

**TOWN OF RYE – PLANNING BOARD
MEETING**

**Tuesday, October 11, 2022 – 6:00 p.m.
Rye Public Library**

***Members Present:* Chair Patricia Losik, Clerk Steve Carter, Jim Finn, Rob Wright and Alternate Bill MacLeod and Select Board Representative Bill Epperson**

***Present on behalf of the Town:* Land Use Assistant Kara Campbell**

1. Call to Order

Chair Losik called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

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

- a. Request to re-open for verification of the conditions of approval of the minor 3-lot subdivision by Jak Nadeau Revocable Trust for property owned and located at 711 Long John Road, Tax Map 16, Lot 136 to subdivide the existing lot into three single family residential lots with access via a 50'-wide right of way. Property is in the Single Residence District. **Case #07-2020.**

Motion by Steve Carter to determine that the application for Case #07-2020 by Jak Nadeau Revocable Trust is complete. Seconded by Jim Finn. All in favor.

- b. Amendment to a Major Site Development Plan and Condominium Conversion by Shawn Donohoe & Dorothy Wyman for property owned and located at 1214 Ocean Blvd, Tax Map 17.3, Lot 37 for construction of dormers. Property is in the General Residence District and Coastal Overlay District. **Case #17-2022.**

Member Finn wanted the plans to be a bit clearer but will still accept as complete.

Motion by Steve Carter to determine that the application for Case #17-2020 by Shawn Donohoe & Dorothy Wyman is complete. Seconded by Jim Finn. All in favor.

- c. Amendment of subdivision Covenant by Francis & Gail DiNuzzo for property located at 10 Goss Farm Lane, Tax Map 8, Lot 59-1 from Declaration Section 18(b) to permit a pool fence within the voluntary 25' buffer established per the conditions of approval dated May 14, 2019, for the Major Subdivision by Tuck Realty Corp. **Case #11-2018.** Property is in the Single Residence District. **Case #18-2022.**

Chair Losik believes the board should not take jurisdiction as they need to know if there is surface alteration, if the pool construction is ongoing, and information about planting beds in the buffer. Attorney Tim Phoenix responded and said nothing has been done in the 25' buffer yet and the applicant is present tonight to request that. Applicant said that wasn't quite correct, as some disturbance has already occurred due to general

construction and construction of the house. There has been no movement of planting beds or fences. Chair Losik said she does not have an issue as long as those things haven't happened yet.

Motion by Bill MacLeod to determine that the application for Case #18-2020 by Francis and Gail DiNuzzo is complete. Seconded by Bill Epperson. All in favor.

- d. Minor Site Development Plan by the Grail Zone, LLC for property owned and located at 2 & 6 Airfield Drive, Tax Map 10, Lot 15 to construct a paved loading zone and propane tank access area per Section 202-2.1.B (2)(c). Property is in the Commercial District, Multi-Family Dwelling Overlay District. Case #19-2022.

Motion by Steve Carter to determine that the application for Case #19-2020 by Grail Zone LLC is complete. Seconded by Jim Finn. All in favor.

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

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

Attorney Chris Mulligan and Alex Ross were present to represent the applicants. They presented the revised plans from the site walk. The waiver requests are outstanding related to septic design, submitted. Use intensity statement and updated condo docs submitted. A large oak tree has been added to the plan, as well as street numbers for each unit. Member Epperson asked if the use intensity is changing. Attorney Mulligan stated there is no change and the number of bedrooms and units is not changing, just a conversion. The use intensity statement indicates how much parking is there, how many units, how many bedrooms in each unit. Chair Losik had one change: units 5 and 6 are 540 square feet not 530 per the floor plans. Chair Losik asked if all members had reviewed the revised condo docs. Bill asked about the pumping and inspection of the septic. Attorney Mulligan said in Section 4 on Page 5 for inspections to be every other year. In the event of replacement systems being installed down the road, there could be a different inspection schedule associated with a newer system, maybe more frequent, is an obligation of the association. Chair Losik said also on Page 17 change units 5 and 6 to 540 square feet. No public comment.

