

**TOWN OF RYE – PLANNING BOARD  
MEETING**

**Tuesday, June 8, 2021**

**6:00 p.m. – via ZOOM**

***Members Present:*** Chair Patricia Losik, Vice-Chair JM Lord, Clerk Steve Carter, Jim Finn, Selectmen's Rep Bill Epperson, Alternates Bill MacLeod, Jeffrey Quinn, Kathryn Garcia and Rob Wright.

***Present on behalf of the Town:*** Planning/Zoning Administrator Kimberly Reed

**I. Call to Order**

Chair Losik called the meeting to order at 6:03 p.m. via Zoom teleconferencing.

**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 dialing in to the following phone number: 646-558-8656 or by clicking on the following website address: [www.zoom.com](https://www.zoom.com) ID #811 1657 1545 Password: 123456

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 Zoning Board of Adjustment at: [town.rye.nh.us](http://town.rye.nh.us) go to the Board of Adjustment page and click on the agenda for this meeting. If anyone has a problem, please call 603-379-0801 or email: Kim Reed at [KReed@town.rye.nh.us](mailto:KReed@town.rye.nh.us).

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.

Roll call attendance of members:

1. Bill MacLeod
2. Jeffrey Quinn
3. Steve Carter
4. Jim Finn
5. JM Lord
6. Kathryn Garcia
7. Patricia Losik

Note: Unless otherwise noted above, members confirmed they were alone in the room for the meeting.

**Alternate Bill MacLeod was seated for Member Katy Sherman. Alternate Jeffrey Quinn was seated for Member Nicole Paul.**

Note: *Alternate Rob Wright joined after roll call was taken.*

**II. Approval of May 11, 2021 Meeting Minutes**

- *Moved to end of meeting.*

**III. To Review Applications to determine if they are complete:**

- a. ~~Major 4 lot subdivision by Jones & Beach Engineering, Inc. for Michael Fecteau for property located at 850 Washington Road, Tax Map 11, Lot 130 to subdivide the existing lot into four residential lots with a road. Property is in the Single Residence and Aquifer & Wellhead District. Case #01-2021.~~
- b. **Lot Line Adjustment Plan** by Tuck Realty Corporation for property owned by Malcolm E. Smith, III and Rye Benchmark, LLC for properties located at 0 Lafayette Road, Tax Map 10, Lot 1 and 295 Lafayette Road, Tax Map 10, Lot 3 to adjust the boundary between lots 1 & 3 adding 4.11 AC to lot 3. **Properties are in the Commercial District, Aquifer & Wellhead Protection District and Multi-family Dwelling District. Case #08-2021.**

**Motion by JM Lord to declare the application by Tuck Realty Corporation complete and to move it to a public hearing. Seconded by Bill MacLeod.**

**Roll Call: Bill MacLeod – Yes; Jeffrey Quinn – Yes; Steve Carter – Yes; Jim Finn – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes**

**Motion passed.**

#### IV. Public Hearings on Applications:

- A. ~~Major 4 lot subdivision by Jones & Beach Engineering, Inc. for Michael Feeteau for property located at 850 Washington Road, Tax Map 11, Lot 130 to subdivide the existing lot into four residential lots with a road. Property is in the Single Residence and Aquifer & Wellhead District. Case #01-2021.~~
- B. **Minor Non-Residential Site Development application by Rye Place Realty, LLC** for property at 150 Lafayette Road, Tax Map 10, Lot 14 to convert gravel unstriped parking area to paved parking area with striping per Section 202.2.1.B(1)(b) and Section 202-2.1.B(2)(c). **Property is in the Commercial District, Aquifer Protection District. Case #06-2021.**

Chair Losik noted that this project was first seen by the Board in April. She thanked everyone for their patience during last month's meeting, as there was a lot of information that the Board was seeing for the first time via Zoom sharing. She commented that they appreciate the applicant and their team for working through the various issues raised by the Planning Board and the experts; Sebago, Truslow Resource Consulting and Attorney Donovan. The Board is also grateful for the advisory comments by the Conservation Commission. She asked John Chagnon to give an update to the Board.

**John Chagnon, Ambit Engineering**, stated that since the meeting last month, a number of things were done. They attended a meeting with the Conservation Commission and joined them on a site walk. A revised landscaping plan was completed based on the feedback from the Conservation Commission. The site plan set was revised based on the feedback from the Board at the last meeting and the peer review that was done by Sebago Technics. He continued that they coordinated a final submission to the Rye ZBA. They met with the abutting property owner in regards to the driveway. The plans now reflect that driveway being relocated to be wholly within the easement area. Comment letters have been received from Truslow Resource Consulting, Sebago Technics and Attorney Donovan. Those comments have been addressed and a letter was provided explaining the revisions. An email was received from Sebago Technics stating that the follow up submission met all of their requirements. Similarly, an email was received from Truslow Resource Consulting.

Chair Losik opened to the Board for questions about the changes.

Mr. Chagnon noted that they also met with the Rye ZBA and the variances were granted for the project.

Selectmen's Rep Epperson stated that the amount of detail that has gone into this project is impressive. He thinks they should be commended for their responses to all the questions and the rapid responses for some of the issues. He thinks it looks really good.

Chair Losik agreed.

Referring to the driveway for the access road, Vice-Chair Lord stated that in the latest plan, dated 6/03/21, Sheet C-3 shows the pavement to be removed and the reconfiguring of the retaining wall for the access road. On Sheet C-4, in that same location, it talks about a proposed construction entrance. He does not see any permanent driveway or detail. As Attorney Donovan has said, the driveway needs to be within the easement area and not imposing outside that easement area.

Mr. Chagnon explained that Sheet C-3 shows the proposed area of pavement in a grey shade. It continues along the edge of the easement area. All that area is going to be paved. The pavement to be removed is shown by a line below the grey shade and then it goes into a dashed line, which represents the area being continued with gravel. The existing drive location is to the south and it will be pulled back to be on the edge of the easement. The next sheet shows the easement as a hatch and shows the grading. He pointed out that it also shows the existing. It is not being graded anywhere, other than, in the area that had been the pavement in the driveway. Mr. Chagnon noted that the abutter understands that they have to go onto his property to remove the existing driveway. The abutter is happy the work is going to be accomplished. All the abutter requested is that the owner provide the necessary insurances for the contractors doing the work.

