

**TOWN OF RYE – PLANNING BOARD
MEETING
Tuesday, May 12, 2020
6:00 p.m. – via ZOOM**

Members Present: Chair Patricia Losik, Vice-Chair JM Lord, Steve Carter, Tim Durkin, Jim Finn, Katy Sherman, Jeffrey Quinn, Nicole Paul and Selectmen's Rep Bill Epperson

Others Present for the Town: Attorney Michael Donovan and Planning/Zoning Administrator Kim Reed

Call to Order

Chair Losik called the meeting to order via Zoom at 6:02 p.m.

Alternate Jeffrey Quinn was seated for Katy Sherman.

Statement by Patricia Losik:

As chair of the Rye Planning Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are providing public access to the meeting by telephone, with additional access possibilities by video and other electronic means. We are utilizing Zoom for this electronic meeting. All members of the board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by clicking on the following website address: www.zoom.com ID #885-5837-2098 Password: 853698

Public notice has been provided to the public for the necessary information for accessing the meeting, including how to access the meeting using Zoom telephonically. Instructions have also been provided on the website of the board at: town.rye.nh.us go to the Planning Board page and click on the agenda for this meeting.

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Chair Losik expressed her gratitude to the community's first responders and health care workers. She asked for a moment of reflection for those experiencing the tragedies of the pandemic.

Note: *Member Katy Sherman joined the meeting at 6:07 p.m. and Alternate Jeffrey Quinn was unseated.*

Roll call attendance:

1. Member Katy Sherman
2. Member Steve Carter
3. Member Jim Finn
4. Member Tim Durkin
5. Selectmen's Rep Bill Epperson
6. Vice-Chair JM Lord
7. Alternate Jeffrey Quinn
8. Alternate Nicole Paul with Ned Paul, Alexandra Paul and Edward Paul
9. Chair Patricia Losik
10. Attorney Michael Donovan, on behalf of the Town
11. Planning Administrator Kim Reed

Present for the Webster at Rye application:

12. Eric Weinrieb, Altus Engineering
13. Attorney Tim Phoenix
14. Danna Truslow, on behalf of Rye
15. Tom Argue, Webster at Rye
16. Roberta Woodburn, Landscape Architect
17. Steve Humphreys, Architect

Present for 421 South Road:

18. Christian Smith, Beals & Assoc.
19. Joseph Falzone, Developer

Members of the public:

20. Mary Harb, 48 Mountain View Terrace
21. Kim and Christopher Piela, 25 Mountain View Terrace
22. Jeffrey Ross, 333 West Road
23. Shannon Custons, 827 Ocean Blvd
24. Victor Azzi, 1100 Old Ocean Blvd
25. Diana Bates
26. Phyllis Breitman, 44 Mountain View Terrace
27. John Meehan, 15 Pulpit Rock Road, with Lynn Meehan
28. Catherine Rogers, 37 Olde Parish Road
29. Brendan and Jennifer Carney, 19 Blueberry Lane
30. Jeanne and Jim Moser, 6 Blueberry Lane
31. Ethan Shepard, 9 Fern Ave
32. David Gemellaro with Coleen Gemellaro, 20 Signature Drive

(Unless noted above, it was noted by attendees that they were the only one present in the room.)

Continuances:

Request received from Sally Sheehan for a continuance to the June meeting for the Breakers Condominiums application.

Motion by JM Lord to continue the application for the Breakers Condominiums to the June 9th meeting. Seconded by Tim Durkin.

Roll Call: Katy Sherman – Yes; Steve Carter – Yes; Jim Finn – Yes; Tim Durkin – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes

Motion passed.

Request received from Town of Rye for a continuance to the June meeting for a two lot subdivision.

Motion by JM Lord to continue the determination of completeness and public hearing for the Town of Rye application to the June 9th meeting. Seconded by Steve Carter.

Roll Call: Katy Sherman – Yes; Steve Carter – Yes; Jim Finn – Yes; Tim Durkin – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes

Motion passed.

A site walk was scheduled for 575 Washington Road and 8 Olde Parish Road for Tuesday, May 19th, 5:00 p.m.

I. Approval of the April 14, 2020 meeting minutes

Tabled to end of meeting.

II. Submittal of Applications for Determination of Completeness: Not a public hearing, if complete public hearing will immediately follow – Action Required:

- a. Amendment to the Breakers Condominiums approved by the Planning Board in January 1980, recorded at the RCRD D-9440 on April 18, 1980 for Sally Sheehan of 824 Ocean Blvd, Tax Map 23.1, Lot 29-01 to raze the building and construct new within the same footprint. **Property is in the Business, Coastal Overlay District. Case #03-2020.**

- *Continued to the June 9th meeting (see motion above).*

- b. Minor 2 Lot Subdivision Plan by the Town of Rye for property owned and located at 575 Washington Road and 8 Olde Parish Road, Tax Map 12, Lot 43 and Tax Map 12, Lot 43. The proposed adjustment will create a 0.4 acre +/- parcel around structures identified at 575 Washington Road and another lot 1.56 acres +/- . The proposal is shown on a plan entitled “Subdivision of Land, Tax Map 12, Lot 43, 575 Washington Road, Rye, NH” by James Verra and Associates, Inc. **Property is in the Single Residence and Historic District. Case #04-2020.**

- *Continued to the June 9th meeting (see motion above).*

III. Public Hearings on Applications if they are completed and/or have been continued:

- A. Major Site Development Plan by Altus Engineering for the Rannie Webster Foundation d/b/a Webster at Rye for property owned and located at 795 Washington Road, Tax Map 11, Lots 52 & 6 for an expansion of the nursing and assisted living facility by 23 beds, and an expansion to the garage and activities room. Property is in the Single Residence District and Aquifer and Wellhead Protection District. Case #15-2019.**

Chair Losik asked the applicant to speak to the application.

Eric Weinrieb, Altus Engineering, noted that the project is for the Webster at Rye, located at 795 Washington Road, Tax Map 11, Lots 52 and 6, with a total parcel area of 48.8-acres. There are 135 beds at the facility now. The proposal is for an expansion to bring it to 150 beds. The plans are essentially the same plans the board saw back in August 2019. There have been very minor revisions to the drainage to address Sebago's comments. They have also worked with Danna Truslow and Stonehill Environmental to develop a hydrogeological study to ensure there is no degradation of Berry's Brook or the groundwater. There have also been minor changes made to the signage and striping. He continued that back in March of 2019, the BOA granted the special exception for the project. There were five conditions of the approval, which are depicted on the plan set cover. The conditions are;

- 1) The lights be changed to 12ft high maximum;
- 2) The smoking area be moved away from Blueberry Lane;
- 3) Dumpster removal to happen after 7:30 a.m.;
- 4) No parking on Blueberry Lane; and
- 5) West side of the site (Blueberry Lane side) is restricted and remains restricted for access. (To be used for emergency egress only.)

