

**TOWN OF RYE – PLANNING BOARD
MEETING**

Tuesday, March 21, 2023 – 6:00 p.m.

Rye Public Library

***Members Present:* Kevin Brandon, Bill MacLeod, Bill Epperson, Chair Patricia Losik, Vice-Chair JM Lord, Steve Carter, and Rob Wright (via phone)**

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

I. Call to Order

Chair Losik called the meeting to order at 6:00 p.m. She congratulated JM Lord on his reelection, Kathryn Garcia on her election to the Planning Board for a one-year term, as well as Jim Finn and Bill MacLeod for their continued service as alternates. Chair Losik asked Member MacLeod to sit as alternate for Member Garcia, which he accepted. Chair Losik noted that all votes would be taken via role call.

Chair Losik led the board in the appointment of officers.

Motion by Bill Epperson to nominate Steve Carter for the position of Clerk. Seconded by Pat Losik.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

Motion by Bill MacLeod to nominate JM Lord for the position of Vice Chair. Seconded by Bill Epperson.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

Motion by JM Lord to nominate Pat Losik for the position of Chair. Seconded by Bill Epperson.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

Chair Losik explained the process for appointing members to the Long Range Planning Committee, Technical Review Committee and the Rules and Regulations Committee. She explained that the goal is to vote on the make up of the committee, with a total of three people, and appoint one chair to the committee.

Motion by Pat Losik to nominate Bill MacLeod, JM Lord, and Jim Finn as alternate to the Technical Review Committee. Seconded by Bill Epperson.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

Motion by Steve Carter to nominate himself and Pat Losik to the Rules and Regulations Committee. Seconded by JM Lord.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

Motion by Pat Losik to nominate Rob Wright and Kathryn Garcia to the Long Range Planning Committee. Seconded by JM Lord.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

Motion by Pat Losik to nominate Kevin Brandon to the Capital Improvements Program Committee. Seconded by Bill MacLeod.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

Motion by Pat Losik to nominate JM Lord for the position of Chair of the Technical Review Committee. Seconded by JM Lord.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

Motion by Pat Losik to nominate Rob Wright for the position of Chair of the Long Range Planning Committee. Seconded by Kevin Brandon.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

Motion by Pat Losik to nominate Steve Carter for the position of Chair of the Rules and Regulations Committee. Seconded by Bill Epperson.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

II. Determination of Completeness

a. Rannie Webster Foundation d/b/a Webster at Rye for property owned and located at 795 Washington Road, Tax 11, Lots 52 & 6 requests a two-year extension of the planning board approvals issued October 20, 2020, and a one-year extension February 8, 2022, for the chair to sign the plans to April 20, 2025. Property is in the Single Residence District and Aquifer and Wellhead Protection District. Case #02-2023.

Kevin Baum of Hoefle, Phoenix, Gormley & Roberts, **Tom Argue** from Webster at Rye, and **Eric Weinreib**, the project engineer, presented the application for extension to the board and stated that everything the board would need to make a decision is included in the application.

Motion by JM Lord to move the application to the public hearing. Seconded by Bill MacLeod.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

b. Minor Subdivision Application for Edward G. Patenaude, Sr. Revocable Trust for property owned and located at 10 Forest Green, Tax Map 18, Lot 45-9 to subdivide the lot into two singlefamily residential lots with waivers to 202-3.4.D(2) & 202-3.4.D(4) requiring a topographical and stormwater management plans. The property is in the Single Residence District. Case #04-2023.

Paige Libbey of Jones & Beach Engineers presented the application. She addressed questions regarding soils, explained a requested waiver for the topographic plan, and outlined the wetlands delineation. In response to Chair Losik's question, Ms. Libbey stated that they did not do a site-specific soil map, and requested a waiver from the section of the regulation that requires that, but had wetlands delineated, which are included in the plan.

Chair Losik asked for clarification regarding zoning and septic. Ms. Libbey explained that the wetland line in the plan is what they used as the limit of the poorly drained soil instead of the 314A soil; the area listed on the plan is correct for the upland soil.

Vice-Chair Lord asked about 314A in the buffer area and asked for clarification that the wetland buffer is the soil's edge. Ms. Libbey explained the soil line and that NRCS soils were depicted on the plan for the purpose of doing lot-loading calculations for septic.

Member MacLeod commented that he wasn't sure why site-specific soil testing wasn't done. Ms. Libbey explained that the wetlands were delineated and confirmed that neither poorly drained or other soils have been tested.

Chair Losik asked how the board can know that the applicant complied with RZO Article II? Ms. Libbey, presenting a site map, explained that the upland area of the property is more than 50,000 square feet. Chair Losik asked about the wetland work and whether it was included in the area shown. Ms. Libbey confirmed. At Chair Losik's request, Ms. Libbey also detailed some of the lot dimensions in regards to zoning regulations according to their wetland scientist.

Member MacLeod noted the area is 50,000 square feet east of the wetland line, but no soil probes were taken in the upland area. Ms. Libbey explained that there were two tests done in that area for septic. Member MacLeod clarified that they were up near the street. Ms. Libbey confirmed and pointed out that those areas meet the requirements for septic. Member MacLeod pointed out that perhaps the soil code information should have been included in the plan. Ms. Libbey explained that data is not always taken with each probe. Member MacLeod summarized that in the upland area, the wetland scientist stated that it's all wetland soil; Ms. Libbey confirmed, but did not provide a report from the wetland scientist.

