

**TOWN OF RYE – PLANNING BOARD
MEETING**

**Tuesday, August 10, 2021
6:00 p.m. – Rye Public Library**

***Members Present:* Chair Patricia Losik, Vice-Chair JM Lord, Jim Finn, Katy Sherman, Kevin Brandon, Alternates Bill MacLeod, Robert Wright and Kathryn Garcia, and Selectmen's Rep Bill Epperson**

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

**1. Call to Order
a. Pledge of Allegiance**

Chair Losik called the meeting to order at 6:03 p.m. and led the Pledge of Allegiance.

b. New Member & Reappointments

Chair Losik welcomed Kevin Brandon as a new member of the Planning Board. He was elected to a term until 2024 by the recent town election. Steve Carter was re-elected to a term until 2024. Jim Finn was also re-elected as a member through 2022. Bill Epperson will remain the Selectmen's Representative to the Board, until the next election. Nicole Paul has been serving on the Board for the past year in the seat of a resigned member. She will be returning to the Board as an alternate.

c. Resignation of Jeffrey Quinn

Chair Losik stated that the Board has regrettably received the resignation of Jeffrey Quinn. Mr. Quinn had been on the Planning Board since 2013. He was very involved with the Rules and Regulations Committee from 2017 until his resignation. She expressed her sincere appreciation for his contributions. He will be sorely missed from the table.

The Board agreed that Jeff was a valuable member of the board and his service is greatly appreciated.

d. Appoint Chair, Vice-Chair and Clerk

**Motion by Bill Epperson to nominate Steve Carter as clerk. Seconded by Jim Finn.
All in favor.**

**Motion by Bill Epperson to nominate JM Lord as vice-chair. Seconded by Jim Finn.
All in favor.**

**Motion by Bill Epperson to nominate Patricia Losik as chair. Seconded by JM Lord.
All in favor.**

Chair Losik seated Alternate Rob Wright for Steve Carter.

2. Public Hearing on Proposed Land Development Regulation

a. LDR Amendment RE: Hammerhead

1. I Amend Section 202-6.2 (B) (6) (g) Dead-End Street
2. II. Add the following definition to the LDR's: "CUL-DE-SAC"

Rye Planning Board LDR Amendment
Re: Hammerheads

- I. Amend Section 202-6.2 (B) (6) (g) Dead-End Streets as follows: (Deleted language struck through. New language ***emboldened and italicized***).
to add the following:
 - (g) Dead-end streets. In order to promote public health and safety, reduced traffic volumes, residential privacy and an orderly, efficient pattern of street and utility development in Rye, dead-end streets shall not exceed 800 feet in length and shall terminate in a cul-de-sac, ***teardrop or*** loop. ~~or hammerhead.~~
 - [1] Measurement. The 800 feet shall be measured to the beginning of ***the cul-de-sac,*** teardrop or loop.
 - [2] ***Cul-de-Sacs***, teardrops and loops. The layout of a ***cul-de-sac,*** teardrop or loop is subject to the review of and written comment by the Public Works Director and the approval of the Planning Board. Inside radius of the ***cul-de-sac,*** teardrop ***or loop*** shall be a minimum of 40 feet; pavement width shall be a minimum of 24 feet ***for tear drops, cul-de-sacs or loops serving more than three (3) lots.*** Dead-end streets terminating in ***cul-de-sacs,*** loops or teardrops shall not serve more than a total of 10 residential lots (i.e., inclusive of both the loop and the non-loop parts of the street).
 - [3] More than 10 lots. Any subdivision consisting of more than 10 lots shall have separate ingress and egress points on a public way which shall be separated by at least 300 feet.

[4] ~~There shall be a stay (i.e. moratorium) on the acceptance of subdivision applications for dead-end streets ending in a hammerhead or similar configuration until such time as the planning board adds standards for such configurations to the regulations.~~

- II. Add the following definition to the LDR's: "CUL-DE-SAC. A dead-end street terminating in a circular paved area."

Explanation

From 1988 to 2020 the Land Development Regulations did not allow T-Turns, Hammerheads, or Tomahawks at the end of dead-end streets. During that time two Tomahawks were approved by waiver because they were more environmentally sensitive than the loops which were proposed. The new LDR's adopted in January 2020 allow hammerheads. Recent experience with two proposals indicate that the prior practice of allowing such designs only as a more environmentally sensitive alternative to a loop or a cul-de-sac is a better approach to dead-end street layouts. Hence, the amendment eliminates them as a street layout option by right.

Chair Losik opened discussion to the Board in regards to the proposed LDR amendment.

Selectmen's Rep Epperson stated that the amendment covers everything. He assumes the 40 feet and 24 feet were run by Fire Chief Coteau to be sure there is enough turning radius for the department's new fire truck.

Chair Losik pointed out that this was already in place. The amendment gets rid of the hammerhead.

At 6:12 p.m., Chair Losik opened to the public for comments or questions.

Patricia Smith, 47 Pine Street, asked if existing streets are precluded or if they need to change.

Chair Losik noted that they do not need to change.

Hearing no further comments or questions, Chair Losik closed the public hearing at 6:13 p.m.

Vice-Chair Lord asked if this has been duly posted. He wants to be sure this was done, as this is probably one of the largest changes being made in the LDR.

Planning Administrator Reed noted that the amendment was posted twice in the Portsmouth Herald. The first time the Board wanted to make a change, so it had to be revised and posted a second time in the newspaper. It was posted outside the Town Hall on the notice board. It was also posted at the Rye Public Library. Copies of the amendment were available in the courtroom

at the Town Hall and outside the Tax Clerk's office. She confirmed that it was readily available, legally posted and noticed.