Vice-Chair Lord stated that Sheet C-4 shows the paved area right to the edge of the easement. He asked if there will be an easement for an encroachment. He pointed out that they will have to build past it to pave to the edge.

Mr. Chagnon explained that going past it is in the area that is already the driveway. Doing the work over the easement edge is going to be allowed because it is being pulled back.

Vice-Chair Lord asked if there is documentation from the abutter showing that he is allowing that to happen. His concern is allowing roadway right to the edge of pavement without any documentation that the work can be done on someone else's property. He asked what documentation is available showing that the abutter is allowing grading easements on his property.

Mr. Chagnon replied that he has met with the abutter and he is fine with this revision. He thinks a condition of approval would be appropriate.

Vice-Chair Lord clarified that the answer to the question is there is no grading easement on the abutter's property. There is a verbal that some work can be done on his property, but there is not a specific easement to put grading and drainage on the property. As this moves forward, the Board needs some sort of documentation that shows the cross section of the road, whether it is curbed and whether the drainage is going off onto that property or staying within the easement. None of that is available information right now.

Speaking to Vice-Chair Lord, Chair Losik stated the cross section is something that Attorney Donovan mentioned in regards to the road design, including drainage and curb. She is also hearing that it would be preferable to have an easement for the work to be done on the property that is not owned by the applicant. However, it also sounded like it would be acceptable to have

an agreement in writing and signed by all parties, as to the work to be done in connection with the goal of paving to the edge of property.

Vice-Chair Lord replied that is correct. He continued that if the roadway drains onto the abutting property, it should also include a right to drain onto that property, as well; a flow easement.

Mr. Chagnon stated that he disagrees. He explained that Sheet C-4 shows the grading that just ties in the pavement to what is there now, which is the actual pavement and gravel that is being removed. He noted that flow patterns are not being changed. In fact, the impervious area is being cut back, which will make it less. He does not think a drainage easement is needed. Mr. Chagnon pointed out that a cross section is shown on Sheet D-1 of the materials that are being put into the parking area. There is a parking area to the left of the drive. He commented that if the Board wanted to condition this on a driveway section being done, that would be okay. However, he does not think it is necessary. A grading plan is shown, along with a site plan. An encroachment is being removed, so he does not think permission is going to be denied. If permission is denied to remove the encroachment, then the encroachment stays.

Member Carter asked if the driveway is going to need a shoulder on the side, outside of the easement on the abutter's property.

Mr. Chagnon replied that given the fact the driveway is already there, he thought that bringing it to the edge of the easement was an appropriate solution. If the Planning Board is not comfortable with that, it can be cut back 2ft and they will go with an 18ft width of pavement.

Chair Losik commented that she likes that idea. She asked Alternate MacLeod if he has any thoughts.

Alternate MacLeod stated that he does not think they need a drainage easement because their matching the grades at the edge of the easement. Whatever was flowing onto the property before is flowing onto it now, maybe a miniscule amount less, if they're reducing the pavement width. He thinks they need some kind of documentation. He doesn't think they necessarily need an easement, but the Board should at least have a letter that the landowner is granting the applicant permission to go onto his property to remove the pavement and regrade the area. He asked Mr. Chagnon if the gravel area is also being removed.

Mr. Chagnon confirmed. It will be put back to loam and seed.

Alternate MacLeod stated that if he was the abutter, he would want to make sure the area where the encroachment is removed is loamed and seeded. Doing that will provide a shoulder. He pointed out there is not a steep drop off in this area. He does not think there is a shoulder concern. He reiterated there should be some documentation showing that the abutter is granting permission to go onto their property to remove the pavement and gravel area and to allow the loaming and seeding. This should probably be a condition of approval for the site plan.

Selectmen's Rep Epperson asked if it would be appropriate for Mr. Chagnon to go to the abutter, explain step-by-step what is being done and have him sign a letter to submit to the Board, as a condition of approval.

Chair Losik stated that what she is hearing Alternate MacLeod say is that a condition of approval would be to confirm no grading changes and the grades would be matched at the edge of the pavement. Secondly, there should be a letter from the abutting landowner granting permission for work to be done in connection with removing the pavement, regrading the area and removing the gravel and returning that to loam and seed, also evidence of sufficient insurance.

Alternate MacLeod commented that he did not mention insurance. The insurance is something that the abutter wants. He thinks that is a civil matter between two parties. If the applicant has said they would provide insurance, then by all means that should be put in the letter that would be signed by all parties.

Mr. Chagnon replied he thinks the abutting landowner is going to want to see the insurance before he signs the letter. It would be something that would be wrapped up appropriately, once approval is received from the Board to move forward with the project and the contractor is engaged.

Vice-Chair Lord added that they should have a couple of cross sections of the roadway, so the landowner knows what he is signing off on. If he is paving the edge of the easement, there should be some recognition from the owner of what work is going to occur.

Member Finn stated that it sounds like the grading is largely unchanged with the new driveway. He would be satisfied with a letter of some kind showing recognition of work to be done. He would be less concerned with cross sections, but it would be useful.

Speaking to the Board, Chair Losik asked for thoughts on Mr. Chagnon's offer to pull it back from the edge of the property 2ft.

Selectmen's Rep Epperson asked if this is necessary.

Member Finn commented that he would prefer the 20ft over 18ft. The wider the better.

Vice-Chair Lord agreed.

Selectmen's Rep Epperson also agreed.

Alternate MacLeod commented that he prefers 20ft over 18ft, especially if the abutter has agreed.

Alternate Quinn stated he agrees the 20ft width of the driveway is more appropriate. He is most concerned that there be documentation in the file showing permission has been given by the abutter. The document should be robust enough to delineate all the specifications of action that

is going to take place on the property, before during and after, and that proof of insurance will be forthcoming before construction begins.

Chair Losik reviewed possible conditions of approval. 1) No grading changes; grades are to be matched at edge of pavement with abutting property. 2) A letter from the landowner/abutter (Tax Map ID) granting permission for work to be conducted in connection with the following: removing pavement and regrading the area to match existing grade, removing gravel from unpaved area and loam and seeded, return to matching grade.

Alternate MacLeod stated he is not sure it is necessary or beneficial to remove the gravel in that area, as long as they have sufficient loam for reestablishing a new lawn.

Chair Losik clarified that he envisions no gravel being removed.

Alternate MacLeod confirmed.

