

**TOWN OF RYE – PLANNING BOARD  
MEETING**

**Tuesday, June 14, 2022 – 6:00 p.m.  
Rye Public Library**

***Members Present:* Chair Patricia Losik, JM Lord, Steve Carter, Jim Finn, Kevin Brandon, Selectmen’s Rep Bill Epperson and Alternate Bill MacLeod**

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

**1. Call to Order**

Chair Losik called the meeting to order at 6:04 p.m.

Alternate Bill MacLeod was seated for Rob Wright.

**2. Submittal of Applications for Determination of Completeness.** Not a public hearing. If complete, a public hearing will immediately follow – Action Required:

- a. Major Subdivision Plan** by Jones & Beach Engineering, Inc. on behalf of Marlene Veloso & Charles Fast property owners for property owned and located at 850 Washington Road, Tax Map 11, Lot 130 to subdivide the parcel into 3-lots and a road. Property is in the Single Residence and Aquifer & Wellhead District. **Case #11-2022.**

Vice-Chair Lord stated that he doesn’t feel the application is complete. If the impervious area is greater than 50,000 s.f. it triggers the hydro study and triggers a special use permit.

Chair Losik concurred. A hydro study is required for any disturbance over 50,000 s.f., as it’s in the Aquifer and Wellhead Protection District. On Sheet C-2, before any disturbance on the lot, it’s at 51,500 s.f.

**Paige Libbey, Jones & Beach Engineering,** agreed. She noted that with the addition of the cul-de-sac the disturbance went above the 50,000 s.f. That was not something that was realized when the initial application was submitted.

Chair Losik asked if a landscape architect is going to be involved, as it’s required in Section 11. Also, there’s reference in the stormwater because there should be some design on that bioretention.

Ms. Libbey pointed out that a landscaping plan was included with the application for street trees along the road. Typically, what is done for bioretention now, which is recommended by U.N.H., is just grass. This is recommended for the functionality of the bioretention.

Chair Losik noted that she is thinking more on the embankment, particularly to the neighbor to the west.

Ms. Libbey replied this is something that they can do if the Board would like.

Chair Losik commented that they can talk about this in the future.

**Motion by JM Lord to declare the application for 850 Washington Road as not complete. Seconded by Bill Epperson. All in favor.**

There was discussion about scheduling a site walk and setting escrow at \$5,000. It was agreed that the application would not be back before the Board until the August meeting, in order to give enough time for the hydro study to be completed.

➤ **Site walk scheduled for July 19<sup>th</sup>, 4:00 p.m.**

Chair Losik opened to Ms. Libbey for a brief overview of the project.

Ms. Libbey noted this project is for 850 Washington Road, Map 11, Lot 130. It's a 6.8-acre lot on the south side of Washington Road between Grove Road and Fern Ave. Marlene Veloso and Charles Fast recently purchased the property with an existing single-family, three-bedroom home that was constructed in 1739. The proposal is to subdivide the property into three lots. There would be two additional lots and one lot for the existing single-family home. The property is located in the single residence zone and the aquifer protection zone. The lots that are being proposed meet all the zoning requirements for lot area, frontage, lot depth and all the setbacks. There are no wetlands on the property.

Ms. Libbey noted that this property was before the Board before for a subdivision of four lots. The plan is now being reduced to three lots. A 750ft road with a cul-de-sac at the end is being proposed. This is also another change from the previous application because it was previously proposed as a hammerhead. Now that the regulations have changed and do not allow a hammerhead, a cul-de-sac is being proposed. She continued that for stormwater management they're proposing bioretention on the west side of the proposed road, as well as drip edges for each house and porous driveways.

Chair Losik requested that the center line of the proposed road be staked, along with the location of the cul-de-sac. She also requested that the corners of the proposed houses be staked, along with the the designated leach areas (DLA) and the lot lines.

Ms. Libbey agreed.