Motion by JM Lord to adopt the LDR amendment regarding hammerhead.

Seconded by Bill Epperson.

Vote: 7-0 in favor

3. To Review Applications to determine if they are complete:

- a. Lot Line Adjustment Application Plan** by Richard Ender for property owned and located at 17 Alder Ave, Tax Map 8.1, Lot 62 and 0 Alder Avenue, Tax Map 8.1, Lot 62-01 to allow the 0 Alder Ave property to have 4,636 sq. ft of land and allow for frontage on Alder Avenue. Properties are in General Residence Zone. **Case #12-2021.**

Richard Ender and Don Jones were present to address the application.

Member Finn asked for the rationale as to why the adjustment is being made.

Mr. Ender, applicant, explained that there's about 1.25-acres between the two lots. The intent is to square it off a bit more and to get more road frontage. By squaring it off, it will give each property easier access, so the power and sewer can be brought in.

Member Finn asked how much road frontage will be available.

Mr. Ender replied that on Alder Avenue it will be 16ft for each.

Chair Losik stated that the proposed lot line adjustment would alter the boundary between two existing non-conforming lots (Tax Map 8.1, Lot 62 and Tax Map 8.1, Lot 62-1); each being non-conforming due to substandard lot size and substandard frontage.

Mr. Ender agreed. He pointed out that this was the Myrica by the Sea Subdivision.

Chair Losik asked Mr. Ender if the two non-conforming lots were unmerged at his request in 2016.

Mr. Ender confirmed.

Chair Losik stated that the proposed lot line adjustment would result in Lot 62 (Tax Map 8.1) becoming more non-conforming. The lot area goes from 37,956 s.f. to 33,320 s.f. because the frontage is reduced. Lot 62-1 (Tax Map 8.1) becomes more conforming; however, it remains a non-conforming lot. She noted that variances would be needed from the Zoning Board of Adjustment.

Motion by JM Lord to not accept jurisdiction because the Planning Board does not have the authority on the non-conforming lots due to the variances required, as the lots do not meet frontage or size requirements. Seconded by Jim Finn. Vote: 7-0 in favor.

- b. Major Subdivision and Conditional Use Permit** for a Condominium Conversion for property owned by Arthur & Sharon Pierce Rev. Trust, Arthur & Susan Pierce, Trustees for property located at 251-279 Pioneer Road, Tax Map 24, Lot 117 to covert 8 dwelling units in 4 duplex structures into 8 condominium units. Property is in the Single Residence District. **Case #13-2021.**

Chair Losik noted that a request has been received from the applicant to continue the application to the September 14th meeting, due to variances required by the ZBA.

Selectmen's Rep Epperson asked what variances are required.

Planning Administrator Reed replied that two of the units are less than 600 s.f. and they do not meet the limited common area.

Motion by JM Lord to continue the application to the September meeting, due to the variances required. Seconded by Katy Sherman.

Vote: 7-0 in favor.

- c. Major Residential Site Development Plan** by BSL Rye Investors, LLC and Special Use Permit for property owned by BSL Rye Investors, LLC and located at 295 Lafayette Road, Tax Map 10, Lot 3 for construction of a 78 bed assisted living complex. Property is in the Commercial District and the Aquifer and Wellhead Protection District. **Case #14-2021.**

Chair Losik stated that the Board will have a discussion first about the Development of Regional Impact (DRI). It is up to the Board to determine DRI per 36:55. This is based on a number of factors;

- 1) The relative size or number of dwelling units as compared with existing stock.
- 2) It's proximity to the border of a neighboring community.
- 3) Transportation networks.
- 4) Emissions such as, light, noise, smoke, odors or particles.
- 5) Proximity to aquifers or surface waters which transcend municipal boundaries.
- 6) Shared facilities such as schools and solid waste disposal facilities.

Chair Losik explained that the concepts the Board focused on at the last meeting were the impacts to the two towns with contiguous borders, which are Greenland and North Hampton. Obviously, factor #2, proximity to the border of a neighboring community, comes in to play. They also participate in transportation networks; particularly, on Route 1. Greenland is not on Route 1, but the intersection at Breakfast Hill Road is certainly a concern. She noted that on the DES website, there is a question raised in regards to Coakley, by Mindy Messmer, about whether there were possible gas emissions. The Board discussed the emissions, such as, light, noise, smoke, odors and particles. In the research it was found that the EPA responded to Mindy and said that there is no current testing for the issue that she raised. So, the Board did not take that up.

In regards to proximity to aquifers or surface water which transcend municipal boundaries, Chair Losik stated there is a host of information the applicant has produced, namely from GeoInsight, their hydrogeologist, as well as, websites showing Rye's aquifer. The relationship with the major wetland complex, which is just west of the project, actually connects Berry's Brook Watershed to the north with Little River which runs to the south. The Board's feeling last month was that it could transcend. The Board also discussed the fact that there has been testing going on with respect to Coakley. There is a letter on the town's website from CMA Engineers in regards to testing. In 2018, the PFOAs and the PFOSs were in several of the test sites; two of which were Berry's Brook, one at a site on Lang Road, one at a site on Sagamore and also on West Road, which crosses into the Bailey's Brook Watershed. She noted that concern for Portsmouth would be that Berry's Brook is in Portsmouth, as well as Rye. That allowed the Board to think that Portsmouth should have to be notified.

