

**TOWN OF RYE – PLANNING BOARD
MEETING**

**Tuesday, March 29, 2022
10:00 a.m. – Rye Town Hall**

***Members Present:* Chair Patricia Losik, Rob Wright, Kevin Brandon, Jim Finn (via Zoom) and Selectmen’s Rep Bill Epperson**

***Present on behalf of the Town:* Planning/Zoning Administrator Kimberly Reed and Attorney Michael Donovan (via Zoom)**

***Present on behalf of the applicant:* Attorney Kevin Baum (via Zoom), Mike Garrepy of Garrepy Planning Consultants and Dave Garvey**

I. Call to Order

Chair Losik called the meeting to order at 10:10 a.m. and led the pledge of allegiance.

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

- a.** Minor Two Lot Subdivision by Tuck Realty Corporation for property owned by Malcolm E. Smith, III for property located at 0 Lafayette Road, Tax Map 10, Lot 1 to subdivide the parcel into 2 separate lots. Property is in the Commercial District, Aquifer & Wellhead Protection District and Multi-Family Dwelling District.
Case #05-2022.

Chair Losik opened to the applicant for updates.

Mike Garrepy, Tuck Realty, noted that the 40’ easement area has been added on the plan. The easement runs along the common boundary line, which is shown on the A-1 subdivision sheet. The location of the connecting road is shown on the next sheet, which would be used as an emergency access, if needed after the 30 units are built. Upon the Benchmark completion that easement area would be abandoned. Mr. Garrepy continued that Attorney Baum prepared the easement language and sent it over to Attorney Donovan for his approval. Sheet C-2 shows how the roadway would lay out.

Member Wright asked Mr. Garrepy to highlight the curb cut location that is intended to be used for the road.

Mr. Garrepy pointed this out on the plan before the Board. Mr. Garrepy explained that if the condominiums get to the point where the 21st certificate of occupancy is needed and Benchmark has not acquired that land, the easement will come into play for the emergency access road.

Chair Losik pointed out that this access road is 18' wide.

Mr. Garrepy confirmed. He noted that they still need to get the Fire Chief's review and final written approval in regards to the access, as this is a condition of approval for both the condominium project and Benchmark.

Chair Losik asked if the Fire Chief has seen this plan.

Mr. Garrepy stated he has not seen this plan. They just need to be sure that the Fire Chief is okay with crushed gravel for a temporary access. The permanent will be a 20' wide paved access.

Note: *Kevin Brandon arrived at 10:17 a.m. A quorum of the Board was present.*

Motion by Rob Wright to allow Jim Finn to participate in the meeting via Zoom. Seconded by Bill Epperson. All in favor.

Chair Losik clarified that the Fire Chief has to sign off on the material for the road, the width and turning radius for the trucks.

Mr. Garrepy confirmed. He noted that the Fire Chief needs to sign off on both site plans in general.

Speaking to Attorney Donovan, Chair Losik asked if he was fine with the 18'.

Attorney Donovan confirmed.

Chair Losik commented that the existing tree lines should be show on the existing conditions plan.

Mr. Garrepy stated that it would be cleaner to not show it on the sheet that will be recorded (A-1).

Chair Losik explained the LDR requests that they stay on. She would put the tree lines on existing conditions. (She reviewed the area being referred to on the drawing for the Board.) Chair Losik noted that both of the lots are in the groundwater management zone. She thinks it's important to show the groundwater wells that exist.

Attorney Donovan agreed.

Mr. Garrepy agreed to add them to Sheets C-1 and C-2. He reiterated that Sheet A-1, which will be recorded, should stay as clean as possible.

Attorney Donovan agreed that he was fine with C-1 and C-2.

Referring to Attorney Donovan's March 25th email, Chair Losik read through possible conditions of approval:

- 1. Monumentation shall be installed as required by the Land Development Regulations for the 3.64-acre parcel. A certificate of monumentation shall be provided to the Planning Board and Building Inspector prior to the first occupancy permit being issued. Grading of lots shall not disturb installed monumentation. If development disturbs or covers monuments, the monuments shall be reestablished by a surveyor and a new certificate of monumentation provided. The plans shall be revised to reflect the change in the monument.**
- 2. Sufficient funds shall be placed in escrow with the Planning Board to pay statements of town counsel.**
- 3. Existing monitoring wells, the existing tree lines and the speckled area of gravel added in the legion.**
- 4. Fire Chief's written approval with respect to the crushed gravel material and the width of the emergency access depicted on C-2 and adequate truck turning radius.**
- 5. Easement deed approved by Attorney Donovan approved on March 22, 2022 shall be recorded with the deed at the conveyance of Tax Map 10, Lot 1.**

Attorney Donovan pointed out that the easement deed will be automatically extinguished when a deed from Benchmark to Parcel 10-1 is recorded or when the Planning Board approves another site development plan for Parcel 10-1.

The Board had no further questions.

Chair Losik opened to the public for comments. Hearing none, she closed the public hearing at 10:35 a.m.

Motion by Bill Epperson to approve the Minor Two Lot Subdivision by Tuck Realty Corporation for property owned by Malcolm E. Smith, III for property located at 0 Lafayette Road, Tax Map 10, Lot 1 to subdivide the parcel into 2 separate lots. Property is in the Commercial District, Aquifer & Wellhead Protection District and Multi-Family Dwelling District. Case #05-2022, with the stated conditions of March 29, 2022. Seconded by Rob Wright. All in favor.

Adjournment

Motion by Bill Epperson to adjourn at 10:37 a.m. Seconded by Rob Wright. All in favor.

Respectfully Submitted, Dyana F. Ledger

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

- Applicant:** Tuck Realty and Jones & Beach, Engineers, Inc.
- Owners:** Malcom E. Smith III, of Hampton NH, Tax Map 10, Lot, and Lot 2
- Property:** 0 Lafayette Road, Tax Map 10, Lots 1
Property is in the Commercial District, Aquifer and Wellhead Overlay District and the Multi-family Overlay District.
- Application case:** Case #05-2022
- Application:** Minor Two Lot Subdivision by Tuck Realty Corporation for property owned by Malcolm E. Smith, III for property located at 0 Lafayette Road, Tax Map 10, Lot 1 to subdivide the parcel into 2 separate lots. Property is in the Commercial District, Aquifer & Wellhead Protection District and Multi-family Dwelling District. Case #05-2022.
- Date of decision:** March 29, 2022
- Decision:** **The Board voted 5-0-0 to conditionally approved the two lot subdivision with the following conditions:**
- 1. Monumentation shall be installed as required by the Land Development Regulations for the 3.64-acre parcel. A certificate of monumentation shall be provided to the Planning Board and Building Inspector prior to the first occupancy permit being issued. Grading of lots shall not disturb installed monumentation. If development disturbs or covers monuments, the monuments shall be reestablished by a surveyor and a new certificate of monumentation provided. The plans shall be revised to reflect the change in the monument.**
 - 2. Sufficient funds shall be placed in escrow with the Planning Board to pay statements of town counsel.**
 - 3. Existing monitoring wells, the existing tree lines and the speckled area of gravel added in the legion.**
 - 4. Fire Chief's written approval with respect to the crushed gravel material and the width of the emergency access depicted on C-2 and adequate truck turning radius.**
 - 5. Easement deed approved by Attorney Donovan approved on March 22, 2022 shall be recorded with the deed at the conveyance of Tax Map 10, Lot 1.**

3/30/2021
Date

Patricia Losik
Patricia Losik, Chair
Rye Planning Board

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.