

**TOWN OF RYE – PLANNING BOARD
MEETING**

**Tuesday, September 14, 2021
6:00 p.m. – Rye Public Library**

Members Present: Chair Patricia Losik, Vice-Chair JM Lord, Steve Carter, Jim Finn, Katy Sherman, Alternates Bill MacLeod, and Robert Wright and Selectmen's Rep Bill Epperson

Present on behalf of the Town: Attorney Michael Donovan and Planning/Zoning Administrator Kimberly Reed

1. Call to Order

Chair Losik called the meeting to order at 6:02 p.m. and led the Pledge of Allegiance.

Alternate Rob Wright was seated for Member Kevin Brandon.

2. To Review Applications to Determine if Complete:

- a. Alexia Leddy for property owned and located at 154 Washington Road, Tax Map 17, Lot 15, for a Conditional Use Permit for an Accessory Dwelling Unit per Rye Zoning Ordinance 190-5.6. Property is in the Single Residence District. Case #15-2021.**

Motion by JM Lord that the application for 154 Washington Road, Tax Map 17, Lot 15, for a Condition Use Permit, is complete and should be moved to a public hearing.

Seconded by Bill Epperson. All in favor.

- b. Major Site Development Plan and Special Use Permit Application by Jones & Beach Engineers, Inc. for property owned by Malcolm E. Smith, III and located at Tax Map 10, Lot 1, to construct 30 2-bedroom residential condominium tri-plex units. Property is in the Commercial, Multi-Family Overlay District and Aquifer & Wellhead District. Case #11-2021.**

Chair Losik noted that the Board last saw this application in July. During that meeting, the Board looked at whether it was complete or not and it was determined not be complete for a variety of factors. She believes those factors have now been completed.

The Board reviewed the packet submitted.

Chair Losik noted the items missing on July 13th; DRI Notification, Alteration of Terrain, drainage analysis for stormwater management plan, porous paving information (including UNH study), septic areas (test pits and layout), responses to town experts from correspondence from Attorney Donovan on July 3rd, Truslow Resource Consulting on July 11th and Sebago Technics on July 13th, traffic planning (including Dow Lane intersection), identification of passive recreation areas and landscaping considerations.

Motion by JM Lord that the Major Site Development Plan and Special Use Permit Application by Jones & Beach Engineers, Inc. for property owned by Malcolm E. Smith, III and located at Tax Map 10, Lot 1, to construct 30 2-bedroom residential condominium triplex units, is complete and should be moved to a public hearing. Seconded by Jim Finn. All in favor.

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

- *Applicant has requested a continuance to the October 12th Planning Board Meeting.*

Planning Administrator Reed explained that the application was before the ZBA earlier this month. The ZBA determined that variances were not needed. However, in going through the special exception, there were a few questions from the ZBA. The application was continued at the ZBA so the applicant's attorney could research the answers for the board. Town Attorney Michael Donovan felt it was best that they not be heard by the Planning Board, until they address the special exception with the ZBA. They are on the ZBA agenda for the October 6th meeting.

Motion by JM Lord to continue the application of Arthur and Sharon Pierce for a Major Subdivision and Conditional Use Permit for a condominium conversion for property owned at 251-279 Pioneer Road to the October 12th meeting, due to the need for completion of the ZBA process and at the request of the applicant. Seconded by Steve Carter. All in favor.

Motion by JM Lord to continue the application of Arthur and Sharon Pierce for a public hearing to the October 12, 2021 meeting, as well. Seconded by Steve Carter. All in favor.

3. Public Hearings on Applications:

- a. **Alexia Leddy for property owned and located at 154 Washington Road, Tax Map 17, Lot 15, for a Conditional Use Permit for an Accessory Dwelling Unit per Rye Zoning Ordinance 190-5.6. Property is in the Single Residence District. Case #15-2021.**

Alexia Leddy, applicant, stated that she bought the property in November. The home has the ability to convert part of it into an accessory dwelling unit. She would like to have her parents live with her, as they are aging.

Chair Losik noted that the Board has the complete package and the members have had a chance to review the submittal. She opened to questions from the board members.

Selectman Epperson asked if the only approval still outstanding is from the Fire Department.

Ms. Leddy confirmed. They are just looking for verification on the egress window.

Member Carter asked if the garage is being converted into living space for part of the apartment.

Ms. Leddy replied no. She explained that the bedrooms are already there on the second floor.

Chair Losik pointed out there is a slight difference in the square footage for the family room. It's about 100sq.ft. off in the calculation. It shows in the in-law square footage broken up by room. The family room is calculated at 111.98, but it is actually 208.73. She commented that this is still under 1000sq.ft. Chair Losik asked if there is anything happening with the building in the rear.

Ms. Leddy replied no. It's just a shed.

Member Carter asked if a new septic will be put in.

Ms. Leddy replied that there will not; however, there is a septic design, just in case.

Alternate Wright clarified that the square footage is not being increased. He asked if both garages exist.

Ms. Leddy confirmed.

Alternate Wright questioned the parking.

Ms. Leddy explained that the driveway is pretty substantial. She is showing the spots on the drawing where they are required.

There was some discussion on the proposal for the interior layout.

Vice-Chair Lord noted that when the plans (existing and proposed) are overlayed, the proposed walk-in closet is outside the house.

Ms. Leddy replied it's an issue with the drawing because nothing along that line is changing.

Chair Losik asked if there is a jog to the eastern side of the house.

Ms. Leddy replied that it goes straight all the way back. It's a dormer situation. The second level doesn't extend the full length of the back of the house.

Alternate Wright asked if the existing second floor bedroom lines up with the south wall of the living room.

Ms. Leddy explained it is over the living room and half way over the sunroom/dining room.

Chair Losik opened to the public for comments.

Jean Maher, 162 Washington Road, asked about the septic.

Ms. Leddy explained that the number of bedrooms is not changing. A septic design has been done; however, the septic will stand as is for now.

Mrs. Maher asked about the use of a business, in a house that has a separate accessory dwelling unit, being allowed in the same building. She asked if this changes anything.

Chair Losik noted it is not part of this application.

John Maher, 162 Washington Road, stated that the septic system was redesigned and installed this spring. The application was placed in front of NH DES in late June. He noticed there were a lot of test pits dug in early spring. When he noticed the engineer on the site, he let him know that there is a well on his property, which was within the area. He told the engineer that they may want to consider putting the field somewhere else because it's not going to happen near his source of water. He continued that in May, the new septic system was put in on the east side of the property. There is a new service that was placed into service between May 3rd and Memorial Day. The application wasn't submitted to the State until the later part of June. This is a concern.

Ms. Leddy replied that there was no new septic installed on her property. A septic design has been done.

Note: *Kevin Brandon joined the meeting at 6:25 p.m.*

Chair Losik noted that an approval has been received from NH DES for construction of an ISDS, which is for five bedrooms and is dated June 28, 2021. The approved flow is 750 gallons per day. She asked Ms. Leddy if the septic system has been installed.

Ms. Leddy replied no. It was a water line.

Selectman Epperson commented that he would imagine that upon the change of title, there would've been an inspection to verify that the existing septic system is functional.

Ms. Leddy confirmed.

Hearing no further comments from the public, Chair Losik closed the public hearing at 6:26 p.m.

Speaking to Ms. Leddy, Selectman Epperson asked if the existing septic is designed for a five-bedroom house.

Ms. Leddy replied it's for a three bedroom.