Mr. Weinrieb stated that in January 2019, the application went to the Conservation Commission at the request of the building inspector. There is no work within the wetlands buffer and no wetlands work, but the building inspector wanted to be sure the Conservation Commission was comfortable with the project. Danna Truslow's review of the Stonehill report has been received. Ms. Truslow makes some recommendations and there are no objections to those. On December 10th, the Planning Board voted to accept jurisdiction of the application. This vested the application under the old site plan review regulations. Steven Pernaw prepared a traffic impact analysis for the 2014 addition. Mr. Pernaw updated that report and it was presented to the Board of Adjustment and as part of the Planning Board's application package. Sebago Technics concurs with the findings that there are no adverse impacts from this development.

Mr. Weinrieb presented site plans on the screen for review. He pointed out the location of the original building, the 2014 addition with the garage, the 2014 expanded parking area, and the location for the proposed expansion. He also pointed out the location of the wetland system and the 100' wetland buffer, which shows there is no disturbance within that area. He also noted the locations on the plan for the leach field and stormwater management area. Mr. Weinrieb continued to review the design sheets in the site plan set. He noted that the existing leach field is located in the area for the proposed addition. The leach field will be moved. The project will only be adding two additional leach fields.

Vice-Chair Lord asked why two septic fields are being added for 15 beds.

Mr. Weinrieb explained the facility was right on the cusp before. The intent was to bring the linens into the system and also give a level of comfort, if the system should fail. The system is designed for approximately

130% leach field area of what the expected flow is. It gives a lot of flexibility to make sure that if something happens to one of the leach fields, the other fields will not be overloaded in the process. He noted that the system capacity is 16,500 gallons per day. A flow of 12,800 gallons per day is expected. The flow is a very steady flow. There are not a lot of peaks because the population and use of the system stays constant. The septic system design capacity requirement is 14,000 gallons. This proposal is providing 30,000 gallons. There are two discharges for the grease traps. There is a discharge from the 2014 addition and one from the original kitchen. That requires by design 12,800 gallons and 14,000 gallons is being provided for the grease traps.

Chair Losik asked about the total leach field capacity.

Mr. Weinrieb clarified its 6,500 leach field capacity.

Chair Losik commented it was noted that laundry was brought back in-house after the 2015 addition.

Mr. Weinrieb confirmed.

Vice-Chair Lord asked if there is an ability to switch between leach beds if needed.

Mr. Weinrieb confirmed. He explained it is a pump chamber with six different pumps that go to each bed. The pumps can be shut off, rotated or alternated as needed. He noted that it is an AOS System.

Tom Argue, Webster at Rye, stated the system is computer programmed to have fields that are dry.

Mr. Weinrieb explained that currently there is a rotation period of 30 on and 30 off. He assumes they will do something similar with the new leach beds.

Selectman Epperson asked if there have been any issues with the AOS Systems that were installed in 2014.

Mr. Weinrieb replied they seem to be operating well.

Mr. Argue stated that some of the pumps had to be replaced a year or so after they were installed.

Mr. Weinrieb stated there have been no issues with the treatment of the system.

Mr. Argue noted that Webster has an ongoing contractor with the installer to inspect the system for proper operation throughout the year.

Chair Losik read from Danna Truslow's May 5th communication. She asked Ms. Truslow if she has any concerns with the existing plan.

Ms. Truslow stated that they have been able to demonstrate through monitoring wells and modeling that the nitrate concentration will be below the 10mg per liter requirement. Her concern was with the northwest area because those have been in place much longer and there wasn't any hydrogeologic requirement this time because it was an expansion of the south and west. If there is going to be any additional expansion, at that point there should be some additional wells to characterize that area. As the load increases, there will be more chance for unforeseen circumstances.

Referring to Sheet SS-2 and the new leach field in the easterly corner, Attorney Michael Donovan pointed out it is 55ft from the raingarden. He asked if there is a State requirement for the leach field and the raingarden.

Mr. Weinrieb replied they have met that criteria. The requirement is only 35ft because the raingarden is higher than the leach field.

Attorney Donovan clarified the requirement is 35ft but this has been designed with 55ft of separation.

Mr. Weinrieb confirmed.

Referring to the plan on the screen, Attorney Donovan asked what the dashed line around each leach field represents.

Mr. Weinrieb explained the line is a State hydrogeologic setback between leach beds. If a hydrogeologic study is not done, that is the separation between the leach beds that is required. However, a study was done and that is more accurate and provides better information.

Attorney Donovan commented the reason it is 150ft on one side is because it is downgradient and it is only 37ft on the other side.

Mr. Weinrieb explained that downgradient is the full distance, side gradient is half and upgradient is a quarter.

Attorney Donovan asked if the existing tanks are being upgraded.

Mr. Weinrieb stated it will just be the leach fields and the front-end tankage.

Chair Losik clarified that beds 1, 5 and 6 are new. Leach beds 2, 3 and 4 are the same. She asked the board if there are any other questions about septic.

The board had no further questions. Attorney Donovan confirmed that his questions about the septic have been answered.

Mr. Weinrieb stated that when Webster was originally constructed in the 80's, it was prior to any consideration to stormwater management with regards to treatment. There was no treatment on the site. With the project approval in 2014, treatment was provided with a raingarden that was constructed. (He pointed out this location on the plan presented on the screen.) He continued that this addition is after the new AOT Regulations. The application was submitted at the beginning of April and comments are expected back shortly. The challenge is that the new portion of the site has to fall under the 15% and the old portion is allowed to stay under the original design criteria. It was challenging on how this was modeled and was a long process to make sure this was going to work properly. Mr. Weinrieb explained there is a combination of open and closed drainage. There is a raingarden proposed for the far side of the stone wall, where there is a level spreader and it will go out to the wetland system away from the leach fields.

Chair Losik commented that according to Sebago the stormwater model does not take into consideration the treatment that is afforded through the drip edges and stone filled trenches.

Mr. Weinrieb confirmed. He noted they took a very conservative approach. There will be more infiltration and less runoff than what is projected in the computations. He pointed out that parking is being added to the front. Coming into the site off Washington Road, there will be a few spaces added on the right and left side, so people will not have to drive around to the back of the site.

Member Durkin asked for clarification on the traffic pattern to the back of the building.

Mr. Weinrieb reviewed the traffic pattern on the plan shown on the screen. He also pointed out the location for a gate that is used to prevent cars from exiting onto Blueberry Lane. The gate has a yellow plastic chain, which can be moved by the Fire Department if there is an emergency. It was also noted that a couple of bays are being added to the existing garage to be used for storage.

Mr. Weinrieb presented the site lighting plan on the screen for review. The lights for the 2014 addition and the proposed addition have all been adjusted on the plan to be 12ft high. Light will not be emitted beyond the property lines.

Referring to leach field #6 and raingarden #2, Vice-Chair Lord asked if the grade elevations matter where there might be something going into the raingarden from the leach field.

Mr. Weinrieb replied he has no concerns at all, as far as the contaminants. He noted that the hydrogeologic study is looking at the groundwater, where the raingarden is dealing more with the surface water. There are underdrains in it so it is not going down deep.

Vice-Chair Lord pointed out that the area where leach field #6 is located is about 80ft and the bottom of the raingarden is about 74ft, which is about 6ft below. It seems like the 150ft depth overlaps with that raingarden. He noted that he is referring to Sheet C-3 that shows the elevations of the leach field and the raingarden, which is in relation to SS-2.

