

**TOWN OF RYE – PLANNING BOARD  
MEETING**

**Tuesday, November 8, 2022 – 6:00 p.m.  
Rye Public Library**

***Members Present:*** Kevin Brandon , Bill McLeod, Rob Wright, Vice-Chair JM Lord, Chair Patricia Losik, Steve Carter, Jim Finn, Kathryn Garcia

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

**I. Call to Order**

Chair Losik led the Pledge of Allegiance and called the meeting to order at 6:00 p.m. Introductions were made by the members of the board.

**II. Submittal of Applications for Determination of Completeness**

- a. Lot Line Adjustment Plan by Shoals Realty LLC/Splaine of 81 Cable Road, Rye NH for properties owned and located at 28 Pine Street, Tax Map 5.2, Lot 51 and 26 Pine Street, Tax Map 5.1, Lot 50 for a lot line adjustment between the two properties where lot 50 will be reduced by 2,777 sq.ft and lot 51 increased by same amount. Properties are in the General Residence District and Coastal Overlay District. Case #20-2022.

**Motion by JM Lord to declare the application complete and move it to a public hearing. Seconded by Jim Finn. All in favor.**

- b. Robert Lang on behalf of Tucker D. Allard & Mary Coppinger for property owned and located at 457 Central Road, Tax Map 8.1, Lot 4 for a driveway per Section 5: Paragraph A for a new driveway to be 80' where 100' is required of an intersection and from Section 5, Paragraph B for a driveway 6' from the abutting property line where 10' is required. The property is in the Single Residence District. Case #21-2022.

The applicant has requested continuance to the December 13, 2022 meeting.

**Motion by JM Lord to continue the application for 457 Central Road for determination of completeness and for public hearing to the December 13, 2022 meeting. Seconded by Rob Wright. All in favor.**

Member McLeod suggested that the applicant acquire some professional help with their application. Administrator Reed stated that she is helping the applicant with their application for the Zoning Board.

**III. Public Hearing on Applications if they are complete and/or have been continued**

- a. 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 stated that the board would like to hear an update from the fire chief and chief of police in addition to their written communication. The board would also like an update from Portsmouth Water and Sewer. Chair Losik also requested a copy of a letter that was referenced by Chief Walsh dated 10/21/22.

**Joe Coranati, Tim Phoenix, Mike Garrepy, and Nick Cavari** introduced themselves to the board. Mr. Coranati presented their plan to the board and pointed out the additions made at the request of the fire chief; namely, access to the sprinkler systems and truck-turning templates. The fire chief hasn't yet reviewed those items. Chief Walsh recommended a right-hand turn only on the southern exit. Mr. Coranati had a phone conversation with Chief Walsh and gained some more explanation on his reasoning. Member Wright asked if Mr. Coranati could explain those reasons to the board. Mr. Coranati relayed Chief Walsh's concern that during peak travel times a right-turn-only exit would be the safest choice.

Mr. Coranati noted that he'd like the D.O.T. perspective; he met with D.O.T., who didn't have a concern about a right-turn-only requirement out of the exit. Chief Walsh expressed that he's open to discussion with the board about the signage at the intersection.

Member Brandon asked about the width of the roadway in the residential unit area relative to the width outside of the parking spaces in the frontage. Mr. Coranati pointed out the 20' width of the road outside of the residential area, which is marked as one-way. He then pointed out an angled parking section which is 16' wide, and a 16.6' exit.

Chair Losik asked if there is a letter from the D.O.T. Mr. Coranati explained that they'd submitted a letter to the D.O.T. on 10/31/22 to address some comments that they'd had; in that letter Mr. Coranati had asked the D.O.T. for their perspective on the right-turn-only exit that was requested by the police chief.

Mr. Coranati explained that the D.O.T. had initially given them comments, to which they responded in a letter dated 10/31/22 with information about Chief Walsh's assessment of the exit. Mr. Coranati followed up with a meeting with the D.O.T., who has been agreeable and supportive of their plan. Mr. Coranati stated that they're close to obtaining a permit.