Motions by Steve Carter, seconded by William MacLeod to accept the applicant's request for (2) waivers to the Rye Land Development Regulations: Section 202-6.9(C)(3) and 202-6.7(C)(3) for requiring a leaching bed to be four feet above SHWT. The reasons for granting are: (1) The proposed replacement septic design was submitted for review and approval by the Town building inspector prior to its submission to DES. (2) Compliance with the requirement for a leaching bed to be four feet above SHWT subsequent to the submission and approval of the current plans would require extensive redesign and delay that is unwarranted given the proposed system is designed to replace a pre-existing, non-

conforming system for a fully developed site where no physical changes are proposed. (3) The proposed replacement is 30 inches above SHWT and increasing it 18 inches would require significant re-design and have negative impacts, including introduction of additional fill into wetlands buffer, encroaching into side yard and front yard setbacks and woodlands buffer and increasing stormwater runoff onto abutting property. (4) Given the tight site and the proposed BIOCON systems with secondary settling tanks and pre-treatment will be sufficient to address the septic needs of this site. Motions passed 6-0-0. Motion by Steve Carter to grant the waivers for Case 13-2022 by Arthur & Sharon Pierce Rev. Trust, Arthur & Sharon Pierce, Trustees. Seconded by Bill MacLeod. All in favor.

Member Carter read the Conditions of Approval.

Member Epperson commented that #6 shall read “the natural woodlands *shall* be kept free...” Attorney Mulligan accepted.

Motion by Steve Carter to approve the Major Subdivision for a Condominium Conversion for property owned by Arthur & Sharon Pierce Rev. Trust, Arthur & Sharon Pierce, Trustees for property located at 251-279 Pioneer Road, Tax Map 24, Lot 117 to convert 8 dwelling units in 4 duplex structures into 8 condominium units. Property is in the Single Residence District. Case #13-2021. subject to Conditions 1-15. Seconded by Bill MacLeod. All in favor.

Member Epperson reiterated that if the septics fail, they will be replaced.

- 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 at 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.

Joe Corronati from Jones and Beach provided an update on addressing the comments. Plans were resubmitted on 9/23/22 and had comments from Sebago, Police, Fire, and Building. Fire Department requested they meet with them & they have. Sebago – addressed all concern, 10/5 follow up letter, 2 additional items in relation to remodeling of drainage – model stormwater. Concerns about ledge. The architect stated that the basement appliances will be elevated. The porous pavement will be vacuumed once a year in the spring. The Police Chief also has some outstanding comments regarding the right turn only requirement. Chair Losik requested the landscaping be changed and increased, as crab apples will not provide screening in the winter.

Motion by Bill Epperson to continue Case #10-2022 by The Sagamore Group, LLC to the November 8, 2022 meeting. Seconded by Bill MacLeod. All in favor.

- 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. The property is in the Single Residence and Aquifer & Wellhead District. Case #11-2022.

Motion by Bill Epperson to continue Case #11-2022 by Marlene Veloso and Charles Fast to the November 8, 2022 meeting. Seconded by James Finn. All in favor.

- d. Request to re-open for verification of the conditions of approval of the minor 3-lot subdivision by Jak Nadeau Revocable Trust for property owned and located at 711 Long John Road, Tax Map 16, Lot 136 to subdivide the existing lot into three single family residential lots with access via a 50'-wide right of way. Property is in the Single Residence District. Case #07-2020.

Motion by Steve Carter to amend the conditions as follows:

#10: Applicant and/or successor shall sign an Escrow Agreement and post escrow for planning board engineer's monitoring of site improvements. Amount to be determined by planning board engineer.

#13: Planning board chair may sign plans when foregoing conditions Nos. 1-7, 9 and 11 and 12 are met. No lot depicted on the subdivision plan shall be conveyed until Conditions 8 and 10 are met.

#16: The building inspector shall require a lot development plan prior to issuance of a building permit. Building permits (and certificates of occupancy) shall not be issued for any development which does not comply with the approved subdivision plan and Condition No. 1.h above. If necessary, the building inspector may retain the planning board engineer to assist in determining compliance with these conditions, at the expense of the building permit applicant. Further, the building inspector shall not issue any permit until foregoing conditions 8 and 10 are met.

Amend recorded plan: The Conditions with respect to Items 8 & 10 shall be indicated on the recorded plan.

Seconded by Bill Epperson. All in favor.