Member Finn agreed.

Mr. Chagnon explained they will be cutting into what is there now, at the 82 contour. A little bit of the driveway is going to be lowered about 4/10ths of a foot. The reason that is being done is to provide a better flow from the existing entrances to the left. It's not matching the grade at the edge. It's matching the grade at the edge of the encroachment though. He is not sure the Board has to talk about the edge of the pavement matching the grade, as much as the grade outside of the encroachment not changing. That lowering will actually help divert the water more onto the applicant's property. He noted that the first part of the sentence was "maintain the grade at the edge of pavement". He suggested substituting the words "encroachment area".

Chair Losik stated that another condition is for two cross sections of the roadway to be added to plans.

Mr. Chagnon stated that he would prefer that to be added to the agreement with the neighbor.

Chair Losik commented that she sees the cross section as separate from the agreement with the abutter.

Vice-Chair Lord agreed. He thinks there should be a cross section on the plans that are approved.

Mr. Chagnon agreed to add it to the plan.

Chair Losik summarized possible conditions: 1) Matching grade at encroachment area of abutter property. 2) Letter between landowner/abutter granting permission for work to be done in conjunction with removing pavement and regrade the area outside of the encroachment and loam and seed the prior encroachment area. 3) Cross sections of the roadway, at two locations, will be prepared and incorporated into the plans.

Vice-Chair Lord stated that the driveway comes across a Rye Water District Easement. He asked if the Rye Water District Easement gives this owner the ability to use this for the use intended. It is probably in the easement. The Board should get a copy, in order to document that the easement allows this.

Mr. Chagnon commented that he is not sure where the Rye Water District Easement comes in to play. The boundary survey plan just talks about an access easement.

Chair Losik commented that there was some previous discussion about how nobody has seen this easement. There was some documentation that suggested it was an easement granted by the Rye Water District.

Mr. Chagnon presented an approved plan from 2001 on the screen, which shows a 30ft easement to Rye Water District. He noted that it actually points to the area in the front. The second sheet of the set, shows in better detail that the 30ft easement to the Rye Water District is in the front.

Chair Losik commented there was documentation talking about the 15ft easement to Rye Water District.

Mr. Chagnon pointed out the 15ft easement on the plan. He explained that those two easements are not related to the access easement that was granted previously. It is not mentioned in the plan because the access easement was granted long before 2001. He noted that the 2001 plan shows the location of that easement and it shows the encroaching driveway. There is a note on the plan that says 15ft easement to Rye Water District, but it is unclear as to where that is. It is most likely part of the development of the Rye Air Field. He commented that the access easement has nothing to do with the Rye Water District.

Chair Losik asked if he is saying the easement, which is now where the access drive is, predates this.

Mr. Chagnon replied yes. The access to the back of Rosewood predates 2001. There was a change to further define it. The lot line relocation of 2001 does not create the easement. It shows it as being in existence at that time. He continued that if it is appropriate, he will provide the easement document as part of the record.

Vice-Chair Lord commented that Sheet C-5, Buffer Impact Plan, calls it out very clearly in the lower left-hand corner.

Speaking to Vice-Chair Lord, Chair Losik asked if this answers his concern.

Vice-Chair Lord confirmed.

Chair Losik noted a condition that sufficient funds shall be placed in escrow to pay final statements of Planning Board's engineer, Town Counsel and Truslow Resource Consulting. Referring to the drainage basin, per D-3, Chair Losik asked if there are any additional maintenance considerations.



Mr. Chagnon noted this should be covered in 6B of the inspection and maintenance plan. Also, A, which talks about monitoring the raingardens and outfall structures for debris. He confirmed he is comfortable with that.

Referring to the Landscape Installation and Maintenance Plan, Chair Losik suggested adding the ZBA and RCC requirements; the final planting plan is implemented as shown and the plantings have a survival rate of 85% or better after one year. The RCC is allowed to revisit the project upon completion to assess survival and compliance.

Planning Administrator Reed noted the ZBA did not add the third condition. The ZBA does not give authority to the Conservation Commission to go back on other people's land.

Chair Losik asked if the ZBA discussed this.

Planning Administrator Reed confirmed.

Speaking to Mr. Chagnon, Chair Losik asked if the two items from ZBA can be incorporated into the ongoing maintenance requirements of the landscape installation and maintenance plan.

Mr. Chagnon confirmed.

Chair Losik opened to the public for comments. Hearing no comments, Chair Losik closed to the public at 7:01 p.m.

The Board discussed and reviewed the conditions provided by Attorney Donovan, along with the proposed conditions previously discussed at this meeting.

After discussion and agreement on the conditions, Chair Losik noted that the applicant has requested a waiver in regards to the parking space requirements. The applicant noted in his request that the site has been designed with parking space dimensions 10x18 with a 26ft wide isle. A parking space depth of 18.5ft is required under that section. The shorter parking stall is beneficial for reducing the impervious surface and environmental impact to the wetlands and its buffer. This leads to a smaller overall site development footprint. 202-6.3.E.1.b Table 4 for parking space dimensions.

The Board did not have any concerns in regards to the waiver request.

**Motion by JM Lord to accept the request of Rye Place Realty, LLC for property at 150 Lafayette Road, Tax Map 10, Lot 14, for a waiver to Section 202.6.3.E.1.b Table 4 for parking space dimensions of 10x18 with a 26' aisle; as strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; and specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. Seconded by Jim Finn.**

**Roll Call: Bill MacLeod – Yes; Jeffrey Quinn – Yes; Steve Carter – Yes; Jim Finn – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes**

**Motion passed.**

**Motion by Bill Epperson to approve the Minor Non-Residential Site Development application by Rye Place Realty, LLC for property at 150 Lafayette Road, Tax Map 10, Lot 14 with the conditions:**