Ms. Truslow stated that in looking at the groundwater elevations that were mapped by Stonehill, the elevations of groundwater for the most recent measurements in January is 65ft of elevation. It looks like the bottom of the stormwater control is 74ft. There is still 9ft of separation. The groundwater may be 2 or 3ft higher at its higher point; however, it is still 5 or 6ft below the stormwater control.

Vice-Chair Lord commented with that much difference he does not see an issue.

Referring to the lighting, Selectman Epperson asked if the lights go off at some point at night.

Mr. Weinrieb explained the lights are on photocells. Those remain on all night because there are shift changes.

Member Sherman asked if the neighbors can expect similar or less illumination from the lights than what is there now.

Mr. Weinrieb replied that right now, the lighting is not illuminating onto abutters' property. There were concerns from some of the abutters. Through the BOA decision for the special exception, the heights were lowered for the new lights, as well as the ones on existing poles to address those concerns even though it was not a direct impact.

Attorney Donovan asked the height of the lights before the BOA required them to be lowered to 12ft.

Steve Humphreys, Architect, noted they were 15ft.

Chair Losik asked the height of the lights that are closest to Blueberry Lane.

Mr. Weinrieb replied 12ft. He noted the area on the plan where there is low bollard lighting along the walkway. He also pointed out that all lighting is dark sky friendly.

The landscaping plan was presented on the screen for review.

Roberta Woodburn, Landscape Architect, stated that for the 2014 expansion, a fairly robust evergreen buffer was installed between the site and Blueberry Lane. The new changes are going to impact that buffer. All evergreens are in very good shape and are proposed to be transplanted to create the new buffer. There is very strict language on the landscape plan, which puts the onus on the contractor to take all the care they can when transplanting those evergreens, along with a one-year guarantee. If those transplants do not work, the contractor is on the hook to provide new plants that give the same buffer. She noted there are some evergreens that are existing and are going to be staying in place. The rest of the evergreens will be transplanted. In addition, there are three trees in the parking lot that are in good shape and will be transplanted. There are also plantings around the memory garden and the entry on the side of the building.

Reviewing the plan, there was discussion about the location of the transplants. It was noted that the memory garden, in between the activity area and the new addition, has an asphalt walkway from the road which will be fenced and gated. There will be a buffer of lilacs at the fence for privacy. Inside the garden is a combination of shrubs, perennials and small trees with an area for benches. There was some review and discussion on the buffer area distance from the property line.

Attorney Donovan noted that it is about 40ft to the new path from the corner boundary (closest to Blueberry Lane). He also noted it is about 30 to 35ft to the edge of the woodland.

Referring to former Zoning Ordinance 202.10, Chair Losik asked if there is a 50ft buffer requirement.

Planning Administrator Reed noted that it is a 50ft buffer between residential and non-residential.

Ms. Woodburn asked if the new transplanted evergreens count as part of the buffer.

Mr. Weinrieb asked the definition of a buffer. He asked if a walkway would be considered open space.

Chair Losik asked the width of the walkway.

Mr. Argue replied it is about 8ft.

Planning Administrator Reed noted that under 202.10 it says “the buffer shall include natural or added plantings of evergreens, which shall screen non-residential uses from the residential areas”.

Alternate Paul stated it says “from the non-residential use to the boundary line”. She would say it is from the edge of the driveway to the property line which needs to be 50ft. She is curious to know if this meets the requirements.

Attorney Donovan stated it says “new non-residential building or development of uses not permitted by right in a residential district shall provide such a buffer from an existing residential use”. The buffer would go from the corner and in 50ft. The natural buffer is about 35ft. On the other side, is the planted buffer. The question is whether the walkway should be included as part of the buffer. He asked if the walkway is paved or natural.

Mr. Weinrieb replied it is not paved. It is a natural surface.

Attorney Donovan commented the decision to allow the walkway as part of the buffer, is an administrative decision the Planning Board can make. He does not necessarily think it is a legal question. He does not see why it is not considered open space. He pointed out there is some precedent on The Housing Partnership, which is the last time this complicated section of 202.10 came up. It was decided then that the driveways would not be part of the buffer. The applicant had to enlarge the buffer on the Lafayette Road side of the development to get the whole 50ft. He thinks there is a difference between a driveway, which was a paved 22ft wide piece of pavement, and this situation. He is comfortable saying that one paved walkway in the middle of the trees would meet the buffer requirement.

Mr. Argue explained the walkway is designed to continue the walkway from where it connected to the parking lot. That walkway is all overgrown with moss and is a beautiful green walkway through the woods. That is what will happen with this walkway as well.

Mr. Weinrieb stated they can just let the walkway be grass, which would be open space.

Referring to Section 202.10, Chair Losik stated that it says “said buffer shall include natural or added planting of evergreens which will screen non-residential uses from residential areas during winter months”. In her mind, screening also comes in to play.

Vice-Chair Lord stated if they are adding an evergreen buffer that is green all year round, and a walkway is being added in front of it, it seems the need for the buffer of evergreens has been created. It may be a small path but it will not be visible because it is down low. The evergreens are adding real depth to this buffer and creating a blockage.

Chair Losik asked what the trees are in this area.

Mr. Weinrieb replied he believes some deciduous trees are existing.

Ms. Woodburn confirmed.

Referring to Sheet C-3, Attorney Donovan stated that 50ft brings it right to the inside edge of the present walk. He thinks there can be a way to finagle the slope of the leach field, if the board feels it has to be 50ft of natural existing tree growth.

Mr. Weinrieb replied he can find a way to slide it along the contour and make it happen.

Vice-Chair Lord stated he would rather see the path closer to the existing deciduous trees and have the evergreen buffer further up on the slope of the leach field, so there is a much better buffer to the property than if they were down further on the slope.

Chair Losik agreed.

Ms. Woodburn pointed out there is a balance between getting the trees up on the slope and getting them too close to the leach field. She will have to consult with Mr. Weinrieb about how close the trees can be.

Mr. Weinrieb stated that he feels the trees are as close as they should be on the southern end. The trees on the corner might be able to be moved up a bit.

Ms. Woodburn agreed.

Chair Losik commented this was the only question she had about the landscape plan. She thinks the plan looks terrific. She particularly likes the memory garden. Chair Losik asked the architect for Webster to speak to the plans.

Steve Humphreys, Architect, presented the architectural plans on the screen for review. He pointed out the existing main building and the healthcare unit on the west side. He also pointed out the existing assisted living building on the east side, the two-story addition from 2015 and the existing garage in the back. There is a “no build” easement on the west side and wetlands are on the east side. After review of existing conditions, Mr. Humphreys presented the proposed plans on the screen. The proposal is for a one-story healthcare addition, which will be connected to the existing healthcare building. There is also an activity room addition on the west side with a service connector. The proposal also calls for two additional garage bays, which will be attached to the existing garage. Mr. Humphreys reviewed the existing floor plan and then reviewed the proposed floor plan. He noted that the addition to the healthcare building is one-story and will have all private rooms and baths. The exterior of the addition will be residential in appearance with shingle siding and asphalt for the roof. Mr. Humphreys presented slides that showed the views of the existing facility from Blueberry Lane and Mountain View Terrace with the proposed addition imposed onto the slides.

