

**TOWN OF RYE – PLANNING BOARD
MEETING**

Monday, April 3, 2023 at 12:00 pm (noon)

Rye Town Hall, 10 Central Rd, Rye NH

***Members Present:* Pat Losik, Chair; Bill MacLeod, Bill Epperson, Kathryn Garcia and Kevin Brandon (arriving 12:15pm)**

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

***Present for Application:* attorney Kevin Baum and Mike Garrepy.**

I. Call to Order

Chair Losik led the Pledge of Allegiance and called the meeting to order at 12:01pm.

II. Public Hearings on Applications:

Amendment to the Condition #13 of the Conditions of approval granted on 1/17/2023 for the Major Subdivision, 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.

Chair Losik opens the meeting, reads the case and stated it was brought to the Board on March 21, 2023 and understood that Attorney Baum was going to work with Town Attorney Maher to discuss the pros and cons of what you were looking for. The Board has your proposal before them which was amended by Attorney Maher.

Attorney Kevin Baum sees no issue with conditions consistent with proposal and clarifies what they were proposing. Attorney Maher's concerns were expressed with Attorney Baum. Attorney Baum gave credit to Developer, Mike Garrepy for the idea of a performance bond and talked about the risks to the Town, start the process, demolish, and walk away and site left with the unsightly and unstable debris. The performance bond to cover removal of debris and stabilization and that will be an interim which would go away when the larger surety goes into place for the targeted stormwater which will go into effect when a building permit is issued.

Attorney Baum did look at other towns and Portsmouth does require a surety up front for subdivisions but site plans at time of development. Exeter same as Portsmouth.

Kevin Baum stated that Jones & Beach has an initial estimate proposal for stabilization plus 10%.

Member Epperson asked if collaboration between Baum and Maher.

Attorney Baum stated he did work with Attorney Maher and Attorney Maher takes no position it is up to the Board.

Chair Losik summarizes the restoration bond for demolition of 3 residential further provides for a performance bond and chair may sign conditions 13 & 13-A on the plans rather than after the provision of the surety. Pretty clear, language is understandable.

Member MacLeod stated if Attorney Maher agreeable with Attorney Baum, then he has no issues.

Member Epperson, feel same way if collaboration between the two, no issues.

Member Garcia, no issues, agrees.

Chair Losik reads the amendment to the condition 13, new language in second sentence and last sentence of condition 13. 13-A inserted after 13 and reads the language. Amending Condition 23 to say that 13 and 13-A on the plans then Chair may sign. Reads the amendment. Good solution and measure of safety no residents.

Open Public. Hearing None, Close Public.

Kathryn Garcia is seated for absent J.M. Lord.

Member MacLeod makes a motion Amend the January 17, 2023, Planning Board Conditions of Approval issued for 15 Sagamore Road, Tax Map 24, Lot 22, Case #10-2022. The Motion to amend the conditions of approval as detailed in document before the Board on 4-3-2023 to amend condition 13, add condition 13-A and amend condition 23. Seconded by Bill Epperson. Vote to approve 4-0-0.

1. Amending Condition 13 to state, "Applicant and/or Developer shall supply an estimate of the costs for the installation, construction, inspection and disposition of all stormwater and drainage facilities and all access ways on the Property. Applicant and/or Developer shall further supply a performance bond or other acceptable form of surety in an amount sufficient to ensure the adequate construction and installation of the stormwater and drainage facilities. The form of such performance bond or other surety shall be subject to the review and approval of Town Counsel. The performance bond or other surety shall be provided prior and as a condition to the issuance of any construction and/or development permits, approvals, or authorization. Applicant and/or Developer shall not commence development until the performance bond required herein is provided to the Town, except that the Applicant and/or Developer may receive permits for and may demolish existing residential structures on the Property in accordance with Condition 13-A."