- 1. The Building Department shall be provided a copy of the final version of the Drainage Analysis report originally dated 19 March 2021.**
- 2. The property owner shall comply with the final version of the "Inspection & Long-Term Maintenance Plan". Copies of the required annual Inspection & Maintenance Report and the Inspection and Maintenance Logs shall be filed with the Building Department, Planning Board and Public Works Director.**
- 3. The property owner shall retain a qualified maintenance contractor to inspect and maintain the drainage facilities in accordance with the final version of the "Inspection & Long-Term Maintenance Plan". Copies of the maintenance contract shall be filed annually with the Building Department and the Planning Board.**
- 4. 150 Lafayette Road Landscape and Maintenance Plan shall be attached to the conditions and followed.**
- 5. Sufficient funds shall be placed in escrow with the Planning Board to pay final statements of planning board engineer and town counsel and Truslow Consulting.**
- 6. A letter from the landowner/abutter (Tax Map 10, Lot 15) granting permission for work to be conducted in connection with the following: Removing pavement and regrading outside the encroachment, loaming and seeding the entire encroachment area.**
  - a. Matching grade at abutting property. Cross sections of two locations shall be prepared and incorporated into the plans.**
- 7. Chair may sign when conditions 1-6 are met.**
- 8. The applicant shall grant the town an easement relative to maintenance and repair of the bioretention facility. The easement shall: (1) require the property owner to be responsible for maintenance and repair of the facilities; and (2) provide that, if the owner fails to maintain or repair the facilities, the town, after notice, shall have the right, but not the obligation, to do so. In such case, the property owner shall be responsible for reimbursing the town for its expenses. If the town has to commence a legal action to obtain payment, the town shall be entitled to its costs and reasonable attorney's fees. This easement shall be reviewed and approved by town counsel and recorded prior to signing of a Certificate of Site Development Approval.**

**Seconded by JM Lord.**

**Roll Call: Bill MacLeod – Yes; Jeffrey Quinn – Yes; Steve Carter – Yes; Jim Finn – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes**

**Motion passed.**

- C. Lot Line Adjustment Plan by Tuck Realty Corporation for property owned by Malcolm E. Smith, III and Rye Benchmark, LLC for properties located at 0 Lafayette Road, Tax Map 10, Lot 1 and 295 Lafayette Road, Tax Map 10, Lot 3 to adjust the boundary between lots 1 & 3 adding 4.11 AC to lot 3. Properties are**

**in the Commercial District, Aquifer & Wellhead Protection District and Multi-family Dwelling District. Case #08-2021.**

**Joe Coronati, representing the applicant,** spoke to the Board. He noted that the proposal has been before the Board a couple of times for preliminary hearings. This is for the former Hector's property on Route 1. He is still working on designing two different site plans. One for a thirty-unit condominium development and one for an expansion to the Benchmark, formerly known as Evolve, property. He explained that they thought it would be prudent to submit for a lot line adjustment to clear up the lot lines before submitting site plan applications. When the site plans are submitted, they will be submitting on the lots that each development would be going forward with.

Mr. Coronati presented the plan showing the parcels on the screen for the Board's review. He pointed out the 9.4-acre property that is known as the former Hector's site. He also pointed out the Benchmark site, which was formerly known as Evolve. He pointed out the existing lot line location and showed the proposed relocation. The lot on the left (Tax Map 10, Lot 1) would become 5.05-acres and have 290ft of frontage. The Evolve site would be incorporating an additional 4.3-acres, making the entire lot 10.18-acres with over 850ft of frontage. He noted this is purely just the moving of a lot line, in order to proceed with each lot separately.

Chair Losik asked if this is the same sizing that was discussed during the conceptual.

Mr. Coronati replied it is the same sizing. The lot line was adjusted to accommodate a 50ft buffer on the south side.

Chair Losik opened to the Board for questions. The Board did not have any questions or concerns. She opened to the public. Hearing no comments, the public hearing was closed at 7:30 p.m.

Alternate Quinn asked for clarification about the possibility of sewer in that area.

Selectmen's Rep Epperson explained there was a warrant article that allowed for a plan to move forward for a privately developed sewer, which would go from Washington Road to the Portsmouth line. At that point in time, on a 2.7-million-dollar project, they were able to secure about 1.3 million in private funds, but Covid came along and the entire project fell apart. Over the last forty-five days, Congress has reinstated earmarks. So, there is the opportunity to present a proposal to the congressional delegation in the hopes of getting their attention to do another warrant to try to get permission to run sewer from the North Hampton line to Portsmouth. Right now, the Town does not have an intermunicipal agreement with Portsmouth to allow for that to happen. He noted it would be significantly advantageous if there was sewer in that area. However, right now, there is no real indication that is going to happen soon. He commented that they are working on it, but it is not something that should hold up this application.

**Motion by JM Lord to approve the Lot Line Adjustment Plan by Tuck Realty Corporation for property owned by Malcolm E. Smith, III and Rye Benchmark, LLC for properties located at 0 Lafayette Road, Tax Map 10, Lot 1 and 295 Lafayette Road, Tax Map 10, Lot 3 to adjust the boundary between lots 1 & 3 adding 4.11 AC to lot 3.**

**Seconded by Bill Epperson.**

**Roll Call: Bill MacLeod – Yes; Jeffrey Quinn – Yes; Steve Carter – Yes; Jim Finn – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes**

**Motion passed.**

## **V. New Business**

### **• Request for Exemption from Site Plan Review at 1215 Ocean Blvd.**

Chair Losik noted this is a request for an exemption from site plan review for 1215 Ocean Blvd., for a project involving rentals of eBikes.

**Rob Delisle, applicant**, was present to speak to the Board in regards to his request. He stated that he is in the eBike and green industry. The Atlantic Winds cottages are now being rented for the whole summer and will no longer be weekly rentals. He has been offered the onsite vacant office space, as an office for eBike rentals. The proposal is to have twenty eBikes, which run on lithium batteries with pedal assist. He would like to develop this business with his son during the months of July and August, and possibly June. He noted that by mid-morning during the summer months, it is almost impossible to get down Route 1A because of the congestion with traffic. There is 4.6 metric tons of carbon emissions per year. Adding twenty eBikes for people to get around on would cut down on that and significantly improve congestion on Route 1A. He would like to connect the historic points of interest, along the bike routes, for residents and non-residents to explore.

Chair Losik asked about the parking of twenty individual cars for people to use the twenty bikes.

Mr. Delisle explained that they only have five designated spots. The plan is to have half day and full day rentals, instead of hourly. He further explained they have a sprinter van they will be using to drop the bikes off and pick them up at people's residences or rental homes. He noted the bikes are \$2300 apiece and he would like to know where they are going. The bikes will be fully insured and there will be liability insurance for the premises. There is GPS and geotracking on the bikes, but he would still like to know where they will be going.

Chair Losik asked if he is saying there will never be a case of twenty vehicles.

