

**TOWN OF RYE – PLANNING BOARD
MEETING**

**Tuesday, November 9, 2021
6:00 p.m. – Rye Public Library**

Members Present: Chair Patricia Losik, Steve Carter, Jim Finn, Katy Sherman, Kevin Brandon, Selectmen's Rep Bill Epperson, Alternates Bill MacLeod, Kathryn Garcia and Rob Wright

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

1. Call to Order

Chair Losik called the meeting to order at 6:04 p.m. and led the Pledge of Allegiance.

Alternate Bill MacLeod was seated for JM Lord.

2. Public Hearings on Applications

- a. Major Subdivision for a Condominium Conversion** for property owned by Arthur & Sharon Pierce Rev. Trust, Arthur & Sharon Peirce, 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.**

- ***Request a Continuance to the December meeting.***

Motion by Bill Epperson to continue the application for Arthur and Sharon Pierce Rev. Trust. Seconded by Bill MacLeod. All in favor.

- 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 Districts. **Case #14-2021.**

Joe Coronati, Jones & Beach Engineers, addressed the Board. He introduced David Maclean and David Harwood from GeoInsight who were present for the discussion on the hydro study. Mr. Coronati noted that he reached out to Attorney Donovan and he had no additional comments. A signoff was received from Sebago Technics in their recent letter. The DOT permit has also been received for the driveway. He also noted that the project was not heard at the recent zoning board meeting and was continued to November 17th. The ZBA will be addressing the detention pond and the building height. He would like to go over the hydro study with the Board at this meeting.

Chair Losik clarified the emergency access road has been resolved.

Mr. Coronati confirmed.

Chair Losik pointed out there was a letter from NH DES. She asked if he has responded to that letter in regards to a waiver.

Mr. Coronati replied that they have not responded back in regards to the Alteration of Terrain (AOT) Permit yet. He has been talking with GeoInsight relative to some of those requirements. A response will be sent to AOT in the next couple of weeks.

Chair Losik noted that the Board doesn't have any new information from GeoInsight since September 30th.

Dave Maclean, GeoInsight Geologist, explained that since the first addendum was written, Danna Truslow has written a response to that. A second addendum has been written, which Danna has reviewed and made comments.

Danna Truslow, Truslow Resource Consulting, noted that the second addendum went to Planning Administrator Kim Reed at the same time.

Chair Losik pointed out that the Board has GeoInsight's addendum of September 30th and Danna Truslow's letter of October 29th.

Mr. Maclean stated that he thinks they have resolved all the issues with the Benchmark project. With the Tuck project, he thinks they have resolved everything with that as well; however, there are more substantive comments that came in the most recent addendum.

Mr. Maclean stated that they have been working on the project for approximately six months. With regards to the Benchmark property, there's going to be one large leachfield that will be installed, which is 10,590 gallons per day. In going through the hydro study and working with Ms. Truslow, it was decided that a Bioclere system was going to be installed on the property, which is highly effective in removing nitrate. A mixing analysis of 12 milligrams per liter was used, which is pretty close to the standard of 10.

He continued there were six monitoring wells installed on the project. The Evolve facility already has a groundwater discharge permit, so it's already gone through the same process. Monitoring wells 6 and 3 were borrowed as part of the hydrogeologic study from the Evolve property. The monitoring wells are about 30' deep or so. Bedrock is fairly deep in this area, as it was not encountered. It's mostly stratified drift sands. It's coarser on the top and gets finer with depth. However, it's porous soil which is good for leaching. The wells were sampled three times. The depths to groundwater range from 13' to 24'. He pointed out that this area is very well studied hydrogeologically. Everything is basically flowing west towards the landfill. Samples were done on May 23rd, May 28th and July 22nd. The wells were sampled for PH

temperature, dissolve oxygens and specific conductance. The primary concern is looking at nitrogen, as the septic systems are going to be adding nitrogen into the aquifer.

Mr. Maclean pointed out that there's an unnamed monitoring well. This well was sampled by Jones and Beach back in January, just before the study. It was sampled for a variety of things, including PFAS. The sample results were at the 3 to 4 part per trillion (3.5ppt for PFOA and 3.94ppt for PFOS). He noted that they did not do PFAS samples for the other wells. He continued that the concentration is well below standards. The standard for PFOA is 12ppt versus what was found at 3.5ppt. For PFOS, the standard is 15ppt and the sample was 3.94ppt. He stated that this area is in the groundwater management zone because of the landfill. However, he didn't really see any impacts at all from the landfill. In fact, everything was pretty much at drinking water standards. There was one compound, Bis(2-ethylhexyl) phthalate (a plasticizer), which was found to be above standard in the unknown well. He noted that they tried to resample that well again; however, the water table dropped below the bottom of the well screen, so it couldn't be done. GO-1, MW-3 and MW-6 were tested and that compound was not found. He stated that the sampling was a little limited. However, it was also a bit out of the scope of what they were trying to do. What was found is that basically everything was within drinking water standards. A bit of arsenic was found. Arsenic has a very low standard and is a bit tricky because it's a natural contaminant, but it was still very low. He does not think there are going to be any problems with recharging on site because everything is at drinking water standards. If it was above standards, it would have to be demonstrated that by re-injecting water into the ground it's not going to change the plume. There's really no plume to change. If there was a plume to change, the next thing that would need to be done would be to evaluate whether there was drinking water wells in the area. He doesn't think there will be a problem.

Selectmen's Rep Epperson stated there were a couple of wells on Breakfast Hill Road, to the north and west of this property, which were contaminated. He thinks DES is testing to see where the plume is going. They are not really sure where it's going. For example, Bailey's Brook is now showing surface and subsurface water as containing contaminants. His guess would be that part of the plume is going north and east.

Mr. Maclean replied there will have to be discussions with DES in regards to that issue. However, in looking at the requirements, he doesn't think it's going to be an issue. In regards to the septic analysis, three things were done. The first thing was to determine the dimensions of the mound. The second piece was to create a mixing model to understand mathematically what's going to happen to the nitrate. For the Tuck analysis, a fate and transport analysis was done because higher concentrations are being injected with the SeptiTech Systems. With regards to the mounding, he noted that this was analyzed with a hand push analysis. It's about 15ft down to groundwater surface. By looking at that hand push analysis, it was calculated that the water table elevation was estimated to be between 1.5ft and 3.9ft based on the amount of water being injected, which is determined by the hydraulic properties of the soils. He continued that after the rise is determined, the radius is determined. In very fine grain soils, there's a lot of mound height. In nice sandy soils, there will be very thin mounds but they'll be laterally extensive. In

this situation, it was figured that the actual lateral influence is going to be about 390ft. It's pretty big and compasses a lot of area.