- e. Amendment to a Major Site Development Plan and Condominium Conversion by Shawn Donohoe & Dorothy Wyman for property owned and located at 1214 Ocean Blvd, Tax Map 17.3, Lot 37 for construction of dormers. Property is in the General Residence District and Coastal Overlay District. Case #17-2022.

The board reviewed the drawings submitted. The applicants stated there is no change in footprint, but a slight increase in height, at 2.5 feet.

Motions by Steve Carter, seconded by James Finn to accept the applicant's requests for waivers to the Rye Land Development Regulations: Section 202-3.3 Plans, Section 202-3.3B(5) Final Topo/Soils Plan, Section 202-3.5B(1)(a) Final Stormwater Management Plan, Section 202-3.5B(1)(b) Erosion Control Plan, Section 202-3.3(9) On-Site Disposal Plan, Section 202-3.5B(1)(c) Final Elevation Drawings, Section 202-3.5B(1)(d) Use Intensity Statement, 202-3.5B(1)(f) Easements, Deeds, Covenants, and 202-3.5B(1)(e) Condo Documents. The reasons for granting are that strict conformity would pose an unnecessary hardship to the applicant and waivers would not be contrary to the spirit and intent of these regulations because the project is a modest addition to an existing detached condo, the footprint is not changing, and the roof will be raised to add a second floor, within the town's height specifications. Motions passed 6-0-0.

Motion by Steve Carter to approve the construction of dormers. Seconded by Bill Epperson. All in favor.

- f. Amendment of subdivision Covenant by Francis & Gail DiNuzzo for property located at 10 Goss Farm Lane, Tax Map 8, Lot 59-1 from Declaration Section 18(b) to permit a pool fence within the voluntary 25' buffer established per the conditions of approval dated May 14, 2019, for the Major Subdivision by Tuck Realty Corp. Case #11-2018. Property is in the Single Residence District. Case #18-2022.

Attorney Tim Phoenix discussed the original building permit application with plans that included the pool and the fence, as well as the voluntary 25' buffer approved in the original subdivision. The pool is in, the Rye Building Department denied the fence permit due to being in the buffer. The applicants are requesting the fence be allowed in the buffer. Attorney Phoenix said another drainage structure is in the 25' buffer. Attorney Phoenix interprets the ordinance as fences are structures but exempt from dimensional requirements. Applicant also presented the original approved grading plan showing disturbance in the 25' buffer.

The Board voted to 6-0-0 to grant an exception to Declaration Paragraph 18b as warranted in order to install a pool fence along the 16' contour line as shown on Plan L-2 (revised 7.28.22) or as close to the pool as possible. Plantings provided shall be consistent with native shoreland riparian buffer plantings for New Hampshire. The width of the plantings is not to exceed a width of 6' outside the fence.

- g. Minor Site Development Plan by the Grail Zone, LLC for property owned and located at 2 & 6 Airfield Drive, Tax Map 10, Lot 15 to construct a paved loading zone and propane tank access area per Section 202-2.1.B (2)(c). Property is in the Commercial District, Multi-Family Dwelling Overlay District. Case #19-2022.

T.F. Moran presented the project. Grail Zone LLC has been renovating the building. The inside includes a gym and other uses to come. The interior renovations have prompted these exterior renovations. The loading zone is to allow equipment in case something breaks in the gym.

Motions by Steve Carter, seconded by William Epperson to accept the applicant's request for waivers to the Rye Land Development Regulations:

1) Section 202-3.3(5) for submission of a soils plan. The reasons for granting are: (1) Compliance with this regulation would pose an unnecessary hardship as there are only minor impacts to construct a loading zone and propane delivery pad on a 23.90 acre site. A topographic plan of the site has been

provided, however a soils plan has not been created. A majority of the northern side of the site is covered by a wetland. The proposed construction will not impact the wetland or its corresponding buffer. The proposed impacts also take place on currently compacted soils or gravel access drives, resulting in no change to site drainage. Completing test pits, infiltration tests, and site specific soil mapping would be an unnecessary exercise for the construction of the proposed features.