Chair Losik and Member MacLeod agreed that the board would like to see a soil report from the wetland scientist.

Chair Losik explained the board's concern regarding the mapping, which doesn't include any upland soil on the further area. She asked the board if they are comfortable not having a specific report for the soils.

Member Brandon asked how a wetland scientist would typically document their work. Member MacLeod explained his experience that a soil scientist would leave a flag with a soil probe number, and the data for those soil probes could be shown.

Planning/Zoning Administrator Reed noted that the applicant is asking for a waiver from the topographical map, which is something to consider in the determination of completeness.

Chair Losik asked about the septic requirements. The board discussed the importance of having a letter from the soil scientist detailing the soils and calculations of their dimensions. Vice-Chair Lord asked about the septic area and 202-6.7.D(2C). Vice-Chair Lord and Ms. Libbey discussed the new wetland buffer ordinance.

The board considered the application's completeness regarding elements discussed. Ms. Libbey explained that they are still in accordance with the new wetland buffer ordinance.

Member Wright asked whether the new driveway on the lot is compliant, ten feet or greater. Chair Losik confirmed that it is.

Chair Losik discussed the need for a soil report to meet the needs of both zoning and septic, and assumed the applicant might refer to 6-11 of the Land Development Regulations as a solution. Chair Losik discussed landscaping, irrigation, climate resilience, and natural features. Ms. Libbey explained their understanding that the waiver covered each of those items. Chair Losik referred to 202-3.4.B and D, articles 6-11 for a minor subdivision and suggested Ms. Libbey review them.

Vice-Chair Lord suggested the board schedule a site walk for this application.

Member Brandon stated that the updated information affirms the amount of area that the septic would have available to it. Member MacLeod, Member Brandon, and Ms. Libbey discussed the 4,000 square foot designated area in regards to the buffer and setback.

Member MacLeod noted that if this application were brought to a public hearing, the board would have a better position to request more data. Selectmen's Rep. Epperson agreed.

Motion by JM Lord to determine the application complete and will move to the public hearing. Seconded by Kevin Brandon.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

C. 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.

Kevin Baum of Hoefle, Phoenix, Gormley & Roberts and **Mick Khavari**, an owner of the group who acquired the property, presented the application.

Motion by JM Lord to determine the application complete and move it to the public hearing. Seconded by Kevin Brandon.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

D. Driveway Application by 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.

Planning/Zoning Administrator Reed summarized an email from the applicant, which was forwarded to the board, explaining that a surveyor was hired and the applicant requests a continuance to the May 15, 2023 Planning Board meeting.

Motion by Bill Epperson to continue case #21-2022 to the May 16, 2023 Planning Board Meeting. Seconded by JM Lord.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

E. Waiver request from conditions of Planning Board site plan approval to allow for a Temp CO for a driveway that cannot be paved due to weather by Francis & Gail DiNuzzo for property located at 10 Goss Farm Lane, Tax Map 8, Lot 59-1. Major Subdivision by Tuck Realty Corp. Case #11- 2018. Property is in the Single Residence District. Case #05-2023.

Kevin Baum of Hoefle, Phoenix, Gormley & Roberts and **Francis DiNuzzo** presented the application. Attorney Baum offered clarification that this is a request for a temporary certificate of occupancy, which is outlined in the request, not a waiver for any of the conditions, nor are

they asking to change any conditions. He explained that the certificate of occupancy has been issued and expires on May 15, 2023.

Mr. DiNuzzo explained that the builder has put up a bond to backstop the work.

The board discussed the necessity of a waiver and the possibility of further discussion at a public hearing.

Motion by Bill MacLeod to determine the application complete. Seconded by Kevin Brandon.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

F. Request for a one-year extension from the 2-year date 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.

Kevin Baum of Hoefle, Phoenix, Gormley & Roberts and Karen Nadeau presented the application and noted that the applicant has additional time constraints. Originally an extension was requested to allow a buyer to complete these improvements. The sale fell through, but there is another buyer with an anticipated closing date of April 13, 2023, which causes a significant time constraint.

Chair Losik clarified that the request is through April 13, 2024. Attorney Baum confirmed.

Motion by JM Lord to determine the application complete. Seconded by Bill MacLeod.

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

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

Motion by JM Lord to continue the application for a Driveway Application by Robert Lang on behalf of Tucker D. Allard & Mary Coppinger to the May 16, 2023 Planning Board meeting. Seconded by Kevin Brandon

Vote: 7-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter, R. Wright)

a. Rannie Webster Foundation d/b/a Webster at Rye for property owned and located at 795 Washington Road, Tax 11, Lots 52 & 6 requests a two-year extension of the planning board approvals issued October 20, 2020, and a one-year extension February 8, 2022, for the

chair to sign the plans to April 20, 2025. Property is in the Single Residence District and Aquifer and Wellhead Protection District. Case #02-2023.

Chair Losik explained the board's definition of "good cause", the rationale for the requested extensions.

She asked for clarification regarding good cause and the how the regulatory changes since the original approval would necessitate revisions to the approved plans and the applicant's ability to commence active and substantial development considering the existing business conditions. She explained to the board that previously requested and received planned extensions do not factor into this evening's discussion. She explained that last year Attorney Phoenix shed some light on vesting in code section 670-439 and summarized that explanation.

