

DRAFT DISCUSSION NOTES

PAL DRAFT OUTLINE/OTHER PB MEMBERS TO ALSO GIVE INPUT 1/10/22

Planning Board Chair
10 Central Rd.
Rye, NH 03870 December 27, 2021

Hello Chair Losik,

At the December 14th Planning Board meeting I thought there would be an opportunity to speak overall on the proposed Zoning Amendments. There was no Public Input when the proposed ordinances were discussed, and I stayed until the end hoping there would be a “new business” opportunity for me to speak.

SCOPE OF PB includes

- Prepare & update Master Plan
- Prepare & draft recommendations for amendments to the zoning ordinance, zoning map
- Prepare & administer land development: subdivision regulations (675:36) and site plan regulations (674:44), including driveway regulations

The PB does not encompass the functional range of the Planning Department to include zoning, review/investigation of zoning complaints i/c/w Code Enforcement and ZBOA, assisting/servicing all land use and development inquiries, assisting applicants with development review process, analysis and information to BOS/Town Departments/Commissions, and MP oversight.

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Topic 1: Ordinances

Looking at the proposed 2022 Ordinances one would think there is nothing of consequence that needs to be addressed, no trends to be mitigated, or problems fixed.

There is a decade of Zoning Board data, has that been analyzed, are there no trends to be discussed? Was there a discussion I somehow missed in meeting minutes?

Current comprehensive reviews of LDR (MD) and RZO (DTC) engagements w/ RnR.

- LDR changes: PB, and Public Hearing 2022
- Zoning: 2023
- NRI inventory (basis for IDing sensitive environmental areas and incompatible uses) expected in '22, continued review i/c/w RZO, LDR, and MP. Additional low impact development practices (LID's) – examples already included in LDRs @ §202-9.2 A (2): rain gardens, bioretention systems, tree box filters; others include: swm landscaping techniques, retention of native site vegetation, landscaping and maintenance plan.
- RZO evaluation: determine legal basis integration of landscaping requirements via RSAs (MP, innovative land use control) and may incorporate delineation, buffers, uses, swm, etc.

RNR generally convenes late July thru early November, includes review of prior year, variances, input requests from department heads, Town experts, legal/legislative – generally 8+ meetings, '21 6 meetings (elections 7/13, Committee established 8/10 via PB).

- Dimensional requirements and wetlands are recurring focus areas.
- Wetland's ordinance: 2015, 2016 (subcommittee ord changes 3/18/17), 2017, 2019 (ord changes 3/10/20), and 2020 (Michael Cuomo engagement passed 7/13/21).
- Dimensional requirements including setbacks, impervious percentages, building height, etc.
- Wetlands: CUP will be evaluated. Discussed w/ DTC, re CUP (PB) for site improvements, alterations, buildings, structures, roads, access ways, driveways, drainage/swm systems. RZO's currently require CUP's for AQWH, ADU's, Condo conversions, and small wind energy systems, and SUP's for MF, retirement community developments, coastal area district, conservation land developments, wireless telecommunications facilities.
- Model ordinances are regularly reviewed. Current include: NHDES (revised 5/2020) Model Water Efficient Landscaping Regulation for Municipalities and model drinking water buffer reg (RPC/Strafford Regional/NHDES) is in drafting.

It has now been four years since the State told Rye that Parson's Creek watershed is over saturated with leach fields, and there has yet to be any actions to curtail the volume of leach fields in that watershed.

See info re Parson's Creek

Whose responsibility is it to act?

Topic 2: Sharing public information

I sat in the December 14th meeting not being able to see drawings, read the documents that were discussed and follow the content and I was asking why? Last year, when everything was on Zoom, some of the discussion content was available to all those observing the meeting.

Just about all content is created digitally and can be displayed on large flat screen monitors and computers for the board and observers. Each board member would not have a stack of paper, but a PC or a clear view of the large screens, while people on line or in the room could also see the large screens or a PC. As this information is available to the Planning Board prior to the meeting, it could also be available online for the public to view before and during the meeting.

AGREE – Interest in remote meetings has been expressed throughout the State. Hybrid can occur @ Town Hall w/ quorum seated. BOS - budget resources, town office overhaul

Current from NHMA 12/29/21:

Remote Meetings

Over the past several weeks, many municipalities have asked us about the status of remote board meetings. Here is a summary.

As written, [RSA 91-A:2](#) requires a quorum of a public body to be physically present at the location specified in the meeting notice, except in an “emergency.” An “emergency” is defined as “immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action.” An “emergency” is determined by the chair or presiding officer.

As readers may recall, in March 2020, Governor Sununu declared a state of emergency. This declaration allowed him to issue emergency orders, including one that relaxed both the quorum and physical location requirements of RSA 91-A:2. At the expiration of that state of emergency in June 2021, the relaxation of those requirements ceased, and the law-as-written was back in effect.

Although there were several bills last year pertaining to remote meetings, including one, [SB 95](#), that passed the Senate unanimously, the House refused to pass any changes to RSA 91-A:2 related to remote meetings. This year, there are three remote meeting bills – [HB 1014](#), [SB 322](#), and [SB 344](#). Although we are hopeful that a compromise will be reached this year, *please speak to your legislators – particularly your House members – about the importance of providing municipalities greater flexibility when it comes to public meetings.*

This would reduce the total costs for applicants and for the town, as multiple paper versions would not have to be printed, a time-consuming task. The pre-posted information would be accessible to all, before and after the meeting/

Town follows RTK requirements – see RSA 41:61, 91-A, NH Secretary of State Memorandum 2015. Governmental records re applications are available per request to Planning Dept, this is consistent with municipal practices. Access to PB application data electronically data is outside scope of this discussion as determinants are legal and Town’s electronic functionality.

Does this need to be perfect? Will there be bumps in the road? Of course there will be. However, if the process is started now, buy the time we get to reconfiguring the upstairs at Town Hall, the annex or other locations, we will know what works and what does not for Land Use Boards.

Sincerely,

Steven Borne

Cc: Kim Reed, Planning and Zoning Administrator

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