Selectman Epperson asked the location of the leachfield that has been designed.

Ms. Leddy replied it's in the front yard.

The Board reviewed the details of the septic design. Vice-Chair Lord pointed out the location of the protective well radius for the abutting property. He noted that the proposed leachfield is outside that radius and the design meets State regulations.

Alternate Wright commented that it looks like it would replace the existing pretty much in the same site.

Chair Losik noted that she did some research and this property is outside the Parsons Creek Watershed, so it's not subject to the pump-out rules.

Alternate MacLeod stated that as he understands it, there is an existing functioning septic system, but there is a new design, should something happen to that septic system. The applicant is keeping the existing septic system, but has a design in reserve.

Chair Losik commented that the design is outside the protective radius for the well on the Mahers' property. She continued that there should be some conditions. The garage, underneath the second-floor bedroom should not be expanded, as it would trigger an amount over and above the 1200sq.ft. if it was converted to space. A signature of approval is needed from the Fire Chief. If the dwelling is rented, in accordance with this section, it has to be greater than three months. Also, there is to be no expansion of the existing footprint.

Motion by JM Lord to approve the Conditional Use Permit for an accessory dwelling unit for property owned and located at 154 Washington Road, Tax Map 17, Lot 15, in the Single Residence District, case #15-2021, with the conditions;

- 1) The garage cannot be converted to a living space, as that would exceed the maximum square footage;**
- 2) Written approval is needed from the Fire Chief;**
- 3) If the dwelling is rented, it should be for a term greater than three months; and**
- 4) No expansion of the building footprint.**

Seconded by Bill Epperson. All in favor.

Note: Alternate Rob Wright was unseated and Member Kevin Brandon was seated.

- b. Major Residential Site Development Plan 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 would like to have a brief overview. However, as discussed at the last meeting, they would like to focus on three areas; 1) traffic, 2) architecture and 3) landscape. She noted that the hydrogeologic reports are still being worked on, so that will be addressed in the future.

Joe Coronati, Jones and Beach Engineers, presented to the Board. He introduced the applicant's team: Traffic Engineer Steve Pernaw; Jeff Highland from Ironwood Design Group; Mark Moeller from JSA Architecture; Attorney Tim Phoenix and Eric Gardner representing Benchmark.

Chair Losik suggested they address traffic first. The Board has received information on traffic from Attorney Donovan's review, Sebago's review and from Rockingham Planning Commission (RPC). They can then move on to architecture and landscaping.

Stephen Pernaw, Pernaw and Company, stated that his office prepared the traffic impact assessment for this project. He noted that the site is located on the west side of Route 1, south of Breakfast Hill and north of Dow Lane. Referring to the map before the Board, he pointed out that the State of N.H. has a short-term traffic count station. In 2019, they came up with about 16,000 cars per day, in both directions, over a 24-hour period. To a traffic engineer, that number is virtually meaningless. In tracking the traffic flow on an hourly basis, from midnight to midnight, it can be seen there is a quick pickup in the morning for the morning commute. The traffic then drops off a bit and hits its highest point in the day in the afternoon; typically, 3:00 to 4:00, 4:00 to 5:00 and 5:00 to 6:00. Traffic engineers look at the morning peak hour and evening peak hour, rather than the daily volume.

Selectman Epperson asked the factor that was used.

Mr. Pernaw replied that the factor was 19%. He continued that the next step is to go out to the site to do an actual manual count and look at the turning units. Schematically, the existing site driveway on Route 1 is a simple 'T' intersection. It was found that the highest volume was between 8:00 and 9:00 in the morning and 3:30 to 4:30 in the afternoon. Route 1 has about 840 cars an hour going by in the morning and over 1,000 cars per hour in the p.m., which was expected.

Selectman Epperson asked the day of the week and date of the site count.

Mr. Pernaw replied Wednesday, January 20th.

Selectman Epperson asked if they have looked at the summertime traffic.

Mr. Pernaw replied yes. He explained that whenever they do data collection, they always factor to a peak month condition. Referring to the site visit of January 20th, he noted that the existing site itself generated 12 trips during the morning peak hour. In the evening, there was only 6 trips. From his perspective, the current Evolve (Benchmark) is a pretty low generator today. He noted that in the morning all 12 trips were going into the site with none going out. In the evening, there were 2 in and 4 out.

Mr. Pernaw continued that the next step was to estimate how much traffic the site is going to generate with the new addition. If this were a residential subdivision, it would be based on the number of dwelling units. If it were a commercial shopping center, it would be based on gross floor area. In this particular case, they are dealing with humans for this type of housing. The chart shows what the existing site generates, what the new addition is going to generate and the total. The bottom line, worst-case scenario during peak hour, it is expected to be 30 trips in and out of the driveway, if everything is full and occupied. Standard practice in NH is to do a 10-year horizon, so this went out to 2032. The data was done to show the morning and evening peak hours without the expansion project and with the expansion project fully occupied. This is what is used to analyze intersection capacity, whether traffic lights are needed and whether lanes need to be added. He pointed out that the data shows there is a fairly even split between the number of cars heading to the north and the south. There was a slight majority of cars coming from the north.

Mr. Pernaw explained that Table #3 summarizes the results of the capacity analysis. It operates under stop sign control and there are formulas and algorithms for calculating delay, capacity and stacking. Referring to Table #3, Mr. Pernaw stated that it shows the morning peak hour and evening peak hour delays for departures. There is also a calculation for the northbound left turn into the site, as a motorist would have to wait for a gap in the traffic to make that turn. In the worst case during the pm hour, the left turn into the site is Level of Service B; which is short delays and short queues. The motorist is only looking for a gap in the southbound flow, so it's really a pretty easy maneuver to make. The tough maneuver to make in any 'T' intersection is the departure movement. Taking a right out of the driveway, the motorist only has to be concerned with looking to the north and finding a gap for that one stream. The tough one is when the motorist is taking a left out of the site, as they have to find a simultaneous gap in both flows. That's where it goes to Level of Service E and F; meaning evening peak hour and during a peak month, there is a 15-minute period within that hour that pertains to these results. He commented that everyone knows what it's like to take a left out of any driveway on Route 1 during that particular condition. It's known from the analysis there are enough safety gaps to make that maneuver. He pointed out that the last estimate has to do with stacking and that number is 3. In the year 2032, with the Benchmark site full and occupied, it is expected there will be a stack of 3 cars in the worst-case scenario.

Mr. Pernaw stated that the DOT wanted an auxiliary turn lane warrant analysis to determine if the highway needs to be widened for a southbound right turn lane for cars entering the site. That answer is "no" across the board for a right turn lane warrant analysis. This means that the existing southbound lane can handle the small number of right turns into the site. In regards to the left turn lane warrant analysis, the answer is "yes". He pointed out that the good news is, there is already a

left turn lane. What is out there today, fits with long range needs for the highway and the site. The last analysis is the minor road approach; how many exit lanes are needed for the site? The answer is no special treatment is needed and one exit lane is fine. In terms of safety and sight distance, Mr. Pernaw stated that the DOT likes it to be 400'. He noted that they went to the site to measure and stopped at 600'. There is good sight distance. There is a recommendation to not put a big tree or sign for the new facility within the sight distance triangle for both directions. He summarized that there are no physical modifications needed for the intersection. The impacts are pretty small and the site is a low generator. There is also good sight distance. He commented that the applicant is waiting for the driveway permit from DOT.