Attorney Baum summarized a conversation with Attorney Phoenix regarding the matter of vesting. He explained that there was a misstatement or a missed transcription in the minutes. In the context of the discussion for the extension, he explained the primary reason for the extension is for the applicant, who has been greatly impacted by Covid and having their project delayed, to be able to continue under the regulatory and zoning scheme that was in place at the time of approval, which is consistent with the statute. He continued to explain the statute and noted that once a project has a noticed approval, future changes do not affect that approval as long as you apply for approval within the year. He explained the ultimate goal of the statute: to protect the applicant from regulatory changes for as long as the applicant continues to extend their application.

In response to the board's question, Attorney Baum explained that there have been no changes to the plans, it's still the same proposal for the same reasons. He stated that there haven't been changes that would affect the proposal, but that would affect the process. This would require a reapplication, additional reporting, and hurdles that don't affect the build out, but would affect the process.

Speaking to Attorney Baum, Chair Losik asked if his review of changes in zoning and land development regulations found that they are not impactful from a process standpoint. Attorney Baum confirmed that they are not. He also explained that he is not absolutely sure that there are no changes, because the town's land use regulations are detailed. His understanding is that the process and the cost of going through the reapproval process with a not-for-profit entity doesn't make sense and would be a significant imposition on the applicant.

Chair Losik shared her thoughts on the regulatory changes and shared that she generally agrees with Attorney Baum's perspective and acknowledged the financial and operational impacts of Covid-19.

Member Brandon noted that what's being proposed doesn't sound like it has changed in any material way. He added that whether it's not-for-profit or for profit, there are a lot of upfront sunk costs for any applicant. He wondered what the cost to the town of Rye would be to extend

the application. He pointed out that he doesn't see any explicit cost to the town of Rye by extending the application.

Member MacLeod pointed out that the process to approval was extensive: the engineering work was detailed, and the number of hearings made the process time consuming. He also considered the impact of choosing not to extend the application in that the expansion of Webster could be an asset to the town, and could see no reason not to grant an extension.

Selectmen's Rep. Epperson agreed with Member MacLeod's assessment that a lot of time and expense has been invested. He doesn't see any change in the process and expressed that he doesn't see reason why the board shouldn't honor their request for an extension.

Member Carter also agreed with Member MacLeod and asked if this structure is really going to be built. He noted that the original application was approved in 2020 and the application would be extended for another two, five years total, and no progress has been made. He referenced the new arrangement with a company in Manchester, explained that he doesn't take issue with an extension, but wondered if the project will actually be built or if the applicant will return for an additional extension in the future.

Attorney Baum reiterated the goal to build this structure, and despite the fact that conditions could change that may affect that goal, the applicant wouldn't be before the board if they didn't intend to build it.

Member Wright echoed Member Carter's concerns and referenced the concerns of abutting neighbors. He explained that while the applicant has good reason to request an extension, granting such an extension would leave the project in a state of flux, potentially negatively impacting the town, which Member Wright does not feel comfortable with.

Chair Losik asked Attorney Baum to bring the board up-to-date with conditions precedent, of which there were seven. She explained that most were not causing concern for the board, but wanted to know if there's any progress on conditions one through seven.

Tom Argue, former CEO of Webster at Rye, currently a resident of North Hampton, and **Eric Wienberg** discussed their progress on each of the seven conditions with the board and Planning/Zoning Administrator Reed.

Attorney Baum noted that, while progress has been slow, there has been ongoing work.

Chair Losik explained that there have been some regulatory changes and work forward in 3.1, the wetlands conservation district. She explained that the wetland at issue at Webster is the Berry's Brook Watershed, the 100' buffer was required then and it is required now. She noted that the buffer has informed the much of the layout of the new design, which has not changed. She also discussed the landscaping and planting plan. She noted that changes have been made regarding irrigation systems, DES water quality guidelines, and LDRs now apply. She asked if those are impactful to the application. There was no answer regarding the impact of irrigation changes.

Chair Losik also discussed the matters of RZO buffer, lighting, and parking, and those regulatory changes for which the applicant seems to have kept pace.

Chair Losik opened to the public at 7:11 p.m.

Brendan Carney, a direct abutter located at 19 Blueberry Lane, voiced his opposition to the extension and reminded the board that one of the reasons the initial application took so long to pass, was because it was controversial. While he acknowledged the significant impacts of Covid-19, he noted that the town has changed a lot, and asked the board to consider those changes. He also asked the board to consider the long-term planning process and the abutting single-residence neighborhood.

Mary Harb, 48 Mountainview Terrace, spoke on behalf of herself and some other abutting neighbors, who could not attend, but who shared input. She explained their concerns and pointed out that variances, exceptions, and approvals all have time limits for a reason. She stated that evidence presented to landuse boards is only relevant for the date that it's presented. She pointed out the changes to the town over the past four years and their impact on Washington Road and the need for an updated road use analysis. She discussed tolerance for nighttime lighting, noise, and septic odors and the need to consider these elements using the current analysis criteria. She noted that the abutters, while sympathetic to the applicant's reasons for failing to initiate their project, these reasons don't shift the burden of responsibility from Webster to the town. She also referenced Rannie Webster's original vision, noted that the proposed extension isn't inkeeping with that vision, and pointed out that Webster isn't currently used to capacity. Another concern is that the new complex would be empty. She asked the board to consider whether the plans are currently relevant and pointed out that previous promises made by Webster to abutters have not been kept.

Hearing no further commentary, Chair Losik closed to the public at 7:19 p.m.

Chair Losik thanked Mr. Carney and Ms. Harb for their contributions and encouraged members of the public to voice their opinions, particularly as the town approaches the writing of the Master Plan. She also discussed a funded build-out analysis and a housing grant for a housing study.