Chair Losik stated that it was said the water table is at 15ft. With the change of 1.5ft to 3.9ft, there's still something down at 11ft to 13.5ft.

Mr. Maclean confirmed.

Alternate Wright asked if the Bioclere Septic design removes most of the nitrogen before leaching. He asked what happens to the nitrogen.

Mr. Maclean replied that it gets into the treatment system with the way the technology works in the Bioclere system.

Danna Truslow, Truslow Resource Consulting, explained that denitrification is the process, which means the dissolved oxygen is lowered. This allows for anaerobic bacteria to come in and the nitrate will become nitrogen gas, which is discharged.

Referring to the nitrate analysis, Mr. Maclean stated that they couldn't treat this as just one site. They dealt with the whole thing as one box (Benchmark and Tuck). For Benchmark with the Bioclere system, there were 12 milligrams per liter and a waste water volume of 10,590. For Tuck with SeptiTech, there was 9,000 gallons at 60 milligrams per liter. To this, lawn area of about 58,000sq.ft. was added, in which fertilizer could be added. He pointed out that fertilizer contains nitrogen. The formula used was 3 pounds of fertilizer for every 10,000sq.ft. and this was added to the total nitrogen. In thinking about the nitrogen load, mother nature will take care of some of it. There will be some nitrification happening in the aquifer itself. The recharge volume is all getting diluted. A recharge area of 9.65 acres is being used. There's no runoff being considered. Everything is going straight down into the ground, as there's no impervious surface. There's a recharge area of 416,000sq.ft. The average precipitation of 50 inches per year and about 50% of that will infiltrate. Septic water is also being added. There's no water supply, so there's no water being pulled out. There's a total recharge of 13.6 million gallons. The nitrogen load divided by the recharge volume comes out to 9.31 milligrams per liter, which is under 10.

Mr. Maclean explained that with the Benchmark system they really didn't carry it too much further. It was already at 12 milligrams per liter and with natural dilution it was at 9. With Tuck site, they went through the step of doing a fate and transport analysis.

Mr. Maclean continued that he's had some preliminary discussions with DES. It's looking like the groundwater discharge permit that is already setup for Evolve will be amended to include this site. In regards to the monitoring plan, there are two monitoring wells; GO-1 and MW-6 which are upgradient of the system. When a groundwater discharge permit is submitted to DES, a monitoring plan has to be prepared. What is being proposed is something very similar to what is being done on Evolve. There are also three downgradient wells; GO-5, GO-6 and GO-9. Those are on the downhill end of the site. There is another proposed well that does not exist yet. The

wells are going to be sampled for the same laboratory tests that are being done with Evolve. The frequency is going to be twice per year in the months of May and November. This is all addressed in the second addendum that Ms. Truslow received on Monday.

Referring to GO-9, Chair Losik asked why that location is being added. She also asked Ms. Truslow if she agrees with the location.

Ms. Truslow explained it's going to provide additional downgradient information. There really wasn't anything that would capture that component of flow on that side (west) of the septic field.

Mr. Maclean pointed out that the unnamed well is going to be pulled out and abandoned appropriately. He also pointed out that there a couple of monitoring wells that are not shown. They were installed many years ago. The thought was to reinstall those or see if they are still existing. The wells were part of the Evolve permit. In summary, it's a great location for a community septic of this size. It's upgradient from a landfill. It's in materials that can handle it. There are no receptors that are downgradient. Through making the addition of the Bioclere system, it's going to be safe and permitted through DES.

Chair Losik asked if all the data associated with the existing discharge permit was reviewed.

Mr. Maclean replied some of it. Some of the data exists in the first hydro report. That data was reviewed to get an idea of how well the systems were working and to determine what the upgraded contribution load was. However, he has not gotten into how things vary.

Alternate MacLeod asked if the existing Evolve site has a plan in place as part of their original permit. He also asked if they are up to date on the submittals and if they are twice per year.

Mr. Maclean replied they are twice per year.

Alternate Macleod asked if DES would notify the Town if there are any red flags.

Mr. Maclean replied he is not sure how that works. However, he does not see that giving copies to the Town would be a problem.

Ms. Truslow noted that she has asked for the reports to be submitted to the Town and DES. Referring to the data for the existing system, she stated that she wanted to know what the influent and effluent concentrations were to make sure that it was working the way it's supposed to perform. It was actually coming in lower than the 12 milligrams per liter that was assumed, so that gives credence to the dilution model they were using.

There were no further questions from the Board.

Mr. Coronati stated this pretty much wraps up most of the studies for Benchmark. The main outstanding item is the Zoning Board, which is next week. He is hoping they can wrap up the project with the Planning Board next month.

Chair Losik opened to the public for comments or questions. Hearing none, she closed the public hearing at 6:52 p.m.

Motion by Bill Epperson to continue the application of BSL Investors, LLC to the December 14th Planning Board meeting. Seconded by Jim Finn. 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 condominiums tri-plex units. Property is in the Commercial, Multi-Family Overlay District and Aquifer & Wellhead District.
Case #11-2021.

Joe Coronati, Jones & Beach Engineering, spoke to the Board. He explained they have been working through the last outstanding items. Additional documents were submitted a couple of weeks ago. A couple of changes were made to the plans. The architect has been modified slightly, due to the discussion at the last meeting regarding the size of the units. The middle unit has been made larger to be closer in size to the end units. The unit has been made a bit deeper, so the buildings will not be wider. The garage area will be an optional finished area if they so choose. There is now an option for a deck for the middle units to the rear of the building. The deck in the front for the middle units has also been made a bit wider. He continued there has not been too many changes to the site plan. One of the things that was modified was the leachfield locations for the three triplexes in the rear to assist with the hydro modeling of the nitrates at the property line. Those have been pulled a bit closer to the buildings. There is still one more leachfield that has to be relocated (the leachfield next to the building to the west). It would be helpful to move that leachfield to get it away from the property line.