Alternate Paul stated that when she sees these pictures, her first thought is how there needs to be more evergreens.

Chair Losik asked what the exterior color of the addition will be.

Mr. Humphreys replied the shingle part will be white with a light tan for the lap siding. The intent is to tie it into the existing building.

There was some discussion about the distance to the facility from the Carney’s property (which was shown in one of the slides on the screen).

Member Durkin agreed with Alternate Paul that more buffer is needed.

Mr. Weinrieb commented that a “buffer” means it’s a vegetative planting area. It does not mean that the area on the other side has to be invisible.

Member Durkin noted this is the area that the abutters are going to be looking at and it needs to be taken into account.

Member Carter agreed.

Member Finn also agreed that more evergreens are needed.

Attorney Donovan stated from the stonewall that is the boundary of the Webster property to the new building is 170ft.

Referring to the buffer, Chair Losik commented this has been looked at very carefully in other projects. She is not sure what the applicant can do in that narrow area because it now needs to have a leach field in that area so that takes up space. She is not sure if there is any other way to create more space.

Mr. Humphreys pointed out the new trees are not shown in the images. What is shown in the pictures on the screen are the trees that are currently there.

Mr. Weinrieb pointed out that the new trees are going to be up on a slope and are going to provide a better buffer than what is there now.

Chair Losik commented that the color white is very visible. She asked if there is some flexibility in the color. She asked if there is an option to have the top part not be white.

Mr. Humphreys replied the top could be beige or another color.

Alternate Paul asked where the systems, such as condensers and other equipment that create noise, are going to be located around the new building.

Mr. Humphreys explained it will be rooftop equipment on the new building but it will be concealed.

Alternate Paul asked if there will be generators on the top.

Mr. Humphreys replied no.

Mr. Weinrieb commented the backup generator system is located somewhere else.

Vice-Chair Lord pointed out the roof would serve as a sound barrier. He commented that the board may want to hold a site walk. He also commented that the next time the board looks at the proposal, he would like to see Sheet 4.2A with the new landscaping around the leach field.

Attorney Donovan asked if the generator could be moved further towards the inside of the complex so the new building serves somewhat of a buffer to the noise. It looks like it could be pushed 10ft to the east so it would be buffered by the new addition.

Mr. Weinrieb explained the proposed area is kind of the only place where there is not a utility encumbrment. He commented that there may be a possibility of moving it over a bit. He will look at it.

Alternate Paul asked to look at the lighting plan.

Mr. Weinrieb presented the lighting plan on the screen. He pointed out that the lighting spill does not go off the pavement.

The board reviewed the lighting plan. The board agreed that a site walk would be beneficial. They would like permission to be able to view the facility from some of the neighbors' properties.

Chair Losik opened to the public for comments.

Ethan Shepard, 9 Fern Ave, stated that light pollution is beyond what is spillage onto pavement. The lights can clearly be seen from Webster at night and he has experienced the traffic coming out of Webster's driveway. He can also attest to the noise of the dumpsters being picked up early in the morning. He is not in favor of allowing an expansion at Webster. This is a huge facility that is being allowed in the middle of neighborhoods. He has a lot of concerns about that.

Jennifer Carney, 19 Blueberry Lane, stated that the pictures that were shown, do not depict what can be seen from her back yard. There has been more activity than ever from the corner of the parking lot next to Websters. Staff is still smoking in this area, vehicles are still driving through the "exit only" driveway, and dumpsters are still being dumped earlier than agreed upon. All of these issues were brought up before with the Zoning Board. Webster has not changed these habits. These activities are visible from every room in her house and the back yard. She does not want the proposed walkway closer to her property without any buffer, as this would be dangerous to the neighborhood. The walkway needs to be on the other side of the trees for safety and privacy. She does not want any more lighting closer to her property and neighborhood. Her house already sits higher than the plantings and the street lights. The number of trees being cleared for the two leach fields and raingarden are definitely more than the proposed plantings. The clear cutting that will happen will produce a direct path of light from the new structure straight into the neighborhood. The clear cutting will expose more of the building, which is not residential looking at all. At all times, there are buses, utility vehicles, dumpsters, chained fences and now extra equipment on top of the roof. She is concerned about rodents and unwelcome wildlife in the neighborhood. New plantings will attract deer that will eat the neighbors' gardens. More drains and pipes will attract skunks that already affect the pets and the neighborhood. She encourages the board members to walk through her back yard to see how close the driveway, parking lots, lights and building structures are already to the neighborhood and the property. She asks the board to take a look at how much Webster affects the neighborhood.

Brendan Carney, 19 Blueberry Lane, stated a site walk will be valuable. Light pollution is one of his biggest concerns. The exterior lighting has been discussed, which can be lowered or mitigated. Regardless of that, the interior lighting of such a large facility with 150 beds is going to be significant. He could not find a facility of a comparable size located within a residential neighborhood. He does not feel this expansion can be mitigated through a little bit of buffering. He is also worried about the septic expansions, as this is the fourth or fifth expansion that has been proposed.

Mary Harb, 48 Mountain View Terrace, invited the board to visit her property to look at the facility. She expressed her concerns about the overbuilding and the added impact it will have on the community. At the meeting in March 2019, it was said that there would be two new leach fields. One of which would be under the parking lot and the other would be right behind her house. There now seem to be three leach fields behind the new addition. She continued that at the 2014 Zoning Board meetings, Webster agreed not to use lighting that could be seen from neighbors' properties. That is what they promised then and is what they promise now, but she can see all the lights from her property. It was said there would be no employee, visitor or contractor parking on Blueberry Lane at any time. At past two events, there was parking up and down Blueberry Lane. It amazes her as to how there will be enough buffer trees installed to solve the problem. It is not a question of trees. It is a question of space. There is just not enough space. She pointed

out that this is a residential neighborhood. A rehabilitation center is what is proposed, not an assisted living facility as was first stated.

Jeanne Moser, 6 Blueberry Lane, stated that she and her husband live directly across from the entrance to Websters. The lights from the facility shine into their bedroom window. The employees' vehicle lights shine into their bedroom at all hours of the night.

Jim Moser, 6 Blueberry Lane, commented that they love the walkway that goes through the back of the property. When he walks back through there, in January, June or August, there is a water flow in that area. There has been a lot of talk about septic. He would question whether the septic are really working and functioning effectively. To add to that with this expansion is questionable.

Christopher Piela, 25 Mountain View Terrace, stated if this proposal is accepted, it will put Webster in the top ten nursing homes within the State. It is the only one he could find in a single-family resident zoned area. It is very unusual and will probably be one of the largest facilities in the State. On the groundwater elevation plans, he thinks it is important to note the elevation change between the new addition and where the trees will be planted. The new addition will be extending out over downward sloping land. It looks like there is about a 30ft grade difference between the back of the building and the sloping land. The neighbors' homes are built on the downward slope. The addition will be level with the existing. They will have to build up land for the addition. It will not be contiguous with the slope. It will be elevated. Any trees that are planted are not going to hide the light from the existing building. It is important to keep in mind that the illustration that was demonstrated did not show the significant number of trees that will be removed. In his mind, it also does not adequately address the elevation. He would strongly suggest that any tree line that is planted around the new addition be built on a berm. That would add elevation to the trees and provide a more solid barrier between the properties. He thinks the comment is accurate that it needs more evergreens. There needs to be a resolution to the light pollution and noise pollution. They need to look wholistic at the whole idea of what they want in the community of Rye. This is a nursing facility that is essentially a hospital in a small residential community.

