

Planning Board
Town of Rye
10 Central Rd
Rye NH 03871

January 20, 2020

Re: Public comment on the Land Development Regulations Jan. 6th 2020 draft

Dear Pat, Kim and Bill,

If there was not an extra hardcopy provided at the last Planning Meeting, I would never have been able to look over these. Getting the public input requires more of just making the LDR available, it requires a desire and effort to get the public engaged. Meeting the State requirements is insufficient for getting the public engaged.

I acknowledge that the main impetus of this effort was to create a cleaner set of Land Development Regulations and that some of my comments or questions may fall outside of that scope. However, that does not mean my points should not be discussed and ideally a place, time and person assigned to make sure there is discussion and possibly implementation.

After reviewing this it may be easier to just have a brief meeting with me to go over things and take forward a subset of these points that you feel should be discussed with the full board. I am flexible on how you chose to respond to minimize the time and effort to respond.

Overall:

- a) Section 609 Climate Adaption and Resilience is not enough. What we heard from Conservation about better protecting buffers and protecting land for where those buffers need to migrate to, need to be included throughout this document. The water table is rising not just at the shore but in more and more places. This must also be included in the LDRs. The land for buffer migration should be added to the documentation requirements.
- b) The time when Rye is so over developed in some areas that the rights of property owners have to change is 2020. For example, the State told Rye that Parson's Creek is over saturated with leach fields. These areas need to be called out and fall under the "health" section. While Zoning Ordinances may be required, text can be added to force this discussion into multiple sections. What other areas in town are oversaturated with leach fields?
- c) There is nothing about wireless broadcasting. I have an antenna broadcasting at my house. The Telecom Consultant told the Select Board, that Rye has no regulations for broadcasting systems that are not Cell Towers. The same is true for protecting sound. The 1215 Ocean Blvd development is an example of impeding on people who live near the Ocean to lose the sound of the surf during the evening.

- d) The Planning Board Engineer appears throughout this document with responsibilities. We have the Building Inspector but the town does not have a full time or part-time Engineer, but there are instructions and roles for this person.
- e) After typing in ZBA variances for a decade, we are continually allowing more and more to be put in the wetlands buffers. After 10 years this is adding up. We need to get a handle on the number and volume of the wetland variances, because enough is enough.
- f) Can we codify when the Conservation Commission must be involved and engaged with in the different sections.
- g) Rye Water Department is mentioned many places, but people in Rye get their water for Portsmouth and Aquirion, shouldn't they be included. We will also soon have two Sewer systems to engage with.
- h) We require 10 copies of things. Why are not more of the requirements electronic so there can be less costs for the developer and to cut down on paper use. All of this electronic documentation should be available on line to make it easier for everyone involved. Each project should have an online file folder.
- i) There needs to be a way of saying the property is being overstressed to make it work. This is either the number of variances, waivers and special exceptions. This list and description is a key communication component that is missing. The other is when the developer puts so much into the property to make it work that is too much. Such as the initial plans for 1215 Ocean. If the property has to be raised 4 feet, it is creating something that was not there before.

Specific page comments:

Page	Section	Comment	Action
1	103	Add Climate Change, protecting the wetlands, buffers and buffer migration	
3	106.1	Does this apply to the Conservation trees that were just cut? Should this be a graduated scale for more severe things?	
3	107.3	Can funds be included to investigate finding a better place before the application is accepted and started?	
4	113	All Season section: Says "windrow" should be window. BMP, why is this limited to Storm Water, what about with the wetlands	
5	113	Drainage Basin: Please confirm we continually update Plate 3 so it is current	
5	113	Grade 2. Says "grade is shall" should it just be "grade shall"	
6	113	Land Developer says "inasmuch" should this be "in as much" Also add a line after Rye. And before Loop:	
7	113	Should we add vernal pools, I don't see them anywhere. Same with Wetlands and wetland buffers discussed. We should add the migration areas for Wetlands buffers.	
10	201.2C 3	What about if the building is already in the wetlands buffer,, add that	
11	300	"Rye Planning Department" We don't have this. We have a Planning Administrator and not a Department.	