Mr. Coronati stated that they received a letter from Attorney Donovan dated November 4th. He outlines a couple of items. The first item was workforce housing. The units were switched to the ratio that the Planning Board suggested, which was two-thirds end units and one-third middle units. Those have been designated on the site plan (Units 2, 9, 10, 22, 26 and 30). The units were also spread around the whole site.

Chair Losik commented that she felt the allocation was very fair. The participation is even across the board now.

Mr. Coronati noted that another comment from Attorney Donovan was about the designated agent. Marty Chapman from The Housing Authority verbally agreed to be the designated agent. This will be solidified and a formal agreement will be brought to the Board at the next meeting. Attorney Donovan also commented in his letter that the revised plan set did not include sheets L-

1 and L-2. The only reason for this is that those sheets were not revised, so they were not included in the revised plan set.

Referring to the landscape plan, Chair Losik noted that the Land Development Regs (LDR) require a colored plan. She is not sure the Board has the colored plan that has the detail. A colored plan that has the detail in L-1 is needed. She explained that because of the requirements of Chapter 11 in regards to the plant maintenance plan, it's pretty critical to have all that data.

Mike Garrepy, Tuck Realty, explained that the landscape architect was waiting on the finalization of where the septic had to go. The Board will receive a final landscape plan, which will include the passive recreation areas. He further explained there may be some seasonality to some of the passive rec areas. He confirmed there will be a better plan for the next meeting.

Mr. Coronati pointed out that they have already outlined a plan for the middle of the cul-de-sac. Everything outside the limited common area is common. It was suggested that the area in the back be passive recreation; however, that can really be done anywhere on the property.

Chair Losik commented that she just doesn't think it's a blend for the middle of the cul-de-sac and the area that's to the south of the emergency access.

Alternate Garcia agreed.

Mr. Coronati stated the next item on Attorney Donovan's letter asked if the herbicides should be prohibited, rather than just discouraged, in the Landscape BMP's and O and M Plan. Attorney Donovan had suggested that Consultant Truslow be asked to review the plan.

Ms. Truslow confirmed that she will review this.

Chair Losik commented that she was going to suggest that something be added about invasives.

Mr. Coronati continued that there was some discussion about lights on the sides of the buildings. The architect added entrance lights near the doorways. Attorney Donovan had asked for more detail on that and whether there is any lighting on the second floor near the sliders. In Attorney Donovan's letter, the fourth comment was in regards to the details for emergency access. Attorney Donovan asked on which property the gate will be located. He had suggested that it be the responsibility of the Tuck property. Mr. Coronati pointed out that it's already shown on the Benchmark property. Benchmark has already agreed to build it. It was also agreed that it shouldn't be on the property line, as it would lend itself to numerous easements and conflicts over paying for repairs.

The Board had no issues with the gate being on the Benchmark property.

Mr. Coronati continued that Attorney Donovan's final comment was about the LCA's around the residential units. There are some that cannot be expanded, but Attorney Donovan has

recommended to expand the others. Mr. Coronati commented they do not have an issue doing that. Units 1 through 12 have the LCA's come up to the rear of the setback line and there's also a berm beyond the setback. The intent is to stay out of this area and have it as common space. However, the LCA's can definitely be pushed back for Units 13 through 30.

Selectmen's Rep Epperson asked if the berm will alter the flow of the water.

Mr. Coronati explained there is very little surface water because of the soils. There is a break in the berm where the water would come through. There is also some drainage infrastructure across the front. However, the area should never really see any water. He noted that Sebago Technics recommended a drainage easement, so this is on the plan. He also noted that the culvert across from the driveway entrance is 15 inches.

Chair Losik noted that in Attorney Donovan's October 22nd letter, he talks about the workforce housing subsidy lien and restrictive covenant. Attorney Donovan pointed out that the Board would review a final document for a vote in December. She pointed out that it can't really be done in a work session because it has to be a formal meeting. She asked Mr. Coronati if they have thought about the timeframe.

Attorney Phoenix asked if a work session could be set up to work through the details.

Chair Losik commented this may work. Speaking to Mr. Maclean, she asked him to speak to any specifics targeted to the Tuck property.

Dave Maclean, GeoInsight, stated that they were looking at the Tuck property the same time they were looking at Benchmark, so a lot of the proceeding information carries over. He continued there are ten septic fields that are associated with the Tuck property. Each septic field accepts up to 900 gallons per day. The SeptiTech system is proposed which is 12 milligrams per liter with a discharge goal of 16. This was based on Danna Truslow's experience and looking at similar systems with the same technology. Mr. Maclean stated that heights of the mounds were much smaller than Benchmark. They range from .3 to 1.25 feet, which is the mound of groundwater above the static groundwater surface. The width was much less at 96ft.

Mr. Maclean explained the Brody Analysis was used in the modeling. He pointed out that with regard to the nitrate concentrations, they are all pretty low. Location number 2, was moved to the east side to bring it out of the flow line, so it's on a separate flow line. When it was closer, it went up over 10. In working with Jones and Beach, that was the most applicable location. In aggregating some of the fields on the same flow lines, it was still pretty good.

Alternate Wright asked if they are saying that at the end, there will be a magical outcome at the edge of the property where no nitrogen leaves.

Mr. Maclean replied there will be nitrogen leaving. The critical key is trying to make sure the ambient groundwater quality standard, which is 10, is met. These are all just concepts to verify

there is enough room. The proof is really in the monitoring. He continued that it was indicated in the addendum that SeptiTech would most likely be the firm collecting effluent samples. This might not be the case, as it still has to be worked out.

Mr. Garrepy stated that he believes SeptiTech and Bioclere are sampling their leachfields, but not the wells. There would be another firm doing the monitoring and reporting of the wells.

Mr. Maclean noted that the Tuck site doesn't have a groundwater discharge permit, but there would still be groundwater sampling that would be conducted twice per year. All the sampling will all be done at once. He also noted that since this is a residential development, the list of parameters would be less. In terms of the wells that would be sampled, two downgradient wells would be installed (GO-7 and GO-8). The upgradient wells would be GO-5 and GO-2. He pointed out that the details are in the addendum sent to the Board.

Speaking to Danna Truslow, Chair Losik stated that in the letter of October 9th, it talks about the mass balance approach being used to assess the overall loading and water quality of downgradient boundaries of the site. It also states *"in actuality a more discreet approach has been used in other development sites with the Rye Aquifer and Wellhead Protection District"*. She asked Ms. Truslow to talk about why other types of modeling has been used and why she agrees or doesn't agree with the mass balance approach.