Phyllis Breitman, 44 Mountain View Terrace, stated this is one of the few neighborhoods left in Rye. Over the last five years, it has turned over from older folks to young families with children playing on the street. She has been opposed to this project since it was proposed. She does not feel that the people who moved into this residential neighborhood understand why the variances keep getting approved. It's a residential neighborhood and they keep coming back in to ask for more. She does not see an end to this. The young families that have moved into the neighborhood within the last few years, do not necessarily feel their children are safe here anymore, when strangers continue to walk and drive through the area. She noted that it has nothing to do with the quality of the facility. It has to do with the impact on the environment and the neighborhood. She is vehemently opposed to the project.

Mr. Weinrieb stated that as far as size and nursing homes of residential neighborhoods, those are all over the State. To say this is the largest place and there are no other assisted living facilities in residential neighborhoods is preposterous to say. He noted they went through a special exception, not a variance, process to expand the use. The reason many of these people did not speak up at that time is because they were not even here. Mr. Shepard bought in 2018, the Carneys bought in 2017, and one of the other neighbors mentioned they had been here 18 months. When they bought, Webster was here. The 2014 addition was here. Didn't they see the building? Didn't they know there was dumpster removal? Didn't they know there were strangers visiting the site? Wait, those are not strangers, those are employees who take care of the residents from Rye. How nice of Webster to allow the neighbors to use the walking path

every day and to allow the children to climb on the rocks, walk and bike in the pathway and on roadways into the facility. He does not understand the abutters to this property. This is a great property. These people came here after Webster was already here and some, after the special exception. Now, they are saying they have to stop Webster. He is absolutely shocked by these comments.

Mr. Argue stated that Webster has always worked very hard to have a good relationship with the neighbors. They work very hard to make the grounds attractive. They have gone above and beyond any requirements of the Planning Board or Zoning Board. He pointed out that an invitation was sent to every abutter inviting them to come to him and talk about their concerns. Only one person showed up. He reiterated that Webster has bent over backwards to try to be good neighbors. What they are looking at are the seniors of Rye and the State of New Hampshire. Rye has one of the oldest populations in the State. New Hampshire has the second oldest population in the country. Webster is looking ahead at meeting the needs of the community and will continue to strive to be a good neighbor. He is more than willing to sit with any of the abutters and talk about how Webster can enhance the quality of their life and make sure they feel welcome on the property. He would like people to understand that Webster is not the enemy. Webster is here to serve the people of Rye and to be the best possible neighbor.

Attorney Tim Phoenix, for the applicant, stated that with the approval of the Zoning Board, Webster is proceeding with permitted uses. The issue is not “if we do this”. It’s a matter of how can this be done while balancing the rights of the property owner against the concerns of the abutters? He continued that zoning relief has been received and now Webster is proceeding with a permitted use. Formal response to the concerns of the neighbors is probably in order because they have made some points that need to be addressed, but it is probably best to wait until after the site walk.

Chair Losik closed the public hearing at 8:44 p.m.

Speaking to Mr. Argue, Member Sherman asked why the smoking section has not been changed and why the dumpsters are still being emptied early.

Mr. Argue replied that he spoke with the maintenance crew who arrive at 6:00 in the morning. They said that if the dumpsters are being emptied before 7:30 a.m., it is an extremely rare situation, so that may be an exaggeration. His understanding is that the smoking hut would be a condition of approval for the application.

Member Sherman asked where the smoking hut will be moved.

Mr. Argue replied it will probably go beside the maintenance garage at the back of the facility, so the employees can actually access it from both sides of the facility.

Chair Losik asked if this will prevent the employees from coming out on the Blueberry Lane side of the property.

Mr. Argue replied that is correct. He continued this would be a condition of approval. He is not inclined to move it without that.

Member Durkin stated it has been referenced that Webster is a resource for the Town of Rye residents. He asked if there is something in Webster’s By-Laws that Rye residents have precedence over residents of other towns to become residents at the facility for care.

Mr. Argue replied they always give precedence to people of Rye but there is nothing written. The will of Rannie Webster said that she wanted to have a home for those people of Rye and surrounding communities who were in need of help.

Member Carter stated it was said that 23 beds were being added, but it sounds like its only 15 beds. He asked if this is a correct number.

Mr. Argue replied that is correct. The balance of that would be the conversion of semi-private rooms to private rooms. The intent is to expand the number of private rooms, as that is what people are asking for.

Alternate Paul pointed out that the qualifications for beds versus rooms might be two different things. While more rooms might be added, Webster's license is only for 150 beds. Correct?

Mr. Argue confirmed.

Chair Losik asked Mr. Argue to speak to the maximization of the facility, in terms of the land resource.

Mr. Argue stated that he was asked at the last Planning Board meeting if Webster had plans for any further expansion or would commit to no further development. He said at that meeting that he did not feel Webster could do that because no one knows what the needs are going to be twenty or forty years down the road. He continued that he does not think the footprint is going to be expanded. Webster has committed to never building on the front lawn, which is really the only other developable area. At some point, someone may want to put a second floor on the nursing home. That would have to go through the same process with special exception review, but that is just a conjecture. He noted that Webster certainly has no ability or interest in expanding beyond the proposed project, as far as the footprint of the property.

Hearing no further comments from the board, Chair Losik asked for the members to discuss a date for the site walk.

- **Site Walk scheduled for Wednesday, May 27th, 5:00 p.m.**

Motion by Bill Epperson to continued the application for Webster at Rye to the June 9, 2020 Planning Board meeting. Seconded by Jim Finn.

Roll Call: Katy Sherman – Yes; Steve Carter – Yes; Jim Finn – Yes; Tim Durkin – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes

Motion passed.