**Motion by JM Lord to declare the application for 850 Washington Road as not complete. A site walk will be conducted on July 19<sup>th</sup> and the application is continued to the August 9, 2022 meeting, subject to a hydro study. Seconded by Jim Finn. All in favor.**

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

- a. Minor Site Development Plan** by RJ Joyce for the property The Carriage House Restaurant located at 2263 Ocean Blvd, Tax Map 5.3, Lot 53-03 for seasonal outdoor dining. Property is in the Business District, Coastal Overlay District. **Case #07-2022.**

**Attorney Tim Phoenix, representing the applicant,** spoke to the Board. He explained that the application was before the Board in April to continue, in non-Covid times, outdoor seating in the five-parking space area. At that meeting, since parking was already insufficient and was being reduced, the Board felt they couldn't rule on the application until it went to the Board of Adjustment for a variance. He noted that the applicant has received that variance. He also noted that a full plan has been prepared by Ambit Engineering. The concern of the Police Chief was protection for the public on the property, so boulders have been placed to provide that protection, which is shown on the plan. He pointed out that nothing has changed about what the owners want to do. The ZBA set a limit of the rest of this season and two more seasons to see how it goes. At that time, the applicant will have to ask for that to be extended to become permanent or another variance will need to be requested. The intent is to give the applicant, neighbors and the Town a chance to see how this goes before determining whether to make it final. He continued that the Police Chief and Fire Chief both weighed-in on this during Covid. At that time, the outdoor seating was permitted by order of the Governor. A letter from Fire Chief Cotreau has been submitted to the Board stating that he does not have any problems with the proposal. There is also a letter from Police Chief Walsh noting that he is on temporary assignment and Scott Blaisdell will be handling this while he is out of office. The concerns from the Police Department were noise, voices, speakers, and the location of the outdoor seating being protected from moving cars, which have all been addressed. He believes they have covered police and fire.

Attorney Phoenix stated that it was very clear in JM Lord's motion from the April meeting, what he wanted to be done. JM Lord had asked for "*a statement addressing exemption from the LDR or a request for waivers*". Attorney Phoenix commented that he is hoping the Board will agree that this is exempt. He noted that he submitted a memo which goes through each requirement and cites how and why this complies. In the event the Board feels that it's not entitled to an exemption, he has requested a blanket waiver because nothing is changing physically on the site, except for the placement of picnic tables and barriers of a temporary nature. The building is not changing and the overall parking area is not changing. He pointed out that during Covid, there was a takeout table to the side of the building, where people would order food and wait for it. He thinks this was one of the concerns of the neighbors along Brown's Court; however, that takeout table is now gone.

Referring to the parking shown on the variance plan, Chair Losik pointed out that the space calculation doesn't agree with the calculation laid out in the previous plan.

Attorney Phoenix explained there's a calculation that Ambit did about 1 space per 4 guests. Someone pointed out that this might be inaccurate.

Chair Losik commented that 1 space per 4 guests is not Rye's zoning. She pointed out that the variance the ZBA granted was 12 when 37 was needed. She noted that in 190-5.0(4), it's 1 space per 3 people, plus 1 for each employee, plus 1 per 2 barstools. She commented that the calculations can easily be changed on the variance plan. She continued that Chief Walsh has consistently had comments about the noise. His letter from April said no outside speakers for music or announcements. She asked the applicant if this is something they could live with.

**RJ Joyce, applicant**, confirmed.

Attorney Phoenix pointed out that during the two years with Covid, there were no complaints about noise. He continued that one of the other variance requirements was to provide for 5 off-site parking spaces. There are two emails from Martha Leary, who owns The Dunes. The Carriage House had already rented 11 spaces at The Dunes, which is where the employees park. This is important because the employees could take up 11 of the 17 spaces they have at the site. It was unclear whether the 5 spaces that the Zoning Board requested included the 11 spaces or not. Martha Leary's second email clarifies that the applicant already has 11 spaces and she is giving 5 more.

Hearing no questions from the Board, Chair Losik opened to the public for comments. Hearing no comments, she closed the public hearing at 6:30 p.m.

Speaking to the Board, Chair Losik stated that she believes it meets the exemption requirements.

The Board agreed.

