

**TOWN OF RYE – PLANNING BOARD
MEETING**

**Tuesday, October 8, 2019
6:00 p.m. – Rye Public Library**

Selectmen Present: Chair Patricia Losik, Vice-Chair J.M. Lord, Steve Carter, Jerry Gittlein, Tim Durkin, Selectmen's Rep Bill Epperson, and Alternate Jim Finn

Others Present: Planning Administrator Kim Reed

I. Call to Order

Chair Losik called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Alternate Jim Finn was seated for Jeffrey Quinn.

II. Approval of the September 10, 2019 meeting minutes

Motion by JM Lord to move the approval of minutes to after the public hearings. Seconded by Jerry Gittlein. All in favor.

III. 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 is 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 #12-2019.
Request a continuance to the November 12, 2019 meeting.

Motion by JM Lord to continue Case #12-2019 to the November 12th meeting. Seconded by Jerry Gittlein. All in favor.

- b. Amendment to the Surf Club of Rye Condominiums approved by the Planning Board on March 12, 2002 by Peter Fregeau for property located at 1196 Ocean Blvd, Tax Map 17.3, Lot 35, to add a dormer to unit #2. Property is in the Business/General Residential, Coastal Overlay District and SFHA, Zones AE and VE. Case #14-2019.

Chair Losik noted that this case was before the Board in September. At that time, board members motioned that the application was complete; however, the applicant was not present at the meeting and the Board had questions. The applicant has since met with the Planning and Zoning Administrator to clarify the application.

The Board reviewed the application packet.

Peter Fregeau, 1196 Ocean Blvd, submitted additional engineering prints to the Board.

There were no questions from the Board.

Motion by Bill Epperson to declare Case #14-2019 complete and ready for discussion. Seconded by Tim Durkin. All in favor.

- c. Minor Site Development Plan by Malcolm E. Smith for property owned and located on Lafayette Road, Tax Map 10, Lot 1 to temporarily store motor vehicles and related products including trailers and boats on a limited area of the premises. Property is in the commercial and Aquifer and Wellhead Protection District. Case #17-2019.

The Board reviewed the application packet.

No questions from the Board were heard.

Motion by Bill Epperson to declare Case #17-2019 complete and ready for discussion. Seconded by JM Lord. All in favor.

- d. Application by Eversource Energy to trim and remove trees and brush adjacent to and beneath some of its power lines within town for utility line upgrade along scenic roads within the Town. All roads have been designated a scenic road by the Rye Town Meeting. The work is necessary to ensure the safe distribution of power and to improve the reliability of electric service. The work to be done will occur along the following streets and roads: Elwyn Road, Pioneer Road and Brackett Road. Case #18-2019.

The Board reviewed the application packet.

Motion by Steve Carter to declare Case #18-2019 complete. Seconded by JM Lord. All in favor.

IV. Public Hearings on Applications if they are complete and/or have been continued:

- A. Major Site Development Plan by Samonas Realty Trust for property owned and located at 1215 Ocean Blvd, Tax Map 17.3, Lot 6, to raze all of the existing structures, eliminate the parking and access encroachments, remove the existing septic systems, and other building infrastructure and replace them with 4 duplex style homes with new septic, permeable driveways and tidal buffers. Property is in the General Residence, Business District and Coastal Overlay Districts and SFHA Zone AO. Case #01a-2019.

Request a continuance to November 12, 2019.

- B. Special Use Permit by Samonas Realty Trust for property owned and located at 1215 Ocean Blvd, Tax Map 17.3, Lot 6, to allow land housing tourist accommodations to become obsolete and to be redeveloped in residential use densities per Section 304.6 of the Rye Land Development Regulations. Property is in the General Residence, Business District and Coastal Overlay Districts and SFHA-Zone AO. Case #01b-2019.

Request a continuance to November 12, 2019.

Motion by JM Lord to continue Cases #01a-2019 and #01b-2019 to November 12th. Seconded by Jerry Gittlein. All in favor.

- C. Major Subdivision and Condominium Development Plan by Harbor Street Limited Partnership for property located at 1244 Washington Road, Tax Map 10, Lot 82, for a 20-unit residential town houses which will comprise of 5 4-unit buildings. Property is in the Single Residence District, Multi-Family Dwelling District, Aquifer and Wellhead Protection District and Rye Landfill Groundwater Management (RL-GMZ) District. Case #06a-2019.
- D. Special Use Permits for the multi-family dwellings, per Section 307.3 and Section 402 and for the Aquifer Wellhead Protection District by Harbor Street Limited Partnership for property located at 1244 Washington Road, Tax Map 10, Lot 82, for a 20-unit residential town houses which will comprise of 5 4-unit buildings. Property is in the Single Residence District, Multi-Family Dwelling District, Aquifer and Wellhead Protection District and Rye Landfill Groundwater Management (RL-GMZ) District. Case #06b-2019.

Christian Smith, Beals and Associates, noted that since the work session, there have been some changes, which his team will go through. Comments have been received from both Attorney Donovan and Sebago Technics. Answers to those comments were sent out to the parties last week. He continued that Steve Harding, from Sebago Technics, has stated that there is an addition of a note that he would like to see on the plan, which is specific to the comment about the landscape plantings being close to the septic components. Mr. Smith explained that Sebago suggested notes on the landscape and site plans specific to coordination of the installation of the septic features, as well as the plantings so they do not conflict in the field. In regards to comment #14, he noted that when data was inputted for the existing conditions plan, an extra digit was entered, which will be corrected. He pointed out that Steve Harding concurs with the drainage evaluation.

Chair Losik stated there were plans delivered, including revised architect plans, at the end of September. Correspondence went back and forth between Danna Truslow and Stonehill Environmental. Also, there was correspondence between Christian Smith, Steve Harding and Attorney Donovan. She believes the Board has read all the correspondence and understands the issues. She continued that this past Friday, there was another set of corrections on the plans. She asked the Board members if they are up to date with the current plans. She noted the current plans are dated October 3, 2019; parking and layout plans. She commented the plans are not substantially different. They have just been cleaned up.

Mr. Smith agreed.