Mr. Garrepy noted that the D.O.T. has been issuing draft permits recently; they're close to obtaining a permit, pending some conditions being met prior to sign off.

Chair Losik asked for updates on water and sewer.

Vice-Chair Lord asked if the exit were to be a right turn only, would the curb also be adjusted.

Mr. Coranati pointed out that the dimensions of the island have been changed to be much more narrow. There was discussion of the radius on the southern exit.

Chair Losik invited any other questions.

Mr. Coranati acknowledged that the police chief requested specific language regarding the patio and pointed out note 24, which addresses rules for the outside serving area, the P.A. system, and state liquor regulations.

Mr. Garrepy expressed that they hope to wordsmith note 24 to honor the police chief's requests and allow for some outdoor music and the service of alcohol.

Mr. Coranati presented the design of the patio and addressed concerns regarding multiple entry points as they relate to the service of alcohol. He explained that they expect to be subject to the state and town guidelines for alcohol service and noise. There was further discussion of noise ordinances as they apply to similar businesses in the area, and the police chief's comments related to noise.

Mr. Coranati discussed the utility plan to improve water quality and circulation. He also addressed comments pertaining to the sewer and pump stations. He expressed that he's reached out to Portsmouth's D.P.W. multiple times, yet is still waiting for a sign off on a sewer connection permit from the state. He offered to provide the letter to the board; Chair Losik agreed that the letter would be helpful to have.

Member Wright asked for clarification on water quality, if the concern was the stranding of water in the residential lines.

Mr. Coranati confirmed and explained the loop design.

Chair Losik asked if any members of the board had questions regarding the correspondence between Sebago and Mr. Coranati.

Hearing no questions from the board, Chair Losik commented that Mr. Coranati and Attorney Maher need to work on the legal pieces and come up with draft conditions.

Attorney Phoenix expressed that Mike Donovan typically doesn't review HOA or condo documents until the conditions of approval are finalized. Attorney Phoenix asked if the board is comfortable with providing those conditions of approval to the town counsel for review.

Chair Losik expressed that she expects the same process that's usually taken. She expects the board to go through the process in December, but the conditions could begin to evolve as soon as Attorney Phoenix and Attorney Maher have time to speak about them.

Attorney Phoenix stated that he would reach out to Attorney Maher. He also added that Mike Donovan would typically make recommendations to the board for conditions of approval, and asked if the board would like to pursue the same process with Eric. Chair Losik confirmed. The board continued to discuss conditions of approval.

Chair Losik opened to the board's questions.

Attorney Phoenix asked about stormwater. Chair Losik explained the stormwater conveyances.

There were no further questions from the board. Chair Losik opened to the public for comments. Hearing none, she closed the public hearing at 6:45 p.m.

**Motion by JM Lord to continue the application for 15 Sagamore Road to the December 13, 2022 Planning Board Meeting. Seconded by Jim Finn. All in favor.**

Mr. Garrepy asked about draft conditions of approval. Chair Losik responded that they would hope to see draft conditions of approval within the next 10-14 days. Mr. Garrepy responded that could provide sign off letters from various department heads and approval from Portsmouth if Mr. Coranati could obtain it.

Member Wright asked for clarification on the delay from the Portsmouth D.P.W. Mr. Coranati explained his understanding of the matter.

Chair Losik noted a change in the landscaping plan of which she approved.

- b. 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. Request Continuance to December 13, 2022.

**Motion by JM Lord to continue the application for 850 Washington Road to the December 13, 2022 Planning Board Meeting. Seconded by Rob Wright. All in favor.**

- c. Lot Line Adjustment Plan by Shoals Realty LLC/Splaine of 81 Cable Road, Rye NH for properties owned and located at 28 Pine Street, Tax Map 5.2, Lot 51 and 26 Pine Street, Tax Map 5.1, Lot 50 for a lot line adjustment between the two properties where lot 50 will be reduced by 2,777 sq.ft and lot 51 increased by same amount. Properties are in the General Residence District and Coastal Overlay District. Case #20-2022.