Selectman Epperson asked if there was any consideration given to the units proposed for the abutting site.

Mr. Pernaw confirmed.

Alternate Wright asked if the new development at 1244 Washington Road was accounted for in the data.

Mr. Pernaw explained that if there is an approved traffic study with an approved project, they can add in the number. In this case, they weren't given a traffic study, so an annual growth rate was used.

Attorney Donovan pointed out that this is the development on the corner of Washington Road and Route 1. Pernaw and Company did the traffic study for it.

Speaking to the applicant, Member Sherman asked if the residents who will be living in the new addition, will be higher functioning. If so, will they have more visitors or be going on more day trips, which may increase the traffic flow.

Eric Gardner, Benchmark Senior Living, explained that the residents will be higher functioning, in a sense, as it will be for traditional living and the existing building is for memory care. However, the assisted living population that Benchmark typically serves is 85 plus years old. Essentially, none of them drive, so they don't have cars. He doesn't think it's expected that they will have more visitors than the residents that are already there. The facility has a bus that provides transportation for the residents for medical appointments and shopping or visitors may take them. In terms of the traffic analysis, all of those factors are taken into consideration when determining trip calculations.

Alternate Wright stated that he has a concern about all these projects that are happening very quickly. Taking each one independently, they are well accounted for. However, in aggregate, there are well over 100 units that are going to be coming within a very short period of time. He can't believe there won't be significant change to the calculations if all of those were taken into consideration.

Mr. Pernaw stated that the net impact to Route 1 volume from this project is 1%. In looking at normal variations and traffic flow in the DOT data, from a random Tuesday to a random Wednesday it changes as much as 15%. Rye has fluctuations up to 15% just due to random flow. There is no question that there's going to be impact. However, it's less than 1%, which is significantly less than what is currently seen. In terms of the aggregate, a growth factor and ten-year projection is used to account for other development.

Alternate Wright commented that from the Board's purposes, it would be nice to understand what the aggregate impact is going to be. There's an accordion effect and it's going to build up.

Vice-Chair Lord asked how 100 new units to the north of this site would impact the counts.

Mr. Pernaw replied that if it was 100 single family homes, so 100 trips, there is going to be a split 50/50. Coming down to the signal at Breakfast Hill, the 50 will then split at the intersection. He commented there is still going to be an impact and it's still going to be at Level of Service 'F'. That's not going to change. There's still going to be a northbound left turn lane. It doesn't change the fact that a southbound right turning lane entering the site is not needed. The impacts are still 1%.

Vice-Chair Lord asked how long the delay would be, as it is now 60 seconds.

Mr. Pernaw replied that in theory, it's 89 seconds to exit that driveway in the year 2032 at 4:30 in the afternoon during the peak 15-minute time. A right turn would be less; however, the overall weighted average is 89 seconds.

Member Brandon stated that he doesn't think approximate traffic is the point so much as aggregate traffic. If there's a development a mile up the road north or south in another town, it's going to have the same impact on the car count. Rye is generating a fraction of the 16,000 cars a day in both directions. His question is more about the time of day. There is no distinction between commercial trucks and passenger automobiles. Based on the peaks and delays, does it affect the delivery time schedules for the facility in terms of turning in and out?

Mr. Pernaw explained that when doing an analysis, they assume a mixed fleet for turning volumes and turning movements. It's built into the estimate. He pointed out that the estimate pertains to a 15-minute period during a specific slice of time. He does not think there is a need to regulate truck traffic deliveries for a site that generates this amount of traffic.

Member Carter asked if there will be two lanes coming out of the site; one lane for a left turn and one for a right.

Mr. Pernaw commented this is a recommendation they often make, but that's based on the minor road analysis. In looking at the percentage of right bound turns coming out of the site, the answer says one lane is fine. With queues of only 3, he doesn't anticipate that there would be any kind of congestion. It will operate pretty much like it does today.

Speaking to Attorney Donovan, Chair Losik noted that in his memo, he referenced the Level of Service F, as did Steve Harding (Sebago Technics). Steve said that the study showed site driveway approach will operate with a Level of Service F in future year build. The projection can be expected given the high traffic volumes. The notion was also raised that the Board does not have the accident history.

Attorney Donovan stated that the Board retained Sebago as their peer reviewer. Sebago has confirmed the methodology that Mr. Pernaw used. That's pretty much all Sebago has done. They have said this is a legitimate methodology for the traffic study and they don't disagree with the recommendations Mr. Pernaw is making. Attorney Donovan stated that one error he made in his report is that he overlooked that the level of service going north and turning into this development will be Level of Service B. He thought that turn would be Level of Service F but that is not the case. It only applies to the level of service going out, not to the northbound left turn entering the site.

Attorney Donovan continued that one ramification is the increase in delays does increase the risk of accidents because people may be rushing to beat the queue. That's a fairly standard observation. He stated that he made the comment about accidents because many traffic studies he has reviewed over the years have included an accident analysis of the existing intersection. The Board does not have that information for this driveway or Dow Lane. It seemed that it might be good information for the Board to have, even though it would probably not change the recommendations. In regards to the concern about delay, he stated that in looking at page 11 of Mr. Pernaw's study on Table #3, even without this project being built, the delays in 2032 will be 46 seconds. So, it's going to be bad anyways. These are based on computer programs and statistics. They may be overly conservative. The actual increase is only about 45 seconds due to the buildout of the project. In regards to Member Sherman's comment about trip generation, that information is on page 7. This is all done based on nationwide assisted living facilities. This is projecting 238 trips per day total, coming in and out of that facility. Dividing that by the 78 units being proposed, it will be 1.5 trips in and 1.5 trips out per day per unit. He pointed out that not every resident of the facility will have family visiting them daily. That has to be factored in as well.

Traffic Engineer Derek Caldwell, Sebago Technics, stated that he was on the team who did the peer review. His comments are in the letter from Steve Harding. He doesn't have much to add. It's pretty straight forward and Sebago agreed with all the methodologies that took place. There is the projection of Level of Service F from the site driveway but that is typical from sites on Route 1. With the left turn lane already in place, which is the big consideration.

Chair Losik asked if he was also in the communication with the Board for the September 9th revision in item #19. This was in regards to the shared access. One suggestion was to connect the condominium site traffic through a one-way driveway which would come out through Evolve.

Mr. Caldwell stated that minimizing the access points for a site like this on Route 1 is always ideal, if there is a possibility for the developments to share access. If shared access is going to be pursued further, there would have to be a traffic analysis considering whatever the shared amount of traffic

would be. In looking at this from a global perspective, minimizing access points on Route 1 would be something to consider if it were a possibility.

Chair Losik asked about the one driveway connection for both sites onto Lafayette Road.

Mr. Caldwell noted that Sebago raised this point, if it's a possibility. Steve Harding also mentioned one-way in at Dow Lane, if it's possible to have all access at that point. He pointed out there are other considerations besides the traffic for that kind of connection, but is something to consider.

Referring to Mr. Caldwell's latter point, Attorney Donovan commented this is something he mentioned in his letter for the 30-unit complex proposal. It was also raised by the regional planners. If there is a way to do it, clearly one driveway is a better solution. In other states, it is not uncommon to see a parallel route used to consolidate any development along a major highway into single access points on the major artery. It is not an uncommon feature. It may be that something that was vetted before the lot line adjustment was approved. The argument the attorneys are now making is that these are two different parcels and have to be treated separately. He is not sure he would buy into that argument. If the Board wanted to pursue the one driveway concept, he thinks they still have the ability to do that. It just becomes more difficult having granted the lot line adjustment.