Chair Losik stated that RPC held a meeting at the end of July. The applicants were present and there was discussion about their findings. Two of RPC's commissioners were present; one from Portsmouth and one from Kensington. They did not have concerns with regards to the proposed project for the Hector's site. There was no representation from Greenland nor North Hampton.

Referring to the evaluation of particulate matter or gasses from Coakley, Member Brandon asked if this was with respect to concerns prospectively on the residents of the facility or the impacts of the facility on Coakley emissions themselves.

Chair Losik explained that why the emissions were brought up is because it basically follows a criterion in the RSA's as a possible emission. Once that was found, the Board wanted to make sure that was part of the record, only in determining DRI. She noted that Alternate MacLeod had brought up the question of whether they were concerned about the impact on the development. Right now, the Board is talking about the "thinly sliced" subject matter of a DRI.

In regards to the absence of participation on the part of representatives from adjacent towns, Member Brandon asked if this precludes them in anyway from bringing something up in the future.

Chair Losik pointed out there has not been a public hearing for that application. In September, there will be a public hearing and they may well decide to show up. Speaking to Planning Administrator Reed, Chair Losik asked if any correspondence has been received from any of the communities.

Planning Administrator Reed replied no.

Chair Losik stated that they heard from the Portsmouth Regional Commissioner that someone wanted to speak with Rye's DPW Director. It was some ancillary matter and she wasn't sure what it was. Chair Losik continued that Greenland has been an active community with respect to Coakley. She thinks they may come to the public hearing next month.

Chair Losik opened discussion to the Board on whether this application (BSL Rye Investors, LLC) is a DRI. If so, a vote is needed and the Planning Administrator will then notify the communities.

Member Finn stated that seeing how North Hampton didn't show up for the other project, which is right beside the North Hampton line, and if Portsmouth didn't have any major objections, he is not convinced the Board needs to wait an extra month.

Vice-Chair Lord stated that this is not really adding more housing per se. This is still adjacent to North Hampton, and Greenland, and the transportation system with Portsmouth is very close. He believes that the last time the Board settled on the thought, it was felt it would be better to over communicate than under communicate. It would be better to make this a DRI.

Chair Losik stated these are two separate applications. She would think that the Board would not want to disservice anybody by not making the notice.

Alternate MacLeod noted that the applicant on the first project had no objection to having it be a DRI. Maybe he was making sure to eliminate the possibility of an appeal. If it is the same landowner, but under a different name, they may not have an objection and want to play it safe. He suggested they ask the applicant if they have any objections.

Alternate Wright asked about the timing.

Chair Losik replied there is a sixty-day window. RPC was very on top of it. They had planners on staff look at it. She explained that each community within RPC has a commissioner who understand very well the issues with respect to their own community. In addition to the Executive Director of RPC and the applicant's team, there was also a representative from Portsmouth, who commented to the positive on the movement forward regarding the multi-family development application.

Selectmen's Rep Epperson commented that it would appear that Greenland would not have a significant objection to this because they are developing land essentially on Coakley Landfill, which is on Breakfast Hill Road. In regards to North Hampton, they moved tons and tons of rock with the huge excavation that took place for the storage unit facility. Clearly, they aren't concerned about the aquifer or the disturbance of Coakley Landfill. He thinks that if the applicant would accommodate the idea, it should have one last chance to see if it's a DRI.

Joe Coronati, Jones & Beach Engineers, stated that they are not objecting to going through the DRI process; however, they would still like to keep on track. The plan was to continue the 30-unit development to the September meeting. If it's possible, he would like to continue this project to that meeting, so both applications can follow the same course. He pointed out that this is something the Board wanted, as well. He also pointed out that the last DRI meeting was set up very quickly. If that is the Board's pleasure, they can go ahead and get it done.

Selectmen's Rep Epperson commented that they don't want something to happen 120 days from now, where someone says there should have been a DRI sanction. He thinks it's a good idea to do it.

Motion by JM Lord that this is a project of regional impact and it should move to the Rockingham Planning Commission. Seconded by Katy Sherman.

Vote: 7-0 in favor.

In regards to the completeness of the application, Chair Losik stated that the Board has received a lot of information and they have heard from Danna Truslow of Truslow Resource Consulting. Sebago has also sent information. She would like the applicant to give the Board an overview. The Board will only be taking a vote right now on whether or not they can take jurisdiction.

Mr. Coronati presented the site showing the entire Hector's property along with the existing Evolve Memory Care Facility. He explained that Benchmark has purchased the facility. They have a business model that consists of memory care facilities with assisted living. This was an enticing property for them as it already had memory care but not the assisted living. The development has come forth as they contacted Mr. Garrepy for a piece of the Hector's site. A lot line adjustment was before the Board a couple of months ago and was approved. The property with the lot line adjustment is just over 10-acres. The proposal is to expand by building a completely separate facility, although it will be linked to the memory care. It will be a separate building with facilities of kitchen, loading, janitorial, laundromat and hair salon. There will be a switch of the main entrance. The porte cochere at the existing entrance will be eliminated. There will be a newly constructed main entrance in the new building with a receiving area that will direct people in either direction. The new facility is a two-story building with three wings of housing and a wing that houses the internal facilities; such as, the dining room and the mechanics of the building. (He pointed out the physical connection between Evolve and the former Hector's site on the plan.) He noted that there is no connection between the 30-unit development and this site. This is a separate development by Benchmark.

Vice-Chair Lord asked how the Board will be looking at these projects. He asked if they are going to have two presentations. It seems to him that there are some issues that are one in the same; such as, traffic.