Ms. Truslow explained the mass balance approach was originally used for both sites. That collectively took all the input from all the systems and looked at it as a black box with a number out the other end. However, it really doesn't take into consideration flow direction. It will be an overall number of what the nitrate concentration is going to be based on all the input factors. That's okay for certain areas where there is one area where the discharge will be done and it's not all that close to the property line. If dilution is assumed from an entire site but the source is close to the property line, it can't be said that's all going to be considered and there will be adequate dilution with no problems at the property line. She continued that because the Bioclere system is a good system and will reduce nitrates, and it's far enough from the property line, she thought the mass balance approach was suitable for the Benchmark location. Because there are so many individual systems on the Tuck site, with so many of them being so close to the property line, she thought the mass balance approach (considering them all in one block) wasn't appropriate. Many sites over the years have used a more discreet approach of looking at each one individually. That gives a better idea without it being a really complicated numerical number. She noted they were able to take the information from Benchmark to get the concentration at the property line. For the Tuck site, the more discreet individual septic system evaluation (Brody Analysis) was done to give a better sense of what the concentration at the property line would be.

Chair Losik asked Ms. Truslow if she's in agreement with the proposed groundwater monitoring well locations and that those will have the ability for adequate information to evaluate moving forward.

Ms. Truslow confirmed.

Selectmen's Rep Epperson asked about the maintenance plan for the multiple septic systems. He thinks the maintenance schedule should be shorted, at least for a couple of years.

Ms. Truslow noted that maintenance schedule is usually once per year. The difficult part is making sure things function the way they are supposed to and the various components are turned on correctly.

Alternate MacLeod asked the maintenance for the SeptiTech systems.

Mr. Coronati explained that the State requires a maintenance agreement to be filed for State approval. That will be done by the company that sells the product. As far as what is entailed, there are recirculating pumps and material from the SeptiTech for the treatment. Each system has a 4,000-gallon septic tank and it goes into the SeptiTech. The tanks will be pumped at the same time, which will be yearly. All of this is outlined in the condominium documents.

Alternate MacLeod clarified it's the maintenance schedule that DES has recognized as sufficient for these systems.

Mr. Coronati confirmed.

Selectmen's Rep Epperson commented that he doesn't think it's unreasonable to ask that it be done twice per year, for at least for first two years, to be sure there isn't anything going on.

Alternate Wright asked about the mechanics for enforcement.

Selectmen's Rep Epperson explained the homeowner's association has a person that manages that. When those are pumped, the information is to be sent back to the building department. If it's not sent back, it's assumed they are in default and they will be sent an enforcement letter. There are vehicles to make it happen.

Alternate Wright asked if the SeptiTech and Bioclere systems are above ground or buried.

Mr. Coronati replied the SeptiTech systems are buried with risers to covers for access. The Bioclere system is mostly buried. Evolve has a Bioclere system on site already and the top can be seen. The top of the tank sticks out of the ground a couple of feet.

Member Brandon asked the process for remediation if one or more of the systems fail. He asked if there's insurance or bonding through the homeowner's association.

Mr. Coronati explained it would be part of the condominium documents to have a reserve fund for replacement of all items that are commonly paid for. They can also borrow the money from a bank and insurance would be in place also. This would be built into the overall condo fees.

Selectmen's Rep Epperson stated it would be easier to make this sewer ready when it's bare ground, as opposed to years from now. He knows it's been a condition of approval to require a sewer line to the end of the property line. It's something that should be considered.

Mr. Coronati stated that because these are septic, the fields are all in the rears, except maybe one. If there was ever a fund to do it, the sewer would be run around the rear of the units. There are many options to do it. There are mini E1 systems where everyone pumps to a common force main, which may be an option in the future. Somehow there would have to be a pump station or gravity line down Dow Lane.

Alternate MacLeod stated that with this site having such good soils, he doesn't think it should be mandatory that they tie into sewer. If they are made to tie into the sewer, it would take away from the capacity for other locations that need it more.

Selectmen's Rep Epperson commented that they have met with the City of Portsmouth and there is no issue of volume.

Alternate MacLeod pointed out that if the systems were in the front, they may want to consider a dry sewer down the middle of the street. However, it's certainly easy to do sewer 20 years down the road if the systems are just in lawn area behind the buildings.

Member Carter asked about the resolution for the wetland setback involving Greenland. Attorney Phoenix explained that it was researched and Attorney Donovan agreed that Rye's jurisdiction for wetland setbacks stops at the town line. Attorney Donovan had speculated whether North Hampton and Greenland could enforce it into Rye, but he was not sure. The requirements are met anyway, so it's a non-issue.

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

Robert Wylde, 29 Oak Ave, stated that he is very familiar with Dow Lane. Most of the houses are so close to the road that there is no room for a sewer line on either side of the road.

Hearing no further comments, Chair Losik closed the public hearing at 7:56 p.m.

There was discussion about a possible date for a work session. It was scheduled for November 30th at 6 p.m. for the Town Hall.

**Motion by Bill Epperson to continue the application by Jones and Beach Engineers for property owned by Malcolm E. Smith to the work session on November 30, 2021.
Seconded by Katy Sherman. All in favor.**

Motion by Bill MacLeod to continue the application by Jones and Beach Engineers for property owned by Malcolm E. Smith to the Planning Board meeting on December 19, 2021. Seconded by Bill Epperson. All in favor.

3. New Business

a. Proposed Zoning Amendments for discussion and schedule public hearing:

- **2022-01: Multi-Family Developments reduce # of dwelling units**

PROPOSED ZONING AMENDMENT 2022-01

Re: Multi-Family Developments

(Note: New language ***emboldened and italicized***. Deleted language ~~struck through~~).

Amend Sections 190-4.2, C (4) to reduce the number of dwelling units allowed in a multi-family dwelling from eight (8) to five (5) as follows.

Number of dwelling units. A multifamily dwelling shall not have more than ~~eight~~ ***five (5)*** dwelling units. A multifamily development shall not have more than 40 dwelling units. The subdivision of land shall not be used to circumvent the 40-unit limitation.