Mr. Delisle replied that the only traffic they would have at the office would be walk-in. People will use a map called 'Rent a Bike Now', which guarantees the insurance liabilities. He commented that they prefer to deliver and pick up.

Selectmen's Rep Epperson clarified the idea is to rent the twenty bikes and deliver them to the residence in the sprinter van.

Mr. Delisle confirmed.

Member Carter asked if it is assumed all the renters will be from Rye.

Mr. Delisle replied they are expecting that 85% of the renters will be tourists, non-residents. These will be people who are staying along the seacoast. He continued there will be some interest from local residents, but that will probably be people who would like to try the bike before they make an investment. He explained that they are going to be using an app that promotes bike rentals and his business would come up as the place to go in Rye. Someone can reserve a bike and there would be a daily schedule. The sprinter van would go out and drop the bike. If it is a half day rental, the bike is picked up at 1:00 pm. If it is a full day rental, the bike is picked up at 6:00 pm. The hours of operation will be 10:00 am to 6:00 pm. He pointed out that with the app, the transactions are all done electronically so there are no cash on site.

Chair Losik asked if there is a maximum number of days that someone could consecutively rent.

Mr. Delisle replied they will be offering half day and full day rentals. They do not want to get into 2.5 days or hourly rentals because that cannot be sustained with the delivery system.

Member Finn asked how fast the bikes will travel.

Mr. Delisle explained that some of the eBikes can go up to 50mph. However, the bikes can be set to go no faster than 19mph, which he believes is the best thing to do. He thinks this would be safer than letting someone go 35mph down 1A.

Member Finn asked if the bikes will travel in the bike lanes, not the road itself.

Selectmen's Rep Epperson stated this is a discipline that bicyclists have to learn. Bicycles have the right to travel in any travel lane, but it has to be done responsibly. That is an individual issue.

Member Carter commented that most eBike people travel in the bike lane.

Alternate Quinn asked if there is a plan for overnight security for the bikes.

Mr. Delisle explained the office space is divided into two sections. There is a rear and forward office for the general public. The rear office is where the bikes would be locked in at night. The Atlantic Winds is no longer renting weekly. The cottages are now rented from June through August. So, there is also another section in the back, which was once used for housekeeping, and he is allowed to use that for locking up the bikes.

Alternate Wright stated that he read an article about conflicts between eBikers and other bikers who use human power. It seems there is a lot of grey area in terms of cohabitation of eBikes, manually powered bikes, automobiles, and travel lanes. He asked Mr. Delisle if he has had a chance to think through where the conflicts will arise. He asked if there has been any discussion with the Police Chief.

Mr. Delisle replied he has had many conversations with Chief Walsh. He continued that most manual cyclists want nothing to do with eBikes. They don't want them in the way and they don't want to deal with them. Then there are people who try them and think they are the greatest thing in the world.

Alternate Wright commented that the article said that there was conflict between the various participants in the roadway. It seems this is new territory for Rye. He just wondered if there were thoughts about this and if there was a position.

Alternate Garcia asked if there will be specific safety training for the operator. She also asked if the operator will be given safety advice, in terms of routes in this area.

Mr. Delisle explained they are going to have basic routes mapped out for the operator to see historic sites. However, it will be up to them as to where they want to take the bike on their time. In regards to operating training, he stated that they have a very small parking lot. If someone has never been on an eBike, they will certainly advise them and can use that area for instruction. The bike is pedal assist, which means they are pedaling like a normal bike. He thinks having the bikes governed at 19mph is prudent.

Member Carter asked if helmets and locks come with the rentals.

Mr. Delisle replied the locks do. He is not sure about NH Bike Law, in terms of a helmet being required; however, he does not think it is. It is a personal choice and it is something he can't enforce.

Selectmen's Rep Epperson confirmed it is not required.

Chair Losik asked if there are any areas that are really not going to be favorable spots to accepting eBikes. Have any areas been identified along the coast that would give some concern?

Mr. Delisle replied that he hasn't found any yet. The only places he could think of would be heavily commercial areas. He would not suggest that someone take the bike to get groceries because they didn't want to deal with traffic.

Alternate Wright noted that conventional bike users are entitled to use any roadway they desire. There have been challenges in the past. He asked if this dictates a change in the Town's laws regarding bikes to include eBikes. He thinks different rates of speed in the same traffic lane is hazardous. It would be great to have the eBikes governed to 19mph because that is generally what a bicyclist under human motor power is going to be doing.

Selectmen's Rep Epperson stated he does not see this as anything else but another subset of bicycles being out on the streets.

Planning Administrator Reed noted that she spoke with Fire Chief Mark Cotreau and he had no issues. She also spoke with Public Works Director Dennis McCarthy and his comments were noted. Chief Walsh has asked Mr. Delisle to give out 'Rules of the Road', which is a pamphlet

that is also on the Town of Rye Website. All the department heads are in favor. The Building Inspector will be meeting with Mr. Delisle at the site to do a walk-through for the change of use permit.

Selectmen's Rep Epperson stated he doesn't have a problem with the exemption. The only reservation he would have is to make sure the insurance covers the Town of Rye in the event of an accident, theft, etc.

Mr. Delisle explained he has a quote for liability insurance that the landlord has asked for. He is not sure how to incorporate the Town of Rye into that, but he is more than willing to do so.

Selectmen's Rep Epperson suggested speaking with Chief Walsh, as he would be able to give guidance.

Chair Losik asked if the customer will be signing waivers. She commented that Chief Walsh will be able to provide guidance in this area also.

Mr. Delisle confirmed that they will be having waivers signed.

Chair Losik reviewed the compliance criteria for exempt status under §202-2.1.B(4).

Mr. Delisle confirmed his proposal meets the criteria.