Speaking to Mr. Pernaw, Alternate MacLeod asked if the level of service would be impacted at the entrance if there was traffic from the residential complex as well as the facility.

Mr. Pernaw explained that the delays would get longer and the queues would be longer. He continued that when he looks at the existing Evolve site, he sees a lot of people living there and only one way in and out for emergency vehicles. When he looks at the 30-unit development, he sees the same thing but it doesn't scare him as much as the Evolve site. The suggestion of connecting the two sites is great because now there is a relief valve. However, if this Board were to say they were only going to allow one point of access on Route 1, he would call that a mistake.

Attorney Donovan asked if one would assume that the same delays seen in 2032 for Evolve would be the same for the 30-unit development. Would the 90 second delays be applicable to the cars trying to exit in the peak afternoon hour from the 30-units?

Mr. Pernaw stated that in 2032 there are 19 departures during that peak hour. In looking at the 30-unit development, there are 7 exits. They are going to be pretty close to Level of Service F also.

Attorney Donovan commented it's going to be the same delay; although, the queuing won't be as bad. He asked if it would be helpful for the Board to have a 2032 capacity analysis for Dow Lane. He thinks this is the principal concern of the Board with the two driveways.

Mr. Pernaw stated that the original memo for the 30-unit development was a trip generation memo because of the size of the development. The DOT came back and asked for the auxiliary turn lane warrant analysis. It doesn't have a level of service for left turns out of Dow Lane, but it's going to

be an 'F'. In the report, there were 43 left turns out of Dow Lane for the morning and 49 left turns in the evening. That's higher than both sites.

Attorney Donovan asked if that's an 'F' now.

Mr. Pernaw replied that in looking at the Evolve site, the 49 would be a level 'F'. In 2032, it would still be an 'F' but with longer delays.

Attorney Donovan asked if it's fair to say that the 30-unit project is not going to make it worse.

Mr. Pernaw replied that Level of Service F is Level of Service F. In a way it does make it tougher because there would be a fourth leg; whereas now, it's a 'T' (intersection).

Member Carter stated that if he was coming out of Evolve, he would take a right onto Route 1 and then a left onto Dow Lane. It may increase the traffic onto Dow Lane, which may not be a popular thing.

Chair Losik clarified that in that time period, it will continue to be slightly degraded; from now to 2032.

Mr. Pernaw explained that whatever is coming out of Dow Lane now is only going to go up. The same growth rate and same seasonal factor would be used. As the numbers go up, the answers don't get better, so it's still going to be Level of Service F. He noted that back in 2015, the DOT traffic count station had an annual average daily volume of 16,290. In 2019, it was 16,139. Mathematically, the rate of growth is -.2% per year. Things have not been changing in front of this site for quite a while. However, the DOT would never let a negative growth rate be used. The 1% was used to be conservative and to handle other developments that may be approved.

Referring to RPC's comments, Chair Losik noted that it says to "consider requiring a wider shoulder on the west side of US Route 1. The shoulder on the west side of US Route 1 widens to the south. This would be an opportunity to extend that wider shoulder further north past Dow, providing additional safety benefits for pedestrians, cyclists and motor vehicles". She continued; "While a full right turn lane is not required, a shoulder would provide space for turning vehicles to exit the flow of traffic with minimal disruption. A wider shoulder could also be utilized to provide space for a future bus stop for service along US 1". This is something RPC is bringing up and looking at. The Board has also asked questions. There is going to be mobility with some people in the 78-bed expansion and certainly in the 30-units. It's important for them to be out and be safe.

Mr. Pernaw stated that both projects require DOT approval and this is under their jurisdiction. If DOT is going to want shoulder widening, they will come out and say it.

Chair Losik asked Attorney Donovan if he has any thoughts about RPC's comments.

Attorney Donovan replied it is certainly not an expensive proposition for the applicant. To a certain extent, it makes common sense to have a wider shoulder, even though there isn't a right turn lane. He pointed out that it may facilitate a quicker right turn, but it may also set up a potentially hazardous situation with a car speeding behind that has to move 3' over the center line to go around the car on the right in the shoulder.

Mr. Pernaw explained that normally the shoulder wouldn't be widened where there is a four-way cross intersection. The person using the shoulder might conflict with someone coming out of the 30-unit. He wouldn't recommend it, but will leave it up to the DOT to decide.

Attorney Donovan stated that RPC is talking about the Benchmark property, not the 30-units. They're saying extend the wide shoulder between the two developments. Extend it northerly from Benchmark, to facilitate the quick turn off for right turning traffic into Benchmark.

Mr. Coronati explained there's a full deceleration lane into Benchmark already. There's a full lane that was designed for that purpose. It's between the projects that RPC was bringing up. It wouldn't be the traffic that would require the shoulder widening. It could be an alternative bike lane. He noted that the deceleration lane was part of the previous design.

Selectman Epperson stated that Rye's population has been about 5,400 people for a long time. It really hasn't done a whole lot. In the next five years, it can be expected that there will be 180 to 200 units in that area, which is going to attract another 500 to 600 people. At a minimum, in the next five years, Rye is going to grow 10%. This is exponential growth for Rye. However, the methodology is the methodology and those are the numbers that have to be used.

Hearing no further comments, Chair Losik asked to move on to architecture.

Mark Moeller, JSA Design, stated that the plan was presented to the Board last month and there have been no changes. The proposal is to build a two-story structure for assisted living. (He pointed out on the plan the individual residential units and the common areas, along with the back of house and staff areas.) He noted there will be two connections into the existing building. There will be one connection for residents, staff and visitors, which is off a small sitting lounge near the lobby. Some minor renovations will be needed to the existing building to tie a public space into the building. The connection in the back will be primarily for staff to go between the two buildings. It won't be intended for use by the residents of the facility. By virtue of the two connections, there will be an inner courtyard created which will be for the residents' use. He noted that there will also be landscape screening in front of the residential units that are in the existing building to ensure privacy. The new entrance and lobby will become the new front entrance for the combined facility. The porte-cochere vehicular drop-off that is there today will be dismantled. Essentially, a similar structure will be built for the new entrance. There are some components of the existing vestibule that will remain. The door will stay but it will no longer be for vehicular drop-off.

Mr. Moeller continued that the major difference, with the existing building being a one-story building and the new building being a two-story, is the height. The intent was to keep the

architectural character with the new building as similar as possible to the existing. There will be a pitched roof that will extend up to a certain point and the rest of the roof will essentially be flat. That's being done to put a cap on how vertical the building becomes, while still trying to create the architectural look that's similar to what exists there today. There's a delicate balance of how high and how steep to go. Some accommodation has been made to keep the height a bit lower. He pointed out that all the elevations are the same as they were before. The one refinement that was made to the plan is that the finished grade plain, relative to the finished floor elevation, is now shown. In the grading plan, it shows that the entrance is essentially the same as the existing building. As the wings extend out into the landscape, the grade falls and gets closer to its existing state. That is why some exposed foundation wall can be seen at some of the extreme ends of the wings. There was some comment in one of the letters about the relative height of the wings, as seen from the neighboring development. He reiterated that they are creating a pitched roof up to a set height with some flat components. The ridge line is essentially capped at a constant elevation. The wings that are getting close to the neighboring development, that is about as narrow of a piece of the building that there will be. It's roughly 56' wide and the height, which is referenced in the letter, is right at the peak. It's not as if the ridge line is turned 90 degrees up against the neighbors. It's just a peak and it's for that finite distance. The ridge line the neighbors would mostly perceive is quite a distance further away.