- B. Amendment to the Breakers Condominiums approved by the Planning Board in January 1980, recorded at the RCRD D-9440 on April 18, 1980 for Sally Sheehan of 824 Ocean Blvd, Tax Map 23.1, Lot 29-01 to raze the building and construct new within the same footprint. **Property is in the Business, Coastal Overlay District. Case #03-2020.****

- **Continued**

- C. Minor 2 Lot Subdivision Plan by the Town of Rye for property owned and located at 575 Washington Road and 8 Olde Parish Road, Tax Map 12, Lot 43 and Tax Map 12, Lot 43. The proposed adjustment will create a 0.4 acre +/- parcel around structures identified at 575 Washington Road and another lot 1.56 acres +/- . The proposal is shown on a plan entitled “Subdivision of Land, Tax Map 12, Lot 43, 575 Washington Road, Rye, NH” by James Verra and Associates, Inc. **Property is in the Single Residence and Historic District. Case #04-2020.**
 - **Continued**

IV. New Business

- **421 South Road Subdivision issues concerning drainage, fill and further permits**

Chair Losik stated there were some concerns brought to the board’s attention. She and JM Lord visited Stoneleigh on April 28th. There were a number of areas that gave them concern, between drainage, fill, grading, and the gravel access road on lot 4. The Conservation Commission had raised questions about their two access points. One is a paper street that comes off Autumn Lane between lots 5 and 6. The other is between lot 11 on Signature and the road into the bio-retention pond on lot 12. There was some ponding on lot 10. There is a wetland area that is a concern. There is a haul road between lots 8 and 9 that was used by the developer. There were also concerns with respect to tree cuts. She continued that through the process, anyone that was on the board understood that it was a difficult resource. The developer and his team worked diligently. The Planning Board worked diligently with the board’s experts and came to a good conclusion. Yet, despite very specific lot development plans and conditions of approval, there are these areas that have caused the board to reach out to Sebago and Danna Truslow. The board will also be reaching out to Joe Noel or another wetland scientist. She believes that Danna Truslow from Truslow Resource Consulting visited the site today. She asked Attorney Donovan if he would like to add anything.

Attorney Donovan stated that as a result of these visits and Zoom conferencing amongst the building inspectors, Kim Reed and some Planning Board members, there are two things that have happened. The group has come up with revised procedures with the Building Department for both the issuance of building permits on six lots that have not yet had building permits pulled. Also, procedures have been set for the certificate of occupancy on two or three properties that have had building permits pulled, but have not yet had certificate of occupancies issued. Those procedures will require a fairly extensive site plan of existing conditions at the time of building permit application. The site plan will be sent to Steve Harding, Sebago Technics, for a review as to whether condition #15 of the conditions of approval are being complied with. This is the condition that says; “The lot development shall conform to the lot development plans that were submitted to the Planning Board and approved”. The determination of that was originally left with the building inspector. That is now going to be something that Sebago weighs-in on. The same thing will happen when the builder comes in looking for a CO. The as-built plan that is required will have to show exactly what is there and it will be submitted to Sebago to see if it conforms with the lot development plan the Planning Board approved.

Attorney Donovan continued that he has looked at photos and has looked extensively at the lot development plans, particularly lots 8 and 4. It appears there are several instances where those lots have not been developed to conformance with the lot development plans. Lots 8 and 4 are two examples. He stated there is a draft Notice of Violation (NOV) that he has supplied to the board, which orders Mr. Falzone, as developer, to restore the whole road on lots 8 and 9, which was created to make it more

efficient for the development of the subdivision. He reiterated that the board has the draft notice of violation. He recommends the board authorize by vote to put the developer on notice.

Chair Losik noted that Steve Harding has reviewed the area and his recommendations are consistent with the NOV.

Vice-Chair Lord commented that he agrees with Attorney Donovan. One of the key issues that needs to be addressed, right off the bat, is the haul road between lot 8 and lot 9. There has been some work done in that area to put a stonewall back in place. What really brought clarity to him was that the developer sent a plan to show the location of the break in the stonewall, recently. In walking out there, that is where the break in the stonewall is and it is still there today. He thinks what they are looking at is a totally different haul road that was created to keep traffic off of South Road to go in between the two developments without having heavy equipment on South Road. He thinks they are at the point in time now where they have to go back and close up what was created for convenience to develop these lots.

Chair Losik asked Vice-Chair Lord if he is referring to the area going from lot 8 to 9 that was to the south.

Vice-Chair Lord confirmed. He noted that the break in the wall and where the equipment was taken back and forth can be seen, but it is very different than this (referring to paperwork in front of him).

Selectman Epperson stated this particular negotiate on this subdivision was excruciating, as everyone knows. Everyone spent years trying to get this right. In looking at this now, especially with the haul road and some of the environmental things that have been done, it really does not match what the board had envisioned. On lot 4, there is a road that is clearly delineated on the site plan, which does not exist. Before a CO is issued there, someone is going to have to do very extensive excavation to create that road. With regards to lot 5, he has been wondering what is going on over there with all that fill. He cannot believe that a house is going to be built on all that fill with a 10ft drop in the back. He commented that they need to make sure the sites are built the way the board envisioned them to be built.

Chair Losik stated the observations were on a significant number of the lots. Thus far, CO's have only been issued for lots 8 and 11. Building permits have been issued for lots 4, 9, 12 and 13 with no CO's. No building permits have been issued for lots 1, 3, 5, 6, 7 and 10. In going back to the lot development plans and the number of conversations that were had between the applicant and the Planning Board in consideration of all the criteria that was discovered in looking at the resource, it was found that those lots are significantly different. They do not fit the initial concept of the drainage plans and desires that were expressed in the approved subdivision. It was felt best to go to a new process, whereby the lot development plans that were approved would be compared to the plans when they came in, to look at what is going to happen to topography, and drains. With the example of lot 4, there is a very expensive drainage facility in the gravel wetland. There is concern about the functionality of the first area that is the sediment bay but there is no way to get to it. There was an access road on the plans but that has changed. She believes that Christian Smith and Steven Harding have had a conversation and many of these things are going to be worked out. She commented that it might make sense for the Planning Board to hold a site walk.

Speaking to Attorney Donovan, Alternate Paul asked if the Notice of Violation is a detailed list of how they did not comply or a general notice.

Attorney Donovan replied that the notice deals only with the restoration of the haul road.

Alternate Paul asked if there was a way to get an itemized list of what has been done versus what is expected.

Chair Losik pointed out that some of that is going to come from Steve Harding's work.

Attorney Donovan noted there are two subsequent documents that he prepared as a follow up to a couple of Zoom conferences. After Mr. Harding's report is received, the list can be put together of the concerns, which would be helpful for the site walk.

Danna Truslow stated it will be helpful if she visits the site with the board. She can take a look at Mr. Harding's feedback before making comments. She reminded the board there is monitoring work that is supposed to be starting soon. She would like Stonehill Environmental to get back out to the site. She could reach out to them to coordinate this.

Alternate Quinn asked if this is a situation where the developer has not paid attention to the detail and agreement or if this is something the sub-contractors have done in the execution of their job. He asked who has been overseeing this from the developer's side.

Attorney Donovan replied the answer is a little of both. He thinks it falls on the developer and the builder. In one case, it falls on the property owner who cut trees on Rye Conservation Commission land.

The board members agreed a site walk should be scheduled.

Chair Losik opened to Christian Smith for comments.

Christian Smith, Engineer with Beals & Associates, stated he applauds the idea of sending the plans to Steve Harding on the onset. It makes a great deal of sense to do the as-built tree lines. It has to be kept in mind that the piece on Autumn Lane went through a logging and clear-cut phase several years before Mr. Falzone had any interest in the property. Those internal tree lines were never actually picked up by the land surveyors. The proposed tree lines that were shown on the lot development plans are really more a limit of cut. He does not think, except in the case of the conservation land, the builder has gone outside those limits of clearing. The tree line within the property has holes in it. It has skidder tracks. It has excavator roads that were needed to get out to the location of the test pits. That is one point he wanted everyone to be clear on. He thinks that will be served well by doing the existing tree lines on the parcels and getting them to Mr. Harding, along with the proposed septic plan ahead of time. Mr. Harding can do the review on the as-builts as compared to the lot grading plans. Specific to individual lot grading, there is only so much elevation difference that actually can be allowed because of the 35ft height restriction in town. In looking at the as-built for lot 9, while the builder did not build that exactly to the septic design and the original lot development plan, it has to be kept in mind that those are minimum grades to achieve installation of the septic system. In the case of lot 9, it appears they took the 3 to 1 and shallowed the slope up. At the end of the cut area, the grades are all the same and it appears the stormwater is all going to run in the same direction.