Page	Section	Comment	Action
11	301.1	For all the documentation, can it all be electronic, online, overviews showing changes, variances, waivers, etc.. There should be a page with all of this information accessible on the website	
12	301.2	These “Control monuments” are they logged centrally to know where they all are?	
15	303.2.1 D	If this is an oversaturated area it should be called out and how much of the wetland buffers have already been compromised	
16	303.2.F	References the Rye Master plan June 1985 – is Plate 3 updated, how do we know it is current. Section 3b has leach fields that is where oversaturation of leach fields should come in.	
17	303.2 K	Use Intensity – so this should be available for 1215 Ocean Blvd?	
21	304.5 D	It would be nice to see these Site Impact analysis. It should also include migration areas for buffers. A summary of this should be available online	
22	304.5 D 8	Traffic volumes need to bring into the discussions of other planned developments. Studies can’t be in isolation. This happened on Wallis Rd	
24	305.2 D	Does not say how the enforcement works and how we know they adhere to them.	
26	402 F	This says the Notice of decisions are available in 6 days, I am not seeing these posted on line when this happens.	
29	501.2	Public notice. What can be done to better communicate? Town Facebook, special box on the website? Better distribution? 502.1 Does this automatically include all residents	
31	601.2	Why is Rye Scenic Ordinances shaded?	
33	602.4	Streets –what about what happened on South Rd where the new street is directly across from a house. This should be avoided.	
36	Tables	If these come from somewhere else, they should be referenced, not duplicated here. So, if they change, we reference the most current one.	
39	602.6 C	If offsite improvements are needed, then why is this even being allowed? Shouldn’t that be what tells us its too much?	
40	603.2 B	Fill – shouldn’t we be saying that they must be able to prove or document that it is clean fill. Same for 604.3	
40	603.3	Buffers – should protection of sound be included. Big developments block the sound of the ocean waves.	
41	603.5 B 2	So we don’t allow U shaped driveways?	
42	603.6	Says “telephone, cablevision” I think “communications” is better	
45	604.9	Talks about the storms but not rising tides. Should it say bridges should be designed to minimize costs of raising them in the future	
46	606	Shouldn’t the Sewer Commission be called out to be involved? Also should now include the Portsmouth Sewer if that goes in on Rt. 1.	
46	607.2	Parson’s Creek oversaturation of leach fields and other areas that are oversaturated should be called out.	
47	607.2 B	Another place were land for buffer migration and buffer protection should be called out	
47	607.2 B3	ZBA gives lots of variances for this. In saturated areas or other places, how much volume is already within 75 feet of the wetland buffer. What happens within 100 feet as water tables and tides rise?	
47	607.2 D	How do Accessory Dwelling Units impact this?	
47`	607.3	Should include Saturated areas and what we need to be doing there	

Page	Section	Comment	Action
48	607.3 2	Should vernal pools be included? If they are “wetlands” should that be in the definitions	
48	607.3 C	SHWT this may be moving up – so should the live numbers or where we at be posted and a link provided D is shallow bedrock, but rising water tables is going to make this worse. There should be education on how rising water tables pulls “bads” from leach fields into the environment faster – Think Parson’s Creek	
49	608.1	The Conservation Commission should be called out here with information or links to that process. This is also another place for the oversaturated zones.	
50	609.2A	Add the wetlands buffer and buffer migration to this. 609.3 A 2 and 3 should have this and oversaturated zones	
50	609.2 A 4	Have the roads designed to be raised to cut down of future costs	
56	701.4	Does this Guarantee come in where South Rd cut down the trees	
56	702	This should be posted and available online	
58	703.2 c 4	One of the places we only call out RWD	
60	802 B2	Primary approval is by the “Town Engineer” which I don’t think we have then falls to staff – should be more clear	
63	804 B	How much of this is happening here. Is there a master list that is posted? There should be a top level view of all that we are required to do. How else can we say we are doing too much of this? How is it all monitored? 1106 is the same thing where it needs to be monitored and enforced.	
63	804 E	“Fined each day” is there a table or guide for what these fines can be?	
65	903 A4	Is our Salt shed in violation of this as the Transfer station sits above our main well	
72	909	With so many health issues associated with mosquito’s should we include easements to allow the town to access standing water?	
75	1001	We have Lighting Standards, but nothing to protect us from non-Cell tower wireless broadcasting. 5G, Small Cells and what I have by our house.	
75	1002	Light Trespass – I have this with my neighbor a motion sensor light, lights up or family room when it goes on. Town education should be the first step	
76	1003 I	Should this just be Gas Station canopies or any type of canopy – we may not have any more gas stations in Rye	
77	1004	What about for the Cell Towers they will have lights?	
86	App C	There are amounts here – a link or reference to where the amounts are calculated would be more helpful	

Best Regards,

Steven

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cc: Sally King CC
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