Chair Losik asked if the ridge line from the east to the west is about 300'.

Mr. Moeller explained that from the finished grade of the building to the highest point of the ridge, at the front door, it's approximately 33.10'. As the grade may slowly drop down closer to the existing grade, at the ends of the wings, the relative height increases up to 38' in some instances. It drops down 4' to 5', as compared to the front door.

Member Finn asked the ground floor level to the second floor.

Mr. Moeller replied that they are using 12' floor to floor. The second-floor elevation to the ridge just at the peak is 21.10'. The building height is 33.10' from finished floor to the peak. He continued that it's set back with a gable end at the extreme edges. The mass is gently laid back against the footprint to that elevation. Perceived from below, it reduces its apparent bulk.

Speaking to Attorney Donovan, Chair Losik commented that in one of his letters it was suggested to have a sight line drawing.

Attorney Donovan commented that the south elevation has a 38.10' elevation from existing grade. The elevation that faces the south and the tri-plex complex is 38.10' from existing grade. He asked for clarification.

Mr. Moeller confirmed. He pointed out that it's just for that 56' width for the wing that is extending out.

Attorney Donovan stated that arguably that is not the case because every view from the tri-plex is not going to be looking right at the butt end of those wings. The view might not be just looking at the narrow end. He continued that the existing grade at the end of the wings is about 3' or 4' higher than the existing grade at the entrance.

Mr. Moeller replied that the final grading plan lifts the grade above existing conditions.

Attorney Donovan commented that the grade at the triplexes are 3' to 4' lower. He continued that it might be appropriate to have some sight line drawings to show the view from the tri-plex area to key parts of this structure. He pointed out that the first occupied floor of the triplexes is not the ground floor. For the most part, they are going to be looking over the landscaping. The trees are not going to screen the triplexes from this development, if they are planted at the height that's indicated in the plans.

Mr. Moeller stated that at the next meeting, he can produce perspective views of precisely what someone is going to be seeing. He can show the views from various locations.

Chair Losik replied that would be helpful. She continued that when she looks at this, the ridge just pops. The eye becomes fixated on that ridge line.

Member Carter asked if zoning relief is needed.

Attorney Tim Phoenix, representing the applicant, stated that the proposal is before the ZBA in October. The new building has to be connected to the old building where it is. At that level, it's just a bit over the 35'. As it goes down, that number goes up.

Referring to the comment in his letter about visual impact, Attorney Donovan stated that he quotes the LDR's; "shall be of a scale compatible with surrounding development and/or the rural character of the Town of Rye". In reviewing this whole idea of building massing and spatial relationships, the Route 1 corridor is not really splendid rural character. That provision has to be reviewed in that context.

Hearing no further comments in regards to architecture, Chair Losik asked the applicant to address landscaping.

Jeff Highland, Ironwood Design Group, noted that the front entrance of the property already has some existing landscaping. The proposal is to leave that intact. There is a stormwater management component in that area, which is a relatively naturalized system with shrubs and grass. That same style will be used in furthering the landscape treatments at the entrance. Along the Route 1 corridor, additional trees have been added at the request of the Board. The goal is to preserve the existing trees, but that is an unknown at this point, given there will be site disturbance of the ground. In looking at the landscape plan, it looks like there's not a lot going on because they're relying on the existing vegetation. Where the buffer exists, additional buffer has been added. It will be done with a native pallet of plants in a way that looks natural. The buffer on the 30-unit side

of the property will compliment the buffer on the opposite side. The intent is to alternate plant material and create a layering of plant material. There will be evergreen trees and smaller plants on the Benchmark side to create height, texture and depth. There will be multiple layers of plant material when looking across the site.

Mr. Highland continued that at the new front entrance, the plant material focuses attention to this area. There will be additional shrubs around the entrance to add visual interest and focus people's attention to that destination location. He pointed out that in the internal courtyard area, there will be some buffer plantings to some of the windows in the existing building. He also pointed out there is a service area and parking area with trees in those locations. (He reviewed the list of trees and plants being proposed for the project.)

Chair Losik stated that on the west side of the new leachfield, there were some Black Hill Spruce on the last iteration. She asked why those were taken out.

Mr. Highland explained there was some change to the leachfield. It has expanded and moved in size a bit. Out of caution, those were taken out because at the time the landscape plan was submitted, it was not known how big the leachfield was going to be. He further explained that those trees didn't have a major impact to the whole development or views from public domain to the development. It may be valuable for the residents to have some buffering back there. Referring to the southeast corner going up the property line, Chair Losik commented that the arborvitaes are going to be backed up against the Red Cedars. She commented that she likes the Cedars; however, they grow slowly and are underwhelming in their growth. She was happy to see the arborvitaes on the other side.

Mr. Highland explained that sometimes its good to have a variety of plantings because it looks more native. He pointed out that in going a step further, the Evergreens will be of different size. In nature, they don't happen all at the same time and at the same size.

Vice-Chair Lord stated that along Route 1, there's a whole stream of Green Maples and Red Maples up against a huge massing of the building. Those trees only have leaves about five months of the year in N.H. He asked if there is a reason why evergreens weren't put in this area to try to break up the visual.

Mr. Highland replied that it could be done. The way the regulations are written it seems that it was supposed to be more street trees. To him, a 30' planting scheme says it should be street trees. He noted that it could be broken up with a cluster of evergreens. Having trees line up along Route 1 does kind of create a visual straight away.

Vice-Chair Lord agreed. He thinks they need to be more proactive in town on doing street trees in other developments. He commented that he really likes that along Route 1; however, moving back into the project, it starts to gain some height. Looking at the facility today, it's pretty much hidden. This is going to be 42' in the air of a massive building. In looking at the landscaping between this project and the 30-units, they work in unison with each. It needs to be kept in mind that these are

two separate projects. That unison only works if there's a joint overall view, so as plants start to die, there's a maintenance area that both properties participate in to maintain.

Chair Losik noted that this is addressed in the plant maintenance plan in Section 11 of the LDR's. The new regs are much more substantive, in terms of tree replacement, etc.

Attorney Donovan commented that it might be helpful to the Board to see one drawing that could be done to show the landscaping for the 30-units and the landscaping for this project with the species identified. The Board could see both together, rather than going back and forth between two sheets. He is thinking of something drawn to the scale that is shown on Sheet L-2 and capture each side of the berm.

Chair Losik agreed this would be helpful.

Vice-Chair Lord agreed. He suggested the area from the edge of the assisted living to the edge of the units; the corridor between the two.

Mr. Highland agreed to provide that for the Board.

Chair Losik pointed out that Attorney Donovan commented in his memo to better delineate the existing tree line.

Mr. Highland agreed.

Attorney Donovan asked if the tree lines are going to be preserved.

Mr. Highland explained that when some of the trees are removed, it creates a scarred edge, so new trees will be introduced to create a naturalized view edge. Those would be River Birches, which would be around 12' to 14' in height going in.

Alternate Wright asked how tall a maple tree would be going in with a caliber of 3" to 3.5".

Mr. Highland replied it could be about 16'; however, it does vary a bit.

Alternate Wright asked what the height would be in five or ten years.