2) Section 202-3.3(6) for a stormwater management plan. The reasons for granting are: (1) Compliance to this regulation would be contrary to the spirit and intent of the regulations as the minimal impacts do not have any impact on the impervious coverage of the site. All of the surfaces added are being placed on either an existing gravel pad or heavily compacted fill. To minimize impacts to the site as a whole, in response to the minimal impervious change, there are no stormwater practice required, therefore none are proposed.

3) Section 202-3.3(8) for final elevation drawings. The reasons for granting are: (1) The project does not propose any new buildings or any additions to the existing building. Building Elevations are moot as the building exists.

4) Section 202-3.3(9) for an On-Site Disposal Plan. The reasons for granting are: (1) The site currently has a septic system and municipal water supply. The proposed improvements will not impact either nor require additional water or septic capacity. The on-site septic system was designed and installed to handle more flow than what exists today and is functioning properly.

Motions passed 6-0-0.

Motion by Steve Carter to approve the construction of a paved loading zone and propane tank access for Grail Zone LLC . Seconded by James Finn. All in favor.

1. New Business:

None.

2. Committee Updates:

- TRC -Site walk of Pierce Condo's
Not discussed.
- Rules and Regulations – Amendments passed for LDR 9-20-22 and update on Zoning
Not discussed.
- Long Range Planning – Steering Committee updates
Member Wright informed the group that a Master Plan Steering Committee has been formed with members from the public and one meeting has been held so far.

3. Other Business

- a. Escrows
- b. Minutes

Chair Losik proposed to move both to next meeting.

Communications

Chair Losik discussed request from Library Director to move back to Town Hall for meetings in 2023 or change date.

Chair Losik discussed needing to update code online with March changes and recent amendments to LDRs.

Motion by Bill Epperson to adjourn at 9:41 p.m. Seconded by Steve Carter. All in favor.

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant: Shawn Donohoe & Dorothy Wyman

Property: 1214 Ocean Blvd, Tax Map 17.3, Lot 37
Property is in the General Residence and Coastal Overlay District

Application case: Case #17-2022

Application: Amendment to a Major Site Development Plan and Condominium Conversion by Shawn Donohoe & Dorothy Wyman for property owned and located at 1214 Ocean Blvd, Tax Map 17.3, Lot 37 for construction of dormers. Property is in the General Residence District and Coastal Overlay District. Case #17-2022.

Date of decision: October 11, 2022

Decision: The Board voted 6-0-0 to approve the amendment with the following condition:

1) Roof will not exceed 28 feet as allowed in the Coastal Overlay District.

10-12-22
Date


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.

PLANNING BOARD

-Rye, New Hampshire-

WAIVERS NOTICE OF DECISION

Applicant: Shawn Donohoe & Dorothy Wyman

Property: 1214 Ocean Blvd, Tax Map 17.3, Lot 37
Property is in the General Residence and Coastal Overlay District

Application case: Case #17-2022

Application: Amendment to a Major Site Development Plan and Condominium Conversion by Shawn Donohoe & Dorothy Wyman for property owned and located at 1214 Ocean Blvd, Tax Map 17.3, Lot 37 for construction of dormers. Property is in the General Residence District and Coastal Overlay District. Case #17-2022.

Date of decision: October 11, 2022

Decision:

Motions by Steve Carter, seconded by James Finn to accept the applicant's requests for waivers to the Rye Land Development Regulations: Section 202-3.3 Plans, Section 202-3.3B(5) Final Topo/Soils Plan, Section 202-3.5B(1)(a) Final Stormwater Management Plan, Section 202-3.5B(1)(b) Erosion Control Plan, Section 202-3.3(9) On-Site Disposal Plan, Section 202-3.5B(1)(c) Final Elevation Drawings, Section 202-3.5B(1)(d) Use Intensity Statement, 202-3.5B(1)(f) Easements, Deeds, Covenants, and 202-3.5B(1)(e) Condo Documents. The reasons for granting are that strict conformity would pose an unnecessary hardship to the applicant and waivers would not be contrary to the spirit and intent of these regulations because the project is a modest addition to an existing detached condo, the footprint is not changing, and the roof will be raised to add a second floor, within the town's height specifications. Motions passed 6-0-0.

10-11-22
Date


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.

