under the district rules.

Mr. Choate said a house in the district with vinyl siding replacing with vinyl siding will require full review.

Mr. Choate said they're going to look at a Neighborhood Heritage District, like Stratham, in 2024.

Ms. Losik said there was one non-historic property in the proposed expansion. Mr. Choate said they were charged with two things: 1. Vote to remove Moynahan property and 2) Include town green. HDC meeting was held last week and unanimously approved. Mr. Choate has meeting with Select Board to check on town green this evening.

Ms. Reed asked for explanation for the expansion of the district.

Mr. Choate read Alex Herlithy's description of the historic significance of the town green. Mr. Carter suggested that could be part of the explanation.

Mr. Carter opened up to public, no comments, closed.

Motion to move 3.3a to PB for review and discussion regardless of the green being included, PB makes motion for a public hearing: Katy Sherman, seconded by Pat Losik, all in favor.

Ms. Losik asked if we need a motion for the zoning map amendment. Ms. Reed said the next amendment is to amend map: 2024-07. Motion by Ms. Losik, seconded by Ms. Sherman, all in favor.

One typo in change to DRC, E.2.b change to will be detrimental, remove the not.

Motion to move 190-5.9 to PB for discussion: Katy Sherman as written, seconded by Ms. Losik, all in favor.

The group began discussing the Certificate of Occupancy amendment to include a third party certification for energy. Mr. Marsden said it's a good idea but doesn't want to overreach over building code. He suggested to wait. They're talking about adopting the 2021 building codes, over the 2018 ones. Annual meeting on Wednesday to discuss. That will cover it. He's not confident to go forward. Mr. Carter asked if it belongs in Zoning Ordinance or Building Code. Mr. Carter asked if a third party is already involved to do the test. This requires a report. Mr. Carter asked if Mr. Marsden's recommendation is to put this off for a year. Portions of the energy code were put on hold with the 2018 code. Mr. Marsden thinks the building codes take care of themselves. Ms. Reed suggested pulling this all together. Mr. Carter said we're not forgetting about it, just waiting until we have more information. The committee thanked Tom Pfau tremendously.

Motion to pull this amendment, Katy Sherman, Ms. Losik seconded, all in favor.

Ms. Reed said the substantial damage amendment is also going to be pushed to next year.

Mr. Marsden asked if nothing is being done with change of use this year. Ms. Reed said yes, need more time to explore.

Mr. Marsden asked about the 10-year lookback for substantial improvement. Mr. Carter said he is not clear on it.

Mr. Marsden gives an example, say a house is worth \$1 million, they can do \$49,000 worth of work. With no look back, and more work goes on, now there is a modern house that is not FEMA compliant.

Mr. Marsden thinks a 10-year lookback is more appropriate due to the high values in Rye.

Ms. Losik said she thinks the 10-year lookback is where the group was at. Ms. Reed said she needs a motion to add it. Mr. Carter agreed. Ms. Sherman suggested come up with the wording now. Ms. Reed said she has provided language.

This is Chapter 60.

There is an example from New Castle and Keene.

Ms. Losik said it's section 60.6 substantial improvement and damage determination.

Ms. Losik asked if a motion is made can Attorney Maher review. Ms. Reed said yes.

Ms. Losik asked if there is a definition. Ms. Reed said 60:16 defines substantial damage.

Ms. Reed thinks the language can be added to 60-6A.

Ms. Campbell suggested adding it to 60-6A.4. All agreed.

Mr. Carter made a motion to move to PB 12/19 meeting for discussion: modify the language in #4 to read: "Determine if the proposed work constitutes substantial improvement or repair of substantial damage as defined in this chapter taking place during a ten-year period in which the cumulative cost equals or exceeds 50% of the market value of the structure. For each structure the ten-year period begins on the day of the first permit issued for improvement or repair of that structure subsequent to March 12, 2024." Seconded by Ms. Losik. All in favor.

Ms. Losik said she emailed Ms. Reed about a minor change in 3.1. Ms. Losik said it reads highest flooding of the ocean tides, which includes king tides, etc. but these don't match NH's RSA – uses highest water mark. This is used later in the ordinance. Ms. Losik suggested changing H1a to read "by the mean high water mark," and remove "highest flooding of the ocean tides." And in H1b, add mean before high water mark.

Ms. Losik asked to check what zoning ordinance is online for the public to view.

Motion to move this to PB meeting 12/19 for discussion by Ms Losik, seconded by Ms. Sherman, all in favor.

Motion to adjourn: Ms. Losik, seconded by Ms. Sherman, all in favor.

Respectfully submitted,

Kara Campbell

Land Use Assistant