Mr. Highland replied that if a tree is planted well, a Red Maple can grow 6" per year. Trees that are not in a good environment, tend to be stunted. This is more of a park environment, so hopefully, that will not happen here.

Chair Losik opened to the public for comments or questions. None were heard.

The Board discussed scheduling a site walk for both applications.

- *Site Walk scheduled for Thursday, September 23rd, 4:00 to 5:00 at Benchmark and the Hector's site from 5:00 to 6:00.*

Motion by Bill Epperson to continue the application for Benchmark to the October 12, 2021 meeting with a site walk to be conducted on September 23, 2021. Seconded by JM Lord. All in favor.

- c. **Major Site Development Plan and Special Use Permit Application** by Jones & Beach Engineers, Inc. for property owned by Malcolm E. Smith, III and located at Tax Map 10, Lot 1, to construct 30 2-bedroom residential condominium tri-plex units. **Property is in the Commercial, Multi-Family Overlay District and Aquifer & Wellhead District. Case #11-2021.**

Chair Losik opened the application to address traffic and landscaping.

Stephen Pernaw, Pernaw and Company, noted that his company visited the site and did trip counts on January 20th. Between 8:00 and 9:00 in the morning, there were 11 cars coming in and out of Dow Lane. In the evening, between 3:30 to 4:30, there were 113 cars. There were over 1,000 cars per hour going past the site. At Dow Lane, the predominant movement is northbound right and westbound left. There were 49 lefts and 63 rights. The DOT site had a few trips in the morning and none at 3:30 to 4:30. The trips in and out of the site was calculated at 20 trips during the pm peak hour. Trip generations were calculated assuming full occupancy for 2022 and 2032. The DOT asked for the auxiliary turn lane warrant analysis. It shows that it would be good to have a left turn lane for the northbound lane. The good news is that the lane is already there. He pointed out that this criterion was met with only 4 left turns. In regards to the right turn lane for southbound, it was determined that it's not needed. For the exit lanes, one is sufficient. In terms of safety and sight distance, the route is straight and relatively flat. Maintaining the 400' site distance DOT requirement is a "piece of cake".

Referring to the photo being presented to the Board, **Mike Garrepy, applicant**, noted that the tree in the photo is no longer there. Eversource took the tree down about four or five months ago.

Member Finn stated that the big question is the whole impact of Dow Lane being opposite the driveway on such a difficult road. Speaking to Mr. Pernaw, he asked his thoughts in terms to potential accidents.

Mr. Pernaw explained that at Dow Lane, they observed a heavy northbound right and southbound left. It's being used as a short cut. There is a signal at the end of Washington Road, so some people go up to the light to take a left. Doing that is a lot easier and safer. He imagines the people living on Dow Lane are not too happy with the traffic. He commented that there could be a cul-de-sac at the end of Dow Lane, which would prevent the traffic from cutting through. Dow Lane could also be one-way northbound. He noted that he was given a corridor plan that showed the realignment of Dow coming out at a 90-degree angle; however, that requires acquiring private property.

Member Carter asked how someone would make a left into the new development, as there is no middle lane.

Mr. Pernaw explained there is a three-lane section. However, the way it is striped, it was left open for cars going in and out of Dow. He thinks it should be striped all the way through. He noted that the northbound left turn into the subject site has priority over cars coming out of Dow.

Alternate Wright clarified that it is a traffic regulation that a northbound vehicle on Route 1, turning left into the property, has the right of way over someone exiting Dow southbound.

Mr. Pernaw confirmed.

Referring to Figure #2 of the report, Attorney Donovan pointed out that in the pm peak hour in 2022, there are 4 cars coming out of the development and making a left turn onto Lafayette Road. During that hour, there are 74 coming out of Dow Lane and trying to make a left turn. There's a potential of 4 vehicles conflicting with 74. He noted that the 4 have the right of way.

Attorney Donovan continued that in Sebago's comments, Steve Harding had talked about extending the middle lane up to the driveway. Sebago has made that suggestion and Mr. Pernaw just said it was a good idea. This is something the Board should be sure that DOT understands.

Derek Caldwell, Sebago Technics, stated that ultimately, the striping is going to be up to DOT as to what they are going to want to see there. He certainly thinks something should be modified there with the fourth leg.

Mr. Coronati stated that he knows DOT is going to look at that. He had a meeting with them a couple of weeks ago about the project. The project is going to be sent to Bureau of Traffic. He commented that there will certainly be a left turn pocket for cars entering the site. DOT had also mentioned maybe relocating their driveway off of that corner near Dow and moving it south as much as possible. This would bring their driveway directly out to Route 1.

Hearing no further questions in regards to traffic, Chair Losik asked Mr. Highland to address landscaping.

Jeff Highland, Ironwood Design Group, stated that the front entrance will have a similar approach as the previous project. There will be an attractive front entrance, which will be the focus. He pointed out that there will be buffer treatments on both the east (Benchmark) and west side of the property. At the front entrance, there will be a variety of plant material with a layered approach to create a natural looking landscape. This project is more elongated at the entrance to create a more dramatic entrance, as it is a residential development. There will be street trees all the way through the site. There is a small cul-de-sac at the end where there will be a pocket park with a pedestrian walkway and benches.

Selectman Epperson asked if there is any consideration for a playground.
Mr. Highland replied not at this time.

Selectman Epperson pointed out that it's going to be a non-aged group development, so there is probably going to be some children. He suggested taking a look at some areas for recreation for children.

Mr. Garrepy commented that this came up at the last meeting. They were going to identify an area on the site for passive recreation, or potentially more active recreation. The hope was to leave the plan up to the association, as to how they would like to use the site.

Mr. Highland commented that playgrounds can be difficult because people don't really want to live next door to them. It might be challenging finding a place to put it.

Chair Losik commented that it doesn't necessarily have to be a playground; however, another area for passive recreation would be nice. She pointed out that this is a site that is difficult to leave, unless it's by car. There is a nice area in the back that might be appealing. She continued that there is one deck on the back of each building. In terms of the landscape, when she looks at the drawings, she's underwhelmed by what is going on at the rear of the other two non-deck units.

Mr. Highland replied it's a pretty tight space. There is existing vegetation that will be a buffer treatment.

Chair Losik stated that she's talking about small plantings. Something that just distinguishes the middle unit from the two that don't have the decks. From a landscape perspective, how would they use that space?

Mr. Highland explained that this would be getting into details for each residential unit. Referring to the space behind the buildings, he noted that it's envisioned that this would be open lawn area for the residents to use. There will be certain things that will be allowed by the association. He assumes there will be some customization for each unit.

Mr. Garrepy noted that Sheet 4 shows that the areas behind those units are the areas for the leachfields. There are limitations on what can be done. He agreed that they can look at augmenting some of the open spaces.

Chair Losik commented that on the middle unit, they only have about a 4' balcony on the front. It's not wide.

Mr. Highland stated that in a condo association like this, there is the common space that everyone can use and then the private space. The private space is left somewhat unprogrammed and undeveloped so it can be done by the property owner within certain limitations.

Attorney Donovan pointed out that this is a condominium and is going to need a condominium site plan. That should show the limited common areas associated with each unit. Referring to the Sea Glass Development, he noted that there were discussions with the Board about what can be done with patios and porches, etc. That was done on a condominium site plan, which should be done with this development as well, before the Board acts on final approval. That will be tied into the condominium instruments also.