2. Insert Condition 13-A after Condition 13, which states, “Applicant and/or Developer shall supply an estimate of the costs for the restoration of the Property should the Applicant and/or Developer commence demolition of any existing residential structures but does not proceed with the work authorized by this Approval prior the expiration of this Approval. Applicant and/or Developer shall further supply a performance bond or other acceptable form of surety in an amount sufficient to ensure the removal of any demolition debris, the stabilization of soils, and the re-sodding of any disturbed areas in accordance with construction best management practices. Said restoration bond shall be in a form and substance acceptable to Town Counsel. Upon the Applicant and/or Developer providing such restoration bond, the Applicant and/or Developer may obtain demolition permits and may commence demolition of existing residential structures on the Property. This restoration bond shall be released upon the Applicant and/or Developer providing the Town with the performance bond and/or other surety required by Condition 13.”
3. Amending Condition 23 to state, “Applicant shall ensure that Conditions 13 and 13-A are reflected on the Plans. The Planning Board chair may sign the Plans when said notation is made on the plans and when the foregoing conditions Nos. 1, 6, 7, 11, 12, 16, and 18 are met. The property shall not be subdivided, and no unit depicted on the Plans shall be conveyed, until the foregoing Condition Nos. 13 and 13-A are met.”

Attorney Baum and Mike Garrepy thanked the Board.

Member Epperson asks Mr. Garrepy if he has taken possession of this site.

Mr. Garrepy states he has taken possession and has applied for a demolition permit.

III. InvestNH HOP Grant to select a consultant recommendation by the Long-Range Planning Committee.

Chair Losik brings the Board up to speed not a public hearing but a public meeting and recommendation by the Long Range Planning Committee. Also that Kim emailed the summary of where we are today on this grant.

(Kevin Brandon arrives and Ms. Reed fills him in on the 15 Sagamore amendment)

Chair Losik stated received guidance from Town Attorney on the RFP process, the LRPC will recommend the winning bidder to the Planning Board. Kim Reed and Pat Losik met with the Select Board on March 13, 2023 and it was indicated that Kim would work with the Town Administrator, Matt on this particular project. We met on the 27th and an hour long discussion it was a work session. Used Zoom, phone and livestream and in person. LRPC recommended RPC award the grant. Kim Reed and Kara Campbell also there valuable input.

Chair Losik, the selected consultant will have a contract, they are required to sign the contract within 7 days. Today the LRPC seek authorization from the Planning Board on the RPC which was the choice of the 28th LRPC meeting.

Member Garcia thorough process.

Ms. Reed says three response received: Libra, JVL and RPC and good discussion on the 28th and available on the Town Livestream.

Kevin Brandon asks if gave them specific guidance so uniform.

Chair Losik, aligned with process and RFP criteria. Discussed RPC is the author of the Housing Needs Assessment and Task II is driven by that data. Task II driven by Housing Assessment, Task I opinion survey form of where we were addressing, Task III community outreach. We as a committee focused on 3 tasks and costs. Libra was over budget, what RPC scaled back what they will receive as a consultant and return to Rye also incurred legal fees. RPC pulling in Resilience Planning and FB Environmental who was author of the NRI and provides reports on Parson Creek.

Chair Losik said they are very happy with Julie LaBranche and she worked with RPC and we consulted with her when she was with RPC and contracted with her when she went out on her own and contracted with her on other matters and write this grant. Excellent resource for Rye. Appreciate Julie.

Chair Losik said we may hear from Libra on the Master Plan. They had impressive CV's they have a planner in Durham, NH. They had great projects. What we liked RPC and JVL is they both had NH projects and RPC has coastal communities.

Member MacLeod asked if we had to make a vote.

Chair Losik said yes, make a recommendation the Planning Board authorizes the RPC as the bidder. Motion PB authorize RPC as HOP Phase I consultant, add subsequently go to BOS and/or Town Administrator.

Ms. Reed said BOS voted the authority was with the Town Administrator.

Member Epperson, Select Board rep agreed.

Motion by Member MacLeod to award the Rockingham Planning Commission (RPC) the winning bid for the NHHOP Planning Grant awarded to the Planning Board on 2/8/2023. Seconded by Member Epperson. Vote 5-0-0.

Motion to Adjourn by Member MacLeod, seconded by Member Garcia. All in favor.