Explanation

Limiting the number of dwelling units in a multi-family dwelling to five (5) rather than allowing up to eight (8) is more in keeping with the rural character of Rye. The NH Workforce Housing Act requires municipalities to provide reasonable opportunities for multi-family housing, which the Act defines as a building containing five or more dwelling units.

Chair Losik explained The Housing Partnership has four, Washington Green has four, the proposal for the Hector's site is three. The requirement is to allow up to five. The Rules and Regulations Committee has discussed why Rye would want to be at eight. Would Rye ever be looking at eight dwelling units in a building. Some of the concerns that have the Board has come up against in the last few projects is density, massing, spacing, etc. The eight was really a concept that was born out of considering a multi-level unit; such as, garden apartments. Where the developments are headed right now are attached townhouses with garages underneath or beside them. It seemed to make sense to change the zoning to what is being done and what is reflected in the Master Plan to keep the semi-rural character that's described in Chapters 5 and 5A.

Motion by Bill Epperson to move Proposed Zoning Amendment 2022-01 to the December meeting for a public hearing. Seconded by Kevin Brandon. All in favor.

- **2022-02: Multi-Family Development increase spacing from 25' to 35'**

PROPOSED ZONING AMENDMENT 2022-02

Re: Multi-Family Developments

(Note: New language ***emboldened and italicized***. Deleted language ~~struck through~~).

Amend Sections 190-4.2, C (8) to increase the required building spacing from 25' to 35' as follows.

All buildings including parking structures and accessory buildings shall be separated by at least ***25' 35'***.

Explanation

Increasing building spacing will allow for more open space around dwellings and thereby providing residents of multi-family dwellings developments with increased enjoyment of their environs.

Chair Losik stated that this amendment is to tweak the space between buildings. There has been a lot of discussion about the space between buildings because a lot can happen in that space.

Alternate Wright asked if a lined parking lot is considered a structure.

Chair Losik replied no. A parking structure is a garage. In The Housing Partnership development there are the townhouses with the garages on the side. There would be the parking structure and then 35ft before the next structure.

Alternate MacLeod noted that there could be a detached parking structure and this would force the garages to be further away from the house. He commented that he has done a number of projects with a separate garage with eight bays. There could also be a duplex unit with detached garages, which would have to 35ft away from the dwelling.

Chair Losik commented this raises a good point. She thinks they have always been thinking of attached or underneath.

Planning Administrator Reed stated that the intent was to make it 35ft., but not if it's a garage for one of the units. The intent is between the next inhabited building. If this moves to the December meeting, Attorney Donovan will be at the meeting and the Board could ask him to clarify.

Chair Losik noted that it is not clear. She thinks they should have Attorney Donovan review this.

The Board agreed.

Alternate MacLeod stated that any time the standards are increased, it decreases the ability to have a more flexible design on the site. He does not feel 25ft is too close on a townhouse development. A development can lose the flexibility to create more passive recreation area.

Chair Losik asked if it's losing flexibility or does a different choice need to be made? She goes back to the emphasis of the Master Plan of semi-rural. The Board has seen that the developers have had to move things around. It may be a matter of not ending up with the maximum number of units. However, it doesn't feel that increasing the space by one-third is too generous.

Alternate MacLeod stated that he knows how developments work. The developer will put on the maximum number of units that the zoning allows for the site. If it's going to be 35ft apart, it may end up being something that is not as architecturally pleasing. Some design flexibility will be lost. He continued that it's not going to reduce the density. They will put as many units as density allows on the site. They will come up with a design will accomplish that.

Member Brandon stated that it's a very fair point about how the metrics could limit flexibility. However, in looking at the first two, by extension of five units versus eight and more space between the buildings, it's addressing the overarching concern which is density and overall esthetic.

It was the consensus of the Board that they liked 35ft. It was agreed to table moving it to a public hearing until Attorney Donovan can work on the wording.

- **2022-06: Housing Appeals Board**

PROPOSED ZONING AMENDMENT 2022-06
Re: Housing Appeals Board

(Note: New language ***emboldened and italicized***. Deleted language ~~struck through~~).

Amend the following sections of the Rye Zoning Ordinance to indicate that appeals may be taken to the Housing Appeals Board, in addition to the superior court.

§ 190-3.4, F. [13] (Redevelopment of Tourist Accommodation Sites).

.... shall be taken to the Superior Court ***or the Housing Appeals Board***, not to the Board of Adjustment.

§ 190-3.6, I. (Conditional Use Permits in Aquifer & Wellhead Protection District).

.... and then to the Superior Court ***or the Housing Appeals Board*** (but not to the Board of Adjustment).

§ 190-4.1, K. (Planning board decisions on Retirement Community Developments).

.... taken to the Superior Court ***or the Housing Appeals Board***, not to the Board of Adjustment.

§ 190-4.2, I. (Planning board decisions on Multifamily Developments).

.... shall be taken to the Superior Court ***or the Housing Appeals Board***, not to the Board of Adjustment.

§ 190-4.3, K. (Planning board decisions on Conservation Land Developments).

.... shall be taken to the Superior Court ***or the Housing Appeals Board***, not to the Board of Adjustment.

§ 190-5.6, G. (Planning board decisions on accessory apartments).

.... may be filed with the Rockingham County Superior Court ***or the Housing Appeals Board*** within 30 days

§ 190-5.8, E. (3). (Planning board decisions on small wind energy systems).

..... may be taken to the Superior Court ***or the Housing Appeals Board*** as provided by statute RSA 677:15.

§ 190-7.3 (Appeals of ZBA decisions).

...and to appeal to the Superior Court ***or the Housing Appeals Board*** in accordance

§ 190-9.3 (Severability of Growth Management Ordinance provisions).

Should any part of this ~~article~~ ***chapter*** be held invalid or unconstitutional by a court ***or by the Housing Appeals Board***, such holding shall not.....

§ 190-10.2 (Severability of all zoning ordinance provisions).

Should any part of this ~~article~~ ***chapter*** be held invalid or unconstitutional by a court ***or by the Housing Appeals Board*** or authority of competent jurisdiction, such holding shall not....

Explanation

The Legislature amended the statutes to establish the Housing Appeals Board effective July 1, 2020. Appeals of land use board decisions involving housing development may now be taken to the superior court or to the Housing Appeals Board.

Motion by Bill Epperson to move Proposed Zoning Amendment 2022-06 to a public hearing. Seconded by Steve Carter. All in favor.