Chair Losik explained the concerns raised in the process of approval for Webster's application. She felt as though management of Webster was responsive to needs and discussion at that point and she encouraged that process to continue. Speaking to Attorney Baum, Chair Losik asked if no additional extensions would be a condition of approval.

Attorney Baum responded yes, they are comfortable with that condition.

Member MacLeod commented that in working in the regulatory field, he's learned that two years is very short. Noting the guarantee that they will not return for an additional extension, he doesn't see any issue with granting an additional two-year extension.

Selectmen's Rep. Epperson explained that the demand for this type of service will increase not decrease, so he's not concerned regarding the building. He explained that the concerns presented tonight are things that have been discussed over the past months. He explained that an extension for an additional two years is not outrageous and he recommends the board approve.

Vice-Chair Lord agreed and didn't see an issue with granting an extension.

Member Carter was also okay with the extension.

Member Wright, explaining his difficulty hearing the discussion over the phone, abstained.

Member Brandon had no further questions.

Motion by JM Lord to determine that the Planning Board, finding good cause for the extension due to existing business conditions including the continued operational and financial impacts of Covid-19, approve the request for further two-year extension for Rannie Webster Foundation d/b/a Webster at Rye major site development plan CUP.

For the chair to sign the plans, active and substantial development should be on or before April 20, 2025 subject to the following conditions:

- **No additional extensions will be granted.**

Seconded by Kevin Brandon.

Vote: 6-0-1 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter; R. Wright abstained)

b. Minor Subdivision Application for Edward G. Patenaude, Sr. Revocable Trust for property owned and located at 10 Forest Green, Tax Map 18, Lot 45-9 to subdivide the lot into two singlefamily residential lots with waivers to 202-3.4.D(2) & 202-3.4.D(4) requiring a topographical and stormwater management plans. The property is in the Single Residence District. Case #04-2023.

Member MacLeod asked for explanation as to why a waiver is reasonable.

Paige Libbey explained that with a frontage subdivision it's difficult to plan stormwater management as impervious surfaces won't be proposed until an application is completed for a building permit. At that point, the zoning ordinance requires a stormwater management plan for the building permit itself.

The board agreed that their reasoning for a waiver make sense.

Member Carter asked if they've done any test pits for DLA. Ms. Libbey responded yes, and outlined the test pits on the map.

Vice-Chair Lord commented that these are the most detailed waiver explanations that the board has ever seen.

Member Wright, having difficulty hearing the discussion over the phone, signed off at 7:30 p.m.

Chair Losik opened to the public hearing at 7:30 p.m. Hearing no comments, the public hearing was closed at 7:30 p.m.

Speaking to Ms. Libbey, Chair Losik asked if she has any questions regarding the LDR. Ms. Libbey responded that they would review the new sections of the wetland regulations and put together a report from the wetland scientist.

The board scheduled a site walk for Monday April 3, 2023 at 1:00 p.m.

Motion by JM Lord to continue Minor Subdivision Application for Edward G. Patenaude, Sr. Revocable Trust for property owned and located at 10 Forest Green to the April 18, 2023 Planning Board meeting. Seconded by Steve Carter.

Vote: 6-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter)

C. 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.

Reviewing the application, Chair Losik noted that the proposed conditions 13 and 23 were discussed at the December 13, 2022 and January 17, 2022 Planning Board meetings.

Kevin Baum agreed and explained that the questions regarding the conditions was raised by the lender. Attorney Baum explained that the expectation has always been that this project would be permitted and sold to someone who would build it out. While his clients still plan to sell or build in partnership with someone else, they would like to have the site plan signed and approved to clarify the timing of vesting and provide the letter of credit at the future time of construction. He explained that they are prepared for a condition to the issuance of a building permit or other development permits, but would like to exclude a demolition permit.

Chair Losik expressed that she's struggling with the request as it's been discussed more than once. She reviewed LDR section 202-7.1 and discussed her review of the December 13, 2022 meeting live stream and minutes. In that meeting, condition 15 (now 13) was discussed and Chair Losik emphasized that it was not a minor discussion. She noted that the edits of and comments on the conditions of approval focused on the same discussion. Attorney Baum agreed that the matter was discussed.

Member Brandon summarized that the applicant wants to execute demolition and hand the project off with the plans intact so someone can succeed, whether they're a partner or not. He added that the applicant wants a waiver on surety to allow for a demolition and subsequently put the surety in place. Member Brandon asked if any surety is required when there is ongoing commercial business on a site when there is demolition occurring adjacent? Chair Losik did not know the answer.

Member MacLeod summarized that the applicant wants the plans signed without posting surety. He noted that it's in the town's regulations, but this is the only place he's seen in his career the posting of surety to sign the plans. He added that the applicant is now dealing with leftover pieces of property, and in needing to make them marketable someone has to get the permit first. He commented that he doesn't ever see a need for posting a bond to have plans signed and explained that the bond is to guarantee the work, construction, or the ways to provide access. He explained the need for a bond to be issued prior to the issuance of a building permit or prior to the construction of a road. He commented that this is a messy piece of property and it's at the gateway to Portsmouth. He added that the board should consider reviewing the LDR in the future; they're likely to see these requests more often, the town loses nothing by signing the plans, and bankers and buyers want to see a signature. He added that he doesn't know that the building inspector requires a bond in order to get a demolition permit.