**Motion by JM Lord to approve the Minor Site Development Plan for 2263 Ocean Blvd, Tax Map 5.3, Lot 53-03 for seasonal outdoor dining with the following conditions; 1) correction of note #9 on the required parking; 2) the conditions of Chief Walsh's email of 4-08-2022 of no outside speakers for music or announcements; and 3) ZBA conditions of approval of 6-01-2022. Seconded by Jim Finn. All in favor.**

- b. Major Site Development, Residential Condominium and Commercial Site Plan by The Sagamore Group, LLC** for property owned by Split Rock Cove Family Trust of 2019 and located at 15 Sagamore Road, Tax Map 24, Lot 22 to construct three single-family condominium dwellings on the back of the lot and two commercial buildings on the front of the lot. Property is in the Single Residence and Commercial District. **Case #10-2022.**

Chair Losik noted that the Board has a lot more information. She thanked the applicant for hosting the Board at the site walk. She thinks the Board has an appreciation for what's there; the topography, ledge, etc. She pointed out that new information has been received from Sebago Technics in regards to the drainage. The Board has reviewed the applicant's response, dated June 2, 2022, to Steve Harding's May 5, 2022 letter. Another letter was also received from Sebago on June 13<sup>th</sup>. Additionally, the Board has reviewed some information that should be

discussed. They probably won't go through all items at this meeting. The Board can decide what they think are the most important and threshold issues. She asked the applicant to bring the Board up to speed.

**Joe Coronati, Jones & Beach Engineers**, noted that a couple of things were discussed at the site walk that need to be added to the plan set, which has not yet been done. At the time of the site walk, he was responding to Sebago's initial comments. A plan was submitted on June 2<sup>nd</sup> and a subsequent letter from Sebago was received. He noted that Jeff Highland, Ironwood Landscaping, is working on landscaping plans. In going back and forth between the plans, there are a lot of changes happening very quickly. In the June 2<sup>nd</sup> plans, the fence location was coordinated behind the commercial units. The fence along Unit 8 was removed. It was agreed at the site walk that the fence was not necessary because the area next to this unit is all wooded. There are two small drainage features on the site. Those have both been switched to be bioretention areas, so they are vegetated. Previously, the one in the back was an infiltration basin, so it was stone lined. The grading and depth to water table elevations have changed a bit. The bioretention areas will be vegetated lawn areas. With that, he has to coordinate with Ironwood on the landscaping. There are plantings behind the commercial buildings. A lot of the plantings that would be left, would be along the fence line and on the other side of the fence, as opposed to where they are currently located.

Mr. Coronati noted that he will continue to go through the comments from Sebago. He presented the current landscaping plan. At the last minute, the bioretention pond was moved. Some of the plantings along the fence and outside the fence will be reduced. He pointed out that bioretention #2 goes the length of the back of the commercial building from Unit 3 to Unit 5. There is space for plantings along the back of the fence and on the other side. There is some ability to move the fence a bit to plant on either side. He noted that the fence is a 6ft stockade. He continued that at the site walk there was a request to locate existing oak trees on the site that can be retained. That has not yet been done, but will be coordinated prior to the next meeting.

Mr. Coronati stated that they looked at the ledge near the Seaport Fish sign. He doesn't think there can be a heavy planting area on top of that ledge. Ironwood's plans may have to be modified a bit. There was a question about whether it was worth removing a commercial parking space to not have to impact that ledge. He noted that Sheet T-1 shows the extent of that ledge into the parking space. One space may keep some of it. Two spaces may keep all of it. He commented this is something for the Board to consider.

Chair Losik asked where they are at with respect to the analysis of ledge.

Mr. Coronati replied that Mr. Garrepy has been in touch with Maine Drilling and Blasting. He has worked with them in the past on multiple projects. They are going to come out and do a series of drilling around the buildings to come up with ledge quantities. This should be done within the next two to three weeks.

**Mike Garrepy, Developer**, noted that they will come up with a ledge profile and the quantity that needs to be removed. They will be testing the ledge as they drill to see if it's something that can be hammered or if it has to be blasted.

Selectman Epperson asked if the tenants in the buildings been notified of the project.

Mr. Garrepy stated they've all been notified by the current owner. There are only two tenants now, as one building is vacant.

Selectman Epperson commented it's a challenging piece of property, as far as ledge is concerned.

Mr. Coronati pointed out that ledge is all throughout that area in Rye and Portsmouth.

Chair Losik stated that she is interested in how much ledge is there and what that will mean. She would also like to know how much is shallow and what the plan will look like after.