- **2022-07: Driveway setbacks**

PROPOSED ZONING AMENDMENT 2022-07

Re: Driveway Setbacks

(Note: New language ***emboldened and italicized***. Deleted language ~~struck through~~).

Amend Section 190-11.1 Word usage and definitions in the zoning ordinance so users are made aware that driveways are subject to a 10ft. setback from an abutting property line, as follows:

STRUCTURE: Any temporary or permanently constructed, erected or placed material or combination of materials in or upon the ground, including, but not limited to buildings, mobile homes, radio towers, sheds and storage bins, storage tanks, portable carports, swimming pools, tennis courts and parking lots. The following are structures but are exempt from the dimensional requirements unless covered in other parts of the ordinance and codes.

[Amended 2001: 3-12-2013]

- (1) Subsurface waste disposal facilities (see §190-2.2.E and Building Code, §3535-15B)
- (2) Fences and stone walls (see §190-5.10)
- (3) Driveways (***But*** see Chapter 202, Land Development Regulations, ***Appendix E: Driveway Regulations, Driveways may not be constructed within 10 ft. of an abutting property line.***); and
- (4) Fuel storage tanks (see NFPA requirements).

DRIVEWAY: A private way for vehicles which provides entrance, exit, access to or from land in Rye to/from a public street. ***Driveways are regulated by the Rye Planning Board Land Development Regulations. A permit is required. Driveways may not be constructed within 10 feet of an abutting property line.***

Explanation

The amendment puts users of the zoning ordinance on notice that driveways are regulated by the separate planning board land development regulations and that driveways may not be located within 10 feet of an abutting property line.

Motion by Bill Epperson to move Proposed Zoning Amendment 2022-07 to a public hearing. Seconded by Katy Sherman. All in favor.

- **2022-08: Bio-Retention ponds in the setback**

PROPOSED ZONING AMENDMENT 2022-08

Re: Bio-Retention Ponds in Setbacks

(Note: New language ***emboldened and italicized***. Deleted language ~~struck through~~).

Amend Section 190-11.1 Word usage and definitions of “Structure” to clarify that bio-retention ponds and similar drainage facilities are structures (and therefore must comply with setback requirements), as follows:

STRUCTURE: Any temporary or permanently constructed, erected or placed material or combination of materials in or upon the ground, including, but not limited to buildings, mobile homes, radio towers, sheds and storage bins, storage tanks, portable carports, swimming pools, tennis courts and parking lots. ***Bio-retention ponds, detention ponds, rain gardens and similar drainage facilities are structures.*** The following are structures but are exempt from the dimensional requirements unless covered in other parts of the ordinance and codes.

- (1) Subsurface waste disposal facilities (see §190-2.2B and Building Code, §35-1.5B);
- (2) Fences and stonewalls (see §190-5.10);
- (3) Driveways (see Chapter 202, Land Development Regulation); and
- (4) Fuel storage tanks (see NFPA requirements).

Explanation

The amendment clarifies that drainage facilities such as bio-retention ponds are structures and must, therefore, comply with setback requirements.

Alternate MacLeod stated that he can’t fathom that a bio-retention pond or a rain garden is a structure because it’s basically earth. For example, The Atlantic Grill is a place where this wouldn’t work. They have a very nice raingarden in the front of the building.

Chair Losik commented they are not all well landscaped. Look at the gravel wetland at the end of Autumn Drive.

Alternate MacLeod replied then regulate how it is built. A lot of infiltration basins are literally grassed plains. They’re just lawns. Structures should be regulated as far as side yards because they have impact on the abutters. This is going to create more problems.

Member Finn commented they’re features, not structures.

Chair Losik noted there's a lot of documentation that they are structures. This is really driven by what has happened with recent projects. She reminded the Board of where they have been frustrated; such as, Long John Road. The Board struggled with that "structure/feature" which is a grassed depression. It will look nothing like the natural environment.

Alternate Wright stated that he understands it's earth; however, that grassed area looks nothing like the natural land. Whatever improvements happen should consistently resemble its prior state. Rather than putting setback requirements on it, perhaps how they are constructed should be stipulated.

Planning Administrator Reed noted that Benchmark is going before the ZBA for this exact issue.

Mr. Coronati stated that they weren't sure why they had to go before the ZBA. There are numerous cases where there are bio-retention ponds in the setbacks now.

Planning Administrator Reed explained that Attorney Donovan has made a legal opinion in the case of the Benchmark application that these are structures. Speaking to the Board, she suggested waiting to see how the ZBA handles this next week and address this in December with Attorney Donovan.

The Board agreed to table the discussion until the December meeting.

- **2022-09: Amend definition of structure to define retaining walls**

PROPOSED ZONING AMENDMENT 2022-09

Amend Section 190-11.1 Word usage as follows (Note: New language ***emboldened and italicized***. Deleted language ~~struck through~~).

1) Amend the Definition of Structure found at §190-11.1.B as follows:

STRUCTURE: Any temporary or permanently constructed, erected or placed material or combination of materials in or upon the ground, including, but not limited to buildings, mobile homes, radio towers, ***retaining walls***, sheds and storage bins, storage tanks, portable carports, swimming pools, tennis courts and parking lots. The following are structures but are exempt from the dimensional requirements unless covered in other parts of the ordinance and codes.

[Amended 2001; 3-12-2013]

- (1) Subsurface waste disposal facilities (see §190-2.2.E and Building Code, §35-15B);
- (2) Fences and ~~stone~~ walls (see §190-5.10);
- (3) ***Stone Walls***;
- (4) Driveways (see Chapter 202, Land Development Regulations); and
- (5) Fuel storage tanks (see NFPA requirements).

- 2) Add the following three definitions to Section §190-11.1B:

RETAINING WALL: *A structure for holding in place a mass of earth or the like, as at the edge of a terrace or excavation. A retaining wall is designed, and constructed, to resist the lateral pressure of soil or other material, when there is a desired change in ground elevation.*

FENCE: *A barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.*

STONE WALL: *A fence built of rough stones, may or may not be filled together with mortar.*

Explanation

The add a definition of retaining wall and clarify it as a structure subject to dimensional requirements, and to define fence and stone wall.

Chair Losik stated that this adds retaining walls to the definition of structure. Retaining walls will not be exempt from dimensional requirements. There has also been some misunderstanding about what walls, stone walls, and fences are. Stone walls will have its own definition, which is largely based in two areas of State law. She continued that there has been discussion in regards to retaining walls for a number of years, to a certain degree because of some of the cases that come out of ZBA.