**Motion by JM Lord to grant the exemption requested by Rob Delisle for property at 1215 Ocean Boulevard with the conditions:**

- 1. There will be no additions to the aggregate coverage of existing structure or buildings or additions to the existing parking, loading and unloading areas, and driveway areas that are less than 100 square feet.**
- 2. There will be no surfacing of existing unsurfaced parking areas, driveways, loading and unloading areas and walkways of 100 square feet or less.**
- 3. There is no change in use (including use intensification) which does not expand a building or involve construction on the lot. Further:**
  - a. No additional off-street parking is required.**
  - b. No increase to the impacts on the existing septic system.**
  - c. No adverse impacts will occur beyond the site development boundaries including:**
    - i. Increased traffic hazards**
    - ii. Groundwater and drainage**
    - iii. Sanitary and solid waste disposal**
    - iv. Lighting**
    - v. Noise pollution**
    - vi. Air pollution**
- 4. If a change in use is determined by the Building Department, a change of use permit must be obtained prior to the operation of the eBikes business.**
- 5. Hours of operation will not exceed 10:00 am – 6:00 pm, Monday through Sunday.**

6. Large planters with flowers and seagrass, or similar, will be placed as a visible barrier between the bikes and general parking.
7. Utilization of existing parking spaces will not, contemporaneously, exceed 5 spaces.
8. Rentals are limited to up to 20 eBikes. No other equipment including manual bikes may be rented.
9. Bikes will be stored inside, securely, at close of business each day.
10. Set speed limit on bikes to no greater than 19 mph.
11. Obtain sufficient commercial insurance.

Seconded by Bill Epperson.

Roll Call: Bill MacLeod – Yes; Jeffrey Quinn – Yes; Steve Carter – Yes; Jim Finn – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes

Motion passed.

- **The LRP Survey for Town Staff, Boards and Committees**

Member Carter gave an update to the Board in regards to the work by the Long Range Planning Committee, along with the subcommittee. LRP has been working on a survey that will go to Rye Municipal Offices, and various boards and commissions, to get their thoughts about Rye. The proposed survey has been sent out to the members for review. LRP is asking for approval from the Board, so the survey can be loaded onto a website to be sent out for responses. The intent is to have the survey ready to send out within the week.

Selectmen's Rep Epperson asked if the questions have been scrubbed.

Member Carter replied they were scrubbed by the committee.

Alternate Wright commented it was his suggestion to have Julie LaBranche wordsmith it some more. This is proposed language to get the intent.

Alternate Quinn asked if there is a projected number of possible responses. He asked the total number of questionnaires that are going out.

Member Carter replied it is between 20 and 30. It is expected for the different departments to respond as departments, not every individual in the department. He is thinking there will be between 20 and 30 responses that would be collected.

Alternate Wright explained that the surveys will be going to the heads of the various committees and boards with one response back.

Member Carter noted there is a second survey LRP is working on that will go to all the residents of the Town. That survey will mostly be multiple choice.

Alternate Quinn asked about the turnaround time.



Member Carter stated they were hoping to send this survey out in June and have responses by mid-July. The intent is to send out the resident survey in mid-July, in order to have responses back by early September. The Rockingham Planning Commission will then tabulate the results in order to develop questions for the visioning session, which will be late September or early October. The idea is to tabulate the suggestions from the visioning session before the end of October, so the framework for a visioning chapter can be proposed by the end of the year.

**Motion by Patricia Losik to accept the proposed ‘Town of Rye Municipal Survey’ and allow Julie LaBranche to make stylistic and data acquisition changes, if needed. Seconded by Bill Epperson.**

**Roll Call: Bill MacLeod – Yes; Jeffrey Quinn – Yes; Steve Carter – Yes; Jim Finn – Yes; Bill Epperson – Yes; JM Lord – Yes; Patricia Losik – Yes**

**Motion passed.**

There was some discussion about the announcement from Julie LaBranche, sent through Planning Administrator Reed, about the change in her position from working with RPC to working as an independent consultant. Planning Administrator Reed agreed to speak with Attorney Donovan about the possibility of Rye continuing to work with Ms. LaBranche, as she has worked with the Town for several years and has great knowledge about Rye. The Board also had some concerns about her position at RPC being vacant for some time and how it may affect the Planning Board’s projects that Ms. LaBranche has been working on. Planning Administrator Reed will follow up with more information at a future planning board meeting.

- **Fertilizer Use Recommendations for Rye Aquifer and Wellhead Protection District**

Chair Losik noted that Planning Administrator Reed had shared a letter with the Board from Danna Truslow regarding ‘Guidance on Lawncare to Reduce Water Quality Impacts for Review by the Planning Board’, developed in corporation with Landscape Specialist Emma Erler, UNH Cooperative Extension. Ms. Truslow used the information to guide the current review of Webster and 150 Lafayette Road.

Chair Losik noted that she participated in the presentation on May 3<sup>rd</sup> called ‘Green Grass and Clear Water, which was a collaborative effort by RCC and DPW as the hosts, along with Julia Peterson and Emma Erler from UNH. It was a great amount of information. She hopes that it will be posted onto the Town’s website for people to watch. She suggested the recommendations be posted on RCC’s landing page. She also suggested that Rules and Regulations take this up for consideration when they start their work for this year.

- **July meeting falls on election day, keep or reschedule?**

The Board had a discussion regarding the date for the monthly meeting in July.

**Motion by Patricia Losik to keep the July monthly meeting for the scheduled dated of July 13<sup>th</sup>. Seconded by Jim Finn.**

**Roll Call: Bill MacLeod – Yes; Jeffrey Quinn – Yes; Steve Carter – Yes; Jim Finn – Yes; Bill Epperson – Yes; JM Lord – Yes; Rob Wright- Yes; Kathryn Garcia – Yes; Patricia Losik – Yes**  
**Motion passed.**

- **Hammerheads**

Vice-Chair Lord stated there have been a number of issues with hammerheads really being used for something other than their intended purpose. Everyone can see what occurs when hammerheads are manipulated to get more lots. He thinks hammerheads should be eliminated as a choice for the applicants, but kept as an option for the Planning Board to use in circumstances where there are environmental issues that could be mitigated by using it.

The Board reviewed the language for LDR §202-6.2.B(6)(g) suggested by Attorney Donovan. They agreed the language should be sent back to Attorney Donovan for consideration of cul-de-sacs.

- **Approval of Minutes – May 11<sup>th</sup>**

The following corrections were noted:

- Page 6, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence should read: **He explained that because they have the extra width, they will be keeping the 26' width and asking for the .5' reduction in the length of the parking spot.**
- Page 7, 5<sup>th</sup> paragraph, 3<sup>rd</sup> sentence should read: **He reminded the Board that the previous plan impacted a lot of that area.**
- Page 11, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> sentence should read: **It has since been learned that the awning in this location is not practical, due to prevalent winds coming off Little Harbor.**
- Page 11, 2<sup>nd</sup> paragraph, last sentence should read: **Guests are merely shifting from the inside to the outside, either on the porch or the patio.**

**Motion by JM Lord to accept the minutes of May 11, 2021 as amended.**

**Seconded by Jim Finn.**

**Roll Call: Bill MacLeod – Yes; Jeffrey Quinn – Yes; Steve Carter – Yes; Jim Finn – Yes; Bill Epperson – Yes; JM Lord – Yes; Rob Wright- Yes; Kathryn Garcia – Yes; Patricia Losik – Yes**  
**Motion passed.**

## **VI. Committees**

- **Long Range Planning – update on Visioning process**

Member Carter noted that the municipal survey has been put together. LRP started work on the survey for the town residents. A survey from the Town of Hampstead is being used as a prototype. The committee members reviewed the survey, amended and added questions. Those

changes were submitted to Planning Administrator Reed to be given to Julie LaBranche. The idea is that the town resident survey will be multiple choice with an opportunity at the end for some writing. At LRP's next meeting, they will be reviewing the first draft of the survey for residents.

- **Rules and Regulations – Schedule meeting time**

There was some discussion on possible meeting times for the Rules and Regulations Committee. Chair Losik and Member Quinn agreed that Tuesdays and Thursdays are good days. Planning Administrator Reed will reach out to Member Paul about her availability. Meetings will resume in July.

- **TRC – update on existing subdivisions**

Vice-Chair Lord reported that Stoneleigh Subdivision was scheduled to be paved in June; however, it has been pushed out to July. They have two culverts to need to go in on Autumn Lane and one on Signature Drive. The Rye Conservation Commission work needs to be done as well. It seems that Severino is holding off to do all that work at once. He noted that the driveways that are in are going to be raised to meet the paving.

Chair Losik asked if he noticed the location of the irrigation on Lot 6. She commented there are improvements on that side (left looking at the driveway). She suggested he may want to take a look, as it was graded and seeded, and there are irrigation lines.

- **1244 Washington**

Planning Administrator Reed noted that the project is going really well. Steve Harding from Sebago Technics has been visiting the site regularly and has been sending reports. There have been no issues.

- **Webster at Rye**

Chair Losik noted a letter was received from Danna Truslow in regards to the condition of approval on the turf care and fertilizer for Webster at Rye. Copies of the letter were also sent to Tom Argue and Nancy Littlefield at Webster, Ron Conner at Seacoast Turf Care, Landscape Architect Robbi Woodburn, and Eric Weinrieb at Altus Engineering.

## **VII. Escrows**

### **Motion by JM Lord to pay the following escrows:**

- **850 Washington Road** - Danna Truslow \$385.00 and Sebago Technics \$1,490.25
- **421 South Road Aquifer** – Danna Truslow \$632.50
- **Rye Place, LLC** – Attorney Donovan \$999.77 and Danna Truslow \$1,466.50
- **The Housing Partnership** – Attorney Donovan \$172.37
- **Stoneleigh** – Sebago Technics \$1,211.75 and \$1,179.00
- **1244 Washington Road** – Sebago Technics \$574.50 and \$522.61

- **Foye's Corner** – Sebago Technics \$229.25
- **Wentworth by the Sea** – Sebago Technics \$442.25

**Seconded by Steve Carter.**

**Bill Epperson – Yes; JM Lord – Yes; Rob Wright- Yes; Kathryn Garcia – Yes;**

**Patricia Losik – Yes**

**Motion passed.**

### **VIII. Other**

Chair Losik noted that she and Planning Administrator Reed attended a two day Zoom conference by NH Coastal Adaptation Workgroup. This is a collaboration of over thirty organizations working to ensure coastal watershed communities are resourceful, ready and responsive to the impacts of extreme weather and climate change. The group is made up of scholars, municipal leaders, state experts and representatives of the regional organization.

Chair Losik stated that Planning Administrator Reed is recognized as a leader. She is recognized as one who moves Rye forward. Ms. Reed was an award recipient from this organization in 2020 and presented at this year's conference. Ms. Reed spoke in detail about Rye's climate adaptation and resiliency language in the Town's Land Development Regulation. She answered questions from some of her peers from this group and gave great responses. Chair Losik commended Ms. Reed for her exceptional work.

Chair Losik asked Ms. Reed if she would speak about the new innovative land use control that is being worked on for the control of water quality.

Ms. Reed explained they are working on a model ordinance for a groundwater buffer, which will hopefully go to the Legislature and all the municipalities. The ordinance will be addressing the protection of groundwater. There are more events being seen with climate change; heat waves, droughts and storms. The groundwater needs to be protected from the effects of this weather. Communities will have a choice on whether it will be a conditional use permit, a land development regulation or a zoning regulation. This will be looking at further protections for drinking water. She pointed out that the water doesn't stop at the Hampton Townline. The aquifers are so deep that they go beyond where people think they even go. If work is not done to protect the aquifers and wells, impacts will be seen in the future, as climate really changes drastically. Towns really need to start protecting the groundwater buffers. The model ordinance will be out later this summer and will go to the Legislature. It will then go to the municipalities for them to vote on how they want to use the ordinance, if they want to use it.

### **Adjournment**

**Motion by JM Lord to adjourn at 8:58 p.m. Seconded by Jim Finn.**

**Bill Epperson – Yes; JM Lord – Yes; Rob Wright- Yes; Kathryn Garcia – Yes;**

**Patricia Losik – Yes**

**Motion passed.**

Respectfully Submitted, Dyana F. Ledger

# RYE PLANNING BOARD

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

## Notice of Decision

**Owner:** John Samonas of Samonas Realty Trust

**Applicant:** Rob T. Delisle

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

**Request:** Request for exemption from site review under Rye Town Code

**Date of Decision:** Tuesday June 8, 2021

**Decision:** **The Planning Board unanimously voted to grant exemption with the following conditions:**

### Conditions of Exempt Status under §202-2.1 B (4)

1. There will be no additions to the aggregate coverage of existing structure or buildings or additions to existing parking, loading and unloading areas, and driveway areas that are less than 100 square feet.
2. There will be no surfacing of existing unsurfaced parking areas, driveways, loading and unloading areas and walkways of 100 square feet or less.
3. There is no change in use (including use intensification) which does not expand a building or involve construction on the lot. Further:
  - a. No additional off-street parking is required
  - b. No increase the impact on the existing septic system
  - c. No adverse impacts will occur beyond the site development boundaries including:
    - i. Increased traffic hazards
    - ii. Groundwater and drainage
    - iii. Sanitary and solid waste disposal
    - iv. Lighting
    - v. Noise pollution
    - vi. Air pollution
4. If a change in use is determined by the Building Department, a change of use permit must be obtained prior to the operation of the eBikes business (§202-2.1 (4) (a) [3]).
5. Hours of operation will not exceed 10:00 am – 6:00 pm, Monday through Sunday.
6. Large planters with flowers and seagrass, or similar, will be placed as a visible barrier between the bikes and general parking.
7. Utilization of existing parking spaces will not, contemporaneously, exceed 5 spaces.
8. Rentals are limited to up to 20 eBikes. No other equipment including manual bikes may be rented.
9. Bikes will be stored inside, securely, at close of business each day.
10. Set speed limit on bikes to no greater than 19 mph.
11. Obtain sufficient commercial insurance.

June 9, 2021

Date

Kimberly M. Reed, for

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.*

I | Page

# RYE PLANNING BOARD

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

## Notice of Decision

**Owners:** Malcolm E. Smith, III and Rye Benchmark, LLC

**Applicant:** Tuck Realty Corporation

**Property:** 0 Lafayette Road and 295 Lafayette Road  
Tax Map 10, Lot 1 and Tax Map 10, Lot 3  
Commercial District, Aquifer & Wellhead Protection District and  
Multi-family Dwelling District

**Case:** Case #08-2021

**Application:** Lot Line Adjustment Plan by Tuck Realty Corporation for property owned by Malcolm E. Smith, III and Rye Benchmark, LLC for properties located at 0 Lafayette Road, Tax Map 10, Lot 1 and 295 Lafayette Road, Tax Map 10, Lot 3 to adjust the boundary between lots 1 & 3 adding 4.11 AC to lot 3. Properties are in the Commercial District, Aquifer & Wellhead Protection District and Multi-family Dwelling District. Case #08-2021.

**Date of Decision:** Tuesday June 8, 2021

**Decision:** **The Planning Board unanimously voted to accept Jurisdiction of the application and approve the Lot Line Adjustment plan.**

June 9, 2021  
Date

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

# RYE PLANNING BOARD

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

## Notice of Decision WAIVER

**Applicant:** Rye Place Realty, LLC

**Case:** Case #06-2021

**Application:** Minor Non-Residential Site Development application by Rye Place Realty, LLC for property 150 Lafayette Road, Tax Map 10, Lot 14 to convert gravel unstriped parking area to paved parking area with striping per Section 202-2.1.B(1)(b) and Section 202-2.1.B(2)(c). Property is in the Commercial District, Aquifer Protection District. Case #06-2021.

**Date of Decision:** Tuesday June 8, 2021

**Decision:**     \_\_\_x\_\_\_     Approved  
                  \_\_\_ \_\_\_     Continued  
                  \_\_\_ \_\_\_     Conditionally Approved.  
                  \_\_\_ \_\_\_     Denied

*Motion by JM Lord, seconded by Jim Finn to accept the applicant's request for a waiver to the Rye Land Development Regulations Section 202-6.3.E.1.b Table 4, for parking space dimensions of 10' x 18' with a 26' aisle. The reasons for granting are: (1) Strict conformity would pose an unnecessary hardship to the applicant, and waiver would not be contrary to the spirit and intent of the regulations because: the site has been designed with parking space dimensions of 10' by 18' with a 26' drive aisle. A parking space depth of 18.5' is required under that section. The shorter parking stall is beneficial for reducing impervious surface and environmental impact to the wetlands and its buffer. This leads to a small overall site development footprint.*

*Motion passed 7-0-0.*

June 9, 2021  
Date

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

# RYE PLANNING BOARD

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

## Notice of Decision

**Applicant:** Rye Place Realty, LLC

**Case:** Case #06-2021

**Application:** Minor Non-Residential Site Development application by Rye Place Realty, LLC for property 150 Lafayette Road, Tax Map 10, Lot 14 to convert gravel unstriped parking area to paved parking area with striping per Section 202-2.1.B(1)(b) and Section 202-2.1.B(2)(c). Property is in the Commercial District, Aquifer Protection District. Case #06-2021.

**Date of Decision:** Tuesday June 8, 2021

**Decision:**

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

*The Board voted 7-0-0 to conditionally approve the Minor Non-Residential Site Development Plan*

### **CONDITIONS OF APPROVAL**

- 1. The Building Department shall be provided a copy of the final version of the Drainage Analysis report originally dated 19 March 2021.*
- 2. The property owner shall comply with the final version of the "Inspection & Long-Term Maintenance Plan". Copies of the required annual Inspection & Maintenance Report and the Inspection and Maintenance Logs shall be filed with the Building Department, Planning Board and Public Works Director.*
- 3. The property owner shall retain a qualified maintenance contractor to inspect and maintain the drainage facilities in accordance with the final version of the "Inspection & Long-Term Maintenance Plan." Copies of the maintenance contract shall be filed annually with the Building Department and with the Planning Board.*
- 4. 150 Lafayette Road Landscape and Maintenance Plan shall be attached to the conditions and followed.*
- 5. Sufficient funds shall be placed in escrow with the planning board to pay final statements of planning board engineer and town counsel and Truslow Consulting.*
- 6. A letter from the landowner/abutter (Tax Map 10, Lot 15) granting permission for work to be conducted in connection with the following:*

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



- a. *Removing pavement and regrading outside the encroachment, loaming and seeding the entire encroachment area.*
  - b. *Matching grade at abutting property.*
  - c. *Cross sections of two driveway locations shall be prepared and incorporated into the plans.*
7. *Chair may sign when conditions 1-6 are met.*
8. *The applicant shall grant the town an easement relative to maintenance and repair of the bio-retention facility. The easement shall: (1) require the property owner to be responsible for maintenance and repair of the facilities; and (2) provide that, if the owner fails to maintain or repair the facilities, the town, after notice, shall have the right, but not the obligation, to do so. In such case the property owner shall be responsible for reimbursing the town for its expenses. If the town has to commence a legal action to obtain payment, the town shall be entitled to its costs and reasonable attorney's fees. This easement shall be reviewed and approved by town counsel and recorded prior to signing of a Certificate of Site Development Approval.*

June 9, 2021  
Date

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