Attorney Baum clarified that he doesn't believe the bond covers demolition; he mentioned that because they had previously discussed conditioning the timing on development permits. The intent of saying "development permits" was to make it all encompassing so that no prospective development would occur. He added that his clients would like to start demolition, and if the board does choose to approve, he didn't want that to be pulled in. He noted that it's to the benefit of the town to begin demolition.

Member MacLeod asked if there are any current residential occupants in the three buildings.

Mr. Khavari responded that one is empty now, one will be empty on the 22nd, and one will be empty by the end of the month.

Member MacLeod asked about the circumstances of the tenets' departure.

Attorney Baum explained that they are month-to-month leases and tenets have been noticed that the leases are ending. While eviction notices are a possibility, he doesn't foresee that happening. He also assured the board that they abide by the rights under tenet law.

Member MacLeod explained that a property owner has to pay for vacant building coverage if the building is vacant for more than 30 days. He explained that this is expensive, which would be an impetus to get the building torn down and the site cleaned up. He added that for this site, the applicant's reasons for not posting a bond prior to the signature of the plan makes sense, and he's in support of the application.

Selectmen's Rep. Epperson, speaking to Planning/Zoning Administrator Reed, asked what the downside to this plan would be. She responded that Attorney Maher articulates those points in his letter. The board reviewed Attorney Maher's letter.

Vice-Chair Lord agreed with Member MacLeod that this is an issue that should be discussed with Attorney Maher. He explained that as it stands right now, the appeal period has already gone through and the board could set a dangerous prescedent in reopening the case after the fact. He reiterated his reluctance to support this application.

Member Carter agreed with Vice-Chair Lord, expressed that the board should review the LDR, and reiterated the worry that the board would be setting a precedent going forward.

Chair Losik added that the plans are a matter of public record and the information is available.

Attorney Baum explained that, with respect to reopening an application after the appeals period, this would be a new decision that would be appealable, but one of the issues is that the bank will not lend without a signed plan. While it is surmountable, it makes things more difficult and harder to market and close on the property, which is a burden for the client and ultimately the board.

Member MacLeod asked Attorney Baum if his expertise is in land development and permitting. Attorney Baum confirmed and explained that he mostly works in the seacoast. The two discussed the frequency with which towns require a bond prior to signing of plans.

Selectmen's Rep. Epperson explained that the condition was plain and frequently discussed when it was approved. He added that if it's not needed, then it should be discussed, but the board would set a horrible precedent by doing it.

Chair Losik agreed and added that the language is something that should be reviewed in the LDR at another point in the future. She proposed that the board continue this at a point when Attorney Maher has a chance to discuss the matter with Attorney Baum. She added that the board may schedule another meeting earlier in April, which may provide a shorter timeline.

Attorney Baum stated that they would agree to continue, but shared his concern of continuing without a notice.

If you leave it open and wait until you have a meeting date, then you will be continuing it to a certain date.

Chair Losik opened to the public at 8:03. Hearing no comments, the public session was closed at 8:03 p.m.

Motion by JM Lord to table the discussion until a meeting date is set. Seconded by Kevin Brandon.

Vote: 6-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter)

D. Driveway Application by 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 May 16, 2023 meeting (see motion above).

E. Waiver request from conditions of Planning Board site plan approval to allow for a Temp CO for a driveway that cannot be paved due to weather by Francis & Gail DiNuzzo for property located at 10 Goss Farm Lane, Tax Map 8, Lot 59-1. Major Subdivision by Tuck Realty Corp. Case #11- 2018. Property is in the Single Residence District. Case #05-2023.

Member MacLeod, after viewing the site, wondered if there is requirement that the driveway needs to be paved and asked if the Planning Board could send a letter stating that this applicant doesn't need a waiver from the Planning Board to get an occupancy permit. Member Brandon agreed.

Selectmen's Rep. Epperson stated that the board, along with Attorney Maher, Planning/Zoning Administrator Reed, and the Building Inspector came up with a solution creating a bond from the builder. He suggested the Planning Board make a simple statement that they're comfortable with the provisions provided in the application for completion on or before May 15th.

Planning/Zoning Administrator Reed suggested the board make a motion that the Planning Board has no jurisdiction over this matter.

Member Brandon asked if by doing that the board would be holding someone in limbo. Selectmen's Rep. Epperson explained that they would not because the applicant has the CO.

The board discussed what would happen if the extension went beyond May 15th. The board decided that there's no need for the Planning Board's involvement, and the applicant does not need a waiver from the Planning Board

Chair Losik opened to the public at 8:09. Hearing no comments, the public session was closed at 8:09.

Motion by Bill MacLeod that the Planning Board, through Kim Reed, send a letter to the building inspector stating that the Planning Board does not have jurisdiction in this matter and there's sufficient evidence through correspondence with the Planning Board's attorney that the process can be handled by the building inspector with a temporary occupancy permit until such time that the work is completed. Seconded by Steve Carter.

Vote: 6-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter)

F. Request for a one-year extension from the 2-year date 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.

Kevin Baum presented the application on behalf of **Karen Nadeau**, who was also present at the meeting. He explained that they are ultimately looking for clarification regarding timing. He explained that the applicant, who is in the process of selling, was unsure whether the two year period ran from the amendment or from the original approval. To avoid any question, and to provide a buyer with sufficient time to build out as was approved, the applicant is asking for an extension of a 24-month period for substantial completion of development to be April 13, 2024. Attorney Baum explained that they had a previous buyer, which fell through, but a new buyer is interested. He added that there are no changes to the plans, and he's not aware of regulatory changes that would impact the development in any material way.

