

**RYE PLANNING BOARD
RULES AND REGULATIONS COMMITTEE
Thursday, November 2, 2017
4:00 p.m. – Rye Town Hall**

Members Present: Chair Patricia Losik, Jeffrey Quinn and Steve Carter

Others Present: Zoning Administrator Kimberly Reed

I. Call to Order and Pledge of Allegiance

Chair Losik called the meeting to order at 4:00 p.m. and led the Pledge of Allegiance.

II. Approval of Minutes

- **August 22, 2017**

Motion by Jeffrey Quinn to approve the August 22, 2017 minutes. Seconded by Steve Carter. All in favor.

- **September 11, 2017**

The following correction was noted:

- Page 7 and Page 8 - Pierce Ryborg should be **Pierce Rigrod, NH DES.**

Motion by Jeffrey Quinn to approve the minutes of September 11, 2017 as amended. Seconded by Steve Carter. All in favor.

- **September 20, 2017 – Site Walk**

The following correction was noted:

- Page 5, 3rd paragraph, 3rd sentence should read: **He noted that if Aquarion does not know about new projects they cannot comment.**

Motion by Jeffrey Quinn to approve the minutes of the September 20, 2017 site walk. Seconded by Steve Carter. All in favor.

- **September 25, 2017**

The following correction was noted:

- Page 2, 3rd paragraph from bottom, 2nd sentence should read: **He continued that he thinks a well balanced view should be taken of the structure and whether the people are trying to stay within the spirit of the ordinance.**
- Page 2, 6th paragraph from bottom should read: **Member Carter stated they may want to consider putting a maximum on posts; such as “cannot extend more than 8” above the main fence”.**
- Page 3, 3rd paragraph, 3rd sentence should read: **He commented that he is not sure they want to take control of the 200ft buffer.**
- Page 3, 5th paragraph from bottom, 2nd sentence should read: **He pointed out that DES talks in reference to a well vegetative area.**
- Page 4, 1st paragraph, 2nd sentence should read: **If a homeowner is being depended upon to put them there, it might be better to ask a developer to accurately place them.**
- Page 5, last paragraph should read: **Chair Losik reiterated that this will be addressed by the Wetlands Subcommittee.**
- Page 6, 4th paragraph, 1st sentence should read: **Chair Losik stated that there was discussion at the last meeting about the electrical components and the ancillary items of safety that relate to this kind of activity.**

Motion by Jeffrey Quinn to approve the minutes of September 25, 2017 as amended. Seconded by Steve Carter. All in favor.

III. Floodproofing

Planning Administrator Reed submitted a draft ordinance addressing floodproofing for the committee to review. She noted that the language for the draft came from ‘A Guide for Higher Standards in Flood Management’, which comes from the State Office of Energy and Planning. Referring to the current Floodplain Ordinance, she recommended that they add an Item 12 called ‘Freeboard’. She noted that she has submitted two different options to the committee for consideration or the drafts can be turned into the Building Inspector and Attorney Donovan.

Member Quinn asked how the drafts differ.

Planning Administrator Reed stated that Option 1 states the floodplain study has to be performed by a professional engineer establishing the base flood elevation (BFE). If the BFE is known, it would be based on the base flood elevation. The structure shall have the lowest floor and at least 2ft above.

Chair Losik clarified that Option 1 is saying if BFE is not available a study must be performed by a P.E. Option 2 is saying that if the BFE is not available the structure is going to be elevated

at least X feet above the highest adjacent natural grade or above the crown of the nearest street. She asked if this would be based on a plan.

Planning Administrator Reed stated that she is reading Option 2 that the base flood elevation is known.

Chair Losik pointed out the last sentence reads; “Where the base flood elevation is not available”.

Planning Administrator Reed explained base flood elevation is a terminology that is used for where the lowest adjacent grade is. That is why an engineer is needed or it is depicted in the FEMA Floodplain maps.

Chair Losik asked if the town would want to require the P.E. study if the BFE was not available. Without documentation or support, more questions could arise when it is brought before a land use board. She pointed out that if it is saying it is not available that would probably mean it is an unmapped area.

Member Quinn suggested taking out “at least 2ft above the highest adjacent natural grade” and leave in “including the basement above the crown of the adjacent street”.

Chair Losik commented that might not be high enough.

Planning Administrator Reed pointed out that all of Rye’s A Zones are already mapped. What are not mapped are the XO’s, which are the 5% chances. The ‘Higher Standards in Flood Plain Management’ has an example for the XO’s, which are unmapped. She commented that she can work on the draft some more for the committee.

Member Carter asked where the XO zones are located.

Planning Administrator Reed explained those would be more inland, along Lafayette Road. The XO’s are usually within a couple of miles inland.