**Bruce Scamman of James Vera and Associates** presented the case on behalf of Shoals Realty LLC and Mr. Splaine. Mr. Scamman explained that they have been before the Zoning Board and obtained relief for reducing the size of lot 50. He pointed out the current lot on the tax map and explained that they're seeking to square off the smaller of the two lots.

Member Finn asked for the rationale behind the change. Mr. Scamman explained that the hope is to rebuild a house and he pointed out a setback that caused an issue. Ultimately this change would make one lot more rectangular and normal in shape, and the other would be closer to the acceptable requirement for lot sizing.

Member Carter asked about the size of the smaller lot. Mr. Scamman replied that it's approximately 180'.

Chair Losik opened to questions from the board. She commented that the application is clear and easy to follow. Hearing no questions from the board, Chair Losik opened to the public for comments. Hearing none, and with no public in attendance, she closed the public hearing at 6:55 p.m.

Chair Losik asked if the board had any other discussions to add. Hearing none, she asked for a motion.

**Motion by JM Lord to approve the lot line adjustment by Shoals Realty LLC/Splaine of 81 Cable Road, Rye NH for properties owned and located at 28 Pine Street, Tax Map 5.2, Lot 51 and 26 Pine Street, Tax Map 5.1, Lot 50 for a lot line adjustment between the two properties where lot 50 will be reduced by 2,777 sq.ft and lot 51 increased by same amount. Seconded by Rob Wright. All in favor.**

- d. Robert Lang on behalf of Tucker D. Allard & Mary Coppinger for property owned and located at 457 Central Road, Tax Map 8.1, Lot 4 for a driveway per Section 5: Paragraph A for a new driveway to be 80' where 100' is required of an intersection and from Section 5, Paragraph B for a driveway 6' from the abutting property line where 10' is required. The property is in the Single Residence District. Case #21-2022.
- *Continued to the December meeting (see motion above)*

#### **IV. New/Old Business**

- **LDR Amendment 2022-07: Amend § 202-3.5, B (1) (e). Schedule public hearing**

Planning/Zoning Administrator Reed explained that Attorney Donovan worked very hard with the rules and regulations committee on the land development regulations. This committee had a public meeting and hearing, after which Administrator Reed created a document with those land development regulations because the code on the town website is not updated. She explained that Attorney Donovan reviewed the document and found this item to be an oversight which needed amendment and a public hearing. Administrator Reed explained that this public hearing could be held at the December meeting or at the special Planning Board meeting scheduled for November 17, 2022. She stated her recommendation would be to keep zoning and land development regulations separate and requested that a motion be made to schedule this item for the December 13, 2022 meeting.

Chair Losik agreed, thanked Administrator Reed, and opened to the board for questions.

Member McLeod asked if there is a definition for “environmental engineer”. Chair Losik responded that they do not. Member McLeod noted that the board requires a site impact analysis, which would require the applicant to hire an environmental engineer. The board discussed the role of an environmental engineer versus a civil engineer. Chair Losik noted that this could be something evaluated more deeply in 2023. The board discussed whether an amendment today would then need further amendment in the future; Member Carter clarified that the change they make today is a correction.

In reference to the environmental engineer, Member Brandon wondered if the requirements listed in the cross-referenced item should stipulate who’s doing the preparation. It would be redundant to state the need for an environmental engineer.

Member Carter agreed that the board could strike out the phrase “by an environmental engineer”, since that notion is already included in 3.4. Member Brandon pointed out that this edit would potentially make it more efficient and less likely to need revision again.

Administrator Reed asked if the board should delay scheduling a public hearing until it could be amended. Chair Losik asked when it could be amended. Administrator Reed explained that it wouldn’t be until June 2023. Chair Losik deferred to the board.

The board discussed the verbiage of the amendment.