Speaking to Mr. Smith, Attorney Donovan asked if he has had a chance to look at lot 8 and how that was built out. There was at least 5 or 6ft of fill put on the north side adjacent to the driveway for lot 7. In

addition to the tree line, the concern is there are places where too much fill was allowed. He believes this was done by the builder.

Mr. Smith replied that is probably the case because Mr. Falzone does not have anything to do with the individual lot development. He continued that he has not reviewed that particular lot. However, he did visit lot 4 last week with Severino. That clearly has a lot more fill than was contemplated on it. Mr. Falzone actually had Severino build that access road. It now sits under about 5ft of fill that was installed for that house construction. He noted that he and Severino came up with an idea to rectify the situation and get the access drive reestablished. However, that will have to go through Steve Harding to make sure he is comfortable as well.

Attorney Donovan commented that on lot 4 the drainage plan changed significantly. It appears that originally the drainage was to go into the middle of the cul-de-sac, which was pitched to the inside of the loop, and was to come out in a storm drain under the road, under the access road and to the gravel wetland. He was told the cul-de-sac was changed to pitch to the outside which created a new headwall for the drainage ditch on the frontage of lot 4, which is one of the reasons the access road no longer exists. He asked Mr. Smith if this was a change that he made to the cul-de-sac.

Mr. Smith replied it was. This was at the request of Severino because of the nature of the ledge that was in the middle of the cul-de-sac. This went through Steve Harding who looked at it and agreed with Severino. Mr. Smith commented this was done back in the summer of 2018. It was very early in the process of them doing the subgrade of Autumn Lane. He noted that he and Steve Harding both missed this and did not accommodate for the road. He thinks there will be a simplistic resolution; albeit, it will require a good deal of earth moving. He reiterated this was all reviewed with Steve Harding and approved by Alteration of Terrain prior to the change.

There was some discussion on possible ways to rectify the situation.

Chair Losik asked Mr. Falzone if he would like to make any comments.

Joseph Falzone, developer, stated he received Attorney Donovan's letter and reviewed it with his attorney. He understands what is being requested and will submit the package timely.

Mr. Smith requested to be copied on the list of concerns from the board.

Attorney Donovan noted that after a Zoom conference held on May 7th, he prepared a document which included a description of the procedures for future certificate of occupancies and building permits. He will get this information to Mr. Falzone, Mr. Smith and Persimmon Homes, so everyone will understand what those procedures will be.

Mr. Falzone stated that when the lot designs were agreed to with the initial plans that were submitted, it stated that the grades were in the general elevations as proposed, until it was know exactly what type of house was going to be built on it.

Vice-Chair Lord commented that he thinks Mr. Falzone is fairly correct. When he thinks about the time the board spent reviewing this, they were extremely particular on the grading of the lots, drainage, sheet flow and the location of the underdrains. A mock plan was done for every lot in the subdivision. He thinks the board had a pretty good idea from what was presented and from what was approved and the

board made a decision on that. He thinks one of the critical decisions of approval was how suitable was this land for development. When he looks at the lots now compared to what was approved, he would say there are two issues that really stick out. One is with regards to the as-built tree line on all the lots. Its like everyone took liberty on every single lot to take the tree line further than what was on the approved plan. More importantly, the amount of fill that is being brought on this property onto all of the lots is tremendously, incrementally different to what was really ever proposed. To look at what is there today and ask if this would ever be approved, he would say “probably not”. There is a massive amount of fill on every single lot that’s required to make these developable and that is what is starting to be seen. He does not think that what was presented comes really very close to what is out on the site today.

Referring to the lot development plans, Mr. Smith stated there was a note that clearly said those were based on preliminary septic designs. The septic designs showed the minimum grades required to get the septic systems in place. On lot 9, all the developer did was soften the grades and make a shallower slope and a shallower lawn out to the limits of the tree clearing. Essentially, the grades on that lot are very similar to what was proposed.

Chair Losik replied it is not on lot 9. She pointed out that on the plan it says “surface drainage shall be directed as portrayed on this plan. Areas of impervious surface and grass shall not exceed the areas indicated in the drainage calcs table, unless approved by the building inspector. The building inspector may require submissions of a detailed drainage and grading plan at the expense of the property owner”. What the board was thinking then was if changes were going to happen in areas that were significant with wetlands and shallow to bedrock, it may need to go back for another look at the drainage plan.

Attorney Donovan pointed out he did not see anything on the plans that said about the grading being approximate or dependent on septic system layout. Whereas, the language of condition #15 says “the grading should not be markedly different from the approved lot development plan”. The key words are “markedly different”. It seems that lot 8 is markedly different. Lot 4 is markedly different.

Mr. Smith replied that he would certainly agree with lot 4. He thought that when this went through the process, some flexibility would be allowed with regard to the individual lot grading. That is something that could not really be contemplated because the actual footprint of the homes was not known. He commented that moving forward, they will be more involved through the building process.

Vice-Chair Lord commented it sounds like the builder has a fair amount of responsibility here. It seems like they have taken great liberty in adding fill any place they really want. They might be matching the ground level but they do it with 2 to 1 slopes versus 3 to 1 slopes. There are great flat lots out there on a piece of property that was anything but flat.

Motion by JM Lord to approve and move forward with the Notice of Violation in order to comply, which was drafted by Attorney Donovan. Seconded by Bill Epperson.

Roll Call: Katy Sherman – Yes; Steve Carter – Yes; Jim Finn – Yes; Tim Durkin – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes

Motion passed.

The board agreed to hold off on scheduling a site walk until information is received back from Steve Harding with Sebago Technics. Attorney Donovan suggested making lot 9 a priority, as the building itself is ready for a CO. He noted there is some question on lot 9 about the grading and drainage, along with questions about the stonewall and trees.

V. Old Business

a. Request by Joe Falzone to release the Letter of Credit for the Brackett Road Subdivision.

Chair Losik noted this was discussed briefly at the last meeting. Mrs. Reed suggested that they reach out to the building inspector and DPW to see if there were any issues. Both concurred that everything is fine and they recommended releasing the line of credit.

Motion by JM Lord to release the line of credit for the Brackett Road Subdivision in the amount of \$139,816.15. Seconded by Bill Epperson.

Roll Call: Katy Sherman – Yes; Steve Carter – Yes; Jim Finn – Yes; Tim Durkin – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes

Motion passed.

b. Approval of Minutes – April 14, 2020

The following corrections were noted:

- Page 5, 3rd paragraph from bottom, 1st sentence should read: **Chair Losik clarified for the Board that the RZO being referred to is \$190-5.0.**
- Page 5, 3rd paragraph from bottom, 4th sentence should read: **“The number of parking spaces required by the table of minimum off-street parking requirements shall provide for:”**
- Page 11, 4th paragraph from bottom, 7th sentence should read: **There is a small hand drawn plan, in lieu of the required stamp plan.**

Motion by JM Lord to approve the minutes of April 14, 2020 as amended. Seconded by Jim Finn.