Member Carter asked how onerous it is to make a homeowner have a P.E. set the floodplain elevation.

Planning Administrator Reed stated that each property has to be taken on an individual basis. Even two homes side by side, are going to have slightly different topographies. Their base flood elevations might be slightly different. Nowadays, most construction on Ocean Boulevard are demos and rebuilds so a P.E. is already onsite.

Member Quinn asked how the freeboarding is measured.

Planning Administrator Reed explained that currently there is no freeboarding going on because there is no ordinance for it in Rye. If someone was to do it, they would come in for a building permit, the Building Inspector would see that it is in the special flood hazard zone and a second

permit would have to be filled out for being in that zone. If Rye had a freeboard ordinance, the house would have to go up another 2ft. She noted that the lowest adjacent grade could be the ground. The base flood elevation might be higher or lower. The carrying joist for the first floor has to be at the base flood elevation or above it. She noted that in Rye basements are not allowed in the special flood hazard zone. Only a 4ft crawl space is allowed.

Referring to the draft, Chair Losik stated she likes the structure but now they have to determine Option 1, 2 or 3.

Member Quinn commented that if basements are not allowed in Rye, there is no point in putting a reference to this in but its excluding crawl spaces. He continued that what is significant is its measured from the sill of the home. The sill needs to be 2ft above (or whatever is decided) the base flood elevation.

Member Carter commented that it seems that 3ft is too much and 1ft is too little.

Chair Losik agreed.

The committee agreed that Mrs. Reed should work on the draft and run it by the Office of Energy and Planning.

Referring to Option 1, Member Carter stated that if someone wants to raise their house they would need a professional engineer to help them do that. He asked if this is an onerous burden on someone that is just trying to raise their house.

Planning Administrator Reed replied that she does not think so. If she was raising her house, she would want to make sure the plan was stamped by a P.E. to make sure it was being done correctly, as a safety fallback.

Member Carter commented that he likes Option 1 because it's cleaner.

Chair Losik stated she likes Option 1 and 2B.

Member Quinn stated his first reaction was for Option 1. In order to think more clearly about Option 2, he would need some scenarios to consider. Adjacent elevations seem a little vague.

IV. Impervious

Chair Losik stated that when she looks at Section 306.6 B, the properties that are in the Wellhead and Aquifer Protection District are subject to an impervious coverage of where the lot shall not exceed 25%. If it is a conditional use, under 306.5 B(k), its 15%. When impervious is considered by the committee, there are five Sections in the ordinance that need to be addressed. She noted the Single Residence is 15% for the building area. The General Residence is 30%. The Coastal Overlay is 15% for dwelling and 30% for overall coverage.

Planning Administrator Reed pointed out the Business District has 40% for building area and Commercial has 75%. She noted the Building Inspector brought this to their attention. It is hard for him to interpret it.

Chair Losik stated the question also comes from Attorney Phoenix. He talks about the fact that in the Single Residence District a house can cover 15% of the lot but the additional area, along with the dwelling, shall occupy no more than 15%. She continued that 303 E conflicts with Coastal Zone Overlay which provides for 15% dwelling and 30% total. She noted that this is confusing to enforce.

Planning Administrator Reed stated that a couple of meetings ago they tried to change it to be very simple. Then it started to get complicated again.

Member Carter stated that in 203.3 E one of the things that is not mentioned is impervious. It is mentioned in 204.3 E. The two of them should be parallel.

Planning Administrator Reed noted that with some of them if the driveway is attached it is part of the dwelling coverage. If it is not attached it becomes part of the overall coverage. That is where it gets even more complicated.

The committee agreed that the Planning Administrator should consult with Attorney Donovan on this issue.

V. Aquarion Well 5A

Planning Administrator Reed submitted a draft copy of a proposed ordinance for Section 306 that she drafted based upon the Groundwater Protection Ordinance, conversations from the committee through the minutes, discussions with Pierce Rigrod and her notes from meetings. The draft was also sent to Pierce Rigrod, NH DES, Danna Truslow, and Carl McMorran, Aquarion Water for their review. She asked the committee to review the draft and make suggestions for changes. She will send the committee the draft in word so changes can be made and sent back to her before the next meeting.

The committee reviewed the maps from DES and Aquarion showing the protection radius. It was agreed that Planning Administrator Reed should send a copy of the draft ordinance to the commissioners of the Rye Water District for their review.

VI. Update from Building Inspector Fence and Pool from (9-25-17) *(To be addressed at next meeting.)*

- **Next meeting tentatively scheduled for Tuesday, November 28th, 3:00 p.m.**

Adjournment

Motion by Jeffrey Quinn to adjourn at 5:08 p.m. Seconded by Steve Carter. All in favor.