RYE PLANNING BOARD

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

WAIVERS

Notice of Decision

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

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

Application case: Case #13-2021

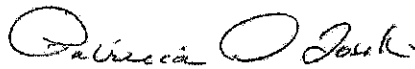
Application: Major Subdivision for a Condominium Conversion for property owned by Arthur & Sharon Pierce Rev. Trust, Arthur & Susan Pierce, Trustees for property located at 251-279 Pioneer Road, Tax Map 24, Lot 117 to covert 8 dwelling units in 4 duplex structures into 8 condominium units. Property is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

Date of decision: October 11, 2022

Decision:

Motions by Steve Carter, seconded by William MacLeod to accept the applicant's request for (2) waivers to the Rye Land Development Regulations: Section 202-6.9(C)(3) and 202-6.7(C)(3) for requiring a leaching bed to be four feet above SHWT. The reasons for granting are: (1) The proposed replacement septic design was submitted for review and approval by the Town building inspector prior to its submission to DES. (2) Compliance with the requirement for a leaching bed to be four feet above SHWT subsequent to the submission and approval of the current plans would require extensive redesign and delay that is unwarranted given the proposed system is designed to replace a pre-existing, non-conforming system for a fully developed site where no physical changes are proposed. (3) The proposed replacement is 30 inches above SHWT and increasing it 18 inches would require significant re-design and have negative impacts, including introduction of additional fill into wetlands buffer, encroaching into side yard and front yard setbacks and woodlands buffer and increasing stormwater runoff onto abutting property. (4) Given the tight site and the proposed BIOCON systems with secondary settling tanks and pre-treatment will be sufficient to address the septic needs of this site. Motions passed 6-0-0.

10.12.22
Date



Patricia Losik, Chairman
Rye Planning Board

❖ Planning Board Approvals do not include building permits; please check with the Building Inspector's office before any and all construction.

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

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

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

Application case: Case #13-2021

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

Date of decision: October 11, 2022

Decision: The Board voted 6-0-0 to approve the conversion with the following conditions:

1. The following plans are approved subject to the conditions set forth herein.
 - a. "Site Plan for The Arthur Gordon Pierce Revocable Trust of 2003 & The Sharon Ann Pierce Revocable Trust of 2003 261 – 279 Pioneer Rd, Rye, NH 03870 Tax Map 224, Lot 117" prepared by Ross Engineering LLC, dated 3/1/2022, revised through October 11, 2022.
 - b. "Berry's Book Village Condominiums Site Plan For The Sharon Ann Pierce Revocable Trust of 2003" prepared by Stonewall Surveying, dated April 13, 2022, revised through 7/11/2022 and certified on September 30, 2022.
 - c. "Berry's brook Village Condominiums Floor Plans For The Sharon Ann Pierce Revocable Trust of 2003" prepared by Stonewall Surveying, dated April 13, 2022 and certified on September 30, 2022.
2. Board special counsel shall review and approve the final Declaration. If the final Declaration is not presented to special counsel by 11/15/22 for review, Town Counsel shall review and approve the final language. This approval shall not be considered a representation that the condominium instruments comply with the Condominium Act.

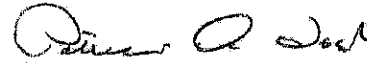
Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. 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.

3. The existing septic systems and any replacement systems which may be installed shall be inspected and pumped at least once every two years. The Condominium Association shall provide documentation of inspection and pumping to the Planning Board and the Building Department within 30 days of the inspection. This condition shall be included in the Declaration.
4. If replacement septic systems are installed, there shall be a Maintenance Agreement which complies with the manufacturers recommendations in place at all times, copies of which shall be filed with the Planning Board and the Building Inspector within 30 days of signing of said agreement. This condition applies to any replacement system which may be installed. This condition shall be included in the Declaration.
5. If replacement septic systems are installed, the system shall be inspected at least twice each year. Copies of the inspection reports (or inspection logs) shall be provided to the Planning Board and the Building Inspector within 30 days of the inspection. This condition applies to any replacement system which may be installed. This condition shall be included in the Declaration.
6. Grass clippings and leaf litter noted at the October 6, 2022 site walk shall be removed from the western natural woodland (4039 ft²). The natural woodlands should be kept free from material or debris.
7. Sufficient funds shall be placed in escrow with the planning board to pay final statement of planning board counsel.
8. Planning board chair may sign plans and Certification of Site Development Approval when foregoing conditions Nos. 1- 7 are met.
9. The Site Plan prepared by Stonewall Survey shall be recorded after it is signed by the board chair.
10. The Site Plan prepared by Ross Engineering shall be signed by the board chair along with a Certificate of Site Plan Approval. The Certificate shall be recorded and shall reference the Ross Site Plan; the approved Floor Plans; and the two (2) DES approved Subsurface Disposal System Plans, indicating that said plans are on file with the Planning Department and available there for inspection.
11. The final Declaration as approved by board counsel shall be recorded. Non-substantive changes in the Declaration may be approved by board counsel (or town counsel) prior to recording.
12. Dwelling units shall not be rented for periods less than 30 days.
13. In accordance with RSA 485-A:39 and Env-Wq 1025 the applicant/owner shall complete a Waterfront Property Site Assessment Study prior to the execution of a Purchase and Sale Agreement for a unit.
14. The proposed 575 ft² of natural buffer plantings should be consistent with native shoreland plantings per Town of Rye Conservation: NHDES Native Plantings List (http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/vrap_native_plantings.pdf)