Vice-Chair Lord stated that he was not on the site walk with the Board. However, he did visit the property and spent about an hour walking the entire site, as well as the sites to the south and to the west. He thinks there's a major amount of ledge here. On the southern half of that property, there is a major outcrop. He continued there's a lot of things planned here and this is a very intense project. There's really not going to be a buffer from the house to the southwest. It's going to be looking right across at the commercial area. He thinks a ledge profile of this property should be done, so they can see where the grades are today and where they are going to be. The ledge is not only going to be where the buildings and road is proposed. It's also where the parking lot and landscaping is proposed. He questions whether trees can even be planted because of the ledge. He thinks it's a problematic site.

Mr. Coronati stated that site constraints are not atypical from what has been seen with recent applications. Test pits were done all throughout the site and those are located on Sheet C-1. Seasonal highwater tables are listed right on the test pits. A lot of times, those seasonal highwaters are the ledge depth. Sections of ledge are definitely going to be hit. However, the ground varies in the way it's shaped. The site is going to be sloped. However, he is not afraid of this amount of ledge. There is an existing building clearly on slab. The proposed building is on slab. The site has been developed with drain lines running through, so ledge has been excavated when those were put in.

Vice-Chair Lord stated that 421 South Road evolved over time and there was a lot more ledge than anticipated. It really changed the entire nature of how the development was built. He's trying to apply that same logic to how this site is looked at. There's really not a good idea of how things will work until there is a good idea of where the ledge is located.

Referring to the proposed parking lot area on the northern side of the lot, Mr. Coronati explained they are filling that whole area higher than what is out there today. Between test pits 1, 2, and 4, there was a pretty good size variation.

Vice-Chair Lord asked how well the porous pavement will really work. He thinks everything is riding on the question of how much ledge is really there.

Mr. Coronati noted that this porous pavement is different than the Hector's site. This site is completely under drained in the porous pavement section. He pointed out they have done porous pavement designs on clay soils where there is not much infiltration. With underdrains, it still has the same function of treatment, storage and filter. He also pointed out that they are not into the ledge that much for the porous pavement sections.

Chair Losik asked about the impervious calculations in the residential area.

**Mick Khavari, Architect**, explained that in the previous plan set, there was a typo of 16.9% and it should have read 14.9%. That was called out at the last meeting. He also noticed that the covered porch areas weren't taken into account. He has some work to do in tweaking the size of the houses to account for the porch area of each home.

Chair Losik stated that this is one of the critical components of the ZBA decision.

Mr. Khavari reiterated that's in progress and he will have those plans submitted for the next meeting. It requires changes to all the architectural plans for the residential units. He clarified that the calculations will not exceed 15%.

Chair Losik asked how they get to 30ft between the buildings.

Mr. Garrepy stated that the ZBA said that three units could be relocated in the residential portion of the property. Fire code requirement is normally 20ft for separation. The buildings are at 30ft because they can be. He commented they were trying to get as much light, air and space between the units as possible.

Chair Losik commented that in the single-residential zone it says 20ft for each yard.

Mr. Garrepy replied it's a condominium by design, so there really aren't setbacks.

There was some discussion whether there could be 40ft between each residential unit.

In regards to the question of whether there needs to be a side yard setback between the buildings, Attorney Phoenix stated that he has never seen a condominium plan, unless the ordinance required separation of buildings, that would treat that as a side yard. The yard is the yard from the perimeter of the lot and it's one lot.

Chair Losik commented this is consistent with the ZBA ruling and it makes sense. She asked about snow storage.

Mr. Coronati pointed out that snow storage is shown on the north side, on the west side, along either side of the rear access road and along the south side of the access road. Snow storage is shown along the entire perimeter.

Chair Losik stated that there's a landscape buffer on the north, which is pretty narrow.

Mr. Coronati noted there are trees along that section that are 10ft wide, which is basically the only option for that section.

Mr. Garrepy commented that they will coordinate the snow storage areas with Jeff Highland to make sure there are no conflicts with the landscape plan. He pointed out that they may not be ready to come back to the July meeting, if they are going to do a ledge profile analysis.

Vice-Chair Lord asked the applicant to speak in regards to the buffers, as the rear of the property is basically being clear-cut right to the property line.

Mr. Coronati explained the buffer area to the Board by referring to the plan before them. He pointed out the area where they are cutting and replanting trees.