Chair Losik asked if the proposed extension is to begin active and substantial development on or before April 13, 2024. Attorney Baum confirmed.

Chair Losik opened to the public at 8:14 p.m.

Steven Borne of 431 Wallis Road stated his opposition to the development. He opposed packing three lots into one in the Parsons Creek Watershed, which is oversaturated with leachfields, and noted that the project adds a burden to the town by creating a condominium agreement. He expressed that it's not good for the environment or for the town and wanted to speak out against it.

Chair Losik closed the public hearing at 8:14 p.m.

Motion by Bill Epperson to approve the request for a further one-year extension 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 that active and substantial

development to begin on or before April 13, 2024 subject to conditions. Seconded by JM Lord.

Vote: 6-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter)

V. New/Old Business

Chair Losik moved item d. InvestNH HOP Grant to select a consultant to the first item of discussion. She explained that much work has been done between Kim Reed, Rob Wright, Kathryn Garcia, and herself via Zoom meeting. She pointed the board to a document in regards to the process and where the board will proceed and the RFPs have now been updated for various contracts related to RFPs, Master Plan, and Buildout Analysis. She noted that counsel has looked at the process and recommends that it be done with coordination and approval of the Select Board and that there be clear delegations of the authority by the Select Board to the Planning Board or the Long Range Planning Committee. She explained the language of the contracts and that the approval rests with the Planning Board. She explained that in an effort to get HOP off the ground, they would like to have Planning Board approval prior to April 18, 2023. The board discussed dates for a select a forum with two agenda items and decided on April 3, 2023 at 12:00 p.m. at the Town Hall.

Steven Borne thanked the board for posting the HOP and expressed that the town needs to decide whether they are a retired or balanced community. He commented that North Hampton set aside money to buy property so that properties are not being purchased to be developed. He noted that there wasn't a warrant article about the Master Plan and that funding for the Master Plan was a line item in the budget. Planning/Zoning Administrator Reed clarified that it was in the Capital Reserves. Chair Losik explained that the Master Plan was included in the warrant article for the budget and explained that it's detailed in the finance landing page of the town website.

Chair Losik reopened 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 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.

She explained to Attorney Baum that the Planning Board now has a certain Planning Board meeting date of April 3, 2023 at 12:00 p.m. She asked if he's comfortable taking up conversation with Attorney Maher regarding this matter at that time.

Attorney Baum agreed and asked if the board will reach out to Attorney Maher to authorize a discussion between himself and/or Attorney Phoenix.

Motion by JM Lord to continue 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 located at 15 Sagamore Road, Tax Map 24, Lot 22 to the April 3, 2023 meeting. Seconded by Bill Epperson.

Vote: 6-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter)

a. Rules of Procedure

Chair Losik discussed the role of the TRC, noting JM Lord's comment on the value of the TRC. She explained that Attorney Maher, in an email, suggested retaining the TRC if it provides value. The board agreed to leave the language in the TRC as is.

Chair Losik acknowledged the comments made by Steven Borne at the 2/21/23 Planning Board meeting regarding the rules of procedure dated 12/10/09.

Chair Losik also discussed recent correspondence sent by Dominique Winebaum regarding section 201-3C(3) regarding rules and regulations procedure process. Chair Losik read the section to the board and discussed amendments that have occurred since 2017 at the Planning Board level. Most notably, Chair Losik read section 201-11 to the board,

Amendments to these rules are to be prepared by the rules and regulations committee and may be proposed by motion at a regular meeting of the full board. Said motion, if seconded, shall automatically be tabled until the next regular meeting and all members shall be notified of the pending motion. B. Enactment. Amendments may be enacted upon affirmative vote of five lawfully seated members.

Chair Losik suggested the board schedule a Rules and Regulations meeting and if there's further discussion, there will be a public meeting, which will come back to the planning board.

Motion by Bill Epperson to schedule a Rules and Regulations meeting. Seconded by JM Lord.

The board discussed the proper process for rules of procedure and scheduled a Rules and Regulations meeting on April 17, 2023 at 9:00 a.m.

b. Ryan Kaplan request for amendment to Notice of Decision of 2-21-2023 to include both the chamber and the tank to be pumped every three years.

Ryan Kaplan, 371 Washington Road, presented his request to the board. He explained that he purchased the property in 2019, that he was granted an application to add an ADU to the property, and the town's requirement that he pump his 1977 septic tank and pump chamber annually. He described his research into the matter of annual septic pumping and his conversations with a number of people including Mike Sebert, Dennis Plant, and Erik Thomas who advised him at the state and local level. He explained to the board that he's appealing with the desire to be treated fairly, and held to the same standards as other residents in the area.

In response to Selectmen's Rep. Epperson's question regarding the burden of pumping annually, Mr. Kaplan explained that there is an added expense, there's no evidence that it's necessary, it's regularly inspected, and has an alarm.

Member Brandon commented that the Planning Board can't rule by exception and create unnecessary burdens.

Member MacLeod explained why the pump chamber doesn't need to be pumped annually.

The board discussed the reasoning for the exception with Mr. Kaplan.

Motion by JM Lord to amend the Notice of Decision on Case #19-2019 Conditional Use Permit by Ryan and Lindsay Kaplan of 371 Washington Road to read as follows:

In accordance with the MJS Engineering guidance dated March 12, 2020 the board voted to amend the condition from November 12, 2019 to the following: the septic tank shall be pumped once every three years. Seconded by Kevin Brandon.