Planning Administrator Reed stated that because a stone wall is exempt, some applicants were calling their retaining wall, to hold back the earth, a stone wall. This is something the ZBA has said needs more clarification in the zoning ordinance. Even if a retaining wall is being made with stone, it's being built to hold back the earth. They asked the Planning Board to come up with a way to distinguish between stone walls and retaining walls. A stone wall is really something that is decorative and used for boundaries. Something that is used to hold back the earth or is used for the creation of a retaining wall should be called out as a retaining wall.

Alternate MacLeod stated there is no question that a retaining wall is a structure. However, it should be regulated by height. For example, there are houses that have decorative retaining walls on the sides of the property that work with the landscaping. Those are retaining walls, but they always fall within the side yard setback.

Chair Losik pointed out that Planning Administrator Reed sent this to Steve Harding at Sebago Technics for his review. His advice is to make a distinction to the height.

Alternate MacLeod stated that his suggestion would be to make any wall 6ft or higher a structure that needs to meet the required setback.

The Board agreed to table for further review of the language.

- **2022-10: Correct a wetlands reference**

PROPOSED ZONING AMENDMENT 2022-09

Amend Section 190-11.1 190-3.1, B.(1) to correct a reference:

~~§190-11.1~~ 190-3.1, B.(1)

The precise location of wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils and wetlands hydrology in accordance with the techniques outline in the *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Northcentral and Northeast Region*. The hydric soils component of delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Versions 4, April 2019), published by the New England Interstate Water Pollutions Control Commission.

Explanation

An amendment to Rye Zoning Section §190-3.1, B.(1) was adopted on 7-13-21. An incorrect reference to §190-11.1, Article XI Definitions was made. This amendment corrects the referencing under Rye Zoning Section §190-10.0, B: where a previously adopted amendment has resulted in an incorrect reference to another zoning section, the Planning Board may make the corrections after a public hearing pursuant to RSA 675:3, without putting the corrections on the Town warrant and ballot for approval.

Motion by Jim Finn to move Proposed Zoning Amendment 2022-09 to a public hearing in December. Seconded by Katy Sherman. All in favor.

- b. Conceptual Consultation** by Green and Company for Major Subdivision and Special Use permit for properties owned by Ciborowski Nominee Trust and located on Lafayette Road, Tax Map 10, Lot 6 and Tax Map 14, Lots 5, 8 & 9. The intent is to construct 40 units on Lot 6 and another 40 units on Lots 5, 8 & 9 with 20% being workforce housing. Properties are in the Commercial District, Aquifer and Wellhead Protection District, Multi-family Overlay District and the Berry's Brook Watershed.

Joe Coronati, Jones & Beach Engineers, presented to the Board. He explained this is a conceptual for a piece of land that has multiple frontages on Route 1 with a portion being located in Greenland, as well. There are a couple of parcels that can be put together but are currently separate. There are 18-acres located in Greenland and three separate parcels in Rye, which totals about 101-acres. The development is only a portion of the land. The area on the plan shows the front portion and doesn't show a lot of the land to the rear, which is a lot of wetlands. The

headwaters and part of Berry's Brook runs through the back portion and then it returns to uplands in the rear. He continued that the property is zoned commercial with a multi-family overlay district. The idea is to develop two separate forty-unit developments. (He pointed out the parcel on Tax Map 10, Lot 6, on the plan for the Board. He also pointed out the parcel on Tax Map 14, Lot 5, with part of Lot 8.) He noted that beyond Lot 8, a lot of it is wetland. There is a point of upland that would most likely be utilized for septic and drainage. The intent is to merge Lots 5 and 8, which would make it close to 80-acres for a separate development. He noted that the roads for the two developments would be connected to provide for flow through traffic. The best place for the entrance to the first development is right across from Airfield Drive. The curb-cut in Greenland lines up with the drive to the Bethany Church. The church's driveway is at the peak of a hill and there is sight in both directions. Going further down the hill, sight distance is lost.

Mr. Coronati continued that the units being considered are two-story, with a first floor living layout and a smaller second floor. The units might be something that would be more amenable to an empty nester or older couple. The units will have two car garages. The units are roughly 36 x 60 for the footprint. He noted that Berry's Brook is in the rear and there is a 100ft setback. There are a couple of small isolated wetlands and there is a potential vernal pool. The whole wetland itself in size doesn't meet the setback requirement. However, there is a separate setback for vernal pools, so a 75ft surface water setback is shown.

Chair Losik pointed out that it's 100ft to a vernal pool.

Mr. Coronati continued that for the Rye layout, they tried to break up things as best as possible. Given the wetlands location, it made it challenging. There was only enough width for a road with units on either side. With the other parcel, it was able to be broken up with a loop. The intent was to keep the setbacks to the isolated wetlands. There is also a desire to have some separation of the units from Route 1. The other goal was to break up the style of units. There are some single-families, townhouses and larger three-unit buildings.

Member Sherman stated that her first concern is the setbacks in looking at the commercial property and the setbacks between the buildings, wetlands and vernal pools. She noted that the ordinance says that land cannot be subdivided to have more than forty homes. This is already subdivided land. This is just massive to her.

Mr. Coronati pointed out that the plan doesn't show another parcel, as it only shows the portion that's being developed. There's a lot more land out there that's wooded that's not able to be developed.

Chair Losik pointed out that jurisdictionally they are only dealing with Rye. The properties in PL-2 are Greenland.

Alternate MacLeod stated that he understands the intent of not being able to subdivide. That would be a trick that someone would always use to create two parcels for two forty-unit developments. To take two parcels and add them together is not subdividing, it's combining.

Alternate Wright stated that he is concerned about the unknown effects of the hydrology on the whole area. There's the potential to fundamentally change the groundwater flow. There is already the issue of wondering what the long-term consequences of Coakley is going to be. This is going to be huge number of people going into a place that's mostly ledge and water.

Alternate MacLeod asked if the soils are like the Hector's site.

Mr. Coronati replied that it's very rocky. Quite a few test pits have already been dug along the backside with success. There has been some previous discussion in regards to sewer in this area. Sewer would be very beneficial to this area, as well as this development. If septs are needed, there would be plenty of review during the planning process.