Mr. Garrepy noted that they have met with the abutters. They don't occupy the home on the abutting lot, as it is a rental, but they are still concerned. A landscaping plan has been provided with their comments considered.

Chair Losik pointed out that the uses for the buildings may change. She asked about the loading and unloading.

Mr. Coronati stated they don't have an actual location for any of the commercial loading. The areas where there could be unloading would be in the aisle ways in the northern parking lot or at the front entrance during off-peak hours.

Mr. Garrepy noted that the owner of La Mulita uses the front door to bring in his coffee beans and other supplies. His entrance opens up to a double door, so larger deliveries can be brought in through the front. He pointed out that this might not happen with this design. There may be deliveries with small box trucks in the front. The breezeway between units 1 and 2 is designed for dollies to deliver to the back of units 3, 4 and 5. There may be some temporary parking of a small box truck in the parking aisle for a short period of time.

Mr. Khavari stated there is access to the breezeway through the double doors from both buildings. Additionally, there's a ramp system that runs down the back of the buildings for rear access. It's not intended that these units will be inventory intense businesses.



Chair Losik asked if these things can coexist together and be in accordance with the regulations. She read from LDR 202-6.3.E(3), Site Design Standards: *“Sufficient off-street loading, unloading and delivery area shall be provided. Such areas shall be separated from non-employee parking areas, pedestrian walkways and general use circulation drives. The design of such areas shall be sufficient to allow the safe maneuvering of all anticipated sizes of delivery vehicles.”* With the explanation just given and the plans, she’s struggling a bit with whether these areas are separated.

Mr. Garrepy replied they can look into this with more detail. He suggested that they might be able to provide on the plans the zones where the delivery trucks may temporarily park. He pointed out that one thing they wanted to provide on the site is some kind of outside area for patrons to sit and enjoy coffee or whatever else might be in these buildings. He would hope that they wouldn’t have to compromise that space for a loading zone that would be used only occasionally.

Chair Losik commented that they will need to think about this because what’s occasional today could be something different tomorrow. They should provide for good reasonable use in accordance with the standards.

Mr. Garrepy pointed out that they are providing proposed uses for each unit without identifying a tenant. When a new tenant wants to go in that’s different, they have to go through a change of use application process through the Planning Board. The Board would be deciding if the use takes too many parking spaces or if there are going to be issues with delivery and traffic. With the change of use, the Board would have the chance to say whether it will work. The site is being built for this particular proposal. If it were to change, the Board would have the chance to say “yes” or “no” to that change based on the intensity that’s proposed.

Speaking to Vice-Chair Lord, Chair Losik asked if his concern about the buffers was about the 25ft buffers or residential to commercial.

Vice-Chair Lord replied residential to commercial and residential to residential. It seems that they are going “wall to wall” on clearcutting this property and just adding in a bit of landscaping to make it up in the process.

Mr. Coronati commented there’s no requirement for trees for residential to residential.

Chair Losik stated there’s a section in ‘Site Design Standards’ that relates back to zoning. There’s also an area: *“other areas where appropriate and other circumstances, buffer strips at least 25ft wide shall be provided in order to ensure privacy and noise reduction for residential areas abutting site developments.”* When she looks at bioretention pond #2, she doesn’t know how units 6 and 7 are going to feel about that. She can’t tell what that’s going to look like yet. She pointed out the front of units 6 and 7 are looking at the bioretention. The 15ft wide planting area has been taken out.

Mr. Coronati explained it's still a vegetative area. There is a 6ft tall fence between the uses with plantings on either side. When the resident is looking at the back of the commercial unit, if the tree is 6ft forward or back is not going to make much difference, as it's behind the fence. The tree will be above the fence and clear to viewing. The building is two-stories, but the second story is built into the roofline. He commented that if the concern is about the buffer between the commercial and residential, he can speak with Mr. Highland about how best to buffer that with a variation of trees and locations. He suggested that they may need to alter the shape of the bioretention.

Mr. Garrepy suggested moving the fence so the plantings are all on the residential side.

Member MacLeod asked if the commercial or residential is being built first.