Referring to the end unit, Attorney Donovan stated that it shows a glass sliding door. If the owner of that unit has children, they may want to make use of this area as a play area. That should be part of the limited common area for that particular unit. He noted that the limited common areas have to be defined

Mr. Garrepy confirmed that he will have his team take a look at that level of detail.

Vice-Chair Lord stated that it seems like there is landscaping in all the snow storage areas.

Mr. Highland explained that there will be large caliber trees (3.5") that can handle having snow pushed against them.

Vice-Chair Lord asked if the areas will be mulched or grass. If there is salt being dumped in that area, the grass is going to be dead come spring.

Mr. Highland replied that for the most part it will be grass. There will be mulch around the trees. Typically, salt shows problems in the landscape. If it's a healthy lawn with good loam at a depth of 4" to 6", salt shouldn't be that much of a problem, as it washes out of the soil pretty quickly in the spring before the lawn has kicked into growth. The lawn isn't taking up the salt, as it will wash through the soil pretty quickly. There will be problems when there is poorly drained soils and the salt sits trapped in the soil and doesn't wash through. With a development being constructed, there is the opportunity to specify the loam.

Vice-Chair Lord asked if 4" of loam is enough.

Mr. Highland replied that 4" is the minimum and is typically what would be found.

Selectman Epperson asked if this will be a private road.

Mr. Garrepy confirmed.

Selectman Epperson commented that the use of salt on the road could be regulated.

Mr. Coronati pointed out that it's also going to be porous pavement. There will be a lot less salt use than on normal roads. There won't be that refreeze situation.

Mr. Highland stated that porous pavement is actually great for lawns because it allows for water to get out into the soil strata.

Referring to the limited common area discussion, Attorney Donovan pointed out that with the first three units on the right when entering the site, there's only 15' between the back of the building and the berm. There's not going to be a lot of area for those occupants to have as personal space.

Mr. Coronati explained that is probably the typical distance for all the buildings. The units on the left have the septic in the rear, which will be common areas.

In looking at the units on the left, Attorney Donovan commented that even if the limited common area is only about 15', there's plenty of room for the children to run out and play in the common area, as opposed to the three units on the right.

Mr. Coronati noted that three story townhouses with two bedrooms aren't really the big kid producing areas.

Vice-Chair Lord stated that the lack of outside space lends itself to the need for places for people to go. The Housing Partnership project has a couple of designated spaces for people to get outside. This should be done right up front, so everyone knows what's there.

Chair Losik commented that given the work that has been done and the investment in the landscape, she is sure they can come up with some nice solutions.

Mr. Garrepy reiterated that they will come up with some ideas for the next meeting.

In regards to passive recreation areas, Attorney Donovan pointed out that the 75' wetlands buffer is on the west side. The wetlands buffer allows passive recreation. Right now, there is a dispute with the ZBA about whether playgrounds are allowed in the wetlands buffer. His inclination is that his opinion is going to be that they are not allowed and it's not really passive recreation. He pointed out that a playground could probably not go in that area. However, benches and walkways are passive recreation.

Attorney Donovan asked if the leachfields will be mounded.

Mr. Coronati replied that the leachfields will be flush with the ground.

Selectman Epperson stated that the town tried hard to get the sewer on Route 1 a couple of years ago, but the funds could not be raised. Since then, there's stimulus money available. There is the distinct possibility of getting money for sewer in the next year or so, which means sewer would be available in the next four or five years. He is thinking of making a requirement to hook up to sewer within a certain period of time after it's completed. It would behoove the applicant to be thinking about making something sewer ready when talking about septic systems. He continued that this is not an unreasonable request because the septic systems are finite systems. The sewer system is a pipe

dream at the moment, but it's going to happen at some point in time. He knows it can be done and it's the right thing to do. He asked the applicant to think about the concept.

Mr. Garrepy stated that they would be happy to think about it and participate in discussion. He pointed out that the septic systems are very expensive to put in.

Selectman Epperson commented that he understands, but they also have a life span. There's significant angst about this entire corridor around town. He thinks they have to be very judicious about how this is done. He thinks the Board has driven the agenda on style in very productive ways over the years. However, the town is growing and they have to think about things environmentally.

Motion by JM Lord to continue the application to the October 12, 2021 meeting with a site walk being conducted on September 23, 2021. Seconded by Bill Epperson. All in favor.

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

- *Continued to the October 12, 2021 meeting (see minutes above)*

The following topic was taken out of posted agenda order.

➤ **LDR Amendment Conditional Approval**

Attorney Donovan explained that the amendment clarifies that the 18-month period to comply with the conditions of approval necessary for the chair to sign the plan, doesn't begin to start ticking until the court appeal is over, if there's a court appeal. It's not reasonable to make an applicant go through the expense of doing the things needed to meet the conditions of approval when it's in doubt if the project will move forward.

Motion by Patricia Losik to move the LDR amendment to a public hearing on October 12, 2021. Seconded by Kevin Brandon. All In favor.

4. Committees

- **Long Range Planning – Visioning Session November 10, 2021**

Member Carter reported that the LRP Committee sent out the municipal survey. The various committees, commissions, boards and department heads have been filling them out and sending them back. They also finished the resident survey and it has gone live on the web. The survey takes about 15 minutes to fill out. So far, about 105 surveys have been received from the

community. The Committee will also be passing out flyers about the survey at the Goss Farm Event to encourage more people to respond.

He also reported that the date for the visioning session has been set for November 10th over Zoom. There will be two sessions; 4:00 p.m. to 5:30 p.m. and 6:00 p.m. to 8:00 p.m. People need to sign up to participate. A meeting administrator will break participants up into virtual rooms where they will discuss a number of questions as a group.

It was noted that with the uncertainty of Covid, it was decided to hold the session through Zoom. It was felt that it would be too risky to set up an in-person session, not knowing if it would have to be cancelled at the last minute. If that were to happen, a great amount of time and money would have been wasted on this project. There are many regulations that the town must follow with regard to Covid and those are constantly changing. It was also felt that many people may not feel comfortable attending a session in an indoor space in person.

- **Rules and Regulations – Update**

Chair Losik reported that the Rules and Regulations Committee had their first work session last Monday and are meeting again tomorrow. The committee looked at last year's zoning, LDR and building code amendments. The committee looked at the minutes from the Planning Board's work session from a year ago, when the Public Works Director discussed MS-4 and stormwater management. Emails have gone out to all department heads, boards and commissions asking for their thoughts on items that need to be addressed.

- **TRC – Update on existing subdivisions**

Vice-Chair Lord noted that Sebago has been out to the Goss Farm Subdivision. The developer is trying to close out the project and get a signoff on the road. There was an issue regarding plantings along the marsh, which was a planning board condition as part of the plans. However, the developer said this will be performed by the respective lot owners. There is a buffer encroachment from an already built deck, which varies from 4.2" to 8.2" with a 39' length. The owner is going to be applying to the Planning Board to address this issue. The Board restricted this property so they couldn't go to the ZBA for any changes in the plan.

In regards to 1244 Washington Road, Sebago hasn't been out there recently, so there is no update from them. The project is really starting to come together. The Board did a great job pushing the architect and landscaping, so it should come out really nice.

In the Stoneleigh Subdivision, on lot 3, the house is almost done. On lot 5, the foundation is in. Lot 7 has been rock hammering, in order to get their driveway into the garage. Severino still hasn't completed the drainage infrastructure to get across the RCC easement off Signature Drive. This is holding up the final pavement, which has a deadline of November 1st.