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.

15. Per Section 202-4.4 of the *Land Development Regulations*, this conditional approval shall expire in 18 months if the chair has not signed the plan as the result of the applicant's failure to meet those conditions necessary to permit the chair to sign the plan.

10-12-22
Date



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.

PLANNING BOARD

-Rye, New Hampshire-

WAIVERS NOTICE OF DECISION

Applicant: Grail Zone, LLC

Property: 2 & 6 Airfield Drive, Tax Map 10, Lot 15
Property is in the Commercial District, Multi-Family Dwelling Overlay District.

Application case: Case #19-2022

Application: Site Development Plan by the Grail Zone, LLC for property owned and located at 2 & 6 Airfield Drive, Tax Map 10, Lot 15 to construct a paved loading zone and propane tank access area per Section 202-2.1.B (2)(c). Property is in the Commercial District, Multi-Family Dwelling Overlay District. Case #19-2022.

Date of decision: October 11, 2022

Decision:

Motions by Steve Carter, seconded by William Epperson to accept the applicant's request for waivers to the Rye Land Development Regulations:

1) Section 202-3.3(5) for submission of a soils plan. The reasons for granting are: (1) Compliance with this regulation would pose an unnecessary hardship as there are only minor impacts to construct a loading zone and propane delivery pad on a 23.90 acre site. A topographic plan of the site has been provided, however a soils plan has not been created. A majority of the northern side of the site is covered by a wetland. The proposed construction will not impact the wetland or its corresponding buffer. The proposed impacts also take place on currently compacted soils or gravel access drives, resulting in no change to site drainage. Completing test pits, infiltration tests, and site specific soil mapping would be an unnecessary exercise for the construction of the proposed features.

2) Section 202-3.3(6) for a stormwater management plan. The reasons for granting are: (1) Compliance to this regulation would be contrary to the spirit and intent of the regulations as the minimal impacts do not have any impact on the impervious coverage of the site. All of the surfaces added are being placed on either an existing gravel pad or heavily compacted fill. To minimize impacts to the site as a whole, in response to the minimal impervious change, there are no stormwater

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.


practice required, therefore none are proposed.

3) Section 202-3.3(8) for final elevation drawings. The reasons for granting are: (1) The project does not propose any new buildings or any additions to the existing building. Building Elevations are moot as the building exists.

4) Section 202-3.3(9) for an On-Site Disposal Plan. The reasons for granting are: (1) The site currently has a septic system and municipal water supply. The proposed improvements will not impact either nor require additional water or septic capacity. The on-site septic system was designed and installed to handle more flow than what exists today and is functioning properly.

Motions passed 6-0-0.

10.12.22
Date



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.

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant:

Grail Zone, LLC

Property:

2 & 6 Airfield Drive, Tax Map 10, Lot 15
Property is in the Commercial District, Multi-Family Dwelling Overlay District.

Application case:

Case #19-2022

Application:

Site Development Plan by the Grail Zone, LLC for property owned and located at 2 & 6 Airfield Drive, Tax Map 10, Lot 15 to construct a paved loading zone and propane tank access area per Section 202-2.1.B (2)(c). Property is in the Commercial District, Multi-Family Dwelling Overlay District. Case #19-2022.