**Motion by JM Lord to schedule a public hearing for LDR Amendment 2022-07 for § 202-3.4, (e) (7) at the December 13, 2022 Planning Board meeting as amended. Seconded by Steve Carter. All in favor.**

- **Meeting Space: Town Hall vs. Library**

Chair Losik explained that Administrator Reed received correspondence from library trustee Joanne Hodgeton. The matter was discussed at the October meeting. The Planning Board has been offered the library space for meetings on the third Thursday of each month. Administrator Reed stated that Thursdays are not a possibility and that Andy had offered the third Tuesday of each month. Chair Losik noted that the board would need clarification on which day of the week and would also need to change the rules of procedure, which currently state that Planning Board meetings take place on the second Tuesday of each month. Administrator Reed stated that changing the day of meetings would be a time consuming and expensive venture and asked who would be responsible for payment of such a change.

The board discussed the potential change of date and venue of Planning Board meetings. Generally, the board was in favor of the library as a meeting location and preferred Tuesdays or Wednesdays; though, maintaining the second Tuesday of the month is most preferable, especially

considering the impacts on the various professionals and applicants' reliance on that cadence. The financial expense of such a change was also discussed. The board clarified that it's The Friends of the Library group who's meeting time is in conflict. The board also discussed the possibility of making their case to the Friends of the Library group in hopes of coming to an agreement. The board's goal is to do their best to avoid unnecessary expenditure of time and money on administrative procedures. Chair Losik clarified that the board should confirm the cost of such a location change and plan a meeting with the Friends of the Library group.

- **Zoning Amendment Public Meeting**

Administrator Reed recorded which Planning Board members would be in attendance at the Zoning Amendment Public Hearing on November 17, 2022. Chair Losik, Vice-Chair Lord, Member Carter, Member Brandon, and Member Epperson planned to attend. Administrator Reed then recorded which Planning Board members would be in attendance at the Public Hearing on December 6, 2022; Chair Losik, Vice-Chair Lord, Members Wright, Brandon, Carter, and Finn planned to attend. Administrator Reed stated that both meetings would take place at the Rye Town Hall. Chair Losik clarified that the December 13, 2022 Planning Board meeting would take place at the Rye Public Library. Administrator Reed stated that the Planning Board meetings will be held on the third Tuesday of each month starting in January 2023.

## **V. Committee Updates**

Member Wright gave an update on the Master Plan Steering Committee and noted that the committee has met twice; it's a great group with a lot of cohesion. The committee has finished the draft RFP, the budget has been approved by the Select Board, and the next item on the agenda is the Budget Committee.

Chair Losik thanked and congratulated Administrator Reed and Juliè LaBranche for presenting to the Select Board on November 3, 2022.

Member Wright noted that there were questions regarding grant requests; he supposed that writing grant requests would be out of the board's scope of work.

Chair Losik addressed the question of grant requests brought up by Chair Winslow. Chair Losik asked Administrator Reed if any of these initiatives could be undertaken by Kara Campbell. Administrator Reed replied no. She explained that she'd reached out to F.B. Environmental to see if they would assist. Administrator Reed expanded upon this process and the board discussed the role of a grant writer.

Chair Losik thanked Member Wright and invited Member Carter to share updates to Rules and Regulations.

Member Carter shared that the Town Counsel has submitted an initial proposal for zoning amendments, of which Administrator Reed has hard copies. Member Carter invited board

members to review the changes that have been made. He also shared updates from the most recent meeting where a member of the public requested not one ADU parking space, but two, stated concerns about not including Parsons Creek in the list of streams, and expressed satisfaction with the decision to reduce wetlands from one acre to zero. There were also concerns about §190-8.3. Member Carter summarized a discussion regarding irrigation systems. He also clarified that the Rye Water District already has the authority to regulate and enforce the water regulations; the town doesn't need to pursue a zoning change at this time. There was also discussion about short term AirBNB rentals. He reiterated that there will be a Planning Board discussion on November 17, 2022 and a Public Hearing on December 6, 2022 where the proposed zoning amendments will be voted by articles. Eric will help develop those articles and will be at both meetings to answer any questions.

There was an extended discussion about irrigation system regulations.

a. Escrows and Minutes

Administrator Reed explained that, due to some administrative changes, there were no new escrows or minutes to approve. She hoped that minutes and escrows would be prepared and up to date by the December meeting.

Separate from the previous discussion, Member Wright asked what role the board would have in a municipal water treatment plan. Chair Losik and Administrator Reed explained that this Planning Board wouldn't have any jurisdiction on that matter. Member Wright brought up the heartfelt concern by townspeople for reliable, potable water. The board discussed the town's recent water chlorination. Member Wright alluded to recent discussion regarding the Coakley landfill; if leachate is affecting the town's water supply, he wondered if the town of Rye could become a part of the Coakley Landfill Group. Member Brandon explained the town's processes and budget for water treatment. Member Carter summarized the town's attempts to apply for grants from the state for water purification.

Chair Losik and Planning/Zoning Administrator Reed thanked the CIP committee. Administrator Reed explained that she's completed all of the edits and updates, and is waiting for a completed tax map. She explained that after the tax rate is set she will have the CIP 2023-2028 Plan updated, posted on the town website, and emailed to the planning board.

**Motion by Steve Carter to adjourn at 7:51 p.m. Seconded by Vice-Chair JM Lord. All in favor.**

Respectfully Submitted,  
Emilie Durgin



# 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

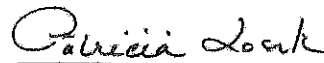
**Application case:** Case #10-2022

**Application:** Major Site Development, 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.

**Date of decision:** November 8, 2022

**Decision:** The Board voted 6-0-0 to continue the application to the December 13, 2022 Planning Board Meeting.

11.10.22  
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:** Robert Lang

**Owner:** Tucker D. Allard & Mary Coppinger

**Property:** 457 Central Road, Tax Map 8.1, Lot 4  
The property is in the General Residence District.

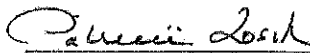
**Application case:** Case #21-2022

**Application:** Robert Lang on behalf of Tucker D. Allard & Mary Coppinger for property owned and located at 457 Central Road, Tax Map 8.1, Lot 4 for a driveway per Section 5: Paragraph A for a new driveway to be 80' where 100' is required of an intersection and from Section 5, Paragraph B for a driveway 6' from the abutting property line where 10' is required. The property is in the General Residence District. Case #21-2022

**Date of decision:** November 8, 2022

**Decision:** The Board voted 6-0-0 to continue the application to the December 13, 2022 meeting.

11.10.22  
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:** Bruce Scammon, James Verra & Associates

**Owner:** Shoals Realty LLC/Splaine of 81 Cable Road, Rye NH

**Property:** 28 Pine Street, Tax Map 5.2, Lot 51  
26 Pine Street, Tax Map 5.1, Lot 50  
Properties are in the General Residence District and Coastal Overlay Districts

**Application case:** Case #20-2022

**Application:** Lot Line Adjustment Plan by Shoals Realty LLC/Splaine of 81 Cable Road, Rye NH for properties owned and located at 28 Pine Street, Tax Map 5.2, Lot 51 and 26 Pine Street, Tax Map 5.1, Lot 50 for a lot line adjustment between the two properties where lot 50 will be reduced by 2,777 sq.ft and lot 51 increased by same amount. Properties are in the General Residence District and Coastal Overlay Districts. Case #20-2022.

**Date of decision:** November 8, 2022

**Decision:** The Board voted 6-0-0 that the application was complete and then voted to approve the Lot Line Adjustment Application as presented and as advertised.

11.10.22  
Date

Patricia Losik  
Patricia Losik, Chair  
Rye Planning Board

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# 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:**

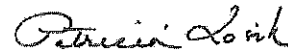
November 8, 2022

**Decision:**

The Board voted 6-0-0 to continue the application to the December 13, 2022 Planning Board Meeting as the Planning Board has received a written appeal of the boundary location of the Aquifer and Wellhead District dated 10/19/22, and per RZO §190-3.6 D (2), the Planning Board shall suspend further action of the application to engage, at the Applicant's expense, a qualified hydrogeologist to prepare a report determining the proper location and extent of the Aquifer and Wellhead Protection District relative to this property.

11-10-22

Date



Patricia Losik, Chair  
Rye Planning Board

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