Mr. Garrepy replied the intent is to build it all at once. The goal is to keep La Mulita on site. If that is the case, there will likely be a sequencing so La Mulita can stay where they are now, while one of the commercial buildings is being built. Once that is done, La Mulita can move into the new building without having to close down for any long length of time. If La Mulita doesn't stay, the site will most likely be done all at once.

Member MacLeod stated if the commercial property is built first, the residential units become self-regulating. If the buyer of the residential unit doesn't like what's in front, they won't buy it. It becomes a problem if the residential units are built first. He thinks there would be less problems if it was restricted that the commercial buildings had to be built prior to the residential.

Member Carter commented that he is having a hard time understanding how the underdrains work and where the water is going on the site. He would like a better understanding of how they work.

Mr. Coronati explained there are two DOT catch basins on Sagamore Road. There's one to the south and one towards the middle of the site. The site is already connected to the middle one through a pipe. All the underdrains connect to one of the two catch basins. He noted that a portion of the porous pavement does have good receiving soils, so some of it does infiltrate. He pointed out that in one area, the parking lot is 2ft above existing ground. In that area, it's 4ft above the water table. This is an area where the porous pavement infiltrates.

Mr. Garrepy pointed out that they may discover there's more areas that will infiltrate when the ledge probes are done.

Hearing no further questions from the Board, Chair Losik opened to the public. Hearing no comments, she closed the public session at 7:29 p.m.

**Motion by JM Lord to continue the Major Site Development, Residential Condominium and Commercial Site Plan by The Sagamore Group, LLC to the August 9, 2022 Planning**

**Board Meeting; a ledge profile is requested for that meeting. Seconded by Bill Epperson.**

**Vote: 6-0** (Jim Finn not present for vote)

Note: *Member Finn left the meeting at 7:25 p.m.*

- c. Major Subdivision Plan** by Jones & Beach Engineering, Inc. on behalf of Marlene Veloso & Charles Fast property owners for property owned and located at 850 Washington Road, Tax Map 11, Lot 130 to subdivide the parcel into 3-lots and a road. Property is in the Single Residence and Aquifer & Wellhead District. **Case #11-2022.**

**Motion by JM Lord to move the public hearing for the Major Subdivision Plan for 850 Washington Road to the August 9, 2022 meeting. Seconded by Jim Finn. All in favor.**

#### **4. Committee Updates**

- Rules & Regulations Committee**

Member Carter reported that the Rules and Regulations Committee has been working with Attorney Michael Donovan on reviewing the Land Development Regulations (LDR). The first motion of the Committee corrected errors, oversights and misprints that were made in going from the old version of the LDR to the new version. Just minor edits are being made and nothing else is being changed. The Committee made other motions on amendments to specific changes to tie things down and make the regulations stronger. The Committee voted to bring the amendments to the Board at the July meeting. At that time, the Committee will be asking to schedule a special meeting to hear any public concerns.

Member Carter noted that Attorney Eric Maher is reviewing the zoning regulations. The Committee is going to start dealing with those regulations in July. The Board will probably see zoning amendments around November. He also noted that the Committee approved two sets of minutes; May 5<sup>th</sup> and May 24<sup>th</sup>.

- Long Range Planning Committee**

Rob Wright, chair of the LRP Committee, sent an update regarding the Committee's work. LRP met on June 7<sup>th</sup> with Planning Consultant Julie LaBranche. The Committee reviewed and revised Ms. LaBranche's consulting contract for it not to exceed \$2,940., which will be paid from the 2022 Rye Planning Board Consulting Budget. The Committee discussed the Master Plan RFP elements and submission requirements, including scope of services and tasks. Some communities were identified that have or are in the process of updating their master plan. The Committee discussed the Town's LRP website information relative to the Master Plan. The Committee also approved April 3<sup>rd</sup> and May 5<sup>th</sup> minutes.

- **Technical Review Committee**

Vice-Chair Lord reported that 1244 Washington Road is coming along well and will probably be done within the next couple of months. Three of the major trees have been replanted. It seems that only one is going to make it. He's not sure if the Planning Board wants to give them some direction on what to do about this. The Housing Partnership project seems to have come to a standstill. The foundation is in for one building with the utilities stubbed out.

Planning Administrator Reed commented that she believes it's a permitting issue, but she will follow up with the Building Department.