Chair Losik stated that from her perspective, there are two applications and they need to stand on their own. However, there are codependent issues. There are causes and effects on both of these.

Alternate MacLeod commented that he has experienced numerous projects like this where the chair would agree to hold concurrent hearings. Where there is overlapping data, such as traffic, there would be discussion for both projects. When there is a public hearing for discussion on the traffic, it would be for the two projects at the same time. He thinks it would certainly be more efficient.

Chair Losik agreed. She noted that Danna Truslow's letter shows how interrelated the groundwater studies are. What happens on the Benchmark property may be impactful to the

former Hector's site, which will be multi-family. It will really help the Board get a broader and better understanding. Chair Losik commented that Danna Truslow has pointed to some very specific things that she needs, such as, details from this site that may be impactful to the other site. It would make sense to have these hearings on the same night. The applications will stand alone, but there are some issues that can be worked together.

The Board agreed.

Referring to the submitted plans to the Board, Member Sherman stated that it would be helpful to show what is going on with the bordering property. It's helpful to see the two properties side by side.

Mr. Coronati stated this is tricky because he does want to keep them separate. The common items are certainly traffic, hydro and landscaping. He noted that Landscape Architect Jeff Hyland will be working on both projects.

Chair Losik commented it would be helpful to have a merged site plan, maybe not the whole detail of a site plan. There's some detail and topography the Board will want to understand, particularly with respect to landscaping on the boundary lines (LDR Section 11, landscaping standards). Stormwater management will also be something that the Board will look at for both projects.

Alternate Wright stated that he would like to see a drainage and grading plan for the whole project. He asked if there is a dependency of one versus the other and how the buffer is created. The two big impacts are the hydro and traffic. The way the sites are graded will be related to each other.

Mr. Coronati stated that the hydrogeologic studies are relative to septic flows; nitrates and groundwater flows. The drainage report is all surface water. The two are independent surface water wise.

Alternate Wright clarified that from an engineering perspective, one doesn't impact the other.

Mr. Coronati confirmed. It has to be sure that if one project doesn't go forward that the other one can work on its own. There will be separate alteration of terrain permits for each site.

Alternate Wright asked if the overall flows are impacted if both projects are approved.

Mr. Coronati replied it could. He continued that if there was water running off the site, it could certainly do that. In this case, everything is infiltrating so stormwater is not crossing boundaries. He pointed out that both sites have to have reductions per Rye's rules, as well as the State's. The hydro is similar. (He pointed out the location for the proposed septic for the new assisted living building.) He noted that the plumes from this septic carry onto the next lot and there are also septic on that lot, so those two things are intertwined. With regards to the traffic study, Mr. Coronati stated that every study he has seen they look at offsite properties, even projects that have recently been approved or are going through the planning board process. If there were

different traffic engineers for each of the projects, they could still reach out to the town and ask if there are nearby projects they should take into account. He knows that Steve Pernaw does this all the time.

Chair Losik stated that an example of their interrelationship was raised by Danna Truslow when she noted there is lower discharge into the older septic and asked if that could be changed.

Mr. Coronati commented there are two other existing septic fields that were put in by Evolve. This is something that GeoInsight has to look at.

Chair Losik pointed out the drainage report shows a slight increase to AP-2 on the 25-year storm. In RZO 5.7, the premise is that flow cannot be increased to adjacent properties. For this plan, or any, it's about matching; assessing the current flows and making sure the post-development flows don't exceed. She knows it was said that it would be insignificant, but there was this same discussion last month because there were post flows that were a little bit higher. She commented that even on smaller projects, flow to adjacent property matters. She asked Mr. Coronati to keep this in mind.

Mr. Coronati commented that he thinks this can be taken care of so they do not have to ask for a waiver.

Selectmen's Rep Epperson asked if NH DES has any issues with water running off the property into the Coakley Landfill. On the west side towards the boundary of the two properties, it goes from 116, 114, 110 to 100, rapidly. He asked if this is something DES will look at.

Mr. Coronati replied that AOT will look at the groundwater management and the hydro study. They will also look into any contamination issues and wildlife habitat. This project will be subject to all those reviews.

Vice-Chair Lord stated that these will be treated as two separate applications. When he looks at this, there are some common plans; site plan, grading and drainage, septic, lighting and landscape plan. Vice-Chair Lord asked if there is a preference on when the consultants are brought in. It sounds like the applicant is looking to do traffic and hydro first.

Mr. Coronati stated that he will leave this up to the Board. He is not sure if a hydro presentation will be done until Danna Truslow is further along in her review. He noted that convenience wise, it might be good to have Steve Pernaw at the next meeting possibly to address traffic.

Alternate MacLeod stated that he prefers to see the data when the consultants have gotten to the point where they agree.

Vice-Chair Lord agreed.

Alternate MacLeod continued that from a public point of view, the traffic is probably one of the main concerns and the data that is going to generate that information is already done. Those are hard and fast numbers, so it should be available by the next meeting.

Mr. Coronati noted that Steve Harding from Sebago Technics has reviewed the traffic report for both projects. Mr. Harding had some comments, but is close to agreeing with the report.

Alternate MacLeod commented that there are some things they could get out of the way that might be straight forward. He thinks the hydrogeologic component will be more complex and further down the road. Speaking to Mr. Coronati, he asked if an application for the septic system has been submitted to NH DES.