Roll Call: Katy Sherman – Yes; Steve Carter – Yes; Jim Finn – Yes; Tim Durkin – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes

Motion passed.

- **TRC Minutes – April 27 & April 22nd**

Motion by JM Lord to approve the TRC minutes of April 27th and April 22nd as presented.

Seconded by Jim Finn.

Roll Call: Jim Finn – Yes; JM Lord – Yes; Patricia Losik – Yes

Motion passed (members who voted were the only members at TRC meeting)

VI. Escrows

- **Attorney Donovan – Verizon Wireless - \$1,223.56**
- **Sebago Technics – Verizon Wireless - \$1,049.25**
- **Attorney Donovan – 1240 Washington Road - \$948.06**
- **Sebago Technics – construction monitoring - \$105.75**
- **Danna Truslow – Webster at Rye - \$1,072.50**

Motion by JM Lord to approve the escrows for payment as presented. Seconded by Bill Epperson.

Roll Call: Katy Sherman – Yes; Steve Carter – Yes; Jim Finn – Yes; Tim Durkin – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes

Motion passed.

Adjournment

Motion by JM Lord to adjourn at 9:55 p.m. Seconded by Tim Durkin.

Roll Call: Katy Sherman – Yes; Steve Carter – Yes; Jim Finn – Yes; Tim Durkin – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes

Motion passed.

**All corresponding documents and files may be viewed at the Building Department, Rye Town Hall.*

Respectfully Submitted,
Dyana F Ledger

RYE PLANNING BOARD

10 Central Road Rye, NH 03870 (603) 964-9800

Notice of Decision

Applicant/Owner: Rannie Webster Foundation d/b/a Webster at Rye

Property: 795 Washington Road, Tax Map 11, Lots 52 & 6
Property is in the Single Residence District

Case: Case #15-2019

Application: Major Site Development Plan by Altus Engineering for the Rannie Webster Foundation d/b/a Webster at Rye for property owned and located at 795 Washington Road, Tax Map 11, Lots 52 & 6 for an expansion of the nursing and assisted living facility by 23 beds, and an expansion to the garage and activities room. Property is in the Single Residence District and the Aquifer, Wellhead Overlay. Case #15-2019.

Date of Decision: Tuesday May 12, 2020

Decision: x Continued

The Board Voted to hold a Site Walk on May 27, 2020 at 5pm. The Site Walk will be on ZOOM and Live Streamed for those who do not attend. For those who do attend, a mask is required and one member of your family and CDC guidelines of 6ft separation must be followed.

ZOOM:
Meeting ID: 814 0307 2392
Password: 687001

The Board voted to continue the application to the June 9, 2020 meeting.

5-14-2020
Date

Kimberly M. Reed, for Patricia Losik
Patricia Losik, Chairman
Rye Planning Board

❖ *Planning Board Approvals do not include building permits; please check with the Building Inspector's office before any and all construction.*

1 | Page

RYE PLANNING BOARD

10 Central Road Rye, NH 03870 (603) 964-9800

Notice of Decision

Applicant/Owner: The Parsonage, The Town of Rye

Property: 575 Washington Road and 8 Olde Parish road, Tax Map 12, Lot 43
and Tax Map 12, Lot 43
Property is in the Single Residence and Historic District

Case: Case #04-2020

Application: Minor 2 Lot Subdivision Plan by the Town of Rye for property owned and located at 575 Washington Road and 8 Olde Parish road, Tax Map 12, Lot 43 and Tax Map 12, Lot 43. The proposed adjustment will create a 0.4 acre +/- parcel around structures identified at 575 Washington Road and another lot 1.56 acres +/- . The proposal is shown on a plan entitled "Subdivision of Land, Tax Map 12 Lot 43, 575 Washington Rd, Rye, NH" by James Verra and Associates, Inc. Property in the Single Residence and the Historic District. Case #04-2020

Date of Decision: Tuesday May 12, 2020

Decision: x Continued

The Board Voted to hold a Site Walk on May 19, 2020 at 5pm. The Site Walk will be on ZOOM and Live Streamed for those who do not attend. For those who do attend, a mask is required and one member of your family and CDC guidelines of 6ft separation must be followed.

Join Zoom Meeting

<https://us02web.zoom.us/j/89744717169?pwd=R1p4OUpzUW9EN1F5K1EzNlpLZzlrZz09>

Meeting ID: 897 4471 7169

Password: 731928

The Board voted to continue the application to the June 9, 2020 meeting.

5-14-2020
Date

Kimberly M. Reed, for Patricia Losik
Patricia Losik, Chairman
Rye Planning Board

❖ *Planning Board Approvals do not include building permits; please check with the Building Inspector's office before any and all construction.*

1 | Page

RYE PLANNING BOARD

10 Central Road Rye, NH 03870 (603) 964-9800

Notice of Decision

Applicant/Owner: Sally Sheehan of 111 Cottage Street, Mansfield MA

Property: 824 Ocean Blvd, Tax Map 23.1, Lot 29-01
Property In Business, Coastal Overlay and SFHA, Zone AO+1

Case: Case #03-2020

Application: Amendment to the Breakers Condominiums approved by the Planning Board in January 1980, recorded at the RCRD D-9440 on April 18, 1980 for Sally Sheehan of 824 Ocean Blvd, Tax Map 23.1, Lot 29-01 to raze the building and construct new within the same footprint. Property is in the Business, Coastal Overlay District, Case #03-2020.

Date of Decision: Tuesday May 12, 2020

Decision: The Board voted to continue the application to June 9, 2020

5-14-2020
Date

Kimberly M. Reed, for Patricia Losik
Patricia Losik, Chairman
Rye Planning Board

❖ *Planning Board Approvals do not include building permits; please check with the Building Inspector's office before any and all construction.*

1 | Page

RYE PLANNING BOARD

10 Central Road Rye, NH 03870 (603) 964-9800

Notice of Decision

Applicant: Joseph Falzone
Harbor Street Limited Partnership of Stratham NH

Property: Sea Mist Subdivision, 456 Brackett Road, Rye NH

Application: Request for release of Surety held for the Field of Dreams at Post Road, LLC for the Sea Mist Subdivision at 456 Brackett Road, Rye NH.

Letter of Credit: Haverhill Bank
#82173263

Date of Decision: Tuesday, May 12, 2020

Decision: x Approved

The Board voted unanimously to release the remainder of the surety held by Haverhill Bank for the Field of Dreams at Post Road, LLC for the Sea Mist Subdivision at 456 Brackett Road, Rye NH. The amount of \$139,816.15 will be released leaving a balance of \$0.

5-14-2020

Date

Kimberly M. Reed, for

Patricia Losik, Chair
Rye Planning Board

❖ *Planning Board Approvals do not include building permits; please check with the Building Inspector's office before any and all construction.*

1 | Page