Vote: 6-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter)

Mr. Borne commented that this could be a time for the board to step back and consider the number of ADUs that are approved and their impact on the Parsons Creek Watershed.

Chair Losik thanked Mr. Borne for his comments and added that the board has approved 15 ADUs since 2017.

c. Kook's request to host a party with a band for a Rye Resident in June

Giorgia Nagle, owner of Kooks, explained that a customer requested to have a party with live music from 4:00-8:00 p.m. in June. The request comes for a Rye resident and Portsmouth High

School student who is finishing her Chemotherapy. Through Make a Wish, a band has volunteered to play music for the event. Ms. Nagle asked if the board would consider allowing outdoor live music for this special circumstance; and, if so, would the board consider continuing the discussion of acoustic outdoor music in the future. She commented that Chief Walsh has stated that live, outdoor music is not allowed, but wanted clarity from the board.

Member MacLeod, who is a nearby neighbor of the establishment, commented that he's in support of the special event, but not in support of outdoor music moving forward.

Ms. Nagle clarified that she's before the board for this specific event.

Member Brandon stated that he appreciates both Member MacLeod's opinion as well as the substance of the request. He understands Chief Walsh's concern, but added that to default to that gives credibility to every complaint. He noted the sounds coming from traffic on 1A, which is not ticketed, and stated his support of this exceptional occasion. He explained the need for further discussion whether the town is accepting of noise or not.

Chair Losik noted that the board never conditioned Kooks on the outdoor music and wondered why Ms. Nagle is coming to the board with this request. She referenced the town noise ordinance and noted the unlawfulness of live music between the hours of 11:00 p.m. and 11:00 a.m.

Planning/Zoning Administrator Reed pointed out that the board doesn't have jurisdiction over this matter.

Member Brandon agreed and added that there is no prohibition with what Ms. Nagle is seeking to do.

The board agreed that it's not in the jurisdiction of the planning board, nor is it the jurisdiction of any board to grant a permit for noise or such an event as there is no restriction except within the hours of 11:00 p.m. and 11:00 a.m.

Motion by JM Lord to continue the meeting past the 9:00 p.m. cutoff time in order to finish the remaining agenda items. Seconded by Bill Epperson.

Vote: 6-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter)

e. Master Plan Steering Committee update

Planning/Zoning Administrator Reed explained that the RFPs for the Buildout Analysis and the Master Plan have been posted on the NH Municipal website, Town of Rye website, and the Portsmouth Herald. They have six weeks to get the RFPs together. The Master Plan Steering

Committee will not be meeting in April, but will meet twice in May to get packets and to review the packets and make a recommendation to present to the Planning Board on May 16th.

f. Goss Farm Trees and mowing request from RCC assistance

Susan Shepcaro of the Rye Conservation Commission explained the RCC's concerns regarding mowing of the meadow and marshland on the property. She also explained the request to cut trees in the hedge row and stated that she's looking for the board's guidance and enforcement.

Referencing map L5, Chair Losik explained that the Goss family had mowed it as long as they owned it, there is a preservation plan, and Agricultural Areas have their own guidelines for maintaininence.

Planning/Zoning Administrator Reed explained that Kara Campbell has all of the information in her office.

Referring to a request regarding additional placards and boundary signage, Chair Losik explained that she'd like to review the language before she responds to the request.

In response to Ms. Shepcaro's concerns, Selectmen's Rep. Epperson commented that a lot of time was spent on this application to make sure that an excess of trees were not cleared from the property.

g. Escrows and Minutes

Minutes - February 21, 2023

- No corrections

Motion by JM Lord to approve the February 21, 2023 minutes. Seconded by Kevin Brandon.

Vote: 6-0 (K. Brandon, B. MacLeod, B. Epperson, P. Losik, J. Lord, S. Carter)

VI. Communication:

- a. Letter/emails from Dania Seigel**
- b. Emails Dominique Winebaum**
- c. Email from David Choate w/ DRC minutes**
- d. Charles Potter and Joel Fied**

Chair Losik summarized communications to the board. She explained that often communication goes through Planning/Zoning Administrator Reed when, in many cases, it requires the input of the board. So, it makes sense for communications to come through the board at the end of each meeting. Speaking to personal calls and emails, Chair Losik referenced the board's policy:

All public Planning Board communication regardless of topic should go through Kim Reed, not to the Chair or any other Planning Board member. The Planning Board consisting six members, up to five alternate members, and the Selectmen's Rep. are elected or appointed to serve the town diligently in all town matters. In furtherance of that goal, all correspondence and messages should be sent through the Planning Board office to the attention of Kim Reed.

Planning/Zoning Administrator Reed explained that Charles Potter was the only person in attendance to speak to his concern, but it ended up being a question more appropriate for the Select Board.

Chair Losik reminded the board that it has very defined lanes, discussed those responsibilities, and thanked all for their work in 2023 regarding zoning and LDRs.

Motion by JM Lord to adjourn at 9:31 p.m. Seconded by Bill Epperson. All in favor.

Respectfully Submitted,
Emilie Durgin

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/ Owner:

Rannie Webster Foundation d/b/a Webster at Rye

Property:

795 Washington Road, Tax 11, Lots 52 & 6
Property is in the Single Residence and Aquifer & Wellhead District

Application case:

Case #02-2023.