Referring to natural features, Chair Losik pointed out that trees are a significant feature. She asked if there are stone walls.

Mr. Coronati pointed out a stone wall on the plan between two lots. (He spoke a bit about the ledge.)

Chair Losik asked if the roads are 24ft wide.

Mr. Coronati confirmed.

Chair Losik stated this is creating a mini-community. In looking at the numbers, with everyone driving on the same road, the transportability makes her nervous. There's going to be a lot of activity on narrow roads.

Mr. Coronati replied he doesn't think there is an issue with going wider on the roads.

Member Sherman asked where the water would come from. She asked if they have talked with Rye Water or Aquarion about the development.

Mr. Coronati replied that he has not talked to either about the development. He does not think it will be Aquarion because they're on the North Hampton side. He thinks that Portsmouth water goes up to Benchmark.

Selectmen's Rep Epperson stated there's a Rye Water main that goes across Route 1 to Bethany Church and up to the Chinburg development. There has been significant conversation about the development on Route 1 and whether Rye has the ability to supply water in that area. In regards to the driveway coming out on Route 1 at the same place as Airfield Drive, that is going to be a nightmare with the forty-units being produced on Airfield.

Chair Losik pointed out that at Airfield Drive there will be Grail Zone, which is fitness activity. There's a fair number of small shops at Rye Place. She asked how people will get from the west side of Route 1 to the east side safely, in a pedestrian manner. She asked if they are thinking about crosswalks at Washington Road or crosswalks at Airfield.

Mr. Coronati stated that the only option would be for crosswalks at Washington Road. He agreed it would be good to consider pedestrian access.

Referring to lots 8, 9 and 10, Chair Losik stated that it shows a good amount of tree cover, which may or may not be there. That's very protective of the units in this area to the visibility of Route 1. If something changes on those lots, it could have a detrimental impact if the trees weren't there.

Member Carter stated that this land is being intensely developed. He doesn't see how it can be done without sewer. He can't imagine where all the septs are going to be located. The reason why anything hasn't been developed is because of the ledge and wetlands.

Mr. Coronati replied they feel it is doable. They may need some pretty advanced treatment systems.

Planning Administrator Kim Reed noted that her concern is how this is going to be engineered for the stormwater for this much infrastructure.

Chair Losik pointed out that this is tight. The property is being saturated with units. She doesn't really see how stormwater can be dealt with except for lot 8, which the topo goes that way.

Mr. Coronati pointed out that the topo goes every way.

Chair Losik asked if he is thinking that's how lot 8 will be used.

Mr. Coronati pointed out the area on the plan that is a finger of upland, which could be used for septic systems or stormwater. He doesn't think they are going to try to concentrate all the stormwater into one location. It's too large of a development. It's going to be broken up with multiple ponds surrounding the site. There may be one raingarden for every triplex. The goal of low impact design is to not concentrate stormwater, so it gets broken up into smaller sections. They will have to consider a variety of materials for the development.

Alternate MacLeod agreed with Member Carter that it seems very dense for a ledgy site. He has reservations if sewer is not available. In looking at the Hector's site, they are still juggling septic systems on perfect soil. His experience is that when there's a high-density development, not on sewer, the septic systems drive the design. There has to be accurate topography and good test pits. That's what will drive the layout.

The Board finished their conceptual review.

c. Renew contract with Sebago

**Motion by Bill Epperson to accept the consulting agreement with the consulting agreement between the Town of Rye and Sebago Technics for engineering services.
Seconded by Katy Sherman. All in favor.**

4. Committees

❖ Long Range Planning – Visioning Set November 10, 2021

Chair Carter announced that the Visioning Session is being held tomorrow evening at the Rye Junior High starting at 6:30 p.m. Masks are required for anyone who attends. He encourages anyone who is interested to sign up and attend. The Long Range Planning Committee is looking forward to hearing everyone's thoughts. He continued that a second Visioning Session is being held on January 12th at the Rye Congregational Church. Masks will be encouraged for that event, but not required.

Chair Losik thanked the members of the Long Range Planning Committee for their hard work: Steve Carter, Katy Sherman, Kathryn Garcia, Rob Wright, and Ad Hoc Member Dominique Winebaum. She also thanked Kim Reed and Julie LaBranche for their support.

❖ Rules and Regulations – update

Chair Losik acknowledge the work of the Rules and Regs Committee: Kevin Brandon, Kim Reed and Nicole Paul.

❖ TRC – update on existing subdivisions

Planning Administrator Reed will set up a site walk for the Planning Board at 1244 Washington Road to tour the development for Tuesday, November 16th, 1:00 p.m.

5. Other Business

a. Minutes – October 12, 2021

The following corrections were noted:

- Page 3, 1st paragraph, 3rd sentence should read: **One of the areas of concern is the flood risk information in 202-6.9.C which would require the applicant to show sea-level rise projects at 1.7', 4' and 6.3'.**
- Page 12, 2nd paragraph, 3rd sentence should read: **The existing trees in that area are fairly high limbed, so there is a bit of missing buffer in the intermediate range.**

Motion by Katy Sherman to accept the minutes of October 12, 2021 as amended. Seconded by Steve Carter. All in favor.

b. Escrows

Motion by Bill Epperson to pay the escrows as follows:

- 1) Jones & Beach (Former Hector's Site) 0 Lafayette Road**
 - a. Attorney Donovan - \$1,970.00
 - b. Sebago - \$1,130.74
 - c. Danna Truslow - \$1,375.00
- 2) Benchmark a/k/a Rye Investors, LLC for 295 Lafayette Road**
 - a. Attorney Donovan \$2,210.90
 - b. Attorney Donovan \$300.00
 - c. Sebago - \$982.50
 - d. Sebago - \$1,066.49
 - e. Danna Truslow - \$1,650.00
- 3) Berry's Brook Village (Pierce) Condo Application 271-279 Pioneer Road**
 - a. Attorney Donovan - \$1,225.00
 - b. Attorney Donovan - \$1,295.00
- 4) Stoneleigh**
 - a. Sebago - \$524.00
- 5) 1244 Washington Road**
 - a. Sebago - \$749.23

Seconded by Kevin Brandon. All in favor.

6. Communications

None

Adjournment

Motion by Jim Finn to adjourn at 10:03 p.m. Seconded by Katy Sherman. All in favor.

Respectfully Submitted,
Dyana F. Ledger