Mr. Coronati replied that they have not filed for permits. He continued that they are ready to file the AOT application. The septic won't be approved until the AOT is approved; however, the septic application is ready to be submitted. He pointed out that these are the only two State applications that are needed for the assisted living. The third one is the DOT and an application has already been submitted to them.

Chair Losik commented that she thinks it would be good to talk about traffic in September. She pointed out that on some other projects, they have spent some time on design of the structures and also landscaping. It seems that one or both of those could be addressed, if there is time. She understands there is a variance being applied for on the building height, due to calculation format. She asked if it makes sense to think about traffic, structural design and landscape design, for both projects, in September.

The Board agreed.

Referring to the 30-unit project, Alternate Garcia commented that at the last meeting the Board had a short discussion about a possible play space. She thinks the answer was that this is something that is usually driven by the inhabitants of the building. She also heard that there may be space set aside for if it is needed. She asked if this is something that is still being considered.

Mr. Coronati confirmed. He noted there is lawn behind every unit. In the common area, they may look at doing some sort of park feature or small pocket park in the middle of the cul-de-sac, rather than siting it behind one of the units.

Chair Losik noted that this may be addressed when looking at landscaping in September, as it may be pertinent.

Alternate Wright asked if it is anticipated that any of the site work for the projects would be done at the same time.

Mr. Coronati replied that the projects are completely standalone when it comes to site work. However, there's always an outside chance that both Benchmark and the builder of the 30-units hire the same site contractor. They won't hire the same general contractor, as the assisted living project is much bigger.

Attorney Kevin Baum, representing Benchmark, stated that he certainly understands the Board wanting to hear from the experts at the same time. However, he wants to make sure there is a clear delineation between the two projects. These are totally separate applications. It is one

owner now, but will eventually be two separate owners and developments. Ultimately, each application has to stand on its own for approvals. In case of an appeal, he wants to be sure there is a clear understanding of why each one was approved and it should be separately delineated. He reiterated that going about this from the standpoint of efficiency makes a lot of sense. He just wants to be sure there is a clear delineation for the actual review of each application.

Chair Losik confirmed that each one will be treated as separate applications. She continued that there is a requirement in 202-11.1D and 202-11.5A that the LID rain gardens go into the planting plans. Sebago has talked about getting those details onto D-3, but they also have to become part of the landscape plan, which is recorded. She also wanted to talk about the area along the street. There is a question in her mind on whether it meets what is needed for lot frontage. In looking at 202-11.1A(1), Lot Frontages, it states; ***"A combination of trees, shrubs and ground cover should be planted with a tree every 30ft to a minimum width of 9ft as measured from the property boundary. This requirement applies to applications for site plan review and subdivisions"***. She pointed out that the area in the south corner might need to be different, due to the regulations, because it has a bio-retention pond in that area. The ability to plant trees in the lot frontage is a little constrained. She suggested that this be considered. She feels that corner is pretty open right now with the bio-retention structure.

Mr. Coronati confirmed that they will look at this.

Referring to the wetland to the west, Chair Losik asked if the wetland just stops and is not adjacent to this parcel.

Mr. Coronati confirmed. He explained there is actually a paved road in that area, which is the access for the old Coakley Landfill.

Chair Losik asked if the paved road goes out to the Bethany Church parking lot.

Mr. Coronati confirmed that it does connect to the parking lot.

Chair Losik stated there have been some comments during the conceptual and at this presentation that both the projects can work together. She thinks the Board would want to understand those features. Both have residential use and there is tension between that. This was seen during the application process and approval with a project for Webster. She suggested thinking about these things and to consider how people may want to use the properties. People buying into the development are buying in Rye and want to be part of the community. She pointed out that this is on Route 1 and does not have that semi-rural feel, but there is the expectation that people buying in Rye are going to want to feel like they're in Rye.

Mr. Coronati pointed out that the existing Evolve facility is nicely done. Benchmark was not involved in that construction; however, they are going to keep that quality of construction or even take it to another level. The facility is well off the road. They want to landscape the front and have privacy. They are even adding amenities to the outside space, as assisted living requires that feature. Benchmark is upgrading the entire site, as well as building the addition.

He agrees that they can make both sides look very nice and have plenty of room for landscaping with buffers.

Mark Moeller, JSA Architects, gave a brief overview of how the new building is organized. He noted that it is primarily residential on the extreme wings. There will be a two-story lobby space, a small bistro and dining area, a more formal dining room and a multi-purpose space for the residents. Away from the center of the building are the residential units in a variety of sizes; one-bedroom, two-bedrooms and studios throughout the floor plan on both levels. There is also a back of house space where the mechanicals and kitchen will be located. He continued that there is a corridor that ties into the back of the existing building for service convenience. There's also another connection in the front. He pointed out that there will be some subtle renovations done to the existing building to create a visiting room for families. This will be a conference room to allow for privacy for the families. This room will be located right off the front entry.

Mr. Moeller pointed out that the second floor is quite similar, but it does not have the back of house space, as is on the first floor. There are still common amenities on this floor. The center space on the second floor will be a wellness center to provide a private area for visiting health professionals to meet with residents. This will also be an area that will be used for fitness and wellness classes for the residents to take part in.

Mr. Moeller presented the overview of what the building is intended to look like. He pointed out on the drawing the front of the existing building with the porte cochere removed. There will be a porte cochere for the new addition, which will look similar to the existing one. He noted that there's a very prominent double gable expression, which will be recalled in the new architecture. He explained that it's an understated addition. Some of the materiality and color will be taken from the existing building. The massing and style will be very complementary to what already exists today.

Chair Losik asked the length from ridge to ridge.

Mr. Moeller noted it is roughly 100ft to 110ft.

Chair Losik commented she is thinking about east to west.

Mr. Moeller replied that would be about 300ft. He explained that the primary goal is to have the residents take their primary nourishment downstairs in the dining room. The distance from the rooms to the elevators has to be considered. The idea is to keep the elevator centered in the facility for easier access.

Chair Losik noted that topo with this project is higher than the other project by about 10ft.

Mr. Moeller replied that is probably correct. In trying to stay architecturally consistent, the building height, from the peak of the roof to the ground floor, is only 34ft., but because the existing grade slopes away, a variance is being sought for the delta over what is allowed.

Chair Losik commented that she was wondering about the visual aspect of that ridge from the multi-family side.

Mr. Moeller noted that he is not involved in the multi-family component. He continued that those folks are going to perceive what's closest to them. The narrow end of the wings in the foreground is going to loom taller than the ridge, just by nature of how close it is to them.

Mr. Coronati pointed out that the back of the three-unit buildings to the closest part of the wing is 150ft.

The Board had no further questions.

Motion by JM Lord to declare the Major Residential Site Development Plan and Special Use Permit for 295 Layette Road, Tax Map 10, Lot 3, for construction of a 78 bed assisted living complex as complete and to take jurisdiction. Seconded by Jim Finn.

Vote: 7-0 in favor.

Chair Losik requested escrow in the amount of \$10,000.

Motion by JM Lord to continued the application to the September 14, 2021 meeting.

Seconded by Bill Epperson.

Vote: 7-0 in favor.

4. Public Hearings on Applications:

- a. **Applicant is Withdrawing the Conditional Use Permit Application by Celco Partnership d/b/a Verizon Wireless for property owned by Dolores F. Lintz and located at 120 Brackett Road, Tax Map 22, Lot 95-A to install at 125' monopine wireless telecommunications facility which shall include twelve (12) panel antennas, six (6) remote radio heads, one (1) junction box, and ground-based equipment to be housed within a 30' x 40' fenced enclosure. Property is in the Single Residence District. Case #03-2018.**

Chair Losik noted that the Planning Board has been provided with a letter from John Weaver dated August 3rd to Kim Reed, Planning and Zoning Administrator, regarding the withdrawal of the application. (She read the letter of withdrawal.)

Chair Losik continued that by way of communication between John Weaver and Attorney Donovan, the Board is also in possession of pictures which evidence the active and substantial construction of the tower compound on Port Way.

Selectmen's Rep Epperson stated that he was at the site on Port Way and the disruption from construction is significantly less than he thought it would be.

Member Finn commented that he lives right down the street and has heard the same thing.

Selectmen's Rep Epperson stated that without the cooperation of the folks who abut that property and without the diligence of Attorney Donovan, and others who were involved, this project would have never happened. He pointed out that they would still be fighting with 120 Brackett Road, which is the worst place on the planet for a cell tower. The cell tower on Grove Road, yielded for the Town \$68,000 last year. With the tower on Port Way, Verizon is the only cell company on it right now, but Cingular has now taken a position. He noted that the Telecommunications Committee is still looking for places for two more towers to encompass the entire Town of Rye.

Chair Losik opened to the public for comments. Hearing none, she closed the public hearing at 7:46 p.m.

Motion by Bill Epperson to accept the withdrawal of the Conditional Use Permit Application by Cellco Partnership d/b/a Verizon Wireless for property owned by Dolores F. Lintz and located at 120 Brackett Road, Tax Map 22, Lot 95-A to install at 125' monopine wireless telecommunications facility which shall include twelve (12) panel antennas, six (6) remote radio heads, one (1) junction box, and ground-based equipment to be housed within a 30' x 40' fenced enclosure, property is in the Single Residence District; Case #03-2018.

Seconded by JM Lord.

Vote: 7-0 in favor.

- b. The Housing Partnership** requests a 12-month extension of its approvals: Lot Line Adjustment (approved July 10, 2018), Conditional Use Permit (approved July 10, 2018) and Special Use Permit (approved August 14, 2019) for construction of a residential development consisting of a mixture of multi-family dwellings with a portion dedicated as Workforce Housing on 0 Airfield Drive, Tax Map 10, Lot 15-4. **Case #07-2017.**

Chair Losik noted that the Board has received correspondence on behalf of the application dated July 21, 2021 from Attorney Kevin Baum from Hoefle and Phoenix. Attorney Baum reviews the conditional approval and notes various reasons, including; difficulties in obtaining funding related to the Workforce Housing portion of the project and general delays related to the Covid-19 pandemic. (She read the letter received from Attorney Baum.)

Attorney Kevin Baum and Marty Chapman, from The Housing Partnership, were present to speak to the request.

Attorney Baum explained that this project was significantly delayed because of financing for the acquisition and construction, which was largely due to Covid. The property has since been acquired and funding for the construction is in place. The project is very close to starting and they are moving forward as quickly as possible. It was decided to not take any chances and to ask for an extension. They do not want to jeopardize the project and Mr. Chapman has worked hard to get it to this point.

Mr. Chapman noted that he filed for a building permit in mid-June. At that time, the building inspector (Chuck Marsden) was asked if work could start on the site. Mr. Marsden thought it made more sense to do the building permit and site clearing piece at the same time. There are a couple of issues outstanding with the building permit and those are being worked on.

Chair Losik opened to the public for questions. Hearing none, she closed the public hearing at 7:52 p.m.

Motion by JM Lord to approve the request from The Housing Partnership for a 12-month extension for the Conditional Use Permit, approved July 10, 2018, and Special Use Permit, approved August 14, 2019, for construction of a residential development consisting of a mixture of multi-family dwellings with a portion dedicated as Workforce Housing on 0 Airfield Drive, Tax Map 10, Lot 15-4; Case #07-2017.

Seconded by Bill Epperson.

Vote: 7-0 in favor.

- c. **Lot Line Adjustment Application Plan** by Richard Ender for property owned and located at 17 Alder Ave, Tax Map 8.1, Lot 62 and 0 Alder Avenue, Tax Map 8.1, Lot 62-01 to allow the 0 Alder Ave property to have 4,636 sq. ft of land and allow for frontage on Alder Avenue. **Properties are in General Residence Zone. Case #12-2021.**

- *Addressed earlier in meeting (please see minutes above).*

- d. **Major Subdivision and Conditional Use Permit** for a Condominium Conversion for property owned by Arthur & Sharon Pierce Rev. Trust, Arthur & Susan Pierce, Trustees for property located at 251-279 Pioneer Road, Tax Map 24, Lot 117 to covert 8 dwelling units in 4 duplex structures into 8 condominium units. **Property is in the Single Residence District. Case #13-2021.**

- *Continued to the September 14, 2021 meeting.*

- e. **Major Residential Site Development Plan** and BSL Rye Investors, LLC and Special Use Permit for property owned by BSL Rye Investors, LLC and located at 295 Lafayette Road, Tax Map 10, Lot 3 for construction of a 78 bed assisted living complex. **Property is in the Commercial District and the Aquifer and Wellhead Protection District. Case #14-2021.**

- *Continued to the September 14, 2021 meeting.*

5. Committees

Assignments:

- **TRC** – JM Lord, Jim Finn and Bill MacLeod
- **Rules & Regulations** – Patricia Losik, Nicole Paul and Kevin Brandon
- **Long Range Planning** – Rob Wright, Kathryn Garcia, Steve Carter and Katy Sherman
Ad hoc member – Dominique Winebaum **Sitting in on meetings:** Patricia Losik
 - **Long Range Planning** – update on Visioning process

Chair Losik noted that LRP has been working hard and the municipal survey is in process, which has gone really well. LRP will be having their next meeting on August 11th to talk about the public survey.

Planning Administrator Reed noted that she has put a copy of the municipal survey in the members' packets. The Planning Board is being asked to respond to the municipal survey as a group. She asked the members to review the survey and fill it out, so it can be discussed at the September meeting. Mrs. Reed also noted that LRP should have a date for the Visioning Session by the September meeting. This is being held at the Rye Junior High and is a chance for the public to speak. She continued that Anne Richter, who used to be a planning board member, is a writer and writes for Rye Magazine. Anne has agreed to meet with the LRP Committee and write a nice article for the October edition addressing the survey and the reasons why people of Rye should attend the Visioning Session. LRP will also be putting an article in the Town Newsletter.

Alternate Wright stated that he found the addition of the ad hoc member to be very constructive in driving towards a singular purpose. He felt there may have been some divergent paths and that inclusion is bringing things closer together. He is grateful for that.

- **TRC** - update on existing subdivisions

Vice-Chair Lord reported that the foundation is in on lot 5 for the Stoneleigh Subdivision. The only lot where construction hasn't started is on lot 1. There have been some delays in finishing the roadway and it looks like it will be September. The drainage work near the conservation land is still not done.

He continued that the Patrick Subdivision is looking better every day. The stakes have been cleared out and one of the homes will be going up shortly. Construction has started on the second house on Goss Farm Road. There seems to be a push by the developer to finalize that road and get that completed.

Referring to the 1244 Washington Road project, Vice-Chair Lord stated that it seems to be moving along, but it's moving slowly. The trees seem to be dying more and more, so that will be an issue that will have to be addressed later on.

Vice-Chair Lord pointed out the owner of lot 3 on Autumn Lane wants to put in a pool, but his permit was denied because it didn't meet the qualifications for a chemical free pool.

6. **Escrows:** See attached sheet.

Motion by JM Lord to pay the escrows, as follows;

- 1) **Jones & Beach, 0 Lafayette Road:**
 - **Attorney Donovan - \$1142.60**
 - **Danna Truslow - \$1419.60**
- 2) **Stoneleigh Subdivision:**
 - **Sebago Technics – 41862.36**
- 3) **1244 Washington Road:**
 - **Sebago Technics - \$584.36**
- 4) **150 Lafayette Road, Rye Place**
 - **Sebago Technics – \$2472.75**
- 5) **Webster at Rye**
 - **Danna Truslow – \$1265.00**

Seconded by Jim Finn. All in favor.

7. Approval of Minutes – July 13, 2021

The following corrections were noted:

- Page 1, it should be noted that the meeting was not via Zoom. The meeting was held at the **Rye Public Library**.
- Page 4, 1st paragraph, second to last sentence should read: **He pointed out that if one commercial property owner is allowed to do it, then every property owner will be doing it.**
- Page 14, 4th paragraph from bottom, 2nd sentence should read: **Any cross traffic from Dow Lane, if it is not lined up, creates a very hazardous situation with extra maneuvering in the center of the street.**
- Page 29, there should be a space after the third paragraph.

Motion by Jim Finn to approve the minutes of July 13, 2021 as amended.

Seconded by JM Lord.

Vote: 6-0-1 in favor. Abstained – Kevin Brandon

Adjournment

Motion by JM Lord to adjourn at 8:18 p.m. Seconded by Jim Finn. All in favor.