Application:

Rannie Webster Foundation d/b/a Webster at Rye for property owned and located at 795 Washington Road, Tax 11, Lots 52 & 6 requests a two-year extension of the planning board approvals issued October 20, 2020, and a one-year extension February 8, 2022, for the chair to sign the plans to April 20, 2025. Property is in the Single Residence District and Aquifer and Wellhead Protection District. Case #02-2023.


Date of decision:

March 21, 2023

Decision:

The Planning Board voted 6-0-1 to finding good cause for the extension due to the existing business and conditions and continued financial impacts of COVID-19 approve the request for a further 2 year extension for Rannie Webster Foundation d/b/a Webster at Rye Major Site Development Plan, CUP for the Chair to sign the plan, active and substantial development to begin on or before April 20, 2025 subject to the condition that no further extensions will be requested.

3-22-2023
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: Jones & Beach Associates

Owner: Edward G. Patenaude, Sr. Revocable Trust

Property: 10 Forest Green, Tax Map 18, Lot 45-9
Property is in the Single Residence

Application case: Case #04-2023.

Application: Minor Subdivision Application for Edward G. Patenaude, Sr. Revocable Trust for property owned and located at 10 Forest Green, Tax Map 18, Lot 45-9 to subdivide the lot into two single-family residential lots with waivers to 202-3.4.D (2) & 202-3.4.D(4) requiring a topographical and stormwater management plans. The property is in the Single Residence District. Case #04-2023.

Date of decision: March 21, 2023

Decision: The Board voted 6-0-0 to continue the application to a site walk on Monday April 3, 2023 at 1pm and then to continue to the Planning Board on its regularly scheduled meeting on Tuesday, April 18, 2023.

3-22-2023
Date

Patricia Losik
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: The Sagamore Group, LLC

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

Application case: Case #10-2022

Application: 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.

Date of decision: March 21, 2023

Decision: The Board voted 6-0-0 to continue to Monday April 3, 2023 at 12:00pm.

3-22-2023
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/ Owner:

Francis & Gail DiNuzzo

Property:

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

Application case:

Case #05-2023

Application:

Waiver request from conditions of Planning Board site plan approval to allow for a Temp CO for a driveway that cannot be paved due to weather by Francis & Gail DiNuzzo for property located at 10 Goss Farm Lane, Tax Map 8, Lot 59-1. Major Subdivision by Tuck Realty Corp. Case #11-2018. Property is in the Single Residence District. Case #05-2023.

Date of decision:

March 21, 2023

Decision:

The Board voted 6-0-0 this applicant does not need a waiver from the Planning Board to get an occupancy permit. The Planning Board does not have jurisdiction in this matter and there is sufficient evidence and correspondence from Town Attorney that process can be handled by the Building Inspector with a temporary occupancy permit until such time the work is completed.

3-22-2023
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/ Owner:

Jak Nadeau Revocable Trust

Property:

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

Application case:

Case #07- 2020

Application:

Request for a one-year extension from the 2-year date 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:

March 21, 2023

Decision:

The Board voted 6-0-0 to approve the request for a one-year extension of a minor 3-lot sub-division by Jax Nadeau Revocable Trust that active and substantial development to begin on or before April 13, 2024.

3-22-2023
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/Owner: Ryan and Linsay Kaplan

Property: 371 Washington Road, Tax Map 16, Lot 119
Property in the Single Residence District

Case: Case #19-2019

Application: Conditional Use Permit by Ryan & Linsay Kaplan for 371 Washington Road, Tax Map 16, Lot 119 for an Accessory Dwelling Unit per RZO Section 506. Property is in the Single Residence District. Case # 19-2019.

Date of Decision: Tuesday March 21, 2023

Decision: The Board voted 6-0-0 amend notice of Decision to read as follows: "In accordance with the MJS Engineering guidance March 12, 2020 the Board voted to amend condition from November 12, 2019 that the septic should be pumped once every three years."

3-22-2023
Date

Patricia Losilk
Patricia Losilk, Chairman
Rye Planning Board

RYE PLANNING BOARD

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

Notice of Decision

Applicant/Owner: Georgia Nagle, owner Kook's Café & Beach Shop
Jim Murphy aka Searose Properties, LLC owner of property

Request: Have a band play for a special event

Date of Decision: Tuesday March 21, 2023

Decision: The Board voted 6-0-0 voted that they do not have jurisdiction over this matter.

3-22-2023
Date

Patricia Losik
Patricia Losik, Chairman
Rye Planning Board

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/ Owner:

Rannie Webster Foundation d/b/a Webster at Rye

Property:

795 Washington Road, Tax 11, Lots 52 & 6
Property is in the Single Residence and Aquifer & Wellhead District

Application case:

Case #02-2023.

Application:

Rannie Webster Foundation d/b/a Webster at Rye for property owned and located at 795 Washington Road, Tax 11, Lots 52 & 6 requests a two-year extension of the planning board approvals issued October 20, 2020, and a one-year extension February 8, 2022, for the chair to sign the plans to April 20, 2025. Property is in the Single Residence District and Aquifer and Wellhead Protection District. Case #02-2023.

Date of decision:

March 21, 2023

Decision:

The Planning Board voted 6-0-1 in finding good cause for the extension due to existing business conditions including the continuing operational and financial impacts of COVID-19 to approve the request for a further 2 year extension for Rannie Webster Foundation d/b/a Webster at Rye Major Site Development Plan, CUP for the Chair to sign the plan, active and substantial development to begin on or before April 20, 2025 subject to the condition that no further extensions will be requested.

3-22-2023

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.