Jen Martel, Landscape Architect with Ironwood Design Group, submitted updated color and visual renderings to the Board, as well as updated landscape sheets. In response to the discussions at the work session, Buildings 4 and 5 were pivoted, which opened up space for more landscaped area. She noted that the patios, to the rear of the buildings, have been added to the plans. More plantings have been added around Buildings 4 and 5. Perennials have been added around the entrance, with the bus stop being moved to provide more grass area. The mailboxes have also been moved. She continued that more evergreen trees have been added by Building 2 and rhododendrons will be added to the buffer. She noted that the HVAC equipment, generators, locations of the fire service buildings and screening has been added to the plans. A planting plan has also been developed, which identifies the various tree and plant species. Notes have been added to sheet L-1 with regards to irrigation for the planting beds. She pointed out that information regarding the transplanting of the trees has been “beefed up”, as there was discussion

at the work session that this information was vague. The views of the buildings have also been updated. Views 1 and 2 really did not change, but there is a subtle change with view 3 and the corner of the building is seen a bit more. She pointed out that the change adds more room for buffer plantings in the front of the building.

Member Durkin stated the concern he has is the distance from the gabled ends of those two buildings to the road. He would think there would be more screenage, rather than a wildflower seed mix, to soften the view. Those structures are going to be very close to the road. That is why there was discussion on pivoting the building to try to soften it a bit. It seems that more can be done to soften the view from the road to the structure.

Ms. Martel explained the part that is not being seen is a drainage ditch between the wildflower plantings and the house. Trees would not do well in that area. It is a bit of a limited area. The evergreens are to help soften the edge of the buildings.

Referring to the location of the school bus stop, Member Durkin commented there will be snow in this area so the children will be standing in the driveway. He has some concerns about that from a safety standpoint.

Mr. Smith stated he lives in an open space subdivision in Exeter. There are 58 homes with two different spots for children to be picked up. The children are either on the sidewalk or directly in the road. With regard to school bus time, people respect that and are concerned about the children's safety.

Chair Losik stated she shares Member Durkin's concerns. That area, given the businesses across the street, is very busy. She is not sure what an alternative would be; however, she is concerned. She agrees with the "beefing up". She still sees it being pretty open from the corner. She asked if more could be added to that area.

Ms. Martel stated there were some concerns about sight lines. That is one of the reasons for keeping it open.

Mr. Smith noted that amongst the signs and telephone poles there are utilities that would complicate the plan.

There was some discussion in regards to having taller material closer to the street. There was also discussion about the buffer to the abutters behind Building 2.

Ms. Martel noted the plantings behind Building 2 are a white flowering rhododendron that will grow to about 6ft to 8ft tall. There are already plantings there, but there is no screening up to the 10ft zone. This is sort of an understory planting.

Chair Losik commented there was some discussion about the relocated Juniper trees and what happens if they don't take well.

Ms. Martel stated that note L-1, #5.5, refers to replacing trees if they are not viable after two years.

Chair Losik asked the Board for further questions.

Speaking to Member Durkin, Alternate Finn asked if he is thinking about a sidewalk for the children.

Member Durkin replied “yes” to make sure there is a cleared space.

Selectman Epperson commented there could be a concrete pad for the children to stand on.

Mr. Smith pointed out there could be a small post and rail fence.

The Board agreed that would be a great idea.

Referring to the eastern side, Selectman Epperson asked if that area is in a vegetative state.

Mr. Smith confirmed.

Member Gittlein asked if the plantings are deer resistant.

Ms. Martel replied there is no guarantee but they try to go towards deer resistant plants.

Michael Keane, Architect, stated there are two building types in groups of 4. The buildings are garage under style townhouses. They equate to three stories in height, with the garage, and a potential for finished space in back of the garage. The living area is above the garage with the bedrooms over the living area. To take some of the height of the buildings down, there is a dormer effect on the third story with a lower roof down to the second story and gabled ends across the top of the third story. It gives the building a dormered effect, so it does not have a full three-story wall. The second building type is essentially the same; with the exception of smaller units on the interior. The smaller interior units will be set back in the building. He noted that colors and siding materials have been varied to help break up some of the mass of the buildings. At the work session, most of the comments were directed toward the side opposite the main entrance. He noted the change in the sunporch. He also noted that the patio has been added and the slider has been changed to a more solid door, in case the space remains unfinished. He pointed out the columns have been “beefed up” a bit with the spacing being changed so it will have more of a porch effect. Trim has been added to give it more of porch look with an arch. He pointed out that he has shown on the plan the potential for a privacy fence under the porch in case that area is used for storage of outdoor furniture. The HVAC equipment is now shown on the plan between the sunrooms and there will be landscaped buffer. Each of the buildings have a 5x5 shed off one end to house the sprinkler system. Those are located in the center between the units so they are not facing Washington Road. If a generator was to be installed, he would recommend it to be in that location also so they would not be near the neighbors or facing Washington Road.

Chair Losik stated that at the work session there was discussion about the long runs of the fronts of the buildings. There was discussion on having some variation and some staggering to offset the face of the buildings and the long runs.

Mr. Keane stated this was done on Buildings 1, 2 and 3 because of the smaller units. There was some discussion for Buildings 4 and 5; however, the preference would be to not do that because there are some restrictions for the setbacks. From a construction standpoint, there are two ways the firewall in-between the units can be built. The preferred way is to have a separate drywall wall in between two stud walls. It is very difficult to get that wall to follow the roofline properly when the building is offset. He noted that because of the recessed porches at the second level and the projected bay dormers along the front, the

buildings do not really have a long expanse of flat wall, other than at the ground level. He reiterated the preference is to not offset the units because it really does complicate the fire protection between the units. The other way to build it is if those walls were exterior walls.

Selectman Epperson commented that he thinks there is enough contrast to the fronts. He thinks it looks pretty good.

Chair Losik asked the members of the Board for other questions about the architecture.

Member Carter commented that he thought there was some discussion about switching Buildings 3 and 4, so there would be some variation. He pointed out that the two smaller buildings are right in the front. The other buildings, which are more ornate, are set back further out. He stated it might not be possible because of the lengths of the buildings.

Chair Losik stated she does not recall talking about switching Buildings 3 and 4. She asked the size of the mechanical room.

Mr. Keane replied 6x10.