Vice-Chair Lord noted that 421 South Road, lot #5, had some minor changes on site. He went over the changes with the developer and did not see any issues. The TRC went to lot #7 and talked to the owners about what they want to do behind the building. The owners are wonderful and are probably going to do more than what was asked of them. They were nice to work with and very accommodating. The TRC was comfortable with the changes suggested by the property owners, as they had some great thoughts and ideas. He commented that it seems like all the neighbors are onboard with helping to clean up the back section of those lots so it looks nice for everyone.

Chair Losik asked when lot #1 is starting.

Vice-Chair Lord replied that he is not sure. He thought they were going to pave this summer, but they might be waiting until lot #1 is done.

Planning Administrator Reed commented that the regulations and letter of credit say they have to wait until all houses are built. The three-year clock for the line of credit can't start until after the last house is built.

Member MacLeod noted that one possibility would be to get the road paved and have Southwick Construction (builder of Lot 1 home) to post a bond to cover, if anything should happen during construction of the home.

Planning Administrator Reed agreed to reach out to Joe Falzone to discuss the issue.

Chair Losik noted that the LRP Committee is in need of an additional committee member. She has been serving but has not been appointed by the full Board. Under the Board's Rules of Procedure, she would need to be appointed by the Board for a one-year term.

**Motion by JM Lord to appoint Pat Losik to the Long Range Planning Committee for a one-year term. Seconded by Bill Epperson. Vote: 6-0 (Jim Finn not present for vote)**

**5. New Business**

*None*

6. Other Business

a. Approval of Minutes: May 10<sup>th</sup> and May 25<sup>th</sup>

- May 10<sup>th</sup>

The following corrections were noted:

- Page 2, 2<sup>nd</sup> paragraph from bottom, 2<sup>nd</sup> sentence should read: **If anything, the driveway would be less nonconforming because it's going to be narrowed in the right-of-way area.**
- Page 6, it should be noted that the motion at the top of the page should read: **Section 190-5.6 of the Rye Zoning Ordinance.**
- Page 6, 3<sup>rd</sup> paragraph from bottom, 1<sup>st</sup> sentence should read: **Chair Losik commented that the Board appreciates the architectural renderings, which were easy to follow.**
- Page 7, 1<sup>st</sup> paragraph, 6<sup>th</sup> sentence should read: **There's a two-way access parking lot with parking on both sides of the aisle way.**
- Page 7, 2<sup>nd</sup> paragraph, middle of paragraph should read: **The design of the porous pavement would require the ledge to be removed that would be within the pavement thickness, which is 36" and comprises of the different layers of the porous pavement gravels that are below the asphalt.**
- Page 11, 1<sup>st</sup> sentence under 'item b' should read: **Chair Losik noted that this is bringing the Rye Street Naming and Numbering Ordinance up to date.**
- Page 13, 1<sup>st</sup> paragraph, last sentence should read: **It should really be measured from the final finished grade, not the existing grade.**

- May 25<sup>th</sup>

The following corrections were noted:

- Page 1, last paragraph, 4<sup>th</sup> sentence should read: **He explained that this entrance will be for two-way travel entering and exiting the property.**
- Page 1, last paragraph, 5<sup>th</sup> sentence should read: **The other proposed driveway to the south will be used for exiting the property only.**
- Page 2, last paragraph should read: **Mike Garrepy, Garrepy Consulting, commented that this was done in order to get the front parking and drive aisle to fit.**
- Page 3, last sentence should read: **In this area it's roughly elevation 28, so the finished floor comes up about 3'.**

**Motion by JM Lord to approve the minutes of May 10<sup>th</sup> and May 25<sup>th</sup> as amended.**

**Seconded by Bill Epperson.**

**Vote: 5-0-1 Abstained: Kevin Brandon (Jim Finn not present for vote)**

**b. Escrows**

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

- 1) Attorney Donovan in the amount of \$1,713.90 for the Berry Brook Condo; and**
- 2) Attorney Donovan in the amount of \$236.40 for Benchmark.**

**Seconded by Bill Epperson. Vote: 6-0** (Jim Finn not present for vote)

**7. Communications**

*None*

**Adjournment**

**Motion by JM Lord to adjourn at 7:53 p.m. Seconded by Bill Epperson. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger