

**TOWN OF RYE – PLANNING BOARD
MEETING**

**Tuesday, December 13, 2022 – 6:00 p.m.
Rye Public Library**

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

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

I. Call to Order

Vice-Chair Lord led the Pledge of Allegiance and called the meeting to order at 6:02 p.m. He explained that neither Chair Losik nor Selectmen's Rep. Epperson would be present at the meeting.

II. Public Hearing on Proposed LDR:

LDR 2022-27 amends Article III, 202-3.5,B(1)(e) as follows (Note: New text ***emboldened and italicized***. Deleted text ~~struck through~~) (e) Site Impact Analysis. The Site Impact Analysis shall be a written report that describes the impact of the proposed land development. ~~It shall be prepared by an environmental engineer~~ ***and*** shall comply with the requirements of 202-3.4,E ~~(4)-(7)~~.

Vice-Chair Lord opened to the board for comment on the proposed LDR; hearing no comment, he opened to the public. Hearing no comments, the hearing was closed to the public at 6:03 p.m.

Motion by Steve Carter to adopt the proposed LDR. Seconded by Kevin Brandon. All in favor.

III. Determination of Completeness

- a. 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.

Motion by Bill MacLeod to continue the application of 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 to the January 17, 2023 meeting. Seconded by Jim Finn. All in favor.

- 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 January 17, 2023 meeting.

Motion by Rob Wright to continue the application for 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 the January 17, 2023 meeting. Seconded by Steve Carter. All in favor.

- c. Minor Site Development Plan for property owned by Bluestone Properties of Rye, LLC located at 25 Sagamore Road, Tax Map 24, Lot 21 for revisions to the parking area and pedestrian access at the site and seating area for the restaurant. Property is in Business and Commercial Districts. Case # 22- 2022.

Michael Labrie explained that his civil engineer wasn't yet in attendance and offered to answer the board's questions to the best of his ability. The board determined that the application is complete.

Motion by Rob Wright to move the application for Minor Site Development Plan for property owned by Bluestone Properties of Rye, LLC located at 25 Sagamore Road, Tax Map 24, Lot 21 to the public hearing. Seconded by Jim Finn. All in favor.

IV. Public Hearings 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 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.

Planning/Zoning Administrator Reed presented the board with draft conditions of approval sent by Erik Maher.

Attorney Baum clarified that Attorney Tim Phoenix hasn't yet addressed the draft conditions of approval with Attorney Maher.

Joe Coronati of Jones & Beach Engineers updated the board on their progress and explained that he doesn't suspect they'll have any remaining comments to address for the Department Of Transportation. Mr. Coronati summarized minor comments by Portsmouth Public Works which have since been addressed and noted that they're still awaiting PPW's signoff on the sewer connection permit, which will then require a signature by the state.

Mr. Coronati summarized Chief Walsh and Cotreau's comments. Planning/Zoning Administrator Reed explained her most recent correspondence with Chiefs Walsh and Cotreau regarding the submitted plans. Mr. Coronati summarized some of Chief Walsh's comments regarding the exit onto 1A and language within note 24 on sheet C(2). Mr. Coronati explained that discussion is still needed regarding the topic of music.

The board discussed the topic of amplified music, P.A. systems, and decibel restrictions.

Michael Labrie, a member of the public and owner of the Atlantic Grill in Rye, explained how amplified music has been managed at his restaurants. He suggested that the board consider setting a decibel level.

Vice-Chair Lord opened to the public for comment.

Chief Kevin Walsh summarized his experiences in dealing with noise complaints. He defined the term "Noise Disturbance" for the board and expressed that this will be challenging for the Police Department to manage. He explained that decibel levels are difficult to enforce and asked the board to consider the impact of this decision on nearby homes, future decisions regarding commercial districts in the town, and the potential need for increased officers on duty to respond to noise complaints.

Member Wright asked Chief Walsh if he's had any complaints about noise from current businesses.

Chief Walsh explained an issue regarding noise that had previously occurred at Kooks. He used the example to emphasize the fact that decisions the board makes today will impact the town years into the future.

Kevin Baum clarified that the primary goal in asking for music is to continue the current use in using small speakers to play ambient music at a reasonable level in a cafe setting.

Member Carter noted that there is no restriction to music on the inside of the establishment. He also pointed out the placement and direction of the current speakers and potential impacts on nearby neighbors.

Vice-Chair Lord, speaking to Michael Labrie, asked if outside music is allowed at his coffee shop. Mr. Labrie explained that there has always been outdoor seating, but never outdoor music.

Member Wright agreed with Chief Walsh's point that subsequent uses are unknown and that Member Carter's assessment of the speaker system's impact is accurate.

The board continued to discuss the merits and drawbacks of placing restrictions on decibel levels, and the impacts of allowing outdoor music for businesses.

Speaking to Kevin Baum, Vice-Chair Lord asked if he'd like to address Note 24. Mr. Baum explained that he's heard the perspectives of Chief Walsh and the board and will amend the note accordingly.

The board discussed Note 24 and clarified that it doesn't currently restrict music; the board is considering adding the restriction of music to the note based on Chief Walsh's comments. The board considered possible language to be applied to Note 24.

Vice-Chair Lord suggested the board review draft conditions and, hearing that Mr. Coronati's team would like the opportunity to comment on some items, left the meeting open to the public. Vice-Chair Lord suggested the board review each item one by one.

Condition #1

No comments from the board or the public.

Condition #2

- Remove any language that could be interpreted as a suggestion
- Insert the word "and" between requirements and recommendations

Condition #3

- Delete the word "existing".
- Identify "D3" in the detail sheet
- Insert a comma after "high-water table"
- Provide a description of the material between the bottom of the forest pavement stone and the ledge in the 12" overblast layer.

Condition #4

No comments from the board or the public.

Condition #5

- Strike condition #5; instead, add language to the condominium association documents making their contractors aware of the requirements within these documents.

Condition #6 (5)

- Use the term "Mechanical systems" instead of "appliances"

Condition #7 (6)

No comments from the board or the public.

Condition #8 (7)

No comments from the board or the public.

Condition #9

- Strike condition #9 as it's already addressed within the plan.

Condition #10 (8)

No comments from the board or the public.

Condition #11 (9)

- Republish architectural plans to reflect a unified plan set, dated 7/29.
- Strike, “construction” and replace with, “Shall be substantially in accordance”.

Condition #12 (10)

- Amend language after sentence one to read, “in accordance with stabilization notes on sheet E1”.

Condition #13 (11)

- Clarify the timing of completion by editing the first sentence to read, “shall be created for this development”
 - A. - No comments
 - B. - No comments
 - C. - No comments
 - D.
 - Strike “planting and” to clarify that the condominium association should be responsible for maintaining landscaping.
 - Porous pavement should be identified within the condo association documents
 - E. - No comments
 - F. - No comments
 - G.
 - -Note on CSI 13 conflicts with the note on residential garbage pick up
 - Clarify labeling discrepancy on site plan to reflect six units

Condition #14 (12)

- Correction to line four to read “fails” not “files”

Condition #15 (13)

- The board discussed amending condition #15 (13) to read, “amount approved prior to recording, bond placed prior to construction” but decided to consult Attorney Maher prior to making such a change.

Condition #16 (14)

- Keep condition #16 (14) as is and remove from 25 as a condition of signing.

Condition #17 (15)

- Add a note that a pre-construction meeting coordinated with the town is required.

Condition #18 (16)

- Strike apostrophe from “the town’s”

Condition #19 (17)

- Edit language to read “A qualified engineer to inspect and a qualified contractor to maintain all stormwater management”

Condition #20 (18)

- Edit language to read “Escrow should be posted prior to scheduling the pre-construction meeting”

Condition #21 (19)

No comments from the board or public.

Condition #22 (20)

- Add a time frame of 90 days.

Condition #23 (21)

No comments from the board or the public.

Condition #24 (22)

No comments from the board or the public.

Condition #25 (23)

- 1, 6, 7, 11-13 should be reviewed and approved by town counsel prior to signature.

The board discussed escrow and the recording and review process of condominium documents.

Mr. Baum asked Planning/Zoning Administrator Reed for clarification of next steps, which she described.

The board clarified that the note from Chief Walsh will be revised to capture its intent and will be included in the plan. Vice-Chair Lord explained that there will be no outside music, but the possibility is there for future changes to be made.

Motion by Jim Finn to continue the application of 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 the January 17, 2023 Planning Board Meeting. Seconded by Kevin Brandon. All in favor.

Planning/Zoning Administrator Reed noted that the Planning Board now meets at the Rye Public Library on the third Tuesday of each month beginning January 17, 2023.

- 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 January 17, 2023 meeting.

Application Continued to January 17, 2023 Planning Board Meeting. See Motion Above.

c. 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.

Application Continued to January 17, 2023 Planning Board Meeting. See Motion Above.

d. Minor Site Development Plan for property owned by Bluestone Properties of Rye, LLC located at 25 Sagamore Road, Tax Map 24, Lot 21 for revisions to the parking area and pedestrian access at the site and seating area for the restaurant. Property is in Business and Commercial Districts. Case # 22- 2022.

Eric Weinrieb of Atlas Engineering provided an overview of the site and the aim of the development plan. He noted that there are no wetlands on the site or within 100' of the property. The aim of the development is to create an improved, safer parking area. Mr. Weinrieb explained that the current driveway, to which no changes will be made, has been surveyed by the Department of Transportation and received approval. He noted that the development will include the creation of a formal patio, reduction of impervious area by 2300 square feet, removal of gravel, and installation of sidewalks. The space will become a formal parking area including greenspace, landscaping, a dumpster enclosure, and 32 formal, striped parking spaces.

The board agreed that it's a great improvement.

Member Finn asked if the footprint of the parking lot will be more or less the same.

Mr. Weinrieb explained that the entrances and formality will remain the same, but the gravel will be removed to create a true aisle with head-in parking on both sides.

Member Wright asked if the spaces on route 1A south will remain the same. Mr. Weinrieb explained that they will remain the same and clarified that the main impact will be a resurfacing at the property line.

Member Brandon asked about the labeling of the parking area layout and the traffic pattern.

Vice-Chair Lord closed to the public at 7:34

Vice-Chair Lord noted Chief Walsh's comments regarding the barrier constructed to separate the public area from the parking area. Mr. Labrie commented that there is a curb and large boulders used as a barrier.

Member Wright moved to grant the applicant a waiver for 202-3.3B.5.C for a site-specific soil survey as this is all disturbed urban area and the property is not within any of the setback requirements for water management. Seconded by Jim Finn. All in favor.

Member Wright moved to grant the applicant a waiver for 202-9.5 stormwater management plan for the same reasons cited previously. Seconded by Jim Finn. All in favor.

Motion by Bill MacLeod to approve the application for a Minor Site Development Plan for property owned by Bluestone Properties of Rye, LLC located at 25 Sagamore Road, Tax Map 24, Lot 21 for revisions to the parking area and pedestrian access at the site and seating area for the restaurant. Property is in Business and Commercial Districts. Case # 22- 2022. Seconded by Jim Finn. All in favor.

V. New/Old Business

Conceptual consultation for Ciborowski Properties located at 0 Lafayette Road, Tax Map 10, Lot 6 & Map 14, Lots 5, 8 & 9 for 2 – 40-unit multi-family developments on separate existing lots of record with a 53,000 SF commercial lot on RT 1.

Joe Coronati of Jones & Beach Engineers, Michael Greene of Greene & Company, and an owner's representative of Ciborowski presented a conceptual plan for the property.

Mr. Coronati discussed obstacles regarding the sewer line and suggested solutions that would involve Rye Water and Portsmouth Water.

Referring to the layout of the proposed units, Mr. Coronati discussed the possibility of gaining one additional commercial lot on the property.

Mr. Coronati answered the board's questions regarding sewer capacity, additional flows, and pump stations. The board also discussed the issue of irrigation and water allocation issues.

In answer to Member Finn's question, Mr. Coronati described the project's scale, which has shrunk in size since the last proposal.

Mr. Coronati addressed the board's questions regarding sewer and stormwater runoff, blasting of ledges, and the separation between buildings, which is 35'.

Cindy Katz, a member of the public, asked for the location of the development. Mr. Coronati referred to his map. He also noted that there is no well in the area and the need for Portsmouth Water, Rye Water, or a treatment plant. Mr. Coronati explained Aquarion's attempt to make a connection and their issues regarding the PVC.

Mr. Coronati, referencing recent zoning changes, asked if any significant zoning changes would affect this plan. Vice-Chair Lord and Planning/Zoning Administrator Reed explained the zoning changes and noted the change in vernal pool setbacks from 75' to 100'.

Mr. Coronati also confirmed that they're in compliance by including 20% workforce housing units and discussed the ordinance regarding the subdivision of units.

In response to a question by Planning/Zoning Administrator Reed, Mr. Coronati explained that the infrastructure would be private.

There was further discussion regarding water supply, route one access, and residential versus commercial zoning.

Vice-Chair Lord commented that the site seems crowded and asked if Mr. Coronati could reduce the number of units from 80 to 70. Mr. Coronati explained that a substantial portion of land would remain undeveloped, but offered to reevaluate the layout and spacing of the units. Mr. Coronati discussed the maintenance of a trail network and pocket parks.

Mr. Carter pointed out the need for stormwater management, which Mr. Coronati discussed.

Mr. Coronati explained the time frame for the project; he imagined that work wouldn't begin until 2024.

Member Wright noted that the primary obstacles to this project are the complexities of water and sewer, which the board continued to discuss.

Member Garcia exited the meeting at 8:21 p.m.

VI. Other Business

a. Escrows and Minutes

Minutes - October 6, 2022

- Correction to date: October 6, 2022
- Correction on page two, paragraph four: change "wants" to "walks"

Minutes - October 11, 2022

- Correction to page five: "The pool is in. The Rye Building Department [...]"

Minutes -November 8, 2022

- Correction to page four: “Mr. Garrepy responded that he could provide sign-off letters”
- Correction to page eight, paragraph one: change §190-8.3 to §190-8.4
- Correction to page eight: change “tax map” to “tax rate”

Minutes -November 8, 2022

- Correction to page seven, bullet three: edit to read, “Reduction in the minimum required parking spaces for accessory dwelling units”
- Correction to page ten: edit Article XI to read, “Member Carter noted the addition of a more inclusive definition of Toxic and/or Hazardous Materials”

Motion by Jim Finn to approve the discussed meeting minutes. Seconded by Rob Wright. All in favor.

Motion by Jim Finn to adjourn at 8:30 p.m. Seconded by Steve Carter. All in favor.

Respectfully Submitted,
Emilie Durgin

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 Single 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 Single Residence District. Case #21-2022

Date of decision:

December 13, 2022

Decision:

The Board voted 6-0-0 to continue the application to the January 17, 2023 meeting.

12-13-2022
Date


JM Lord, Vice-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/Owner:

Bluestone Properties of Rye, LLC

Property:

25 Sagamore Road, Tax Map 24, Lot 21
Property is in Business and Commercial Districts.

Application case:

Case #22-2022

Application:

Minor Site Development Plan for property owned by Bluestone Properties of Rye, LLC located at 25 Sagamore Road, Tax Map 24, Lot 21 for revisions to the parking area and pedestrian access at the site and seating area for the restaurant. Property is in Business and Commercial Districts. Case # 22-2022.

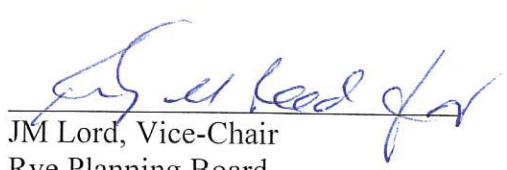
Date of decision:

December 13, 2022

Decision:

The Board voted 6-0-0 to accept the application as complete and to grant the Minor Site Development Plan for revised parking area, pedestrian access and seating area for the restaurant.

12-13-2022
Date


JM Lord, Vice-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: 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

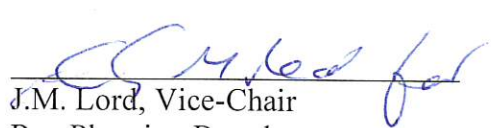
Application case: Case #11-2022

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: December 13, 2022

Decision: The Board voted 6-0-0 to continue the application to the January 17, 2023 Planning Board Meeting.

12-13-2022
Date


J.M. Lord, Vice-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

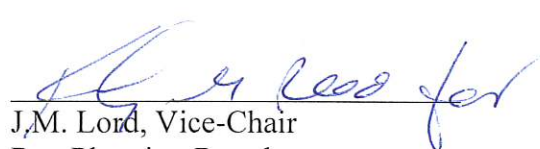
Application case: Case #10-2022

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: December 13, 2022

Decision: The Board voted 6-0-0 to continue the application to the January 17, 2022 meeting

12/13/2022
Date


J.M. Lord, Vice-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:

Bluestone Properties of Rye, LLC

Property:

25 Sagamore Road, Tax Map 24, Lot 21
Property is in Business and Commercial Districts.

Application case:

Case #22-2022

Application:

Minor Site Development Plan for property owned by Bluestone Properties of Rye, LLC located at 25 Sagamore Road, Tax Map 24, Lot 21 for revisions to the parking area and pedestrian access at the site and seating area for the restaurant. Property is in Business and Commercial Districts. Case # 22-2022.

Date of decision:

December 13, 2022

Decision:

The Board voted 6-0-0 to grant the waiver from Section 202-3.3(B.5.c). Specific circumstances relative to the site plan review or conditions of the land in such site plan review, indicate that the waiver will properly carry out the spirit and intent of the regulations because the existing project site is an already developed site that has manipulated the existing soil cover. The underlying soils are identifiable by the NRCC Web soils survey and are used in lieu of at State Specific Soils Survey. Therefore the waiver will still carry out the spirit of the regulations.

12/13/2022
Date


JM Lord, Vice-Chairman
Rye Planning Board

**LAND DEVELOPMENT REGULATIONS
2020 ATTACHEMENT 2**

APPENDIX B

**APPLICATION FOR WAIVER OF SUBDIVISION/SITE PLAN REVIEW
REQUIREMENT
REQUIREMENTS FOR WAIVER FOR A SUBDIVISION REGULATION
FROM RSA 674:36 1 (n)**

(Complete one form for each waiver request)

To the Chairman and Members of the Rye Planning Board:

On October 14, 2022, I submit a plan for (~~subdivision~~/site plan review) approval to the Board,
entitled 25 Sagamore Road Site Improvements prepared by
Altus Engineering and hereby request a waiver from Article III
Section 202-3.3(B.5.c) of the Rye Land Development Regulations.

In support of such request Explanation of Justification for Waiver:

- (1) Strict conformity would pose an unnecessary hardship and waiver would not be contrary to the spirit and intent of the regulations because: _____

_____ ; or
- (2) Specific circumstances relative to the (subdivision/site plan review), or conditions of the land in such (subdivision/site plan review), indicate that the waiver will properly carry out the spirit and intent of the regulations because: _____
The existing project site is an already developed site that has manipulated the existing soil cover. The underlying soils are identifiable by the NRCC Web soils survey and are used in lieu of a Site Specific Soils Survey. Therefore the waiver will still carry out out the spirit of the regulations.


Signature of Applicant (or designee)

10/14/22
Date

RYE PLANNING BOARD

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

WAIVERS Notice of Decision

Applicant/Owner: Bluestone Properties of Rye, LLC

Property: 25 Sagamore Road, Tax Map 24, Lot 21
Property is in Business and Commercial Districts.

Application case: Case #22-2022

Application: Minor Site Development Plan for property owned by Bluestone Properties of Rye, LLC located at 25 Sagamore Road, Tax Map 24, Lot 21 for revisions to the parking area and pedestrian access at the site and seating area for the restaurant. Property is in Business and Commercial Districts. Case # 22-2022.

Date of decision: December 13, 2022

Decision: The Board voted 6-0-0 to grant the waiver from Section 202-9.5(E.1). Specific circumstances relative to the site plan review or conditions of the land in such site plan review, indicate that the waiver will properly carry out the spirit and intent of the regulations because the existing site is an already developed site. The proposed improvements will removed approximately 2,350 square feet of impervious area on site to re-configure the parking and provide walkways and a patio to support the existing businesses on site. Stormwater is managed and runoff from the new paved areas is directed to a 50-foot vegetated swale. Peak runoff rates for all storms are reduced from the existing conditions. Therefore, the waiver will still carry out the spirit of the regulations.

12/13/2022
Date


JM Lord, Vice-Chairman
Rye Planning Board

**LAND DEVELOPMENT REGULATIONS
2020 ATTACHEMENT 2**

APPENDIX B

**APPLICATION FOR WAIVER OF SUBDIVISION/SITE PLAN REVIEW
REQUIREMENT
REQUIREMENTS FOR WAIVER FOR A SUBDIVISION REGULATION
FROM RSA 674:36 1 (n)**

(Complete one form for each waiver request)

To the Chairman and Members of the Rye Planning Board:


On October 14, 2022, I submit a plan for (~~subdivision~~/site plan review) approval to the Board,
entitled 25 Sagamore Road Site Improvements prepared by
Altus Engineering and hereby request a waiver from Article III
Section 202-9.5(E.1) of the Rye Land Development Regulations.

In support of such request Explanation of Justification for Waiver:

(1) Strict conformity would pose an unnecessary hardship and waiver would not be contrary to the spirit and intent of the regulations because: _____

_____ ; or

(2) Specific circumstances relative to the (subdivision/site plan review), or conditions of the land in such (subdivision/site plan review), indicate that the waiver will properly carry out the spirit and intent of the regulations because: _____
The existing project site is an already developed site. The proposed improvements will remove approximately 2,350 square feet of impervious area on site to re-configure the parking and provide walkways and a patio to support teh existing businesses on site. Stormwater is managed and runoff from the new paved areas is directed to a 50 foot vegetated swale. Peak runoff rates for all storms are reduced from the existing conditions. Therefore the waiver will still carry out out the spirit of the regulations.



Signature of Applicant (or designee)

10/14/22

Date