Date of decision:

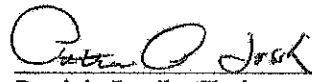
October 11, 2022

Decision:

The Board voted to 6-0-0 to approve the plan.

10-12-22

Date



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.

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant:

Francis & Gail DiNuzzo

Property:

10 Goss Farm Lane, Tax Map 8, Lot 59-1
Property is in the Single Residence District

Application case:

Case #18-2022

Application:

Amendment of subdivision Covenant by Francis & Gail DiNuzzo for property located at 10 Goss Farm Lane, Tax Map 8, Lot 59-1 from Declaration Section 18(b) to permit a pool fence within the voluntary 25' buffer established per the conditions of approval dated May 14, 2019, for the Major Subdivision by Tuck Realty Corp. Case #11-2018. Property is in the Single Residence District. Case #18-2022.


Date of decision:

October 11, 2022

Decision:

The Board voted to 6-0-0 to grant an exception to Declaration Paragraph 18b as warranted in order to install a pool fence along the 16' contour line as shown on Plan L-2 (revised 7.28.22) or as close to the pool as possible. Plantings provided shall be consistent with native shoreland riparian buffer plantings for New Hampshire. The width of the plantings is not to exceed a width of 6' outside the fence.

10-12-22
Date


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.

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Jak Nadeau Revocable Trust, Jay and Karen Nadeau Trustees

Property: 711 Long John Road, Tax Map 16, Lot 136
Property is in the Single Residence District

Case: Case #07-2020

Application: Request to Re-Open for purposes of conditions of approval of the Minor 3-lot subdivision by Jak Nadeau Revocable Trust for property owned and located at 711 Long John Road, Tax Map 16, Lot 136 to subdivide the existing lot into three single family residential lots with access via a 50'-wide right of way. Property is in the Single Residence District. Case #07-2020

Date of Decision: Tuesday October 11, 2022

Decision: The Board voted 6-0-0 to amend the existing Conditions as follows:

#10: Applicant and/or successor shall sign an Escrow Agreement and post escrow for planning board engineer's monitoring of site improvements. Amount to be determined by planning board engineer.

#13: Planning board chair may sign plans when foregoing conditions Nos. 1-7, 9 and 11 and 12 are met. No lot depicted on the subdivision plan shall be conveyed until Conditions 8 and 10 are met.

#16: The building inspector shall require a lot development plan prior to issuance of a building permit. Building permits (and certificates of occupancy) shall not be issued for any development which does not comply with the approved subdivision plan and Condition No. 1.h above. If necessary, the building inspector may retain the planning board engineer to assist in determining compliance with these conditions, at the expense of the building permit applicant. Further, the building inspector shall not issue any permit until foregoing conditions 8 and 10 are met.

Amend recorded plan: The Conditions with respect to Items 8 & 10 shall be indicated on the recorded plan.

10-12-22
Date


Patricia Losik, Chairman
Rye Planning Board

❖ *Planning Board Approvals do not include building permits; please check with the Building Inspector's office before any and all construction.*

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant: Jones & Beach Engineering, Inc.

Owner: Marlene Veloso & Charles Fast

Property: 850 Washington Road, Tax Map 11, Lot 130
Property is in the Single Residence and Aquifer & Wellhead District

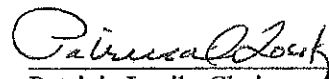
Application case: Case #11-2022

Application: 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.

Date of decision: October 11, 2022

Decision: The Board voted 6-0-0 to continue the application to the November 8, 2022 Planning Board Meeting.

10-12-22
Date


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.

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant: The Sagamore Group, LLC

Owner: Split Rock Cove Family Trust of 2019

Property: 15 Sagamore Road, Tax Map 24, Lot 22
Property is in the Single Residence and Commercial District

Application case: Case #10-2022

Application: Major Site Development, Multifamily Residential Site Development Plan and Special Use Permit by The Sagamore Group, LLC for property owned by Split Rock Cove Family Trust of 2019 and at 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.

Date of decision: October 11, 2022

Decision: The Board voted 6-0-0 to continue the application to the November 8, 2022 Planning Board Meeting.

10-12-22
Date


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.