Member Carter asked what purpose the dormer serves, for Buildings 4 and 5, other than decorative.

Mr. Keane explained there are uses under all the dormers. The gable over the top of the roofline is decorative. That was done to break up the mass and not make them look so repetitious. The gable serves no other function other than to break up the roofline.

Speaking to Mr. Falzone, Selectman Epperson asked if there are plans for a private well for irrigation purposes.

Joseph Falzone, Developer, stated that he has not thought about that but it would be a lot cheaper to do that. He has done this in the past.

Selectman Epperson stated there is a prohibition on wells in this area; however, that would be for drinking water, not for irrigation.

Mr. Smith commented they could probably use one of the monitoring wells.

Selectman Epperson stated an analysis would have to be done on the water because of the proximity of the landfill.

Member Durkin asked the difference in the length between Buildings 1 and 5.

Mr. Keane replied approximately 8ft.

Chair Losik asked Mr. Smith to go through the letter of October 4th, which is in response to the concerns raised by Attorney Donovan and the items raised at the September 3rd work session.

Regarding visitor parking, Mr. Smith stated that Attorney Donovan's comment was that some people store everything but their cars in the garage. If that is done and the owner has two cars, there is no room

for guest parking for that particular unit. He continued that his response is that it appears that the proposed parking actually exceeds the requirements in the zoning code. While an individual unit and use of the garage space cannot be controlled, this would not likely be a global issue within the development. In addition, the roadway has been peppered with "no parking" signs.

Chair Losik asked for clarification on the statement that "it would not likely be an issue".

Mr. Smith explained that he cannot fathom that every unit owner is going to load their garage with junk and park their cars in the driveway.

Selectman Epperson pointed out that one of the conditions of approval could be "no parking" on the street.

Vice-Chair Lord stated that four spaces per unit should be fine. If someone had guests over, they would probably be utilizing other people's parking areas, if need be. This close-knit community would probably be working together.

In regards to the workforce units, Chair Losik stated that this is confusing to many of the Board members. The response was this would be addressed by developer's legal counsel and architect under separate cover.

Mr. Falzone explained there are four affordable units. Two units with three bedrooms and two units with two bedrooms. Each one of those units will be in a separate building, so they will be dispersed.

Selectman Epperson suggested they continue to work with Attorney Donovan on the workforce housing.

Mr. Smith agreed.

Chair Losik asked about the plans for the solid waste disposal system.

Mr. Smith explained they do not have controlling interest in the sewer being extended. Mr. Falzone is included in the agreement and will pay his fair share; however, he is at the tail of the extension as well. If other entities do not kick in, there is not much that he can do. At this point, he thinks they really need to move forward as if septic systems are going to be built. If the sewer extension comes through, it can be connected.

Mr. Falzone stated he agreed to connect to the sewer. He pointed out he is a small user in the sewer scheme and could never pay to bring the sewer up. He has always been very clear that he wants the plans to be approved with a septic system with the agreement that he will connect to the sewer, provided it is in a timely fashion. He pointed out that they just received the bid price from the contractor for the sewer. He commented that he would like to connect to the sewer because it would be so much easier.

Referring to the extension of the sewer, Selectman Epperson asked where he and his partners are in the negotiation.

Mr. Falzone stated they all wanted to know the price. Now they know that they can count on 2.5 million. He pointed out that all the documents are being drafted now and they will be meeting.

Selectman Epperson stated he is going to push hard on the sewer. He is encouraging everyone to figure out how this can be done.

Mr. Falzone noted that the City of Portsmouth has been very reasonable through this process. DOT has come to terms that they will allow cutting in certain spots. Now it is time to get the people to say they are going to come on board. They have to know that if they do not commit now, it is going to cost more to come on later.

Selectman Epperson pointed out that those small parcels are going to be worth a lot more money on sewer than they are on septic. He noted there are good reasons why the sewer should be there. A large part of it is environmental.

Attorney Mark Johnson, representing the applicant, stated they need to come up with some conditions to deal with two possibilities. First, if the sewer does not happen in the spring and it does not look like it is going to happen, Mr. Falzone needs to be able to go to the septic alternative. Second, if it is happening and building is occurring but it isn't connected yet, Mr. Falzone needs to be able to get building permits.

Chair Losik stated that language can be worked out with Attorney Donovan for the next meeting. She read from Attorney Donovan's memo regarding the Aquifer and Wellhead Protection District Conditional Use Permit not being approved until the method of sewage disposal is determined. She commented that she sees it happening in stages.

Attorney Johnson stated they are willing to go the sewer alternative, as long as they don't find themselves not being able to get the permit and having to come back in and go septic. He asked to what degree the Board needs the septic plans now.

Chair Losik stated the Board needs them but the absence is understandable. This is a question for Attorney Donovan regarding how much of the plan is needed to basically put some "meat" on the alternatives language that is going to exist in the conditions of approval.

Mr. Smith explained the fields have been located and designed for size. The only thing that needs to be dealt with is the pumps. He stated that he believes Mr. Falzone is going to have them proceed with formal septic designs for all five fields to be submitted to the State with a subdivision application. If the sewer was a definitive, it would not be necessary.

Referring to the memo of concerns, Chair Losik stated there was some discussion about the intersection at Lafayette Road. There was a concern from former Police Chief Allen Gould about the loss of the free right turn onto Lafayette Road.

Mr. Smith stated the way the plan is laid out, it continues to have the free right turn, a straight and left. Attorney Donovan also had a concern about two signs that are already existing on Washington Road. He continued with the memo of concerns. He stated that the entry door lighting will be on the first level. There will very likely be another light at the door off the covered porches and the patios in the back. Three outside lights per unit.

Member Carter asked if there will be any common lighting.

Mr. Smith replied there is none proposed. He continued that with regard to the building height, they understand how the ordinance is implemented and take no exception to that. Three of the back buildings that are up the hill are going to be recessed from existing grade. He does not think there will be an issue. He continued that the memo talks to Cynthia Thayer's report. The coverage is 25.2, which is correct. The memo goes into the iterations of what would need to be done to exceed that. This is going to be noted in Sebago's comments. Mr. Smith stated they have gone to fairly extraordinary measures to recharge stormwater into the ground. It is showing pretty significant, if not massive, reductions to those catch basins which have pipes running up hill. Everything that is proposed for stormwater treatment is in compliance with the NH Stormwater Manual. The .2% seems very reasonable. Referring to comment #13, Mr. Smith pointed out this is specific to surety. This is understood and is not an issue.

Hearing no further comments from the Board, Chair Losik opened to the public.

Alan Gould, 36 West Road, owner of 1210 Washington Road, stated that seeing the renderings it seems that the mass is so uncharacteristic, to not only the neighborhood, but also of the Town and that is very concerning. He is really disappointed in the buffer that is shown on the east side. The buffer is so minimal. He noted the trees that are there are "junky" trees. He would hate to count on those trees for any kind of buffer. He would like to see a more significant buffer that is independent of what is there. When what is there finally falls apart, there will still be a buffer. He stated there could likely be 75 or 80 people living on that parcel. If there is a husband and wife with two cars per unit, and junior gets a car, he is not sure where all those cars will be parked. He asked how the buffer to the first house can be fortified.

There was some discussion about the existing trees on the east side of the property in the buffer.

Referring to the buffer, Chair Losik stated that she thinks there will be some improvements. The Board considers the buffers very important and will continue to endeavor in that regard.

Mr. Falzone stated he does not have an issue filling in with pine trees.

Selectman Epperson asked Mr. Smith to speak to the parking issue.

Mr. Smith stated that each unit has two spaces in the garage and two in the driveway. The driveways are 23ft deep by 20ft wide.

Lisa Oakes, 1201 Washington Road, asked where the overflow is going to go if someone "stuffs" their garage. She noted that the colors of the buildings are two different colored grays, which is just "blah". She continued it is too much for that lot. It doesn't fit Rye and it is one of the gateways into the Town. She reiterated it is too much and too big. It looks like a strip mall.

Selectman Epperson stated that this is commercially zoned. There could be a gas station in that location.

Mrs. Oakes stated she understands but feels it is too much.

Chair Losik replied that in terms of the storage, behind the two-car garage, almost the full width of each unit, is an unfinished basement area. That does allow a significant portion of storage on the ground floor that is easily accessible.

Mrs. Oakes asked if the building could be broken up.

Chair Losik explained that a lot of work has gone in since the conceptual and in the recent months. There has been a lot of good dialogue. There was a lot of discussion about the buffer behind Building 2 on the site walk. She thinks this should be addressed again. However, at this point, the applicant has been thoughtful, in terms of getting to the place they are now. It is much more fitting with the gables and the aesthetics seen driving down Washington Road, which is replicated in these structures.

Mrs. Oakes commented she cannot agree with the amount that is on that property.

Member Durkin asked for clarification on the parking.

It was clarified by Mr. Smith that the two-bedroom units will have three spaces for parking and the other units will have four spaces.

Mrs. Oakes asked if there will be dumpsters.

Mr. Smith replied “no”.

Chair Losik pointed out that every auxiliary mechanical has been sheltered by fencing or gardens to protect the sight lines.

Mrs. Oakes stated that she would like to see a better buffer. She would like to see the development smaller in size and would also like to see colonial colors.

Joe Cummings, 990 Washington Road, expressed his concerns in regards to the traffic on Washington Road. He stressed how important it is to address the traffic and pedestrian safety. He noted that the proposed driveway for the development seems to be in a dangerous location. He hopes the Board encourages the developer to spend money to hire engineers to help with the traffic.

Chair Losik noted that the applicant has hired a traffic engineer who has done a lengthy study and report. That information is available to the public. The discussion of the traffic report with the engineer was at one of the Board’s meetings, which is available in the minutes.

Referring to the rendering showing Washington Road, Mr. Gould stated it is critical that the right turn lane remain. If it does not, the traffic is going to back up, especially with people coming out of the schools and businesses in that location.

Chair Losik showed Mr. Gould the plan, which shows the right turn lane on Washington Road which turns onto Route 1/Lafayette Road.

Susan Barrie, 181 Brackett Road, stated she understands there could be a million different things there because of the zoning. However, it is sad to see space like that filled up with something huge and monstrous with as many people as possible “shoved” onto this piece of land. Rye is a wonderful town and is one of the last few like it in the area.

Selectman Epperson stated that going south on Route 1, just before Washington Road, there is a junkyard on the left-hand side and a “rundown” clam shack on the other side. Those are the things that really bother him. He hopes the sewer comes in and that side of town can be developed to look like the gateway to Rye.

Ross Hobin, Coldwell Banker/Hobin Realty at 1257 Washington Road, stated his office has been on that corner for probably 28 to 30 years. There have been a lot of changes. In fairness, this is a commercially zoned property that has roughly 600ft of frontage on Route 1. Driving just north or south, there are two large billboards. There is the motel and all kinds of retail establishments up and down Route 1. This development is a different complexion. They are taking the “what ifs” and making it more desirable architecturally with a good use of the land. It also addresses a need for workforce housing, which the Town put into place with this overlay district to help encourage this type of development, as opposed to a car lot, strip mall or bank. He thinks it is well fitting. There is a demand for housing and this fits very much in with the environment of Rye, as compared to the more commercial type of buildings. He speaks very highly about this project

Chair Losik stated she understands the comments coming from the public. She understands the work that has gone in by the applicant. Property affords owners land development rights that are consistent with the State laws and Rye’s ordinances. (She read from Rye’s zoning ordinance.) The Planning Board’s job is to not look at one owner’s advantage over another. It is to look at what is really in the ordinance and how it’s employed. She stated that the citizen’s comments have all gone into making this a better project. Ultimately, land is valuable in the Town and has rights accorded to it.

Attorney Johnson asked if the Board is all set with the architect and the landscape architect for the next meeting.

Chair Losik noted the Board may have some more questions for the landscape architect. She suggested that they look at the next iterations of the buffer and the area near the intersection. She noted that they are set with the architect.

Attorney Johnson reviewed his list to go over with Attorney Donovan; work on the language for workforce housing; and alternative language for conditions for septic or sewer.

Mr. Smith noted that he will ask Attorney Donovan about what level of design the septic plans should be for the Board.

Attorney Johnson asked if the disbursement of the workforce housing units are satisfactory to the Board.

Chair Losik noted that what was described at this meeting seems to be compliant with the code section.

Attorney Johnson asked what other items should be addressed at the next meeting.

Chair Losik pointed out the notes for the bus stop and fence should be incorporated.

Selectman Epperson suggested that they take a look at the colors of the buildings.

Chair Losik commented even the tones of the grey.

Member Carter asked if they could look at whether there is an option for auxiliary parking. He could see cars parked in the two turn-out areas, even though it says “no parking”. He commented that there may not be any more room to do it because at that point more pavement would have to be added.

Chair Losik stated that a good amount of the landscaping may be sacrificed.

Member Durkin stated he appreciates what the applicant has done, in terms of trying to soften the architecture and landscape design; however, he still shares some of the concerns the folks have voiced about the density of this project. There is only so much that can be done with screenage and buffer going down Washington Road. The reality is, people are going to be looking at the sides that are 35ft tall. The only way that this can be addressed is by having less density. His concern is that there is still too much density just in terms of structure on this property. That could be addressed by having one less structure. It could be addressed by having two of those buildings having three units, instead of four. He thinks it is something the Board should consider when they are listening to the public input and the fact that this is the gateway to the Town.

Member Gittlein stated there is an element to Member Durkin's comments. It would probably please more people than less. They are talking about their little rural town. It is their job, as a land use board, to try to maintain that.

Chair Losik stated she agrees with Member Durkin that they are 35ft high and 100ft in length. They are big buildings. The Board has heard tonight, from an architectural standpoint and a structural built standpoint, that the developer has gone just about as far as he can go, in terms of making those fit the needs of the particular use and also to address some of the aesthetic concerns. It is a concern, but the Board is always trying to find that "good place to be". She reiterated that it does feel big. She also knows that in the Town's ordinance, there is an opportunity for the number that has been brought to the Town.

Mr. Cummings asked that they be sensitive to the fact that the development does not really have "normal" backyards. He could see children potentially crossing the road to play in the open fields and to go to the playground area. He would just like them to consider the safety issues.

Hearing no further comments, Chair Losik closed the public session at 7:49 p.m. No further comments were heard from the Board.

Motion by JM Lord to continue Case #01a-2019 and Case #01b-2019 to the November meeting. Seconded by Bill Epperson. All in favor.

- E. Amendment to the Breakers Condominiums approve 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 #12-2019.

Request a continuance to the November 12, 2019 meeting.

(See motion above.)

- F. Amendment to the Surf Club of Rye Condominiums approved by the Planning Board on March 12, 2002 by Peter Fregeau for property located at 1196 Ocean Blvd, Tax Map 17.3, Lot 35, to add a dormer to unit #2. Property is in the Business/General Residential, Coastal Overlay District and SFHA, Zones AE and VE. Case #14-2019.

Peter Fregeau, 1196 Ocean Blvd, spoke to the Board. He explained the request is for a dormer on the north side of the building. The overall height of the building will not change. It makes the third floor of the building a little more functional and adds full ceiling height across that floor. The interior square footage is not changing, nor will any rooms be added to the building. This is just an improvement to the two rooms on the third floor. He noted the dormer is going to be the full length of the building. There are

currently two bedrooms and one bathroom on that floor, which will remain after the construction of the dormer.

Chair Losik asked if it is a four bedroom home, as she was looking at the plans from 2002 and what the septic was approved for.

Mr. Fregeau confirmed.

Vice-Chair Lord asked if this unit is connected to the system in the center of the complex.

Mr. Fregeau replied it is. He explained that each unit has a septic tank but the leachfield is a common field in the center of the parking lot.

Vice-Chair Lord pointed out that this was changed from individual septic systems.

Mr. Fregeau noted there are two homes and the Surf Club. He has approval from the Surf Club and the other unit owner.

The Board did not have any questions for the applicant.

Chair Losik opened to the public for comments or questions.

Mark Rudick, 1182 Ocean Blvd, stated he is the one that would be the most affected by the proposal and it is fine with him.

Hearing no further comments, Chair Losik closed the public hearing at 8:00 p.m. In regards to the waivers, Chair Losik asked if he would accept a couple of amendments. She would like it to say *“and hereby request a waivers from Articles (listed on back of application) of the Rye Land Development Regulations. In support of such request, explanation of justification of waiver. Strict conformity would pose an unnecessary hardship and waiver would not be contrary to the spirit and intent of the regulations because no substantial changes to the Condominium Site Plan, Surf Club of Rye, Planning Board approved 4/11/2002, exist and specific circumstances relative to the subdivision site plan review or conditions of the land in such subdivision site plan review indicate that the waiver will properly carry out the spirit and intent of the regulations because of conformity with Condominium Site Plan, Surf Club of Rye, Planning Board approved 4/11/2002.”*

The Board had no concerns with the amendment. The applicant agreed to the amendment.

Chair Losik noted that staff also recommended a non-convergence agreement be signed to make sure there is no living space below the first floor.

Motion by JM Lord to conditionally approve based upon clarification of the waivers and that a non-convergence agreement be signed to make sure there are no living spaces below the first floor and cannot be converted. Seconded by Steve Carter. All in favor.

- G. Minor Site Development Plan by Malcolm E. Smith for property owned and located on Lafayette Road, Tax Map 10, Lot 1, to temporarily store motor vehicles and related products including trailers and boats on a limited area of the premises. Property is in the Commercial and Aquifer and Wellhead Protection District. Case #17-2019.

- **No one present to discuss application.**

Motion by JM Lord to continue Case #17-2019 to the November meeting. Seconded by Jim Finn. All in favor.

- H. Application by Eversource Energy to trim and remove trees and brush adjacent to and beneath some of its power lines within town for utility line upgrade along scenic roads within the Town. All roads have been designated a scenic road by the Rye Town Meeting. The work is necessary to ensure the safe distribution of power and to improve the reliability of electric service. The work to be done will occur along the following streets and roads: Elwyn Road, Pioneer Road and Brackett Road. Case #18-2019.

Chair Losik stated there is a note that the work is the final phase of a three year project of upgrading the electrical system and increasing reliability to customers. The applicant, or applicant's representative, has already met with Public Works Director Dennis McCarthy. Pioneer Road and Brackett Road are actually state roads and not under the jurisdiction of the Town of Rye. A small segment of the project is located on Elwyn Road but no trees are within the town right-of-way.

Dave Burley, Asplundh Tree, spoke to the Board. He explained that the section on Brackett Road that is going to be rebuilt and Pioneer, fall under the same jurisdiction, as far as maintaining. He assumed that the Town does not have jurisdiction on those two roads. He continued that two trees are being taken down on Elwyn Road, but they are back away from the right-of-way.

Selectman Epperson asked if the trees are on private property.

Mr. Burley confirmed.

Selectman Epperson asked if permission from the landowners has been received.

Mr. Burley confirmed.

Selectman Epperson asked if he is aware of the conditions of approval Eversource received the last time there was cutting.

Chair Losik reviewed the conditions of August 9, 2016; April 11, 2017; and August 14, 2018.

- 1) Eversource obtains approval from property owners in writing, which includes property owners that have trees in the right-of-way.
- 2) Eversource inform property owners in writing that they have the right to refuse the cutting or pruning; and
- 3) Eversource conforms to the PUC administrative rules per RSA 231:172.

Chair Losik noted that there ends up being a lot of half trees, which are not very healthy in the long run. She asked how the decision is made on what to keep. She asked if they are going to end up with more half trees.

Mr. Burley stated it depends on the homeowner. He noted that they try not to do that kind of thing. However, when a line is rebuilt, the poles go higher and need more clearance. He stated they try to be sensitive about big Oak trees and trees with healthy limbs. If they do not need to take them off, they try not to.

Chair Losik asked about the education part of the discussion with the homeowner, if a tree is on their property but should come down.

Mr. Burley explained he would point out the reasons why. If too much of a tree has to be cut, he will make the suggestion to take it down.

Chair Losik asked if he is clear as to what the tree will look like.

Mr. Burley confirmed.

Member Carter asked if the stumps are removed for trees that are taken down.

Mr. Burley replied it depends on the situation. If it is a nice grassy area that can be reseeded, yes.

Chair Losik pointed out that in 2016 or 2017, there was work along Washington Road and that tree work was not aesthetically pleasing. There were stumps left and many of them had regrowth so "scrubby" areas developed. She is not sure what the remedy is.

Mr. Burley noted he did not have anything to do with the project along Washington. He reiterated that he tries to balance out Eversource's needs and reliability versus the homeowner's needs. When they express concerns, he tries to work with them.

Chair Losik stated there is another part of this, which is dual poles; when old poles need to come down but are staying up. She knows there is a hierarchy of everyone that is on the pole. She asked how this should be dealt with. She noted this is a big issue in Massachusetts.

Mr. Burley replied that he wishes he had an answer because he does not like it either. He noted that Eversource has also been hearing a lot about this lately. They are going to work pretty hard to get those poles out of there. Consolidated is actually responsible for the poles. He pointed out that they cannot get rid of a pole until the telephone company gets off the pole. Eversource is willing to get rid of the pole as soon as that is done. Eversource can contact Consolidated; however, if the town did that as well, it might help.

Selectman Epperson pointed out that the Town's State Rep is working on this issue. She is going to introduce legislation addressing dual poles throughout the State.

Chair Losik opened to the public for comments.

Susan Barrie, 181 Brackett Road, stated she had a notice on her door. She called Mr. Burley and he came out. He was very informative. She has seen what Washington and Sagamore looks like and did not want to have that happen. Referring to the notice on her door, she noted that the box was already checked that says "prune the branches as necessary".

Mr. Burley explained the notice is to give out his name and number to discuss the work. He really does not just rely on the card. He still would have called. He noted that if he does not get permission from the homeowner, his company does not do the work.

Chair Losik recommended that obtaining approval from the homeowner in writing, should be the homeowner's writing. She would not lead any check boxes. That is not fair in the spirit of the condition that was applied. The homeowner is being led to that choice.

Mr. Burley stated he wanted it to make it clear that trees were not going to be removed and that is why the box was checked. He commented that with each project he likes to physically talk to the homeowners, at the very least, by phone.

Chair Losik clarified that there is going to be communication with the homeowner so the box does not need to be checked.

Mr. Burley explained he finds that by doing this it saves some angst with the homeowner that they are only going to trim. The homeowner reads it as trees are being removed. He checks the box so the homeowner knows what he is asking for.

There was some more discussion on the language on the notices.

Vice-Chair Lord asked if there is writing on the card that says the owner has the right to refuse the cutting or pruning.

Alternate Finn pointed out that if the owner never signs-off, the picking of the box is irrelevant. It is just a guidance for the owner.

Mr. Burley agreed that the cards are just used as guidance.

Vice-Chair Lord stated the condition of approval says that Eversource has to notify and the owner has the right to refuse. He asked where that information comes from and how does it get to the people.

Mr. Burley stated he always tells people they have the right to refuse.

Vice-Chair Lord pointed out the condition of approval is that Eversource has to notify the owners in writing. It sounds like that is not occurring.

There was discussion about how long the card has been used in town. It was noted that Asplundh Tree Service has used the card for years. It was also noted that last year it was a different tree service company doing the work in Rye so it was not used.

Chair Losik stated the Board spent a lot of time looking at this last year, and also in 2017 and 2016.

There was discussion on the oversight of the project and the process for making sure the subcontractor is following instructions and understanding the details for each property. Mr. Burley submitted a copy of the permission form he uses for the Board to review.

Member Carter stated that last year, the Board was shown a letter that they were going to send to everyone. The letter spelled out what they were doing and stated the owner had the right to refuse. It was a form letter they were going to send and then the owners were going to be contacted one by one.

Mr. Burley explained he does not really send anything, unless they are an absentee landowner. He reiterated he talks to everyone and explains the project.

Vice-Chair Lord stated that three years in a row, Eversource has been given a prescription of how to do this and it doesn't seem like they are doing it. It is extremely clear the owners of the property have to be informed in writing they have the right to refuse the cutting and pruning. He agrees with Member Carter this came up and was a big issue the last time. He believes there was a form they were going to use that stated the homeowner's rights.

Mr. Burley stated the last project he did use that form. This time, he did not have the form. He had people sign the card and nobody seemed to have an issue. People didn't really seem to care about the form.

Chair Losik stated that this shows there is consistency in what the Board thought were issues over a three year time period. This is how the Board prefers to deal with those issues. Even though there have not been any issues this year, it does not mean there won't be issues.

Planning Administrator Reed asked how many projects Asplundh has been involved in for Rye.

Mr. Burley noted that he was involved with the project a year ago on Sagamore.

Planning Administrator Reed clarified that Asplundh was involved with a project that had these conditions a year ago.

Mr. Burley confirmed.

There was some discussion on stapling the form to the card so homeowners understand their rights.

Motion by JM Lord to approve Case #18-2019 which is the application by Eversource Energy to trim and remove trees and brush adjacent to and beneath some of its power lines within the town for utility line upgrade, work to occur on Elwyn Road, Pioneer Road and Brackett Road; conditioned upon the following conditions:

- 1) Eversource obtains approval from property owners in writing, which includes property owners that have trees in the right-of-way.**
 - 2) Eversource informs property owners in writing that they have the right to refuse the cutting or pruning; and**
 - 3) Eversource conforms to the PUC Administrative Rules per RSA 231:172.**
- Seconded by Steve Carter. All in favor.**

❖ Approval of Meeting Minutes of September 10, 2019

The following corrections were noted:

- Page 1, Item b, it should be noted: **Property is in the Single Residence District and Aquifer Wellhead Protection District, Case #15-2019.**
- Page 3, 3rd paragraph from bottom should read: **Mr. Pratt stated that even if a road was put through, the most that someone could get would be two lots. Building a road to get another lot is not feasible.**
- Page 11, 5th paragraph, remove the parentheticals.
- Page 13, 3rd paragraph, 2nd sentence should read: **He went on to talk about the parking challenges that the facility faces, especially during events and construction periods.**
- Page 14, 7th paragraph, 6th line should read: **In getting into 306, the Board has to ultimately answer the questions (each member), particularly, the proposed use will not detrimentally impact the quality of groundwater and the proposed use will not cause a significant reduction in the long-term volume of the aquifer.**

Motion by Tim Durkin to approve the minutes of September 12, 2019 as amended. Seconded by JM Lord. All in favor.

V. Subcommittee Updates

a. Land Development Regulations

Member Carter gave a quick update to the Board regarding the Rules and Regulations Committee. The next meeting will be scheduled for either Tuesday, October 15th or Wednesday, October 17th.

b. Rules and Regulations

Chair Losik updated the Board on the work of the Rules and Regulations Committee. The committee has met with the Demolition Review Committee and will be continuing that discussion. Compensatory flood storage has been discussed by the committee and that discussion also continues. The committee met with the building department on October 2nd. A significant amount of time was spent working on amnesty for unapproved and grandfathered apartments. This will be addressed again at the October 15th meeting. There was some concern with regard to items in yards; such as, camping trailers, boats, etc. In reviewing the definition of “front yard” in the appendix of the zoning ordinance, it states; “*the required open space extending across the whole width of the front or street side of the lot*”. The concept of open space is reunited with rear yard and side yard. The question becomes whether something that is supposed to be open space can be occupied by something that makes that not open space. This discussion will continue with the committee. Attorney Donovan has drafted some thoughts on necessary hardship language. The committee will be looking at that language to add some clarity, as it is a difficult concept. The committee will be looking at language at their October 24th meeting regarding chemical free pools. DES has recently updated and adopted new wetland rules which are effective December 15th so work will continue on that.

The Rye Conservation Commission will be holding a public education and outreach program on November 18th. This is in connection with the presentation given to the Board in May by Lisa Wise and Amanda Stone regarding flood water storage, salt water migration, restoration and protection areas.

VI. Old Business

- The Board voted to continue the Webster at Rye application to the November meeting at the September 10, 2019 meeting.

VII. New Business/Other

a. Proposed Zoning Amendment 2020-01: Section 304 Height within the Coastal Area District to allow for construction in the SFHA.

Chair Losik explained the proposed amendment is about mirroring Rye's Zoning Ordinance with the current freeboard requirements, which is 2ft.

The Board reviewed the proposed zoning amendment in regards to height within the Coastal Area District.

Motion by Tim Durkin to move Proposed Zoning Amendment 2020-01 to a public hearing. Seconded by Jim Finn. All in favor.

b. Proposed Zoning Amendment 2020-02: Section 507 Add new Section 507 A – Illicit Discharge and Elimination Ordinance.

Chair Losik explained this is in regards to Illicit Discharge Elimination Permit for Rye. This is a permit that is required to be adopted according to the EPA. It prohibits illicit discharges, allows investigation of suspected illicit discharges, it eliminate illicit discharges and implements appropriate enforcement. This saying that the town has specific remedies and policies in regards to illicit drainage. She noted this is important and is not a choice for the town.

Selectman Epperson expressed his concern on this affecting the horse farms in Rye. He asked to get clarity to make sure the rules are not so stringent that it infringes on somebody's right to run their business.

Planning Administrator Reed agreed to get clarity for Selectman Epperson.

Motion by Tim Durkin to move Proposed Zoning Amendment 2020-02 to a public hearing. Seconded by Steve Carter. Vote: 6-1 Opposed: Bill Epperson

VIII. Pay Escrows

Motion by Bill Epperson to approve the payment of escrows A through F on list submitted to Board;

- A. Emily DiFranco - \$240.00**
- B. Danna Truslow - \$935.00**
- C. Sebago Technics - \$1529.33**
- D. Sebago Technics for Tuck Realty - \$338.75**
- E. Sebago Technics - \$526.00**
- F. Attorney Donovan for The Housing Partnership - \$103.42**

Seconded by Jerry Gittlein. All in favor.

Adjournment

Motion by Steve Carter to adjourn at 9:10 p.m. Seconded by Jim Finn. All in favor.

**All corresponding files and documents may be viewed in 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: Samonas Realty Trust

Property: 1215 Ocean Blvd. Tax Map 17.3 Lot 6
General Residence, Business District, Coastal Overlay and SFHA

Case: Case #01-2019

Application: Major Site Development Plan by Samonas Realty Trust for property owned and located at 1215 Ocean Blvd, Tax Map 17.3, Lot 6 to raze all of the existing structures, eliminate the parking and access encroachment's, remove the existing septic systems, and other building infrastructure and replace them with 4 duplex style town homes with new septic, permeable driveways and tidal buffers. Property is in the General Residence, Business District and Coastal Overlay Districts and SFHA-Zone AO. Case #01-2019.

Special Use Permit by Samonas Realty Trust for property owned and located at 1215 Ocean Blvd, Tax Map 17.3, Lot 6 to allow land housing tourist accommodations to become obsolete and to be redeveloped in residential use densities per Section 304.6 of the Rye Land Development Regulations. Property is in the General Residence, Business District and Coastal Overlay Districts and SFHA-Zone AO. Case #01-2019.

Date of Decision: Tuesday October 8, 2019

Decision: x **Continued to the November 12, 2019**

10.11.2019
Date



**Patricia Losik, Chairman
Rye Planning Board**

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Peter Fregeau

Property: 1196 Ocean Blvd, Tax Map 17.3, Lot 35
Property is in the Business/General, Coastal Overlay and SFHA, Zones AE and VE

Case: Case #14-2019

Application: Amendment to the Surf Club of Rye Condominiums approved by the Planning Board on March 12, 2002 by Peter Fregeau for property located at 1196 Ocean Blvd, Tax Map 17.3, Lot 35 to add a dormer to unit #2. Property is in the Business/General Residential, Coastal Overlay District and SFHA, Zones AE and VE. Case #14-2019.

Date of Decision: Tuesday October 8, 2019

Decision: *The Planning Board voted to accept Jurisdiction over the application.*

The Planning Board voted to approve the application with the condition that the applicant sign a non-convergence agreement that no bedrooms will be created in the basement below the BFE.

10-11-2019.

Date



Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Harbor Street Limited Partnership

Property: 1244 Washington Road, Tax Map 10, Lot 82
Property is in the Commercial District, Multi-Family Dwelling District, Aquifer and Wellhead Protection District and Rye Landfill Groundwater Management (RL-GMZ) District

Case: Case #06-2019

Application: Major Subdivision and Condominium Development Plan by Harbor Street Limited Partnership for property located at 1244 Washington Road, Tax Map 10, Lot 82 for a 20-unit residential town houses which will comprise of 5 4-unit buildings. Property is in the Commercial District, Multi-Family Dwelling District, Aquifer and Wellhead Protection District and Rye Landfill Groundwater Management (RL-GMZ) District. Case #06a-2019.

Special Use Permits for the Multi-Family dwellings, per Section 307.3 and Section 402 and for the Aquifer Wellhead Protection District by Harbor Street Limited Partnership for property located at 1244 Washington Road, Tax Map 10, Lot 82 for a 20-unit residential town houses which will comprise of 5 4-unit buildings. Property is in the Commercial District, Multi-Family Dwelling District, Aquifer and Wellhead Protection District and Rye Landfill Groundwater Management (RL-GMZ) District. Case #06b-2019.

Date of Decision: Tuesday October 8, 2019

Decision: The Board voted to continue these applications to the November 12, 2019 Planning Board meeting.

10-15-2019
Date



Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant: Eversource

Case: Case #19-2018

Application: Application by Eversource Energy to trim and remove trees and brush adjacent to and beneath some of its power lines within town for utility line upgrade along scenic roads within the Town. All roads have been designated a scenic road by the Rye Town Meeting. The work is necessary to ensure the safe distribution of power and to improve the reliability of electric service. The work to be done will occur along the following streets and roads: Elwyn Road, Pioneer Road and Brackett Road. **Case #18-2019.**

Date of Decision: Tuesday, October 8, 2019

Decision:

<input type="checkbox"/>	Approved
<input checked="" type="checkbox"/>	Conditionally Approved
<input type="checkbox"/>	Denied

The Planning Board unanimously voted to conditionally approve the application with the following conditions:

- 1. Eversource obtains approval from property owners in writing, which includes property owners that have trees in the right-of-way;*
- 2. Eversource inform property owners in writing that they have the right to refuse the cutting or pruning; and*
- 3. Eversource conforms to the PUC Administrative Rules per RSA 231:172.*

10.11.2019
Date



Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Malcolm E. Smith

Property: Lafayette Road, Tax Map 10, Lot 1
Property in Commercial and Aquifer and Wellhead Districts

Case: Case #17-2019

Application: Minor Site Development Plan by Malcolm E. Smith for property owned and located on Lafayette Road, Tax Map 10, Lot 1 to temporarily store motor vehicles and related products including trailers and boats on a limited area of the premises. Property is in the Commercial and Aquifer and Wellhead Protection District. District. Case #17-2019.

Date of Decision: Tuesday October 8, 2019

Decision: The Board voted to continue the application to November 12, 2019

10-11-2019

Date



Patricia Losik, Chairman
Rye Planning Board

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 #12-2019

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 # 12-2019.

Date of Decision: Tuesday October 8, 2019

Decision: The Board voted to continue the application to November 12, 2019

10.11.2019
Date



Patricia Losik, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant: Eversource

Case: Case #19-2018

Application: Application by Eversource Energy to trim and remove trees and brush adjacent to and beneath some of its power lines within town for utility line upgrade along scenic roads within the Town. All roads have been designated a scenic road by the Rye Town Meeting. The work is necessary to ensure the safe distribution of power and to improve the reliability of electric service. The work to be done will occur along the following streets and roads: Elwyn Road, Pioneer Road and Brackett Road. Case #18-2019.

Date of Decision: Tuesday, October 8, 2019

Decision: ☐ Approved
☒ Conditionally Approved
☐ Denied

The Planning Board unanimously voted to conditionally approve the application with the following conditions:

- 1. Eversource obtains approval from property owners in writing, which includes property owners that have trees in the right-of-way;*
- 2. Eversource inform property owners in writing that they have the right to refuse the cutting or pruning; and*
- 3. Eversource conforms to the PUC Administrative Rules per RSA 231:172.*

10.11.2019
Date



Patricia Losik, Chairman
Rye Planning Board