Respectfully Submitted, Dyana F. Ledger

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Arthur & Sharon Pierce Rev. Trust, Arthur & Susan Pierce, Trustees

Property: 251-279 Pioneer Road, Tax Map 24, Lot 117
Single Residence District

Case: Case #13-2018

Application: Major Subdivision and Conditional Use Permit for a Condominium Conversion for property owned by Arthur & Sharon Pierce Rev. Trust, Arthur & Susan Pierce, Trustees for property located at 251-279 Pioneer Road, Tax Map 24, Lot 117 to covert 8 dwelling units in 4 duplex structures into 8 condominium units. Property is in the Single Residence District. Case #13-2021.

Date of Decision: Tuesday, August 10, 2021

Decision: *Motion by JM Lord to not accept jurisdiction over this application because the applicant needs variances since four of the units are less than the required 600sq. ft and the property does not meet the requirements for Limited Common Area for a Condo Conversion. Motion seconded by Katy Sherman and vote unanimous.*

August 11, 2021

Date



Patricia Losik, Chairman,
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Richard Enders

Property: 17 Alder Ave, Tax Map 8.1, Lot 62 and
0 Alder Avenue, Tax Map 8.1, Lot 62-01
General Residence

Case: Case #12-2018

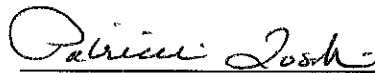
Application: Lot Line Adjustment Application Plan by Richard Ender for property owned and located at 17 Alder Ave, Tax Map 8.1, Lot 62 and 0 Alder Avenue, Tax Map 8.1, Lot 62-01 to allow the 0 Alder Ave property to have 4,636 sq. ft of land and allow for frontage on Alder Avenue. Properties are in General Residence Zone. Case #12-2021.

Date of Decision: Tuesday, August 10, 2021

Decision: *Motion by JM Lord to not accept jurisdiction over this application for the reason that the applicant needs variances to make one lot less conforming and while the other lot will be more conforming, it is still a non-conforming lot because it does not meet the frontage requirements or size requirements. The applicant wants each lot to have 16ft frontage which would need a variance. The Planning Board recommends the applicant to the Zoning Board of Adjustment since they do not have the authority to grant applications that are not in compliance with the zoning. Motion seconded by Jim Finn and vote unanimous.*

August 11, 2021

Date



Patricia Losik, Chairman,
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Owner: Malcolm E. Smith, III

Applicant: BSL Rye Investors, LLC

Property: 295 Lafayette Road, Tax Map 10, Lot 3
Property is in the Commercial, Multi-Family Overlay District and
Aquifer & Wellhead District


Request: Major Residential Site Development Plan and BSL Rye Investors, LLC and Special Use Permit for property owned by BSL Rye Investors, LLC and located at 295 Lafayette Road, Tax Map 10, Lot 3 for construction of a 78 bed assisted living complex. Property is in the Commercial District and the Aquifer and Wellhead Protection District. Case #14-2021.

Date of Decision: Tuesday August 10, 2021

Decision: The Board voted 7-0-0 that the application meets the requirements of Development of Regional Impact and notification should be sent to North Hampton, Greenland, Portsmouth and the Regional Planning Commission.

The Board voted the application was complete and to accept jurisdiction and to continue the application to the September 14, 2021, Planning Board meeting.

8/11/2021
Date



Patricia Losik, Chairman, Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant: Cellco Partnership d/b/a Verizon Wireless

Owner: Dolores F. Lintz

Property: 120 Brackett Road, Tax Map 22
Single Residence

Case: Case #03-2018

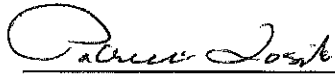
Application: Applicant is ~~Withdrawing the~~ Conditional Use Permit Application by Cellco Partnership d/b/a Verizon Wireless for property owned by Dolores F. Lintz and located at 120 Brackett Road, Tax Map 22, Lot 95-A to install at 125' monopine wireless telecommunications facility which shall include twelve (12) panel antennas, six (6) remote radio heads, one (1) junction box, and ground-based equipment to be housed within a 30' x 40' fenced enclosure. **Property is in the Single Case#03-2018.**

Date of Decision: Tuesday, August 10, 2021

Decision: X Approved

Motion by Bill Epperson to accept the withdrawal of the application for a cell tower at 120 Brackett Road, seconded by JM Lord. The Board unanimously voted to accept the withdrawal.

August 11, 2021
Date


Patricia Losik, Chairman,
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant: The Housing Partnership

Owner: The Housing Partnership

Property: 0 Airfield Drive, Tax Map 10, Lot 15-4
Commercial District

Case: Case #07-2017

Application: The Housing Partnership requests an 12 month extension of its approvals: Lot Line Adjustment (approved July 10, 2018), Conditional Use Permit (approved July 10, 2018) and Special Use Permit (approved August 14, 2019) for construction of a residential development consisting of a mixture of multi-family dwellings with a portion dedicated as Workforce Housing on 0 Airfield Drive, Tax Map 10, Lot 15-4, case #07-2017.

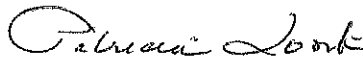
Date of Decision: Tuesday, August 10, 2021

Decision: X Approved

Motion by JM Lord to approve the 12-month extension, seconded by Bill Epperson. The Board unanimously approved the application for an extension.

August 11, 2021

Date



Patricia Losik, Chairman,
Rye Planning Board