5. Other Business

a. LDR Amendment Conditional Approval

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

b. Fill out the Municipal Survey as a Board

The Board worked on filling out LRP's municipal survey.

Highlights from questions/answers:

- **Evaluate how Rye's Master Plan is useful to your work.**
 - Accessible either online or at Town Hall.
 - User friendly (easy to find information).
 - Contains relevant content
- **Additional tools, forms and types of data that would be useful in your work and service to the community.**
 - Statistical data
 - Narrative informational summaries
 - Research or technical studies
 - Demographics
 - Maps
 - Data resources
 - Historical information
 - Current and projected climate change data
- **Methods of communication you employ with the public to distribute vital information.**
 - Town website
 - Community based groups, publications and email lists
 - Town newsletter
 - Rye Civic League Newsletter
- **Recommendations to improve communications to residents, businesses property owners, renters and visitors.**
 - Town's website should be navigable – Redesign site
 - Organize the Planning Board's page on website
- **The top 3-5 issues that come up repeatedly.**
 - Traffic
 - Beach parking & access
 - Cell tower/cell communications
- **Greatest challenge(s) to providing services to the town.**
 - Technology, equipment, communications

- **Would increased community engagement and communication improve your level of service?**
 - Yes – website
- **Has climate change impacted the board?**
 - Drought, water supply and demand
 - Water quality
 - Extreme temperature
 - Air quality
 - Natural resources and ecosystems
 - Surface water and their buffers
 - Invasive species
 - Stormwater management and drainage
 - Road closures and damage
 - Fire risks
 - Utility supply and demand
 - Fire risks
 - Coastal property
 - Municipal services
 - Infrastructure
 - Coastal storm and sea-level rise flooding
 - Water and sewer service
 - Workforce and labor
 - Budget and expenditure
 - Greenhouse gas emissions
- **What is your greatest challenge with respect to being better prepared to implement climate change adaptation?**
 - Time resources
 - Prioritizing
 - Financial
- **Successes you've implemented toward climate change preparedness.**
 - Climate Chapter in Master Plan
 - Changed floodplain maps in January 2021
 - New LDRs adopted February 11, 2020
- **Area, topic or service would benefit most from increased funding.**
 - Facility to interoperate
 - Integration of resource guide

Chair Losik will enter the Board's answers online and submit the survey.

c. Approval of Minutes – August 10th



Motion by Bill Epperson to approve the minutes as presented. Seconded by JM Lord. All in favor.

6. Communications

- A reminder was received from Planning Administrator Reed regarding the flu clinic.

7. Escrows

Motion by JM Lord to pay the following escrows;

- **Old Hector's site**
 - **Sebago Technics - \$1,609.25**
 - **Danna Truslow - \$150.00**
- **Benchmark site**
 - **Attorney Donovan - \$225.50**
 - **Sebago Technics - \$513.50**
 - **Danna Truslow - \$1,680.00**
- **1244 Washington Road**
 - **Sebago Technics - \$656.65**
- **Berry's Brook Village Condo Assoc**
 - **Attorney Donovan - \$1,206.62**
- **The Housing Partnership**
 - **Sebago Technics - \$591.25**

Seconded by Jim Finn. All in favor.

Adjournment

Motion by JM Lord to adjourn at 10:18 p.m. Seconded by Kevin Brandon. 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, September 14, 2021

Decision: *Motion by JM Lord to continue the application to the October 12, 2021 meeting at the Applicant's request due to the need for a Special Exception. Motion seconded by Steve Carter and vote unanimous.*

9-16-2021

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/Owner: Alexia Leddy

Property: 154 Washington Road, Tax Map 17, Lot 15
Single Residence District

Case: Case #15-2018

Application: Alexia Leddy for property owned and located at 154 Washington Road, Tax Map 17, lot 15 for a Conditional Use Permit for an Accessory Dwelling Unit per Rye Zoning Ordinance 190-5.6. Property is in the Single Residence District. Case #15-2021

Date of Decision: Tuesday, September 14, 2021

Decision: The Planning Board unanimously voted to accept Jurisdiction of the application.

The Board unanimously voted to approve the application by Alexia Leddy for an Accessory Dwelling Unit, per the RZO Section 190-5.6 with the following conditions.

1. The garage area shall not be expanded into living space;
2. Before a CO is issued, the applicant shall receive Fire Chief approval;
3. If the apartment is rented, it shall not be rented for less than 3 months;
4. There shall be no expansion of the building footprint.

9-15-2021
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

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 September 14, 2021

Decision: **The Board unanimously voted to continue the application to a site walk dated September 23, 2021 from 4:00pm to 5:00pm and to have all the corners and roadway flagged.**

The Board unanimously voted to continue the application to the October 12, 2021 Planning Board meeting to give the applicant time for a revised septic plans (if needed) and the Hydro report.

9-16-2021

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

Owner: Malcolm E. Smith, III

Applicant: Mike Garrepy and Jones and Beach

Property: 0 Lafayette Road, Tax Map 10, Lot 1
Property is in the Commercial, Multi-Family Overlay District and
Aquifer & Wellhead District

Request: Major Site Development Plan and Special Use Permit Application
by Jones & Beach, Engineers, Inc. for Property owned by Malcolm
E. Smith, III and located at 0 Lafayette Road, Tax Map 10, Lot 1 to
construct 30 2-bedroom residential condominium tri-plex units.
Property is in the Commercial, Multi-Family Overlay District and
Aquifer & Wellhead District. Case #11-2021.

Date of Decision: Tuesday September 14, 2021

Decision: **The Board unanimously voted to continue the application to a
site walk dated September 23, 2021 from 5:00pm to 6:00pm
and to have all the corners and roadway flagged.**

**The Board unanimously voted to continue the application to
the October 12, 2021 Planning Board meeting to give the
applicant time for a revised septic plans (if needed) and the
Hydro report.**

9-16-2021

Date

Kimberly M. Reed for

Patricia Losik, Chairman,
Rye Planning Board

HELLO TOWN OF RYE ELECTED OFFICIALS, BOARDS, COMMISSIONS AND COMMITTEES!

The Rye Long Range Planning Committee and Planning Board would like your input to inform development of a new 2021 Vision Chapter framework to begin an update of the town's Master Plan. The Planning Board is charged with periodically updating the town's Master Plan as described in RSA 674:2.

The purpose of this survey is to collect feedback from municipal staff, elected officials and town officials, board, commissions, and committee members. Your input is extremely valuable as municipal representatives that serve the Rye community.

You may choose to self-identify in the first question or choose not to. Either way your input is welcomed. The survey will be followed by a community visioning session in the fall of 2021 to further identify and discuss issues of importance for the town.

WE ASK THAT EACH DEPARTMENT, BOARD, COMMISSION AND COMMITTEE SUBMIT 1 SURVEY ENTRY THAT CAPTURES YOUR COLLECTIVE OPINIONS. THE SURVEY SHOULD TAKE ABOUT 10-15 MINUTES TO COMPLETE!

Follow this link to enter your survey responses

<https://www.surveymonkey.com/r/DPDMQMT>

PLEASE RESPOND TO THIS SURVEY BY SEPTEMBER 17, 2021.

Kimberly M. Reed, CFM
Planning & Zoning Administrator
Town of Rye NH 03870
603-379-8081
Kreed@Town.rye.nh.us

Town of Rye NH Municipal Survey

HELLO TOWN OF RYE ELECTED OFFICIALS, BOARDS, COMMISSIONS AND COMMITTEES!

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